

An
Bord
Pleanála

Board Direction
BD-015840-24
ABP-306909-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/03/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard, inter alia, to the following:

- (a) Section 177K(2) of the Planning and Development Act, as amended,
- (b) the applicable national, regional and local planning policy including in particular the provisions of the Wexford County Development Plan 2022-2028,
- (c) the planning history of the site,
- (d) the remedial Environmental Impact Statement Report and the remedial Natura Impact Statement and supporting documentation submitted with the application for substitute consent,
- (e) the mitigation measures undertaken during construction,
- (f) the pattern of development in the area and the planning history of the site and adjoining lands,
- (g) the nature and scale of the development the subject of this application for substitute consent, and
- (h) the report of the Board's Inspector, including in relation to potential significant effects on the environment.

It is considered that the windfarm grid connection following mitigation has not had a significant effect on the environment nor has it had a significant adverse effect on nearby European sites. It is further considered that, subject to compliance with the condition set out below, it would have neither a significant effect on the environment nor a significant adverse effect on nearby European sites in the future. Thus, to grant substitute consent to this grid connection would accord with the proper planning and sustainable development of the area.

Remedial Environmental Impact Assessment

The Board completed an Environmental Impact Assessment in relation to the development that has taken place, taking account of:

- (a) the nature, scale, location and extent of the development for substitute consent,
- (b) the remedial Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from prescribed bodies,
- (d) the Inspector's assessment on environmental effects as set out in the Inspector's Report.

The Board considered that the remedial Environmental Impact Assessment Report (rEIAR), supported by information provided by the applicant during the course of the application, identifies and describes adequately the direct and indirect effects on the environment of the development that has taken place. The Board is satisfied that the information contained in the rEIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board concluded that, subject to the implementation of the mitigation measures proposed in the rEIAR, and subject to compliance with the conditions set out below, the effects on the environment of the development that has taken place, by itself and in combination with other plans and projects in the vicinity, has been, and would be, acceptable. In doing so, the Board considered that the Inspector's report was satisfactory in addressing the environmental effects of the development, agreed with the Inspector's conclusions in relation to the acceptability of mitigation measures and residual effects, and adopted

the Inspector's analysis and conclusions in this regard. The Board considered, and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the development that has taken place on the environment and measures to avoid, prevent or reduce such effects were as follows:

Land, soil and geology

The cable route is located primarily in the public route network and the grid connection route required trenching resulting in the excavation of existing fill, topsoil, subsoil and bedrock. Mitigation measures were put in place to prevent subsoil erosion during excavation and reinstatement in order to prevent water quality impacts. Having regard to the information on file there is no evidence that adverse impacts occurred as a result of the grid connection route.

Hydrology and Hydrogeology

Construction phase activities associated with the grid connection route had the potential to result in the release of suspended solids to surface watercourses and could result in an increase in suspended solids with potential for degradation of water quality and fish stocks of downstream waters. Such impacts are stated to have been mitigated against by various measures including drainage control measures, sediment control measures, and mitigation measures related to spills/ chemical releases. It is stated that the hydrological regime locally was not affected by the works and that there is no evidence of negative impacts on surface water as a result of the construction of the grid connect. There are no impacts associated with the operational phase of the wind farm or grid connection.

Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Slaney River Valley SAC (Site Code 000781) and Wexford Harbour and Slobs SPA (Site Code 004076) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the remedial Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures

contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the existing development for the affected European Sites, namely the Slaney River Valley SAC (Site Code 000781) and Wexford Harbour and Slobbs SPA (Site Code 004076) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the existing development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the existing development on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the existing development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

Having regard to Europe's critical need to provide for renewable energy rapidly, to provide for energy security, and the Renewable Energy Directive, as regards the promotion of energy from renewable sources, it is considered that exceptional circumstances arise to grant substitute consent.

It is considered that subject to compliance with the condition set out below the windfarm grid connection project accords with European, national, regional, and local

planning and related policy. Following mitigation measures, the effects on the environment or the community in the vicinity from the development comes within acceptable standards, has not given rise to a risk of pollution, has not been detrimental to the visual or landscape amenities of the area, has not adversely impacted on the cultural, archaeological and built heritage of the area and was acceptable in terms of traffic safety and convenience.

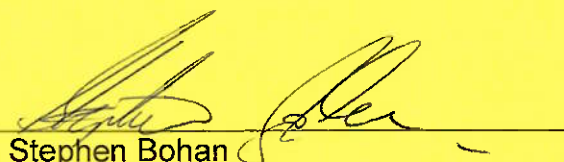
The windfarm grid connection project was, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

- | | |
|----|---|
| 1. | The grant of substitute consent shall be in accordance with, the plans and particulars submitted to An Bord Pleanála with the application.
Reason: In the interest of clarity and to ensure the protection of the environment and European sites. |
|----|---|

[**Note:** The Board noted the commencement of provisions of the Planning and Development, Maritime and Valuation Act 2022, as well as amendments to the PDR (associated with the changes to substitute consent which came into effect on the 16th December 2023).]

Board Member


Stephen Bohan

Date: 14/03/2024