

An  
Bord  
Pleanála

**Board Direction**  
**BD-009468-21**  
**ABP-308448-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/11/2021.

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 to the following:

- the nature, location, scale and extent of the proposed development,
- the proximity of the site to the permitted Laois-Kilkenny Grid Reinforcement Project electricity transmission line,
- the national target to have 70% of electricity generated from renewable sources by 2030
- national and local policy support for developing renewable energy, in particular the:-
  - Government's Strategy for Renewable Energy 2012-2020
  - The National Planning Framework, Project Ireland 2040
  - Delivering a Sustainable Future for Ireland – the Energy Policy Framework, 2007-2020
  - Climate Action Plan, 2019

- Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure 2012,
  - Eastern and Midlands Regional Spatial and Economic Strategy 2019-2031,
  - the provisions as set out in the Laois County Development 2017-2023, including those regarding renewable energy development set out in within the Wind Energy Strategy.
- the purpose of the proposal as enabling infrastructure for the permitted windfarm,
  - the pattern of development in the area (including the separation distance to dwellings and the pattern of permitted development in the area,
  - the submissions on the file including that from the Planning Authority,
  - the documentation submitted with the application, including the Appropriate Assessment Report (Screening and Natura Impact Statement) and the Environmental Impact Assessment Report,
  - the report of the Inspector,
  - The likely consequences for the environment and the proposer planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely effects of the proposed development on European Sites.

#### **Appropriate Assessment: Stage 1**

The Board agreed with and adopted the screening assessment and conclusions carried out in the Inspector's report that the only European sites in respect of which the proposed development has the potential to have significant effects is the River Barrow and River Nore SAC (Site code: 002162).

#### **Appropriate Assessment: Stage 2**

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the aforementioned European Site in view of the Sites' Conservation Objectives. The Board considered that the information before it was

adequate to allow for a complete assessment of all aspects of the proposed development and to allow them reach complete, precise and definitive conclusions for appropriate assessment.

In completing the Appropriate Assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually and in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal,
- iii. the Conservation Objectives for the European Site, and
- iv. the submissions from the planning authority, the observers and prescribed bodies in the course of the application.

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 proposed development on the integrity of the aforementioned European Site, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed 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 and there is no reasonable doubt remaining as to the absence of such effects.

#### **Environmental Impact Assessment:**

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the planning application,
- (c) the submissions from the planning authority, the observers and prescribed bodies in the course of the application, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives and identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submission made in the course of the application. The Board considers that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below.

### **Reasoned Conclusions on the Significant Effects**

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated as follows:

- The main impacts on **population and human health** will arise from emissions to air during the construction and operational stages of the development associated with noise/vibration, impacts on landscape and materials assets (roads and transport). It is considered that these impacts can be effectively mitigated by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR), the Preliminary Construction and Environment Management Plan and by appropriate landscaping.

Positive impacts on population and human health will arise in terms of benefits to the local economy from increased spending and jobs during the construction stage.

- Impacts on **biodiversity** within the site would not be significant and are capable of effective mitigation by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement.

The habitats that would be impacted are widespread and of low ecological value. No rare or protected plants, mammals or birds were recorded on the site. The loss of hedgerows will be compensated by new planting. There is potential for bat roosts in mature trees within existing hedgerows. Subject to the implementation of the measures set out in the Environmental Impact

Assessment Report, the Natura Impact Statement and the Surface Water Management Plan, there will be no significant effects on the main ecological features identified, including the Knockardagur stream, hedgerows, and potential bat roosts.

- Subject to the implementation of the measures set out in the Environmental Impact Assessment Report and the Preliminary Construction and Environment Management Plan (CEMP), potential impacts on **land, soil and water** will not be significant. A suite of measures are proposed to protect water quality which are standard best practice. Stormwater discharge will be limited to greenfield run-off rates to ensure no increase in run-off rates entering the environment.
- The impacts on **climate** are assessed as positive associated with the connection of the permitted wind farm to the national transmission system and the generation of renewable energy.
- Potential impacts on **Landscape** will be mitigated by the split-level design of the sub-station, the retention and protection of existing hedgerows and new planting. The impact of the development on the local landscape will be localised and confined to the general environs of the site.
- Potential impacts in terms of **Material Assets** (Transport & Access) will occur primarily during the construction stage. The impacts would include potential damage to road pavement, extended journey time, traffic disruption and inconvenience for local residents. These impacts will be mitigated during construction by the measures set out in the Environmental Impact Assessment Report, the Preliminary Construction and Environment Management Plan (CEMP) and by a Traffic Management Plan to be agreed with the planning authority.
- Potential impacts on **Cultural Heritage** will be mitigated during the construction stage through archaeological monitoring of ground works.

The Board is satisfied that the reasoned conclusion is up to date at the time of making the decision.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions set out in the Inspector's report.

Having considered the totality of the Environmental Impact Assessment Report, the associated documentation submitted with the application and the report of the Inspector, the Board concluded that any likely significant effects on the environment would be mitigated by the mitigation measures proposed by the applicant.

### **Proper Planning and Sustainable Development**

It is considered that subject to the conditions set out below, the proposed development would be in accordance with European and national energy policies, the National Planning Framework and the relevant provisions of the Laois County Development Plan 2017-2023 and would:

- (a) make a positive contribution to Ireland's national strategic policy on renewable energy and its move to a low carbon future, and
- (b) have an acceptable impact on the environment and on the amenities of the area.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and the further plans and particulars received by the Board on the 18<sup>th</sup> day of June 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the

planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with agreed particulars. In default of agreement, such matters shall be referred to An Bord Pleanála for determination.

**Reason:** In the interests of clarity.

2. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report and other plans and particulars submitted with the application shall be implemented in full.

**Reason:** In the interests of clarity and the protection of the environment during the construction and operational phases of the proposed development.

3. The mitigation measures contained in the Natura Impact Statement submitted with the application and the other plans and particulars submitted with the application shall be implemented in full.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of European sites.

4. The period during which the proposed development hereby permitted may be constructed shall be 10 years from the date of this Order.

**Reason:** In the interests of clarity.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist on the site. In this regard, the developer shall-

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) in relation to the development,
- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 6. (a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of permission.
- (b) The substation and all related ancillary structures shall be dark green in colour.

**Reason:** In the interests of clarity and of visual and residential amenity.

- 7. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:
  - (i) An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive [The T value shall be one hour]
  - (ii) An LAeqT value of 45 dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation R 199 "Assessment of Noise with respect to Community



Response” as amended by ISO Recommendations R 1996 1,2 or 3  
“Description and Measurement of Environmental Noise “ as applicable.

**Reason:** To protect the amenities of property in the vicinity.

8. The developer shall retain the services of a suitably qualified and experienced bat specialist to survey trees to be removed for the presence of bat roosts prior to commencement of development. The removal of any roosts identified shall be carried out only under licence from the National Parks and Wildlife Service

**Reason:** In the interest of protecting ecology and wildlife in the area.

9. Details of the landscaping around the proposed substation and alongside the proposed access roadway to the substation, shall be submitted to and agreed in writing with, the planning authority prior to commencement of the development. The proposed planting scheme which shall include details of the number, age and species to include native deciduous species together with proposals for the protection of trees/hedgerows to be retained and for future maintenance.

**Reason:** In the interest of landscape and visual amenity.

10. The proposed entrance with the public road shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the Interests of amenity and traffic safety.

11. Water supply and drainage arrangements, including the disposal of surface water and wastewater, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interests of public health.

12. Prior to commencement of development a Surface Water Management Plan shall be submitted for written agreement with the planning authority. The plan shall include details of the layout and specifications of surface water

management infrastructure, including the detailed design of the settlement ponds/lagoons. The plan shall include a Water Quality and Monitoring Plan to ensure the effective operation of the measures to protect water quality. An Ecological Clerk of Works shall be appointed to supervise the implementation of the water protection measures and report on compliance.

**Reason:** To protect water quality

13. Prior to commencement of development, a detailed Construction Management Plan for the construction stage shall be submitted to and agreed in writing with the planning authority. The Construction Management Plan shall incorporate the following:

- (a) a detailed plan for the construction phase incorporating inter alia,
- (b) construction programme, supervisory measures, noise management measures, traffic management and road restoration measures, construction hours and the management of construction waste
- (b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period,
- (c) invasive species management plan.
- (d) an emergency response plan, and
- (e) proposals in relation to public information and communication.

A record of daily checks that the works are undertaken in accordance with the Construction Management Plan shall be available for public inspection by the planning authority.

In the event that the proposed development is being developed concurrently with any other development in the area, the developer shall consult with and arrange suitable traffic phasing arrangements with the planning authority,

**Reason:** In the interests of environmental protection and orderly development.

14. All road surfaces, culverts, bridges, watercourses and verges shall be protected during construction and, in the case of any damage occurring shall

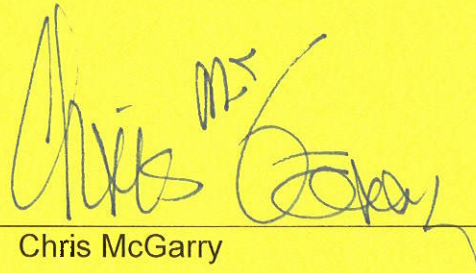
be reinstated to the satisfaction of the planning authority. Prior to commencement of development, a road condition survey shall be undertaken to provide a basis for the reinstatement works. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In order to ensure a satisfactory standard of development.

15 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of security shall be agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

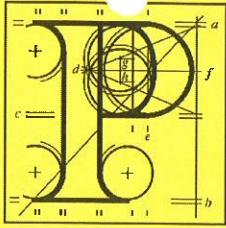
**Reason:** To ensure a satisfactory standard of development.

**Board Member**

  
Chris McGarry

**Date:** 19/11/2021





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**Board Direction**  
**BD-009484-21**  
**ABP-308448-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/11/2021.

The Board decided to approve the costs of determining the application as follows:

#### Schedule Of Costs

Board Costs: total chargeable costs:	€34,456.
Application Fee:	€100,000
Pre-application consultation:	€1,000
Observer fees paid:	€300

**Net amount due to be refunded to applicant: €66,844**

**Board Member**

Chris McGarry

**Date:** 22/11/2021

