

An
Bord
Pleanála

Board Direction
BD-010324-22
ABP-310029-21

At a meeting held on 22/03/2022, the Board considered the report of the Inspector, and the documents and submissions on file generally, in relation to the proposed development comprising a 110kV electrical substation, underground cable to 2 no end masts at the existing overhead 110kV transmission lines and all associated site works and drainage in the townland of Milltown, near Cortown, Kells, County Meath.

The Board decided to approve the proposed development under section 182A of the Planning and Development Act 2000, as amended, for the reasons and considerations set out below and subject to the following conditions.

The Board also determined under section 182B of the Planning and Development Act 2000, as amended, the sum to be paid by the undertaker in respect of costs associated with the application, as set out in the Schedule of Costs below.

Reasons and Considerations

In coming to its decision, the Board had regard to:

- (i) the nature, location, scale and extent of the proposed development,
- (ii) the characteristics of the site and its general vicinity,
- (iii) European, national, regional, and county level support for renewable energy development such as:
 - o the Climate Action Plan 2021,
 - o Project Ireland 2040 National Planning Framework,

- the Regional Spatial & Economic Strategy 2019-2031, published by the Eastern and Midland Regional Assembly, and
 - the Meath County Development Plan 2021-2027 as adopted by Meath County Council,
- (iv) the documentation submitted with the application, including the Natura Impact Statement, the Planning and Environmental Report and appendices, and the Construction and Environmental Management Plan,
- (v) the nature of the landscape and absence of any specific conservation or amenity designation for the site,
- (vi) the proximity of the site to the existing Arvagh-Navan 110kV electricity transmission line,
- (vii) the separation distances to houses or other sensitive receptors,
- (viii) mitigation measures proposed for construction and operation of the site,
- (ix) the submissions on file from prescribed bodies and the planning authority, and
- (x) the report of the Inspector.

Appropriate Assessment – Stage 1

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the only European Sites in respect of which the proposed development has the potential to have a significant effect are the River Boyne and River Blackwater Special Area of Conservation (Site code: 002299) and the River Boyne and River Blackwater Special Protection Area (Site code: 004232).

Appropriate Assessment – Stage 2

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the European sites, namely, the River Boyne and River Blackwater Special Area of Conservation (Site code: 002299) and the River Boyne and River Blackwater Special Protection Area (Site code: 004232), in view of the Sites' 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 proposed 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 proposed development on the aforementioned European Sites, having regard to the Sites' 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 Sites' Conservation Objectives.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national, regional, and local planning and related policy, would not have an unacceptable impact on landscape, ecology, or cultural or archaeological heritage, would not seriously injure the visual

or residential amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and would make a positive contribution to Ireland's renewable energy requirements. 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, 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 development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such matters shall be referred to An Bord Pleanála.

Reason: In the interest of clarity.

2. All of the environmental, construction, ecological and heritage-related mitigation measures, as set out in the Planning and Environmental Report and its associated appendices, the Natura Impact Statement, and the Construction and Environmental Management Plan, and other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

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

3. Prior to commencement of development, the developer shall submit, for the written approval of the planning authority, an Amphibian Assessment Report to include the results of surveys of the pond to be replaced, carried out over the full seasonal span when breeding adult common frogs or smooth newts,

their spawn or larvae might be present, i.e. from January to August inclusive. If breeding by frogs or newts is established, the report shall incorporate an Amphibian Conservation Plan detailing the methodology to be adopted to conserve the amphibians present and avoid any injuries to them during the construction of the development. This Conservation Plan shall be implemented in full, and any transfer of amphibians, their spawn or larvae shall only take place on receipt of a licence to carry out such a transfer issued by the National Parks & Wildlife Service under the Wildlife Acts, 1976 to 2018.

Reason: To conserve and avoid the destruction or injury of common frog or smooth newt protected under the Wildlife Act, 1976 to 2018.

4. Details of the materials, colours, and textures of all the external finishes to the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenity of the area.

5. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording, and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - (a) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess and monitor all preparatory works and all site development works.
 - (b) investigate areas of archaeological potential by means of geophysical survey and, depending on the findings, carry out test excavations if deemed necessary following consultation with the National Monuments Services Section of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.
 - (c) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and,

(d) submit a report to the planning authority, containing the results of the archaeological investigations and assessment.

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 area and to secure the preservation in-situ or by record and protection of any archaeological remains that may exist within the site.

6. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

(b) Location of areas for construction site offices and staff facilities;

(c) Details of site security fencing and hoardings;

(d) Details of on-site car parking facilities for site workers during the course of construction;

(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

(f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(h) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(i) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(j) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains; and

(k) Hours of construction.

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

Reason: In the interest of amenities, public health, and safety.

7. (a) Lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All lighting within the site shall be cowled to prevent overspill outside the site.

(b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.

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

8. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

9. (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 Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. 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 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

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

10. The landscaping scheme, shown on drawing number LD.MLTWN 1.1, shall be carried out within the first planting season following commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

11. All road surfaces, culverts, watercourses, verges, and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority at the developer's expense. Prior to commencement of development, a road condition survey shall be carried out to provide a basis for 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.

12. 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 provision and satisfactory completion of the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

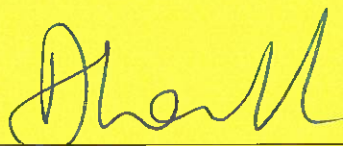
Reason: To ensure satisfactory completion of the development.

Schedule of Costs

In accordance with the provisions of section 182B of the Planning and Development Act 2000, as amended, the amount due to be re-imbursed to the applicant is €77,725.

A breakdown of the Board's costs is set out in the attached Appendix 1.

Board Member:



Dave Walsh

Date: 22/03/2022

