

An  
Bord  
Pleanála

**Board Direction**  
**BD-010781-22**  
**ABP-310090-21**

At a meeting held on 25/05/2022, the Board considered the objections made to the proposed development, the report of the Inspector and the documents and submissions on file generally, in respect of the proposed development, comprising the onshore grid infrastructure, including 220kV export cable circuits and fibre optic cables, from the landfall of the offshore export cable circuits at Johnstown North, to a proposed new 220kV Gas Insulated Switchgear substation at Shelton Abbey and overhead line connection from the new substation to the National Electricity Transmission Network, and associated ancillary works in the townlands of Johnstown North, Johnstown South, Seabank, Ballymoney, Killiniskyduff, Templerainy, Coolboy, Kilbride, Shelton Abbey, Ballyraine Lower and Ballyraine Middle, County Wicklow.

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

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 the following:

**European legislation**, including of particular relevance:

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC, as amended by 2009/147/EC (Birds Directives), which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union, and
- EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy.

**National and regional planning and related policy, including:**

- the National Planning Framework - Project Ireland 2040, 2018
- the National Energy and Climate Plan 2021-2030,
- the Climate Action Plan 2021, as updated,
- the Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure published in July 2012, and
- the Government Policy Statement on Security of Electricity Supply, 2021,

**Regional and local level policy, including:**

- The Regional Spatial Economic Strategy for the Eastern and Midland Region.

**The local planning policy, including:**

- the Wicklow County Development Plan 2016-2021,
- the Arklow and Environs Local Area Plan 2018,
- other relevant guidance documents,
- the nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity, including the permitted development within the vicinity of the proposed development site and the licenced offshore Arklow Bank Wind Park,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- the submissions made to An Bord Pleanála in connection with the planning application, and

- the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

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

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Buckronev-Brittis Dunes and Fen Special Area of Conservation (Site Code: 000729) is the only European Site for which there is a likelihood of significant effects.

### **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 proposal for the Buckronev-Brittis Dunes and Fen Special Area of Conservation (Site Code: 000729) 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 assessment, the Board considered, in particular, the

- i. the likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon the Buckronev-Brittis Dunes and Fen Special Area of Conservation (Site Code: 000729),
- ii. the mitigation measures which are included as part of the current proposal,
- iii. the Conservation Objectives for the European Sites, and
- iv. the views of prescribed bodies in this regard.

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 Site, in view of the Site's conservation objectives.

**Environmental Impact Assessment:**

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

- (a) the nature, scale, location and extent of the proposed development on a site,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies and planning authority,  
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 to the proposed development and identifies and describes adequately the direct, indirect, secondary 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 submissions made in the course of the application.

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 risk of pollution of ground and surface waters during the construction phase which would be mitigated by the implementation of measures set out in the Environmental Impact Assessment Report and the outline Construction and Environment Management Plan which include specific provisions relating to groundwater, surface water and drainage.
- Noise, vibration and dust during the construction and/or the operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report and the outline Construction and

Environment Management Plan which include specific provisions relating to the control of dust and noise.

- The increase in vehicle movements and resulting traffic during the construction and operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report and the outline Construction and Environment Management Plan.
- The impacts on residential amenity during the construction and operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report and the outline Construction and Environment Management Plan which include specific provisions relating to the control and management of dust, noise, water quality and traffic movement.

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 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 of the Inspector.

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

It is considered that the proposed development would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

### **Conditions**

1. The 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 undertaker 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 the agreed particulars.

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

2. All mitigation, environmental commitments and monitoring measures identified in the Environmental Impact Assessment Report shall be implemented in full as part of the proposed development.

**Reason:** In the interest of development control, public information, and clarity.

3. All mitigation and environmental commitments identified in the Natura Impact Statement shall be implemented in full as part of the proposed development.

**Reason:** In the interest of environmental protection and protection of European Sites.

4. In accordance with the Environmental Impact Assessment Report, all works shall be monitored by an Ecological Clerk of Works.

**Reason:** In the interest of environmental protection.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

**Reason:** In the interest of public health and to ensure a proper standard of development.

6. The undertaker shall comply with the transportation requirements of the planning authority for such works and services as appropriate.

**Reason:** In the interest of traffic and pedestrian safety.

7. The construction of the proposed development shall be managed in accordance with a Construction 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 including area 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 obviate queuing of construction traffic on the adjoining road networks,
  - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
  - (h) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
  - (i) 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,
  - (j) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
  - (k) details of on-site re-fuelling arrangements, including use of drip trays,
  - (l) details of how it is proposed to manage excavated soil, and
  - (m) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.

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 environmental protection, amenities, public health and safety.

8. (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 1996 "Assessment of Noise with respect of 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 of the site.

9. All new surface water outfalls shall be constructed in a manner which protects riparian habitat and does not result in excessive erosion of such habitat.

**Reason:** In the interest of habitat protection.



10. (a) Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

(b) Works within 100 metres of a dwelling should only be carried out between 09.00 and 17.00 on Mondays to Fridays and not at all on Saturdays, unless previously agreed with the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

11. The undertaker shall comply with the following aviation requirements:

- i. Notify the Irish Aviation Authority of their intention to commence crane activities with a minimum of 30 days prior notification of their erection.
- ii. Consult with the Irish Aviation Authority and the Dublin Airport Authority and develop mitigation measures for bird hazards. Details to be submitted to the planning authority for written agreement.

**Reason:** In the interest of orderly development.

12. (a) All lighting shall be operated in such a manner as to prevent light overspill to areas outside of compounds and work areas.

(b) Prior to the commencement of development, the undertaker shall submit a detailed lighting plan for the written agreement of the planning authority. The plan shall include the type, duration, colour of light and direction of all external lighting to be installed within the external areas of the proposed development site.

**Reason:** In the interests of clarity, and of visual and residential amenity and protection of local biodiversity.

13. The undertaker 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 undertaker shall:

- (a) employ a suitably qualified archaeologist prior to the commencement of the development. The archaeologist shall access 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 Culture, Heritage and the Gaeltacht.
- (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.

14. The undertaker shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

**Reason:** In the interest of the proper planning and sustainable development of the area.

15. The delivery of abnormal loads for the construction of the proposed development shall be managed in accordance with a Traffic Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of the development. This plan shall provide details of the road network to be used by construction traffic, including oversized loads, and detailed arrangements for the protection of bridges, culverts or other structures to be traversed, as may be required. The plan should also contain details of how the undertaker intends to engage with and notify the local community in advance of the delivery of oversized loads.

**Reason:** In the interest of public safety and residential amenity.

16. Prior to the commencement of the development, the undertaker shall submit for the written agreement of the planning authority, details of an obstacle warning light scheme which can be visible to night vision equipment.

**Reason:** In the interest of aviation safety.

17. The undertaker shall submit an Invasive Species Management Plan for the written approval of the planning authority which shall include full details of the eradication of the invasive species from the site prior to construction on the site or, if discovered during construction, as soon as is practicably possible.

**Reason:** In the interest of nature conservation and mitigating ecological damage associated with the development.

18. Detailed proposals for roadside and field boundary removal and re-instatement must be agreed with the planning authority prior to the commencement of the development. The proposals must provide for habitat creation in the event that it is deemed not practicable to re-instate roadside /field boundaries. No field or roadside boundaries should be removed where an alternative proposal which would require the active management of invasive alien species exists.

**Reason:** In the interest of local biodiversity.

19. No ground clearance shall be undertaken, and no vegetation shall be cleared during the bird breeding season, unless otherwise agreed with the planning authority.

**Reason:** In the interest of local biodiversity.

20. The location and type of biodiversity enhancement areas shall be agreed with the planning authority prior to the commencement of development.

**Reason:** In the interest of local biodiversity.

21. Details of the method and location of bank stabilisation works shall be agreed prior to the commencement of works, in writing with the planning authority.

**Reason:** In the interest of water quality and local biodiversity.

22. Adequate filter strips shall be provided and left undisturbed directly adjacent to the watercourse.

**Reason:** In the interest of maintaining water quality and local biodiversity.

23. All instream works shall be undertaken only during the period between the 1<sup>st</sup> day of July and the 30<sup>th</sup> day of September in any given year, unless otherwise agreed in writing with the planning authority.

**Reason:** To adequately protect fish life.

24. Prior to commencement of development, the undertaker shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security 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.

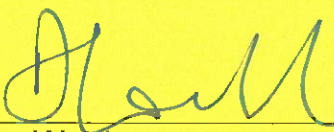
**Reason:** To ensure the satisfactory completion of the development.

### **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 reimbursed to the applicant is **€44,185**.

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

**Board Member:**

  
\_\_\_\_\_  
Dave Walsh

**Date:** 25/05/2022

