



**An
Bord
Pleanála**

**Board Direction
BD-011238-22
ABP-312783-22**

At a meeting held on 07/09/2022, the Board considered the objections made to the proposed development, the report of the Inspector, and the documents and submissions on file generally.

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

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:

- (a) the nature, scale and extent of the proposed development,
- (b) the characteristics of the site and of the general vicinity,
- (c) the national targets for renewable energy contribution,
- (d) national, regional and local policy support for developing the electricity transmission system and renewable energy, in particular the:
 - Government's Strategy for Renewable Energy, 2012-2020;
 - National Planning Framework, 2018;

- Delivering a Sustainable Energy Future for Ireland - the Energy Policy Framework, 2007-2020;
 - Government Policy Statement on Security of Electricity Supply, 2021;
 - Climate Action Plan, 2021;
 - Regional Spatial and Economic Strategy for the Eastern and Midlands Region; and
 - Westmeath County Development Plan, 2021-2027,
- (e) the proximity of the site to the permitted gas-fired generator and battery energy storage system developments and the existing 220kV Shannonbridge to Maynooth overhead power line;
- (f) the distance to dwellings or other sensitive receptors from the proposed development;
- (g) the submissions on file from prescribed bodies and the planning authority;
- (h) the documentation submitted with the application, including the Environmental Impact Assessment Report and the Appropriate Assessment Screening Report; and
- (i) the report of the Inspector.

Appropriate Assessment

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for appropriate assessment, the Board accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European Sites, in view of the Sites' Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or

projects, would not be likely to have a significant effect on the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and River Boyne and River Blackwater Special Protection Area (Site Code: 004232) or any other European Site, in view of the Sites' Conservation Objectives.

This screening determination is based on the assessment of the nature and scale of the proposed development, the nature of the European Sites identified, the Qualifying Interests/Special Conservation Interests and the substantial separation distance between the European Sites and the proposed development.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- (i) the nature, scale and extent of the proposed development;
- (ii) the Environmental Impact Assessment Report and associated documentation submitted in support of the application;
- (iii) the submissions made in the course of the application; and
- (iv) 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, and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Population and Human Health: Potential air quality, dust and noise impacts on human health will be mitigated through compliance with a Construction Environmental Management Plan, best practice construction methods and distance to sensitive receptors.
- Biodiversity: No significant effects on biodiversity are likely due to the low ecological value of the site and the nature of the proposed development. Potential effects will be mitigated through standard good practice construction measures, timing of vegetation removal, water pollution prevention measures and the implementation of a Construction Environmental Management Plan.
- Land, Soils, Water, Air and Climate: Potential effects on hydrology, hydrogeology and soils are identified, due to construction phase disturbance, erosion, stockpiling of materials, sedimentation of watercourses and potential contamination of hydrology and soils with hydrocarbons, cement and pollutants. These effects will be mitigated by a series of best practice construction management and pollution prevention measures and other specific measures outlined in the Environmental Impact Assessment Report and preliminary Construction Environmental Management Plan.
- Material Assets, Cultural Heritage and the Landscape: The location of the proposed development is of moderate to high potential for unknown subsurface archaeological remains, noting the results of archaeological testing undertaken in the vicinity as part of the M6 Motorway project. This will be mitigated through archaeological testing in advance of construction works.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development 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, subject to compliance with the conditions set out below, the proposed development would accord with European, national, regional and local planning and related policy, would not have an unacceptable impact on the landscape or biodiversity of the area, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. 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 undertaker shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All of the environmental, construction and ecological mitigation and monitoring measures set out in the Environmental Impact Assessment Report and other plans and 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 the protection of the environment during the construction and operational phases of the development.

3. The period during which the development hereby permitted may be carried out shall be ten years from the date of this Order.

Reason: In the interest of clarity.

4. The proposed wastewater treatment system shall be replaced with an underground sealed wastewater holding tank, with effluent to be removed to a licensed wastewater treatment facility for treatment and disposal at regular intervals. Details of the holding tank shall be submitted for the agreement of the planning authority prior to the commencement of development.

Reason: In the interests of environmental protection and public health.

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

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

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development.

Reason: In the interests of environmental protection and public health.

7. Prior to commencement of development, the developer shall engage with the property management branch of the Department of Defence / Air Corps Air Traffic Services in order to confirm that the proposed development and any associated construction equipment would have no impact on the safety of flight operation along identified critical low-level routes in support of Air Corps operational requirements.

Reason: In the interest of air traffic safety.

8. (a) The undertaker shall comply with the transportation requirements of the planning authority for such works and services as appropriate.

(b) The existing agricultural access point from the L51251 local road shall not be used for construction traffic.

Reason: In the interest of traffic and pedestrian safety.

9. Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed in writing with the planning authority, generally in accordance with the preliminary CEMP submitted with the application. The CEMP shall incorporate the following:

- (a) a detailed plan for the construction phase incorporating, construction programme, supervisory measures, noise, dust and surface water management measures including appointment of a site liaison officer, construction hours and the management, transport and disposal 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) traffic management and road safety procedures and measures;
- (d) an emergency response plan; and
- (e) proposals in relation to public information and communication.

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

Reason: In the interest of environmental protection and orderly development.

10. 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) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the undertaker shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. 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.

11. 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 or public holidays. Deviation from

these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

12. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the undertaker and at the undertaker's expense on a daily basis.

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

13. Hedgerows or trees to be removed on site shall not be removed during the bird nesting season of 1st March to 31st August inclusive.

Reason: In the interest of nature conservation.

14. 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. 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.

15. 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 **€74,785.**

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

Board Member:



Date: 07/09/2022

Dave Walsh