

An  
Bord  
Pleanála

**Board Direction**  
**BD-014517-23**  
**ABP-312936-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/11/2023.

The Board decided to approve the development 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:

- (a) the nature, location, scale, and extent of the proposed development,
- (b) the characteristics of the site and its general vicinity,
- (c) European, national, regional, and county level support for renewable energy development such as:
  - the Government's Climate Action Plan 2023,
  - the Government's Project Ireland 2040 National Planning Framework,
  - the Regional Spatial and Economic Strategy 2019-2031 published by the Eastern and Midland Regional Assembly, and
  - the Wicklow County Development Plan 2022-2028.
- (d) the documentation submitted with the application, including the Planning and Environmental Report and appendices, and the Construction and Environment Management Plan,

- (e) the nature of the landscape and absence of any specific conservation or amenity designation for the site,
- (f) the proximity of the site to the existing 110kV substation on the National Grid,
- (g) the separation distances to houses or other sensitive receptors,
- (h) the design mitigation measures proposed for construction and operation of the site,
- (i) the submissions on file from prescribed bodies and the planning authority,
- (j) and the report of the Planning Inspector.

### **Appropriate Assessment Screening:**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the receiving environment, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site 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, cultural or archaeological heritage, would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would make a positive contribution to Irelands renewable energy targets/commitments in relation to climate change. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. (a) The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information received by An Bord Pleanála on the 23<sup>rd</sup> day of September 2022, 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 agreed particulars. In default of agreement, such matters shall be referred to An Bord Pleanála.
- (b) No part of this consent should be construed as permitting battery storage infrastructure on site.

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

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

**Reason:** Having regard to the nature of the proposed development, the Board considers it appropriate to specify a period of validity of this approval.

3. All of the environmental, construction, ecological and heritage related mitigation measures, as set out in the Planning and Environmental Report and other particulars, including the Ecological Impact Statement, the Appropriate Assessment Screening Report, and the Construction and Environmental Management Plan, and other particulars submitted with the application, shall be implemented by the undertaker 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.



4. An Invasive Species Management Plan detailing the methodology of control of invasives, and monitoring shall be submitted to and agreed with the planning authority prior to commencement of development.

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

5. 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 interests of the visual amenity of the area.

6. 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 CEMP report submitted with the application. The CEMP shall incorporate the following:

- (a) A detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise, dust, and surface water management measures including appointment of a pollution prevention clerk of works, 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) An emergency response plan.
- (d) A traffic management plan to include 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.

- (e) Measures to prevent the spillage or deposit of clay, rubble, or other debris on the public road network.
- (f) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of works.
- (g) No tree felling or vegetation removal shall take place between the period from the 1st day of March to the 31st day of August.

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

**Reason:** In the interests 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 and shall be designed to minimise impacts on bats in accordance with application documentation received.
- (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, protection of bats and visual and residential amenity.

- 8. 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 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) 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.

- 9. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details to be agreed with the planning authority prior to commencement of development.

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

- 10. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

11. (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 LeqT, 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 Leq, 15 min 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 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

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

12. (a) Existing field boundaries shall be retained, notwithstanding any exemptions available and new planting undertaken in accordance with the landscaping scheme submitted to An Bord Pleanála on the 23rd day of September 2022, shall be carried out in the first planting season following commencement of construction and shall be supervised by an appropriately qualified ecologist.
- (b) Any trees or hedgerow that are removed, die, or become seriously damaged or diseased within the first five years, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of biodiversity, the visual amenities of the area, and the amenities of dwellings in the vicinity.

13. The developer shall comply with the transportation requirements of the planning authority and other relevant bodies for such works and services as appropriate.

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

14. 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.

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 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.

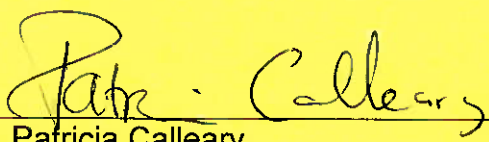
**Reason:** To ensure satisfactory completion of the development.



**Costs:**

The Board also decided to refund the net amount of €79,440 to the applicant taking into account the fees received from the applicant and the costs incurred by the Board. (Attach breakdown of costs as an appendix to the Board Order).

**Board Member**

  
Patricia Calleary

**Date:** 09/11/2023

