



An
Bord
Pleanála

Board Direction
BD-011405-22
ABP-313139-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/10/2022.

The Board decided to approve the proposed development generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

The Board decided to **APPROVE** the proposed development generally in accordance with the inspector's recommendation for the following reasons and considerations and subject to the conditions set out below and **DETERMINE** 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 including to achieve a 34% share of renewable energy in energy consumption by 2030,
- (d) European, national, regional and county level support for renewable energy development including:
 - Climate Action Plan, 2021.

- Project Ireland 2040 National Planning Framework.
 - Regional Spatial and Economic Strategy for the Southern Region.
 - the Carlow County Development Plan, 2022-2028.
- (e) The documentation submitted with the application, including the Natura Impact Statement, the Planning and Environmental Report and other accompanying reports including the Construction Methodology Report,
- (f) the nature of the landscape and absence of any specific conservation or amenity designation for the site,
- (g) the planning history of the immediate area including proximity to the permitted solar farm (An Bord Pleanála reference: ABP-307891-20). This development will serve as the grid connection for this generating asset infrastructure,
- (h) the distance to dwellings or other sensitive receptors from the proposed development,
- (i) the submissions on file including those from third parties, prescribed bodies, and the planning authority,
- (j) mitigation measures proposed for construction and operation of the site,
- (k) the report of the Inspector.

Appropriate Assessment: Stage 1

The Board considered the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the only European site in respect of which the proposed development has the potential to have a significant effect is the River Barrow and River Nore Special Area of Conservation (Site Code: 002162).

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the relevant European Site, namely, the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), 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 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 Site.

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 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.

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 ecology, 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 development shall be carried out and completed 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 Ecological Impact Assessment report and the Natura Impact Statement, 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 interest of clarity and the protection of the environment during the construction and operational phases of the development.

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

Reason: In the interest of clarity and having regard to the scale and nature of the proposed development.

4. (a) 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.

(b) The undertaker shall liaise with Irish Water in respect of connecting to the public water supply.

- (c) Surface water from the site shall not be permitted to drain onto the adjoining public road or adjoining properties.

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

5. The undertaker shall comply with the following requirements:

- (a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
- (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or roads.
- (c) Cables within the site shall be located underground.
- (d) All fencing, gates and exposed metalwork shall be dark green in colour. The roofs of the buildings within the substation compound shall be dark grey or black and the external walls shall be finished in neutral colours such as grey or off-white.

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

6. The landscaping proposals shall be carried out within the first planting season following commencement of construction of the proposed development. All existing hedgerows shall be retained. The landscaping and screening shall be maintained at regular intervals. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those original required to be planted.

Reason: To assist in screening the proposed development from view and to blend it into its surroundings in the interest of visual amenity.

7. 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.

8. 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

Outline Construction Methodology 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 site noise 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) an emergency response plan and
- (d) 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.

9. The site development and construction works shall be carried out such a manner as to ensure that the adjoining public 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 developer's expense on a daily basis.

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

10. (a) 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. Road condition surveys of the site shall be taken 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.
- (b) Any cable-laying crossings of watercourses shall subject to an agreed method statement with Inland Fisheries Ireland. No deleterious material shall discharge to any watercourse.

(c) Any proposed culverts, crossings, watercourse diversions or amendments to same shall require a Section 50 consent from the Office of Public Works and such written consent shall be submitted to the planning authority prior to commencement of development.

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

11. The site development and construction works shall be carried out such a manner as to ensure that the adjoining public 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 developer's expense on a daily basis.

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

12. The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to prepare and submit an updated Archaeological Impact Assessment report that includes an Underwater Archaeological Impact Assessment for the written agreement of the planning authority, following consultation with the Department of Housing, Local Government and Heritage, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/ site clearance /underwater works and construction works. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation and/or monitoring requirements specified by the planning authority, following consultation with the Department of Housing, Local Government and Heritage, Development Application Units, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the updated Archaeological Impact Assessment report has been submitted to and approval to proceed is agreed in writing with the planning authority.

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.

13. Prior to commencement of development, the undertaker 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 satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the undertaker or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

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 **€76,410**

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

Board Member

Patricia Calleary
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Date: 26/10/2022