

An
Bord
Pleanála

Board Direction
BD-015402-24
ABP-313975-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/02/2024.

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

Reasons and Considerations

Having regard to:

- national and regional policy objectives in relation to renewable energy including in particular the Climate Action Plan 2023,
- the provisions of the Mayo County Development Plan 2022 – 2028,
- the nature, scale, extent and layout of the proposed development,
- the topography of the area,
- the existing hedging and screening on the site,
- the pattern of development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would support national and regional renewable energy policy objectives, would not conflict with the provisions of the operative Development Plan, would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, would not be likely to have significant effects on the environment, or the ecology of the area, would be acceptable in terms of traffic and safety, would be acceptable in terms of archaeology, and would not give rise to increased risk of flooding of the site or of property in the vicinity. The proposed

development would, therefore, be in accordance with 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 as amended by the further plans and particulars submitted to the planning authority on the 6th day of October 2021 and on the 7th day of January 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 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.

Reason: In the interest of clarity.

2. The developer shall ensure that all mitigation measures, as set out in the Natura Impact Statement (dated 6th January 2021), Planning and Environmental Report (dated February 2021), Ecological Impact Assessment (dated January 2022) 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. The following limits and requirements shall be complied with in the anaerobic digestion process:

(a) a maximum of 60,500 tonnes per annum of a mix of feedstock of silage and slurry shall be treated in the anaerobic digester.

Reason: In the interest of clarity.

4. Feedstock deliveries to the site and the transport of digestate from the site shall be confined to between the hours of 0700 to to 2000 Monday to

Friday and 0800 and 1800 on Saturdays, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of orderly development and the residential amenity of surrounding dwellings.

5. 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 and services. 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.

6. The following wildlife protection measures shall be complied with:
 - (a) The developer shall comply in full with the methodologies and mitigation measures in relation to badgers included in the Ecological Impact Assessment dated January 2022.
 - (b) No trees or hedgerows shall be cleared between the months of March to August (inclusive).
 - (c) All trees and hedgerows to be retained on the site shall be adequately protected during the period of construction in accordance with BS: 5837. Such measures shall include a protection fence which shall be erected beyond the branch spread, and no construction work or storage shall be carried out within the protective barrier.

Reason: In the interest of wildlife protection.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) A plan to scale of not less than 1:500 showing the species, variety, number, size and locations of all proposed trees and hedgerows (which shall comprise predominantly native species such as

mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder).

(b) Specifications for mounding, levelling, cultivation and other operations associated with grass establishment.

(c) A timescale for implementation.

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 visual amenity.

8. 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.

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

9. Site development and building works shall be carried out only between the hours of 0800 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.

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

10. 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 include inter alia:

(a) All mitigation and control measures outlined in the Planning and Environmental Report (February 2021), NIS (January 2022),

Ecological Impact Assessment (dated January 2022) and all other particulars submitted with the application.

- (b) Details of all archaeological or cultural heritage constraints as may be identified during pre-development archaeological testing and monitoring.
- (c) Details in relation to site access and traffic management.
- (d) Construction method statement in relation to the proposed gas pipeline.
- (e) Details of intended construction practice for the development, including hours of working, noise management measures, and on-site management and off-site disposal of construction/demolition waste.
- (f) Details of the appointed Ecological Clerk of Works. The ecologist shall be present during site construction works. Ecological monitoring reports detailing all monitoring of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: To safeguard the amenities of the area.

11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
 - (b) Employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) Development of the pipeline will travel within the zone of the notification surrounding enclosure MA030-010. Archaeological testing shall be undertaken at this location in advance of any excavation works and a report on the findings forwarded to all relevant authorities.

(d) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. 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 site and to secure the preservation and protection of any remains that may exist within the site.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

NOTE

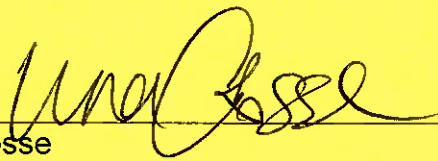
The Board noted the Inspectors comments in her report dated 31st July 2023 in respect of the possible licencing obligations associated with the development proposed. The Board, at the meeting held on 6 November 2023, decided to defer consideration of the case in order to enable a consideration of any possible licencing

obligations. The Board sought the advice of the Board's Environmental Scientist in respect of these matters and a Memo, dated 1 February, from the Environmental Scientist to the Board was received which concludes that the proposal would not fall under the remit of the Local Authority or the EPA for licencing purposes. At a further meeting of the Board on the 12th February 2024, the Board considered that the matters arising in the Inspectors report in respect of licencing had been appropriately addressed.

Copy of Direction to Issue with Order

Board Member

Una Crosse



Date: 12/02/2024