

An
Bord
Pleanála

Board Direction
BD-015152-24
ABP-315456-23

The submissions on this file and the Inspector's reports were considered at a Board meeting held on 19/01/2024.

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.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- European legislation including in particular:
 - Directive 92/43/EEC (Habitats Directive)
 - Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which sets out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,
 - 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 - Ireland 2040,, the Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012,
- the local planning policy including:

- Louth County Development Plan 2021-2027,
- other relevant guidance documents,
- the nature, scale and design of the proposed development as set out in the planning application, existing permissions in the area, and the pattern of development in the vicinity,
- 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 submissions and observations made to An Bord Pleanála in connection with the application, and
- the report and recommendation 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 Sites in respect of which the proposed development has the potential to have a significant effect are the Dundalk Bay Special Area of Conservation Site Code: 000455) and Dundalk Bay Special Protection Area (Site Code: 004026)

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 European Sites, namely, Dundalk Bay Special Area of Conservation Site Code: 000455) and Dundalk Bay Special Protection Area (Site Code: 004026) in view of the sites' 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 Sites.

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 Sites, having regard to the sites' 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 Sites, 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 accord with European, national, regional local planning and related policy and that it is acceptable in respect of its likely effects on the environment-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, as amended by the further plans and particulars received by An Bord Pleanála on the 28th day of August 2023, 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. The undertaker shall appoint a suitably qualified ecologist to monitor all works relating to the proposed development and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna identified in the particulars submitted with the planning application are implemented in full in accordance with best ecological practice.

Reason: To protect the environmental and natural heritage of the area.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping and in accordance with the landscaping proposals set out in the particulars. Landscaping details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

The scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing existing trees and hedgerows to be preserved and details for the protection of same during the construction and operational phases of the proposed development.
- (b) The species, variety, number size and locations of all proposed trees and shrubs which shall comprise predominantly native species

- (c) Details of all hard and soft landscaping works, specifying surfacing materials and finished levels.
- (d) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (e) 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 proposed 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.

4. Wildflower and wild grass seed shall not be introduced to the site unless with the prior written agreement of the planning authority. Trees and shrubs to be planted shall be of native Irish origin.

Reason: To conserve biodiversity and avoid the introduction of alien and non-native plant species.

5. Prior to the commencement of the proposed development, a Pesticide Use Assessment must be carried out and that a Sustainable Vegetation Management Plan is agreed with the planning authority.

Reason: To avoid environmental impacts associated with long term pesticide use.

6. Construction of the proposed development shall be completed in accordance with a construction environmental management plan, details of which are to be agreed with the planning authority prior to commencement of development. The plan shall incorporate the following mitigation measures:

- (a) The location of the site and materials compound, including areas identified for the storage of construction refuse.
 - (b) The 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 timings 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 prevent the spillage or deposit of clay, rubble or other debris on the public road network.
 - (g) Measures for the protection of all road surfaces, culverts, watercourses, and ditches during construction.
 - (h) Details of appropriate mitigation measures for noise, dust and vibration, including the monitoring of such levels.
 - (i) The containment and bunding of all construction-related fuel and oil within special constructed bunds to ensure that fuel spillages are fully contained.
 - (j) Disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
 - (k) A water and sediment management plan providing for the means to ensure that surface water run-off is controlled such that no silt or other pollution enters the local water courses or drains.
- (l) The Construction Environmental Management Plan shall be forwarded to the planning authority prior to commencement of development. The undertaker shall agree in writing with the planning authority a protocol for reporting and managing accidental spillages during the construction and

operational stage that may cause soil contamination or surface water pollution.

Reason: In the interest of public health.

7. The undertaker shall facilitate the 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 relating to the proposed development,
- (b) employ a suitably qualified archaeologist who shall monitor all site investigation and other excavation works, and
- (c) 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.

8. Water supply and drainage arrangements, including the 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: To ensure adequate servicing of the proposed development and to prevent pollution

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 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

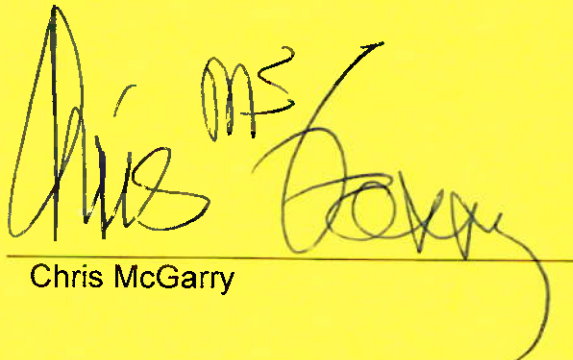
10.Noise levels from the substation shall not exceed 55 dB(A) rated sound level (corrected sound level for any tonal or impulsive component) at the nearest existing noise sensitive receptor, between 0800 hours and 2200 hours on any day and shall not exceed 45dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

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 **€85,565**

Board Member


Chris McGarry

Date: 22/01/2024