

An  
Bord  
Pleanála

**Board Direction**  
**BD-013953-23**  
**ABP-315485-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 02/10/2023.

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 the:

- National Planning Framework, 2018-2040
- National Development Plan, 2021-2030
- National Energy and Climate Plan (NECP), 2021-2030
- Climate Action Plan, 2023
- Strategy for Renewable Energy 2012-2020
- Ireland's Transition to a Low Carbon Energy Future, DCENR, 2015-2030
- Renewable Energy Policy and Development Framework. DCENR, 2016
- Regional Economic & Spatial Strategy (RSES) for the Eastern, & Midlands Region 2019-2031; and the
- Longford County Development Plan 2021 – 2027

it is considered that the proposed development, comprising the demolition of the existing Lough Ree Power station and the development and operation of electricity grid services, comprising a battery energy storage system (BESS) and a Synchronous Condenser (Sync Con), would not unduly impact on the natural

environment or the amenities of the area, would align with national policy to transition to carbon neutral energy, would comply with the zoning objectives for the site and would, therefore, be in accordance with the proper planning and sustainable development of the area.

**Appropriate Assessment: Stage 1:**

The Board completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites taking into account the Screening Report for Appropriate Assessment, and the report and screening assessment as completed by the Inspector which concluded that the Lough Ree Special Area of Conservation (Site Code: 000440) and the Lough Ree Special Protection Area (Site Code: 004064) are the European Sites for which the proposed development has the potential to have significant effects. The Board concluded that appropriate assessment is required for these two European Sites.

**Appropriate Assessment: Stage 2:**

The Board considered the Natura Impact Statement and associated documentation submitted, the mitigation measures contained therein and the submissions on file and carried out an appropriate assessment of the implications of the proposed development for the Lough Ree Special Area of Conservation (Site Code: 000440) and the Lough Ree Special Protection Area (Site Code: 004064) in view of the Conservation Objectives for the sites. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment and to allow it to reach complete, precise and definitive conclusions for appropriate assessment. In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposed development, both individually and in combination with other plans and projects, and the mitigation measures which are included as part of the current proposal. In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out by the Inspector 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 would not adversely affect the integrity of the Lough Ree

Special Area of Conservation (Site Code: 000440) and the Lough Ree Special Protection Area (Site Code: 004064) in view of the Conservation Objectives of those sites and that there is no reasonable scientific doubt as to the absence of such effects.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development;
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application and appeal;
- (c) the submissions and responses from the applicant, the third party and from the prescribed bodies in the course of the application and appeal, and
- (d) the Inspector's report

The Board agreed with the summary of the results of the consultations and information gathered in the course of the Environmental Impact Assessment and the examination 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, as set out in the Inspector's report. The Board was satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

### **Reasoned Conclusions on the Significant Effects:**

The Board considered that the Environmental Impact Assessment Report and supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board was satisfied that the information contained in the Environmental Impact Assessment



Report is up to date and complies with the provisions of EU Directive 2014/52/EU, amending Directive 2011/92/EU.

The Board considered that the main significant effects of the proposed development on the environment are:

- Impact on waters and water dependent habitats and species from polluted water, which will be mitigated by the measures set out in the EIAR and NIS in relation to bunding, surface water containment, treatment and discharge, and firewater containment, treatment and discharge.
- Impact on waters and water dependent habitats and species from invasive species which will be mitigated by the measures set out in the EIAR and NIS on biosecurity.
- Impact on the borehole well of the public water supply which will be mitigated by measures to be agreed with Uisce Eireann prior to commencement of development.
- Impact from noise during demolition and construction which will be mitigated by the measures set out in the EIAR and the Construction Environmental Management Plan.
- Impact from dust during demolition and construction which will be mitigated by the measures set out in the EIAR and the Construction Environmental Management Plan.
- Fire risk which will be mitigated by the design of the BESS units and the siting and layout of the development.

The Board completed an environmental impact assessment in relation to the proposed development. The Board concluded that subject to the implementation of the mitigation measures referred to above, including proposed monitoring as appropriate and subject to compliance with the conditions set out below, by itself and in combination with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions set out in the Inspector's Report.

## 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 the planning authority on the 15<sup>th</sup> day of November, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. The development hereby permitted shall be carried out within 10 years of the date of this order.

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

3. The battery energy storage system (BESS) and Synchronous Condenser (Sync Con) facilities hereby permitted shall be removed from the site before the end of the period of 25 years from their commissioning, unless the period has been extended by a further permission. The site shall be restored within 12 months of decommissioning.

**Reason:** In the interest of the proper planning and sustainable development of the area and to facilitate a review of the facilities at that time.

4. The developer shall be responsible for any damage to the public road.

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

5. Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Éireann (formerly Irish Water). The proposed development shall not commence until Uisce Éireann and the planning



authority are satisfied that arrangements are in place for the provision of an alternate public water supply in the event that the existing public water supply well is impacted by the proposed development.

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

6. (a) Once the battery supplier has been selected, and prior to their installation, the full safety details of the battery storage units shall be agreed with the Fire Authority.
- (b) A comprehensive and detailed emergency response plan shall be submitted to, and agreed in writing with, the Fire Authority prior to battery installation.
- (c) Vehicular access for the Fire Brigade shall be provided in accordance with Table 5.2 of Technical Guidance Document B of the Building Regulations 2000, as amended.
- (d) Details of water provision for fire-fighting shall be agreed with the Fire Authority prior to battery installation.

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

7. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Monday to Friday, inclusive, between the hours of 0800 and 1400 on Saturdays, and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interest of residential amenity.

8. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for

effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.


9. All of the measures proposed in the Environmental Impact Assessment Report and the Natura Impact Statement to mitigate environmental impacts shall be implemented in full.

**Reason:** In the interest of protecting the environment and the amenities of the area.

10. 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 the 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 the Board 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.

**Board Member**

  
Una Crosse

**Date:** 02/10/2023