

An
Bord
Pleanála

Board Direction
BD-019134-25
ABP-316372-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/03/2025.

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

The Board performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the most recent approved, climate action plan, national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans, the furtherance of the national climate objective, and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State);

The Board also had regard to the following:

- (a) the nature, scale and extent of the proposed development;
- (b) the characteristics of the site and surrounding area;
- (c) the national targets for renewable energy;

- (d) European, national, regional and county level support for renewable energy development and electricity grid infrastructure such as –
- The European Green Deal, 2020,
 - RED III (European Renewable Energy Directive (EU/2023/2413)),
 - EU Action Plan on Grids, 2023,
 - Consistency with the Climate Action Plan, 2024,
 - Project Ireland 2040: National Planning Framework,
 - National Development Plan, 2021-2030,
 - Policy Statement on Security of Electricity Supply, November 2021 (Government of Ireland),
 - Energy Security in Ireland to 2030: Energy Security Package, November 2023,
 - National Adaptation Framework, 2018,
 - National Energy and Climate Plan for Ireland, 2021-2030,
 - The targets and objectives of the National Biodiversity Action Plan 2023-2030,
 - Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES), 2019-2031,
 - Meath County Development Plan, 2021-2027,
 - Kildare County Development Plan, 2023-2029,
 - Naas Local Area Plan, 2021-2027;
- (e) the documentation submitted with the application, including the Planning Report, Planning and Environmental Considerations Report, Environmental Impact Assessment Report, Appropriate Assessment Screening Reports, and the Natura Impact Statements;
- (f) 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 likely significant effects of the proposed development on European Sites;

- (g) the planning history of the immediate area;
- (h) the distance to dwellings or other sensitive receptors from the proposed development;
- (i) the submissions on file including those from observers, prescribed bodies and the planning authorities;
- (j) mitigation measures proposed for construction and operation of the site; and
- (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 conclusions 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 Rye Water Valley/Carton Special Area of Conservation (Site Code: 001398).

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement, and other associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development on the aforementioned European Site 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:

- (a) the likely direct and indirect impacts arising from the proposed development, both individually, when taken together and in combination with other plans or projects;
- (b) the mitigation measures, which are included as part of the current proposal; and
- (c) 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 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.

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 other associated documentation submitted in support of the application;
- (c) the screening for appropriate assessment and associated documentation submitted in support of the application;
- (d) the submissions from the planning authorities, the observers and prescribed bodies in the course of the application; and
- (e) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives

to the proposed development, and identifies and describes adequately the direct, indirect, residual and cumulative effects of the proposed development on the environment. The Board agreed with the examination, as set out in the Inspector's report, 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.

Reasoned Conclusion and Significant Effects

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated as follows:

- A 'Short to Medium' term 'Significant' residual effect at 'Local-County' scale on Biodiversity from the loss of hedgerows and treelines (WD1, WL1 and WL2) until new species rich hedgerows and treelines are established.
- A 'Permanent' 'Significant' residual effect estimated at 'County' significance on Biodiversity from the loss of mature trees as trees cannot be compensated with replacement planting due to the time taken for trees to reach maturation.
- A 'Short to Medium' term 'Significant' residual effect at 'Local' level on Biodiversity from the loss of dry meadow and grassy verge (GS2) until new grassland and meadows can establish. There are no compensation options available for wet grasslands (GS4).
- Potential construction noise which would be temporary and moderate to significant/significant, will be mitigated by measures set out in the EIAR which will reduce the temporary impact to not significant.
- A temporary adverse impact on Material Assets due to the temporary significant disruption to the garden area of a residential property on the R125 Regional Road (at approximate chainage 11200) during the construction phase of the development, which will be mitigated in part through the use of screens for the duration of construction at this location in order to allow the affected owner use of their garden.

- In conjunction with the East Meath – North Dublin EirGrid Project and the Woodland Substation Redevelopment Project, a 'Positive', 'Significant' and 'Long-Term' Cumulative Impact on the regional electricity network when these developments and the subject development are operational.
- In conjunction with the East Meath – North Dublin Project, a significant Cumulative Impact after the application of mitigation measures arising from the broader loss of hedgerows and treeline habitats.

Notwithstanding, the conclusions reached in respect of the inability of the proposed measures to fully mitigate the aforementioned impacts, it is considered that the environmental effects would not justify a refusal of planning permission having regard to the overall benefits of the proposed development.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, both by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

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 European, national, regional and local planning and related policy, would be consistent with the provisions of the Climate Action Plan 2024 and would make a significant positive contribution towards Ireland's renewable energy and security of energy supply requirements and would contribute to the resilience of the overall energy supply network. Furthermore, the Board has performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021.

It is considered that the proposed development would not seriously injure the visual and residential amenities of the area, nor have an unacceptable impact on the character of the landscape or archaeological heritage, would not have an unacceptable impact on ecology, and would be acceptable in terms of traffic safety. 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 in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13th day of March 2024, 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. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented in full.

Reason: To protect the integrity of European Sites.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report shall be implemented in full.

Reason: To protect the integrity of European Sites.

4. All of the environmental, construction and ecological mitigation measures, as set out in, Planning and Environmental Considerations Report, and 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 of the protection of the environment during the construction and operational phases of the development.

5. The horizontal and vertical alignment of the proposed electricity infrastructure shall be agreed and co-ordinated with statutory undertakers/landowners to avoid conflicts prior to commencement of development. The final route of the proposed cable shall be notified to the planning authorities for written agreement prior to commencement of any construction works on site.

Reason: In the interest of clarity.

6. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authorities for such works in respect of both the construction and operation phases of the proposed development.

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

7. The undertaker shall comply with the transportation requirements of the planning authorities and other relevant bodies for such works and services as appropriate. Such requirements shall require provision of a detailed Traffic Management Plan and shall include the following details:
 - (a) Consultation with Transport Infrastructure Ireland and all private and public companies and road authorities.
 - (b) Details of haulage routes, control measures for abnormally sized vehicles and an Abnormal Load Assessment.
 - (c) Detailed arrangements for construction damage to be made good by the undertaker to the satisfaction of the planning authorities.
 - (d) Detailed arrangements for temporary traffic management/controls, and protocols to keep residents informed.

- (e) Construction route signage.
- (f) Road Opening Licences that will be required.
- (g) Arrangements for the phasing of the development.
- (h) Detailed design of the site entrances with provision of sightlines to the satisfaction of the planning authorities and recessed entrance gate.

Reason: In the interests of traffic and pedestrian safety.

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 authorities at the undertaker'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 authorities prior to commencement of development.

Reason: In order to protect the road network.

9. The undertaker shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, the National Parks and Wildlife Service and Inland Fisheries Ireland. The ecologist shall advise the applicant in relation to habitat management and protection and shall oversee the works on site associated with hedgerow removal, drain diversion and the provision of new planting, including hedgerow. Planting locations, species, timescale, replacement and compensatory planting shall be detailed, together with options for agreeing measures which accord with the Local Biodiversity Action Plans for Meath and Kildare Local Authorities and the All-Ireland Pollinator Plan. A report on the implementation of these measures shall be submitted to the planning authorities and retained on file as a matter of public record.

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

10. Prior to commencement of development, a detailed Construction and Environmental Management Plan for the construction phase shall be submitted to, and agreed in writing with, the planning authorities, generally in accordance with the Construction and Environmental Management Plan appended to the Environmental Impact Assessment Report submitted with the application. The Construction and Environmental Management Plan 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 and vibration 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 Invasive Species Eradication and Management Strategy for the site, to include monitoring post completion of works;
 - (d) an emergency response plan; and
 - (e) proposals in relation to public information and communication. A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be kept for inspection by the planning authorities.

Reason: In the interests of environmental protection and orderly development.

11. The undertaker 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 submit an

archaeological impact assessment report for the written agreement of the planning authorities, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authorities, following consultation with the National Monuments Service, shall be complied with by the undertaker. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authorities. The planning authorities and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the undertaker.

Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

12. The Construction and Environmental Management Plan shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as appropriate following consultation with the National Monuments Service. The Construction and Environmental Management Plan shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

13. Site development and building works shall be carried out only between the hours of 0700 and 1900 from 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 authorities.

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

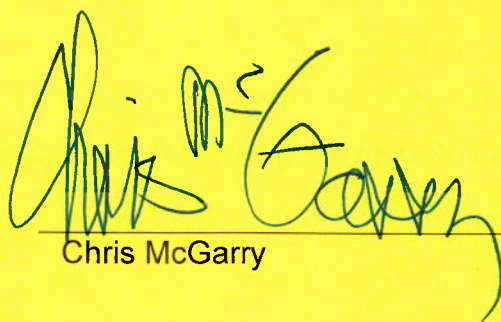
14. Prior to commencement of development, the undertaker shall lodge with the planning authorities a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authorities, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authorities to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authorities 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 recouped from the applicant is **€1,446**.

Board Member



Chris McGarry

Date: 07/03/2025