



An
Bord
Pleanála

Board Direction
BD-015063-24
ABP-317588-23

The submissions on this file and the Inspector's report were considered at Board meetings held on 10/01/2024 and 15/01/2024

The Board decided to approve the proposed development under section 182A of the Planning & Development Act, 2000, as amended, 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:

- a) the nature, scale and extent of the proposed development,
- b) the characteristics of the site and of the general vicinity,
- c) national, regional and locally policy support for developing renewable energy in particular:
 - National Planning Framework, 2018,
 - Climate Action Plan, 2023,
 - Regional Spatial and Economic Strategy for the Northern and Western Region,
 - Roscommon County Development Plan, 2022,
- d) The documentation submitted with the application, including the Natura Impact Statement, the Environmental Report and Construction Management Report, Traffic and Transport Assessment and Resource and Waste Management Plan,

- e) the planning history of the immediate area including proximity to the permitted peaker power plant (PA refs. 18256 and 22234) with the subject development providing the grid connection for this peaker power generating infrastructure,
- h) the distance to dwellings or other sensitive receptors from the proposed development,
- i) the submissions on file including those from prescribed bodies and the Planning Authority,
- 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 European sites in respect of which the proposed development has the potential to have a significant effect are River Shannon Callows SAC (000216) and the Middle Shannon Callows SPA (site code 004096).

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 River Shannon Callows SAC (000216) and the Middle Shannon Callows SPA (site code 004096), 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 their 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, it would not have an unacceptable impact on roads and traffic infrastructure, flooding, waste generation or archaeology and it would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and it 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.	<p>The 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 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The period during which the development may be carried out shall be 10 years from the date of this Order.</p> <p>Reason: In the interest of clarity and having regard to the scale and nature of the proposed development.</p>

3.	<p>The mitigation measures identified in the Natura Impact Statement and other plans and particulars submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the conditions of this permission.</p> <p>Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.</p>
4.	<p>Prior to the commencement of development, the following details shall be submitted to the planning authority for written agreement:</p> <ul style="list-style-type: none"> i. Details of the layout of the construction compound to include location of temporary structures outside flood zones, as far as practicable, and arrangements for the management, treatment and disposal of surface water during construction, and ii. Arrangements for restoration of the construction compound and temporary works areas (HDD drilling) upon completion of construction works. <p>Reason: To prevent flooding and in the interest of environmental protection and visual amenity.</p>
5.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
6.	<p>The developer shall comply with the transportation requirements of the planning authority for such works and services as appropriate. In this regard, prior to the commencement of the development, the following details shall be submitted to the transportation authority for written agreement:</p> <ul style="list-style-type: none"> i. Location of the underground cable route, where possible, as near to the centre of the public road as possible (except at 2 no. roundabouts),

	<ul style="list-style-type: none"> ii. Cable ducting to be placed at a minimum depth of 1.075m below finished road surface. iii. Reinstatement and restoration measures. iv. A detailed phasing plan and Traffic Management Plan for each phase of works. v. All watercourse crossings/ bridges, to include detailed design to demonstrate means of crossing. vi. A pre-condition survey of the UGC, to include details of all existing surface water drainage features. The pre-condition survey shall be taken to provide a basis for reinstatement works. vii. Detailed design and construction of the horizontal directional drilling crossing of the N6. viii. A Construction Management Plan in relation to the crossing and ongoing operation of the national road network. ix. A detailed programme of abnormal load deliveries. <p>Reason: In the interest of traffic and pedestrian safety and to safeguard the carrying capacity of the public road network.</p>
7.	<p>Any damage to the public road during construction shall be fully reinstated to the satisfaction of the planning authority.</p> <p>Reason: In the interest of traffic safety and to safeguard the carrying capacity of the public road network.</p>
8.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, invasive species management plan and off-site disposal of construction/demolition waste (to include drilling waste/fluids) and the disposal of waste water from staff welfare facilities.</p>

	Reason: In the interest of public safety and residential amenity.
9.	<p>The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried out on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the amenity of property in the vicinity.</p>
10.	<p>The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping and groundworks. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.</p>
11.	<p>Prior to commencement of development, the developer 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 reinstatement of public roads from construction work and delivery of abnormal loads, with an agreement empowering the planning</p>

	<p>authority to apply such security or part thereof to such reinstatement. The form and amount of security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the reinstatement of public roads in the interest of traffic safety and to safeguard the carrying capacity of the public road network.</p>
12.	<p>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. The application of any indexation required by this condition 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.</p> <p>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.</p>

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 **€85,688**

A breakdown of the Board's costs is set below.

Board Costs		
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) €6,125 Inspector 2 (application) €9,188	€15,313
(2)	Costs invoiced to Board	N/A
	Total chargeable costs	€15,313
Board Fees		
(3)	Application Fee - €100,000 Pre-application Consultation Fee- €1,000	€101,000
(4)	Observer fees paid	N/A
	Total	€101,000
	Net amount due to be refunded to applicant	€85,688

Board Member


Tom Rabbette

Date: 15/01/2024