

An
Bord
Pleanála

Board Direction
BD-016054-24
ABP-317635-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/04/2024.

The Board decided to approve the 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:

- (a) the nature, scale and extent of the proposed development,
- (b) the characteristics of the site and of the general vicinity,
- (c) the national targets for renewable energy contribution,
- (d) national, regional and local policy support for developing renewable energy, in particular:
 - Project Ireland 2040 National Planning Framework, 2018,
 - Climate Action Plan, 2023
 - Policy Statement on Security of Electricity Supply (November 2021),
 - Energy Security in Ireland to 2030 – Energy Security Package (November 2023),

- National Energy Security Framework (April 2022),
 - Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure 2012,
 - Regional Spatial and Economic Strategy for the Eastern and Midlands Region,
 - Offaly County Development Plan, 2021-2027,
- (e) the distance to dwellings or other sensitive receptors from the proposed development,
- (f) the location of the proposed development within an area identified in the statutory Development Plan as a 'low sensitivity area' with the capacity to absorb a range of new development,
- (g) the planning history of the immediate area, including the permitted solar PV farm on 3 land parcels (PA Reg. Ref. 23/74). This substation development will serve as the grid connection for this generating asset infrastructure,
- (h) the submissions on file including those from prescribed bodies and the Planning Authority,
- (i) 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 effects of the proposed development on European Sites, and
- (j) the report of the Inspector.

Appropriate Assessment Screening:

In undertaking an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, the Board noted that the proposed development is not directly connected with, or necessary to, the management of any European Site. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment screening. The Board accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the

European sites which could potentially be affected, and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the relevant sites identified in the inspector's assessment or any other European site, in view of the sites' Conservation Objectives.

This screening determination is based on the assessment of the nature and scale of the proposed development, the nature of the relevant European Sites identified in the Inspector's report, the Qualifying Interests/Special Conservation Interests and the substantial separation distance and absence of pathways between the relevant European Sites and the proposed development.

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, including policy contained within the Offaly County Development Plan 2021-2027. It would not have an unacceptable impact on the landscape or biodiversity, nor 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. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>The proposed 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 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>All of the environmental, construction and ecological mitigation and monitoring measures set out in the Planning and Environmental Report, Ecological Impact Assessment, Aquatic Ecological Impact Assessment, Flood Risk Assessment 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.</p> <p>Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.</p>
3.	<p>The period during which the development hereby permitted may be carried out shall be ten years from the date of this Order.</p> <p>Reason: In the interest of clarity.</p>
4.	<p>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 in respect of both the construction and operation phases of the proposed development.</p> <p>Reason: In the interest of environmental protection and public health.</p>
5.	<p>An underground sealed wastewater holding tank shall be installed on site with effluent to be removed to a licensed wastewater treatment facility for treatment and disposal at regular intervals. Details of the holding tank shall be submitted for the agreement of the planning authority prior to the</p>

	<p>commencement of development.</p> <p>Reason: In the interests of environmental protection and public health.</p>
6.	<p>The undertaker shall comply with the following requirements:</p> <p>a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.</p> <p>b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or roads.</p> <p>c) Cables within the site shall be located underground.</p> <p>d) All fencing, gates and exposed metalwork shall be dark green in colour. The roofs of the buildings within the substation compound shall be dark grey or black and the external walls shall be finished in neutral colours such as grey or off-white.</p> <p>Reason: In the interest of clarity, of visual and residential amenity.</p>
7.	<p>The undertaker shall comply with the transportation requirements of the planning authority and other relevant bodies for such works and services as appropriate.</p> <p>Reason: In the interest of traffic and pedestrian safety.</p>
8.	<p>Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed in writing with the planning authority, generally in accordance with the CEMP submitted with the application. The CEMP shall incorporate the following:</p> <p>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 liaison officer, construction hours and the management, transport and disposal of construction waste;</p> <p>b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period;</p> <p>c) an emergency response plan;</p>


	<p>d) details of the locations of any and all archaeological and cultural heritage constraints relevant to the proposed development as set out in the Archaeological Impact Assessment. All identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeology or cultural heritage environment during all phases of site preparation and construction activity shall be clearly described; and</p> <p>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 Environmental Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of environmental protection and orderly development.</p>
9.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(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, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be</p>

	<p>referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
10.	<p>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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
11.	<p>The site development and construction works shall be carried out 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 on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
12.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>

Note: In deciding not to attach the inspector's recommended condition 13 requiring the payment to the planning authority of a financial contribution under the provisions of Section 48 of the Planning and Development Act 2000, as amended, the Board was satisfied that, the development proposed, a 110 kV substation and all associated infrastructure for the purposes of electricity transmission, is not a category of development contained within the adopted Development Contribution Scheme 2021-2025 for County Offaly, specifically by reference to those categories

set out in Tables 1a and 2 of the scheme. Accordingly the Board was satisfied that no such condition requiring the payment of a development contribution was applicable in this instance.

Board Member



Patricia Calleary

Date: 11/04/2024