



An  
Bord  
Pleanála

**Board Direction**  
**BD-015524-24**  
**ABP-317925-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/02/2024.

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**

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

- (a) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives).
- (b) National Planning Framework - Ireland 2040.
- (c) Climate Action Plan, 2023.
- (d) Regional Spatial and Economic Strategy for the Eastern and Midland Region.
- (e) The policies and objectives of the Louth County Development Plan 2021-2027 and Monaghan County Development Plan 2019-2025.
- (f) The nature, scale and design of the proposed development and the pattern of development in the vicinity of the site, including permitted solar farm and battery energy storage and substation developments, and permitted alterations and extensions to same.
- (g) The information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement.

- (h) 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.
- (i) The submissions received in relation to the proposed development.
- (j) The report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to the appropriate assessment and environmental impact assessment screening.

### **Appropriate Assessment – Stage 1**

The Board considered the screening report for appropriate assessment and carried out 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 for the management of a European Site and considered the nature, scale, and location of the proposed development, as well as the report of the Inspector. The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Dundalk Bay Special Area of Conservation (Site Code: 000455) and Dundalk Bay Special Protection Area (Site Code: 004026) are the European Sites for which there is a likelihood of significant effects. The Board concluded that, having regard to the qualifying interests for which the site was designated and in the absence of connections to, and distance between, the application site and the European Site Strabannan-Braganstown Special Protection Area (Site Code: 004091), could be screened out from further consideration and that the proposed development, individually or in combination with other plans and projects, would not be likely to have significant effects on this European Site or any other European Sites in view of the sites conservation objectives and that the Stage 2 appropriate assessment is therefore not required in relation to this European Site.

## **Appropriate Assessment – Stage 2**

The Board considered the Natura Impact Statement and carried out an appropriate assessment of the implications of the proposed development for the Dundalk Bay Special Area of Conservation and Dundalk Bay Special Protection Area, 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 as well as the report of the Inspector.

In completing the assessment, the Board considered the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans and projects, the mitigation measures which are included as part of the current proposal and the conservation objectives for these European Sites. In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspectors report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the conservation objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Dundalk Bay Special Area of Conservation and Dundalk Bay Special Protection Area or any other European Site 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 be in accordance with European, national and regional renewable energy policies and with the provisions of the Louth County Development Plan 2021-2027 and Monaghan County Development Plan 2019-2025, would not seriously injure the visual or residential amenities of the area or have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not significantly adversely affect biodiversity in the area, would be acceptable in terms of traffic safety, public health and would make a positive contribution towards Ireland's renewable energy and security of energy supply requirements. 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, 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 the commencement of development and the development shall be carried out in accordance with the agreed particulars.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

**Reason:** Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of 5 years.

3. The permission shall be for a period of 35 years from the date of the commissioning of the solar farm and battery energy storage system (Louth County Council Register Reference 21/631). The substation and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the substation and all related ancillary structures, including all foundations to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.

On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the substation and all related

ancillary structures and equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

**Reason:** In the interest of orderly development.

4. The construction of the proposed development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all mitigation measures set out in the application documentation and provide details of intended construction practice for the proposed development, including:
  - (a) Location of site and material compound(s) including areas(s) identified for the storage of construction refuse, site offices, construction parking and staff facilities, re-fuelling arrangements, security fencing and hoardings.
  - (b) A comprehensive construction phase traffic management plan including details of the timing and routing of construction traffic to and from the construction site and associated signage, to include proposals to facilitate the delivery of abnormal loads to the site.
  - (c) Measures to prevent the spillage or deposit of clay, rubble, or other debris on the public road network.
  - (d) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels.
  - (e) Containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater.
  - (f) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

- (g) Means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.
- (h) Surface water discharge from compound will be via a class 1 oil interceptor.
- (i) An audit list of all construction and operational mitigation measures, their timelines for implementation and responsibility for reporting.
- (j) 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.

**Reason:** In the interests of environmental protection, amenities, public health, and safety.

5. The applicant is required to employ a suitability qualified archaeologist to monitor all ground disturbance required for this development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

Should archaeological material be found during the course of the archaeological monitoring, the archaeologist shall have work on site stopped pending a decision regarding appropriate mitigation. The developer shall be prepared to be advised by the National Monuments Service with regard to any mitigating action (preservation *in situ* and /or excavation). The developer shall facilitate the archaeologist in recording any material found.

The National Monuments Service shall be furnished with a final archaeological report describing the results of archaeological monitoring and of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

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

6. 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 dwellings 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 with the planning authority prior to commencement of development.

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

7. The developer 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 practise.

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

8. Site development and building works shall be carried out only between the hours of 0700 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.

9. 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:** In the interests of environmental protection and public health.

10. The site shall be landscaped in accordance with a comprehensive landscaping scheme and the proposals set out in particulars. Prior to commencement of

development, details of the landscape scheme shall be submitted to and agreed with the planning authority. The scheme shall include for the following:

- (a) A scaled plan of not less than 1:500 detailing the existing hedgerow and trees to be preserved and details for the protection of same for all stages of the development.
- (b) The species, variety, number and locations of all proposed trees and shrubs which shall be of native species only.
- (c) A timescale for implementation.

Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the substation as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of visual amenity and biodiversity.

11. 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 planning 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. 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 An Bord Pleanála 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.

### **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 **€77,113**

**A breakdown of the Board's costs is set out in the attached Appendix 1.**

**Board Member**



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Mick Long

**Date:** 22/02/2024