

An  
Bord  
Pleanála

**Board Direction**  
**BD-019215-25**  
**ABP-320679-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/03/2025.

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**

Having regard to the provisions of the Galway County Development Plan 2022-2028, including Policy Objectives RE 1 and 5 in relation to renewable energy generation, the County Galway Local Authority Renewable Energy Strategy (2022-2028), the location, nature, design, size and scale of the proposed facility, the established character and pattern of development in the vicinity, which includes an existing electrical substation on the adjoining site to the west, and the proximity to the national grid, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national, regional and local planning policy, including NPO 70 and RPO 4.18, in relation to the provision of secure, reliable and safe supplies of renewable energy, would be consistent with the provisions of the Climate Action Plan 2024 (CAP24) and would make a positive contribution towards renewable energy, the security of energy supply and Ireland's transition to a low carbon economy, would not seriously injure the visual or residential amenities of the area, or of the surrounding landscape, and would be acceptable in terms of the management of risk to both human health and the environment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment: Stage 1**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

## **Appropriate Assessment: Stage 2**

The Board considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111) in view of the site's Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Site,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) 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 in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Site.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's



Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

### **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 13<sup>th</sup> day of June, 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 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. (a) This permission shall be for a period of 30 years from the date of the first commissioning of the battery energy storage system. All structures, including the battery container units, control building, and all other permitted equipment and ancillary structures, shall then be removed and the site reinstated unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period.

(b) Prior to commencement of development, a detailed Site Restoration Plan providing for the removal of the battery container units, and all other ancillary structures, and a timescale for its implementation, shall be submitted to, and agreed in writing with, the planning authority.

(c) Upon decommissioning of the facility, the battery arrays and all ancillary structures shall be dismantled and removed permanently from the site. The site shall then be restored in accordance with the agreed Site Restoration Plan and all decommissioned structures shall be removed from the site within six months of decommissioning.

**Reason:** To enable the planning authority to review the operation of the battery energy storage system over the stated time period, having regard to the circumstances then prevailing, and in the interest of landscape restoration.

3. (a) The mitigation measures contained in the Natura Impact Statement and the Construction Environmental Management Plan shall be fully implemented.

(b) An Ecological Clerk of Works with suitable experience shall be appointed to ensure that all mitigation measures outlined in the Natura Impact Statement and the Construction Environmental Management Plan shall be carried out.

(c) The Ecological Clerk of Works shall submit a report to the planning authority demonstrating compliance with mitigation measures and ecological considerations both during and post the construction phase.

**Reason:** To protect the integrity of European Sites and in the interest of environmental protection and public health and safety.

4. (a) Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) The inverter/transformer stations, battery storage, control units and all fencing shall be dark green in colour.

(c) Only first generation (new) batteries shall be used in the proposed development. Prior to commencement of development, a method statement shall be submitted for the written agreement of the planning authority detailing how end-of-life batteries shall be managed and disposed of. End-of-life battery management shall thereafter be undertaken in accordance with the details agreed.



**Reason:** In the interest of the visual amenities of the area and of environmental management.

5. Prior to commencement of development, the developer shall submit a final Invasive Species Management Plan (ISMP), which shall be carried out by a suitably qualified individual, for the review of the planning authority. No works shall commence on site until the developer has received the written agreement of the planning authority with regard to this assessment.

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

6. Prior to commencement of development, the developer shall submit a Fire Risk Assessment, which shall be carried out by a suitably qualified individual, for the review of the planning authority. No works shall commence on site until the developer has received the written agreement of the planning authority with regard to this assessment.

**Reason:** In the interests of public safety and biodiversity.

7. Prior to commencement of development, the developer shall submit an Emergency Response Plan, which shall be carried out by a suitably qualified individual, for the review of the planning authority. No works shall commence on site until the developer has received the written agreement of the planning authority with regard to this assessment.

**Reason:** In the interests of public safety and biodiversity.

8. (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission. Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.

(b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.

(c) The battery container units shall have driven or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission.

(d) Cables within the site shall be located underground.

**Reason:** In the interest of residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

9. Prior to commencement of any works associated with the development hereby permitted, the developer shall submit a Traffic Management Plan for the construction phase of the development for the written agreement of the planning authority. The Traffic Management Plan shall incorporate details of the road network to be used by construction traffic, including oversized loads, detailed proposals for the protection of bridges, culverts and other structures to be traversed, as may be required. The agreed Traffic Management Plan shall be implemented in full during the course of construction of the proposed development.

**Reason:** In the interests of sustainable transport and safety.

10. Before any development takes place on site, details of the structures of the perimeter fence showing provision for the movement of mammals at regular intervals along the perimeter of the site shall be submitted for the prior written agreement of the planning authority. This shall be facilitated through the provision of mammal access gates designed generally in accordance with standard guidelines for mammal access (NRA 2008).

**Reason:** To allow wildlife to continue to have access across the site, in the interest of biodiversity protection.

11. (a) The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and which



is consistent with the details in the Proposed Site Layout Plan (version submitted as part of further information) (drawing number PL01-02).

(b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

12. To ensure that no significant change in baseline conditions occurs, a pre-construction otter survey shall be undertaken by a suitably qualified ecologist no more than 10-12 months prior to commencement of any works. The pre-construction otter survey shall be undertaken in line with the NRA (TII) Guidelines for the Treatment of Otters prior to the Construction of National Road Schemes (2008).

**Reason:** To ensure the protection of otter.

13. Prior to commencement of development, the developer, or any agent acting on its behalf, 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 a 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 the 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 interests of proper planning and sustainable development.

14. 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 shall 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.

15. The developer shall engage a suitably qualified licence eligible 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 authority, 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 authority, following consultation with the National Monuments Service, shall be complied with by the developer. 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 authority. The planning authority 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 developer.

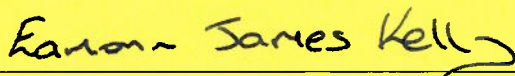
**Reason:** To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.



16. 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. 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.

Board Member

  
Eamonn James Kelly

Date: 18/03/2025