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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: P18/23**

**Appeal** by Highfield Storage Limited care of Highfield Energy Services Limited of Design Studio 7, Old Castle View, Kilgobbin Road, Dublin against the decision made on the 27<sup>th</sup> day of September, 2018 by Mayo County Council to refuse permission for the proposed development.

**Proposed Development:** A 10 year permission for the construction of an energy storage facility within a total site area of up to 1.14 hectares, to include one single storey electrical substation building and electric compound, electrical transformer/inverter station modules, containerised battery storage modules on concrete support structures, access tracks, associated electrical ducting, cable racking and cabling, security fencing and CCTV security monitoring system, lighting protection poles, communications equipment and ancillary infrastructure at Clare, Claremorris, County Mayo.

**Decision**

**GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the provisions of national policy objectives in relation to renewable energy, the provisions of the Mayo County Development Plan 2014-2020, the nature and scale of the proposed development, the landscape character and the site layout, it is considered that, subject to compliance with the conditions set out below, the proposed development, as reduced in scale, would support national and regional renewable energy policy objectives, would not conflict with the provisions of the Development Plan, would not have unacceptable impacts on the visual amenities of the area, would not unduly detract from the amenities of the area and would not pose a serious risk to public health and safety, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The 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 submitted to the planning authority on the 30<sup>th</sup> day of April, 2018 and the 5<sup>th</sup> day of September 2018, and to An Bord Pleanála on the 24<sup>th</sup> day of October 2018, 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.

**Reason:** In the interest of clarity.

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

**Reason:** In the interest of clarity.

3. The permission shall be for a period of 25 years from the date of commissioning of the battery energy storage system and the following conditions shall be adhered to the following:
  - (a) All structures including foundations hereby authorised shall be removed not later than 25 years from the date of commissioning of the development, and the site reinstated, unless planning permission has been granted for their retention for a further period prior to that date.
  - (b) Prior to commencement of development, a detailed restoration plan for return to an agricultural field and providing for the removal of the Battery Energy Storage System (BESS), including all containers, foundations, inverter/transformer

stations, substation, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority. On full or partial decommissioning of the Battery Energy Storage System, or if the Battery Energy Storage System ceases operation for a period of more than one year, the containers, including foundations/anchors, and all associated 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:** To enable the planning authority to review the operation of the energy storage system over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development.

4. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

**Reason:** In the interest of clarity.

5. The landscaping proposals shall be carried out within the first planting season following commencement of development. All existing hedgerows (except at access track openings) shall be retained where practicable. The landscaping and screening shall be maintained at regular intervals. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or

diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

**Reason:** To assist in screening the proposed development from view and to blend it into its surroundings in the interest of visual amenity.

6. The inverter/transformer stations, storage module and all fencing shall be dark green in colour. The external walls of the proposed structures shall be finished in a neutral colour such as light grey or off-white and the roof shall be of black tiles/slates.

**Reason:** In the interest of the visual amenity of the area.

7. (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
- (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) 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.
- (d) Cables within the site shall be located underground.

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

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (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,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

9. 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. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, surface water management proposals, environmental management, the management of construction traffic and off-site disposal of construction waste. The plan shall also include a construction method statement to ensure the avoidance of impacts on badgers and otters.

**Reason:** In the interests of public safety, protection of ecology and residential amenity.

10. 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 and services.

**Reason:** In the interest of environmental protection and public health.

11. 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 satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the 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.

**Reason:** To ensure satisfactory reinstatement of the site.

12. Noise levels attributable to the operation of the proposed development when measured at the nearest noise sensitive locations shall not exceed 45 dB(A) (15 minute  $L_{Aeq}$ ) at any time.

**Reason:** In order to protect the residential amenities of property in the vicinity.

13. 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.

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**John Connolly**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**