



---

**Planning and Development Acts 2000 to 2018**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 18/601037**

**Appeal** by Jim Finn of Doon, Rathonan, Clonmel, County Tipperary and by Suir Valley Environmental Group and Carmel McCormack of Clogheen, Cahir, County Tipperary against the decision made on the 21<sup>st</sup> day of January, 2019 by Tipperary County Council to grant subject to conditions a permission to WEP Storage Limited care of Breen Architects Limited of 41 Ballynahinch Road, Saintfield, Northern Ireland in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** A five year permission for the construction of an Energy Storage Facility comprising battery containers and associated infrastructure including combined power conversion systems, grid connection compound, electrical substation, transformers and grid compliance equipment, temporary construction compound, ducting and electrical cabling, fencing, CCTV cameras, landscaping and access tracks at Horsepasture, Clonmel, County Tipperary, as amended by the further public notice received by the planning authority on the 19th day of November, 2018.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars 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: -

- (a) the policies/objectives for energy storage in the Tipperary Renewable Energy Strategy 2016,
- (b) the policy in relation to access to the electricity supply network in the South Tipperary County Development Plan 2009 (as varied),
- (c) the location, nature and scale of the proposed development, and
- (d) the pattern of existing development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience and impact on the environment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Screening for Appropriate Assessment**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out 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 the potential likely 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 Lower River Suir Special Area of Conservation (Site Code: 002137), or any other European site, in view of the site's conservation objectives.

The Board noted that a Natura impact statement had been requested by the planning authority and submitted by the applicant but agreed with the Inspector's assessment that there were no significant effects on European sites, in view of the site's conservation objectives and that a Stage 2 Appropriate Assessment was not, therefore, required.

## **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 on the 19<sup>th</sup> day of November 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. This permission shall be for a period of 30 years from the date of commissioning of the battery facility. Decommissioning of the battery facility and the removal of all structures from the site, shall occur within the said 30 year period, unless a further planning permission for its longer duration on site is granted.

**Reason:** To enable the planning authority to review the operation of the proposed development in the light of the circumstances then prevailing.

3. All existing hedgerows on the northern, north-eastern and south-eastern site boundaries shall be retained in full and shall be protected from damage during the construction phase. In addition, a hedgerow of native species shall be planted along the southern and western boundaries of the battery storage area within the first planting season following construction of the development.

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

4. Prior to commencement of development, the sightlines to the north and south of the proposed access to the site shown on drawing number NEO00402\_0091\_A Figure 5.4 (Visibility Splay) submitted to the planning authority on the 23<sup>rd</sup> day of August, 2018, shall be provided and, thereafter, no structure or vegetation over one metre in height shall be placed in or allowed to grow within these sightlines.

**Reason:** In the interest of road safety.

5. Heavy Goods Vehicle traffic movements to and from the site shall only be undertaken via that portion of local road L2512, between the junction with the L25121 Local Road and the junction with the R689 Regional Road to the west.

**Reason:** In the interests of good traffic management and road safety.

6. 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:
- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
  - (b) location of areas for construction site offices and staff facilities,
  - (c) details of site security fencing and hoardings,
  - (d) details of on-site car parking facilities for site workers during the course of construction,
  - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
  - (f) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
  - (g) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,

- (h) containment of all construction-related fuel and oil within specially constructed bunds, to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (i) off-site disposal of construction waste, and details of how it is proposed to manage excavated soil,
- (j) means to ensure that surface water run-off is controlled, such that no silt or other pollutants enter local surface water drains, and
- (k) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

7. Construction traffic to/from the site shall be managed in accordance with a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall, amongst other things, specify details of advance warning signs with respect to the proposed site entrance.

**Reason:** In the interests of good traffic management and road safety.

8. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and 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 residential amenities of property in the vicinity.

9. The mitigation measures outlined in the Noise Impact Assessment, received by the planning authority with the planning application, shall be implemented in association with the commissioning of the development, and shall be maintained throughout the lifetime of the development.
  - (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive locations, shall not exceed: -
    - (i) 55 dB(A) (30-minute LAR) during the period 0700 to 1900 hours.
    - (ii) 50 dB(A) (30-minute LAR) during the period 1900 to 2300 hours.
    - (iii) 45dB(A) (15-minute Leq) during the period 2300 to 0700 hours.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendations 1996-2007: Acoustics – Description and Measurement of Environmental Noise.

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

10. 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 any archaeological heritage of the site, and to secure the preservation and protection of any remains that may exist within the site.

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 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.

---

**Maria FitzGerald**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**