



An
Bord
Pleanála

Board Order ABP-303930-19

Planning and Development Acts, 2000 to 2019

Planning Authorities: Waterford City and County Council

Application for permission under section 182A(1) of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Bord Pleanála on the 14th day of March, 2019 by BNRGN Mothel Limited care of Tobin Consulting Engineers of Block 10-4, Blanchardstown Corporate Park, Dublin.

Proposed Development: 10-year permission for development consisting of a 110kV electricity substation, two control buildings, radio mast, four number lattice towers, modifications and connection to the existing on-site 110kV transmission line, perimeter fencing and access gate and all ancillary development services and works in the townland of Curraghduff, County Waterford.

Decision

APPROVE the proposed development under section 182B of the Planning and Development Act, 2000, as amended, in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

DETERMINE under section 182B, as amended, the sum to be paid by the developer in respect of costs associated with the application as set out in the Schedule of Costs 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

Proper Planning and Sustainable Development

Having regard to:

- (a) the nature, scale and extent of the proposed development,
- (b) the decisions made in respect of an appropriate assessment,
- (c) Government targets of 70% of national electricity generation to be from renewable sources by 2030,
- (d) national and local policy support for developing renewable energy, in particular:
 - the Government's Strategy for Renewable Energy,
 - the Climate Action Plan 2019,
 - the National Planning Framework 2018,
 - the Regional Planning Guidelines for the South East Region 2010 – 2022, and

- Policy INF26 of the Waterford County Development Plan 2011-2017, as extended,
- (e) the location of the proposed development,
- (f) the distance to dwellings or other sensitive receptors from the proposed development,
- (g) the planning history of the immediate area, including proximity to the proposed solar farm (this development will serve as the grid connection for that development),
- (h) the submissions on file, including those from the prescribed body and the planning authority,
- (i) the documentation submitted with the application, including the Appropriate Assessment Screening Statement, Natura impact statement and the Planning and Environmental Considerations Report, and
- (j) the Inspector's Report,

the Board considered that, subject to compliance with the conditions set out below, the proposed development:

- would not have an unacceptable impact on the character of the landscape,
- would not seriously injure the visual and residential amenities of the area,
- would not have an unacceptable impact on biodiversity,
- would make a positive contribution to Ireland's requirements for renewable energy, and
- would be in accordance with:
 - the Government's Strategy for Renewable Energy,
 - the Climate Action Plan 2019
 - the National Planning Framework 2018, and
 - Policy INF26 of the Waterford County Development Plan 2011-2017, as extended.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Stage 1

The Board considered the Screening Report for Appropriate Assessment, the Natura impact statement and all other relevant submissions and carried out an appropriate assessment screening exercise and an Appropriate Assessment 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 the screening assessment and conclusion carried out by the Inspector. The Board concluded that, having regard to the qualifying interests for which the sites were designated, namely the River Suir Special Area of Conservation (Site Code: 002137) and the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), and having regard to the qualifying interests for which these sites were designated, that significant effects could not be ruled out and that the carrying out of an Appropriate Assessment was necessary.

Appropriate Assessment Stage 2

The Board considered the Natura impact statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for the River Suir Special Area of Conservation (Site Code: 002137) and the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) 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.

In completing the assessment, the Board considered, in particular,

- (i) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, specifically the adjacent proposed solar farm (case reference number ABP-304651-19), and other developments, including agricultural activities,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Sites.

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 Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' conservation objectives.

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 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. The period during which the proposed 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 five years.

3. The mitigation measures contained in the Natura impact statement which was submitted with the application shall be implemented in full.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of European Sites.

4. All of the environmental, construction and ecological mitigation measures set out in the Planning and Environmental Considerations Report and other particulars submitted with the application shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the proposed development.

5. 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 planning 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.

6. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, to include 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 provide details of intended construction practice for the proposed development, including:
 - (a) details of the site and material compound(s) including area(s) identified for the storage of construction refuse,
 - (b) details 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 obviate queuing of construction traffic on the adjoining road network,
 - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
 - (h) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,

- (i) 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,
- (j) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (k) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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 interest of amenities, public health and safety.

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 practice and to liaise with consultants, the site contractor, the National Parks and Wildlife Service and Inland Fisheries Ireland. A report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.

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

8. All road surfaces, culverts, watercourses, verges and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to commencement of development, a road condition survey shall be taken to provide a basis for reinstatement works. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In order to ensure a satisfactory standard of development.

9. 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 public health.

10. Details of the materials, colours and textures of all the external finishes to the buildings shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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.

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 **€84,497**.

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

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

Dated this day of 2019