



Planning and Development Acts 2000 to 2019

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 19/515

Appeal by Eoin Brett of Inch Sawmills, Sion Road, Kilkenny against the decision made on the 13th day of September, 2020 by Kilkenny County Council to grant subject to conditions a permission to Greener Ideas Limited care of Mott MacDonald, South Block, Rockfield, Dundrum, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: 10 year planning permission for the construction of a Battery Energy Storage System (BESS). The BESS will consist of: up to 10 number containerised battery storage modules (up to 14.6 metres in length, 2.8 metres in height and 2.4 metres in width) and ancillary equipment including up to: 14 number transformers, 28 number inverters, 14 number ring main units; a 38kV electrical substation and Electricity Supply Board substation building (10 metres in length, 6.2 metres in height and 7.4 metres in width); electrical equipment building (20 metres in length, 8.2 metres in height and 7.4 metres in width); underground surface water attenuation tank; underground foul storage tank; access and internal circulation road with new junction onto existing IDA private road; six number car parking spaces; landscaped berm wall up to two metres height and native tree and scrub

planting, screening wall up to three metres height; three metres high paladin security fence; and all other associated site development works including surface water and foul drainage required to facilitate the development, all a site situated at Industrial Development Agency (IDA) Business and Technology Park, Purcellsinch, Dublin Road, Kilkenny.

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 provisions of the current Kilkenny City and Environs Development Plan 2014-2020, and the zoning of the site as 'Industrial/Technology Park';
- (b) EU and national policy in relation to energy, in particular the development of increased use of renewable energy at national level;
- (c) the requirement in EU and national policy to develop technologies for greater and improved efficiency in the production, storage and consumption of energy;
- (d) the nature and pattern of uses in the vicinity;
- (e) the nature, scale and design of the proposed development, and
- (f) the availability of infrastructure 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 the area or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

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 European Sites: River Barrow and River Nore Special Area of Conservation (Site Code: 002162) and River Nore Special Protection Area (Site Code: 004233), or any other European site, in view of the sites' Conservation Objectives

Conditions

1. The 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All environmental measures set out in the 'Planning and Environmental Considerations Report' and associated documentation submitted with the application received by the planning authority on the 23rd July, 2019 shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of protection of the environment.

3. Details of the materials, colours and textures of all the external finishes to the proposed Battery Energy Storage System (BESS) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity, and of traffic and pedestrian safety.

5. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, a proposal for an environmental management system in respect of the proposed development, incorporating provisions for the water, noise, and air monitoring measures required under the conditions of this permission generally, and for the following: -

- (a) monitoring of ground and surface water quality,
- (b) monitoring of noise levels,
- (c) a complaints management procedure,
- (d) details of the site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility,
- (e) a method statement for the ongoing monitoring of groundwater wells, and
- (f) associated procedures for reporting to the planning authority.

Reason: In the interests of orderly development and of the amenities of the area.

6. Removal of hedgerows shall only be carried out outside the designated bird nesting season between the 1st day of September and the 28th day of February. All non-native species referred to in the landscape master plan shall be replaced by native species. Suitable mammal passes shall be provided along all perimeter fencing.

Reason: In the interests of amenity, public safety, and biodiversity.

7. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
 - (i) the nature and location of archaeological material on the site, and
 - (ii) the impact of the proposed development on such archaeological material. A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior

to commencement of construction works. 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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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. 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.

11. Construction waste shall be managed in accordance with a construction waste management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

12. 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.

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

Dated this day of 2020