

Board Order ABP-310090-21

Planning and Development Acts, 2000 to 2021

Planning Authority: Wicklow County Council

Application for approval under section 182A(1) of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura Impact Statement, lodged with An Bord Pleanála on the 28th day of April, 2021 by Sure Partners Limited care of Arup, 50 Ringsend Road, Dublin.

Proposed development: The proposed development will comprise of the onshore grid infrastructure including 220 kilovolt export cable circuits and fibre optic cables, from the landfall of the offshore export cable circuits at Johnstown North, to a proposed new 220 kilovolt Gas Insulated Switchgear substation at Shelton Abbey and overhead line connection from the new substation to the National Electricity Transmission Network, and associated ancillary works as described below, with an overall proposed development site area of 65.43 hectares. The proposed development will be located in the townlands of Johnstown North, Johnstown South, Seabank, Ballymoney, Killiniskyduff, Templerainy, Coolboy, Kilbride, Shelton Abbey, Ballyraine Lower and Ballyraine Middle in County Wicklow and will consist of the following principal elements:

 Landfall – at Johnstown North, located approximately 4.5 kilometres northeast of Arklow Harbour, including:

- i. Two offshore hight voltage alternating current export cable circuits, each comprising of a single three core cable, laid underground below the cliff at Johnstown North, by horizontal directional drilling, from the High Water Mark to two Transition Joint Bays.
- ii. Fibre optic cables, for operation and control purposes, laid underground with the export cable circuits.
- iii. Two permanent underground Transition Joint Bays, one for each cable circuit, to allow connection between onshore and offshore cable circuits.
- iv. A permanent access track, in crushed stone, approximately 4.5 metres wide, from the existing access point on the R750 to the Transition Joint Bay locations, with an associated entrance gate and bituminous bellmouth.
- v. A temporary horizontal directional drilling compound, up to 4,900 metre squared in area, with associated temporary access track and passing place. at Johnstown North, to the west of the R750 road, in one of two possible locations as detailed on the planning drawings accompanying the planning application, to facilitate the horizontal directional drilling operations.
- vi. Biodiversity enhancement planting of approximately 16,000 metre squared using a mixture of native woodland species.
- vii. Associated ancillary works.
- Two onshore 220 kilovolt high voltage alternating current cable circuits –
 from the Transition Joint Bays at Johnstown North to the new 220 kilovolt
 substation at Shelton Abbey, including:
 - i. Two onshore cable circuits, each comprising three 220 kilovolt high voltage alternating current single core cables, laid underground in trenches and by horizontal directional drilling, over a distance of approximately six kilometres between the Transition Joint Bays and the new onshore 220 kilovolt substation.
 - ii. Fibre optic cables for operation and control purposes, and earthing cables, laid underground with the high voltage alternating current cables over a distance of approximately six kilometres between the Transition Joint Bays and the new onshore 220 kilovolt substation.
 - iii. 20 number underground joint bays at intervals along the route.
 - iv. Ground level marker posts at intervals along the cable route.

- v. A temporary cable construction compound, up to 15,000 metre squared in area, at Johnstown North, to the west of the R750 road, in the alternate location (from the final selected temporary horizontal directional drilling compound) as detailed on the planning drawings accompanying the planning application to facilitate construction of the onshore cables.
- vi. Temporary horizontal directional drilling compounds (entry and exit compounds), each being up to 3,000 metre squared in area, to facilitate crossing of the R772 road and the Templerainy watercourse, in the townlands of Killiniskyduff and Coolboy. Temporary horizontal directional drilling compounds, with the entry compound being up to 4,000 metre squared and the exit compound being up to 3,000 metre squared in area, to facilitate crossing of the M11 motorway and Sheepwalk watercourse, located in the townland of Kilbride (if horizontal directional drilling is the selected option for crossing the M11).
- vii. Temporary access tracks (approximately 4.5 metres wide) and temporary haul roads (approximately 5.5 metres wide), with associated passing places, in the townlands of Johnstown North, Johnstown South, Seabank, Ballymoney, Killiniskyduff, Templerainy, Coolboy, Kilbride, Shelton Abbey and Ballyraine Lower, in crushed stone, with associated signage and drainage measures, to provide access to and along the cable route other than those provided directly from a public road, as shown on the planning drawings accompanying this planning application with temporary structures provided at watercourse crossings along these haul roads.
- viii. Where a joint bay cannot be accessed by an existing track, permanent access tracks, approximately 4.5 metres wide, in crushed stone, with entrance gates and bituminous belimouths at the junctions with the public road; the permanent access track in Johnstown South will also include a precast concrete culvert crossing of the Johnstown South watercourse.
- ix. Associated ancillary works.
- A new onshore 220 kilovolt substation to be located at Shelton Abbey, north
 of the Avoca River, at the Avoca River Business Park, approximately 2.1
 kilometres northwest of Arklow Town consisting of two connected compounds:

- i. The transmission compound, with the infrastructure to physically connect to the National Electricity Transmission Network, including:
 - 220 kilovolt Gas Insulated Switchgear substation building 61 metres by
 18.5 metres and 17 metres in height.
 - Two number new 220 kilovolt overhead line towers, each with a maximum height of 40 metres above the ground.
 - Medium voltage power supply via a small unit substation and underground cable circuit from the existing adjacent 110 kilovolt substation.
 - House transformer.
 - Diesel generator.
- ii. The connection compound, with the infrastructure to allow the connection of the windfarm in accordance with EirGrid Grid Code requirements, including:
 - 220 kilovolt Gas Insulated Switchgear substation building 50 metres by
 23.75 metres and 17 metres in height.
 - Two number STATCOM buildings, approximately 30 metres by 23 metres and 10 metres in height, housing equipment and control panels with adjacent compounds and 220/33 kilovolt transformers.
 - Two number harmonic filters.
 - Two number voltage regulation devices.
 - Telecommunications mast up to 50 metres in height.
 - House Transformer.
 - Diesel generator.
 - Lightning arrester masts, up to 30 metres in height.
- iii. Temporary construction compound for the construction of the 220 kilovolt substation (located within the permanent footprint of the new substation site) and to support the construction of the western end of the onshore 220 kilovolt high voltage alternating current cable circuits as well as the connection from the substation to the National Electricity Transmission Network. This compound will be up to 10,000 metre squared in area.
- iv. Potable water for the substation will be provided by a new watermain, connected to the existing watermain outside the perimeter of the substation site; foul wastewater will be collected independently from both substation compounds, temporarily stored in suitable holding tanks and periodically

- removed from site by licensed contractors; surface water will be collected and discharged to the existing drainage infrastructure in place, which drains to a ditch around the western and northern boundary of the site and to the canal near the southern boundary of the site.
- v. Both substation compounds will be secured around the perimeter with boundary palisade fencing, posts and railings, with new entrance gates, site lighting and CCTV security measures also provided.
- vi. Access to both the transmission and connection compound will be from the existing road network, with separate site access roads and new junctions provided to each compound, along the northern and western boundary of the site; provision for 15 number car parking spaces, 10 within the connection compound and five within the transmission compound is also included, as is site surfacing and landscaping.
- vii. Associated ancillary works.
- Flood defence improvement works to the existing Avoca River Business
 Park flood defences located approximately 500 metres west of the substation
 site, comprising:
 - Localised raising of the existing flood defence embankment level from approximately 5.8 metres OD to 6.5 metres OD, over a distance of up to 75 metres.
 - ii. Temporary working areas to facilitate construction of the flood defence improvement works.
 - iii. Associated ancillary works.
- A 220 kilovolt overhead line 'loop in' connection from the new 220 kilovolt substation at Shelton Abby to the existing 220 kilovolt transmission network located approximately 200 metres from the substation site in the townlands of Shelton Abbey, Ballyraine Lower and Ballyraine Middle, comprising:
 - i. A new double circuit lattice steel angle tower, (to the east of the new substation) with maximum height 40 metres above the ground and re-stringing the overhead line from an existing tower to this new tower.
 - ii. Stringing a new overhead line from the new tower into the transmission substation site to a new tower. The overhead line will consist of up to six conductors (three conductors on either side of the towers) and one shield wire

- with fibre optic wrap. The shield wire is the top wire and is connected to the top of the towers.
- iii. A new double circuit lattice steel angle tower, (south of the new substation and Avoca River) with maximum height 40 metres above the ground and restringing the overhead line from an existing tower to this new tower.
- iv. Stringing a new overhead line from the new tower into the transmission substation site to a new tower. The overhead line will consist of up to six conductors (three conductors on either side of the towers) and one shield wire with fibre optic wrap. The shield wire is the top wire and is connected to the top of the towers.
- v. The current towers to the east and south of the new substation and the existing overhead line span between these towers will be decommissioned. One will be removed, with the foundation being left in situ. The other tower will be removed including the foundation to circa one metre below existing ground level.
- vi. Temporary working areas to facilitate construction of the new 220 kilovolt towers and decommissioning of existing 220 kilovolt towers.
- vii. Associated ancillary works.

Decision

APPROVE the proposed development under section 182A of the Planning and Development Act, 2000, as amended, for the following reasons and considerations and subject to the conditions set out below, and

DETERMINE under section 182B of the Planning and Development Act, 2000, as amended, the sum to be paid by the undertaker in respect of costs associated with the application, as set out in the Schedule of Costs below.

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Reasons and Considerations

In coming to its decision, the Board had regard to the following:

European legislation, including of particular relevance:

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union, and
- EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy.

National and regional planning and related policy, including:

- the National Planning Framework Project Ireland 2040, 2018
- the National Energy and Climate Plan 2021-2030.
- the Climate Action Plan 2021, as updated,
- the Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure published in July 2012, and
- the Government Policy Statement on Security of Electricity Supply, 2021,

Regional and local level policy, including:

The Regional Spatial Economic Strategy for the Eastern and Midland Region.

The local planning policy, including:

- the Wicklow County Development Plan 2016-2021,
- the Arklow and Environs Local Area Plan 2018,
- other relevant guidance documents,
- the nature, scale and design of the proposed development as set out in the
 planning application and the pattern of development in the vicinity, including the
 permitted development within the vicinity of the proposed development site and
 the licenced offshore Arklow Bank Wind Park,

- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- the submissions made to An Bord Pleanála in connection with the application,
 and

the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Appropriate Assessment: Stage 1:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Buckroney-Brittas Dunes and Fen Special Area of Conservation (Site Code: 000729) is the only European Site for which there is a likelihood of significant effects.

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 proposal for the Buckroney-Brittas Dunes and Fen Special Area of Conservation (Site Code: 000729) in view of the Site's 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, the

- the likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon the Buckroney-Brittas Dunes and Fen Special Area of Conservation (Site Code: 000729),
- ii. the mitigation measures which are included as part of the current proposal,
- iii. the conservation objectives for the European Site, and

iv. the views of prescribed bodies in this regard.

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 integrity of the aforementioned European Site, having regard to the Sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the Site's conservation objectives.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development on a site,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies and planning authority, and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

 The risk of pollution of ground and surface waters during the construction phase which would be mitigated by the implementation of measures set out in the Environmental Impact Assessment Report and the outline Construction and Environment Management Plan which include specific provisions relating to groundwater, surface water and drainage.

- Noise, vibration and dust during the construction and/or the operational phases
 would be avoided by the implementation of the measures set out in the
 Environmental Impact Assessment Report and the outline Construction and
 Environment Management Plan which include specific provisions relating to the
 control of dust and noise.
- The increase in vehicle movements and resulting traffic during the construction and operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report and the outline Construction and Environment Management Plan.
- The impacts on residential amenity during the construction and operational
 phases would be avoided by the implementation of the measures set out in the
 Environmental Impact Assessment Report and the outline Construction and
 Environment Management Plan which include specific provisions relating to the
 control and management of dust, noise, water quality and traffic movement.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Proper Planning and Sustainable Development

It is considered that the proposed development would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

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Conditions

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 undertaker 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.

 All mitigation, environmental commitments and monitoring measures identified in the Environmental Impact Assessment Report shall be implemented in full as part of the proposed development.

Reason: In the interest of development control, public information, and clarity.

- All mitigation and environmental commitments identified in the Natura Impact
 Statement shall be implemented in full as part of the proposed development.
 Reason: In the interest of environmental protection and protection of European
 Sites.
- In accordance with the Environmental Impact Assessment Report, all works shall be monitored by an Ecological Clerk of Works.

Reason: In the interest of environmental protection.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

- The undertaker shall comply with the transportation requirements of the planning authority for such works and services as appropriate.
 Reason: In the interest of traffic and pedestrian safety.
- 7. The construction of the proposed 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 including an area 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 obviate queuing of construction traffic on the adjoining road networks,
 - (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,
 - 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,
 - (k) details of on-site re-fuelling arrangements, including use of drip trays, 🕏

- (I) details of how it is proposed to manage excavated soil, and
- (m) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be retained for inspection by the planning authority.

Reason: In the interest of environmental protection, amenities, public health and safety.

- 8. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:
 - i. An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be one hour.]
 - ii. An LAeqT value of 45 dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R 1996 1, 2 or 3 "Description and Measurement of Environmental Noise" as applicable.

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

9. All new surface water outfalls shall be constructed in a manner which protects riparian habitat and does not result in excessive erosion of such habitat.

Reason: In the interest of habitat protection.

- 10. (a) 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 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.
 - (b) Works within 100 metres of a dwelling should only be carried out between 0900 and 1700 on Mondays to Fridays and not at all on Saturdays, unless previously agreed with the planning authority.

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

- 11. The undertaker shall comply with the following aviation requirements:
 - Notify the Irish Aviation Authority of their intention to commence crane activities with a minimum of 30 days prior notification of their erection.
 - ii. Consult with the Irish Aviation Authority and the Dublin Airport Authority and develop mitigation measures for bird hazards. Details to be submitted to the planning authority for written agreement.

Reason: In the interest of orderly development.

- 12. (a) All lighting shall be operated in such a manner as to prevent light overspill to areas outside of compounds and work areas.
 - (b) Prior to the commencement of development, the undertaker shall submit a detailed lighting plan for the written agreement of the planning authority. The plan shall include the type, duration, colour of light and direction of all external lighting to be installed within the external areas of the proposed development site.

Reason: In the interest of clarity, and of visual and residential amenity and protection of local biodiversity.

- 13. The undertaker 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 undertaker shall:
 - (a) employ a suitably qualified archaeologist prior to the commencement of the development. The archaeologist shall access and monitor all preparatory works and all site development works.
 - (b) investigate areas of archaeological potential by means of geophysical survey and, depending on the findings, carry out test excavations if deemed necessary following consultation with the National Monuments Services Section of the Department of Culture, Heritage and the Gaeltacht.
 - (c) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and
 - (d) submit a report to the planning authority, containing the results of the archaeological investigations and assessment.

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.

14. The undertaker shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of the proper planning and sustainable development of the area.

15. The delivery of abnormal loads for the construction of the proposed development shall be managed in accordance with a Traffic Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of the development. This plan shall provide details of the road network to be used by construction traffic, including over-sized loads, and detailed arrangements for the protection of bridges, culverts or other structures to be traversed, as may be required. The plan should also contain details of how the undertaker intends to engage with and notify the local community in advance of the delivery of oversized loads.

Reason: In the interest of public safety and residential amenity.

16. Prior to the commencement of the development, the undertaker shall submit for the written agreement of the planning authority, details of an obstacle warning light scheme which can be visible to night vision equipment.

Reason: In the interest of aviation safety.

17. The undertaker shall submit an Invasive Species Management Plan for the written approval of the planning authority which shall include full details of the eradication of the invasive species from the site prior to construction on the site or if discovered during construction as soon as is practicably possible.

Reason: In the interest of nature conservation and mitigating ecological damage associated with the development.

18. Detailed proposals for roadside and field boundary removal and re-instatement must be agreed with the planning authority prior to the commencement of the development. The proposals must provide for habitat creation in the event that it is deemed not practicable to re-instate roadside/field boundaries. No field or roadside boundaries should be removed where an alternative proposal which would require the active management of invasive alien species exists.

Reason: In the interest of local biodiversity.

19. No ground clearance shall be undertaken, and no vegetation shall be cleared during the bird breeding season, unless otherwise agreed with the planning authority.

Reason: In the interest of local biodiversity.

20. The location and type of biodiversity enhancement areas shall be agreed with the planning authority prior to the commencement of development.

Reason: In the interest of local biodiversity.

21. Details of the method and location of bank stabilisation works shall be agreed prior to the commencement of works, in writing with the planning authority.

Reason: In the interest of water quality and local biodiversity.

22. Adequate filter strips shall be provided and left undisturbed directly adjacent to the watercourse.

Reason: In the interest of maintaining water quality and local biodiversity.

23. All instream works shall be undertaken only during the period between the 1st day of July and the 30th day of September in any given year, unless otherwise agreed in writing with the planning authority.

Reason: To adequately protect fish life.

24. Prior to commencement of development, the undertaker shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

Reason: To ensure the satisfactory completion of the development.

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 €44,185.

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

Dave Walsh

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

Dated this 26th day of May

2022



Board Order – Appendix 1

ABP-310090-21

Strategic Infrastructure Development

Costs of determining the Application

Case Number: ABP-310090-21 (VA)

Proposed Development: Proposed onshore grid infrastructure including 220kV export cable circuits and fibre optic cables, new 220kV GIS substation at Shelton Abbey and overhead line connection located in various townlands in County Wicklow.

Boa	rd Costs	
(1)	Cost (calculated based on Inspector's time)	
	Inspector 1 (pre-application consultation) €6,615	
	Inspector 2 (application) €53,900	€60,515
(2)	Costs invoiced to Board	N/A
	Total chargeable costs	€60,515
Boa	rd Fees	
(3)	Application Fee - €100,000	€104,500
	Pre-application Consultation Fee- €4,500	
(4)	Observer fees paid	€200
	Net amount due to be refunded to applicant	€44,185

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Dave Walsh

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

Dated this 26^{tk} day of M_{av} 2022