

An
Bord
Pleanála

Board Order
ABP-310090-21M

Planning and Development Acts 2000 to 2022

Amendment of Board Order

Planning Authority: Wicklow County Council

Development Concerned: Onshore grid infrastructure 220 kilovolt export cable circuits and fibre optic cables, new 220 kilovolt Gas Insulated Switchgear substation at Shelton Abbey and overhead line connection and all associated ancillary works, in the townlands of Johnstown North, Johnstown South, Seabank, Ballymoney, Killiniskyduff, Templerainy, Coolboy, Kilbride, Shelton Abbey, Ballyraine Lower and Ballyraine Middle in County Wicklow.

WHEREAS the Board made a decision to approve the proposed development, subject to conditions, in relation to the above-mentioned development by Order dated the 26th day of May 2022,

AND WHEREAS it has come to the attention of the Board that a request was received by Sure Partners Limited by letter dated 27th April 2023 requesting the revised wording to condition number 8 of the Order. In these circumstances the Board decided that condition number 8 was not necessary for the purposes of the grant of permission, having regard to the documentation submitted with the application, including the relevant sections of the Environmental Impact Assessment Report addressing operational noise and the consequent attachment of condition number 2 which requires all mitigation measures as set out in the Environmental

Impact Assessment Report to be implemented in full. The terms of condition number 8 are effectively described in the overall application documentation and are already contemplated and provided for in the the provisions of condition number 2. In this regard the omission of condition number 8, will facilitate the operation of the development as can be reasonably regarded as having been contemplated by the provisions of the permission taken as a whole, with specific reference to the relevant sections of the Environmental Impact Assessment Report and condition number 2,

AND WHEREAS the Board considered that the clarification of the above-mentioned matter would not result in a material alteration of the terms of the development, the subject of the decision,

AND WHEREAS having regard to the nature of the issue involved, the Board decided not to invite submissions in relation to the matter from persons who had made submissions or observations in relation to the application the subject of this amendment,

NOW THEREFORE in accordance with section 146A(1) of the Planning and Development Act 2000, as amended, the Board hereby amends the above-mentioned decision dated the 26th day of May, 2022, by the omission of condition number 8 and the conditions of the Board Order should now read as follows:

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 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.

2. 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.

3. 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.

4. 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.

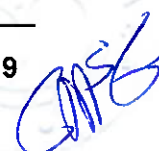
Reason: In the interest of public health and to ensure a proper standard of development.

6. 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,
- (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,
- (k) details of on-site re-fuelling arrangements, including use of drip trays,
- (l) 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. 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.

9. (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.

10. The undertaker shall comply with the following aviation requirements:
- i. 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.

11. (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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

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


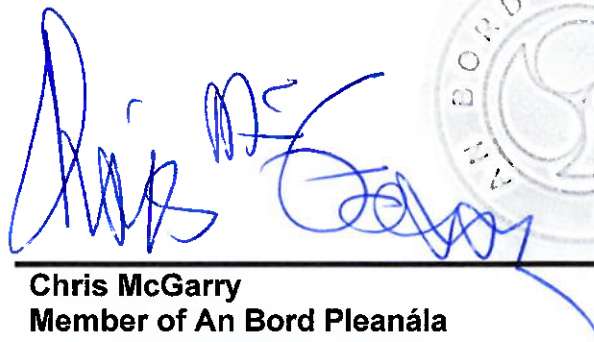
Reason: In the interest of maintaining water quality and local biodiversity.

22. 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.

23. 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.



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

Dated this 19th day of December 2023