

An
Bord
Pleanála

Board Order
ABP-310841-21

Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Register Reference Number: 21/608

Appeal by Clementville Limited care of Reid Associates of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin and by Strategic Power Projects Limited care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 30th day of June, 2021 by Kildare County Council to refuse permission to the said Strategic Power Projects Limited for the proposed development.

Proposed Development: A 10 year planning permission for the construction of: (1) an enclosed battery energy storage system compound on circa 4.089 hectares with 76 number battery storage units (each with associated containerised step-up transformer), one number containerised control room and one number containerised switch room, one number containerised switchgear unit and CCTV cameras; (2) new site entrance off the L6044 and site access road; (3) site access road extension to a proposed substation site (proposed substation currently subject of a Strategic Infrastructure Development Pre-Application Consultation with An Bord Pleanála); and (4) all associated ancillary development works. The operational lifespan of the battery energy storage system will be 35 years. All at site at Dunnstown, County Kildare.

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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.

Reasons and Considerations

Having regard to:

- (a) the national, regional and local planning policies which support the development of a safe, secure and reliable electricity network and seek to reduce dependence on fossil fuels,
- (b) the nature and scale of the proposed development, and
- (c) the content of the Environmental Report including mitigation measures (in particular relation to water pollution and road safety),

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or have a significant negative impact on the landscape, would not seriously injure the residential amenity or depreciate the value of property in the vicinity, would not give rise to a risk of ground or surface water pollution, would not adversely affect the bloodstock industry, would be acceptable in terms of pedestrian and traffic safety and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the current Kildare County Development Plan and the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening report submitted with the application, the Screening conclusion statement of the planning authority, the Inspector's report and the submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the site's conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may be otherwise 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 the 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 mitigation measures and commitments identified in the Environmental Report, and other plans and particulars submitted with the planning application shall be complied with.

Reason: In the interest of clarity and the protection of the environment.

3. Prior to the commencement of development, details of all the external finishes of the battery storage containers and the control building shall be submitted for the written agreement of the planning authority.

Reason: To protect the visual amenities and landscape character of the area.

4. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including noise and dust management measures, off-site disposal of construction/demolition waste, traffic management including advance signage on the adjoining road network where deemed appropriate, measures for the storage of oils and fuels on site, and measures for the protection of ground and surface waters.

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

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

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

6. The period during which the proposed development hereby permitted may be constructed shall be 10 years from the date of this Order.

Reason: In the interest of clarity.

7. (a) This permission shall be for a period of 35 years from the date of this Order. The battery storage units, control building and all related development shall then be removed from the site unless, prior to the end of the appropriate period, planning permission for the retention of the development has been obtained.
- (b) A decommissioning strategy for the proposed development and a site restoration plan shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To enable the impact of the development to be reassessed having regard to changes in technology over the period of the permission and to ensure the satisfactory restoration of the site in the interests of visual amenity.

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


9. Prior to commencement of development the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or,

in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site in the interest of visual and rural amenity.

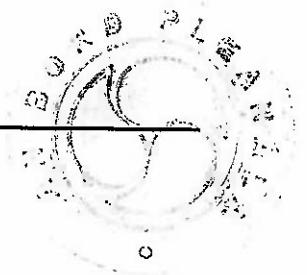
10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Dave Walsh

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



Dated this 30th day of September 2022.

DECISION QUASHED