

An
Bord
Pleanála

Board Order ABP-311427-21

Planning and Development Acts, 2000 to 2021

Planning Authority: Meath County Council

Application for approval under section 182A(1) of the Planning and Development Act 2000, as amended, in accordance with plans and particulars lodged with An Bord Pleanála on the 20th day of September, 2021 by Highfield Energy Services Limited of Design Studio 7, Old Castle View, Kilgobbin Road, Dublin.

Proposed development: 10-year permission for the construction of an electrical substation and associated 110kV and MV ancillary infrastructure required to connect ground mounted solar PV generation to the electricity transmission system; lightning protection masts; perimeter security fencing; access tracks; 110kV masts; underground cabling; temporary construction compound; tree planting; drainage infrastructure and all associated ancillary site development works in the townlands of Garballagh and Commons, Duleek, County Meath, as amended by the further plans and particulars received by the Board on the 21st day of February, 2022.

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

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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.

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

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

- (a) the nature, scale and extent of the proposed development,
- (b) the characteristics of the site and of the general vicinity,
- (c) national, regional and local policy support for developing renewable energy, in particular:
 - The National Planning Framework, 2018,
 - The Climate Action Plan, 2021, as updated,
 - The Government Policy Statement on the Security of Electricity Supply, 2021,
 - The Regional Spatial and Economic Strategy for the Eastern and Midlands Region,
 - The Meath County Development Plan, 2021-2027,

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- (d) the location of the proposed development within an area identified in the development plan as a 'moderate' sensitivity area with 'medium' capacity to absorb overhead cables and substations,
- (e) the distance to dwellings or other sensitive receptors from the proposed development,
- (f) the planning history of the immediate area including, the proximity to the permitted solar PV development (register reference number LB200487). This development will serve as the grid connection for that generating asset infrastructure,
- (g) the submissions on file, including those from prescribed bodies and the planning authority,
- (h) 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 effects of the proposed development on European Sites, and
- (i) the report of the Inspector.

Appropriate Assessment:

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 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 sites' 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 the River Nanny Estuary and Shore Special Protection Area (Site Code: 004158) or on any other European Site in view of the site's Conservation Objectives.

This screening determination is based on the assessment of the nature and scale of the proposed development, the nature of the European Sites identified, the Qualifying Interests/Special Conservation Interests and the substantial separation distance between the European Sites and the proposed development.

Proper Planning and Sustainable Development:

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national, regional and local planning and related policy, would not have an unacceptable impact on the landscape or biodiversity, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 21st day of February 2022, 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 the commencement of development and the proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

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2. The period during which the proposed development hereby approved may be carried out shall be ten years from the date of this Order.

Reason: In the interest of clarity.

3. All of the environmental, construction and ecological mitigation and monitoring measures set out in the Planning and Environmental Report, the Ecological Impact Assessment, the Biodiversity Management Plan and other particulars submitted with the application shall be implemented by the undertaker 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.

4. No works permitted by this grant of approval shall commence until such time as the works to upgrade the site entrance and to improve sightlines at the existing access onto the R150 Regional Road, permitted under planning permission register reference number LB200487, have been implemented.

Reason: In the interest of traffic safety.

5. The undertaker shall comply with the following requirements:
 - (a) No tree felling or vegetation removal shall take place during the period 1st March to 31st August.
 - (b) A pre- and post-construction road condition survey of the R150 Regional Road shall be undertaken in each direction of the site entrance for a distance of 100 metres and submitted to the planning authority. The undertaker shall be responsible for the repair of damage to the public road resulting from the proposed development to the satisfaction of the planning authority.

- (c) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
- (d) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjacent residential properties or public roads. The location of CCTV cameras within the compound shall be agreed with the planning authority prior to the commencement of work on site.
- (e) Cables within the site shall be located underground.
- (f) All exposed metal work, fencing and the substation buildings shall be painted matt dark-green colour.

Reason: In the interest of clarity, traffic safety, nature conservation and visual and residential amenity.

- 6. Water supply and drainage arrangements, including the attenuation and disposal of surface water and the proposed foul wastewater holding tank, shall comply with the requirements of Irish Water for such works in respect of both the construction and operation phases of the proposed development.

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

- 7. Prior to the commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed in writing with the planning authority, generally in accordance with the Outline CEMP and the Construction Traffic Management Plan submitted with the application. The CEMP shall incorporate the following:
 - (a) a detailed plan for the construction phase incorporating, inter alia, a construction programme, supervisory measures, noise, dust and surface water management measures, including the appointment of a site noise liaison officer, construction hours and the management, transport and disposal of construction waste,

- (b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period,
- (c) traffic management and road safety procedures and measures for the duration of construction works,
- (d) an emergency response plan, and
- (e) proposals in relation to public information and communication.

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

Reason: In the interest of environmental protection and orderly development.

8. All planting/landscaping required to comply with the specification of the landscaping scheme submitted to An Bord Pleanála shall be maintained and, if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of visual amenity.

9. The undertaker shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the undertaker shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operations (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.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried out on the adjoining public roads by the undertaker and at the undertaker's expense on a regular basis.

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

12. During the operational phase of the proposed development, the noise level arising from the proposed 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.

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.

13. Prior to the 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 proposed 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 proposed development.

Reason: To ensure the satisfactory completion of the proposed 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 **€76,990**.

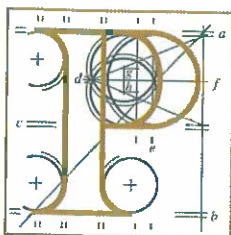
A breakdown of the Board's costs is set out in the attached Appendix 1.



Dave Walsh

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

Dated this 14th day of April 2022



An
Bord
Pleanála

Board Order –
Appendix 1

ABP-311427-21

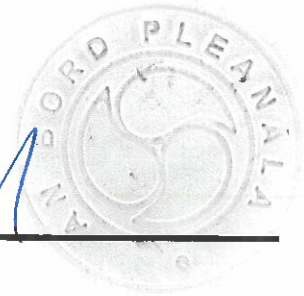
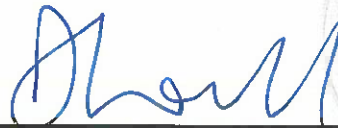
Strategic Infrastructure Development

Costs of determining the Application

Case Number: ABP-311427-21

Proposed Development: 110kV substation and associated compound and ancillary equipment in the townlands of Garballagh and Commons, Duleek, Co. Meath.

Board Costs		
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) €1,470 Inspector 2 (application) €22,540	€24,010
(2)	Costs invoiced to Board	N/A
	Total chargeable costs	€24,010
Board Fees		
(3)	Application Fee - €100,000 Pre-application Consultation Fee- €1,000	€101,000
(4)	Observer fees paid	€0
	Net amount due to be refunded to applicant	€76,990



Dave Walsh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 14th day of April 2022