

**An  
Bord  
Pleanála**

**Board Order  
ABP-311670-21**

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Waterford City and County Council**

**Planning Register Reference Number: 21/735**

**Appeal** by Sunrise Energy Supply Limited care of Neo Environmental Limited of Johnstown Business Centre, Johnstown House, Naas, County Kildare against the decision made on the 21<sup>st</sup> day of September, 2021 by Waterford City and County Council to refuse permission for the proposed development.

**Proposed Development:** Circa 10 kilometres of grid connection infrastructure on the public road (N72) to connect the approved Drumroe East Solar Farm (planning register reference number 16/126) to the Dungarvan 100kV ESB Substation, comprising the laying of 38kV underground electricity cables and associated infrastructure, and horizontal directional drilling, all at Killadangan, Ballymacmague South, Ballymacmague North, Ballylemon Lower, Knockacullen, Ballylemon, Killeeshal, Ballynamintra Upper, Cappagh, Kilcannon (Osbourne), Kilcannon (Hely), Ballynahemery, Rockfield, Bawnavinnoge, Kilcoher, Boherawillin, Drumroe, Cappoquin, County Waterford.

## Decision

**GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the relevant provisions of the Waterford City and County Development Plan 2022 - 2028, to National and Regional policy in relation to the promotion of renewable energy, the extant planning permission for a solar farm to which this grid connection infrastructure relates, and the nature, scale and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not negatively impact on the traffic safety and capacity of the national secondary road (N72), would not adversely affect the environment, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



### **Appropriate Assessment: Stage 1:**

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site. 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 Screening Report for Appropriate Assessment submitted with the planning application, and the report and screening assessment as completed by the Inspector which concluded that the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170) and the Dungarvan Harbour Special Protection Area (Site Code: 004032) are the European Sites for which the proposed development has the potential to have significant effects. The Board concluded that appropriate assessment is required for these two European Sites.

### **Appropriate Assessment: Stage 2:**

The Board considered the Natura Impact Statement and associated documentation submitted with the planning application and the appeal, the mitigation measures contained therein and the submissions on file and carried out an appropriate assessment of the implications of the proposed development for the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170) and the Dungarvan Harbour Special Protection Area (Site Code: 004032) in view of the Conservation Objectives for the sites. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment and to allow it to reach complete, precise and definitive conclusions for appropriate assessment. In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposed development, both individually and in combination with other plans and projects, and the mitigation measures which are included as part of the

current proposal. In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out by the Inspector of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170) or the Dungarvan Harbour Special Protection Area (Site Code: 004032) in view of the Conservation Objectives of those sites and that there is no reasonable scientific doubt as to the absence of such effects.

## 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 points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The conditions of the parent permission for the permitted solar farm at Drumroe, Cappoquin, County Waterford (An Bord Pleanála reference number PL 93.246902) shall be adhered to, and provision shall be made for the grid connection as applied for in the current planning application.

**Reason:** In the interest of 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.

4.
  - (a) All of the environmental, construction and ecological mitigation measures set out in the Planning and Environmental Statement, the Outline Construction Environmental Management Plan and other particulars submitted with the planning application shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.
  - (b) Prior to commencement of development, a detailed Construction Environmental Management Plan shall be submitted to the planning authority for written agreement, which shall include a targeted Construction Method Statement to include details of the reinstatement of the public road (N72).

**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the proposed development.

5. A Construction Management Plan 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 proposed development, including:
- (a) Details of traffic management measures to be implemented during the duration of the proposed works.
  - (b) Location of the site and materials compound, including the area identified for the storage of construction refuse.
  - (c) Location of areas for construction site offices and staff facilities.
  - (d) Details of site security fencing and hoardings.
  - (e) Details of on-site car parking facilities for site workers during the course of construction works.
  - (f) 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.
  - (g) Measures to obviate queuing of construction traffic on the adjoining road network.
  - (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
  - (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
  - (j) 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.
  - (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

- (l) Details of on-site re-fuelling arrangements, including use of drip trays.
- (m) Details of how it is proposed to manage excavated soil.
- (n) 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 kept for inspection by the planning authority.

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

6. Construction and demolition waste shall be managed in accordance with a Project Construction Waste and Demolition and By-product 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.

7. All road surfaces, culverts, watercourses, verges and public lands shall be protected during construction works and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to commencement of development, a road condition survey shall be taken to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to ensure a satisfactory standard of development.

8. The developer shall ensure that all plant and machinery used during the works shall 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.



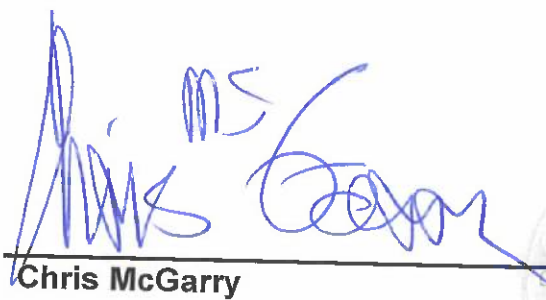
9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operations (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably qualified archaeologist who shall monitor site investigations and other excavation works in the area adjacent (the extent of this area shall be agreed in writing with the planning authority) to the NIAH assets identified in the planning application documentation, 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.

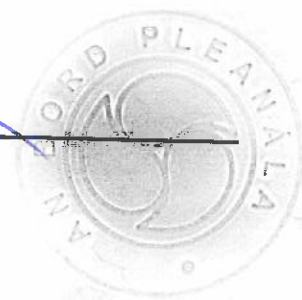
10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the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



**Chris McGarry**

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



Dated this 9<sup>th</sup> day of January 2023.