

Planning and Development Acts 2000 to 2022

Planning Authority: Carlow County Council

Planning Register Reference Number: 21/445

Appeal by Paul Rooney of Kellistown East, County Carlow against the decision made on the 17th day of October, 2022 by Carlow County Council to grant subject to conditions a permission to Island Stability Services Limited care of PNG Energy Limited of Glen Erin, Caulstown, Dunboyne, County Meath in accordance with plans and particulars lodged with the said Council:

Proposed Development: A 10 year planning permission for the development of a synchronous condenser grid support facility, which will connect to the adjoining ESB Kellistown Electricity Substation. The proposed development will have a projected life span of 50 years. At the end of life, the proposed development can either be decommissioned or refurbished to extend its life. The development is to be located within a site compound circa one hectare. It will regulate reactive power on the electricity network and will consist of the following elements: a building (circa 540 square metres, circa 10 metres high) to house equipment including a synchronous condenser with flywheel, lube oil skid, air compressor and pumps. Equipment to be located outside the footprint of the building but within a fenced compound will include cooling

equipment (circa 160 square metres, circa three metres high); six number modular containers to house electrical and control equipment (total area of circa 195 square metres, circa five metres high); a step-up transformer, an auxiliary transformer, an external circuit breaker, electrical balance of plant, one number firefighting water tank, above ground oil separator and collection pit circa 100 metres of underground cabling ducts and cable to the adjoining ESB substation, balustrade boundary fencing, security entrance gate and CCTV, all other ancillary and miscellaneous site works to include: site clearance; site access, internal roads and development of areas of hard standing and lay-down area. The proposed development will connect by underground cable to the Electricity Supply Board (ESB) 220kV substation adjoining the western boundary of the proposed development site. This underground cabling will not form a part of the transmission networks as defined in Section 2(1) of the Electricity Regulation Act 1999 at Kellistown East, County Carlow.

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 the provisions of the Carlow County Development Plan 2022 – 2028, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would align with relevant planning policy, including IF P1, that supports the development, reinforcement, renewal, and expansion of key supporting infrastructure to facilitate renewable energy developments, subject to compliance with proper planning and environmental considerations. It is also considered that the proposed development would not unduly impact on the natural environment or on the landscape character and visual amenity of the area or on residential amenity and would be acceptable in terms of traffic and transportation and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Notwithstanding the recommendation of the inspector, the Board did not attach a development contribution condition as the proposed development does not fall within any development category/description that would attract such a contribution by reference to Section 19 (Schedule of Contributions) of the Development Contribution Scheme 2017-2021 adopted by Carlow County Council.

Appropriate Assessment Stage 1

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the River Barrow and River Nore Special Area of Conservation (Site code: 002162) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

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 proposed development for the River Barrow and River Nore Special Area of Conservation (Site code: 002162) in view of the site's Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's conservation objectives using the best available scientific knowledge in the field.

In completing the Appropriate Assessment, the Board considered, in particular, the following:

- (i) Site Specific Conservation Objectives for the European Site,
- (ii) current conservation status, threats and pressures of the qualifying interest features,
- (iii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and
- (iv) 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 in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European site in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

This conclusion is based on the following:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the River Barrow and River Nore Special Area of Conservation (Site code: 002162).
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.

Conditions

1. The 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 submitted on the 5th day of August 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 developer shall agree such details in writing with the planning authority prior to 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. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: In the interest of clarity.

3. The development hereby permitted shall be removed from the site before the end of the period of 50 years from their commissioning, unless the period has been extended by a further grant of planning permission, and the site shall be restored within 12 months of decommissioning.

Reason: To enable the planning authority to review the operation of the energy storage system over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development.

4. Site development and building works shall be carried out only between the hours of 0700 and 1900 Mondays to Fridays inclusive, between 0800 and 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.

5. The mitigation measures outlined in the Natura Impact Statement submitted to the planning authority on the 5th day of August 2022 and other plans and particulars submitted with the planning application shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

Reason: In order to protect the conservation objectives of the River Barrow and River Nore Special Area of Conservation (Site code: 002162) and in the interest of environmental protection.

6. Details of the materials, colours, and textures of the external finishes shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

7. The landscaping proposals shall be carried out within the first planting season following commencement of development. All existing hedgerows (except at access track openings) shall be retained where practicable. The landscaping and screening shall be maintained at regular intervals. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In the interest of visual amenity and biodiversity of the area.

8. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a finalised Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of residential amenities and environmental protection.

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9. Construction traffic to/from the site shall be managed in accordance with a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall, amongst other things, specify details of advance warning signs with respect to the proposed site entrance.

Reason: In the interests of traffic management and road safety.

10. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of sustainable drainage.

11. The mitigation measures outlined in the Noise Impact Assessment, received by the planning authority on the 5th day of August 2022, shall be implemented in association with the commissioning of the development, and shall be maintained throughout the lifetime of the development.

(a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive locations, shall not exceed:-

(i) 45 dBLAeq,T during the period 0700 to 1900 hours.

(ii) 40 dBLAeq,T during the period 1900 to 2300 hours.

(iii) 35 dBLAeq,T during the period 2300 to 0700 hours.

(b) All sound measurement shall be carried out in accordance with ISO Recommendations 1996-2007: Acoustics – Description and Measurement of Environmental Noise.

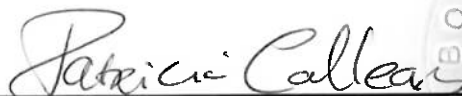
Reason: To protect the residential amenities of property in the vicinity of the site.

12. Measures shall be implemented to prevent the spread of Alien Invasive Species during construction works and control measures shall have regard to Guidelines on The Management of Noxious Weeds and Non-Native Invasive Plant Species on National Roads, Revision 1, December 2010, (National Roads Authority, now Transport Infrastructure Ireland).

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

13. The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping and groundworks. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.



Patricia Callear

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *02* **day of** *May* **2024**