

An  
Bord  
Pleanála

Board Order  
ABP-318103-23

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 20221633**

**Appeal** by Patrick Cairns of Alderton House, Poulmaloe, Campile, New Ross, County Wexford and by others against the decision made on the 31<sup>st</sup> day of August, 2023 by Wexford County Council to grant subject to conditions a permission The Electricity Supply Board care of Brendan Allen of ESB Engineering and Major Projects (ESB EMP), One Dublin Airport Central, Dublin Airport, Cloghran, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** A new 38kV electricity circuit between the existing Knockmullin ESB Substation, New Ross and the existing Great Island ESB Substation, within the Great Island generation station complex. The circuit - which traverses the townlands of Great Island, Creakan Lower, Creakan Upper, Butlersland, Ballydock, Priesthaggard, Poulmaloe, Whitechurch, Dunganstown, Killowen, Oldcourt, Stokestown, Landscape, Camlin and Knockmullin, County Wexford, will be circa 13.75 kilometres in length and will consist of circa 12 kilometres of overhead line (OHL) and circa 1.75 kilometres of underground cable (UGC). The overhead line structures (87 number) will consist of single and double wood pole sets, with a height above ground level ranging from circa 9.7 metres to circa 18 metres and will require below ground

foundations and staywires at specific locations. The underground cable will primarily run along public roads and will consist of electrical cables laid in underground ducts buried in a trench (with varying dimensions between circa 0.6 centimetre and circa 0.9 metre width and a depth of circa 1.2 metres). For information: the proposed overhead line passes through the curtilage associated with the demesne lands of 'Landscape House' which is a protected structure in the Wexford County Development Plan 2022-2028 (RSP Reference: WCC0530). Permission is sought for all associated works including temporary works such as the creation of access ways, etc. Planning permission is sought for a ten (10) year period. All between the existing Knockmullen ESB substation, New Ross and the existing Great Island ESB Substation, within the Great Island generation station complex in the townlands of Great Island, Creakan Lower, Creakan Upper, Butlersland, Ballydock, Priesthaggard, Poulmaloe, Whitechurch, Dunganstown, Killowen, Oldcourt, Stokestown, Landscape, Camlin and Knockmullin, County Wexford. As amended by the further public notices received by the planning authority on the 10<sup>th</sup> day of July, 2023.

## 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 nature, scale and extent of the proposed development,
- (b) the characteristics of the entirety of the site and of the surrounding area,
- (c) the national, regional and local policy support for developing renewable energy, in particular
  - the Wexford County Development Plan 2022-2026,
  - the Regional Spatial and Economic Strategy for the Southern Region,
  - the Project Ireland 2040,
  - the National Planning Framework,
  - the Climate Action Plan 2023 and 2024,
  - the Government Policy Statement on the Security of Electricity Supply, 2021, and
- (d) 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,

**DECISION QUASHED**

it is considered that the proposed development, subject to compliance with the conditions set out below, would be consistent with the provisions of the Wexford County Development Plan 2022-2028, would support national and regional energy security policy objectives and objectives to upgrading existing electricity networks, would sustainably manage the natural and built heritage in the county including inter alia avoiding the disruption of the connectivity of woodlands and hedgerows and protecting trees in the curtilage of a Protected Structure or in close vicinity that contribute to its special character and setting, would not seriously injure the residential amenities of property in the vicinity, would not have significant adverse impacts on the environment, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 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 received by the planning authority on the 10<sup>th</sup> day of July 2023, 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:** Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. The mitigation measures contained in the submitted Natura Impact Statement and the Ecological Impact Assessment Report shall be implemented.

**Reason:** To protect biodiversity and the integrity of European Sites.

4. Prior to commencement of tree felling for overhead line clearance corridors the developer shall engage a suitably qualified ecologist to carry out a bat survey of mature trees to confirm the absence of roosting bats. In the event that trees are identified hosting a bat roost or with potential for same, the developer is obliged to adhere to the legal provisions set out in Regulations 51 and if necessary, Regulation 54 (seek derogation licence) of the European Communities (Birds and Natural Habitats) Regulations 2011-2021. Prior to the removal of mature trees within the clearance corridor, the bat survey results, methodologies for felling and any derogation licences shall be submitted for the written agreement of the planning authority.

**Reason:** In order to ensure the adequate protection of bats.

5. All mitigation measures in relation to archaeology and cultural heritage as set out in the Cultural Heritage Assessment Report (Byrne Mullins and Associates, July 2022) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this grant of permission. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. 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.

6. A detailed Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The Construction and Environmental Management Plan shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

The Construction Environmental Management Plan (CEMP) shall also include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in the Cultural Heritage Assessment Report (Byrne Mullins & Associates, July 2022). The Construction and Environmental Management Plan shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

**Reason:** In the interests of residential amenities, public health and safety, environmental protection and to ensure the continued preservation either in situ or by record of places, places, sites, features or other objects of archaeological interest.

7. The Knockmullen substation shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following
- (a) A plan to scale of not less than 1:500 showing –
    - (i) existing trees, hedgerows, shrubs, rock outcroppings, and stone walls specifying which are proposed for retention as features of the site landscaping,
    - (ii) the measures to be put in place for the protection of these landscape features during the construction period, and

- (iii) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.

(b) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

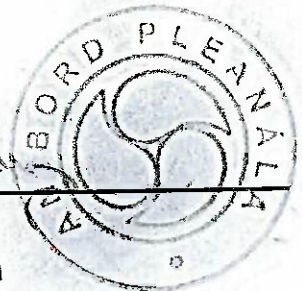
**Reason:** In the interests of residential and visual amenity.

*Eamonn James Kelly*

**Eamonn James Kelly**

**Member of An Bord Pleanála**

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



Dated this 13<sup>th</sup> day of November, 2024.