

An
Bord
Pleanála

Board Order

ABP-318528-23

Planning and Development Acts, 2000 to 2022

Planning Authority: Wexford County Council

Application for approval under section 182A(1) of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement lodged with An Bord Pleanála on the 24th day of November 2023 by Lodgewood Solar Farm Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork.

Proposed development: The proposed development is for a ten-year permission that will constitute the provision of the following:

- A 110 kilovolt air-insulated substation (AIS) Single Bay Tail-Fed electricity substation (with 33 kilovolt customer compound) (including two control buildings, 33 kilovolt/110 kilovolt transformer and associated structures and apparatus, lightning protection, perimeter security fencing, security lighting telecoms pole, water and drainage infrastructure, temporary construction compound) to connect to and serve solar farm developments; associated grid connection between the proposed substation and the existing Lodgewood 220/110 kilovolt substation comprising 110 kilovolt underground electricity cables of circa 10 metres in length to be provided in an excavated trench including associated fibre cable and ducting, and all associated site development and reinstatement works;

- Temporary construction and operational access from the R772, vehicular entrance and access track (including one number drain deck crossing) from this public road; all ancillary site development, landscaping and earth works.

All within the townlands of Tincurry, Ballylough and Crory, County Wexford.

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

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.

Reasons and Considerations

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

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives),
- the National Planning Framework - Ireland 2040,
- the Climate Action Plan, 2024,
- the Regional Spatial and Economic Strategy for the Southern Region,
- the policies and objectives of the Wexford County Development Plan 2022-2028,

- the nature, scale and design of the proposed development and the pattern of development in the vicinity of the site, including permitted solar farm developments,
- the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- 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 significant effects of the proposed development on European Sites,
- the submissions received in relation to the proposed development, and
- the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to the appropriate assessment and environmental impact assessment screening.

Appropriate Assessment: Stage 1:

The Board considered the Screening Report for Appropriate Assessment and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale, and location of the proposed development, as well as the report of the Inspector. The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Slaney River Valley Special Area of Conservation (Site Code: 000781), and the Wexford Harbour and Slobbs Special Protection Areas (Site Code: 004076) are the European Sites for which there is a likelihood of significant effects. The Board concluded that, having regard to the qualifying interests for which the site was designated and in the absence of viable connections to, and distance between the application site and the European Sites, the Blackstairs Mountains Special Area of

Conservation (Site Code: 000770), River Barrow and River Nore Special Areas of Conservation (Site Code: 002162), and The Raven Special Protection Area (Site Code: 004019) could be screened out from further consideration and that the proposed development, individually or in combination with other plans and projects would not be likely to have significant effects on these European Sites or any other European Sites in view of the sites conservation objectives and that the Stage 2 appropriate assessment is therefore not required in relation to these European Sites.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and carried out an appropriate assessment of the implications of the proposal for the Slaney River Valley Special Area of Conservation (Site Code: 000781), and the Wexford Harbour and Slobbs Special Protection Areas (Site Code: 004076), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment as well as the report of the Inspector.

In completing the assessment, the Board considered the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans and projects, the mitigation measures which are included as part of the current proposal and the conservation objectives for these European Sites. In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspectors report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the conservation objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Slaney River Valley Special Area of Conservation (Site Code: 000781), and the Wexford Harbour and Slobbs Special Protection Areas (Site Code: 004076) or any other European Site in view of the sites' conservation objectives.

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 and regional renewable energy policies and with the provisions of the Wexford County Development Plan 2022-2028, would not seriously injure the visual or residential amenities of the area or have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not significantly adversely affect biodiversity in the area, would be acceptable in terms of traffic safety and would make a positive contribution towards Ireland's renewable energy and security of energy supply requirements. 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, 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 development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

2. The period during which the development is hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of 5 years.

3. All of the environmental, construction, ecological related mitigation measures, as set out in the Ecological Impact Assessment, the Natura Impact Statement, Construction Methodology, 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 to comply with the conditions of this Order.

Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development.

4. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all mitigation measures set out in the application documentation and provide details of intended construction practice for the development, including:
- (a) location of site and material compound(s) including areas(s) identified for the storage of construction refuse, site offices, construction parking and staff facilities, re-fuelling arrangements, security fencing and hoardings,
 - (b) comprehensive construction phase traffic management plan including details of the timing and routing of construction traffic to and from the construction site and associated signage, to include proposals to facilitate the delivery of abnormal loads to the site,
 - (c) measures to prevent the spillage or deposit of clay, rubble, or other debris on the public road network,
 - (d) details of appropriate mitigation measures for noise and dust, and monitoring of such levels,
 - (e) containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater,
 - (f) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,

- (g) 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,
- (h) an audit list of all construction and operational mitigation measures, their timelines for implementation and responsibility for reporting, and
- (i) a record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

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

- 5. (a) The applicant is required to employ a suitably qualified archaeologist to monitor all ground disturbance required for this development.
- (b) Should archaeological material be found during the course of the archaeological monitoring, the archaeologist shall have work on site stopped pending a decision regarding appropriate mitigation. The undertaker shall be prepared to be advised by the National Monuments Service with regard to any mitigating action (preservation in situ and/or excavation). The undertaker shall facilitate the archaeologist in recording any material found.
- (c) The National Monuments Service shall be furnished with a final archaeological report describing the results of archaeological monitoring and 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 undertaker.

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

6. Noise levels from the substation shall not exceed 55 dB(A) rated sound level (corrected sound level for any tonal or impulsive component) at dwellings between 0800 hours and 2200 hours on any day and shall not exceed 45dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to and agreed with the planning authority prior to commencement of development.

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

7. The undertaker shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practise.

Reason: To protect the environmental and natural heritage of the area.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0700 to 1400 hours on Saturdays and not at all on Sundays or 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 amenities of property in the vicinity.

9. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority 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.

10. The site shall be landscaped in accordance with a comprehensive landscaping scheme and the proposals set out in the particulars. Prior to commencement of development, details of the landscape scheme shall be submitted to and agreed with the planning authority. The scheme shall include for the following:

- (a) a scaled plan of not less than 1:500 detailing the species, variety, number and locations of all proposed planting which shall be of native species only.
- (b) a timescale for implementation.

Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the substation as set out by this approval, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of visual amenity and biodiversity.

11. Prior to commencement of development, the undertaker 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 reinstatement of public roads that may be damaged by construction transport 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 undertaker or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the reinstatement of public roads that may be damaged by construction transport.

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 **€77,817**.

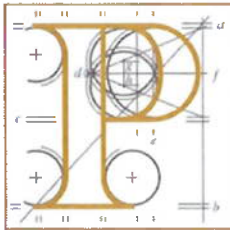
A breakdown of the Board's costs is set out in the attached Appendix 1.



Tom Rabbette

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

Dated this 8th day of June 2024



An
Bord
Pleanála

Board Order –
Appendix 1

ABP-318528-23

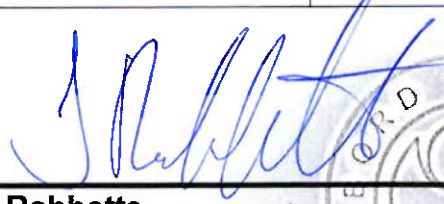
Strategic Infrastructure Development

Costs of determining the Application

Case Number: ABP-318528-23

Proposed Development: 10 year planning permission for the proposed 110kV AIS Single Bay Tail-Fed electricity substation (with 33kV customer compound) and associated grid connection and site works at Tincurry, Ballylough and Crory (Townlands), Co. Wexford.

Board Costs		
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) €1,912 Inspector 2 (application) €21,271	€23,183
(2)	Costs invoiced to Board	N/A
	Total chargeable costs	€23,183
Board Fees		
(3)	Application Fee - €100,000 Pre-application Consultation Fee- €1,000	€101,000
(4)	Observer fees paid	N/A
	Total	€101,000
	Net amount due to be refunded to applicant	€77,817


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

Dated this 4th day of June 2024