

An
Bord
Pleanála

Board Order ABP-319499-24

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, lodged with An Bord Pleanála on the 8th day of April, 2024 by WXD Energy Limited care of Malachy Walsh and Partners of Reen Point, Blennerville, Tralee, County Kerry.

Proposed development: The proposed development, consisting of:

- (a) a 110 kilovolt (kV) Air Insulated Switchgear (AIS) loop-in substation with associated compound, including control and operational buildings;
- (b) electrical plant, equipment, cabling, lighting, CCTV, lightning masts, drainage infrastructure, security palisade fencing, and all associated and ancillary works necessary to facilitate the development;
- (c) erection of two number overhead line end masts (circa 20 metres high) and two number lattice gantries (circa 16 metres high) and associated overhead cabling to enable a loopin/loop-out grid connection to the existing Crane-Lodge wood 110 kilovolt (kV) overhead line (OHL), and
- (d) new entrance and access road from the L-6065-1.

All located in the townland of Tomsallagh, Ferns, 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:

- (a) the National Planning Framework – Project Ireland 2040;
- (b) the Southern Regional Spatial and Economic Strategy, 2020;
- (c) the Government of Ireland Climate Action Plan, 2024;
- (d) the policies of the planning authority, as set out in the Wexford County Development Plan 2022 – 2028;
- (e) the distance to dwellings or other sensitive receptors;
- (f) the submissions made in connection with the application;
- (g) 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, and
- (h) the report and recommendation of the Planning Inspector.



Appropriate Assessment Screening:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that having regard to the nature and scale of the proposed development, the proximity of the project to the European Sites, to the nature of the qualifying interest habitats and species, and the special conservation interest species, and the conservation objectives of the European Sites, and to the available information as presented in the supporting documents regarding ground and surface water pathways and mobile connections between the project and the European Sites, and other information available, the proposed development would not be likely to have any significant effect on any European Site having regard to the conservation objectives of the relevant sites, and that progression to a Stage 2 Appropriate Assessment is not therefore, required.

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 ecology, 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, 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 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 mitigation measures identified in the Construction and Environmental Management Plan and other plans and particulars submitted with the planning application, shall be implemented in full by the undertaker, except as may otherwise be required in order to comply with the conditions of this approval.

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



3. The undertaker shall comply with the following general requirements:
- (a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
 - (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
 - (c) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.
 - (d) Interconnecting cables within the substation site shall be located underground.

Reason: In the interests of clarity, visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

4. The undertaker shall comply with the following additional nature conservation requirements:
- (a) No felling or vegetation removal shall take place during the period 1st March to 31st August.
 - (b) A pre-construction survey shall be carried out by a suitably qualified ecologist to check for the presence of any protected species (including otter, badger, birds and bats).
 - (c) Any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.
 - (d) In the event of badger setts being identified proximate to the proposed development, a 30-metre buffer zone shall be installed around the outermost entrances to the sett during the breeding season. Derogation licences shall be obtained as required.
 - (e) Bird deterrents shall be installed along the overhead transmission cables.

Reason: In the interests of biodiversity and nature conservation.

5. A Landscape Plan shall be submitted to the planning authority for written agreement before development commences. The landscaping proposals shall be carried out within the first planting season following commencement of construction of the proposed development. All existing hedgerows (except at access track openings) shall be retained. 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: To assist in screening the proposed development from view and to blend it into its surroundings in the interest of visual amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Uisce Éireann and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

7. The undertaker shall comply with the transportation requirements of the planning authority for such works and services as appropriate. Prior to commencement of development, a traffic management plan for the construction stage shall be submitted to, and agreed in writing with, the planning authority. The plan should also contain details of how the undertaker intends to engage with and notify the local community in advance of the delivery of construction materials and equipment.

Reason: In the interests of traffic and pedestrian safety and the proper planning and sustainable development of the area.



8. The construction of the development shall be managed in accordance with a final Construction and Environmental Management Plan, which 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 hours of working, noise management measures, traffic management, an invasive species management plan and off-site disposal of waste.

Reason: In the interests of public safety and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0800 and 1900 from 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.

10. 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 daily basis.

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

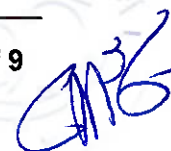


11. The preservation, recording and protection of archaeological materials or features that may exist within the site shall be facilitated. In this regard, a suitably qualified archaeologist shall be retained to monitor all site investigations and other excavation works and provide arrangements for the recording and for the removal of any archaeological material considered appropriate to remove. The final Archaeological Impact Assessment report shall be submitted to the Department of Housing, Local Government and Heritage and to Wexford County Council.

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.

12. Prior to commencement of development, the developer 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 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 development.



Reason: To ensure the satisfactory completion of the 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 **€90,295**

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

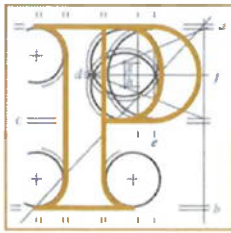


Chris McGarry

Member of An Bord Pleanála

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

Dated this 29th day of August 2024.



An
Bord
Pleanála

**Board Order –
Appendix 1**

ABP-319499-24

Strategic Infrastructure Development

Costs of determining the Application

Case Number: ABP-319499-24

Proposed Development: Proposed 110kV substation to facilitate connection of the permitted Solar Energy Development to the National Grid, on lands at Tomsallagh, Ferns, County Wexford.

Board Costs		
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) €3,585 Inspector 2 (application) €7,170	€10,755
(2)	Costs invoiced to Board	N/A
	Total chargeable costs	€10,755
Board Fees		
(3)	Application Fee - €100,000 Pre-application Consultation Fee- €1,000	€101,000
(4)	Observer fees paid	€50
	Total	€101,050
	Net amount due to be refunded to applicant	€90,295

Chris McGarry

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



Dated this 29th day of August 2024.