

An
Coimisiún
Pleanála

**Commission Order
ABP-319518-24**

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

Planning Register Reference Number: 21608

Appeal by Clementville Limited and by Strategic Power Limited against the decision made on the 30th day of June 2021 by Kildare County Council to grant, subject to conditions, a permission to Strategic Power Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: 10 year planning permission for the construction of:

1. an enclosed battery energy storage system compound on circa 4.089 hectares with 76 number battery storage units (each with associated containerised step-up transformer), one number containerised control room and one number containerised switch room, one number containerised switchgear unit and CCTV cameras; 2. new site entrance off the L6044 and site access road; 3. site access road extension to a proposed substation site (proposed substation currently subject of a Strategic Infrastructure Development Pre-Application Consultation with An Bord Pleanála); and 4. all associated ancillary development works. The operational lifespan of the battery energy storage system will be 35 years. All at Dunnstown, County Kildare.

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:

- (a) provisions of the Kildare County Development Plan 2023-2029, including Policy EC P2 which promotes renewable energy generation and associated grid infrastructure at appropriate locations to meet national objectives toward a net zero economy and Objective EC O65 which supports the reinforcement and strengthening of the electricity transmission and distribution network, including the installation of Battery Energy Storage System plants;
- (b) the provisions of the Climate Action Plan 2025 and Climate Action Plan 2024;
- (c) the location, nature, size and scale of the proposed facility, as amended on appeal;
- (d) the nature of the receiving landscape and absence of any specific conservation amenity designation for the subject lands;
- (e) the location and proximity of the proposed development to the regional and national road network, including the R412, R448, M7 and M9;
- (f) the mitigation measures proposed for construction and operational phases;

- (g) the submissions on file including those from prescribed bodies, the appellant, and the planning authority;
- (h) the documentation submitted with the application, including the Environmental Report and associated addendums to same, Appropriate Assessment Screening Report and associated second addendum, Preliminary Construction Environmental Management Plan and Technical Notes on Fire Risk prepared by Fingleton White Environmental,
- (i) the AWN Fire Consultant Reports; and
- (j) the report and recommendation of the planning inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Kildare County Development Plan 2023-2029, and with national, regional and local planning policy, would be in accordance with Climate Action Plan 2024 and Climate Action Plan 2025, would be acceptable in terms of traffic safety and convenience, would be acceptable in terms of the protection of groundwater and surface water, would not give rise to a risk of fire safety, serious pollution, or be prejudicial to public health, and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance and with the proper planning and sustainable development of the area.

Conditions

1. (a) 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 An Coimisiún Pleanála on the 29th day of May 2024 and 23rd day of June 2025, 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.
- (b) The development shall be carried out in accordance with the 'firefighting' option, plans and particulars for which was received by An Coimisiún Pleanála on the 23rd day of June 2025.

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 Commission considers it appropriate to specify a period of validity of this permission in excess of five years.

3. (a) The operation life of the BESS shall be for a period of 30 years from the date of the first commissioning the battery energy storage system. All structures, including the battery cabinets, control building, and all other permitted equipment and ancillary structures, shall then be removed and the site reinstated unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period.
- (b) Prior to the commencement of development, a detailed Site Restoration and Decommissioning Plan providing for the removal of the battery cabinets and all other ancillary structures, and a timescale for its implementation, shall be submitted to, and agreed in writing with, the planning authority.
- (c) On decommissioning of the facility, the battery arrays and all ancillary structures shall be dismantled and removed permanently from the site. The site shall be restored in accordance with the agreed Site Restoration Plan, and all decommissioned structures shall be removed from the site within 6 months of decommissioning.

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

4. (a) The mitigation measures contained in the Environmental Report and associated addendum reports shall be fully implemented.
- (b) A Final 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 CEMP shall include but not be limited to construction phase controls for dust (including on the haul route sections of Stephenstown Lawn/L6073 and L6044), 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.

- (c) An Ecological Clerk of Works (ECoW) with suitable experience shall be appointed to ensure all mitigation measures outlined in the Environmental Report and associated addendum reports and the Construction Environmental Management Plan are carried out.
- (d) The ECoW shall submit a report to the planning authority demonstrating compliance with mitigation measures and ecological considerations both during and post the construction phase.

Reason: In the interests of environmental protection, residential amenities, public health and safety and environmental protection

- 5. Prior to commencement of development, the following shall be submitted for the written agreement of the planning authority:
 - (a) plans and elevations of the single storey switch and control room building, transformer compound, and fire water retention tank and underground storage tank on a scale not less than 1:200
 - (b) details of the materials, colours and textures of all the external finishes of the proposed development,
 - (c) the inverter/transformer stations, battery storage, control units and all fencing shall be dark green in colour, or a similar muted colour,

- (d) amended site layout plan showing the location of fire hydrant/s.

Reason: In the interest of visual amenities of the area and of environmental management.

- 6. Prior to commencement of development, the developer shall submit a final Fire Risk Management Plan (FRMP) and Emergency Response Plan prepared by a suitably qualified individual for the review of the planning authority. No works shall commence on site until the developer has received the written agreement of the planning authority regarding these plans.

- (a) The measures contained in the Fire Risk Management Plan shall be fully implemented.
- (b) The measures contained in the agreed Emergency Response Plan shall be fully implemented.

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

- 7. (a) During the operational phase of the proposed development, noise levels, as measured at the nearest noise sensitive location shall not exceed:
 - (i) An Leq, 1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq, 15 min value of 40 dB(A) at any other time. The noise at such time shall not contain a tonal component. At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

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

Reason: In the interests of environmental protection and management and to protect amenities in the vicinity.

- 8. Prior to commencement of development, the following shall be submitted for the written agreement of the planning authority:
 - (a) A Construction Traffic Management Plan, which shall include measures to minimise disruption to the public road network, and prevent damage and make provision for repair of same. Where necessary, the plan shall facilitate vehicle passing movements on the local road network and include details of the proposed methods for notification of general road users, and local residents, during the construction phase.
 - (b) A detailed programme of deliveries shall be provided, including dates and times, number of loads, weights (including any abnormal loads), road closure and diversion routes, support vehicles etc. The programme of deliveries shall be developed following consultation with all relevant services and utility providers and prior to deliveries taking place.
 - (c) A copy of the agreed Construction Traffic Management Plan, programme for deliveries and agreed haul routes shall be submitted for the records of the planning authority prior to commencement of development. The development shall thereafter be undertaken in accordance with the agreed details.

- (d) In the event of any damage to the L-6044 local road at the location of the vehicular entrance caused by the development, this shall be repaired at the expense of the developer. Prior to the commencement of development, the developer shall submit a full photographic and condition survey of the L-6044 local road to distances of 50 metres either side of the permitted construction site entrance. This photographic and condition survey shall be subject to the written agreement of the planning authority.

Reason: To prevent damage to the public road in the interests of traffic safety and public safety.

9. (a) Comprehensive details of the proposed external lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The agreed lighting system shall include a recommended strategy for reducing the impact of lighting on bats and be fully implemented and operational before the proposed development is occupied.
- (c) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- (d) 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.
- (e) All service cables associated with the proposed development, such as electrical and telecommunication cables, shall be located underground.

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

10. (a) The site shall be landscaped in accordance with a comprehensive scheme of landscaping prepared by a suitably qualified person, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and which is consistent with the details in the Landscape Masterplan prepared by Hayes Ryan Landscape Architecture submitted to An Coimisiún Pleanála on the 29th day of May 2024.
- (b) 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 interest of residential and visual amenity.

11. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development following consultation with the National Monument Service (NMS).
- (b) Prior to the commencement of such works the archaeologist shall consult with and forward to the local authority archaeologist or the NMS as appropriate, a method statement for written agreement. The use of appropriate tools and/or 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.

- (c) 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

- 11. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details

shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

12. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

13. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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 amenities of property in the vicinity.

14. 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

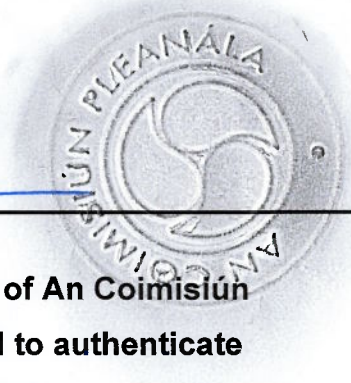
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Paul Caprani

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 15th day of September 2026