



An  
Coimisiún  
Pleanála

**Commission Order**  
**ABP-319534-24**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Cavan County Council**

**Planning Register Reference Number: 23/60236**

**Appeal** by Derek and Amanda Grant and by others against the decision made on the 25<sup>th</sup> day of March, 2024 by Cavan County Council to grant subject to conditions a permission to Accelerate Renewables Limited in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Ten-year planning permission for an energy storage facility comprising energy storage containers installed on concrete plinths, electrical inverters and transformers, underground electrical and communications cabling, the upgrade of an existing agricultural access point from the L2035 Road, on-site access track, security fencing and security gates, pole-mounted security cameras and all associated and ancillary site development works, including landscaping and reinstatement works, all at Shankill Lower (Clonervy E. D.), County Cavan. The operational lifetime of the proposed development is 35 years.

## **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**

The Commission reached its decision in accordance with its duties under Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended, and the requirement to, in so far as practicable, perform its functions in a manner consistent with, inter alia, the Climate Action Plan 2025 and the furtherance of the national climate objective, and also had regard to the following:

- (a) the provisions of the Cavan County Development Plan 2022-2028, including Development Objective GE 01 which seeks to promote the sustainable improvement and expansion of the electricity transmission and distribution network that supply the county subject to landscape, residential amenity and environmental considerations, and Development Objective EDO 06 which seeks to facilitate proposals for energy storage systems and infrastructure which support energy efficiency and renewable energy systems,
- (b) the provisions of the Climate Action Plans (CAP) 2024 and 2025,
- (c) the location, nature, size and scale of the proposed facility and the established character and pattern of development in the vicinity,

- (d) the nature of the receiving landscape and absence of any specific conservation amenity designation for the subject lands,
- (e) the purpose of the proposed development to store surplus energy from the existing electricity network,
- (f) the mitigation measures proposed for the construction and operational phases,
- (g) the submissions on file, including those from prescribed bodies, the appellants and observers (including specialist reports), and the planning authority, and documentation submitted with the planning application and the applicant's Section 132 response, including the Fire Risk Management Plan, Emergency Response Plan, Noise Impact Assessment, Flood Risk Assessment and Drainage Plan, Ecological Impact Assessment, Construction Environmental Management Plan and the Natura Impact Statement, and
- (h) the inspector's report.

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Cavan County Development Plan 2022-2028 and with national, regional and local planning policy, would be consistent with the provisions of the Climate Action Plans 2024 and 2025, would be acceptable in terms of traffic safety, would be acceptable in terms of the protection of groundwater and surface water, would not give risk to fire safety, serious pollution, would not be prejudicial to public health, water quality or biodiversity, and would not seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment: Stage 1:**

The Commission considered the documentation submitted with the planning application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Lough Oughter and Associated Loughs Special Area of Conservation (Site Code: 000007) and the Lough Oughter Complex Special Protection Area (Site Code: 004049) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

### **Appropriate Assessment: Stage 2:**

The Commission considered the Natura Impact Statement and all other relevant submissions, including expert submissions received, and carried out an Appropriate Assessment of the implications of the proposed development on the Lough Oughter and Associated Loughs Special Area of Conservation (Site Code: 000007) and the Lough Oughter Complex Special Protection Area (Site Code: 004049) in view of the sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the Conservation Objectives of the sites using the best available scientific knowledge in the field.

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

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the Conservation Objectives for the European Sites.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives. In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites in view of the Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

## Conditions

1. The proposed 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 28<sup>th</sup> day of February, 2024 and by An Coimisiún Pleanála on the 6<sup>th</sup> day of February, 2026, 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 proposed development hereby permitted may be constructed shall be 10 years from the date of this Order.

**Reason:** In the interest of clarity.

3.
  - (a) This permission shall be for a period of 35 years from the date of the first commissioning of the battery energy storage system. All structures, including the battery container units, 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 commencement of development, a detailed Site Restoration and Decommissioning Plan providing for the removal of the battery container units, and all other ancillary structures, and a timescale for its implementation, shall be submitted to, and agreed in writing with, the planning authority.
  - (c) Upon 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 six 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. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

**Reason:** In the interest of clarity.

5. The mitigation measures contained in the Natura Impact Statement shall be implemented in full and shall be supervised by a suitably qualified ecologist.

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

6.
  - (a) An Ecological Clerk of Works (ECoW) with suitable experience shall be appointed to ensure that all mitigation measures outlined in the Ecological Impact Assessment and Construction Environmental Management Plan shall be carried out in full.
  - (b) The ECoW shall submit a report to the planning authority demonstrating compliance with the mitigation measures and ecological considerations both during and following the construction phase.

**Reason:** To protect the integrity of European Sites and in the interest of environmental protection and public health and safety.

7. (a) Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Only first generation (new) batteries shall be used in the proposed development. Prior to commencement of development, a method statement shall be submitted for the written agreement of the planning authority detailing how end-of-life batteries shall be managed and disposed of. End-of-life battery management shall thereafter be undertaken in accordance with the details agreed.

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

8. Prior to commencement of development, the developer shall submit a final Fire Risk Management Plan (FRMP) and Emergency Response Plan, which shall be carried out by a suitably qualified individual, for the written agreement of the planning authority and with input from the Chief Fire Officer. The proposed development shall be constructed and operated in accordance with the agreed plans.

**Reason:** In the interest of public safety and biodiversity.

9. Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Éireann.

**Reason:** In the interest of public health.

10. During the construction stage of the proposed development, all topsoil stripping and ground works associated with the proposed development shall be subject to full time archaeological monitoring by a suitably qualified archaeologist under licence from the Department of Culture, Heritage and the Gaeltacht. Provision shall be made for the resolution of any archaeological features or deposits that may exist within the site.

**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.

11. (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 45 dB(A) at any other time.
  - (iii) The noise at such time shall not contain a tonal component.
  - (iv) 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.

- (v) 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 interest of environmental protection and management and to protect amenities in the vicinity.

12. The construction of the proposed development shall be managed in accordance with a finalised 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 a construction traffic management plan, a surface water management plan, intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

13. (a) No 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) All service cables associated with the proposed development, such as electrical and telecommunication cables, shall be located underground.

**Reason:** In the interest 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.

- 14. (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.
- (b) Existing field boundaries shall be retained, and new planting shall be undertaken in accordance with the landscaping plan.
- (c) 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 biodiversity and residential and visual amenity.

- 15. Prior to 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 EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including a 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 shall be submitted to the planning authority for written agreement prior to 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.

16. 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.

17. The planning authority shall be notified of any change of ownership or transfer to a new operator. Such notification shall be made within two months of the date of change of ownership or transfer.

**Reason:** In order to facilitate the continuance of planning conditions and in the interest of ensuring the orderly development of the area.

18. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

19. The proposed development works on site, including all drainage works and the proposed culvert works to the Annagelliff River, shall be carried out in compliance with the standards of Inland Fisheries Ireland. Final details in this regard shall be submitted for the written agreement of the planning authority.

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

20. Prior to commencement of development, the developer 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 satisfactory reinstatement of the site, 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 agreed between the planning authority and the developer or, in default agreement, shall be referred to An Coimisiún Pleanála.

**Reason:** To ensure the satisfactory restoration of the site in the interest of visual and residential amenity.

21. 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.

*Patricia Callear*

**Patricia Callear**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate**

**the seal of the Commission.**

Dated this *21* day of *August* 2026.