

---

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

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 20250770**

**Appeal** by Naomi Kloss against the decision made on the 7<sup>th</sup> day of November 2025 by to grant, subject to conditions, a permission to European Refreshments Unlimited Company in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The development will consist of the following elements: the installation and operation of 1no. battery energy storage system compound containing battery energy storage skids, energy management system, electrical transformer and inverters units, CCTV and lighting to compound, underground cabling and ducting, boundary fencing, security entrance gates and all associated ancillary site development, landscaping and reinstatement works. The proposed Battery Energy Storage System (BESS) is a critical component of a broader sustainability initiative aimed at reducing carbon emissions and supporting the transition to renewable energy. The BESS will be integrated with the existing photovoltaic (PV) system to store surplus energy generated during periods of high solar output. This stored energy can then be utilised during periods of low solar generation or high energy demand, ensuring a consistent and reliable energy supply to the

European Refreshments facility, on a site at IDA Business & Technology Park, Rosslare Road, County Wexford.

## **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 had regard to the provisions of the Wexford County Development Plan 2022-2028 including Objective ES37 that seeks to facilitate the development of Battery Energy storage Systems at appropriate locations to ensure a reliable and secure energy supply. The Commission also had regard to national and regional policy of relevance, including policy set out in the National Planning Framework first revision (2025) highlighting 'Energy Security in Ireland to 2030' report (November 2023) and the need for additional capacity of indigenous renewable energy and energy storage under National Policy Objective (NPO) 69. In coming to its decision, the Commission took account of the location, nature, design, size and scale and characteristics of the proposed development, the established character and pattern of development in the vicinity, and the purpose of the development to store surplus energy generated from the permitted solar farm, which in itself would serve the established development (European Refreshments) within an existing IDA/Business and Technology site, during periods of high solar output. The Commission was satisfied that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national, regional and local planning policy in respect of the provision of secure, reliable and safe supply of renewable energy, would be consistent with the provisions of the Climate Action Plans 2024 and 2025 and would

make a positive contribution towards renewable energy, the flexible generation capacity security of energy supply and Ireland's transition to a low carbon economy. Furthermore, the Commission was satisfied that the proposed development would not seriously injure the amenities of the area and would not be harmful to public health, water quality or biodiversity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In reaching this decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, consistent with the Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State. The policy framework, including Objective ES37 of the development plan is consistent with climate objectives.

#### **Appropriate Assessment Screening:**

The Commission noted that a Natura Impact Statement was submitted and this dealt with the permitted solar farm and not the proposed Battery Energy Storage System which is a separate application now before the Commission. The Commission considered the proposed development of the Battery Energy Storage System and associated works within the footprint of a permitted solar farm, whose purpose is to serve an established development (European Refreshments) within an existing IDA/Business and Technology site, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The proposal does not involve any works within or adjacent to a European site, discharge to a European site or alter the hydrological regime of any European site. The Commission agreed with the Inspector that, using the

source-pathway receptor model, the European Sites that are of relevance in respect of screening for Appropriate Assessment, are the Slaney River Valley Special Area of Conservation (Site Code 000781) located one kilometre northeast and 1.3 kilometres instream distance of the subject site and Wexford Harbour and Slobbs Special Protection Area (Site Code 004076), located 1.1 kilometres east of the subject site. Having regard to the nature, scale, characteristics and location of the project, and to the information on file, the Commission was satisfied that it can be eliminated from further assessment because it could not have a significant effect on a European site including in the event of a fire scenario.

The reason for this conclusion is as follows:

The contained and certified nature of the proposed installation including compliance with relevant standards.

No wastewater would be generated or discharged of at the proposed site.

The Commission was satisfied that the development (construction or operation) will not add any additional run-off to local drains or ditches and as such the surface water proposals from the proposed development will not be a source of pollution or contamination for any European sites. Furthermore, the Commission was satisfied that under normal operational conditions, no meaningful hydrological pathway arises between the proposed development and any European site.

In the event of a fire, and where water might be used for fire-fighting purposes in such a scenario (if the proposed controlled burn strategy is not accepted by the Fire Service), the Commission considered that any such possibility would be an exception and would be limited in duration and extent. As set out in the outline Construction Environment Management plan on file, inherent in the project design is that no hazardous materials would enter drains, watercourses, or the surrounding environment. Given the intervening separation distances, the Commission was satisfied that no meaningful pathway exists by which any firewater runoff could reach a European site. The

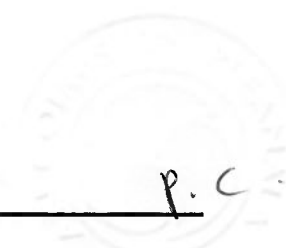
Commission therefore concluded, based on objective information, which was adequate to reach a screening determination, that the proposed development would not have a likely significant effect on the aforementioned European Sites, or any other European Sites, either alone or in combination with other plans or projects, having regard to the sites' conservation objectives. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, as amended is not required. In reaching this conclusion, no reliance was placed on any mitigation measures.

### **Water Framework Directive**

The Commission considered the proposed development in light of the objectives of Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration in water status. The Commission agreed with the inspector that the Kergol River EPA Rathaspick\_010 IE\_SE\_12R020920 and Rathaspick River EPA Rathaspick\_010 IE\_SE\_12R020920 surface water bodies and Fardystown IE\_SE\_G\_064 groundwater body are the relevant waterbodies for the purposes of assessment under Article 4 of the Water Framework Directive. The Commission had regard to the nature, scale and location of the proposed development and to the fact that surface water arising on the site would be minimal and managed within the site boundary, and that the Battery Energy Storage System would be designed to appropriate standards that seeks to minimise the potential for contaminated fire-water runoff, including the use of containerised battery units, integrated fire detection and suppression systems. The Commission further considered a fire event scenario and the possibility of the use of firefighting water (if the proposed controlled burn strategy would not be accepted by the Fire Service) and was satisfied that any such occurrence would be exceptional and limited in duration and extent. As set out in the outline Construction Environment Management plan, inherent in the project

design is that no hazardous materials would enter drains, watercourses, or the surrounding environment. Overall, the Commission was satisfied that the proposed development would not result in any risk of deterioration in status of any surface and/or groundwater water bodies either qualitatively or quantitatively and would not prevent the achievement of the environmental objectives established for any water body under the Water Framework Directive and consequently can be excluded from further assessment.

In disagreeing with the Inspector's recommendation to refuse permission for three reasons, the Commission sets out its reasoning below as follows: In respect of the Inspector's recommendation to refuse permission on Reason 1, the Commission did not consider that the concerns raised in relation to surface water management and potential fire water runoff (if a controlled burn strategy is not accepted by the local authority fire service) warranted refusal. The Commission had regard to the nature, scale and design of the proposed development that comprises a contained, standards certified Battery Energy Storage System installation, incorporating integrated fire detection and suppression systems and bunded enclosures and internal compartmentalisation, and the absence of any routine discharge from the site. The Commission also had regard to the submitted documentation which confirms that the development will introduce minimal impermeable surfaces and the existing drainage pattern on the site will be maintained and no off-site discharge is proposed. The Commission is satisfied that in normal operation conditions, there would be no potential contaminants entering the ground or receiving waters. The Commission further considered a fire event scenario and the possibility of the use of firefighting water and was satisfied that any such occurrence would be exceptional, limited in duration and extent such that no deterioration in water quality status could conceivably arise. Accordingly, the Commission does not share the Inspector's conclusion that the proposed development would give rise to a potential source of water pollution and would be prejudicial to public health.



In considering the Inspector's recommendation to refuse permission on Reason 2, the Commission did not consider that the concerns raised in relation to firefighting access and containment of firewater runoff in the event that a 'controlled burn' strategy is not accepted by the local authority fire service, could give rise to a risk of a fire hazard and be prejudicial to public health warranted refusal. The Commission had regard to the nature, scale and design of the proposed development, which comprises a contained, standards-compliant and product certified Battery Energy Storage system installation, incorporating integrated fire detection and suppression systems, a Battery Management System for continuous monitoring and internal compartmentalisation to prevent the spread of thermal events. The Commission noted that the submitted Planning Report sets out proposals for Fire Safety and Environmental Risk management which details that the battery system complies with international standards, including NFPA 855, UL9540A and relevant IEC standards. The Commission was satisfied that access for emergency vehicles, including turning space and entry via the IDA Business and technology park is sufficient and noted that the preparation of an Emergency Response plan will be prepared in consultation with Wexford Fire Service. The Commission was satisfied that the documentation on the file provides an appropriate level of information on fire safety and risk control and that the risk of a fire hazard is understood and can be managed to an acceptable level. Accordingly, the Commission did not share the Inspector's recommended reason for refusal on this matter.

In considering the Inspector's recommendation to refuse permission on Reason 3 (Appropriate Assessment), the Commission did not share the Inspector's conclusion that it was not possible to exclude the possibility that the proposed development alone would result in significant effects on Slaney River Valley Special Area of Conservation (Site Code:000781) and/or Wexford Harbour and Slobs Special Protection Area (Site Code: 004076) associated with potential hydrological impacts. The Commission was satisfied that the development (construction or operation) will not add any additional run-off to local drains or ditches and as such the surface water proposals from the

proposed development will not be a source of pollution or contamination for the European sites. Furthermore, the Commission was satisfied that under normal operational conditions, no meaningful hydrological pathway arises between the proposed development and any European site. In the event of a fire, and where water would be used for fire-fighting purposes in such a scenario (if a controlled burn strategy would not be accepted by the Fire Service), the Commission considered that any such possibility would be an exception and would be limited in duration and extent. Given the intervening separation distances, the Commission was satisfied that no meaningful pathway exists by which any firewater runoff could reach a European site. As set out in the outline Construction Environment Management plan, inherent in the project design is that no hazardous materials would enter drains, watercourses, or the surrounding environment. The conclusion reached by the Commission does not rely on mitigation measures, but rather on the absence of a meaningful pathway for effects to arise. Accordingly, the possibility of hydrological or fire-related impacts, in the absence of a meaningful pathway, and hence the absence of a complete source-pathway-receptor would not give rise to a likely significant effect on any European site, including the Slaney River Valley Slaney River Valley Special Area of Conservation (Site Code 000781) and/or Wexford Harbour and Slobbs Special Protection Area (Site Code 004076), having regard to the sites' conservation objectives.

In considering the assessment in respect of the Water Framework Directive, the Commission concluded that the proposed development would not give rise to a risk of deterioration in the status of any water body or would otherwise jeopardise the achievement of the Water Framework objectives. The Commission considers that the overall design and characteristics of the development, including its limited footprint, contained nature, surface water management, integrated fire detection and suppression systems, do not give rise to any meaningful source of contaminants or pathway by which contaminants could reach surface water or ground water receptors in either the construction or operation phases of the development, including in the event of a fire scenario. Accordingly, the Commission did not share the

Inspector's conclusion that uncertainty in relation to surface water and potential for firewater management arise should the burn strategy not be accepted by the fire authority with a resultant risk of deterioration for the purposes of the Water Framework Directive. The Commission noted that this matter did not ultimately form a recommended reason for refusal in the outcome of the inspector's assessment.

## 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 15<sup>th</sup> day of October 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. (a) This permission shall be for a period of 30 years from the date of the first commissioning of the battery energy storage system. All structures 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 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 then 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.

3. The construction of the 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 development, including noise management measures, off-site disposal of waste, and an invasive species management plan.

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

4. (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.

5. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, a Fire Safety Plan and an Emergency Response Plan for the proposed development. The development shall be constructed and operated in accordance with the agreed plans.

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

6. 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.

7. During the operational phase of the proposed development, noise levels, as measured at the nearest noise sensitive location shall not exceed:
- (i) An LAeq, 1 hour value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

- (ii) An LAeq, 15 minute value of 45 dB(A) at any other time.

The noise at such time shall not contain any clearly audible tonal or impulsive component. All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

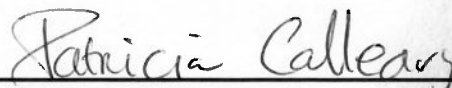
**Reason:** In the interest of environmental protection and management and to protect amenities in the vicinity.

8. 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 as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

9. 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 Calleary**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this 09 day of April 2026