



An
Bord
Pleanála

Inspector's Report 302850-18

Development	10-year permission for Battery Energy Storage facility to include electrical substation, building electrical compound, electrical transformer, inverter station modules and associated site works
Location	Clare Claremorris, co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	1823
Applicant(s)	Highfield Storage Limited
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellants	1. Highfield Storage Limited
Observers	None
Date of Site Inspection	10 th January 2019
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site of 1.14 hectares is in a predominantly rural area located approximately 1km east of Claremorris and outside its development area. The prevailing land-use is agriculture with additional residential ribbon development along the road serving the development. The section of the site near the road is adjoined by residential development on one side and a farm yard and field on the other. Deeper into the site, it is adjacent to the ESB Dalton Substation (110kV). The Dublin Westport rail line is further south.
- 1.2. The site consists of part of a single large field which is deep and narrow. It is irregular in shape with a narrow strip providing an access to the main site over 170m from the road.
- 1.3. The topography of the site is undulating. It gently rises from the road before undulating with a central depression but generally slopes to the south. Vegetation consists mainly of grassland and wet grassland, (scrub and rushes are quite prevalent,) towards the southern end. There was evidence of cattle poaching at the northern end. Wet ground conditions restricted walking to the southern end. The terrain obscuring views of the site from the road - N60 to the north. The substation obscures views of the site from the N17 to the west.
- 1.4. The site overlaps with 2 Monument Protection Zones for two National Monuments and was excavated under license for archaeological remains. The trench tests revealed modern land improvement works. Nothing of archaeological significance was revealed during this process.

2.0 Proposed Development

- 2.1. The proposed development consists of a battery energy storage system to provide grid system services to the national grid. It is to be connected to the adjacent facility to allow for storage during renewable input. Grid Connection is not part of this application. In Item 5 in letter of 5th September 2018, it is clarified that the route is in ESB ownership and as part of the grid connection agreement contract and a new process from the Commission for Regulation of Utilities is that new grid connection

agreements are only issued post planning permission being granted for development.

2.2. The main elements include:

- Single storey electrical substation building and electrical compound
- Electrical transformer/inverter modules
- Containerised (steel) battery storage modules on concrete support structures
- Access tracks
- Electrical ducting, cable racking and cabling facilitating connections between containers
- Security fencing and CCTV security monitoring
- Lightning protection poles
- Communications equipment mounted on substation and
- Ancillary infrastructure.
- An appropriately banded gird transformer within the electrical compound.
- Temporary compound for storage for construction machinery and part operational related parts.

2.3. Planning permission was initially sought for a period of 10 years and it is stated that the development would have an operational lifespan of 30 years. In the further information letter of response (5th September) the applicant withdraws the request for a ten-year validity as a result to changes in regulations. The Planning Report submitted with the application indicates that the Maximum Import Capacity and Export Capacity of the proposed development is expected to be up to 70MW. Construction is estimated at 26 weeks.

2.4. The precise containerised battery storage modules and transformer station arrangement to be used will be dependent on commercial and technical issues at time of procurement but will not exceed dimensions on drawings (4m in height). Minimal ground disturbance is required limiting works for extraction during decommissioning.

2.5. The planning application was accompanied by a detailed document entitled Planning Application Supplementary Documentation which includes:

- EIA Screening statement
- Statement of Need for Development

- Development description and site selection criteria
- AA screening
- Landscape and Visual Appraisal
- Indicative Grid Route
- Archaeological Impact statement
- Geological Information
- Flood Risk Assessment
- Department Circular
- Schedule of Vehicle Movements
- Noise Assessment

I note that on page 16 there is reference to a proposed solar farm – this appears to be in error

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a decision to refuse permission primarily on grounds of **impact on landscape character** and consequent impact on **amenities** of the area as per the following reason:

Having regard to the nature and extent of the development proposed and the details submitted with the application, the developers have not established to the satisfaction of Mayo County Council that the lands subject to this application can accommodate the development proposed without serious modification of the existing landscape at this location. It is considered that if permitted the development would interfere with the character of the landscape which it is necessary to preserve which would result in a n obtrusive feature on the landscape at this location which would seriously injure the amenities and depreciate the value of property in the vicinity. Therefore, the development proposed would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The planning authority initially sought further information which was submitted on 27th April 2018 in respect of:

- Road Safety Audit.
- Clarification grid connection route.
- Removal of livestock for site inspection.

3.2.2. The planning authority sought clarification of further information which was lodged on 5th September 2018 in respect of:

- Topographical survey of site
- Road Safety Audit clarification regarding; provision of passing bays on the access track off the N60 and Item 7 of Audit and no drawing ref 18001.
- Section drawings of grid connection.
- Scope of AA re grid connection.
- Risk/Major Accidents – Action Plan, containment of hazardous substances, waste water disposal.

3.2.3. Following submission of details, the main points raised in the planning report refer to:

- Topographical survey: The latter contour drawings highlight misrepresentation of the site contours originally submitted on 18th January 2018 and change the context for assessing the impact.
- With the elevated height difference, it is unclear as to how the proposed containers can be safely accommodated and as to what may be required to ensure site stability. If lands require significant altering then it should be demonstrated that there are no alternative sites for the proposed development.
- The road gradient appears to be more than 25%.
- Further clarification is not possible under the planning regulations and due to lack of clarity the planning authority has no option but to refuse permission.

3.3. Other Technical Reports

3.3.1. **Mayo National Road's Design Office:** 24th Jan 2018: No issues. Advise referral to Aras RDO.

3.3.2. **Road Design Section:** No objections subject to conditions relating to Access (to be as per site layout drawing in Fig. 1.1 submitted 18th Jan.) and surface water drainage.

3.3.3. **Archaeologist 21st Feb 2018:** On review of the Archaeological Impact Assessment Report Satisfied that there are archaeological sites or monuments affected by the proposed development. No further archaeological work required.

3.4. **Prescribed Bodies**

3.4.1. **TII**

- 30th Jan 2018: Development on N60 undesirable as it is a national primary route and development would adversely affect the operation and safety of the national route. Accordingly, a Road Safety Audit required.
- 9th May: No observations.

4.0 **Planning History**

4.1. PL16.247527 Permission granted for the continued use of the 36m high free-standing lattice type communications structure carrying antennae and communication dishes in adjacent substation site.

5.0 **Policy Context**

5.1. **Overview**

5.1.1. Section 3 of the Planning Application Supplementary Documentation sets out a comprehensive policy framework supporting the shift to renewable energy while at the same time contextualising the need for demand control measures such as BESS. Some of the key documents are set out below.

5.2. **EU Directive 2009/28/EC - Energy from Renewable Resources**

- 5.2.1. EU Directive 2009/28/EC sets a target of 20% of EU energy consumption from renewable sources and a 20% cut in greenhouse gas emissions by 2020. As part of this Directive, Ireland's legally binding target is 16% energy consumption from renewable sources by 2020. Ireland has set a non-legally binding target of 40% of renewable energy share for electricity by 2020 (from a 2012 position of 19.6%).

5.3. **National Planning Framework (NPF)**

- 5.3.1. Section 9.2 sets out policy which seeks to shift from predominantly fossil fuel to predominantly renewable energy sources. More than 50% is anticipated to be from wind, wave, solar biomass and hydro sources by 2040

5.4. **Ireland's Transition to a low carbon Energy Future 2015-2030**

- 5.4.1. This White paper on Energy policy published by the Department of Communications, Energy and Natural Resources in December 2015 sets out a vision to reduce greenhouse gas (GHG) emissions by between 80% and 95% compared to 1990 levels, by 2050, falling to zero or below by 2100. It envisages becoming more cost effective in the renewable energy mix.

5.5. **Mayo County Development Plan 2014-2020**

5.5.1. **Objectives relating to energy:**

- **EY-01** It is an objective of the Council to support and facilitate the provision of a reliable energy supply in the County, with emphasis on increasing energy supplies derived from renewable resources whilst seeking to protect and maintain bio-diversity, wildlife habitats, the landscape, nature conservation, and residential amenity.
- **EY-02** It is an objective of the Council to implement the Renewable Energy Strategy for Co. Mayo 2011-2020.
- **EY-03** It is an objective of the Council to promote energy conservation through reduce consumption and incorporating renewable energy technology into building design standards.

- EY-04 It is an objective of the Council to seek the extension of the Gas Network to other towns in the County and to Ireland West Airport Knock.
- **EY-05** It is an objective of the Council to support and facilitate the provision of a high-quality electricity infrastructure in the County, whilst seeking to protect and maintain bio-diversity, wildlife habitats, scenic amenities, including protected views and nature conservation.

5.5.2. **Landscape Character Assessment.**

- LP-01 It is an objective of the Council, through the **Landscape Appraisal of County Mayo**, to recognise and facilitate appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure that development will not have a disproportionate effect on the existing or future character of a landscape in terms of location, design and visual prominence.
- LP-02 It is an objective of the Council that **all proposed development shall be considered in the context of the Landscape Appraisal of County Mayo with reference to the four Principal Policy Areas** shown on Map 3A Landscape Protection Policy Areas and the landscape Sensitivity Matrix (Figure 3), provided such policies do not conflict with any specific objectives of this Plan.
- LP-03 It is an objective of the Council **to protect the unique landscape** of the County which is a cultural, environmental and economic asset of inestimable value.

5.5.3. **LCA 4 Drumlin landscape.** The appeal site is located within this area and the following applies:

- Policy area 4 Drumlins and Inland lowland. Low potential to create adverse impacts on the existing landscape character. Dev likely to be widely conceived as normal and appropriate unless siting and design are poor.
- Industrial commercial masts communication dwellings and roads have low potential to impact. Quarrying medial significant and extent can be minimised to an acceptable level.

5.5.4. **Other Renewable Energy Guidance:**

- ‘Solar Farm Developments – Internal Guidance Document’, published by the National Monuments Service in November 2016. This outlines the NMS’s approach in considering planning applications for solar farms [which I consider have similarities as they are both containerised energy storage] and, notes that solar farms have potentially low levels of ground impact and potential flexibility to avoid impacts.
- PPG for Renewables and Low Carbon Energy (DCLG 2015): This guidance includes advice on planning considerations relating to specific renewable technologies. It is stated that if on greenfield sites, poorer quality land should be used in preference to higher quality land;

6.0 Natural Heritage Designations

- 6.1. The River Moy SAC is approximately 7km north of the appeal site and Carrowkeel Turlough SAC is approximately 7.2km to the south-west. Lough Corrib SAC is about 9.7km directly south.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. The applicant is appealing the decision to refuse permission on the basis of the following points:
- The applicant commissioned a higher resolution survey and spot levels are mapped in a topographical survey as contained in Annex II to letter of appeal. The site Location Map and Site Layout Map which includes contours based on this higher resolution area together with updated Fig 1.2 (sections) and fig 2.5.2 also corrected and are also appended in Annex III.
 - Cut and Fill creates tiered platforms giving flexibility for battery containers which can therefore be accommodated safely on site.
 - To allay concerns regarding levels the number of containers is reduced.
 - Landscape Impact: The applicant disputes that there will be serious injury to amenity. The Drumlins and Inland Lowlands landscape and has low potential for

adverse impacts. The site is in a cupped topography with higher ground bounding the site east and west. As a further measure the applicant proposes additional landscaping to improve screening.

- The applicant is committed to limiting any perceived impact on householders proximate to the development. Additional landscaping is proposed and will be in place in season in advance of operation. Condition by the Board is suggested.
- The applicant disputes that there will be any impact on property values and supports this by reference to inspector's comment on solar farms which are a form of containerised energised infrastructure. Assessments in the cases of PL26.247366 and PL14.246850 are cited in respect of no evidence of solar energy farms impacting on public health or devaluing property.
- Validity period: Consequent on the changes in Regulatory requirements set by the Commission for Regulation of Utilities in respect of Grid Connection a standard 5-year validity is now considered viable and the request for 10-year validity is effectively withdrawn as not currently required.

7.2. Planning Authority Response

7.2.1. In a letter received from the planning authority on 15th November the following comments are made:

- While the revised details reflect the topography in more detail, it is considered that it is insufficient to determine the impact on the lands as the contours were at 5m intervals. While the submitted details as part of the grounds of appeal show contours at 1m intervals it is still contended that the information is not sufficient to determine the cut and fill required to accommodate the proposed development. For example, some battery containers are shown to straddle a 2m ground level variance. The purple storage container is not depicted in YY section. Without the information it is submitted that it cannot be accurately determined if the proposed development can be adequately accommodated at this location without a significant alteration to the landscape and topography of lands.
- The development should be absorbed into the existing landscape without the need to alter the topography of the land.

- If the proposal cannot be accommodated on the landscape at this location without a significant modification in the topography it will injure residential amenity at the rear of existing properties which would in turn impact on the value of property.
- In conclusion it is submitted that such development due to the topography and required modification should be located on lands that would not have such a severe change in levels.

8.0 Environmental Impact Assessment Screening

8.1.1. Battery Energy Storage is not a form of development that is listed in Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended. While specific forms of energy-related development are listed in Schedule 5, such as wind power and hydroelectric, there is no mention of energy storage. With regard to the proposal falling within electricity production, in particular,

- Class 3(a) of Schedule 5, Part 2 which is described as Industrial installations for the production of electricity, steam and hot water not included in Part 1 of this Schedule with a heat output of 300 megawatts or more,

I do not consider that the proposed development falls within Class 3(a), (Part 2) as the use of the word 'and' rather than 'or' refers to a composite development type such as for example a combined heat and power plant which is not applicable.

8.1.2. While the Board may wish to give consideration to the access track of 400m and spurs of less than 50m in view of the threshold of 2000m for class 10(dd) (Part 2) described as,

- All private roads which would exceed 2000 metres in length,

In view of nature and context I do not consider this qualifies as subthreshold development requiring a screening report.

8.1.3. Similarly, the Board may wish to consider the nature of the development as Infrastructure project being of a type of industrial estate (Class 10 (a)) when viewed cumulatively with the partially adjacent substation. I do not consider the partial development of a field on a temporary basis and in an agricultural holding qualifies the development as an industrial estate which implies a grouping of industrial uses.

Even if such a category were applied, the scale of the development falls short by a considerable magnitude of the 15-hectare estate as quantified in Part 2 Regulations and does not warrant a screening report.

- 8.1.4. The Board may also consider the proposed development as urban development under Class 10 (b) (iv) however I do not consider the nature of the development, which amounts to containerised modules requiring limited works and reinstatement to agricultural use, constitutes urban development. Even if it were deemed as such, the land is not part of a business district (as defined in the Regulations) or built-up area and otherwise falls considerably short of the 20 hectare threshold for such development.
- 8.1.5. I am of the opinion that the proposed development cannot be reasonably classed as a form of development that falls within Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, and in view of the nature and scale of the proposed development, the criteria for screening sub-threshold development does not arise and an Environmental Impact Assessment Screening Report is not therefore required.

9.0 Assessment

9.1. Issues

- 9.1.1. This is a first party appeal against a decision to refuse permission for renewable energy infrastructure on the basis of landscape impact. There is no issue with the general principle of development and issues in relation to traffic, archaeological heritage and environment have been addressed during course of consideration by the planning authority. I am satisfied that the main issues in this case relate to Landscape and visual impact and impact on residential amenities. The issue of principle should also be considered in detail to provide context for assessing the overall impact. Other matters relate to duration of permission and archaeological conditions of a permission in the event of a decision to grant.

9.2. Principle

- 9.2.1. I accept that BESS (battery energy storage system) is a highly efficient and effective source of system services, as it is not a generator, meaning BESS can provide stability to the electricity system without displacing renewable resources. The proposed development is a means of augmenting the electricity grid by providing energy storage for renewable energies which for example may peak at time of low demand. The principle of improving infrastructure for the provision of renewable energy is consistent with the national, regional and local policies which aim to reduce greenhouse gas emissions, reduce reliance on fossil fuels and combat climate change. At a local level, the Mayo County Development Plan contains a number of Policies to support reductions in greenhouse gas emissions and to facilitate and encourage renewable energy projects, subject to normal planning criteria. I refer in particular to EY 01.
- 9.2.2. In providing energy storage, the proposed development will enhance renewable energy infrastructure and will contribute to Ireland's targets for electricity generation from renewable sources and for reductions in greenhouse gas emissions and I therefore consider the proposed development to be acceptable in principle, subject to consideration of key planning issues.
- 9.2.3. In terms of key locational factors supporting the proposal, the site is adjacent to an electricity supply substation and positioned for convenient access to support this and connect to the local distribution network.
- 9.2.4. In terms of spatial objectives, the site is in agricultural unzoned land outside the town boundary of Claremorris and does not conflict with any specified land use objectives on or adjacent to the site. I refer in particular to the location and direction of linear routes such as walk and cycle ways and new road network. I also note planning guidance for renewable energy favours agricultural land of marginal value which I consider to be relevant in this case due to the terrain and wet grassland vegetation in parts of the site.

Grid connection

- 9.2.5. An indicative cable is indicated in Appendix 2 of submitted plan (18th January 2018) linking into the existing substation located to the west of the appeal site. During the application the applicant clarifies the siting as being for convenient and efficient

connection to the Dalton 110kV transmission but this a separate stage and consent process.

- 9.2.6. As an aside, having reviewed the planning application documentation and drawings, I am satisfied that the connection of the energy storage system to the grid does not form part of the proposed development. I am therefore satisfied that the proposed development can be assessed on its merits. In the event of grant of permission, I recommend that a condition be included to clarify that the 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.

9.3. **Visual Impact and Landscape**

- 9.3.1. The planning authority is concerned about the potential significant change in landscape character brought about the change in site levels to accommodate the development. The topographical survey drawings as submitted and as amended in clarification of further information and grounds of appeal fail to satisfy the planning authority as to the certainty of final contours of the site and ultimately visual impact.
- 9.3.2. The planning authority is most concerned for example that battery containers in some instances appear to straddle a 2m ground level difference and the drawings fail to explain this. There is also concerns that the storage containers are not depicted in the sections. In this regard I note that the section YY drawing has included nine rows of containers marked blue rather than 8 blue containers and one purple in the plan. This is, I consider, a minor error in the drawings
- 9.3.3. While I note that the containers straddle a sloped surface the concrete supports ensure level bases for each container. This is apparent in the drawings and explained in the grounds of appeal. I also note the containers have an overall height of 4m which includes the concrete supports. I accept that the 900mm max as indicted in the drawings (annex J Clarification of further info.) may not however be fully achievable without some modification to ground levels.
- 9.3.4. The applicant refers to the cupped terrain and has removed some 16 containers from the original 68 proposed and has demonstrated a capacity to increase the landscape buffer to the north and east where the site rises.

- 9.3.5. The existing contours show a range of levels for 66-78m OD ground level and the proposed ground levels for the containers are at 68-76m OD and generally follow the contouring of the ground with the majority concentrated at the lower levels.
- 9.3.6. While I accept that recontouring of part of the site will be required I note that the archaeological trench testing reveals several episodes of levelling and land improvement works in parts of the site. The test trench investigations also indicate that the recorded location of the enclosure within the site boundary now comprises the infilled remains of a sand pit which has been used since the 19th century.
- 9.3.7. In respect of visual impact, I do not consider the finished heights of 4m above ground level and at maximum of around 80m OD to be a significant intrusion.
- 9.3.8. Having regard to the Development Plan Landscape typologies and policies together with the characteristics of land which is of marginal agricultural use the nature of the landscape is capable of absorbing this development. It is lower than a dwelling.
- 9.3.9. As previously noted the development does not compromise the development of green routes or such amenities which lie on the other side of the N17 and the substation intervenes views from the town side in any event. Furthermore, the development is of a temporary nature and does not constitute a permanent feature on the landscape were criteria to change in the future.
- 9.3.10. Having regard to these factors and the development plan policy in relation to energy infrastructure and drumlin landscapes, I conclude that the proposed development will not unreasonably impact on the visual amenities or landscape character of the area.

9.4. **Residential Amenity**

- 9.4.1. The planning authority makes reference to the proximity to housing, impact on amenities and potential for depreciation in property values. While the main consideration relates to visual, I consider other aspects of amenity should be examined for completeness and these relate to health and safety, noise and traffic safety.
- 9.4.2. **Health and Safety:** The proposed fencing and enclosing industrial containers, CCTV, lighting will address the issues of monitored access and public safety. The overall detailed measures in relation to health and safety aspects of the

technology/facility are also stated in the Safety and Emergency Plan (Annex I) in clarification of Further information which refers to an extensive range of standards for Health and Safety and Battery Storage to be complied with outside the Planning Act.

- 9.4.3. **Noise:** The applicant carried out a noise assessment and identifies sources of noise from the external condenser units, containerised inverters and transformers and the nearby receptors at various distances of 145, 150, 160 and 225 metres. The predicted external noises levels are plotted on mapped contour lines and show a level of 35dB L_{Aeq} in the order of 80m from the nearest receptors which rises to 45 dB L_{Aeq} at, or, within a few metres of the site boundary. These levels indicate that the noise generated by the energy storage facility would be low when calculated to the nearest third-party receptors and would not exceed guideline noise limits such as those set by the World Health Organisation. It is reasonable to conclude on this basis, that the proposed development would have no adverse noise impact on the general noise climate of the area and would therefore not seriously injure residential amenity.
- 9.4.4. **Roads and Traffic:** The main traffic-related concerns raised in the application relate to efficiency of the N60 a national primary road and this was addressed in a Road Safety Audit through detailed measures in relation entrance sightlines of 120m (detailed drawing attached in Further information), boundary details, vehicle permeability (along track) footpath details at site entrance, capacity at site entrance, surfacing at entrance and access track gradient. Subject to further clarification, these measures are substantially to the satisfaction of the roads authorities.
- 9.4.5. I note that the traffic generated during the operational phase will be very low at 1-2 vehicles per month and will primarily consist of light vehicles. While a significant amount of traffic will be generated during the construction phase, this is indicated as lasting for 26 weeks, which I do not consider to be so significant in terms of timeframe or traffic volumes. I note that a Construction Traffic Management Plan is to be put in place to ensure HGVs do not meet at mouth of junction, to ensure safe entry and exit for HGVs with minimal disruption to mainline traffic and deliveries to take place outside peak traffic hours.
- 9.4.6. I consider that the proposed development will not give rise to a significant degree of traffic congestion during the construction phase, and that construction traffic will not

give rise to a traffic hazard subject to compliance with a construction management traffic plan and other appropriate measures indicated in audit.

9.5. Duration of Permission and Development

- 9.5.1. I note that the applicant initially sought a 10-year permission but later states (in further information and appeal grounds) that changes in regulatory environment no longer necessitates this extended duration. Having regard to the scale and nature of development and relatively limited construction period and the provisions for grid connection within and adjacent to the site, I do not consider that a 10-year permission is warranted in this instance. In the interest of clarity, the duration of the any permission should be limited to five years.
- 9.5.2. The applicant is also seeking a 30-year duration for the development. Having regard to the on-going changes in technology and the Board's decisions in this regard – I refer to the comparable solar energy farms in containerised format, I consider that a 25-year duration would be more appropriate in order to allow the planning authority to review the operation of the development in light of the circumstances then prevailing, particularly with regard to future land use requirements for Claremorris.

9.6. Archaeology

- 9.6.1. I note the conclusions of the Archaeological impact assessment that:
- The testing undertaken for this assignment suggest that the recorded monument (RMP no. MA101-402) located within the site boundary was erroneously recorded as an enclosure and does not represent a pre-1700 archaeological site. Combining evidence from historic maps, local information and the results of the archaeological testing the recorded site appears to have been a sand extraction pit and associated lime kiln. No evidence of the kiln was identified during archaeological testing and this feature may have been removed because of quarrying and later improvement works.
 - There were no archaeological features or artefacts noted in any of the test trenches excavated on the footprint of the proposed development.

- There are no significant upstanding visible surface traces of any features associated with the enclosure (RMP no. MA101-089) which is located to the north of the proposed development and the development will have no visual or archaeological impact on this archaeological site.

Accordingly, I concur with the recommendation that in view of the potential for fragmentary subsurface remains of the possible lime kiln that ground reductions work for the proposed development within the vicinity of the sand pit erroneously recorded by the Archaeological Survey of Ireland as an enclosure (RMP no. MA101-042) be archeologically monitored by a suitably qualified archaeologist.

9.7. **Appropriate Assessment**

- 9.7.1. An appropriate assessment screening was undertaken by the applicant and contents are noted.
- 9.7.2. The nearest European site is Carrowkeel Turlough SAC (Site Code 0900475) at a distance of 7.4km south of the site. The site is also within the Corrib catchment with drainage ditches through and near the site eventually draining to the Lough Corrib/Mask Complex SAC and Lough Cara SPA approximately 48km downstream of the site.
- 9.7.3. The proposed development incorporates construction and operational process that safeguards water quality within and downstream of site. Such measures include off-site washing of machines controlled refuelling areas and stockpiling. And surface water management plan.
- 9.7.4. the batteries stored within the containers are Li-ion based which are state not to leak and inside sealed used held in racks within the containers. Each container contains real-time air condition monitoring and mechanisms to ensure batteries do not overheat. Each container also contains automated fire-suppression equipment.
- 9.7.5. The substation compound will contain 110% capacity of the gird transformers thereby containing potential pollutants in the unlikely event of leakage from transformers.
- 9.7.6. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed

development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

9.8. Conclusion

9.8.1. In conclusion, I consider that the benefits of the scheme, which would make a significant contribution to national renewable energy provision, outweigh the impact on the landscape and visual amenities of the area at this location. Furthermore, I do not consider the proposed development will give rise to any serious injury of residential amenity and is acceptable in terms of traffic safety and public health. Accordingly, the proposed development is acceptable at the location outside the designated development area of Claremorris.

10.0 Recommendation

10.1. I recommend that planning permission should GRANTED subject to conditions based the reasons and considerations, as set out below.

11.0 Reasons and Considerations

11.1. Having regard to the provisions of national policy objectives in relation to renewable energy, the provisions of the Mayo County Development Plan 2014 – 2020, the nature and scale of the proposed development, the landscape character and site layout, it is considered that, subject to compliance with the conditions set out below, the reduced scale of development would support national and regional renewable energy policy objectives, would not conflict with the provisions of the Development Plan, would not have unacceptable impacts on the visual amenities of the area, would not unduly detract from the amenities of the area and would not pose a serious risk to public health and safety, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. 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 submitted to the Planning Authority on the 30th April, 2018, and 5th September 2018, 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 development hereby permitted may be carried out shall be five years from the date of this Order.

Reason: In the interest of clarity

3. The permission shall be for a period of 25 years from the date of commissioning of the battery energy storage system and the following conditions shall be adhered to the following:

(a) All structures including foundations hereby authorised shall be removed not later than 25 years from the date of commissioning of the development, and the site reinstated unless planning permission has been granted for their retention for a further period prior to that date.

(b) Prior to commencement of development, a detailed restoration plan for return to an agricultural field and providing for the removal of the Battery Energy Storage System (BESS), including all, containers, foundations, inverter/transformer stations, substation, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority. On full or partial decommissioning of the BESS, or if the BESS ceases operation for a period of more than one year, the containers, including foundations/anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be

restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

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

4. The layout shall be modified as indicated the site layout plan lodged to An Board Pleanala with the appeal so to ensure that
 - a. The containers shall be reduced from 68 to 52 in number.
 - b. A landscaping margin of at least 5m along the norther boundary of the battery compound and 3m along the eastern boundary compound shall be provided.
 - c. No battery container shall exceed at finished height of 80.5m OD

Details shall be lodged for the written agreement of the Planning authority prior to commencement of development.

Reason: In the interest of clarity.

5. 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.

6. The proposed development shall be undertaken in compliance with all environmental and traffic safety commitments made in the documentation supporting the application.

Reason: To protect the environment.

7. (a) The landscaping proposals shall be carried out within the first planting season following commencement of development. All existing hedgerows (except at access track openings) shall be retained where practicable. 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.

8. The inverter/transformer stations, storage module and all fencing shall be dark green in colour. The external walls of the proposed structures shall be finished in a neutral colour such as light grey or off-white; the roof shall be of black tiles/slates.

Reason: In the interest of the visual amenity of the area.

9. (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.

(e) Cables within the site 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.

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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. The construction of the development shall be managed in accordance with a Construction 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 development, including hours of working, noise management measures, surface water management proposals, environmental management, the management of construction traffic and off-site disposal of construction waste. The plan shall also include a construction method statement to ensure the avoidance of impacts on badgers and otters.

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

12. Water supply and 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 environmental protection and public health.

13. 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 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 developer 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.

14. 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 on cessation of the project 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 satisfactory reinstatement of the site.

15. Free-field noise levels attributable to the operation of the development when measured at the nearest noise sensitive locations shall not exceed 45 dB(A) (15 minute L_{Aeq}) at any time.

Reason: In order to protect the residential amenities of property in the vicinity.

16. 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 Bord 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.

Suzanne Kehely

Senior Planning Inspector

14th March 2019