



An
Bord
Pleanála

Inspector's Report ABP-303812-19

Development	10 year permission for construction of an energy storage facility with electrical substation, electrical transformer/invertor station modules, containerised battery storage modules.
Location	Irishtown, Mullingar, Co. Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	186063
Applicant(s)	Highfield Energy Services Limited.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellant(s)	<ol style="list-style-type: none">1. Adrian Glover.2. Seamus Mimmagh.3. Brendan and Patricia Divine.4. Denise Duignan and Jason Maher.5. Darren Walsh and Lisa Purcell.

Observer(s)

None.

Date of Site Inspection

14th May 2019.

Inspector

Karen Kenny

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1.0 Site Location and Description

- 1.1. The site is located in the rural townland of Irishtown, on the north west outskirts of Mullingar in Co. Westmeath. The site is approximately 2 km from the centre of Mullingar and approximately 500 metres west of the development boundary defined by the Mullingar Local Area Plan 2014-2020.
- 1.2. The site, with a stated area of 0.63 hectares, is located in the northern section of a larger agricultural field and fronts directly onto a local county road. The site comprises a square area (c. 50m by 60m) adjacent to the public road. The linear route of the proposed grid connection (c.10m by 230m) to the ESB 110kv substation to the south is also included within the site.
- 1.3. The area is rural in character, with significant rural housing along the local road network. The closest residential property to the proposed energy storage facility is c.116 metres north east of the site. The site is accessed via a narrow county road and is c. 1 kilometre from the R393 Regional Road.

2.0 Proposed Development

- 2.1. Permission is sought for an energy storage facility. The development as amended at further information stage includes a total of 17 no. containerised battery storage modules.
- 2.2. The overall development comprises a single storey electrical substation building, electrical transformer / inverter station modules, containerised battery storage modules on concrete support structures, access track, associated electrical ducting, cable racking and cabling, security fencing and CCTV, lighting protection poles, communications equipment and ancillary infrastructure.
- 2.3. A Supplementary Report submitted with the application addresses the following:
 - Policy Context and Need for the Development
 - Development Description and Site Selection Criteria
 - Appropriate Assessment Screening
 - Landscape and Visual Appraisal
 - Archaeology

- Noise Impact Assessment
- Soil Geology
- Flood Risk Assessment

2.3.1. Further information submitted to the Planning Authority included a Landscape and Visual Assessment (Viento Environmental Limited), Revised Noise Assessment Report, an Outline Accident and Emergency Action Plan and Ecological Assessment (Wetland Survey Ireland Ltd, Ecological Consultants).

3.0 Planning Authority Decision

3.1. Decision

Grant permission. The following conditions are of note:

- Condition no. 6: Landscaping scheme to be submitted for agreement.
- Condition no. 7: No external lighting to be installed without a prior grant of permission.
- Condition no. 8 and 9: Noise restrictions during construction and operational phases.
- Condition no. 10: Archaeological monitoring.
- Condition no. 15: Decommissioning within 30 years of commencement.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Following an initial assessment further information was requested in relation to landscape and visual impact, noise impact, the number of battery storage containers, risk of fire / explosion, ecology and the need for EIA.
- The Planner's Report following receipt of further information recommends that permission be refused due to the impact on the landscape and visual amenity. The recommended reason for refusal is as follows:

“The development by virtue of its form and scale on a large exposed field within the Lough Owel High Amenity Area and adjacent to a cycling amenity

route is considered to cause harm to the landscape and visual amenities of the area and is contrary to policies P-HAA1 and P-HAA5 of the Westmeath County Development Plan 2014-2020 and to the proper planning and sustainable development of the area”.

3.2.2. Other Technical Reports

Environment Section: No objection.

Area Engineer: No objection.

Chief Fire Officer: No objection.

3.3. Prescribed Bodies

Irish Water: No objection.

3.4. Third Party Observations

A total of 10 no. third party submissions were received and considered by the Planning Authority. The issues raised are similar to those raised in the grounds of appeal.

4.0 Planning History

4.1.1. There is no recent planning history pertaining to the appeal site.

5.0 Policy and Context

5.1. European Policy

EU Directive 2009/28/EC – Energy from Renewable Resources 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%).

5.2. Irish Energy Policy

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

The white paper on energy policy (Department of Communications, Energy and Natural Resources – Dec 2015) provides an energy policy update for Ireland. It sets out a vision to reduce greenhouse gas emissions by between 80% and 95% by 2050, compared to 1990 levels, falling to zero or below by 2100.

Strategy for Renewable Energy, 2012 – 2020.

This Strategy reiterates the Government's position that 'the development and deployment of Ireland's abundant indigenous renewable energy resources, both onshore and offshore, clearly stands on its own merits in terms of the contribution to the economy, to the growth and jobs agenda, to environmental sustainability and to diversity of energy supply'.

National Renewable Energy Action Plan (NREAP).

The NREAP was submitted to the European Commission in 2010. It sets out Ireland's approach to achieving legally binding targets, with a target of 40% of electricity consumption to be from renewable sources by 2020. A forth progress report on the NREAP was submitted to the European commission in February 2018 which detailed an installed capacity of wind power and solar power in electricity generation of 2,827MW and 5.93 MW respectively (Table 1.b).

5.3. National Planning Framework (NPF), Government of Ireland, 2018

The National Planning Framework (NPF), is the overarching national planning policy document. The transition to a low carbon and climate resilient society is one of ten National Strategic Outcomes (NSO's) for the NPF. The framework notes that in the energy sector, transitioning to a low carbon economy from renewable sources of energy is an integral part of Ireland's climate change strategy. National Policy Objective no. 55 is "to promote renewable energy use and generation at appropriate locations within the built and natural environment". It is also an action of the NPF under NSO no. 8 to "reinforce the distribution and transmission network to facilitate planned growth and distribution of a more renewables focused source of energy across the major demand centres".

5.4. Development Plan

5.4.1. The Westmeath County Development Plan 2014-2020 is the relevant statutory plan for the area. The site is located in a rural area outside of a designated settlement. The following objectives of the Development Plan are considered to be relevant:

- P-GTA5: To continue to protect the high-quality landscape in Westmeath, in particular High Amenity Areas, from the adverse effect of inappropriate development, and thereby protect the premium tourism product on offer in the county.
- P-HAA5: To prohibit development where it would be injurious to or detract from the natural amenity of a High Amenity Area.
- Policy P-EN1: To promote renewable forms of energy where it is consistent with the proper planning and sustainable development of an area.
- Policy P-EN2: To support local, regional, national and international initiatives for limiting emissions of greenhouse gases through energy efficiency and the development of renewable energy sources which make use of the natural resources in an environmentally acceptable manner and having particular regard to the requirements of the Habitats Directive.
- Objective O-EN1: To support the implementation of actions identified in the Westmeath County Council Energy Efficiency Action Plan 2011.
- Policy P-SBV1: To conserve the existing wide range of flora, fauna and wildlife habitats in the county, through the preservation of ecological corridors and ecological networks. These are the habitats that link the areas of high nature conservation value.
- P-ELE1: To support and 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.
- P-ELE4: To co-operate and liaise with statutory and other energy providers in relation to power generation, in order to ensure adequate power capacity for the existing and future needs of the county.
- P-ELE5: To support the implementation of EirGrid's Grid 25 Investment Programme, subject to landscape, residential, amenity and environmental considerations.

- P-ELE6: To support and facilitate the development of enhanced electricity and gas supplies, which do not negatively impact on environmental quality, landscape, wildlife, habitats or residential amenity and which are critical to the economic development of the county.
- P-LCA1: To protect the distinctiveness, value and sensitivity of County Westmeath's landscapes, including the Lakelands and to recognise their capacity to sustainably integrate development within them.
- P-HAA1: To conserve the natural resources of each area of High Amenity, in terms of landscape character, scenic quality, habitat value and water quality.
- P-HAA5: To prohibit development where it would be injurious to or detract from the natural amenity of a High Amenity Area.
- P-HAA6: To strictly control development adjoining or on the approach to the lakeshores. Any development which would detract from the natural amenity will be prohibited.
- Volume 2 – Book of Maps indicates that the site is partly within the Lough Owel High Amenity Area, is in Landscape Character Area 4 (Central Hills and Lakes) and in the Louth Owel Surface Water Management Catchment (Map 10).

5.5. Natural Heritage Designations

The site is not located within or immediate adjacent to any European Site (s).

5.6. EIA Screening

The proposed development is not of any type included in Schedule 5 of the Planning and Development Regulations 2001 (as amended), i.e. development for which mandatory EIA is required nor is it integral to any project that is of a type included in Schedule 5. EIA can therefore be screened out.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A total of 5 no. third party appeals have been received by the Board from residents of the area. The issues raised in each appeal are similar and can be summarised as follows:

- Impact on High Amenity Area, Landscape Character and Rural Character and reliance on landscaping to mitigate adverse impacts.
- Impact on views.
- Noise Impact.
- Light spill.
- Risk of fire and explosion and associated environmental impacts.
- Need for EIA not addressed.
- Impact on Louth Owel SPA.
- Traffic Impacts.
- Loss of productive agricultural land.
- Loss of hedgerow.
- Risk to Regional Water Supply from contamination, runoff, leakage or other unforeseen occurrences.
- Impacts on residential amenity and quality of life.
- Contravenes Development Plan objectives in respect of High Amenity Areas, protection of lakes and shorelines and recreation.
- Inaccuracies in the application and in planning authority reports.
- Scale of development and potential to co-locate with existing substation.
- Precedent.

6.2. Applicant Response

The applicant's response can be summarised as follows:

- The application included a Landscape and Visual Impact Assessment. The scale of development was reduced at further information stage to accommodate landscaping measures. The applicant is open to further requirements relating to the timing and maturity of landscaping.
- Need to strike a balance between proximity to the existing substation, whilst maintaining a separation from residential dwellings.
- Reports on the file from the District Manager and Director of Services conclude that the impact of the proposed development would not warrant refusal or have any adverse negative impact on the High Amenity Area designation.
- The response refers to previous grants of permission by ABP in sensitive landscapes (ABP-301676-18, Battery Storage in Cork Green Belt; ABP-301726-18, Solar PV in Wicklow Coastal Area of Outstanding Natural Beauty; ABP-249155, Solar PV in Kildare High Amenity Area; ABP-247942, Solar PV in Wicklow Area of Special Amenity; ABP-246527, Solar PV in Wicklow Area of Special Amenity Solar).
- The photos submitted with the appeals show existing electricity infrastructure in the area (OH lines or the 100kv Substation). The Inspectors Report in respect of a similar development in Cork (ABP-301676-18) notes the presence of an ESB substation and electricity lines and supporting poles and lattice towers and concludes that the introduction of the battery storage facility into the middle distance would not appear intrusive.
- No fencing proposed along the underground cable linking the storage facility to the substation.
- The submitted Noise Assessments consider all noise sensitive receptors. Sufficient information has been provided and noise limits can be applied.
- Fire detection and suppression measures included in the Outline Accident and Emergency Action Plan submitted at Further Information stage. The Chief Fire Officer indicates no objective subject to adequate water for firefighting being provided. Link provided to a Hazard Assessment for the National Fire Protection Association by E^xponent (www.nfpa.org).

- Reference to previous Board determination under ABP-301676-18 in relation to fire and explosion.
- In relation to precedent the response states that the applicant has no plans for any future expansion beyond the current application boundary.
- Planning Authority AA Screening concludes that the proposal would not give rise to significant impacts on any nearby Natura 2000 sites.
- The Area Engineer indicated no objection on roads grounds. A condition was included with the notification to grant permission for a Special Levy in respect of reinstatement of any damage to the local road. To allay concerns, the applicant will commit to a one-way system for access and egress along the L1701 during construction, with vehicles approaching from the east and exiting to the west. These commitments can be included within the Construction Management Plan.
- In terms of water supply, Irish Water have indicated no objection to the proposed development.
- The Area Engineers Report notes that the OPW Preliminary Flood Risk Assessment Maps do not indicate any flood risk for fluvial or pluvial flooding at this location.
- The applicant has submitted an updated EIA Screening Report and notes the conclusions of the Inspectors Report under ABP-301676-18.
- The site does not impact on the boundary of the adjacent residential property.

6.3. Planning Authority Response

- The application is in line with the guiding principles set out under the NPF National Strategic Outcomes 8 and 9 relating to the transition to a low carbon and climate resilient society and the sustainable management of water, waste and other environmental resources.
- Considered that the application is in line with objectives of the Draft RSES for the area in relation to supporting the transition to low carbon and clean energy and pursuing climate mitigation in line with global and national targets and

harnessing the potential for a more distributed renewables focussed energy system to support the transition to a low carbon economy.

- Government and County Development Plan policy in relation to renewable energy is set out in Schedule 3 on the file and remains applicable.
- In terms of visual impact, it should be noted that the application relates to a temporary 10-year period and it is considered (having regard to the submitted Landscape and Visual Assessment) that the landscape impacts have been anticipated and recognise the sensitivity of the landscape.
- In terms of topography, it is considered that the site is robust and capable of absorbing the proposed development, as there are few clear views into the site.
- Subject to conditions, the proposal would comply with the Policy Objectives of the Development Plan in relation to climate adaption. It is capable of being screened and thereby integrated into the landscape in a manner that would be compatible with the visual amenity of the area. Considered that there are no traffic implications. It is considered that the environmental impact of the proposal would be compatible with the amenities of existing residential properties.

6.4. Observations

None.

6.5. Further Responses

6.5.1. A further response has been received from four of the appellants. The submissions for the most part reiterate and expand upon issues raised in the grounds of appeal.

6.5.2. The following new issues have been raised:

- The Board should not be bound by precedent set in other areas.
- The claim that views in the area include electrical infrastructure are incorrect. Due to the land levels, only the top of the substation can be seen from 500 m away.

7.0 Assessment

7.1.1. I have visited the site and the surrounding area and read the details contained on the file. I consider that the main issues to be considered are as follows:

- Principle of Development
- Impact on Landscape, High Amenity Area and Visual Impacts
- Noise Impacts
- Risk of Fire and Explosion
- Traffic
- Drainage and Flood Risk
- Other Matters
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The proposed development relates to an energy storage facility comprising 17 no. battery storage units and associated equipment on lands in the rural townland of Irishtown, Mullingar, Co. Westmeath. The facility would be used to collect and store energy and discharge it back to the grid when needed in order to balance supply and demand fluctuations. Storage facilities such as this are used to address grid stability issues arising from the intermittent nature of renewable energy generation (wind and solar). The details submitted with the application state that the maximum import and export capacity is expected to be up to 26 MW. The facility is located c. 220 metres to the north of an existing 110kv substation where it would connect to the national grid.

7.2.2. Renewable energy development is supported 'in principle' at a national, regional and local policy level, with collective support across government sectors for a move to a low carbon future and an acknowledgement of the need to encourage the use of renewable resources to reduce greenhouse gas emissions and to meet renewable energy targets set at a European Level. National Policy Objective no. 55 of the National Planning Framework is "to promote renewable energy use and generation at appropriate locations within the built and natural environment". It is also an action

of the NPF under National Policy Objective no. 8 to “reinforce the distribution and transmission network to facilitate planned growth and distribution of a more renewables focused source of energy across the major demand centres”. At a local level Policy P-ELE6 of the Westmeath County Development Plan seeks “to support and facilitate the development of enhanced electricity and gas supplies, which do not negatively impact on environmental quality, landscape, wildlife, habitats or residential amenity and which are critical to the economic development of the county”.

- 7.2.3. There is no national guidance in relation to the location of grid energy storage facilities. The development would be located on agricultural lands that are outside of a designated settlement. One appellant highlights the loss of agricultural land and I would note that national policy seeks to increase agricultural productivity; however, I consider that the scale of the proposed facility is such that it would not be likely to compromise agricultural productivity. Furthermore, the facility is proximate to an existing electricity substation and will connect to the national grid at this location.
- 7.2.4. The proposed development will support the use of energy generated from renewable sources. There is policy support for this type of development at national, regional and local policy levels and I am satisfied that the proposed development is suitably located and is acceptable in principle.

7.3. Impacts on Landscape, High Amenity Area and Visual Impacts

- 7.3.1. The site is located in a rural area in the hinterland of Mullingar. While the area is rural in character, there has been significant housing development along the local road network in the area. The closest residential property to the site is located c. 116 metres to the east of the site. There is a 110kV electricity substation located c. 225 metres to the south of the site and associated pylons and overhead lines in the adjacent fields.
- 7.3.2. The grounds of appeal argue that the proposed development would impact negatively on Landscape Character, on the Lough Owel High Amenity Area and on rural amenity and contravene Development Plan objectives in relation to the protection of such areas. One appeal argues that the reliance on landscaping to mitigate impacts is not acceptable in the High Amenity area. A number of appeals argue that views from their properties towards the High Amenity Area are protected.

- 7.3.3. The battery storage facility (50m x 60m approx.) is situated at the northern end of a large field. The field is bordered to the south and east by one off housing and an ESB substation. The proposed facility would contain 17 x modular steel battery container units, a spare parts storage container, a single storey substation building, inverter/ transformer units, pole mounted CCTV security cameras (up to 4 metres high) and lightening protection poles (5m). A cable connection to the substation to the south would be underground. Structures range in height from c. 2.4 metres to 5 metres and the compound would be enclosed by a system security fence (up to 2.7 metres high) and planting.
- 7.3.4. The site sits at c. 115m AOD. There is an established roadside hedge along the northern site boundary and the other boundaries are undefined. The landform in the area is generally flat or gently undulating. Locally, lands slope down to the north and west of the site and rise to 121m AOD immediately to the south / southwest of the site. Lands to the east are at a similar level to the site. The lands to the north between the site and Lough Owel (1.4 km to the north) benefit from a high degree of visual containment, due to the presence of mature vegetation (trees, hedges and woodland). The raised landform to the immediate south of the site screens views from the south and west. There is no screening or landcover between the site and the residential properties to the east of the site (inc. appellant's properties) and the development would be visible from these properties.
- 7.3.5. The Landscape Character Assessment for County Westmeath is detailed in Chapter 6 of the Development Plan and in Map 4 of Volume 2. The site is located within Landscape Character Area (LCA) 4 "Central Hills and Lakes". The area is described as an area of "high scenic quality and amenity value". The visual sensitivity of the LCA and its capacity to absorb development is not described. The site is also in the Lough Owel High Amenity Area. It is at a transitional location at the southern edge of the designated area. Policy Objective P-HAA1 of the Development Plan is "to conserve the natural resources of each area of High Amenity, in terms of landscape character, scenic quality, habitat value and water quality". Policy Objective P-HAA5 is "to prohibit development where it would be injurious to or detract from the natural amenity of a High Amenity Area". There are no protected views in the area.
- 7.3.6. The Landscape and Visual Impact Assessment (LVIA) submitted at further information stage describes the sensitivity of the landscape at this location as medium, which I consider reasonable. The visual analysis concludes that views of

the development would be localised (c. 300 m radius) due to the limited height and extent of the proposed development, the level of vegetation and enclosure in the area and the proposed landscaping measures. The LVIA suggests that once landscaping is established the level of change immediately adjacent to the site would be moderate to minor and within the 250m-300m zone minor to negligible. I note the findings of this assessment. The submission from the Planning Authority states that the development is capable of being screened and of being integrated into the landscape.

- 7.3.7. The proposed development would introduce a modern industrial installation into a rural agricultural landscape. The development is of limited height and scale and I would concur with the LVIA conclusion that landscape and visual changes arising from the development will be localised and that there will be no wider landscape impacts. The development will be visible from the residential receptors to the east (inc. appellant's dwellings) and from the roadway to the front (north) with intermittent views beyond this. I consider that the extent of visual change is not significant, given the limited height and scale of the development and that potential impacts can be adequately mitigated through landscape screening. I consider that the proposed development would not impact unduly on the amenities of the area, nor would it be in conflict with Development Plan objectives in relation to the protection of High Amenity Areas and Landscape Character and that refusal is not warranted on this basis.
- 7.3.8. In the event that the Board is minded to grant permission I recommend that a landscaping condition is attached to ensure that comprehensive landscaping details are agreed prior to the commencement of development.

7.4. Noise Impacts

- 7.4.1. The grounds of appeal argue that the proposed development will impact on the amenities of properties in the vicinity of the site due to noise impacts. It is argued that the submitted Noise Assessment understates noise impact and that the cumulative impacts from plant and equipment is not considered. It is argued that the total cumulative sound from the proposed energy facility (all condenser, inverter and transformer units) would be 85.45dB.

- 7.4.2. There is no Irish guidance on the control of noise from energy storage facilities. The main impacts arising during the operational phase would be from plant and equipment (34 no. external condensers / heat pumps, 17 no. internal power inverters and extract fans and 17 no. transformers). The plant and equipment would operate intermittently as required, during day, evening and night-time periods. This equipment would generate noise with tonal elements.
- 7.4.3. During site inspection, I noted that the noise environment in the area is quiet with no notable noise intrusions. The closest noise sensitive receptors (dwellings) are c. 125 metres, 170 metres, 180 metres and 230 metres from the site boundary.
- 7.4.4. A detailed Noise Assessment was submitted to the Planning Authority at further information stage. The assessment is desk based and does not include site specific measurements in relation to background noise or climatic factors.
- 7.4.5. Noise impacts were modelled to ISO¹ standards and mapped using IMMI Noise Mapping Software. The model outputs in Appendix B lists the outputs from all of the equipment (e.g. 17 no. transformers) and assumes concurrent operation. I am therefore satisfied that cumulative impacts have been modelled. Figure 3 of the Report indicates that the 35dB L_{Aeq} noise contour (acceptable night time level) is at a significant distance from all sensitive receptors. The predicted external noise levels at the receptors range from 22 L_{Aeq} dB to 26 L_{Aeq} dB. I am satisfied that the potential noise impacts arising from the proposed development has been modelled to an acceptable degree, to include the cumulative impacts arising from all plant and machinery operating concurrently (worst case scenario). I consider, having regard to the predicted noise levels from the development and the distance from noise sensitive receptors that the proposed development would not impact unduly on the amenities of property in the vicinity.
- 7.4.6. I am satisfied that noise and disturbance arising from the construction phase of the proposal is short-term in nature and that it can be adequately mitigated through best practice construction management.
- 7.4.7. In the event that the Board is minded to grant permission I recommend that a noise control condition is attached to ensure that the amenities of the nearby houses or

¹ISO 9613-13-2: Acoustics – Attenuation of sound during propagation outdoors: Part 2: General method of calculation.

other noise sensitive locations are not disturbed during the operational phase of the development.

7.5. Risk of Fire and Explosion

- 7.5.1. The grounds of appeal include concerns in relation to the risk of fire and explosion and potential health and safety and environmental impacts arising from same. I would note that the details submitted at further information stage included an “Outline Accident & Emergency Action Plan” that addresses fire safety. The report addresses the risk of fire associated with battery storage units and includes details of the storage system and the fire detection and suppression measures to be employed, and procedures to be employed in the event of accident or emergency. The Chief Fire Officer indicates no objection to a grant of permission and states that the proposed development will require a Fire Safety Certificate under the Building Control Act 1990.
- 7.5.2. I am of the view that the issue of fire safety will be addressed under a separate, parallel, regulatory code and that it is not, therefore, a material consideration under the current planning process. In this regard, I am cognisant of the guidance set out in the Development Management Guidelines (DEHLG, 2007) in relation to matters that are the subject of more specific controls under other legislation. The guidelines state that it is not appropriate to deal with such matters as part of the development management process (Section 7.8 refers).

7.6. Movement and Access

- 7.6.1. The proposed site entrance is from a narrow local county road that is located c. 1 km east of the R393 Regional Road. There are a number of residential / farm properties with access from this road.
- 7.6.2. It is proposed to provide a new vehicular entrance to the site. The site layout plan indicates sightlines of 80 metres in each direction which is acceptable in my view. The Supplementary Document (Section 4.13) submitted with the application sets out details of the predicted traffic movements and volumes during the construction / installation and operational phases. The proposed HGV delivery route is via the N4, the R394 and the R394 and along the local access road for a distance of 1 kilometre. Appendix 9 indicates that the construction / installation phase would take c.16 weeks

with a total of 239 HGV movements anticipated and an average of c. 15 movements per week (15 x 2-way) during normal working hours. It is reasonable to assume that the traffic movements during decommissioning would be similar to that of the construction / installation phase, although this is not addressed in the report. The applicant in response to the grounds of appeal indicated that they would be prepared to operate a one-way system on the local road network for HGV's delivering to the site and that this can be agreed as part of a Construction Management Plan.

7.6.3. I am satisfied that impacts arising principally from the construction phase of the development have been adequately assessed in the submitted documentation. It is clear that there would be an increase in traffic on the local road network during the construction phase and that this may result in some disruption to local road users. However, I am satisfied that the impacts are short-term in nature and that the safety and carrying capacity of the road network would not be prejudiced, once a suitable traffic management plan is in operation. I am satisfied that no significant impacts would arise during the operational phase due to the infrequent nature of the site visits.

7.6.4. In the event that the Board is minded to grant permission for the proposed development, I recommend that a condition is included requiring the developer to submit a Construction Traffic Management Plan for the agreement of the planning authority prior to the commencement of development.

7.7. Drainage

7.7.1. The grounds of appeal express concern in relation to the potential for impacts on water quality in Lough Owel and on the Regional Water Supply from Lough Owel. Map 10 of Volume 2 of the Development Plan indicates that the site is within the Louth Owel Surface Water Management Catchment.

7.7.2. There are no drainage plans or details for the operational phase of the development. I would note that the site is a dry site with grassland cover and that there are no drainage features evident. The development would involve site clearance, levelling of the ground surface and the creation of a hard-standing of 2100sq.metres (approx.) and the installation of a battery-based energy storage facility and a substation building. The batteries are contained inside sealed units held within sealed storage containers. Subject to good construction and operational practices, run-off from

energy storage facilities of this nature tends to be similar in composition to the 'greenfield' discharge and suitable for a SUDs based infiltration drainage system (e.g. ground soakaway). The greatest threat to ground and surface water quality would arise in the event of accidental leaks or spillages or emergency (e.g. fire run off).

- 7.7.3. The Report of the District Engineer recommends that the drainage details be submitted for agreement prior to the commencement of development. The Report recommends that surface water is collected into onsite soakaways and that the soakaways are designed, constructed and maintained to BRE Digest 365 standard. The Report on the file from Irish Water indicated no objection to the development.
- 7.7.4. I am satisfied that the potential for pollution during the construction and operational phases of the development can be adequately managed through good management practices. To ensure pollution control in the event of accident or emergency, I recommend that provision is made for the emergency containment of run off within the site.
- 7.7.5. I am satisfied that adequate drainage arrangements can be implemented, subject to compliance with the requirements of the planning authority, and that the development would not pose a threat to ground and surface water systems.

7.8. Other Matters Arising

Impacts of Lighting and CCTV

- 7.8.1. No artificial lighting is proposed, nor should lighting be installed or operated on site without a prior grant of planning permission. I am therefore satisfied that light spill would not present as an issue on this occasion.
- 7.8.2. The proposed CCTV cameras would not impact on the amenities of properties in the vicinity, once they are fixed and angled to face into the site and not directed towards the road or nearby houses. These issues can be addressed by way of a planning condition.

Archaeology

- 7.8.3. There are no archaeological features of interest within the site or within 350 metres of the site, however, there are 5 no. features of archaeological interest within the wider area. The submitted Archaeological, Architectural and Cultural Heritage

Report recommends that development on the site is subject to archaeological monitoring. I consider that archaeological supervision of works is warranted due to the extent of known features in the area, and that this would be sufficient to mitigate any potential impacts on archaeology. I recommend that a standard monitoring condition is attached in the event of a grant of permission.

Cable Connection

- 7.8.4. It is intended to connect the proposed facility to the adjacent 110kv substation by way of an underground cable and indicative details have been provided. The appeals refer to a 'road' and 'fencing' along the grid connection route, however, no such features are proposed.

Decommissioning

- 7.8.5. No information has been submitted in relation to decommissioning of the site. This issue can be addressed by way of condition.

Other Issues

- 7.8.6. The concerns raised by the appellant's in relation to the accuracy of the information submitted by the applicant has been addressed to an acceptable degree over the course of the application and appeal. Other matters raised, in relation to the details of the Reports of the Planning Authority are not a matter for the Board. In relation to precedent, I would note that any future development proposals would be subject to a separate planning application and would be considered separately.

7.9. Screening for Appropriate Assessment

- 7.9.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) requires that any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.
- 7.9.2. The grounds of appeal refer to the potential for impacts on the Louth Owel SAC and SPA due to its proximity to the site.

7.9.3. The application was accompanied by a Stage 1 Appropriate Assessment Screening Report. The report describes the statutory context, the project, the site, European sites in the area and potential impacts. The report concludes that there are not likely to be any significant effects on the Natura 2000 network of sites and that there is no need to prepare a Natura Impact Statement in this instance.

AA Screening Assessment

7.9.4. The site is not within a European site and the works are not relevant to the maintenance of any such sites. In considering the likely zone of impact of the project, I have had regard to the potential for likely significant effects on European sites in the context of the qualifying interests and conservation objectives of sites using the source-pathway-receptor model. There are 5 no. European Sites within a 5 km radius of the appeal site as follows:

European Site	Site Code	Relevant QIs	Distance
Lough Owel SAC	000688	Hard Water Lakes (3140) Transition Mires (7140) Alkaline Fens (7230) White-Clawed Crayfish (1092)	c.1.1 km north west.
Lough Owel SPA	004047	Shoveler (A056) Coot (A125) Wetland and Waterbirds (A999)	c.1.1 km north west.
Lough Ennell SAC	000685	Alkaline fens (7230)	c. 4 km south.
Lough Ennell SPA	004044	Pochard [A059] Tufted Duck (A061) Coot (A125) Wetland and Waterbirds (A999)	c. 4 km south.

Wooddown Bog SAC	002205	Degraded raised bogs still capable of natural regeneration (7120)	c. 6.5 km east.
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- 7.9.31. The construction phase of the proposed development would comprise site clearance and preparation work and the installation of the grid energy storage facility and related structures and cabling and works in the vicinity. There would be moderate site clearance and excavation works. There are no habitats of conservation significance present within the site so no habitat loss is anticipated. There are no watercourses within or immediately adjacent to the site.
- 7.9.32. In terms of hydrological connection, the site is within a Louth Owel Surface Water Catchment identified by the Development Plan. Under the Water Framework Directive, it is in the Lower Shannon Catchment and in the River Brosna_SC-010 sub catchment which includes the Lough Owel SAC and SPA and the Lough Ennell SAC and SPA. The Woodstown Bog SAC is in a different sub-catchment.
- 7.9.33. In terms of ecological connections, the site comprises modified habitat of low ecological interest and the species for the SPA's in the area are not likely to occur within or in proximity to the site. Adherence to best practice methodologies during the construction phase would control the release of sediments to surface water and prevent surface and ground water pollution as a result of accidental spillages and leaks. The operational phase of the proposed grid energy storage facility would be relatively benign with no adverse effects anticipated. It is therefore reasonable to conclude that there is no potential for impacts on Natura 2000 sites and no potential for in combination impacts with other plans and projects.
- 7.9.34. Having regard to the nature and scale of the proposed development, the absence of habit of conservation significance and the absence of direct hydrological connection to European sites, and taking account of the separation distance to the nearest European sites and to the nature of their qualifying interests and conservation objectives, it is my opinion that the proposed development, subject to compliance with best construction practices, does not have the potential to affect the European sites or their conservation objectives.

AA Screening Conclusion

7.9.35. 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 European Site No. 000688 (Lough Owel SAC), 004047 (Lough Owel SPA), 000685 (Lough Ennell SAC) and 004044 (Lough Ennell SPA), or any other European site, in view of the site's Conservation Objectives, and that a Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below, and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Westmeath County Development Plan 2014 to 2020, and to the nature, and scale of the proposed development, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and the further information received by the planning authority on the 9th Day of January 2019, 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 permission shall be for a period of 25 years from the date of the commissioning of the grid energy storage facility. The grid energy storage facility and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

Reason: To enable the planning authority to review the operation of the grid storage facility in the light of the circumstances then prevailing.

3. Water supply and drainage arrangements shall comply with the requirements of the planning authority. Details of the surface water system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) A SUDs based infiltration system comprising soakaways designed to BRE Digest 365 standards (or as otherwise agreed by the Planning Authority).
 - (b) Provisions for the containment of run off from the site in the event of the accidental spillage or leakage of pollutants or any other event that changes the composition of run-off.

Reason: In the interest of pollution control.

4. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling 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 35 dB(A) at any other time.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

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

5. The storage structures shall be dark green in colour. The external walls of the proposed substation and switch room shall be finished in a neutral colour such as light grey or off-white; the roof shall be of black tiles.

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

6. The developer shall comply with the following technical requirements:
 - 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. Cables within the site shall be located underground.

Reason: In the interest of clarity, of visual and residential amenity, traffic safety, and to allow wildlife to continue to have access to and through the site.

7. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) A plan to scale of not less than 1:500 showing the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species designed to provide visual and acoustic screening over all months.
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
 - (c) A timescale for implementation.

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.

8. The developer shall comply with the following site restoration requirements:

- a. Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, shall be submitted to and agreed in writing with the planning authority.
- b. On full or partial decommissioning of the grid energy storage facility, or if the facility ceases operation for a period of more than one year, the site shall be restored and structures removed in accordance with the said plan within three months of decommissioning/cessation, to the written satisfaction of the planning authority.

Reason: To ensure the satisfactory reinstatement of the site on full or partial cessation of the proposed development.

9. During the construction stage, 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.

10. The site development and construction works shall be carried out such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

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

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 a traffic management plan, intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

12. 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.

13. 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. The application of any indexation required by this condition 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.

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.

Karen Kenny

Senior Planning Inspector

29th May 2019