



An
Bord
Pleanála

Inspector's Report ABP-304922-19

Development	Development for up to 100MW Battery Energy Storage Facility that will provide energy services to the national grid and will be delivered in 4 no. phases.
Location	Barrettspark, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	18/1883
Applicant(s)	Engie Developments Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to condition.
Type of Appeal	Third Party
Appellant(s)	Brendan Dowling.
Observer(s)	None.
Date of Site Inspection	11 th October 2019.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 1.6 hectares is located within the rural townland of Barretspark in east Co Galway. The site is situated approximately 7km to the west of Athenry, 6km northeast of Oranmore and 14km north east of Galway City. The site is located south of the R339 Galway - Monivea Road and is accessed via a private track off the local road L7109. The site is greenfield in nature (pasture) and lies to the south of a large 220kV Electricity substation, Cashla Substation. The substation is within a surfaced compound of over 4ha into which 7 No HV electricity lines (five 110kV and two 220kV) connect. The site is bounded by stone walls to the north east and south while post and wider fencing enclose its western boundary.
- 1.2. The C&F tooling factory is located a short distance to the north east. There is a disused quarry adjacent to the south and an operational quarry Cashla Quarry which includes a concrete batching plant to the west. There are also a number of rural houses and farm buildings in the area. The closest dwellings are within approximately 300m-400m to the east and south of the site. The M6 extends E/W circa 600m to the south of the site.

2.0 Proposed Development

- 2.1. The proposal as set out in public notices involves permission for *“The development of an up to 100MW Battery Energy Storage Facility that will provide energy services to the national grid and which will be delivered in 4 no phases. The development will consist of the construction and operation of up to 34 metal containers to store up to a project total of up to 100MW in sealed battery cells, each with entrances, fire suppression systems, heating, ventilation and air conditioning systems. The proposed development includes for inverters, control systems, other electrical components, security lighting and ancillary infrastructure and all associated works including security fencing and ancillary grid infrastructure.”*
- 2.2. As regards grid connection it is intended to connect to the adjacent Cashla substation by way of underground cable however the precise nature of the connection is not yet determined and grid connection does not form part of the application.

2.3. It is proposed to split the development into 4 development phases. It is envisioned that the proposed development will participate in the DS3 programme being brought forward by Eirgrid. Given the uncertainty regarding the timeline of the DS3 programme it is difficult to give a definitive indication of the timeline for the phasing associated with the development. On the basis of the complexity, cost and uncertainty it is requested that a 10-year permission apply. The proposal would typically have a 25-year design life.

2.4. The specifics of the proposal are outlined in the drawings and documentation accompanying the application which include the following reports:

Planning and Environmental Report McCarthy Keville O Sullivan.

Landscape and Visual Impact Assessment McCarthy Keville O Sullivan.

Appropriate Assessment Screening Report,

Ecological Impact Assessment

Flood Risk Assessment, Hydro Environmental Services.

Soils Geology Hydrology and Hydrogeology Environmental Report, Hydro Environmental Services.

Archaeological & Cultural Heritage Assessment, Tobar Archaeological Services.

Noise Impact Assessment Envest.

Traffic & Transport Statement, Alan Lipscombe Traffic & Transport Consultants,

Preliminary Construction Management Plan, Alan Lipscombe Traffic & Transport Consultants,

Drainage Design Reports Langan Consulting Engineers.

JGA Fire Engineering Consultants

Environmental Impact Assessment Screening Document McCarthy

Photomontage Booklet, Microworks

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 21st June 2019, Galway County Council issued notification of its decision to grant permission and 7 conditions were attached including the following of particular note:

- Condition 2. All surface water disposed of within the site.
- Condition 3. Prior to commencement of development applicant to submit a traffic management plan for construction phase.
- Condition 4. Sight distance triangles to be maintained. Overhead lines and poles to be set back in line with new fence at the developer's expense before work commences. No poles to be left in lay by or sight lines of the proposed development or where it may obstruct view of the road.
- Condition 5 Prior to commencement of development, the applicant to submit full details of final location design and materials to be used for the containers, HV AC unit inverter station, substation compound and building. 100kv transformer palisade fencing and gate. Security systems for approval.
- Condition 6. Site perimeter landscape planting consisting of native species.
- Condition 7. Development Contribution €30,612.40 in accordance with the Development Contribution Scheme.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Initial Planning Report notes location within flood risk area with regard to pluvial flooding however with good practice SUDS mechanisms flood vulnerability is negligible. In the interest of fire safety, a pre-connection enquiry response from Irish Water required with regard to water supply. Site layout to show all component parts of the development and use of indicative drawing unacceptable. Specific nature of the development to be outlined and detail of grid connection to be addressed. Details

of legal entitlement with regard to sections of infrastructure outside the site boundary and with regard to access road and any proposals to render access suitable to serve the development. Sightlines for exit to public road and surface water proposals also to be demonstrated. Clarification was requested with regard to Electro Magnetic Frequency. Adequacy of proposed 90,000 litres of stored water for fire-fighting purposes to be clarified in consultation with Galway Fire Service. A detailed Traffic Impact Assessment to determine the likely effect on traffic volumes at construction operation and decommissioning stage.

3.2.1.2 Final Planner's report indicates satisfaction with response to request for additional information and recommends permission subject to conditions.

3.2.2. Other Technical Reports

3.2.2.1 Roads report sought additional information regarding right of way over proposed access to the site and a traffic Impact Assessment. Demonstration of adequate sightlines in accordance with DM Standard 20 Sight Distances for the exit onto the public road network L7109 to include details of surface water management.

3.2.2.2 Environment Report notes that environmental impact is likely to be greatest during the construction phase. Note preliminary construction and environmental management plan was submitted and a final plan should be agreed prior to commencement of development. Noise is not likely to be a major issue given location. The only issue of notable concern in the event of a fire / explosion at the facility and potential release of toxic chemicals / cloud that could impact on the surrounding environment and in particular the residences to the east. Fire suppression measures and fire risk assessment should be addressed by fire officer.

3.3. Prescribed Bodies

3.3.1 Health and Safety Authority notes location significantly outside the consultation distance for Tynagh Energy and Cold Chon and there is no reference to Comah Regulations or dangerous substances in the submitted EIA document hence there is no basis for advice.

3.3.2 Department of Culture Heritage and the Gaeltacht - concur with findings of archaeological assessment report and recommend archaeological monitoring should apply as a condition.

3.3.3 Transport Infrastructure Ireland submission indicates no observations on the application.

3.4. **Third Party Observations**

3.4.1 Submission of Brendan Dowling, Cashla objects to the development largely on traffic grounds. The intensification of industrial activity gives rise to further traffic hazard on the local road. Breach of EIA requirements. Visibility splays at Cashla junction (L7109 R339) are deficient with splay of only 78m available to traffic on the local road looking to the east well short of the 160m as required in compliance with the Development Plan. An Bord Pleanála PL07.235821 took account of traffic hazard and required specific works in respect of junction which have not been carried out and in decision on PL07.241241, the Board refused permission due to traffic hazard. A stone wall subsequently constructed within the curtilage of dwelling house at the junction have further obstructed visibility splays. Cumulative impacts have not been addressed. Council aware of the hazard for years but neglected to address the issue.

3.4.2 Joanne Dowling, Cashla objects on traffic grounds noting that visibility splays both vertical and horizontal at the junction of the R339 and L7109 are not adequate and do not comply with the Galway County Development Plan 2015-2021. The junction in its current form is a traffic hazard. Proper procedures have not been followed with regard to site notices and public consultation is inadequate. NBote failure to carry out environmental impact assessment and salami slicing of the full application. No apparent consent from ESB for grid connection. Absence of welfare facilities noted - potential water quality issues.

4.0 Planning History

4.1 Appeal Site.

ABP301705-18 Electricity Pre-Application Consultation. S182E of the Planning and Development Act as amended, The Board determined that the proposed development does not come within the scope of Section 182A of the Planning and Development Act 2000, as amended. As it does not constitute strategic infrastructure any application for such development should be made in the first instance to Galway County Council.

4.2 There is an extensive planning history in respect of the established quarry, substation and industrial facility in the vicinity of the appeal site which includes the following of particular note:

- **Concurrent Appeal on adjoining site to the south.**

ABP-305165-19 Third party appeal by the appellant, of the decision of Galway County Council for grant permission for the refilling of exiting disused quarry with inert material.

- **Substation Adjoining to the north of appeal site.**

05/122 Permission granted for installation of second 220kV coupler bay and new 220/110kV power transformer on newly extended section of 220kV busbar.

- **Adjacent C&T tooling facility. C 300m to the northeast of the site.**

PL07.243026 Permission granted by the Board 23/6/2014 for retention of car park fencing barrier testing compound for wind turbines entrances at factory.

- **Quarry Site to the west.**

ABP304769-19 19517 Board upheld decision of Galway City Council to grant permission for retention of development consisting of a concrete batching plant, which is an extension to an existing concrete batching plant permitted under 09/230 for associated structures and hardstanding areas.

PL07.241241 12/991: Permission refused for temporary asphalt batching plant and ancillary activities. Permission refused based on two reasons including potential environmental pollution risk arising from flooding and on grounds of traffic hazard arising from the restricted nature of the junction of the R339 and L7109, and to the existing volume of HGV traffic including permitted HGV levels associated with the existing quarry and concrete batching plant, it is considered that the additional traffic movements generated by the proposed development especially at the said junction with the R339 could not be safely accommodated. I note from review of the file that the reporting Inspector had recommended permission subject to certain limits with regard to the volume of HGV/HCV movements however the Board considered the imposition of this condition inappropriate in light of the traffic volumes envisaged.

PL07.235821 (09/1958): Permission for continuation of quarrying and operation of concrete batching and Bitumen Plant. I note condition restricted permission to 10 years to 10/3/2021. Total number of HGV traffic movements not to exceed 50 number two-way movements. Permission not granted for the operation of a bitumen batching plant on site. Condition imposed that no quarry HGVs use the access route involving the L7109 and R348. A special contribution under S48(2)(c) of the Planning and Development Act 2000 was required payment in respect of works to junction of Coshla Road L7109 and R339. (as set out in Junction Safety Assessment prepared by Tobin Consulting Engineers received in response to S132 Notice from the Board)

PL09.234608 09/1143 Permission granted for retention of asphalt batching plant and a temporary access haul road to the adjacent N6 construction site. Board's conditions conditioned expiry upon completion of N6 road project.

PL07.233579 09/230: Permission granted for retention of a concrete batching plant and temporary access haul road to the N6. Expiry date 2012.

06/4125: Permission granted for the development of a 13 hectare quarry with all associated roads and services. Permission for 5 year period. Haul traffic with materials for M6 to exit directly to the M6 via construction only roadway. Movements restricted to a maximum of 400 movements per day (2 way)

06/893: Refusal of permission for the development of a 13 hectares quarry and associated roads and services.

PL07.130534 02/652 Refusal of permission for excavation crushing and haulage of rock and for development of access road.

98/375 Refusal of permission to reopen quarry for rock excavation and removal from site.

5.0 Policy Context

5.1 National Policy

5.1.1 Under the terms of the Paris Agreement (ratified in November 2016) – Ireland has undertaken to reduce greenhouse gas emissions by 20% - as measured between 1990 levels and 2030 levels.

5.1.2 “A Roadmap for Moving to a Competitive Low Carbon Economy in 2050” – is a European Commission document highlighting the need for urgent and significant investment in renewable energy, low carbon technology and grid infrastructure.

5.1.3 The White Paper on “Ireland’s Transition to a Low Carbon Energy Future (2015-2030)” sets out a framework to achieve the statutory targets set out by the EU. The target of 16% of energy consumption from renewable sources by 2020, is included. There are energy-efficiency targets also. Para 161 states - “Electricity storage is expected to play an important role in facilitating the development of intermittent renewable energy technologies like wind, solar PV and ocean energy. The EU’s Energy Roadmap 2050 confirms that storage technologies remain critical and that future integration of renewable energy sources will depend on increased storage capacity. Electricity storage can be deployed in a number of circumstances in Ireland including at grid-scale and at consumer level”.

5.1.4 The National Renewable Energy Action Plan details targets for the share of energy from renewable resources to be consumed in transport, electricity and heating & cooling by 2020.

5.1.5 The Eirgrid strategy document Grid 25 (published in 2008), indicates plans for upgrading the transmission grid up to 2025. Battery storage is considered an important element in helping to develop the grid.

5.1.6 The National Planning Framework – Project Ireland 2040, indicates National Strategic Outcome No. 8 to be “Transition to a low carbon and climate resilient society”. At p.147, the document states- “New energy systems and transmission

grids will be necessary for a more distributed, more renewables focused energy generation system...The development of onshore and offshore renewable energy is critically dependent on the development of enabling infrastructure including grid facilities". Under the heading 'Green Energy', it is an Objective 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". National Policy Objective 54: Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions. National Policy Objective 55: Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

5.1.7 Under the National Development Plan 2018-2027, some €21.8 billion will be allocated to achieving Strategic Outcome No. 8. Some of this money will be utilised to roll out the New Renewable Electricity Support Scheme.

5.2 Development Plan

5.2.1 The relevant Development Plan is the Galway County Development Plan 2015-2021.

Section 7.4 Renewable Energy

Policy ER 1 – Sustainable Energy Policy and Targets

Promote the implementation of the Government's White Paper *Delivering a Sustainable Energy Future for Ireland, Energy Policy Framework 2007-2020* (or any updated or superseding document) over the lifetime of the *Galway County Development Plan 2015-2021* to assist in ensuring that the energy efficiency target is realised by 2020 from renewable sources.

Policy ER 2 – Development of Renewable Energy

The Council shall support proposals for renewable energy developments at appropriate scales (including, ocean energy/wave and tidal technologies and ancillary facilities including associated grid connection) at appropriate locations within the County having regard to residential amenities, biodiversity and landscape sensitivities, where such proposals are in compliance with the *County Development*

Plan 2015 - 2021 and the principles of proper planning and sustainable development. Where possible the Council will develop its own micro generation projects to facilitate its own energy requirements.

Policy ER 3 – Security of Supply

Facilitate the strategic goal of effective balanced regional development through the implementation of policies that will deliver reliable and effective energy networks and electricity grid for the West Region including County Galway, minimising environmental impact by:

- a) Promoting and supporting the provision of secure and efficient energy supply and storage including electricity, gas, and renewable energy including wind, wave/tidal, solar, bio-energy and heat energy distribution;
- b) Supporting infrastructural renewal, strengthening and development of strategic electricity networks within the County, as provided for under Eirgrid's *Grid25* Strategy, including Eirgrid's Grid West project;
- c) Facilitating the extension of a natural gas distribution network to serve both the County and West Region.

5.3 Natural Heritage Designations

Lough Corrib SAC (000297) 4.2km from the site.

Galway Bay Complex SAC (000268) 4.7km from the site.

Rahasane Turlough SAC (000322) 9.6km from the site.

Lough Fingall Complex (000606) 12.3km from the site.

Castletaylor Complex SAC (000242) 12.6km from the site.

Monivea Bog SAC (002352) 12.2km from the site.

Kilternan Turlough SAC (001285) 14km from the site.

Ardrahan Grassland SAC (002244) 14.6km from the site.

Inner Galway Bay SPA (004031) 6.6km from the site.

Creganna Marsh SPA (004142) 7km from the site.

Rahasane Turlough SPA (004089) 9.6km from the site.

Lough Corrib SPA (004042) 11.8km from the site.

5.4 EIA Screening

5.4.1 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. Schedule 5 (Part 1) refers to energy-related development such as nuclear power plants and associated development, battery store does not arise in that part of the schedule. Schedule 5 (Part 2) Class 3(a) to (j) refers, *inter alia* to the production of electricity, steam or hot water with a heat output of 300mw, wind power and hydroelectric installations, again there is no mention of energy storage. I am satisfied therefore the proposed development does not fall into a class of development which requires EIA.

6 The Appeal

6.1 Grounds of Appeal

6.1.1 The third-party appeal is submitted by Brendan Dowling, Cashla. Grounds of appeal are summarised as follows:

- Note family home is located to north of the site on Local Road L7109.
- Local Road L7109 is unsuitable for further intensification of traffic.
- It is established that there is a traffic hazard at the priority junction on the Regional R339 / L7109. Conditions imposed by the Board relating to the adjacent quarry and associated cement plant have not been complied with.
- Note ABP refusal of permission for asphalt batching plant in 2013 PL07.241241 on grounds of traffic hazard at the junction.
- Visibility disimproved due to erection of boundary walls at dwellings adjacent to the junction.

- Turning circle for large articulated vehicles shows traffic entering the opposing traffic stream path while turning right from the Regional Road.
- Junction does not comply with DM Standard 19 and DM Standard 20.
- Visibility splay of 78m available to traffic on local road looking east. Well short of required 160m distance. Horizontal visibility splays looking west have been destroyed by the erection of stone walls surrounding a garden of private house at the junction obstructing visibility of car drivers.
- Collision data is over 5 years out of date.
- Concurrent application for refiling of quarry void 19/325 . Cumulative effects have not been considered.

6.2 Applicant Response

The response is submitted by MKO on behalf of the first party and also includes a response by Alan Lipscombe, Traffic and Transport Consultants and is summarised as follows:

- In relation to existing geometry and visibility splays at the existing R339 /L7109 junction the existing geometry is relatively generous with stop line at the L7109 approach measuring 10m in width and the R339 being 6m.
- Regarding the available visibility splay to east along R339 taken from a point 2.4m back from the R339 carriageway, while visibility to a point approximately 70m along the R339 (taken from driver sight at 1.05m to an object height of 1.05m is currently available, trimming existing grass /weeds on the verge would increase visibility further up to 100m. Boundary wall to the east of the junction does not interfere with visibility splay and the height of the wall is therefore irrelevant.
- The impact of additional traffic generated by the proposed battery storage facility is set out at Section 4 and 8 of the TTS. While it was established that during the 9 month construction stage there will be a slight impact on the R339 Monivea Road and moderate impact on the L-7108, it is noted that during the operational stage the traffic generation and associated impacts will be negligible.

- With respect to the impacts of the development on the operation of the R339 / L7109 junction it was established that on the busiest construction day, the additional traffic generated on the network will increase the percentage of the capacity of the junction utilised during the PM peak hour (the worst case) from 34% (without construction traffic) to 38% (with construction traffic). It is noted that up to 85% is considered to be within capacity. The impact of the proposal on the R339/L7100 during the busiest our of the busiest construction day is therefore considered to be slight.
- The layout of the R339 / L7109 does not present a particular traffic hazard. The geometry of the junction is sufficient to accommodate all traffic movements that currently negotiate the junction and will continue to do so with the construction and operation of the proposed battery storage facility.
- Collision database maintained by the Road Safety Authority indicates no collisions recorded at the junction in the most recent 11 year period. Incident report by the appellant would present a low collision rate.
- During the operational phase of the development trips to and from the site will be limited to visits by maintenance staff accessing the site by car or light goods van which will be limited to 1 or 2 visits per month - a low volume.

6.3 Planning Authority Response

6.3.1 The Planning Authority did not respond to the grounds of appeal.

6.4 Further Responses

6.4.1 The third-party appellant responded to the response of the first party and includes a further number of photographs and other enclosures to illustrate the case made. The submission strongly maintains objection on traffic grounds and is summarised as follows:

- Facts relating to the known hazard at the T junction of the R339 and L7109 have been excluded from the application.

- Report by Tobin Consulting Engineers established that the average speeds are well above those allowed by the 80km/h speed limit.
- Foreseeable and preventable traffic accidents have recently taken place at the junction as demonstrated in attached photographs.
- No solid white line and no anti-skid surface and absence of no overtaking signage. Restricted nature of the junction makes it unsuitable for HGV traffic. These safety works were a condition of planning permission 09/1958 PL07.235821. Junction is not adequately visible on approach from the east. Cutting of grass verge is inadequate to address the safety issue.
- The narrow width of the traffic lane 20 to 30m south of the junction provides that it can only accommodate one truck at a time. HGVs have to travel into the opposite traffic streams and over the stop and solid middle white line at the junction due to the restricted nature and danger of queuing at the junction arises.
- Increase in traffic will serve to heighten the existing traffic hazard.
- Council acting beyond its powers in placing members of the public in danger and ignoring statutory and common law duties. Reference is made to Carrol v Clare County Council.
- Request that the Board refuse permission.

7 Assessment

7.1 Having inspected the site and examined the associated documents, the following are the relevant issue in this appeal:

Principle of the proposed development

Traffic Impact and Road Safety

Visual Impact and Impact on the amenities of the area

Ecology and Flood Risk

Appropriate Assessment

7.2 Principle of the Proposed development

7.2.1 On the question of principle of the proposed development the County Development Plan at Chapter 7 outlines the importance of supporting development of renewable energy sources in the interest of delivering on the National Climate Change Strategy and in providing security of energy supply throughout the County and region. Policy ER 3 Security of Supply seeks to facilitate the strategic goal of effective balanced regional development through the implementation of policies that will deliver reliable and effective energy networks and electricity grid for the West Region including County Galway, minimising environmental impact by: a) Promoting and supporting the provision of secure and efficient energy supply and storage including electricity, gas, and renewable energy including wind, wave/tidal, solar, bio-energy and heat energy distribution. The proposed development is intended to provide storage for large quantities of power drawn from the national grid thereby acting as a power reserve when electricity generation requirements reach critical levels in terms of demand, thus ensuring security of energy supply. Battery storage is key to integrating higher levels of renewable energy generation into the grid to assist in meeting Ireland's 2020 renewable energy targets. In terms of site location it is considered that the position adjacent to an existing substation and having regard to the character of the area with an operational and disused quarry and a large manufacturing business present the site presents as a favourable location for the nature of the development as proposed.

7.2.2 On the basis of review of local and national policy context it is evident that the provision of battery storage facilities on suitable sites is acceptable in principle subject to normal proper planning and environmental considerations. Thus it is appropriate to proceed to the assessment of the detail of the proposal on its planning merit.

7.2.3 As regards the requested 10-year duration of permission, as battery storage facilities are likely to continue to be dependent on both substantial financial support and access agreements with ESB networks, therefore there may be significant delay in implementation the permission. On this basis I consider that a 10-year permission is

reasonable within the current policy context. A 25 year lifespan is envisaged and it is appropriate that beyond this a review is taken of the planning merits in the context then pertaining .

7.3 Traffic Impact and Road Safety.

7.3.1 The issue of traffic and road safety is the central concern within the grounds of appeal. I note that the appellant cites extensive background relating to previous decisions in respect of the operational quarry site to the west of the appeal site. The appellant notes in particular decision PL07.235821 (2011) in which the Board granted permission for continuation of quarrying and operation of concrete batching plant (expiry 10/3/2021). In response to a S132 notice from An Bord Pleanála the applicant had submitted a junction safety analysis by Tobin Consulting Engineers, which made a number of recommendations in relation to the R339/L7109 junction. These included installation of advance warning signs, provision of high friction anti-skid surfacing on mainline approaches to the junction and application of solid white line and no overtaking signs. These improvements were subsequently incorporated into the decision by condition and addressed by way of a Special Development Contribution under Section 48(2)(c) of the Planning and Development Act 2000 as amended. The third-party appellant contends that these improvements were never implemented and furthermore asserts that erection of a boundary wall adjacent to a dwellinghouse in the vicinity of the junction has further resulted in a deterioration of the sightline available. A subsequent application for temporary asphalt batching plant was refused based on environmental concerns due to potential flood risk and also on grounds of traffic hazard (PL07.243026). On this basis the third-party appellant contends that the intensification of use of the R339/L7109 junction arising from the proposed development would further endanger public safety by reason of traffic hazard.

7.3.2 I note the submitted Traffic and Transport Statement, Technical Appendix 6, by Alan Lipcombe, Traffic and Transport Consultant. It notes that the most significant trip generation will occur during construction stage. During the construction period which will take 9 months it is estimated that a total of 526 deliveries will be made to the site

with an average of 3 deliveries per day with a potential maximum of 30 deliveries on busiest day of construction. It is asserted that during the 9-month construction stage the impact of the development will be slight and temporary on the R339 increasing traffic flows by a maximum of 2.5% in total, and by 18.7% in terms of HGVs on up to 10 of the busiest days. Corresponding increases of 0.3% and 1.9% are forecast for average days during the construction period. On the L7109 leading to the access the impact during construction phase will be moderate and temporary with maximum of 170 additional pcus per day increasing traffic flows by 7.3% with respect to all traffic, and 55.5% for HGV on the busiest day. This will be reduced to 1.7% and 5.5% during average days during the construction phase. During the operational phase impact on surrounding network will be negligible. The impact of decommissioning would be as for construction stage. A small articulated HGV (10.7m long and 2.36m wide) is the largest vehicle type that will be generated by the proposed development both during construction and operational phases.

7.3.3 In response to the grounds of appeal the submission on behalf of the first party by Alan Lipscombe, Traffic and Transport Consultant, addresses the geometry and visibility splays at the junction. It is noted that the available visibility splay to the east along the R339 to a point of 70m could be increased up to 100m by road verge trimming. The boundary wall to the east of the junction does not interfere with the visibility splay. I note the photoplates submitted by the third-party appellant to illustrate HGVs crossing the white line and entering the opposing traffic stream both in executing the turning manoeuvre at the junction and also at the pinch point to the south of the junction on the L7109. The third-party appellant also submitted photographic evidence of collisions in the vicinity of the junction. I note that matters of enforcement of both the speed limit and adherence to the rules of the road are matters for the Gardai and are beyond the remit of the Board in consideration of this appeal.

7.3.4 The appellant raises issues concerning Galway County Council's obligations and responsibilities for maintenance and construction of public roads as a Roads Authority. As regards matters of non-compliance with previous permissions and

conditions relating to the adjacent quarry site to the west this is not related to the current application and as such is not a material planning considerations in assessing the proposed development on its merit. I note that matters of enforcement and issues of responsibilities of the Local Authority for maintenance and construction of public roads are beyond the remit of the current appeal.

7.3.5 On the matter of the site access from the Local Road L7109, I note that within the repose to the Council's request for additional information measures were included to provide for widening of the access road to 6m and provision of a junction radii of 13m on the northern corner with the L7109 and 6m on the southern corner. I note that whilst the access road is not included within the site boundary, a letter of consent from the landowners Michael & Julia Connell confirms "*consent for ENGIE Developments Ireland Ltd to apply for planning permission for a Battery Storage facility and any subsequent submissions relating to the project on my lands...*" In my view sufficient legal entitlement has been demonstrated in this regard.

7.3.6 Having visited the site it is my view that the surrounding network serving the site is generally in good condition and is sufficient to accommodate the level of traffic arising. I note the limited duration of the construction period and subject to a suitably designed construction management plan it is my considered view that the proposed development is acceptable from a traffic safety perspective. I note that account has been taken in assessment of the cumulative potential traffic impacts arising from the existing development and proposed development in the vicinity (in particular recent permission 304769-19 and concurrent appeal ABP305165-19.)

7.4 Visual Impact and Impact on the Amenities of the Area.

7.4.1 I note that the application was accompanied by a landscape and Visual Impact Assessment by McCarthy Keville O Sullivan, and a photomontage booklet by Macroworks. The assessment demonstrates four viewpoints on the local and regional roads surrounding the site to represent the context. The potential visual

impact is considered to be low to imperceptible. Landscape sensitivity and landscape value were classed as low. The dominant landscape characteristics are field patterns defined by stone walls and hedgerows, while the surrounding industrial land uses have a high degree of visibility, particularly the substation and associated overhead lines. The changes to the physical landscape as a result of the proposed development will be minor. While the battery storage unit represents a new landscape element, they are in keeping with the landscape character in terms of height and scale (maximum height is 4 metres). The predicted landscape impact is considered low and the overall landscape character of the area will not be affected.

7.4.2 As regards archaeological and architectural heritage impact I note the heritage assessment compiled by Tobar Archaeological Services. It notes no National Monuments Recorded Monuments or previously unrecorded monuments within or immediately adjacent to the site therefore no direct impact on known cultural heritage resources arise. National monuments within 10km including seventeen RMP sites within 2km of the site were assessed and potential indirect impacts deemed imperceptible having regard to the small scale and nature of the proposed development. Mitigation in the form of archaeological monitoring of the construction stage is recommended to minimise the potential impact on potential subsurface archaeology. I note that the submission of the Department of Heritage Culture and the Gaeltacht to the Local Authority indicated agreement with regard to the submitted assessment and proposed mitigation.

7.4.4 I consider that the landscape has the capacity to absorb the development as proposed and that the proposal is acceptable from a landscape and heritage viewpoint. I do consider that some element of landscape screen planting should be provided for to mitigate visual impact and I consider that this can be addressed by condition.

7.4.5 As regards residential amenity and public health and safety impacts I note Envest Report assessing noise impact. It concludes that the noise impact will not be

significant in relation to the existing background noise levels with no significant residual impact.

7.4.6 In considering health and safety with regard to fire risk, I note the report by JGA Fire Engineering Consultants. The assessment concludes that the level of monitoring and controls proposed for the proposed development provide a level of safety that would be considered to be as low as reasonably practicable. I note that the applicant indicates that the proposed development will be subject of a Fire Safety Certificate under the Building Regulations and public health and safety implications would be addressed under this certification process.

7.5 Ecology and Flood Risk

7.5.1 As regards on site water management a detailed drainage design report is included by Langan Consulting Engineers. The proposed drainage is designed to match the existing greenfield run off rates. An on-site water storage tank is proposed for firefighting purposes with a capacity of 90,000 litres with measures provided for control of fire-fighting contaminated run off for removal off site.

7.5.2 As regards flood risk the flood risk assessment by Hydro Environmental Services found that flood maps indicates areas in the centre of the site within pluvial zone A (100-year flood zone) and Pluvial Zone B(1000-year flood zone) the site survey did not identify any depressions showing potential for pluvial flooding. The site is located in fluvial zone C. Overall flood risk is deemed to be negligible.

7.5.3 In terms of assessment of ecological impact the site is improved agricultural grassland assessed to be of local importance. The site does not provide significant habitat for protected bird or mammal species. Bird species likely to occur within the site during the breeding or wintering season have been assessed to be of local importance (lower value). Overall the site is of relatively low value to faunal species due to the improved agricultural nature of the habitats identified at the site. No

significant impact on the ecology of the wider area given the nature scale and design of the proposal as well as lack of watercourses within or adjacent to the proposal.

7.6 Appropriate Assessment:

7.6.1 An AA Screening Report identifies the following Natura 2000 sites within 15km of the site as follows:

Lough Corrib SAC (000297) 4.2km from the site.

Galway Bay Complex SAC (000268) 4.7km from the site.

Rahasane Turlough SAC (000322) 9.6km from the site.

Lough Fingall Complex (000606) 12.3km from the site.

Castletaylor Complex SAC (000242) 12.6km from the site.

Monivea Bog SAC (002352) 12.2km from the site.

Kiltarnan Turlough SAC (001285) 14km from the site.

Ardrahan Grassland SAC (002244) 14.6km from the site.

Inner Galway Bay SPA (004031) 6.6km from the site.

Creganna Marsh SPA (004142) 7km from the site.

Rahasane Turlough SPA (004089) 9.6km from the site.

Lough Corrib SPA (004042) 11.8km from the site.

7.6.2 There is no surface water connectivity between the proposed works and any EU designated sites and no watercourses recorded on site. No suitable habitats occur within the site for SCI QI species. The site is separated from the nearest SAC SPA by a network of national roads, urban infrastructures, treelines and agricultural lands and there is no potential for disturbance to species. No complete impact source pathway receptor chain for significant impact was identified. Potential for indirect impact on the European Sites can be excluded. No residual cumulative effects have been identified.

7.6.3 It is concluded based on distance and lack of source pathway links between the proposed development and the designated sites that the proposed development, individually or in combination other plans or projects is not likely to have significant effects on any European sites in view of the site's conservation objectives and a Stage 2 Appropriate Assessment and submission of an NIS is not therefore required. I would consider that sufficient information is provided to conclude that this is the case and that having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8 Recommendation

8.1 I recommend a grant of permission based on the following reasons.

9.0 Reasons and Considerations

Having regard to the provisions of national policy objectives in relation to renewable energy, the provisions of the Galway County Development Plan 2015 – 2021, the nature and scale of the proposed development, the landscape character and the site layout, it is considered that, subject to compliance with the conditions set out below, the proposed development would support national and regional renewable energy policy objectives, would not conflict with the provisions of the development plan, would not be visually obtrusive or seriously injure the residential amenities of the area, 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.

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 on the 28th day of May 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 period during which the development hereby permitted may be carried out shall be 10 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:

(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 site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. This scheme shall include the following:

(a) A plan to a scale of not less than {1:500} showing –

(i) the species variety, number size and locations of all proposed trees and shrubs (which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder)

(ii) Details of screen planting (which shall not include *cupressocyparis x Leylandii*)

(b) A timescale for implementation.

All planting shall be adequately protected from damage until established. 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.

5. 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.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, consistent with Technical Appendix 7 - Outline Construction Environmental Management Plan, submitted to the planning authority on the 21st day of December 2018, 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:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (h) Containment of all construction-related fuel and oil within specially constructed bunds, to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (i) Off-site disposal of construction waste, and details of how it is proposed to manage excavated soil;
- (j) Means to ensure that surface water run-off is controlled, such that no silt or other pollutants enter local surface water drains; and
- (k) A record of daily checks that the works are being undertaken in

accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety.

7. Construction traffic to/from the site shall be managed in accordance with a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall, amongst other things, specify details of advance warning signs with respect to the proposed site entrance.

Reason: In the interests of good traffic management and road safety

8. (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 visual and residential amenity, to allow wildlife to continue to have access to and through the site and to minimise impacts on drainage patterns.

9. Construction traffic to/from the site shall be managed in accordance with a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall, amongst other things, specify details of advance warning signs with respect to the proposed site entrance.

Reason: In the interests of good traffic management and road safety.

10. 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.

11. The mitigation measures outlined in the Noise Impact Assessment, submitted to the planning authority on the 21st day of December 2018, shall be implemented in association with the commissioning of the development, and shall be maintained throughout the lifetime of the development.
- (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive locations, shall not exceed:-
- (i) 45 dBLAeq,T during the period 0700 to 1900 hours.
 - (ii) 40 dBLAeq,T during the period 1900 to 2300 hours.
 - (iii) 35 dBLAeq,T during the period 2300 to 0700 hours.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendations 1996-2007: Acoustics – Description and Measurement of Environmental Noise.

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

12. 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 any archaeological heritage of the site, and to secure the preservation and protection of any remains that may exist within the site.

13. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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 residential amenities of property in the vicinity.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An 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.

Bríd Maxwell

Planning Inspector

18th October 2019