



An  
Bord  
Pleanála

## Inspector's Report ABP-305222-19.

### Development

The provision of three battery storage containers which are required for the operation of the previously granted solar farm (Reg. Ref.16/600465). This planning application also includes an extension to the operational permission of the solar farm to be increased from 25 to 30 years.

### Location

Loughloher, Cahir County Tipperary.

### Planning Authority

Tipperary County Council.

### Planning Authority Reg. Ref.

19/600119.

### Applicant(s)

Solar Sense Ltd.

### Type of Application

Permission.

### Planning Authority Decision

Grant with conditions.

### Type of Appeal

Third Party

### Appellant(s)

Helena Fitzgerald.

### Observer(s)

Carmel McCormack.

### Date of Site Inspection

31<sup>st</sup> October, 2019.

### Inspector

A. Considine.

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## 1.0 Site Location and Description

- 1.1. The subject site is located at Loughloher, approximately 2.5km to the east of Cahir, Co. Tipperary in a rural area. The overall site comprises a number of agricultural fields which are bound by hedgerows. The site is generally flat and set back approximately 800m from the public roads, with access over a small agricultural track. There are existing small agricultural structures present on the site and the wider area is primarily in agricultural use.
- 1.2. The site has a stated area of 13.28ha. The proposed location of the storage containers is to the north of the site.

## 2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for the provision of three battery storage containers which are required for the operation of the previously granted solar farm (Reg. Ref.16/600465). This planning application also includes an extension to the operational permission of the solar farm to be increased from 25 to 30 years, all at Loughloher, Cahir County Tipperary.
- 2.2. The application included a cover letter and number of supporting documents including as follows;
  - Plans, particulars and completed planning application form
  - Planning Statement
  - Supplementary Environmental Report
  - Letter of consent from the landowner
  - Schedule of drawings
  - Photograph of site notice in place
- 2.3. The development proposes the construction of 3 structures which each will have a floor area of 28.8m<sup>2</sup>, a total construction element of 86.4m<sup>2</sup>. The three battery storage containers will rise to an overall height of 3.4m and will be raised above the ground level by 0.5m, with access to the containers provided by way of steps. The

width of the containers is indicated at 2.4m. These units will be located adjacent to the permitted substation on the solar farm site.

2.4. The Planning Statement submitted is set out in 6 sections dealing with the following topics:

1. Introduction
2. The Site and Receiving Environment
3. The Proposed Development
4. Planning History
5. Assessment of Compliance with Planning Policy
6. Concluding Statement

2.5. The Supplementary Environmental Report was prepared in order to incorporate the battery storage into the overall solar farm development. It is submitted that the original approved designs for the solar farm have not been altered except for the inclusion of the battery storage units. The document is set out in 2 sections, each with a number of subsections as follows:

1. Introduction
  - 1.1 Foreword
  - 1.2 Description of Approved Development and Additional Battery Storage
  - 1.3 General Description of Development Location
  - 1.4 Pre-Application Consultation
  - 1.5 The Applicant
2. Environmental Assessments
  - 2.1 Introduction
  - 2.2 Landscape and Visual
  - 2.3 Ecology and biodiversity
  - 2.4 Noise / Glint & Glare
  - 2.5 Archaeology and Cultural Heritage

## 2.6 Hydrology, Geology and Flood Risk

The Report includes a number of figures.

- 2.6. The Board will note that following a request for further information, the applicant omitted the request to extend the operational permission of the solar farm to 30 years.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 6 conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, the third-party submissions, internal technical, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report and EIA Pre-Screening.

The initial report includes a planning appraisal as well as an assessment of environmental impacts. The report concludes recommending that further information be submitted in relation to the following:

- Information relating to the development and environmental risks associated with defects, failure, fire and explosion.
- Details relating to the containers including bases, cooling infrastructure / ventilation requirements, noise, capacity in MW and battery types.
- Clarification as to the proposal to extend the operational permission of the solar farm to 30 years in view of Condition 3 of the ABP decision ref PL92.947443 refers.

Following receipt of the response to the further information request, the PA requested that revised public notices be published.

The final Planning Report concludes that the proposed development is acceptable and recommends that permission is granted subject to compliance with conditions. This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

### 3.2.2. **Other Technical Reports**

**Area Engineer:** No objection subject to clearance of blockages in the cattle grid to prevent surface water flowing onto the driveway and road.

Following the submission of the response to the FI request, a report advising no comment was submitted.

### 3.2.3. **Prescribed Bodies**

None.

### 3.2.4. **Third Party Submissions**

There was 1 third party submission initially noted on the planning authority file. Following the submission of a response to the further information request, 2 further third party submissions were noted. The initial third party also submitted a further objection following the submission of the response to the further information request. The issues raised are summarised as follows:

- The site notice is inadequate and fail to fully describe the proposed development. No details of the types or capacity of batteries have been indicated.
- A number of questions remain including as follows:
  - Megawatt hour storage, charging capacity and output capacity
  - Details of the batteries to be used not provided
  - Numbers of batteries to be used
  - Future developments in battery energy storage that may increase the energy storage capacity should be considered as part of the assessment.

- There are no internationally recognised safety standards for all aspects of Battery Energy Storage Systems (BESS)
- There are no internationally recognised standards for fire suppression and extinguishing of lithium ion batteries.
- International insurance companies are unable to stand over BESS. In the event of the company folding, who is responsible for any Major Accident Hazard events?
- Impact on the value of property?
- Using battery energy storage for grid frequency control is highly experimental.
- How much energy is required to charge, store and discharge energy from the batteries? what is the carbon footprint of the BESS and containers? What are the disposal plans for spent batteries?
- What is the lifespan of the BESS? Experts suggest that it may only be 18 months.
- Concerned about potential project splitting and the application should be assessed to include the full solar farm in its entirety, electrical cabling and connections to the main grid.
- Questions potential impact to the sub-station.
- An EIS and NIS should be requested to assess the proposed development under SEVESO Regulations, COMAH 2015 Regulations and others
- Opinion should be sought from a number of other agencies in relation to the huge costs and potential highly hazardous risk associated with BESS.
- The development is speculative highly experimental technology, highly hazardous and totally unsustainable, which huge carbon footprints with half the energy stored lost in the conversion process
- BESS was not mentioned a year ago when the Oireachtas asked about energy reserves in Ireland in the case of emergency. Currently there are proposals for about 3500MW+ of Battery Energy Storage Systems.



- There is an absence of SEA for the National Renewable Energy Action Plan.
- All BESSs should be assessed together as the one provider of a grid frequency control ancillary grid service. To do otherwise is clearly project splitting.
- Most BESSs are located beside rivers and tributaries. There are several EU and national directives to protect Irelands water sources.
- In addition to environmental concerns, socio-economic concerns arise as these industrial BESSs are remotely controlled and provide very few permanent jobs.
- Given the experimental nature of the proposed development, and the many potential unknowns, it is considered reckless to grant planning permission.
- The level of proposed BESSs in Ireland is high, each with a potential 40km toxic cloud radius in the event of an explosion. It is requested that the precautionary principle be applied and that permission be refused for the proposed development.

#### 4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

**ABP ref PL92.247443 (PA ref: 16/600465):** Permission granted for a solar photovoltaic installation 2.1.comprising up to 32,500m<sup>2</sup> of solar panels on ground mounted frames, 4 no inverters in 2 blocks. 1 no 20kV substation, fencing, access track, CCTV and all associated ancillary development works and services.

The Board will note that the appeal was a first party Section 48 appeal against the inclusion of a development contribution condition. The permitted development provides for a 4MW capacity solar farm.

## **5.0 Policy and Context**

### **European Policy**

#### **5.1. EU Directive 2009/28/EC Energy from Renewable Resources**

This Directive 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%).

### **National Policy**

#### **5.2. 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 (GHG) emissions by between 80% and 95% by 2050, compared to 1990 levels, falling to zero or below by 2100.

#### **5.3. 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'.

#### **5.4. 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).

## 5.5. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

The National Planning Framework (NPF), is the overarching national planning policy document. The NPF details 10 National Strategic Outcomes, which includes for the transition to a low carbon and climate resilient society. The framework notes that transitioning to a low carbon economy through renewable sources of energy is a critical part of Ireland's climate change strategy. The National Climate Policy Position establishes the national objective of achieving transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050.

The NPF further notes that 'the diversification of our energy production systems away from fossil fuels and towards green energy such as wind, wave, solar and biomass, together with smart energy systems and the conversion of the built environment into both generator/consumer of energy and the electrification of transport fleets will require the progressive and strategic development of a different form of energy grid.

Section 4.6 of the NPF deals with Planning & Investment to Support Job Creation, which includes supporting energy production. It is the National Policy, Objective 21 to 'Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.'

Of particular note is that the Tipperary Energy Agency is identified as a Case Study in the NPS with regard to the promotion of low carbon energy sector, with the Council identified as the owner of the largest solar installation in the country and having switched 90% of its heat use from fossil fuels to renewable combined heat and power.

## 5.6. Regional Planning Guidelines

The South-East Regional Planning Guidelines 2010-2022, Section 2.3.3, states that “the Electricity Grid Network is a vital infrastructure network for the region. Eirgrid have produced a Strategic Plan, GRID 25, which sets out the future requirements of the electricity network up to 2025. The Regional Authority supports the development and expansion of the GRID network and future connections to renewable sources of energy”.

Chapter 6 supports security of energy supply, renewable energy targets, upgrade of the national grid. Objective PPO 6.5 states “The Regional Authority supports the sustainable development and expansion of the GRID network and future connections to renewable sources of energy subject to appropriate assessment of all necessary environmental considerations”.

## 5.7. Development Plan

The South Tipperary County Development Plan 2009, as varied and extended is the relevant policy document.

There are a number of development plan policies that are of relevance to the assessment, including Section 2.4, which lists the core objectives of the plan and, under the heading of ‘Climate Change Energy and Flooding’, states that the aim is ‘to ensure that the county continues to be a leader in addressing climate change through the facilitation of appropriate renewable energy developments and through supporting energy efficiency in all sectors of the economy’.

Chapter 8 of the plan relates to Climate change and energy and includes references to the provisions of the National Renewable Energy Action Plan and the need to facilitate the appropriate expansion of the national grid, facilitate the connection of renewable energy sources and support for the sustainable expansion of the network.

Policy CEF 6 deals with Solar Energy and it is the stated policy of the Council to promote and facilitate solar energy installations where it is demonstrated to the satisfaction of the Council that there will be no significant adverse impact on the built and natural environment, the visual character of the landscape or on residential amenity.

## 5.8. Tipperary Renewable Energy Strategy, 2016

The Tipperary Renewable Energy Strategy notes that stand-alone PV systems are not connected to the grid and are set up so that electricity produced is used directly. In order to take full advantage of the electricity produced it needs to be stored.

Section 4.2.3 of the Renewable Energy Strategy relates to the specific area of energy storage and states that future energy storage on a national and regional scale is an integral aspect of the industry.

Objective SO13 of the Strategy states that it is an objective of the Strategy ...' ...to support the objectives of the White Paper for Energy 2015 as they relate to energy storage as an important element of renewable energy systems in the county.'

## 5.9. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Lower River Suir SAC (Site Code: 002137) which is located approximately 3.3km to the west of the site. Other designated sites in the vicinity include:

- The Cahir Park Woodland pNHA, Site Code 000947, lies approximately 3.2km to the west of the site.
- The Galtee Mountains SAC, Site Code 000646 (pNHA Site Code 000646) lies approximately 11.6km to the west of the site.

## 5.10. EIA Screening

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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

This is a third-party appeal against the decision of the Planning Authority to grant planning permission for the proposed development. The issues raised reflect those as submitted to the Planning Authority and are summarised as follows:

- The decision to grant did not include conditions regarding the control of fire, explosion or release of toxic gasses including Hydrogen Fluoride into the atmosphere.
- The PA ignored valid concerns raised by the public, contrary to the Aarhus Convention and case law. The applicant has not specified which Battery Energy Storage Solution (BESS) they intend to use.
- The grant of permission is a significant source of revenue, contrary to *Kyprianou v Cyprus* (application no 73797/01) Strasbourg 15/12/2005.
- Allianz Risk Consulting have produced a document on BESS using Li-ion batteries, where recommendations are set out. The decision has not mentioned these recommendations.
- International experience with lithium ion technology drawbacks have been submitted with examples from Arizona, USA and South Korea.
- Questions the level of risk analysis carried out by the PA or by suitably qualified personnel. Until the science delivers its findings, the precautionary principle applies for the protection of public health and the environment.
- The fact that the HAS have stated that these developments are outside its scope is a major concern.
- Lithium ion battery technology is highly dangerous and hazardous and there are no internationally recognised safety standards for BESS or fire suppression and extinguishing standards.
- It is unacceptable that such known, documented risks be ignored or not provided for in the grant of permission. The permission should have included

recommendations for extra controls regarding health and safety rather than just the external appearance of the containers.

It is requested that the appeal contents are reviewed thoroughly by suitably qualified experts where required and take action inline with EU laws and principles.

## 6.2. Applicant Response

The first party has responded to the third-party appeal as follows:

- Additional information in relation to fire safety was included in the applicants response to the FI request which identified a number of fire-suppression measures that can be instantly employed in the event of a fire.
- Pollution issues raised in the event of a fire were also addressed and therefore concerns are unfounded.
- Matters of fire or explosion are not a planning matter and fall under a separate fire-based code of statutes. This position has been supported by the Board.
- Issues with regard to containers cooling / ventilation, noise, capacity and battery life have also been addressed in the response to the FI request.
- The development is a standalone development and does not fall within a category requiring an EIAR.
- It is submitted that the development is entirely consistent with Principle 1 of the Rio Convention.
- In terms of systems of fire suppression, the applicant includes a number of potential options.
- In relation to the submission that the PA ignored valid public concerns in contravention of the Aarhus Convention, it is submitted that the PA acknowledged and considered all submissions.
- The battery supplier will be selected based on best cost benefit and all required environmental considerations.
- Suggestions that the grant of permission infringes upon the appellants rights as a citizen should be considered in a legal challenge. It is considered that the decision to grant is lawful.

- It is not clear how the decision to grant permission infringes human rights in the context of the Universal Declaration of Human Rights.
- It is considered that the development is in compliance with national policy

It is considered that the development has been fully justified.

### 6.3. **Planning Authority Response**

The Planning Authority submitted a response to the third-party appeal. The response is summarised as follows:

- All issues raised in the submissions received were fully considered in reaching the recommendation to grant permission.
- The Council noted the comments of ABP Inspector in decision ABP-303718-19 where Section 7.7.7 of the report addresses concerns regarding fire and notes same as not strictly a planning issue.
- The proposed development was considered on its individual merits relative to the policies and objectives of the South Tipperary County Development Plan, 2009, as varied and County Renewable Energy Strategy.

It is requested that the Board uphold the decision to grant permission.

### 6.4. **Observations**

There is one observation noted from Ms. Carmel McCormack. The issues raised in the observation reflect those submitted during the PAs assessment of the proposed development and are summarised as follows:

- It is requested that the Inspector and the Board refer to the 2 previous submissions in relation to this development, as well as the 5 other planning appeals for similar developments.
- The exact detailed technical specification of the batteries and solar panels for the proposed development are required.
- Solar farms and batteries in electric cars are considered high risk by the American National Fire Protection Association.



- Several international insurance companies refuse to insure battery energy storage systems.
- The development is project splitting.
- There are a large number of similar developments in the country with a total of close to 4000MW proposed.
- Other countries across the world are having second thoughts on BESS installations due to the high risk.
- Battery Storage development should take into account Irelands damp climate.
- The batteries come with a hefty carbon footprint.
- Intermittent renewables do little to reduce carbon emissions.
- Batteries will store very little solar energy and most systems are being deployed to provide quick squirts of power on demand in an emergency to stabilise the grid frequency, that is being destabilised by too much intermittent renewable energy in the electricity generation mix.
- Cites UK examples of where BESS are relied upon too heavily for grid frequency control services and where BESS outages occur, the power outages are prolonged.
- The most prudent option has to be to seriously curtail wind energy and halt the further installation of intermittent renewable energy.
- Renewable energy policies are resulting in massive increases in potent green house gas emissions.
- Transcript of 2 videos from Clear Energy Alliance explaining issues with BESS is provided as are links to a number of articles which deal with fire and chemical hazards associated with lithium ion batteries.
- Questions whether other bodies were consulted. It is noted that the HSA has advised that BESSs are outside its remit.
- What are the negative impacts of the BESSs on property prices, agri-food sector, tourism, the environment, sense of wellbeing.....

- BESSs are unsustainable and in most cases the raw materials are unethically sourced. It is experimental technology providing a questionable service.
- It makes little sense to install BESSs that will waste about 50% of the primary energy before it reaches the end user and will significantly increase carbon emissions.

## 6.5. Further Responses

None.

## 7.0 Assessment

The Board will note that permission is sought for 3 battery storage containers on the site each of which will have a storage capacity of 5MW, giving a total potential storage capacity of 15MW. I would bring to the attention of the Board the submission of the first party that approval has been granted for the development of approximately 5.15MW solar farm on the site. In the context of the planning history of the site, the Board was advised under ABP PL92.247443 that the development will not generate 5.15MW of electricity. If the development proceeds, in accordance with an Electricity Generation Agreement with ESN it will have a maximum export capacity of 4MW. The development contribution determined for the development of the solar farm reflected this 4MW capacity and therefore, it should be clarified by the applicant that this is the case in order to comply with the planning permission as granted. I consider this issue relevant on the basis that the applicant has advised that the battery storage containers are required for the operation of the previously granted solar farm.

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards
2. Visual Impacts
3. Roads & Traffic
4. Fire Risk
5. Other Issues
6. Appropriate Assessment

**7.1. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:**

7.1.1. While I acknowledge that there are no national guidelines with respect to battery storage development, I am satisfied that this in itself, is not an appropriate reason to refuse planning permission. Indeed, there is significant evidence of planning applications and appeals for similar type development across the country, a number of which have been granted permission. Examples include for the provision of battery storage adjacent to existing substations, and others adjacent to / associated with renewable energy developments, including solar farms.

7.1.2. In terms of national policy relating to energy, it is clear that there are significant commitments to investment in renewable energy, low carbon technology and grid infrastructure. Such commitments are provided for in the National Planning Framework and the target of 16% of energy consumption from renewable sources by 2020 is stipulated in the White Paper on 'Ireland's Transition to Low Carbon Energy Future 2015-2030', which sets out the framework for the country to achieve EU targets. Of particular relevance is paragraph 161 which states as follows:

“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 RES-E 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”.

In the context of the above, I am satisfied that the development adequately complies with the thrust of national policy as it relates to renewable energy.

- 7.1.3. Further to the above, the Board will note the South Tipperary County Development Plan, as varied and extended, supports the sustainable and appropriate development of renewable energy proposals, including improvements to the national grid to support such sustainable energy developments.
- 7.1.4. The Tipperary County Renewable Energy Strategy seeks to support the objectives of the White Paper on 'Ireland's Transition to Low Carbon Energy Future 2015-2030' and it is of particular note that Section 4.2.3 of the Strategy relates to the storage of energy, with Objective SO13 identifying energy storage as an important element of renewable energy systems.
- 7.1.5. In principle, I am satisfied that the development as proposed adequately complies with the South Tipperary County Development Plan and Tipperary County Renewable Energy Strategy.

## **7.2. Visual and Residential Amenity Impacts**

- 7.2.1. The subject site lies in a rural area of Co. Tipperary, with access proposed over existing farm tracks. The site is bound by hedgerows and planning permission has been granted for the construction of a solar farm on the wider landholding. The site of the subject appeal, while including the entire solar farm site, affects a small area in the northern area of the site. The proposed development will provide for the installation of 3 no. battery storage containers of nominal scale, and which will lie adjacent to the permitted sub-station.
- 7.2.2. The containers will have a floor area of 28.8m<sup>2</sup> each, a total construction element of 86.4m<sup>2</sup>, and will rise to an overall height of 3.4m. The width of the containers is indicated at 2.4m. In the context of the permitted solar farm, I have no objections to the proposed development in terms of potential visual impact.
- 7.2.3. In terms of residential amenities, I note that the proposed containers are to be located within a permitted solar farm development and would be located approximately 550m from the nearest residential property, located to the south. In this regard, I am satisfied that there is no issue of visual impact or noise associated with the proposed development arising.

### **7.3. Roads & Traffic**

- 7.3.1. Access to the site will be via the existing local road network and in accordance with the permitted development of the wider solar farm on the site. I do not consider that the development will give rise to any additional significant traffic and I note that Tipperary County Council Roads Department did not comment on the proposed development. I am therefore satisfied that a grant of planning permission would be acceptable and would not give rise to a traffic hazard.

### **7.4. Fire Risk**

- 7.4.1. A significant issue raised in the appeal, and third party observations, relate to the potential fire and explosion risks associated with lithium ion batteries. A number of examples of serious fires at BESSs in the past few years have provided. The Board will note that the proposed development falls outside of the provisions of the Seveso Regulations and the Control of Major Accident Hazards involving Dangerous Substances Regulations.
- 7.4.2. In response to the request for further information, the applicant identified a number of fire suppression systems contained within Battery Energy Storage Systems noting that the battery units are climate-controlled to keep them in a safe operating range. The units themselves are designed to withstand considerable heat and pressure parameters, limiting the potential for releases to the environment in the event of failure. In addition, built in alarms and self-activating fire-suppression systems will be incorporated into the units which will be connected to sensors which will, at the first signs of any combustion, shut down the units and dislocate them from the grid. A number of procedures for the extinguishment of a fire are also identified.
- 7.4.3. The proposed development will also require a Fire Certificate which is issued under the Building Control Regulations. As such, requirements in relation to fire safety is to be addressed under a separate regulatory process, outside this planning process. It is therefore not appropriate for the Board to consider such matters as part of the development management process, Section 7.8 of the Development Management Guidelines, DEHLG, 2007 refers.

## 7.5. Other Issues

### 7.5.1. Public Notice

The Board will note that an issue was raised regarding the public notices associated with the subject appeal, and in particular the description of the development and the erection of new notices following the response to the request for further information. Given that two further objections were received by Tipperary County Council after the erection of the revised notices advising the submission of significant further information, I am generally satisfied that the notices were sufficient to advise members of the public as to the nature of the development proposed and are in accordance with the requirements of the Planning & Development Regulations, 2001 as amended.

### 7.5.1. Other Third Party Issues

The substantial third party appeal includes a number of concerns which relate to issues which are not covered by current planning legislation or processes. I also note the significant amount of information and number of articles submitted by the third parties to this appeal and would consider that there is objection to current policy relating to the provision of energy and in particular, renewable energy sources. Such matters are not an issue for the development management process. I have considered the proposed development against current policies, both national and local, relating to the provision of energy and have concluded that the development adequately complies.

### 7.5.2. Development Contribution

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

## 7.6. Appropriate Assessment

- 7.6.1. The site is not located within any designated site. The closest Natura 2000 site is the Lower River Suir SAC (Site Code: 002137) which is located approximately 3.3km to the west of the site. Other designated sites in the vicinity include:

- The Cahir Park Woodland pNHA, Site Code 000947, lies approximately 3.2km to the west of the site.
- The Galtee Mountains SAC, Site Code 000646 (pNHA Site Code 000646) lies approximately 11.6km to the west of the site.

7.6.2. There is no hydrogeological connections between the subject site or any designated site.

7.6.3. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

## 8.0 Recommendation

I recommend that planning permission be granted for the proposed development for the following stated reasons and considerations and subject to the following stated conditions.

## 9.0 Reasons and Considerations

Having regard to:

- (a) National and local policies in relation to renewable energy, in particular,
- the National Renewable Energy Action Plan 2010,
  - the Strategy for Renewable Energy 2012-2020,
  - Ireland's Transition to a Low Carbon Energy Future 2015-2030,
  - the Tipperary Renewable Energy Strategy 2016, in favour of the deployment of renewable energy, and
  - the South Tipperary County Development Plan, 2009 (as varied) and specifically the strategic core aim relating to the facilitation of appropriately located renewable energy developments,

- (b) the scale, extent and layout of the proposed development, and
- (c) the pattern of development in the area, including the extant permission for a solar farm and associated facilities,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national and local policy, would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of landscape impacts and traffic safety and convenience and would not endanger human health or the environment. 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, as amended by the further plans and particulars submitted on the 23<sup>rd</sup> day of May, and 5<sup>th</sup> day of July, 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. All relevant conditions attached to previous grant of permission for the solar farm on the site, An Bord Pleanála reference PL92.247443 / Planning Authority reference 16/600465, shall be strictly adhered to.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area.



3. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

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

4. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, details of an Accident and Emergency Action Plan which sets out the detailed procedures to be followed in the event of an accident or fire.

**Reason:** To ensure the protection of the environment and surrounding lands and properties in the event of an emergency at the site.

5. (a) This permission shall be for a period of 30 years from the date of the commissioning of the energy storage facility. The battery container units, transformers and all other permitted equipment and 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.

(b) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of all permitted equipment including the battery container units including all foundations, transformers, substation, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.

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

6. 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.

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A. Considine

Planning Inspector

18<sup>th</sup> November, 2019