



An
Bord
Pleanála

Inspector's Report 309311-21

Development	Battery arrays located in 16 no. container units, a control building, transformer and new site entrance.
Location	Corderry (E.D. Belhavel), Co. Leitrim
Planning Authority	Leitrim County Council
Planning Authority Reg. Ref.	20/20
Applicant(s)	Brookfield Renewable Ireland Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v. Decision
Appellant(s)	Tracey McNamara on behalf of residents of E.D. Belhavel
Observer(s)	(1) An Taisce; (2) Adrienne Diamond; (3) Moya McGinley; (4) Padraig Fallon;
Date of Site Inspection	5 th May 2021
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.44 ha and is located in the rural townland of Corderry, Co. Leitrim. The site is located approximately 1.3 km south-west of Belhavel Lough, is greenfield in nature and is characterised by marshy conditions and associated vegetation with a low hedge demarcating the site boundary adjacent to the public road. Mature trees define all other site boundaries. Overhead power lines traverse the site in a north-east/south-west direction.
- 1.2. The site is bounded by a local access road (L8280) along its north-western boundary and by greenfield lands at all other boundaries. There is no existing vehicular access into the site. The River Greagh adjoins the eastern (rear) site boundary, which flows in a generally north-easterly direction into Belhavel Lough.
- 1.3. The ESB Corderry 110 kV substation is located to the north of the subject site on the opposite side of the local access road. There are 3 no. residential dwellings in the vicinity of the site, one located approx. 180 m to the north-east, proximate to the junction of the local road and regional road R280, the second is located approx. 136 m to the north-west adjacent to the 110 kV substation, with the remaining dwelling is elevated above the site to the south at a separation distance of approx. 168 m. The remaining lands in the vicinity are generally agricultural in nature.

2.0 Proposed Development

- 2.1. The proposed development will consist of the installation of battery arrays, located within container units (16 no. units, each 30 m² by c. 2.6 m tall), a control building (c. 160.5 m² by c. 6.4 m tall), transformer (c. 5 m tall) and a new site entrance.
- 2.2. The development will include ancillary infrastructure including security fencing, lighting, CCTV, internal access roads and drainage.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 11 no. conditions issued on 22nd December 2020.

- 3.1.2. Condition no. 5 requires the developer to employ a suitably qualified technical professional for the duration of the construction project to be based on site and to oversee the implementation of pollution mitigation measures, compliance with all environmental monitoring and reporting on environmental aspects of the development and liaison with the Planning Authority.
- 3.1.3. Condition no. 7 requires that noise emissions at the nearest noise sensitive receptor shall not exceed LAeq (60 minutes) 55dB(A) 8am to 8pm and LAeq (15 minutes) 45dB(A) 8pm to 8 am.
- 3.1.4. Condition no. 11 requires a decommissioning and site reinstatement plan to be submitted for the written approval of the Planning Authority.
- 3.1.5. All other conditions are generally standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports (26th March 2020 and 17th December 2020)

- 3.2.2. Following their initial assessment of the planning application, Leitrim County Council's Planning Officer considered that Further Information was required in relation to the following:
 - (1) A revised NIS which addresses the potential for water pollution to the Greagh River and larger catchment during the operation of the plant.
 - (2) Revised environmental reports which address the appropriateness of the siting of the development in the context of the poorly draining site and its boundary with the Greagh River and the important nature of its connectivity to Belhavel Lake, Lough Allen and Lough Gill. The application shall be amended to provide a minimum 15 m buffer zone from the top of the bank of the river free from development. Any riparian vegetation within this buffer zone shall be retained.
 - (3) Details of proposed route connection on the site layout plan and provide written consent from the relevant landowners.
 - (4) Confirmation of the materials and finishes of the proposed container units.

- (5) Provide details of lighting levels (lux values), times of operation and an assessment of the impact of light pollution and measures to minimise same. Provide details of the location of any poles for the proposed CCTV or whether cameras will be attached to the light poles.
- (6) Demonstrate sightlines of 120 m in both directions at the site entrance, including written consent from any affected landowner for the maintenance of any affected hedgerow within this area.
- (7) Details of the right-of-way along the southern site boundary, including written consent of the benefactor.
- (8) Details of the storage capacity (MW) of the plant.
- (9) Observations on third party submissions.

3.2.3. The applicant submitted a Response to the Request for Further Information on 23rd October 2020, which was deemed to contain Significant Further Information by the Planning Authority and was readvertised to the public. The applicant's response can be summarised as follows:

3.2.4. **Item No. 1:** A revised NIS has been submitted.

3.2.5. **Item No. 2:** A revised Ecological Impact Assessment (EclA) and Environmental Report (ER) have been prepared. A 15 m buffer has been provided to the top of the bank of the Greagh River and the number of container units has been reduced from 16 to 15.

3.2.6. **Item No. 3:** Drawing No. L-P012 (Indicative Grid Connection Route) illustrates that the proposed grid connection route will extend from the on-site banded transformer to the existing ESB Corderry 110kV substation via c. 110 m of the local access road. ESB will not engage prior to obtaining a grant of planning permission.

3.2.7. **Item No. 4:** The battery storage containers will be made entirely of steel and will be painted in a green colour to blend in with the surrounding landscape.

3.2.8. **Item No. 5:** The proposed locations of the light poles with attached CCTV cameras have been identified on the Proposed Site Layout Plan (Drawing No. L-P004). Lighting will only be used for maintenance and will be switched on manually as required. Mitigation measures are identified to avoid lighting impacts.

- 3.2.9. **Item No. 6:** A speed survey was undertaken to determine the appropriate sightlines for the local road. A sight distance of 86 m is proposed to the south and 82 m to the north as illustrated on the Proposed Site Layout Plan (Drawing No. L-P004). A letter of consent from the landowner whose hedgerow will be maintained to facilitate the required sightlines is provided.
- 3.2.10. **Item No. 7:** The Property Registration Authority cannot confirm the benefactor of the registered right-of-way within the site. It is understood to have been put in place by the Land Commission 25 years ago to allow cattle to access drinking water. The right-of-way is heavily overgrown and has not been used in many years. No infrastructure or works will encroach on same.
- 3.2.11. **Item No. 8:** The proposed battery storage facility will have a maximum capacity of c. 50 MW. Each storage unit will most likely have a capacity of c. 2.5 - 2.8 MW, with the precise capacity dependant on the available technology at the time of construction.
- 3.2.12. **Item No. 9:** A technical note has been prepared to address third-party concerns. The observations of IFI have been addressed in the revised NIS, EclA and ER.
- 3.2.13. Following an assessment of the submitted Further Information, Leitrim County Council's Planning Officer considered that all issues had been adequately addressed and recommended that planning permission be granted for the proposed development.
- 3.2.14. **Other Technical Reports**
- 3.2.15. **Fire Officer:** No objection subject to conditions. Condition no. 4 states that a suitable and adequate water supply must be provided for fire-fighting purposes. Condition no. 6 states that the applicant should carry out an assessment of risks associated with items proposed to be stored within the containers and adequate provisions be made to ensure fire-fighting and rescue operations can be conducted without undue risk. The results of the assessment are to be communicated to the Fire Authority to facilitate appropriate familiarisation and pre-fire planning.
- 3.2.16. **Planning Enforcement:** No objection subject to conditions, including the requirement for an assessment of risks associated with the items to be stored in the containers and the taking of adequate measures to ensure that fire-fighting and rescue operations can be conducted without undue risks to fire services personnel and members of the local community.

- 3.2.17. **District Engineer (12th March 2020 and 11th December 2020):** Initial recommendation that planning permission be refused based on inadequate sightlines at the site entrance.
- 3.2.18. Following the applicant's Significant Further Information submission, no objections arose subject to the agreement of an advance signage layout with the District Engineer prior to the commencement of development.

3.3. **Prescribed Bodies**

- 3.3.1. **Minister for Arts, Heritage and the Gaeltacht:** None received.
- 3.3.2. **An Taisce:** None received.
- 3.3.3. **Electricity Supply Board (ESB):** None received.
- 3.3.4. **Inland Fisheries Ireland (IFI):** Notes that consideration must be given to the siting of the development in the context of the poorly draining site and its boundary with the Greagh River and the important nature of its downstream connectivity to Belhavel Lake, Lough Allen and Lough Gill and the potential risk of fire/incident at this location.
- 3.3.5. Recommends that due consideration be given to the aquatic ecology of the Greagh River and the catchment as a whole, including the issue of site selection and the consideration of alternative sites which have less-sensitive features than the Greagh River.
- 3.3.6. **The Heritage Council:** None received.

3.4. **Third Party Observations**

- 3.4.1. A total of 8 no. third party observations were made on the application by: (1) Alan Fitzmaurice, Corderry, Killargue, Dromahair, Co. Leitrim, (2) Tracey and Kevin Harkin, Corderry, Killargue, Dromahair, Co. Leitrim, (3) Hubert & Christina McHugh, Corderry, Killargue, Dromahair, Co. Leitrim, (4) Tracey McNamara on behalf of residents of E.D. of Belhavel, Dromahair, Co. Leitrim, (5) Cllr. Des Guckian, Dromod, Co. Leitrim, (6) Adrienne Diamond & Graham Robertson, Beagh, Dromahair, Co. Leitrim, (7) Moya McGinley, Drumcashlagh, Drumkeeran, Co. Leitrim, (8) Jim & Geraldine Harkin, Corderry, Killargue, Dromahair, Co. Leitrim.

- 3.4.2. The issues which are raised can be summarised as follows: (1) no public consultation, (2) risk of fire/explosion – refusal of permission on these grounds for similar development in Longford (Planning Reg. Ref. 18157), (3) health impacts of toxic fumes/gas, (4) no evacuation plan, (5) environmental impacts, including water and flora and fauna (6) increased traffic and noise impacts, (7) impact on local property values, (8) inappropriate site location, (9) decommissioning plan required, (10) flood risk, (11) suitability of metal shipping containers to house batteries, (12) inappropriate, ecologically sensitive location, (13) high level of electricity generation from existing windfarms, (14) impact on tourism, (15) light pollution.
- 3.4.3. Following the applicant's Significant Further Information response, 6 no. further third-party submissions were received from: (1) Tracey McNamara on behalf of the residents of Corderry, (2) Alan Fitzmaurice, (3) Moya McGinley, (4) Adrienne Diamond & Graham Robertson, (5) John Matthews, Lisnanerriss, Drumkeerin, Co. Leitrim, and (6) Cllr. Mary Bohan, Drumkeeran, Co. Leitrim.
- 3.4.4. The issues which are raised can be summarised as follows: (1) inappropriate scale, nature and location of development, (2) no need for the development, (3) potential for oil leakage into surface waters, (4) site is prone to peat slippage and landslides, (5) no evacuation plan in the event of fire, (6) no industry standards for batteries, (7) leakage of gases/fumes, (8) deficient NIS, (9) mature planting required to screen the development, (10) permission has not been received from the relevant landowner to maintain the hedgerow within the southern sightline, (11) important bird species are present in the area.

4.0 Planning History

- 4.1. None.

5.0 Policy and Context

5.1. National Planning Framework (NPF)

- 5.1.1. **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.

5.2. Northern & Western Regional Assembly: Regional Spatial & Economic Strategy (RSES) 2020-2032

- 5.2.1. Section 8.2 of the RSES notes that the Border Region has significant renewable energy resources and supply exceeds demand, so there is an excess of generation in the area. Demand in the region is expected to grow over the period of the RSES.
- 5.2.2. **Regional Policy Objective 8.1:** The Assembly support the development of a safe, secure and reliable electricity network and the transition towards a low carbon economy centred on energy efficiency and the growth projects outlined and described in this strategy.

5.3. Leitrim County Development Plan 2015-2021

5.4. Environmental Goods and Services Sector

- 5.4.1. **Policy 3:** It is the policy of the Council to: (a) maximise the use of renewable energy in County Leitrim, (b) support initiatives to secure the county's energy supply and reduce dependence on fossil fuels.

5.5. Electricity Generation and Transmission

- 5.5.1. **Policy 127:** Leitrim County Council will facilitate the provision and or enhancement of energy networks in principle, provided that it can be demonstrated that: (1) the development is required in order to facilitate the provision or retention of significant economic or social infrastructure; (2) the route proposed has been identified with due consideration for social, cultural and environmental impacts including Habitats Directive Assessment; where required; (3) the design and type of infrastructure being considered will minimise environmental impacts (including impact upon human beings); (4) the proposed development is consistent with international best practice with regard to materials and technologies that will ensure a safe, secure, reliable, economic and efficient and high quality network; (5) in the case of electricity

transmission, the undergrounding of lines is considered in the first instance, as part of a detailed consideration and evaluation of all options available in delivering and providing this type of infrastructure; and (6) where impacts are inevitable mitigation features have been included.

5.6. Electricity Generation and Transmission

- 5.6.1. **Objective 125:** It is an objective of the Council to support infrastructural renewal and development of electricity transmission networks in the County.

5.7. Renewable Energy

- 5.7.1. **Policy 135:** It is the policy of the Council to support national policy on reducing carbon emissions and increasing energy generation from renewable sources.

5.8. Development Management Standards

- 5.8.1. **Access onto Public Roads and Sightlines:** All developments providing for access onto public roads must show that the access proposed will not create a traffic hazard nor interfere with the free-flow of traffic along such roads.
- 5.8.2. Table 26 of the development plan confirms that sightlines of 120 m are required on county roads with a speed limit of 80 km/hr (90 m may be considered where the operational speed is 60 km/hr or less).
- 5.8.3. **Noise:** The Council will seek to ensure that new development does not cause an unacceptable increase in the noise levels affecting surrounding properties.
- 5.8.4. **Light Pollution:** It will be the policy of the Council to seek to minimise the effects of external lighting on the environment.

5.9. Natural Heritage Designations

- 5.9.1. The site is not located within or, in close proximity, to any European site. The closest European sites include Lough Gill SAC, located approx. 5.5 km to the north-west, and Boleybrack Mountain SAC which extends to the north-east and east of the site at separation distances of between approx. 5.5 km and 7.8 km.
- 5.9.2. The River Greagh adjoins the eastern site boundary and flows in a north-easterly direction for approx. 1.3 km where it joins Belhavel Lough. Belhavel Lough is hydrologically connected to Lough Gill SAC.

5.9.3. The Cuilcagh Anierin Uplands SAC is located approx. 14.3 km to the south-east of the subject site, while the Unshin River SAC is located approx. 14.6 km to the south-west.

5.10. EIA Screening

5.10.1. The form of development proposed comprising battery storage units for the storage of energy generated before discharging to the grid does not comply with any class of development as set out in Parts 1 or 2 of the Fifth Schedule of the Planning and Development Regulations, 2001 (as amended).

5.10.2. The form of development proposed is not therefore of a class for the purposes of EIA and the submission of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal against the Notification of the Decision to Grant Planning Permission has been lodged by Tracey McNamara on behalf of the residents of E.D. Belhavel, Corderry, Killargue, Dromahair, Co. Leitrim. The grounds of appeal can be summarised as follows:

- Unacceptable risk of explosion / fire and safety concerns.
- The sightlines for the development are inadequate and only 1 no. landowner has provided their consent to maintain hedgerows.
- Speed monitoring on the adjoining road was undertaken during Covid 19 restrictions when traffic volumes on the road were not normal.
- Green shipping containers are not suitable in this rural countryside setting, which is an Area of Outstanding Natural Beauty.
- A statement on decommissioning and recycling of all equipment has not been provided.
- A monetary bond should be in place to ensure the proper decommissioning of the site.

- There is no evidence of the need for the development in this rural location, with rural Leitrim having no heavy industry, large data facilities or evidence of blackouts.
- The development will increase insurance premiums for local land-owners and residents.
- Battery storage facilities are not considered in the Leitrim County Development Plan.
- The development will have a negative visual impact on the area, will impact on the value of homes and discourage the repopulation of rural Leitrim.
- The development will not create long-term, sustainable employment for the people of Leitrim.
- No letter of consent from the benefactors of the right-of-way within the site has been provided.
- No consideration of the ecological impact of the development in the event of fire. Water will be needed to control any fire, with contaminants entering land drains, the River Greagh, groundwater bodies, local wells and drinking sources.
- The application does not consider impacts on Diffagher River, Lough Allen, the upper reaches of the Shannon River or Belhavel Lough which is a known nesting site for Whooper Swans.
- Provision has not been made for the discharge of wastewater from eye wash stations in all charging areas, designated battery rooms and elsewhere.
- No consultation with local residents.

6.1.2. The appeal submission includes extensive supporting documentation, including that relating to fire risks associated with battery energy storage, a copy of the applicant's Further Information Response and other planning application documentation, a battery storage guidance note, a list of local residents' who oppose the development, a copy of the An Bord Pleanála Planning Inspector's report concerning an application for 6 no. wind turbine generators on a site at Tullynamoyle, Co. Leitrim (ABP Ref. PL.12.218384), information on pollan fish species in Lough Allen and information

relating to water bodies in the local catchment. The content of this information has been reviewed and noted.

6.2. Applicant's Response

6.2.1. A response to the third-party appeal was received from Malone O'Regan Environmental on behalf of the applicant on 26th February 2021, which can be summarised as follows:

- The applicant has extensive knowledge and the required experience to safely develop, operate and maintain facilities such as the proposed development.
- The technologies used in battery storage developments are consistently evolving and being updated, and the applicant is committed to using the most up-to-date technology with the highest safety standards.
- The site location was selected on the basis of its proximity to the Corderry 110kV substation and a number of environmental considerations.
- The proposed development cannot be located in the ESB compound due to insufficient site area, and it cannot be located in the fields directly across from the substation given the number of high-powered overhead electrical powerlines that traverse these fields.
- The site is of low ecological value due to the on-site habitats and is not of value to any Annex I or Annex II species or red listed birds. The proposed development will not result in any adverse effects on any Natura 2000 sites or designated species.
- The site does not have a history of flooding and following a preliminary flood risk assessment, it is not considered to be at risk of flooding.
- The proposed development will not result in any noise impacts to any residential property during its operational phase.
- The site is not located in a landscape sensitive area and following mitigation planting, will not result in any visual impacts.

- A speed survey and sightline assessment were undertaken to determine the appropriate sightlines at the site entrance, which have been deemed appropriate by Leitrim County Council.
- The primary need for the proposed development is to contribute to achieving renewable energy/decarbonisation goals and maintaining a reliable and balanced grid, with renewable technologies playing a vital role in the reduction of greenhouse gases.
- Demand for electricity is forecast to increase by 50% above existing capacity in the next decade. Utilising renewable regeneration, rather than fossil fuels, has the capacity to help meet this demand and reach emission targets.
- Ensuring increased levels of renewable generation will require substantial new infrastructure, including wind and solar farms, grid reinforcement, storage developments and interconnection.
- Until recently, intermittency was a key obstacle to expansion of renewable electricity, especially wind, and therefore fossil fuels continue to be a dominant electricity generating technology.
- Battery storage can mitigate some of the grid connection challenges posed by intermittent power plants and can help better manage the electricity system by storing electrical energy at times when production exceeds demand and returning it to the grid when production falls below consumption.
- Energy and battery storage systems are environmentally friendly as there are no emissions to air, solid wastes or effluents produced.
- The need for these types of development has been recognised nationally and locally, with similar developments granted throughout Ireland by both An Bord Pleanála and Local Authorities (20 no. precedent cases identified).
- The appellants' concerns in relation to water quality and bird life have been comprehensively addressed in the planning application, and following the implementation of appropriate mitigation measures, the proposed development will not result in any significant environmental impacts.
- A number of unsubstantiated observations have been raised by the appellants in relation to fire safety. Prior to the commencement of any development

works at the site, specific details of the fire suppression systems that will be used will be submitted to Leitrim Fire Service for their approval. A Fire Safety Certificate will also be obtained and as part of this application, a detailed hazard analysis and risk assessment will need to be undertaken.

- The applicant's RFI response outlined monitoring systems, design measures, the fire suppression system and additional safety measures that will be implemented as part of the battery storage facility and these measures and procedures are industry standards.
- The third-party appeal is based on unsubstantiated allegations about fire and explosion risks associated with the proposed development. The appeal is not accompanied by any technical or expert assessment of the planning application documentation.
- The applicant is an established and leading energy provider that is committed to providing safe, clean energy to the country. The applicant has an exemplary environmental track record and will ensure that local amenities are protected, and the highest standard of fire safety is implemented.

6.3. Planning Authority Response

6.3.1. A response to the appeal was received from the Planning Authority on 16th February 2021 which can be summarised as follows:

- The subject site is not located in an Area of Outstanding Natural Beauty as asserted by the appellants and is not subject to any particular landscape designation in the County Development Plan.
- The Planning Authority is satisfied that the facility will be remotely monitored on a 24-hour basis by a SCADA safety system to prevent any hazards.
- Each battery storage unit is fitted with a fire suppression system comprising clean inert gas rather than liquid, thus ensuring there will be no fire water run-off, or contamination of surface water in the event of a fire.
- A Fire Safety Certificate is required under Building Control Regulations and compliance with fire safety requirements is covered separately under this legislation.

- The development does not require EIA and the EPA licensing process for batteries is the appropriate mechanism to deal with toxic emissions.
- It is the opinion of the Planning Authority that the development does not pose a traffic hazard based on the applicant's traffic count and the low levels of traffic which will be generated by the development.

6.4. Observations

- 6.4.1. A total of 4 no. observations were made on the appeal by: (1) Cllr. Padraig Fallon, Sheena, Drumkeeran, Co. Leitrim, (2) Moya McGinley, Drumcashlagh, Drumkeeran, Co. Leitrim, (3) Adrienne Diamond & Graham Robertson, Beagh, Dromahair, Co. Leitrim, (4) An Taisce.
- 6.4.2. The issues which are raised can be summarised as follows: (1) the fire department requires a water supply for fire-fighting purposes and the impact of this contaminated run-off has not been considered, (2) the cumulative impact of the development with existing wind farms within 10km of the site has not been considered, (3) the development does not create sustainable, long-term employment, (4) the development is at odds with development plan commitments to safeguard the unspoilt/green image of the county, (5) no consideration for this development in the development plan, (6) the development is in breach of EIA Directive 2014/52/EU, (7) the site is a high value landscape area, (8) the development should be co-located with a wind or solar farm, (9) no information on the number of MW hours of energy the units will store, (10) the indicative connection to the substation is subject to a separate application, which is in contravention of the decision in O'Grianna & Ors. V. An Bord Pleanála [2014] IEHC 632.

7.0 Assessment

- 7.1. The proposed development was amended on foot of the applicant's Further Information response as illustrated on the Proposed Site Layout Plan (Drawing No. L-P004 Rev. P1) submitted to the Planning Authority on 23rd October 2020. In summary, the total number of proposed battery storage units has been reduced from 16 to 15 and the landscaped buffer adjoining the eastern site boundary has been

increased to 15 m. Additional screen planting is also proposed along the eastern and southern site boundaries.

7.2. The additional information response was deemed to contain Significant Further Information by Leitrim County Council and the planning application was readvertised to the public. Based on the foregoing, I am satisfied that it is appropriate to base my assessment on the development as amended by the applicant's Further Information submission.

7.3. In my opinion, the main issues for consideration in this case include:

- Principle of the Development
- Procedural Issues
- Visual Impacts
- Safety/Fire Hazard
- Traffic Impacts
- Ecological Impacts
- Decommissioning
- Appropriate Assessment

7.4. Each of these issues is addressed in turn below.

7.5. **Principle of the Development**

7.5.1. The appellants submit that there is no evidence of the need for the proposed development in this rural location, with rural Leitrim having no heavy industry, large data facilities or evidence of blackouts. It is also submitted that battery storage facilities are not considered in the Leitrim County Development Plan.

7.5.2. In response to the foregoing, the applicant's agent submits that the primary need for the proposed development is to contribute to achieving renewable energy/decarbonisation goals and maintaining a reliable and balanced grid. It is noted that demand for electricity is forecast to increase by 50% above existing capacity in the next decade and that using renewable regeneration, rather than fossil fuels, has the capacity to help meet this demand and reach emission targets. It is noted that battery storage can mitigate some of the grid connection challenges

posed by intermittent power plants and can help better manage the electricity system by storing electrical energy at times when production exceeds demand and returning it to the grid when production falls below consumption.

- 7.5.3. The applicant's agent also submits that the need for these types of development has been recognised nationally and locally, with similar developments granted permission throughout Ireland by both An Bord Pleanála and Local Authorities. A total of 20 no. precedent cases have been identified, 11 no. of which have been granted permission by the Board.
- 7.5.4. While battery storage facilities are not explicitly considered in the Leitrim County Development Plan 2015-2021, I note that it is a policy of the County Council to support initiatives to secure the county's energy supply and reduce dependence on fossil fuels (policy no. 3 refers). The Council will also facilitate the provision and/or enhancement of energy networks in principle (policy 127 refers). It is an objective (RPO 8.1) of the RSES for the Northern and Western Region to support the development of a safe, secure and reliable electricity network and transition towards a low carbon economy. National Policy Objective 55 of the NPF also promotes renewable energy use and generation at appropriate locations to meet national objectives towards achieving a low carbon economy by 2050.
- 7.5.5. Having regard to the above policy context, and the rationale for the proposed development as provided in the planning application and appeal documentation, I am satisfied that the proposed development is acceptable in principle at this location, subject to its compliance with all other relevant planning policies and development management standards.

7.6. Procedural Issues

- 7.6.1. The appellants submit that no letter of consent from the benefactors of the right-of-way within the site has been provided with the application and that only 1 no. landowner has provided consent to maintain the hedgerows to achieve the sightlines at the site entrance.
- 7.6.2. The Planning Authority requested that these matters be clarified by way of the Request for Further Information (item nos. 6 and 7 refer). In response, the applicant's agent submitted that the Property Registration Authority cannot confirm the benefactor of the registered right-of-way within the site, which the Land

Commission is understood to have put in place 25 years ago to allow cattle access drinking water. It is noted that the right-of-way is heavily overgrown and has not been used in many years and that no infrastructure or works will encroach on same. This position is supported by my own on-site observations and the planning application drawings which confirm that no development is proposed within the extent of the registered right-of-way.

- 7.6.3. A sightline of 82 m is proposed in a north-easterly direction from the site entrance, which extends across the roadside boundary of the adjoining land. A letter of consent from the owner of this land accompanied the Further Information response, which confirms that all hedge cutting to maintain this sightline will be facilitated. A sightline of 86 m is proposed in a south-westerly direction from the site entrance, the maintenance of which does not require consent from an adjoining landowner.
- 7.6.4. Thus, I am satisfied that the procedural matters which have been raised by the appellants have already been clarified by the applicant during the planning application process. Notwithstanding the foregoing, I would draw the Board's attention to the provisions of Part III, Section 34 (13) of the Planning and Development Act, 2000 (as amended) which states that "a person shall not be entitled solely by reason of a permission under this section to carry out any development".

7.7. Visual Impacts

- 7.7.1. The appellants submit that the proposed development will have a negative visual impact on the area and that green shipping containers are not suitable in this rural countryside setting, which is an Area of Outstanding Natural Beauty (AONB).
- 7.7.2. While I acknowledge that the subject site is located in a rural area, a review of the Leitrim County Development Plan 2015-2021 confirms that it is not located in an AONB. This is also confirmed in the Planning Authority's appeal response, which states that the site is not subject to any particular landscape designation.
- 7.7.3. The applicant's response to the Request for Further Information includes an illustration of the storage containers, which are proposed to be finished in a dark green colour. While I acknowledge that the structures are industrial in design, I do not consider they would have any significant negative impact on the landscape character when compared with other buildings which are typically found in rural

areas, for example, prefabricated agricultural sheds. I also note the presence of the ESB Corderry 110 kV substation to the north of the application site, which is a dominant feature within this rural landscape. Notwithstanding the foregoing, I consider it reasonable that all final finishes and materials should be agreed with the planning authority in advance of the commencement of development. This matter can be addressed by planning condition.

- 7.7.4. The battery storage containers are flat roofed structures with an overall height of approx. 2.6 m, a width of approx. 2.6 m and an overall length of 12.192 m. The proposed control room building has a pitched roof with a height of 4.010 m to eaves level and an overall height of 6.4 m. Having regard to the foregoing, I consider that the control room building would be the most visible new structure within the site. However, given that this building has a stated floor area of 160.5 m², I do not consider that it would be unduly visually obtrusive at this location.
- 7.7.5. I also note that tree planting is proposed along the northern, southern and eastern site boundaries, with reinforced hedge planting proposed adjacent to the site entrance (proposed site layout plan drawing no. L-P004 rev. P1 refers). In my opinion, these landscaping treatments will assist in screening the proposed development in public views of the site. I consider that final details of the proposed landscaping should be agreed in writing with the planning authority prior to the commencement of development. This matter can be addressed by planning condition.
- 7.7.6. Thus, having regard to the scale of the proposed development, the proposed landscaping/screening treatments, the absence of any sensitive landscape designations at this location and the separation distances arising to the nearest residential dwellings, I am satisfied that the proposed development would have no significant visual impact at this location.

7.8. **Safety / Fire Hazard**

- 7.8.1. The appellants submit that the proposed development poses an unacceptable risk of explosion/fire and note serious concerns regarding the protection of the local community in the case of fire and the resulting emission of toxic gases. It is noted that no evacuation plan is in place in the event of such an incident. It is also submitted that the Acting Chief Fire Officer of Leitrim County Council requires the

development to have a suitable and adequate water supply for fire-fighting purposes, but that no water supply has been considered in the planning application.

7.8.2. The applicant's agent considers that unsubstantiated observations have been raised by the appellants in relation to fire safety. It is submitted that prior to the commencement of any development, specific details of the proposed fire suppression system will be submitted for the approval of Leitrim Fire Service. A Fire Safety Certificate will also be obtained, and as part of this application, a detailed hazard analysis and risk assessment will need to be undertaken. The applicant's agent refers to the RFI response which outlined monitoring systems, design measures, the fire suppression system and additional safety measures that will be implemented as part of the proposed development, which are noted to be industry standards.

7.8.3. In considering the foregoing, I note that the applicant sought to address the issue of fire safety by way of the Technical Note which accompanied the response to the Request for Further Information. I note the following information:

- International safety standards for the testing and certification of lithium-ion batteries will be adhered to.
- Global best practice guidelines for the "Safety, Operation and Performance of Grid-Connected Energy Storage Systems" will be followed.
- Testing of the lithium-ion batteries in accordance with UN regulations on the Transport of Dangerous Goods (UN/DOT 38.3) will provide for the safe packing and shipment of the batteries. Following the installation of the battery storage system, the installation will be completed via site acceptance testing.
- During the operational stage, the battery storage facility will be monitored and controlled by a safety system. Each individual cell will be constantly monitored by automated systems known as Battery Management Systems (BMS) that track current, voltage, temperature and other critical information.
- If the BMS detects an issue with a battery cell or group of cells, it reduces flow of electricity through the cell, switches it off or disconnects it completely from the power supply. The BMS also detects problems before they occur and allows appropriate maintenance to be carried out.

- The battery containers have been designed to minimise potential risks and hazards. Cooling and ventilation systems will maintain stable operating temperatures and remove excess heat in the event of overheating.
- Batteries will be placed in separate racks with spaces between each cell to provide air circulation and cooling which will help prevent the risk of thermal runaway. In a worst-case-scenario, the spacing will prevent any potential cell failure or fire from spreading.
- The battery storage units will also have alarms, fire detection and fire suppression systems.
- The fire suppression system provides an additional layer of protection to the BMS, the separation of cells and the battery storage units. A clean agent fire extinguishant will be used, with the lowest possible toxicity and environmental effect.

7.8.4. The appellants raise concerns regarding the potential use of water in the event of fire and the absence of any such provision in the planning application. It is submitted that no consideration has been given to the ecological impact of the development in the event of fire, and if water is required, contaminants could enter land drains, the River Greagh, groundwater bodies, local wells and drinking sources.

7.8.5. The potential for the proposed development to result in the pollution of surface and groundwater bodies is considered further in sections 7.12 and 7.13 of this report below. While I note the concerns which have been raised by the appellants, having regard to the design of the proposed development, the proposed BMS and the fire suppression system, which will use a clean agent fire extinguishant rather than water, I am satisfied that the likelihood of external firefighting action being required is very low. As identified by the appellants', the applicant has not sought permission to install any water supply infrastructure at this location and has confirmed that water will not be used in the event fire.

7.8.6. Thus, based on the information provided, I am satisfied that the risk of pollution to ground and surface waters arising from any requirement for external firefighting activity at the appeal site would be very limited. As such, I consider that it would be unreasonable to refuse planning permission on this basis.

7.9. Traffic Impacts

- 7.9.1. The appellants submit that the sightlines for the proposed development are inadequate and that speed monitoring on the adjoining road was undertaken during the restrictions associated with the Covid-19 pandemic, when traffic volumes on the road were not normal.
- 7.9.2. Table 26 of the county development plan confirms that sightlines of 120 m are required on county roads with a speed limit of 80 km/hr. Sightlines of 90 m may be considered where the operational speed is 60 km/hr or less. A sightline of 82 m is proposed in a north-easterly direction from the site entrance, while 86 m is proposed in a south-westerly direction.
- 7.9.3. The applicant was requested to demonstrate compliance with the 120 m sightline standard under item no. 6 of the Planning Authority's Request for Further Information. In response to this request, the applicant prepared a sightline assessment report which sets out the results of a 7-day traffic survey undertaken in the location of the site access. The results indicate that the average speed for northbound traffic was 44.54 km/hr and the 85th percentile speed was 58 km/hr. The average speed for southbound traffic was 43.40 km/hr and the 85th percentile speed was 56 km/hr. A 2-way average daily traffic flow of 70 vehicles was recorded. The sightlines which are proposed at the site entrance relate to the design speed of the road, which is the speed below which 85% of vehicles travel.
- 7.9.4. In considering the applicant's response, I note that the District Engineer of Leitrim County Council had no objection to the proposed sightlines, with low traffic volumes noted to occur on the local road. It was recommended that road signage be erected to advance warn road users heading south of the access. In my opinion, this matter could be addressed by planning condition.
- 7.9.5. On balance, I am satisfied that no traffic impacts would arise on foot of the proposed development. In reaching this conclusion, I note the low traffic volumes on the local road and that the operational development will be an unmanned facility, with approx. 4 no. annual inspection/maintenance visits required. While I acknowledge that the applicant's sightline assessment may have been undertaken during the restrictions associated with the Covid-19 pandemic, in my opinion, no significant traffic

movements would arise on foot of the proposed development, and as such, the grounds of appeal relating to potential traffic impacts are unfounded.

7.10. Ecological Impacts

- 7.10.1. The appellants submit that no consideration has been given to the ecological impact of the development in the event of fire or the impacts on Diffagher River, Lough Allen, the upper reaches of the River Shannon or Belhavel Lough, which is stated to be a known nesting site for Whooper Swans.
- 7.10.2. The applicant's agent submits that the identified concerns in relation to water quality and bird life have been comprehensively addressed in the planning application and response to the Request for Further Information. It is submitted that the findings of these reports confirm that the proposed development will pose no risk to the Greagh River and any other waterbodies that may be linked to the river. As such, it has been determined that the proposed development will not result in any impacts on water quality, aquatic species, or habitats. The findings of the applicant's revised EclA in relation to Whooper Swan are also highlighted. The Whooper Swan is identified as a collision-risk species and therefore, based on the number of overhead high-powered powerlines within the vicinity of the site leading to Corderry substation, the site is considered unsuitable for this species.
- 7.10.3. I have reviewed the applicant's NIS, ER and EclA which were submitted in response to item nos. 1 and 2 respectively of the Planning Authority's Request for Further Information (the potential for the proposed development to impact on Natura 2000 sites is discussed further in section 7.12 and 7.13 below). I am satisfied that these assessments confirm that no significant impacts would arise on the ecology of the subject site or within the zone of influence of the proposed development, subject to the implementation of the identified mitigation measures. In conclusion, I am satisfied that the proposed development would have no significant ecological impacts and that it would be unreasonable to refuse planning permission on this basis.

7.11. Decommissioning

- 7.11.1. The appellants submit that a statement on decommissioning and recycling of all equipment has not been provided. In considering this point of appeal I note that the decommissioning of the proposed development is addressed in Section 4.8.5 of the

Environmental Report (ER) which was submitted to the Planning Authority as part of the applicant's response to the Request for Further Information.

7.11.2. It is confirmed that the project will have a lifespan of approx. 15 years, which relates to the usable life for the proposed battery technology. The identified decommissioning works will require the completion of the following tasks:

- The use of a fixed crane and HGVs to remove the battery units, which will be recycled or repositioned on an alternative site.
- The removal of the transformer units and step-up transformer units will require decontamination of the unit and the removal of the physical structure of the main unit. An articulated HGV, specialist personnel and a crane will be required for these works.
- All internal information technology will be removed from the control building, leaving a re-usable building unit.

7.11.3. The decommissioning works are estimated to take 12-16 weeks to complete. The ER states that it is highly unlikely that any impacts would occur on foot of the decommissioning works, which will be carried out in accordance with best practice and legislation applicable at the time.

7.11.4. In my opinion, it would be appropriate to agree the final decommissioning strategy with the Planning Authority given the identified lifespan of the proposed development. I also note that proposals for the reinstatement of the site have not been provided. While the applicant has indicated that the control building can be reused following the removal of the battery units and associated infrastructure, in my opinion, this structure should also be removed from the site given that it will no longer serve its identified purpose under this planning application. I note that the option will be available to the developer to submit a separate application for the retention of this building at the end of the duration of this permission. These matters can be addressed by planning condition.

7.12. Appropriate Assessment (AA) Screening

- 7.12.1. The subject site is not located within or directly adjacent to any Natura 2000 sites, therefore there is no potential for **direct impacts** on any such site to occur on foot of the proposed development.
- 7.12.2. There are 4 no. Natura 2000 sites located within 15 km of the subject site including Lough Gill SAC, approx. 5.5 km to the north-west, and Boleybrack Mountain SAC which extends to the north-east and east of the subject site at distances of between approx. 5.5 km - 7.8 km. The Cuilcagh Anierin Uplands SAC is also located approx. 14.3 km to the south-east, while the Unshin River SAC is located approx. 14.6 km to the south-west.
- 7.12.3. In applying the “source-path-receptor” model in respect of potential **indirect effects**, and having considered the relevant conservation objectives and qualifying interests (as set out in Appendix 1 of this report), the following sites have been screened out from further assessment at the preliminary stage based on a combination of factors including the intervening minimum distances, the nature of the qualifying interests of the European sites, the nature and scale of the proposed development and the likely emissions arising - Boleybrack Mountain SAC (site code: 002032), Cuilcagh Anierin Uplands SAC (site code: 000584) and Unshin River SAC (site code: 001898). I note that this reflects the findings of the applicant’s AA screening report.
- 7.12.4. The River Greagh adjoins the eastern site boundary and flows in a generally north-easterly direction for approx. 1.3 km where it joins Belhavel Lough. Belhavel Lough is hydrologically connected to Lough Gill SAC. Therefore, the carrying out of an Appropriate Assessment of the proposed development in the context of this European site is necessary.

7.13. Appropriate Assessment

7.13.1. The qualifying interests and conservation objectives for Lough Gill SAC (site code: 001976) are set out in the table below.

Lough Gill SAC (Site Code: 001976)	
Qualifying Interests	<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p>
Conservation Objective(s)	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

7.13.2 In the absence of mitigation, the proposed development has the potential to result in a decrease in water quality, and as such, has the potential to impact on the following qualifying interests of Lough Gill SAC: Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150], Lutra lutra (Otter) [1355], Salmo salar (Salmon) [1106], Petromyzon marinus (Sea Lamprey) [1095], Lampetra planeri

(Brook Lamprey) [1096], *Lampetra fluviatilis* (River Lamprey) [1099] and *Austropotamobius pallipes* (White-clawed Crayfish) [1092].

7.13.3 Given the separation distance which arises, it is highly unlikely that the proposed development would have any significant direct or indirect negative effects on the remaining qualifying interests of Lough Gill SAC during the construction or operational phases. As such, I am satisfied that no further assessment is required in relation to the following habitats: Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites) [6210], Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0] and Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0].

7.13.4 No in-river works or works within the on-site drainage ditches are required as part of the proposed development. In the event run-off of potential pollutants (suspended solids and/or hydrocarbon leaks or spills) from the construction area reaches surface waters or receiving watercourses, water quality within the Greagh River and further downstream could be adversely affected. To prevent water pollution, a Construction and Environmental Management Plan will be prepared and agreed with Leitrim County Council prior to the commencement of development.

7.13.5 The following mitigation measures are proposed during the construction phase:

- No plant, machinery or equipment will enter the drainage ditches, the Greagh River or the 15 m riparian buffer zone.
- No direct discharges will occur to the drainage ditches.
- Spill kits will be maintained on site and contractors will be trained in the use of same.
- Any sediments adversely affected by contamination will be excavated and stored in appropriate sealed containers for disposal off-site.
- A clearly defined working area will be identified, with construction activities carefully planned to minimise ground disturbance and limited vegetation clearance.
- Stockpiles of materials covered during periods of prolonged or heavy rain.

- Adequate fuel storage facilities and re-fuelling protocols will be provided.
- Installation of silt traps at appropriate locations to mitigate any potential impacts to watercourses.
- Materials will be stored at the main contractor compound and transported to the works zone immediately prior to construction.
- Pouring of concrete will be carried out in dry weather only; any spillage of cementitious material to be cleaned-up immediately; no wash-out of concrete trucks permitted on site.
- Fuels, lubricants and hydraulic fluids for construction equipment will be carefully handled to avoid spillage, properly secured against unauthorised access/vandalism and provided with best practice spill containment.
- No on-site vehicle or equipment maintenance works, with only emergency breakdown maintenance permitted.
- All construction equipment to be checked to ensure it is mechanically sound.
- Measures will be implemented to minimize waste and ensure correct handling, storage and disposal of waste.

7.13.6 During the operational phase of the development, there will be no direct discharges to the on-site drainage ditches or the Greagh River. No liquids will be stored in the steel containers, and as such, no emissions will arise. No emissions will arise from the control building. The transformer unit will contain oil, which will be banded to 110% capacity of the stored liquid. The bund will be continuously monitored by the safety system. In a worst-case scenario where a fire occurs on site, all battery units are fitted with a fire suppression system which will utilize a gaseous agent. Thus, there will be no firewater run-off which could impact on water quality as identified by the appellants in the grounds of appeal.

7.13.7 Stormwater from the site will percolate to ground. In the event of a significant downpour, stormwater will likely flow into the existing drainage ditches or the Greagh River. It is unlikely that adverse effects will arise in this scenario, given the proposed 15 m buffer zone adjacent to the Greagh River which will act to filter sediment, slow run-off and remove pollutants. This buffer will supplement the existing 1-2 m hedgerow/tree-line along the eastern site boundary.

- 7.13.8 The existing drainage regime on the site will not be altered. The drainage ditches to the northern, southern and western site boundaries will remain in place and will be separated from the proposed development by palisade fencing. The existing vegetation surrounding the drainage ditches will be retained and reinforced with additional planting along the northern and north-western boundaries. The existing and proposed vegetation will also provide filtration of any sediments and slow stormwater run-off from the site. No risk of pluvial or fluvial flooding is identified within the site boundary based on information obtained from the OPW and Leitrim County Council.
- 7.13.9 Based on the foregoing, it is considered that there is no potential for pollutants or contaminants to reach ground or surface waters during the operational phase of the proposed development, and as such, no mitigation measures are required. The on-site operational activities will not result in any adverse effects to qualifying interests of Lough Gill SAC or the surface water or groundwater quality of nearby watercourses.
- 7.13.10 The site is located in a rural area which is not likely to be subject to development pressure in the future. No plans or projects were identified in the surrounding area that could lead to potential **in-combination effects** with the proposed development.
- 7.13.11 I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of Lough Gill SAC (001976), or any other European site, in view of the site's Conservation Objectives.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted for the proposed development.

9.0 Reasons and Considerations

9.1. Having regard to national, regional and local planning policies which support the development of a safe, secure and reliable electricity network and seek to reduce dependence on fossil fuels, the nature and scale of the proposed development, and the contents of the Environmental Report, Ecological Impact Statement, Natura Impact Statement and the mitigation measures identified therein, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or have a significant negative impact on the landscape, would not seriously injure the residential amenity or depreciate the value of property in the vicinity, would not give rise to a risk of pollution, would not give rise to a significant fire hazard or risk of explosion, would be acceptable in terms of traffic safety, and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 23rd day of October 2020, except as may be otherwise 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interests of clarity.</p>
2.	<p>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</p>

	<p>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.</p> <p>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.</p>
3.	<p>All mitigation measures identified in the Environmental Report, Natura Impact Statement and Ecological Impact Statement and other plans and particulars submitted with the planning application shall be complied with.</p> <p>Reason: In the interests of clarity and the protection of the environment.</p>
4.	<p>Prior to the commencement of development, details of all external finishes of the battery storage containers and the control building shall be submitted for the written agreement of the planning authority.</p> <p>Reason: To protect the visual amenities and landscape character of the area.</p>
5.	<p>Details of advance signage to be provided on local road L8280 shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of traffic safety.</p>
6.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures, off-site disposal of</p>

	<p>construction/demolition waste, traffic management, measures for the storage of oils and fuels on site, and measures for the protection of ground and surface waters.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
7.	<p>Details of the proposed reinforcement planting to the northern and north-western site boundaries and the planting within the riparian buffer zone shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p>
8.	<p>(a) This permission shall be for a period of 15 years from the date of this Order. The battery storage units, control building and all related development shall then be removed from the site unless, prior to the end of the appropriate period, planning permission for the retention of the development has been obtained.</p> <p>(b) A decommissioning strategy for the proposed development and a site restoration plan shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: To enable the impact of the development to be reassessed having regard to changes in technology over the period of the permission and to ensure the satisfactory restoration of the site in the interests of visual amenity.</p>
9.	<p>Within six months from the date of this Order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or</p>

	<p>part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory restoration of the site in the interest of visual and residential amenity.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1300 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

Louise Treacy
 Planning Inspector

16th December 2021

Appendix 1: Designated Sites: Conservation Objectives and Qualifying Interests

Boleybrack Mountain SAC (Site Code: 002032)	
Qualifying Interests	<p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>) [6410]</p> <p>Blanket bogs (* if active bog) [7130]</p>
Conservation Objective(s)	<ul style="list-style-type: none"> - To maintain the favourable conservation condition of natural dystrophic lakes and ponds in Boleybrack Mountain SAC (3160) - To restore the favourable conservation condition of Northern Atlantic wet heaths with <i>Erica tetralix</i> in Boleybrack Mountain SAC (4010) - To restore the favourable conservation condition of European dry heaths in Boleybrack Mountain SAC (4030) - To maintain the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>) in Boleybrack Mountain SAC (6410) - To restore the favourable conservation condition of Blanket bogs in Boleybrack Mountain SAC (7130)
Cuilcagh Anierin Uplands SAC (Site Code: 000584)	
Qualifying Interests	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p>

	<p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Transition mires and quaking bogs [7140]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p><i>Hamatocaulis vernicosus</i> (Slender Green Feather-moss) [6216]</p>
<p>Conservation Objective(s)</p>	<ul style="list-style-type: none"> - To maintain the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) in Cuilcagh - Anierin Uplands SAC (3110) - To maintain the favourable conservation condition of Natural dystrophic lakes and ponds in Cuilcagh - Anierin Uplands SAC (3160) - To restore the favourable conservation condition of Northern Atlantic wet heaths with <i>Erica tetralix</i> in Cuilcagh - Anierin Uplands SAC (4010) - To restore the favourable conservation condition of European dry heaths in Cuilcagh - Anierin Uplands SAC (4030) - To restore the favourable conservation condition of Alpine and Boreal heaths in Cuilcagh - Anierin Uplands SAC (4060) - To restore the favourable conservation condition of Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)* in Cuilcagh - Anierin Uplands SAC (6230) - To restore the favourable conservation condition of Blanket bogs in Cuilcagh - Anierin Uplands SAC (7130)

	<ul style="list-style-type: none"> - To maintain the favourable conservation condition of Transition mires and quaking bogs in Cuilcagh - Anierin Uplands SAC (7140) - To restore the favourable conservation condition of Petrifying springs with tufa formation (Cratoneurion)* in Cuilcagh - Anierin Uplands SAC (7220) - To restore the favourable conservation condition of Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) in Cuilcagh - Anierin Uplands SAC (8110) - To maintain the favourable conservation condition of Siliceous rocky slopes with chasmophytic vegetation in Cuilcagh - Anierin Uplands SAC (8220) - To maintain the favourable conservation condition of Slender Green Feather-moss (Shining Sickle-moss) in Cuilcagh - Anierin Uplands SAC (1393)
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Unshin River SAC (Site Code: 001898)	
Qualifying Interests	<p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p>
Conservation Objective(s)	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.