



An  
Bord  
Pleanála

## Inspector's Report ABP-311670-21

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<b>Development</b>	10Km underground grid connection infrastructure on N72 road to connect Solar Farm to ESB Substation. A Natura Impact Statement has been prepared in respect of the application.
<b>Location</b>	Killadangan, Ballymacmague Sth, Ballymacmague Nth, Ballylemon Lwr, Knockacullen, Killeeshal, Ballynamintra Upr, Cappagh, Kilcannon (Osbourne), Kilcannon (Hely), Ballynahemery, Rockfield, Bawnnavinnoge, Kilcoher, Boherawillin, Drumroe, Cappoquin, Co. Waterford.
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	21735
<b>Applicant(s)</b>	Sunrise Energy Supply Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission

<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Sunrise Energy Supply Ltd
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	7 <sup>th</sup> and 8 <sup>th</sup> of February 2022
<b>Inspector</b>	Angela Brereton

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## 1.0 Site Location and Description

- 1.1. The site of the permitted (not yet constructed) solar farm is located c.4km east of Cappoquin and c.12km north west of Dungarvan. The application site for the grid connector extends eastwards from Drumroe East, Cappoquin to Killadangan, Dungarvan along the N72, National Secondary Route. The site is c.10km in length along the public road with a c.600m section over agricultural lands at Drumroe East to connect to the permitted Solar Farm.
- 1.2. The proposed cable route is to exit Dungarvan 110kV Substation on the southern side of the substation and head west along the N72, continuing in a western direction along the public road. The cable route is to then leave the public road and pass in a southerly direction through agricultural land, before entering the consented solar farm. The town of Cappoquin is c.4km further to the north-west.
- 1.3. The N72 is the main route through the area running east to west with the R671 running north to south, just east of Drumroe. The N72 is a single carriageway with an intermittent hard shoulder. There are a number of intersections along the route, these include the junctions with the R671 and R672 and more minor county roads. The Master McGrath monument is located at the corner of the junction of the R672 with the N72.
- 1.4. The N72 is a single carriageway road, bounded by a mixture of trees, dense hedgerows and post and wire fencing. Gaps in the hedgerows provide intermittent views of the surrounding landscape which is relatively flat. The surrounding lands across the area are predominantly agricultural, of which most is pasture with some arable lands also present. The fields are typically small to medium scale and well enclosed with trees and hedgerows.
- 1.5. The route traverses 3 main watercourses, the Colligan River is to the west of the Dungarvan 110kV Substation. The Finisk River is to the east of the junction with the R671 and a tributary of the Magaha River is further west along the route, to the east of the entrance to the solar farm site. There are bridges along the N72 crossing these watercourses.

- 1.6. There are a number of one-off houses and agricultural entrances with access along the route. Commercial enterprises including a public house and petrol station, are located along the eastern part of the route, closer to the Dungarvan end of the route.
- 1.7. This is a fast busy road, with several trucks and HGVs also seen using the route, some of which is within the 100km Speed Limit. It is difficult to stop along the majority of the route due to the absence of a hard shoulder and limited pull in areas.

## 2.0 Proposed Development

- 2.1. Sunrise Energy Supply Limited seek permission for the following:
  - Circa 10km of grid connection infrastructure on the public road (N72) to connect the approved Drumroe East Solar Farm (Planning Ref. 16/126) to the Dungarvan 100kV ESB Substation, comprising the laying of 38kV underground electricity cables and associated infrastructure, and horizontal directional drilling.

The grid connection route is to traverse the following townlands:

Killadangan, Ballymacmague South, Ballymacmague North, Ballylemon Lower, Knockacullen, Ballylemon, Killeeshall, Ballynamintra Upper, Cappagh, Kilcannon (Osborne), Kilcannon (Hely), Ballynahemery, Rockfield, Bawnavinnoge, Kilcoher, Botherawillin, Drumroe, Cappoquin, Co. Waterford.

- 2.2. A Natura Impact Statement has been prepared in respect of the application for planning permission.
- 2.3. The application is also accompanied by an Outline Construction Environmental Management Plan and a Preliminary Construction Traffic Management Plan.
- 2.4. Drawings showing the route and technical drawings have been submitted.
- 2.5. A letter has been submitted from the landowner for the solar farm development to say that he has no objection to the planning application.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 21<sup>st</sup> of September, 2021 Waterford City & County Council refused permission for the proposed development for the following reason:

Based, on the drawings and documentation provided the applicant has failed to demonstrate that the proposed grid connection along 10km of the National Secondary Route, N72, would not negatively impact on the traffic safety and efficiency of same and that the works would not directly impact on the operational life of the section of the Road Network. Local, Regional and National Guidance seek to ensure the strategic capacity and safety of the National Road Network is maintained and significant Government investment already made in the national road network is safeguarded. The proposed development is contrary to the foregoing guidance and contrary to the proper planning and sustainable development of the area and as such would set an undesirable precedent.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner's Report has regard to the locational context of the proposed development, planning history and policy, to the interdepartmental reports and the submissions made. Their Assessment included the following:

- They have regard to safeguarding the strategic national road network, to the comments of TII and the Council's Roads Section expressing their concern about the impact of the proposed development on the N72 and the National Roads Network.
- They note Water Services concerns relative to any potential impact on existing underground water services.
- They note that the Heritage Officer considers that the proposed development will not give rise to adverse impacts on the Natura 2000 Network including the

River Blackwater SAC and Dungarvan Harbour SPA and subject to mitigation measures in the NIS does not object to the proposed development.

- The Environment Section does not object to the proposal subject to conditions.
- The proposed development consisting of an underground grid connection and the parent solar farm are not types of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended.
- They considered the proposed development in the context of the criteria in Schedule 7 of the said Regulations and are satisfied that an EIA is not required.
- They note TII and Road Section's concerns and conclude that the proposal as currently presented is contrary to both Local and National Guidance around the protection of the National Road network from development which would impact on the efficiency, safety and operational life of the infrastructure. They recommended that the proposed development be refused.

### 3.3. Other Technical Reports

#### Roads Section

- 3.4. They note that strategically TII agreed to fully upgrade the section of the N72 within County Waterford, including Kiladangan Bridge. The investment has been considerable and the entire route is nearly completed. The N72 is a very narrow road with almost no hard shoulders for much of the route making it difficult to facilitate services in the verge. Any excavation and/or directional drilling will damage the integrity of this newly surfaced section of the road and will negate the investment by the TII. Roads Section fully support the TII's concerns.

#### District Engineer

- 3.5. They are concerned about consequences for the road network from cable lying. These include whether there is a requirement for a separation zone from existing or future services being constructed under roads. Also, will the impact of these works ensure that all existing services are maintained or if required repaired. Roads issues include road width, forward visibility, visibility at junctions, lay-by required for pull-in



bays, construction plant, effects of construction traffic and future traffic on bridges and other structures along the route. They also ask is there a landtake required for visibility at junctions. In addition is there any alternative to the road network.

- 3.6. They note that N72 Pavement schemes are underway on the network and have been completed on the N72. That any trench works would require full width reinstatement to the network and that patches or trench repairs would not be acceptable.

#### Water Services Section

- 3.7. They have concerns from a health and safety perspective, in relation to the proposed underground electric cable, which will be in the same space as public water mains and services along the proposed route at several locations. They are concerned that the proposal if granted would make any works relating to the public water supply more complicated and potentially dangerous. Repairs to the mains and new connections would become more costly to carry out and on such a busy road with limited width at many locations, would necessitate road closures and diversions.
- 3.8. There are also underground cables put in by Cork Communications, along the same route, which adds to the obstruction beneath that section of the roadway. Water Services would prefer if the electricity cable could be overground, where it would not present danger for those excavating to maintain and repair existing underground water services.

#### Heritage Officer

- 3.9. They have no objections from an AA perspective. They note that following an examination, analysis and evaluation of the information in the NIS the Council has determined that individually and in combination with other plans and projects and with full implementation of mitigation measures set out in Section 7 of the NIS and the Construction Environmental Management Plan that the proposed development will not give rise to adverse impacts on the integrity of the Natura 2000 Network including the River Blackwater SAC and Dungarvan Harbour SPA.

#### Property Management Department

- 3.10. They consent to the making of the subject planning application on lands owned by Waterford City and Council at Drumroe, Co. Waterford.

## Environment Section

- 3.11. They note that there doesn't appear to be any specifics of the location within the roadway, but due to the nature of the road corridor, it can be assumed to be within the actual roadway. That no mention is made of the testing for the presence of coal tar in the roadway. Coal tar is considered hazardous and must be disposed of as a hazardous waste.
- 3.12. They have no objections subject to recommended conditions, including that a formal Project Construction, Demolition and Byproduct Management Plan in accordance with Best Practice Guidelines be submitted to the local authority for agreement prior to the commencement of development.

### 3.13. **Prescribed Bodies**

#### Transport Infrastructure Ireland

- 3.14. The TII note that they have no record of a referral relative to the initial Solar Farm application Ref. 16/126, despite access to the N72 national road.
- 3.15. They note that this application proposes laying approx. 10km of 'medium' voltage 38kV underground electricity cables along the N72, national road, to connect the consented Solar PV Farm to the Dungarvan 110kV ESB Substation.
- 3.16. They are concerned about impact on *Safeguarding the Strategic National Road Network* and cost and maintenance implications and that these issues have not been factored into this application. That it does not appear that an assessment of any available alternatives has accompanied this application.
- 3.17. In the interests of safeguarding the investment in and the potential for future upgrade works to the national road network, the Authority is of the opinion that the proposed Grid Connection Cable Routing fails to address important policy consideration impacting national roads.
- 3.18. In accordance with the National Planning Framework National Strategic Outcome no. 2 'Enhanced Regional Accessibility', there is a requirement to maintain the strategic capacity and safety of the national road network. This requirement is further reflected in the National Development Plan, the recent publication of the Draft National

Investment Framework for Transport Ireland and also in the existing Statutory Section 28 Spatial Planning and National Roads Guidelines for Planning Authorities.

3.19. There is a critical requirement to ensure the strategic capacity and safety of the national road network is maintained and significant Government Investment already made in the national road network is safeguarded. TII is of the opinion that the grid connection cable routing proposal outlined in the subject application does not reflect the foregoing provisions of official policy.

### 3.20. **Third Party Observations**

3.21. Peter Sweetman & Associates have made a Submission which has been noted in the Planner's Report and this includes the following:

- That the Planning Authority must ensure that the proposed development is in accordance with the proper planning and sustainable development of the area.
- That the Planning Authority must form and record a view as to the environmental impact of the development, considering the EIA Report (EIAR) if furnished by the Applicant, the views of the public concerned and applying its own expertise or to screen the development for EIA.
- The Planning Authority is the competent authority having responsibilities under the Habitats Directive. The threshold of the application must pass in this context is explained in paragraph 44 of CJEU Case 258/11 (this is quoted).
- This is a strict standard and the Planning Authority does not have legal justification to give permission if it is not met.
- This application is within the ZOI of the Blackwater River (Cork/Waterford) SAC.
- The development must comply with the Water Framework Directive.

## 4.0 **Planning History**

As noted in the Planner's Report this includes the most recent relevant to the subject site is as follows:

- Reg.Ref. 16/126 - PL93.246902

A ten year permission was granted subject to conditions by the Board for the construction of a Solar PV Energy development within a total area of up to 28.8 hectares, to include one single storey electrical substation building and associated compound, electrical transformer/inverter station modules, solar PV panels ground mounted on steel support structures, access road, fencing and associated electrical cabling, ducting and ancillary infrastructure at Drumroe, Cappoquin, County Waterford.

Conditions of note relevant to the current application include the following:

Condition no.13 – Cables from the solar arrays to the compound shall be located underground.

Reason: In the interests of visual amenity.

Condition no.14 - 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 interests of clarity.

#### Other sites

Table 1 of the Planning and Environmental Statement, Volume 1 by NEO Environmental, provides a Relevant Planning History of the site and surrounding lands and is noted. Reference is had to a number of Solar PV farms that have been granted permission since 2015. This includes the following in the general vicinity of the permitted solar farm:

#### Reg.Ref. 18/598 – Ref.ABP-303576-19

- A 10 year Permission was granted subject to conditions by the Board to develop a solar farm on a site located in the townland of Poulbautia, Cappoquin, County Waterford. The proposed solar farm to comprise the construction and operation of solar PV arrays mounted on metal frames on an approx. 9.7ha site, inclusive of a single electrical control building, up to eight number inverter units, a temporary construction area and ancillary facilities (inclusive of g.f.s of proposed works up to 214sq.m).

- A 10 year Permission was granted subject to conditions by the Board for the construction of a Solar PV Energy development within a total site area of up to 62.8 hectares, to include one single storey electrical substation building and associated compound, electrical transformer/inverter station modules, solar PV panels ground mounted on steel support structures, access roads, fencing and associated electrical cabling, ducting and ancillary infrastructure at Ballyhane, Ballyard and Clashnagoneen, Cappoquin, County Waterford.

## **5.0 Policy Context**

### **5.1. European Policy Context**

The EU has through a series of policy framework and directives outlined an approach to reduce greenhouse gas emissions, the Europe 2020 Climate and Energy Framework and Europe 2030 Climate and Energy Framework to reduce greenhouse gas emissions by 40% from 1990 levels with increasing the use of renewable energy as a source of energy and also for greater efficiency in the production of energy.

In addition, Directive 2009/28/EU the Renewable Energy Directive promoted the increased use of renewable energy and increased targets for the overall level of energy produced and consumed by member states from renewable energy sources; the adoption of greater efficiency in energy production; the preparation of national plans and for the use of energy storage systems for integrated intermittent production of energy from renewable sources.

The Energy Roadmap 2050 published in 2011 continues the overall policy direction of previous policy frameworks and guidance on how to attain targets and objectives up to 2050 with continued adherence to energy efficiency; the use of renewable energy and advancing technologies and capacity.

### **5.2. National Policy**

In relation to energy arising from the EU Directive national policy has focussed measures to achieve the targets set out in the European policy framework.

## **National Planning Framework**

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.

## **Ireland's Transition to a Low Carbon Energy future 2015-2030**

Accelerate the development and diversification of renewable energy generation to be achieved through a number of means including wind, solar PV and ocean energy.

## **Climate Action and Low Carbon Development Act 2015 (as amended 2021)**

It commits Ireland to reach a legally binding target of net-zero emissions no later than 2050, and a cut of 51% by 2030 (compared to 2018 levels). Under the 2021 Amendment Act Ireland's national climate objective requires the state to pursue and achieve, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy.

## **National Energy and Climate Plan 2021-2030**

In accordance with the Governance of the Energy Union and Climate Action Regulation, Ireland's National Energy & Climate Plan (NECP) 2021-2030 was submitted to the European Commission in December 2018. The draft NECP took into account energy and climate policies developed up to that point, the levels of demographic and economic growth identified in the Project 2040 process and included all of the climate and energy measures set out in the National Development Plan 2018-2027.

The 2019 NECP was prepared to incorporate all planned policies and measures that were identified up to the end of 2019 and which collectively deliver a 30% reduction by 2030 in non-ETS greenhouse gas emissions (from 2005 levels).

Under the Programme for Government, Our Shared Future, Ireland is committed to achieving a 7% annual average reduction in greenhouse gas emissions between 2021 and 2030. The NECP was drafted in line with the current EU effort-sharing approach, before the Government committed to this higher level of ambition, and therefore does not reflect this higher commitment. Ireland is currently developing those policies and measures and intends to integrate the revision of the NECP into

the process which will be required for increasing the overall EU contribution under the Paris Agreement.

### **Climate Action Plan, 2021**

The plan stresses the importance of decarbonising electricity consumed by harnessing the significant renewable energy resources. Additional electricity generation and transmission infrastructure will be a critical enabler to achieve the renewable energy and emissions targets. Public acceptance of that additional generation and transmission infrastructure will be crucial to this transition, which will have impacts right across the state. To meet the required level of emissions reduction, by 2030 it is required to increase electricity generated from renewable sources to 80% comprising of

- Up to 1.5 -2.5 GW of grid-scale solar energy (indicative figure).

### **Spatial Planning and National Roads Guidelines for Planning Authorities 2012**

These Section 28 Guidelines seek to maintain the strategic capacity and safety of the national road network. Key Messages include:

These guidelines have been developed by following a number of key principles and aim to facilitate a well-informed, integrated and consistent approach that affords maximum support for the goal of achieving and maintaining a safe and efficient network of national roads in the broader context of sustainable development strategies, thereby facilitating continued economic growth and development throughout the country.

## **5.3. Regional Policy**

### **Regional Planning Guidelines for the South East Region 2010-2022**

This seeks to promote sustainable economic growth, low carbon technology and an increased supply and provision of renewal energies so as to bring about positive regional benefits, such as sustainable development of renewable energy infrastructure. The RPG also states that Regional Climate Change Strategy and Local Climate Change Strategies will aim to reduce reliance on fossil fuels and promote renewable energy sources.

## **5.4. Local Policy**

## **Waterford City and County Renewable Energy Strategy 2016-2030**

The Waterford County Development Plan incorporates the Waterford Renewable Energy Strategy 2016-2030. Section 5 addresses solar energy and notes that Waterford county is in the top 15% in terms of solar resource in Ireland and has good potential for solar energy. Section 5.3.2 notes that a 'solar farm' is a large scale collection of grid connected solar panels used to generate electricity which is exported to the national grid via a substation.

It notes that the National Renewable Energy Statement provides a target of 600MW of solar energy for Ireland by 2020. This Renewable Energy Statement has included a projection of 84.1MW of solar energy for Waterford up to 2030 (Table 3.3 refers). It projects that this would require just over 168 hectares of land. The strategy although identifying potential and projected levels of energy does not provide any guidance on the best locations for projects. It notes the potential disadvantages in relation to solar farms including land take, impact on crop production, glint/glare issues and possible hydrological effects.

### **5.5. Development Plan**

The appeal site is located within an area covered by the Waterford County Development Plan, 2011-2017, the life of which has been extended under the provisions of S.11A of the Planning and Development Act 2000 (as amended) until such time as a new Regional Spatial and Economic Strategy is made by the Southern Regional Assembly.

The site is located on lands that are zoned agricultural under the provisions of the development plan. The stated objective is '*to protect and provide for the development of agriculture and to protect and improve rural amenity*'.

The following policies are of relevance:

**Policy ECD 15** states that it is policy '*to facilitate appropriate renewable energy infrastructure and promote the use of renewable energy among businesses and households throughout Waterford County*'.

**Policy ENV10** states it is policy '*to facilitate and encourage sustainable development proposals for alternative energy sources and energy efficient technologies.*'



*A renewable energy strategy for Waterford City and County, 2016-2030* makes reference at section 5.2 to solar energy and solar PV developments. It is recognised that Waterford is in the top 15% in terms of solar resource in Ireland and that therefore, subject to rigorous planning assessment, solar energy has good potential in the county.

**Objective INF 1:** It is an objective of the Council to protect the carrying capacity of the National Roads and associated junctions in the interest of road safety.

**Policy INF 26:**

1. To facilitate improvements in energy infrastructure and encourage the expansion of the infrastructure at appropriate locations within the County.
2. To support and facilitate the future expansion of the natural gas pipeline.
3. To facilitate, where appropriate, future alternative renewable energy developments throughout the County that are located in close proximity to the National Grid Strategy improvements so as to minimise the length and visual impact of grid connections.
4. To collaborate with EirGrid in accordance with the Grid 25 Strategy to facilitate the delivery of quality connection, transmission and market services to electricity generators, suppliers and customers utilising the high voltage electricity system at appropriate locations within County Waterford.

**Chapter 8** refers to Environment and Heritage and section 8.8 to Renewable Energy. Section 8.1 refers to **landscape**. Reference is made to Appendix A9 of the plan Scenic Landscape Evaluation and to various classifications of landscape. The site is not within any designated landscape in relation to visual sensitivity or amenity designation by reference to the Scenic Landscape Evaluation of the plan or impacting scenic routes as indicated in section 6.6 (b) Scenic Routes of the Scenic Landscape Evaluation.

## 5.6. Natural Heritage Designations

The solar farm is located such that it is to the east of the Blackwater River SAC: (site code: 002170). The proposed route of the grid connection along the N72 crosses the Finisk River part of the Blackwater River (Cork/Waterford) SAC.

There are a number of other European sites at further remove from the appeal site. These are discussed further in the context of the NIS.

## 5.7. EIA Screening

The proposed development (solar PV development) does not comprise a class of development for the purposes of EIA as set out in Parts 1 and 2 of the Fifth Schedule of the Planning and Development Regulations, 2001 (as amended). An Environmental Impact Assessment Report is therefore not required to accompany the application.

Therefore, in relation to EIA, the development of a grid connection between the solar farm development permitted under ref no. PL93.246902 and the Dungarvan 110kV Substation is not within a prescribed class of development for the purposes of EIA.

In view of the above, the submission of an EIAR or undertaking of screening for EIA is not therefore required. It is noted that the application is accompanied by a Planning and Environmental Statement and technical appendices contained in a separate volume.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Neo Environmental have submitted a First Party Appeal on behalf of Sunrise Energy Supply Ltd and their Grounds of Appeal include the following:

#### Preliminary Construction Traffic Management Plan

- Prior to the commencement of development, a fully detailed Construction Traffic Management Plan (CTMP) will be prepared by the Contractor and submitted to the Council for approval.
- Careful traffic management procedures will minimise the overall level of disruption experienced. Delays to traffic will be kept to a minimum and full use will be made of the available carriageway and verges.

- The CTMP will make provision for safe access at all times to the works zone for all businesses in proximity to the works. Safe access will also be arranged to all private residences in proximity to the works.
- The contractor shall ensure that throughout the course of the works its operations do not put pedestrians at risk.
- It is important to note that the works will be undertaken to a high standard, in accordance with Road Standards, in co-operation with Waterford Roads Engineers as detailed throughout the PCTMP.
- The PCTMP was prepared to put in place procedures to manage grid connection construction traffic effectively.
- The impact of the proposed development has been identified as temporary in nature and associated with a short construction stage only. They outline a number of mitigation measures concerning traffic management.
- All signs are to be put in place before works begin, as per the Department of Traffic Signs Manual, Chapter 8 – Temporary Traffic Measures & Signs for Road works. Details are given of these.
- A Site System Work Plan (SSWP) Working on Roads will be completed on site.

#### Case Studies – Section 5 Applications

- They note Section 5 applications for underground cable routes, along national roads, similar to this planning application that have been declared exempted development. Many of these have involved significantly more cabling than that of the proposed development.
- They provide details of Examples of such underground cable routes for grid connections between consented solar farms and substations. Many of these include underground grid routes/connections along public roads.
- An application for a Section 5 declaration was submitted by Neo Environmental on behalf of Grian PV Longford Ltd to Longford County Council, was referred to the Board (Case Ref. 310120). The proposed development consisted of the construction of an underground medium

volatage grid connection from the consented Cleggil Solar Farm to the Longford 39kV Substation and included 1.2km of cable along the N5 (Case Study Example 5 refers).

- On the 5<sup>th</sup> of October 2021 ABP determined that that development is in fact planning exempt and could proceed on that basis. It is therefore contended, that if a cable along a National (N) road can be determined by ABP as planning exempt, that planning permission for a similar development on the same basis (cabling along an N road) should be approved.
- They refer to another such Board decision relative to exempted development Ref.ABP-307454 refers.
- They also refer to examples of a number of permissions for grid connections from solar farms to kV substations granted by various Council's.

#### *Summary and Conclusion*

- They contend that the plans and particulars submitted with the planning application and within their Statement of Case, demonstrate that the proposal will not negatively impact on traffic safety and efficiency of same and will not directly impact on the operational life of this section of Road Network.
- A PCTMP has been submitted and all works and will be subject to further approval from the Council or TII (if required) to ensure the integrity and reinstatement of the road. This will be completed to a high standard in accordance with Road Standards, in cooperation with the Council's Roads Engineer as detailed throughout the PCTMP.
- A fully detailed CTMP will be prepared by the Contractor and submitted to the Council for approval prior to the commencement of development.
- Technical environmental assessments and site visits were undertaken to ensure compliance with all relevant planning policy and associated legislation with appropriate mitigations and enhancements having been proposed. In addition to this, there are no potential impacts that are considered unacceptable within the context of the planning policy framework for assessing such developments.

- Established planning policy is heavily weighted toward support for renewable energy products in particular Solar Energy. The benefits of renewable energy are recognised as National, Regional and Local level.
- The Board has determined that a similar proposed development along the N5 road corridor was planning exempt and could proceed on that basis (Case Ref. 310120 refers).
- Conditions and therefore greater oversight will ensure a higher level of compliance. This approach is more robust and should give the Council and the Board more certainty that any potential traffic effects will be fully mitigated and can be agreed in advance by way of condition.
- They reiterate that current legislation and planning policy advocate support for renewable energy developments and require positive consideration, subject to development management and environmental considerations.
- The proposed development provides an acceptable balance between renewable energy production and all relevant planning and environmental considerations. They request the Board to overturn the Council's decision to refuse permission.

## 6.2. **Planning Authority Response**

There is no response from the Planning Authority noted on file.

## 6.3. **Observations**

None noted on file.

## 7.0 **Assessment**

7.1. I have considered the application and the plans and particulars submitted and the submissions received and consider that the issues for consideration before the Board pertain the following:

- Principle of Development and Planning Policy
- Proposed Route - Online Construction and Environmental issues

- Road and Traffic impacts
- Precedent
- Archaeology
- Environmental issues
- Appropriate Assessment

## 7.2. Principle of development and Planning Policy

The proposed development seeks to facilitate the transfer of electricity generated from previously permitted Solar Arrays to the grid and can therefore be considered integral to the generation of renewable energy. Waterford City and County Council and subsequently the Board (Ref. PL93.246902) have already consented to this Solar Farm Application. This application is for the development of an associated grid connection infrastructure to connect the approved Drumroe East Solar Farm to the existing Dungarvan ESB 110kV substation.

- 7.2.1. Renewable energy development is supported 'in principle' at national, regional and local policy levels, with collective support across government sectors for a move to a low carbon future and an acknowledgement of the need to encourage the use of renewable resources to reduce greenhouse gas emissions and to meet renewable energy targets set at a European Level.
- 7.2.2. National Policy Objective no. 55 of the National Planning Framework seeks to: *promote renewable energy use and generation at appropriate locations within the built and natural environment.* It is also an action of the NPF Transition to Sustainable Energy under National Strategic Outcome no. 8 to reinforce the distribution and transmission network to facilitate planned growth and distribution of a more renewables focused source of energy across the major demand centres.
- 7.2.3. At a local level the Waterford County Development Plan 2011-2017 (as extended) seeks to support the sustainable development of renewable energy sources. It is an objective of the plan under INF 26(3): *To facilitate, where appropriate, future alternative renewable energy developments throughout the County that are located in close proximity to the National Grid Strategy improvements so as to minimise the length and visual impact of grid connections.*

7.2.4. I consider that the grid connection will comply with planning policies and objectives in relation to increasing the provision of renewable energy, from an already permitted Solar Farm. I also consider that the grid connection project will assist in facilitating the continued growth and economic development of Co. Waterford, whilst helping to meet objectives in relation to increasing the provision of renewable energy nationally, regionally and locally. Having regard to the foregoing, I am satisfied that the proposed development is acceptable in principle. Regard is had further to the issues raised relative to the proposed development, including relative to the Council's reason for refusal in this Assessment below.

### **7.3. Proposed Route – Construction and Environmental issues**

- 7.3.1. An Outline Construction and Environmental Management Plan has been submitted by Neo Environmental (Technical Appendix 1, Volume 3). The Description of Development notes that the proposed 38kV grid connection is approx. 10km in length via an underground cable, (UGC). The proposed cable route will exit Dungarvan Substation on the southern side of the substation and head west, with the medium voltage UGC to be installed under the public road network. The cable route will then leave the public road and pass in a southerly direction through agricultural land before entering the consented (not yet constructed) solar farm. Drawings submitted include mapping and an aerial photo showing the overall route and scaled drawings (1:2500) mapping sections of the route. Colour maps entitled 'Planning Cases Polygons', have also been submitted which show the route and adjoining lands in more detail. It is not shown that any land take outside of the road corridor and the consented solar farm is proposed.
- 7.3.2. On a point of detail, it is noted that the Public Notices refer to a 100kV substation. However, the documentation submitted with the application and the signage on the gate of the existing substation refers to 'Dungarvan 110kV Station'. Therefore, this appears to be in error on the Site Notices.
- 7.3.3. The Outline Construction Environmental Management Plan, includes regard to the methodology for construction works. Details submitted provide that the proposed grid connection is to be installed from the solar farm along c.600m of agricultural land and c.10km of public road. It is anticipated that this work will be undertaken along the

side of the road, within the road corridor. In this respect as noted in the Council's Road Section's comments, much of the N72 does not have a hard shoulder. The drawings submitted show the route centrally located within the road. Although it is noted that the dashed red line shown is indicative.

- 7.3.4. A Construction Method Statement has been submitted in Section 5 of Technical Appendix 1. This states that the proposed development will be constructed in accordance with best practice. Details are given of Construction Activities to be carried out in the excavation of the trenches and to facilitate the laying of the cable. This includes that the works along the public road are to take place in 100m sections with the next 100m section being worked on when the previous section is substantially complete. A new 100m section of works is only to be excavated once the majority of reinstatement has been completed on the previous section, ensuring only one section is fully opened at any one time. This includes time periods that the excavation, installation and reinstatement process for each 100m section will take an average of one day to complete. Following the installation of ducting, pulling the cable will take approx. two days between each joint bay, with the jointing of cables taking approx. two days. The joint bays are to be located approx. 650 to 750m apart.
- 7.3.5. Details provide that the proposed 38kV UGC works will consist of HDPE power cable ducts installed in an excavated trench, typically 600mm wide by 1220mm deep, with variations on this design to adapt to service crossings and watercourse crossings. That the power cable ducts and the communications ducts will allow communications between the Drumroe East Solar Farm Substation to the Dungarvan 110kV substation. The ducts are to be installed and the trenches reinstated in accordance with the requirements of the local road's authority within Waterford City and County Council.
- 7.3.6. Appendices and drawings have been submitted showing the proposed route of the grid connection and outline construction methods. Appendix 1 to the Planning and Environment Statement in Volume 1, includes separate drawings showing ducting through Roadway Permanent Reinstatement, Temporary Reinstatement and ducting through Grasslands/Private Lands (proximate to the solar farm). Detailed drawings showing Typical Joint Bay 38kV ducting and Typical Crossing over Culvert/Services have also, been submitted.



7.3.7. It is of note that these works will take some time to complete the 10km grid connection route. The impact on traffic is considered further in section 7.4 below. It is considered that while an Outline of the Construction Methodology has been given that further details as to the construction methodology and the impact on the integrity and reinstatement of the road are needed. It is recommended that if the Board decide to permit that it be conditioned that a detailed Construction Management Plan be submitted.

#### 7.4. Roads and Traffic

##### Regard to Reason for Refusal

- 7.4.1. The Council's reason for refusal has been noted above and in summary it is concerned that it has not been demonstrated that the proposed grid connection along the 10km of the National Secondary Route N72, would not negatively impact on traffic safety and efficiency of same and that the works would not directly impact on the operational life of this section of the Road Network. The reason for refusal refers to Local, Regional and National Guidelines that seek to ensure the strategic capacity and safety of the National Road Network is maintained and significant Government Investment already made in the national road network is safeguarded. They consider that the proposal is contrary to the foregoing guidance and contrary to the proper planning and development of the area and as such would set an undesirable precedent.
- 7.4.2. Transport Infrastructure Ireland (TII) object to the proposed development (their comments are noted in the relevant section above) and are concerned with Safeguarding the Strategic National Road Network. They provide that in the interests of safeguarding the investment in and the potential future upgrade works to the national road network, that they are of the opinion that the proposed Grid Connection Cable Routing fails to address important policy considerations impacting national roads. The TII submission also states, that it does not appear that an assessment of any available alternatives has accompanied the subject application.
- 7.4.3. They refer to National Strategic Outcome 2 of the National Planning Framework 'Enhanced Regional Accessibility'. This includes an objective for: *Maintaining the strategic capacity and safety of the national roads network including planning for*

*future capacity enhancements*. In this respect I would also have regard to National Strategic Outcome 8 which supports 'Transition to Sustainable Energy' and new energy systems and transmission grids necessary for a more distributed, more renewables focused energy generation system and includes reference to Solar Energy. National Policy Objective 55 also seeks to promote renewable energy use.

- 7.4.4. Reference is also made by TII to the 'Spatial Planning and National Roads Guidelines for Planning Authorities 2012' which are Section 28 Guidelines. These Guidelines seek to maintain the strategic capacity and safety of the national road network. However as noted in the Key Messages in Chapter 1, they also support the goal of achieving and maintaining a safe and efficient network of national roads in the broader context of sustainable development strategies, thereby facilitating continued economic growth and development throughout the country.
- 7.4.5. The Council's Road Section's concerns include about the impact of the proposed development on the N72, noting investment by TII on the recent upgrade of this National Secondary Road. The Council submission also notes, the narrow width of the N72 and general lack of hard shoulders making it difficult to facilitate additional services in the verge. They are concerned that any excavation and/or directional drilling will damage the integrity of this newly surfaced section of the road and will negate the investment by the TII.
- 7.4.6. The District Engineer is concerned as to impact on existing services under the road. As to whether there is a requirement for separation zone from existing or future services being constructed under roads. They note that N72 Pavement schemes are underway on the network and have been completed on the N72 and that any trench works would require full width reinstatement to the network.
- 7.4.7. Also of note are the Water Services Section concerns about the proposal from a health and safety point of view and any potential impact on the public water mains and services along the proposed route. They would prefer if the electric cable were to be laid overground, where it would not present a danger for those excavating to maintain and repair existing water services.
- 7.4.8. All these issues are of note for consideration. The Construction Method Statement in Section 5 of the Technical Appendix 1: Outline Construction Environmental provides that the proposed development will be constructed in accordance with standard best

practice. This Statement, while it outlines the works to be carried out, does not go into detail as to the impact of the proposal on the integrity of the road structure. It is important that if these works are to be carried out, to facilitate the laying of the grid connection, that the proposal would reinstate the road to its original status and not result in negation of this. A targeted Method Statement concisely outlining the construction methodology and the plans for reinstatement of the road for the written agreement of the Planning Authority needs to be submitted and it is recommended that if the Board decides to permit that this be conditioned.

- 7.4.9. Given that a Road Opening Licence is required prior to the construction of the proposed development under Section 254 of the Planning and Development Act 2000 (as amended), if the Board decides to permit, I am satisfied that all road safety issues will be addressed by the Roads Authority.

## **7.5. Alternatives/Cumulative Impact**

- 7.5.1. It is noted that the Submission by the TII includes that it does not appear that an assessment of any available alternatives has accompanied the subject application. This is reiterated by the Council's Roads Engineers. The Council's Water Services Section considers that having regard to this issue, that it would be their preference to locate the proposed development overground. In this respect, note must be had relative to the increased visual impact in locating the cable overground. Also, the increased potential for impact on Natura 2000 sites (watercourses traversing the route).
- 7.5.2. There is permission for this solar farm that has been granted by the Council and subsequently by the Board. In order for the solar farm to be operational it must connect to the grid. It is of note that Condition no. 13 of the Board's decision (Ref. PL93.246902 - parent permission), provides that cables from the solar arrays to the compound shall be located underground. However, while it appears that the route proposed is preferable environmentally having regard to the documentation submitted, the issue as to whether there are alternatives to the proposed grid connection route does not appear to have considered in the current application.
- 7.5.3. As referred to in the Planning History Section, I also note that there are two extant Board permissions for other solar farms in the vicinity. Board references: ABP-

303576-19 and ABP-300004-17. It is of note that Condition no. 4 of both these permissions (Copies of the Board decisions are included in the History Appendix to this Report) provide:

*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.*

7.5.4. These concern separate sites to the north on the opposite side of the N72. They have different providers to that in the current application, and it is not known as to whether in the future they will also want to have grid connection to the Dungarvan 110kV substation. It is noted that Appendix 1 of the Planning and Environment Statement (Volume 1) includes Figures 1, 2 and 3 relative to Reinstatement, that show in the cross-section drawings, that there is provision for 3no. cable ducts to EBSN specifications and that it would appear (although not completely clear) that there maybe provision for additional future cabling to be accommodated.

7.5.5. However, it is noted that such additional connections are not referred to in the documentation submitted, relative to the subject application and the issue of cumulative impact relative to any potential for roads impact has not been discussed. The subject application is presented as a standalone case, relative to the permitted solar farm (Ref. PL93.246902 refers) and is considered as such. It is of note that an EIAR is not required relative to the proposed development and the consideration of alternatives or cumulative impacts does not have to be considered relative to the subject application.

## 7.6. **Preliminary Construction Traffic Management Plan**

7.6.1. Technical Appendix 2 of Volume 3, outlines details of a Preliminary Construction Traffic Management Plan (PCTMP) to be put in place to manage grid connection construction traffic effectively. Traffic control measures include an outline of measures to enhance the efficient transportation of construction materials and machinery whilst minimising delay and disruption to general traffic.

The PCTMP provides details of construction works including:

- The Cable route identification and assessment;
- Construction Traffic Management Plan; and
- Typical details to be included in the final CTMP.

The report is supported by Appendices:

- Appendix 2A: Figures 1 - 4 showing the indicative cable route (including Sections A – C). Figures 5 & 6 - Traffic Management General Arrangements up to 60km/h and 100km/h.
- Appendix 2B: Standard Specification for ESB MV/LV Network Ducting.
- Appendix 2C: SSWP – Working on Roads.

7.6.2. Section 3.0 notes that prior to the commencement of construction, a fully detailed Construction Traffic Management Plan (CTMP) will be prepared by the Contractor and submitted to the Council for approval. The aim of the CTMP is to put in place procedures to manage grid connection construction traffic effectively. That it will outline measures to enhance the efficient transportation of construction materials and machinery whilst minimising delay and disruption to general traffic. This includes that a typical CMTP will include regard to traffic management, access, road signage etc. The CTMP will need to provide details as to traffic management during the works and as to whether a contra flow system will be necessary etc.

7.6.3. Section 4 provides Mitigation Measures to include the following:

- Advanced publicity outlining the traffic management proposals and duration and advance warning of specific traffic management measures;
- Adequate advance signing of the works;
- Using the existing road for cabling at off-peak hours;
- Using more than one crew at different locations along the route to shorten the duration of the grid connection works; and
- Using appropriate machinery to maintain access along the public roads at all times.

7.6.4. Careful traffic management procedures seek to minimise the overall level of disruption experienced. That delays to traffic will be kept to a minimum and full use

will be made of the available carriageway and verges. Other mitigation measures include relative to warning road signage to be put in place, public roads to be kept clean by sweeping where necessary and all vehicles to be limited to an appropriate maximum speed to be determined in the Construction Traffic Management Plan. An outline is also given of Traffic Control Measures including road safety measures to be implemented during the duration of the works.

- 7.6.5. Separately Table 5.1 of the Outline Construction Environmental Management Plan provides details of the Plant Equipment to be used during construction works. This includes that all plant, machinery and equipment will be stored on site within the works area or within the temporary construction compound to be located within the consented Drumroe Solar Farm. Regard is also had to construction parking.
- 7.6.6. The impact of the proposed development has been identified as temporary in nature and associated with a short construction phase only. A number of mitigation measures are outlined concerning traffic management to minimise the impact of the construction of the grid connection on the local road network. These include road signage, road sweeping and appropriate maximum speed reductions.
- 7.6.7. Provision is to be made for safe access to residences and the work zone for businesses in proximity to the route. They also provide that the contractor will ensure that throughout the course of the works its operations will not put pedestrians at risk. Safe passage will be given for pedestrians in accordance with Department of Transport Guidelines. It is noted that these Regulations/Guidelines will be dealt with under separate remit.
- 7.6.8. The local road network between the site and the N72 is narrow, with limited hard shoulder/verge, however on the basis of the information presented in the Preliminary Construction Traffic Management Plan and having regard to the nature of the development, to traffic management measures and given the temporary nature of the online construction for the grid connection, I would consider that construction works/traffic can be accommodated in the context of the local road network. If the Board decides to permit, it is recommended that it be conditioned that these mitigation measures be implemented and that a detailed Construction Traffic Management Plan be submitted for the written approval of the Planning Authority, prior to the commencement of development.

## 7.7. Environmental Issues

7.7.1. The Outline Construction Environmental Management Plan has been prepared with reference to the other assessments undertaken in support of the planning application, these include: The Planning and Environment Statement, Preliminary Construction Traffic Management Plan (PCTMP) and the Natura Impact Statement. Current Legislation has been taken into consideration. It is submitted that this legislation covers all the relevant areas including: water pollution, wildlife species protection, waste and noise. Section 2 refers to the Legislation and Guidelines.

7.7.2. The OCEMP includes reference to:

- A Construction method statement (CMS) which identifies works likely to impact upon water quality;
- Pollution prevention and mitigation measures;
- Drainage Management Plan; and
- Waste management.

7.7.3. Section 4 of the OCEMP has regard to Environmental Sensitivities -Table 4.1 refers.

Environmental issue	Potential Receptor	Potential Impacts
Water	Waterways adjacent to the development	Contamination of aquatic environment
Soil	Soil on site	Contamination, compaction & soil degradation Reduced filtration

7.7.4. There are nine Natura 2000 sites within 15km of the proposed development: four SACs and five SPAs. The proposed grid route crosses a bridge over a tributary of the Blackwater River (Cork/Waterford) SAC (River Finisk). The grid route also crosses a bridge over the Colligan River which connects to the Dungarvan Harbour SPA.

7.7.5. In summary the documentation provides that there is no ecological, ornithological or hydrological connection between the proposed development and the designated

sites within the Zone of Influence. That the findings of the NIS concluded that with the implementation of measures outlined within this OCEMP that there will be no significant impacts to the integrity of any of the Natura 2000 sites from the proposed development. Regard is had to the impact on the Natura 2000 sites in the context of the NIS and this is discussed further in this Assessment below.

#### Impact on Watercourses

- 7.7.6. Note is had to the submitted drawings showing the route. The grid connection is to be kept in the public road, consisting of the N72 only. Some works will also be conducted in agricultural land leading to the consented solar farm site. Having regard to Hydrology the proposed grid route is within Hydrometric Area 18 (Blackwater (Munster)) and Hydrometric Area 17 (Colligan – Mahon) of the Irish River Network System and within the Finisk (SC\_010) and Colligan (SC\_010) sub catchments.
- 7.7.7. The cable route will pass through the following river waterbody catchments, as defined by the Water Framework Directive (WFD):
- Finisk\_030
  - Brickey\_010
  - Colligan\_040
- 7.7.8. The cable route will cross three significant watercourses, all three of which are bridge/culvert crossings, where the cable works are to be confined to the public highway. These are crossings at the following locations:
- Boherawillin Stream
  - River Finisk
  - Colligan River
- 7.7.9. Details submitted include that where the cable route intersects the small culvert, the culvert will remain in place and the ducting will be installed above it and provide minimum separation distances in accordance with ESB and Irish Water specifications. That the proposed development does not involve the draining or modifying of any of the minor or major tributary watercourses. Figures 5.1 – 5.3 of Appendix 1 in the Planning and Environmental Statement show sections through 'Typical Service/Culvert Crossing Details'.



7.7.10. At all watercourse crossings the contractor will be required to adhere to the environmental control measures outlined within the planning application and accompanying reports and the detailed CEMP to be prepared prior to the commencement of construction, and best practice methodologies. Having regard to the documentation submitted, including the pollution prevention measure referred to below, I would consider that provided these measures are carried out in accordance with best practice that the proposed development within the existing roadway will not impact on water quality.

#### Waste Management

- 7.7.11. It is noted that surplus or waste may arise from materials imported to the site, or those generated on site during the construction and decommissioning phases. Section 6 of the OCEMP notes that the Waste Management Plan follows the waste hierarchy, as outlined within Article 4 of the Waste Framework Directive. This includes regard to Prevention, Re-use, Recycling, Other recovery, and Disposal.
- 7.7.12. There is to be limited waste generated during the construction phase of the proposed development. Details are given of potential waste generated during the construction phase in an Identification of Waste. Note is had to the Storage of Fuels and Chemicals and to health and safety. That oils and fuels will not be stored on site and are to be stored in an appropriately bunded area within the temporary storage compound. Spill kits will be on site and contingency plans will be in place for dealing with a spillage should a spillage occur. Guidelines are included relative to Refuelling.
- 7.7.13. It is noted that all excavation and earthworks are to be carried out in accordance with the relevant Code of Practice. That soil handling, extraction and management are to be undertaken in accordance with best practice including the Guidance on the Waste Management (Management of Waste from the Extractive Industries) Regulations 2012. These issues will be dealt with under the relevant Regulations/Guidelines which are under separate remit.
- 7.7.14. Concrete will not be allowed to enter watercourse under any circumstances, and drainage from excavations in which concrete is being poured will not be discharged directly into existing watercourses without appropriate treatment and consent from the relevant authority. Delivery trucks, tools and equipment will be cleaned at the wheel wash facility located near the entrance and within the site boundary.

- 7.7.15. Operations and activities that have the potential to impact on the water environment are to be regularly monitored throughout the construction of the proposed development. This is to ensure compliance with planning conditions and environmental regulations. Table 6.1 of the OCEMP provides details of Environmental Monitoring. This includes regard to the storage of records and results detailing inspections of the site, surface water courses, fuels and chemicals – appropriate storage.
- 7.7.16. It is noted that portaloos and/ or containerised toilets and welfare units with storage tanks are to be used to provide toilet facilities for site personnel during construction. The location of these areas is to be identified by the contractor prior to the commencement of construction, however, they will more than likely be within construction compound of the consented solar farm. The sanitary waste from these facilities is to be removed by a licensed waste disposal contractor. All such units will be removed off-site following completion of the construction phase.

#### Pollution Prevention

- 7.7.17. The OCEMP identifies in Section 7, elements of the proposed development which are potentially capable of giving rise to pollution and identifying pollution prevention and mitigation measures. This includes that suitable protection for watercourses potentially affected by the works will be installed prior to relevant works proceedings and details are given of these.
- 7.7.18. Noise and Vibration operating plant noise are to be kept within the standards and time periods dictated for the site and details of mitigation measures are given. This includes that any noncomplying plant will be stopped and down until it can be rectified or removed from the site. They note that the British Standard which gives guidance on noise from construction and mineral works sites is BS5228. Details are provided relative to reasonable mitigating measures, to include regard to operation of plant, limits on traffic movement, hours of operation. Regard is also had to controlling the spread of noise e.g. by increasing the distance between plant and noise sensitive receptors or by the provision of acoustic screening.
- 7.7.19. Details are given of dust prevention measures to prevent and minimise dirt on the access route and emissions of dust and other airborne contaminants during the construction works.

7.7.20. A Drainage Management Plan is referred to in Section 8 of the OCEMP, to manage on-site drainage in accordance with current best practice and legislation. This includes that there is no specific drainage planned for the works. Regard is also had to Emergency Spill or Pollution Response.

Section 9 provides a Summary & Conclusions:

Table 9.1 provides the OCEMP Mitigation measures:

Potential Receptor	Potential Impact	Recommended Mitigation
<u>Water:</u> Streams and Rivers outside the proposed development boundary where surface water runoff will be discharged to	Pollution	Implementation of pollution prevention measures detailed with the OCEMP
<u>Soil:</u>	Pollution	Implementation of pollution prevention measures detailed within this OCEMP

7.7.21. It is concluded that the overall objective of this OCEMP is to reduce the potential impact on the environment during the construction phase of the proposed development. That the appointed contractor will need to incorporate this OCEMP into a detailed CEMP and construction method statements prior to the commencement of development and will be implemented in full during construction phase. If the Board decides to permit it is recommended that it be conditioned that a detailed Construction Environmental Management Plan be submitted for the written agreement of the planning authority prior to the commencement of development.

## 7.8. Archaeology

7.8.1. Technical Appendix 3, Volume 3 includes an Archaeological Impact Assessment. This includes a Desk Based Assessment and regard to aerial photography. Regard is had to Baseline Characterisation and details are given of Archaeological and

Cultural Heritage Assets along the route. Maps showing the locations of such along the route and photographs have been included in the Appendices.

- 7.8.2. Under Direct Effects, it is noted that the proposed cable trench will pass adjacent to the following NIAH assets: Carrigegan Kiln; Thatched Cottage; Cappagh House Gates; Master McGrath Monument. (Plates 1- 4 relate). As these sections of the proposed route within these zones of archaeological potential, entirely comprise hardstanding areas associated with the N72 road, it is considered that the potential for surviving sub-surface remains within the identified zones is limited and the impacts are anticipated to be low. It is recommended that while no specific mitigation measures are needed, that a programme of archaeological monitoring be implemented for all construction activity located adjacent to the aforementioned NIAH assets.
- 7.8.3. While numerous recorded archaeological and heritage sites are present within the local area around the proposed cable route, none of these sites are anticipated to be close enough to be physically affected by the proposed development. While there are a number of sites within the RMP and the NIAH that are close enough to share views with the footprint of the proposed development, indirect impacts anticipated upon the surrounding heritage assets are anticipated to be Negligible due to the sub-surface nature of the development and the temporary nature of construction works. As such no specific mitigation is considered to be required for the reduction of any indirect impacts.
- 7.8.4. It is recommended that a programme of archaeological monitoring be implemented for all construction activity located adjacent to these NIAH assets. This will allow for any hitherto-unknown archaeological remains to be preserved by record or *in-situ* depending on their significance. It is noted that as the vast majority of the proposed cable route covers previously disturbed ground within the hardstanding areas associated with local roads mitigation measures for construction works outside the Zone of Notification are not anticipated to be necessary. However, that any archaeological work required will be done at the discretion of and consultation with the NMS and the Council.

7.8.5. It is noted that the Council's Heritage Officer does not object to the proposed development and it is recommended that if the Board decides to permit that an archaeological monitoring condition be included.

#### 7.9. **Precedent – Section 5 Referrals**

- 7.9.1. The First Party Appeal refers to precedent cases where Section 5 applications for underground cables routes, along national roads have been declared exempt. They describe them as being similar to this application. However, regard is had to the description of development and it is of note that this is a planning application and has not been submitted as Referral application under Section 5 of the Planning and Development Act 2000 (as amended). Note has been had in the Planning History Section above to Condition no.14 of the parent permission, Ref.PL93.246902. As per this condition, the solar farm should 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.
- 7.9.2. Section 4(4) of the Planning and Development Act 2000 (as amended) essentially de-exempts any development which attracts a requirement for Environmental Impact Assessment (EIA) or Appropriate Assessment (AA). In relation to EIA, the development of a grid connection between the solar farm development permitted and the Dungarvan 110kV Substation is not a prescribed class of development for the purposes of EIA.
- 7.9.3. It is noted in the subject case that a Stage II Natura Impact Statement has been submitted. Therefore, this development would not be exempt and it is necessary to discuss the merits of the proposal as put forward in the planning application to ascertain if it would be in accordance with the proper planning and development of the area. Regard is also had to Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001 (as amended) which provides a restriction on exemption, when there is a requirement for AA.
- 7.9.4. The First Party Appeal includes reference to a number of Case Studies relative to Section 5 Referrals. These refer to grid connection routes and some of these quoted were decided to be exempted development by various Councils including Wexford. These include the following relative to Board decisions:

#### 7.9.5. Example 5 – ABP-310120-21

The Question arose as to whether the provision of c. 3,834 metres of 38kV underground medium voltage grid connection cable between the consented Cleggil Solar Farm (Ref 17/47) to the nearest 38kv Longford substation is or is not development and is or is not exempted development.

The underground proposed cable route included along local roads before it turned northeast onto the N5 for approximately 1.2km before turning left onto the N4 where it continued for approx. 0.5km and then turned right into the 38kV Longford Substation.

In this case a Stage I Screening Assessment concluded that the proposed development would give rise to no likely significant individual or cumulative effects upon Natura 2000 designated sites in combination with any other development. It was concluded that the next stage of AA i.e. a Stage II NIS was not required.

The Board decided that taking into account the relevant legislation and the issues raised that the proposal is development and is exempted development.

#### 7.9.6. Example 6 – Ref. ABP-307454-20

The Question arose as to Whether an “underground 20kV medium voltage cable within the public road between the permitted solar farm (PD/17/17) and the 38kV Roscommon substation “is or is not development and is or is not exempted development”.

The proposed underground cable grid connection of 1.96km in length extending in a south-westerly direction along the N63 National Primary Route and in a south-easterly direction along the local road.

An AA Stage I Screening Report was included and it was concluded that the proposed development would give rise to no likely significant individual or cumulative effects upon Natura 2000 designated sites in combination with any other development. They concluded that the next stage of AA i.e a Stage 2 NIS was not required.

The Board decided that taking into account the relevant legislation and the issues raised that the proposal is development and is exempted development.

- 7.9.7. The First Party Appeal also notes that a number of planning applications for underground cable routes, along public roads, similar to the subject application have been granted across numerous counties. They provide examples of such and it is noted that these refer to Council rather than Board decisions.
- 7.9.8. They conclude that the Board has determined that a similar proposed development along the N5 road corridor was planning exempt and could proceed on that basis (Ref. ABP- 310120 -21). This Referral has been noted above. They therefore contend that if a cable along a National (N) road corridor can be determined as planning exempt that planning permission for a similar development on the same basis (cabling along an N road) should be approved. That planning permission will be subject to conditions and therefore greater oversight to ensure a higher level of compliance. That this should include that any potential traffic effects will be fully mitigated and can be agreed by way of a condition.
- 7.9.9. While these cases have been noted, and regard is had to Ref.ABP-310120-21 above (copies are included in the History Appendix to this Report), they have been assessed regarding their locational context, and taking into consideration the specific issues arising. Regard has been had to the policies and objectives of the relevant development plans, to their planning history and planning policy and guidelines. While there are some similarities relative to the provision of renewable energy and grid connection, each case must be considered on its merits. This includes having regard to the planning history, sensitivity of the receiving environment, appropriate assessment issues and the specifics of the proposed development.

## **8.0 Appropriate Assessment**

- 8.1.1. The application for the proposed development includes a Stage I Screening Report and a Stage II AA. It examines the likely effect of the development on European sites and concludes that, following mitigation, the proposed development does not have the potential to affect the conservation objectives of any such site.

### **8.2. Screening for AA**

- 8.2.1. Volume 1 of the NEO Environmental Report provides a “Natura Impact Statement in line with the requirements of Article 6(3) of the EU Habitats Directive” dated June

2021. This includes a Stage I Screening and Stage II Assessment of the proposed development on Natura 2000 sites. In carrying out the Stage I screening, the question to be addressed is ‘Is the project likely to have a significant effect, either individually or in combination with other plans and projects, on the European site(s) in view of the site’s conservation objectives?’ It needs to be determined if the development is likely to have significant effects on a European Site(s).

8.2.2. There are nine Natura 2000 Sites located within 15km of the application site, comprising of the Blackwater River (Cork/Waterford) SAC, Glendine Wood SAC, Comeragh Mountains SAC, Helvick Head SAC, Dungarvan Harbour SPA, Helvick Head to Ballyquin SPA, Mid-Waterford Coast SPA, Blackwater Callows SPA and Blackwater Estuary SPAC. Table 5-1 of the NIS provides an Identification of these Natura 2000 Sites and their Qualifying Features. As listed in this Table, it has been concluded that there is no hydrological connectivity between the proposed development site and 7no. of these Natura 2000 sites.

8.2.3. However, it has been concluded that hydrological connectivity exists between the application site and two of these Natura 2000 sites: Blackwater River (Cork/Waterford) SAC and Dungarvan Harbour SPA. Details are provided in the Table below. I would agree with this conclusion and consider that there is no hydrological connection or ecological pathway between the proposed development and the remaining sites.

Table 1: Qualifying Interests for the two European sites with hydrological connectivity are (extracted from Table 5-1 in Section 5.3 of the NIS):

<b>European Site</b>	<b>Qualifying Interests</b>	<b>Conservation Objectives</b>	<b>Connections (source, pathway, receptor)</b>	<b>Considered further in screening Y/N</b>
Blackwater River (Cork/Waterford) SAC (site code: 002170)	Estuaries [1130]  Mudflats and sandflats not covered by seawater at low tide [1140]  Perennial vegetation of	To maintain or restore the favourable conservation condition of	As there is a direct source – pathway – receptor - linkage	Yes



<p>Distance: 0km  (i.e the route crosses this site)</p>	<p>stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</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>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p>	<p>the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>hydrological connection between the application site and SAC, impacts will be considered further.</p>	
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	<p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p>			
<p>Dungarvan Harbour SPA</p> <p>(site code: 004032)</p> <p>Distance: 0.63km southeast</p>	<p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p>	<p>To maintain or restore the favourable conservation condition of the bird species listed as a Special Conservation Interests for the SPA has been selected</p>	<p>As there is a direct source – pathway – receptor linkage - hydrological connection between the application site and SPA, impacts will be considered further.</p>	<p>Yes</p>

	Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Curlew ( <i>Numenius arquata</i> ) [A160] Redshank ( <i>Tringa totanus</i> ) [A162] Turnstone ( <i>Arenaria interpres</i> ) [A169] Wetland and Waterbirds [A999]			
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- 8.2.4. As outlined in the Outline Construction Environmental Management Plan (OCEMP) the cable route will cross three significant watercourse crossings (Boherawillin Stream, River Finisk and Colligan River), all of which are bridge/culvert crossings, where the cable works will be confined to the public highway.
- 8.2.5. The application site for the proposed grid connection route, consists primarily of areas of existing hardstanding along the public road (N72) and improved agricultural grassland. These areas will not support any of the qualifying habitats or species of the Natura 2000 sites. It is submitted that no ecological or ornithological connectivity exists with any designated sites.
- 8.2.6. The River Finisk is a tributary of the River Blackwater. The Blackwater River (Cork/Waterford) SAC is directly below a section of the proposed development that crosses the river. Therefore, it is considered that there is potential for a direct hydrological connection.
- 8.2.7. The Colligan River is connected to the Dungarvan Harbour SPA approx. 0.63km from the proposed development. There is a minor risk that surface water could enter these watercourses. Taking the precautionary approach, it is therefore considered (for the purposes of the Screening Report) that a potential connection exists with the Dungarvan Harbour SPA.

8.2.8. The application site has a hydrological connection to these two Natura 2000 sites. There is therefore a pathway for potential contaminants between the proposed development and these Natura 2000 sites. Aquatic systems and the species/habitats dependent on these systems are sensitive to pollution or contamination of surface waters. Pollution can result from any of the following entering a body of ground or surface waters:

- Poisonous, noxious or polluting matter;
- Waste matter (e.g. litter);
- Construction materials (including silt, cement, concrete, oil, petroleum spirit, chemicals, solvents, sewage and other polluting matter);
- Other harmful activities detrimentally affecting the status of a waterbody;
- Evaporation;
- Dilution.

8.2.9. Section 6.4 of the NIS provides that the status of a waterbody can be affected not only by chemical pollution, but also by activities directly or indirectly affecting ecology, including changes in physio-chemical parameters (e.g. temperature and turbidity) or physical modification to the hydrology of a waterbody. Table 6-1 of the NIS details common water pollutants and their effect on the aquatic environment.

### **AA Screening Conclusion**

8.2.10. Based on analysis of the flow networks using EPA maps, the NIS provides that the remaining Natura 2000 sites (as listed in Table 5-1 of the Screening Report) are not hydrologically connected to the application site. It is considered that with the exception of the Blackwater River (Cork/Waterford) SAC and Dungarvan Harbour SPA that the remaining Natura sites mentioned in Section 5.3 (Table 5-1) of the NIS can be excluded from the AA process. This is based on their lack of hydrological connection and distance from the proposed development and the fact that there is no possibility of any direct, indirect or cumulative impacts on these sites from the proposed development in either its construction or operational phase.

8.2.11. However, following consideration of the possibility for hydrological connections and proximity to the Blackwater River (Cork/Waterford) SAC and Dungarvan Harbour

SPA and the potential impacts that may occur, the project must proceed to a Stage II, Natura Impact Assessment.

### 8.3. Stage II Appropriate Assessment

#### **Blackwater River (Cork/Waterford) SAC**

- 8.3.1. The River Blackwater (Cork/Waterford) qualifies as an SAC for a number of Annex 1 habitats and Annex 11 species as has been outlined. Section 6.10, Table 6-2 of the NIS outlines the percentage of the various habitat types within the Qualifying interests of the SAC. Details are given of the Threats and Pressures on the SAC and a list is given including the following:
- Changes in terrain and surface of agricultural areas
  - Roads, paths, railroads and related infrastructure
- 8.3.2. The cable route crosses a bridge over the River Finisk, a section of the Blackwater River (Cork/Waterford) SAC. It is provided that the grid connection will follow the bridge, directly above the SAC. That there is no suitable habitat within this route for any of the species for which the SAC is designated.
- 8.3.3. Freshwater pearl mussel, white-clawed crayfish, sea lamprey, river lamprey, twaite shad and Atlantic salmon are confined to the aquatic environment. That there will be no direct loss of habitat for these species, as the construction work does not fall within the river, only along the bridge above the river. However, habitat could be indirectly impacted through the contamination of waters.
- 8.3.4. The site is also designated for supporting otter, which are a highly mobile species. It is considered that there will be no direct loss of habitat for this species. Works over the SAC are to be confined to the road which does not offer suitable habitat for this species. The area of agricultural grassland within the application site is not suitable to support otter, or any qualifying species of the SAC.
- 8.3.5. The road network is heavily used by traffic, meaning that additional noise pollution and emissions from the minor cable lying proposed will in all likelihood be minor and therefore not significant. This reduces any likelihood to disturbance to wildlife using the SAC due to the proposed development.

- 8.3.6. Potential contaminants are capable of undermining water quality and the conservation objectives of each qualifying species and habitats occurring within the Zol of the proposed development. The Outline Construction Environmental Management Plan (OCEMP) has incorporated pollution prevention measures. Best practice pollution measures are to be adhered to during the construction phase.
- 8.3.7. For example, at watercourse crossings, the contractor will be required to adhere to the environmental control measures outlined within this Plan and the detailed Construction Environmental Management Plan (CEMP), to be prepared prior to construction, and best practice construction methodologies. Potential risk for aquatic contamination during the construction phases is considered to be low. The road network is heavily used by traffic, meaning that additional pollution and emissions from the cable laying proposed will in all likelihood be minor and therefore not significant. This reduces any likelihood of disturbance to wildlife using the SAC due to the proposed development. Pollution prevention measures are outlined in the Mitigation Measures in Section 7 of the NIS. Given the nature and design of the proposed development, it is considered that potential impacts for the qualifying features will not be significant. Therefore, it is provided that the proposed development will not significantly affect the integrity of the Blackwater River (Cork/Waterford) SAC.

### **Dungarvan Harbour SPA**

- 8.3.8. The main conservation objectives of the Dungarvan SPA are to maintain or restore the favourable conservation condition of the ornithological species for which it has been selected (Table 5 -1 and as noted in Table 1 above refers). Table 6-4 of the NIS outlines the percentage of the various habitat types within the SPA. The majority 98% being within 'tidal rivers, estuaries, mud flats, lagoons (including saltwork basins)'.
- 8.3.9. Dungarvan Harbour SPA is located approx. 0.63km southeast of the application site and is designated for a number of ornithological species. It is submitted, that Qualifying interests are unlikely to commute between the SPA and the application site, which comprises hardstanding and improved agricultural grassland. The majority of the grid connection will occur over public roads. The grid route will also cover 600m of agricultural grassland, however as cabling will be underground no

significant loss of habitat (direct or indirect) is anticipated for these species through the construction of the proposed development. The road network is currently heavily used by traffic meaning that any additional noise pollution and emissions from the minor cable laying proposed will be temporary and in all likelihood be minor and not significant.

- 8.3.10. Potential risk for aquatic contamination during the construction phase is considered to be low. The NIS provides that given the scale of the proposed development and the proposed measures in place to prevent pollutants from entering watercourses, that it is considered that potential contamination would not significantly impact the habitats associated with the Dungarvan Harbour SPA. Therefore, that the proposed development will not significantly affect the integrity of the Dungarvan SPA.

### **Mitigation Measures**

- 8.3.11. Section 7 of the NIS outlines the Mitigation Measures. This includes that the proposed development will be constructed in accordance with standard best practice. Reference is had to the Construction Method Statement (CMS) outlined in Section 5 of the Outline Construction Management Plan. As has been previously noted mitigation measures include best practice construction methodology for underground grid connection services, environmental controls to be adhered to at water crossings, traffic management, noise and dust control measures to be undertaken. This includes that suitable protection for watercourses potentially affected by the works will be installed prior to relevant works proceeding. A detailed Construction Environmental Management Plan is to be prepared. Works are to be carried out in accordance with ESB and Irish Water specifications. These measures, are considered under separate remit and it is submitted will be in accordance with Environmental Protection Agency (EPA) Pollution Prevention Guidelines.
- 8.3.12. It is of note that if the proposed grid connection were not constructed along the route of the roadway as proposed that it would have a potentially greater impact on the Natura 2000 sites.

### **Cumulative Effects**

- 8.3.13. In Section 8 of the NIS, it is noted that cumulative effects can be an issue when multiple proposals have a low level of impact on Natura 2000 sites. If several proposals all have a small impact, the combined result can lead to a significant effect

on the qualifying features of a Natura site. The NIS provides that subject to the mitigation measures and the proposed development being carried out in accordance with best practice construction measures that the proposed development will have no significant effects on any Natura 2000 site. That for the purpose of this assessment they also, confirm that no cumulative effects will occur for any Natura 2000 sites from the proposed development.

8.3.14. Cumulative impacts including from other potential grid connection developments from solar farms have not been referred to in the context of the documentation submitted. However, there is no record of applications for such connections and details of these relative to any potential to use the proposed route have not been submitted.

### **Appropriate Assessment Conclusion**

8.3.15. Having carried out screening for Appropriate Assessment of the project, it has been concluded that it may have a significant effect on the following European Sites:

- Blackwater River (Cork/Waterford) SAC (site code: 002170)
- Dungarvan Harbour SPA (site code: 004032)

Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying interests/special conservation interests of these sites in light of their conservation objectives and hydrological connections.

8.3.16. Note is had to the strict mitigation measures proposed as presented in the Stage II AA. Standard best practice pollution prevention measures for the construction stage have been outlined and considered as part of the impact assessment (Section 7 of the NIS and the Outline Construction Environmental Management Plan refer). Regard has been had to the temporary nature of the construction works to facilitate the project. Suitable protection for watercourses potentially affected by the proposed works are to be installed prior to relevant works proceeding. Section 9 of the NIS concludes a Finding of No Significant Effects provided the detailed mitigation measures are implemented.

8.3.17. Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site Nos. 002170 and 004032, or any



other European site, in view of the sites Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

## 9.0 Recommendation

9.1. I recommend that permission be granted subject to the conditions below.

## 10.0 Reasons and Considerations

(a) Having regard to:

**European legislation**, including of particular relevance:

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
- EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy.

**National and regional planning and related policy**, including:

- National Planning Framework
- Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012.

**Regional and local level policy**, including the:

- Regional Spatial Economic Strategy for the South-East Region

**Local planning policy**, including the

- Waterford City and County Council Renewable Energy Strategy 2016-2030 incorporated into the
- Waterford County Development Plan 2011-2017 (as varied and extended) in favour of the deployment of renewable energy,
- Other relevant guidance documents

- (b) the nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity, including the planning history of the permitted Solar Farm development to which this proposed grid connection relates,
- (c) the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment.

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.

## 11.0 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 received by An Bord Pleanála on the 14<sup>th</sup> of October 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

2. The conditions of parent permission for the permitted Solar Farm at Drumroe, Cappoquin, County Waterford, Board Reference PL93.246902 shall be adhered to and provision shall be made for the grid connection as applied for in the current application.

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

3. All mitigation and environmental commitments identified in the Natura Impact Statement shall be implemented in full as part of the proposed development.

**Reason:** To protect the environment and in the interest of development control, public information and clarity.

4. a) All of the environmental, construction and ecological mitigation measures set out in the Planning and Environmental Statement, and Outline Construction Environmental Management Plan and other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order.

- b) Prior to the commencement of development, a detailed Construction Environmental Management Plan shall be submitted, which shall include a targeted Construction Method Statement to include details of the reinstatement of the public road (N72) to be agreed in writing with the Planning Authority.

**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

5. A Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These plans shall provide details of intended construction practice for the development, including:

- a) details of traffic management measures to be implemented during the duration of the works.
- b) location of the site and materials compound including area identified for the storage of construction refuse
- c) location of areas for construction site offices and staff facilities
- d) details of site security fencing and hoardings
- e) details of on-site car parking facilities for site workers during the course of construction

- f) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- g) measures to obviate queuing of construction traffic on the adjoining road network,
- h) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater,
- k) off-site disposal of construction / demolition waste and details of how it is proposed to manage excavated soil
- l) details of on-site re-fuelling arrangements, including use of drip trays,
- m) details of how it is proposed to manage excavated soil,
- n) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of environmental protection, amenities, public health and safety.

6. Construction and demolition waste shall be managed in accordance with a Project Construction Waste and Demolition and Byproduct Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

7. a) During the construction phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:

(i) An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be one hour.]

(ii) An LAeqT value of 45 dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 “Assessment of Noise with respect of Community Response” as amended by ISO Recommendations R 1996 1, 2 or 3 “Description and Measurement of Environmental Noise” as applicable.

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

8. All road surfaces, culverts, watercourses, verges and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to commencement of development, a road condition survey shall be taken to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to ensure a satisfactory standard of development.

9. The developer shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

10. The site and development works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public road, the said cleaning works shall be carried out at the developers expense.

**Reason:** In the interest of orderly development.

11. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority, details of all road signage and lighting.

**Reason:** in the interest of clarity and road safety.

12. Water supply, wastewater treatment and surface water attenuation and disposal shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Angela Brereton  
Planning Inspector

25<sup>th</sup> of March 2022