



An
Bord
Pleanála

Inspector's Report

ABP-312936-22

Development	Development of a 110kV substation and associated compound and ancillary equipment to facilitate the connection of Ballinlea Lower Solar Farm to the electricity transmission network.
Location	lands in Templeraíne, Ballymoney and Killiniskyduff, Arklow, Co. Wicklow
Planning Authority	Wicklow County Council
Applicant(s)	Highfield Solar Limited
Type of Application	Application under the provisions of Section 182A of the Planning and Development Act 2000, as amended
Observer(s)	Wicklow County Council Transport Infrastructure Ireland
Date of Site Inspection	28/07/2022
Inspector	Jimmy Green

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1.0 Introduction

- 1.1. An application has been made by Highfield Solar Ltd. (“the Applicant”) under the provisions of Section 182A of the Planning and Development Act 2000 (as amended) (“the Act”), for a 10 year permission for development consisting of the construction of an electrical substation and associated 110kV and MV ancillary infrastructure required to connect ground mounted solar PV generation to the electricity transmission system; lightning protection masts; perimeter security fencing; access tracks; underground cabling; temporary construction compound; tree planting; drainage infrastructure and all associated ancillary site development work (“the Proposed Development”) on a site located in the townlands of Templeraíneay, Ballymoney and Killiniskyduff, Arklow, Co. Wicklow.

2.0 Project Background

- 2.1. The applicant made a request to enter into pre-application consultations under Section 182E of the Act on 21st April 2021 (Ref. ABP-310024-21) in relation to a 110kV substation and associated underground electrical cabling to provide a tail-fed connection into the existing Arklow 110kV substation. Following an assessment and recommendation from the reporting inspector, the Board determined on the 15th of September 2021 that the proposed development fell within the scope of Section 182A of the Act and accordingly would comprise strategic infrastructure. On foot of that determination, the applicant subsequently submitted this current application under the provisions of Section 182A of the Act.
- 2.2. The proposed substation and cable route will facilitate the connection of the permitted Ballinaclea solar farm (Wicklow County Council, PI. Ref. 17/1440, ABP-302037-18) to the national grid.

3.0 Site Location and Description

3.1. Overview

- 3.1.1. The site has a stated area of 3.58ha and is located approximately 3km to the north of Arklow, Co. Wicklow. The proposed substation is located in the townland of

Templerrainey approximately 100m to the west of the M11 (300m north of the overpass at junction 20) within an agricultural field. The entrance to the proposed substation is off the regional road (R772) which runs in a northeast to southwest direction east of the proposed substation site. The level of the site at the point of access to the regional road is approximately 42.5mOD with the site gently rising from this point to the site of the substation up to a level in excess of the 50m contour at the site's northernmost extent.

- 3.1.2. The site is under agricultural use and is characterised by a sloping topography with well-established and mature boundary treatment/hedgerows.
- 3.1.3. The proposed underground cable route runs from the proposed substation along the proposed access track for approximately 140m before coming onto the R772 and turning south and west along the public road for approximately 300m, it then turns southeast for approximately 1 kilometre, through junction 20 of the M11 (passing within the over-pass and through its two associated roundabouts) before continuing along the public road until it turns northwest for approximately 50m into the existing Arklow substation. The cable route is therefore predominantly along a public road network which is of a good standard, with two lanes delineated and verges throughout.
- 3.1.4. The surrounding landscape is agricultural in nature with some small commercial forestry in the wider area, the M11 is a strong visual feature in the vicinity. The local topography is generally gently undulating although there is a locally prominent hill rising to the north (height of 280m OD) of the proposed substation. The cable route runs along the public road network past dispersed rural housing with some commercial development along the roadside before reaching the Arklow substation. Arklow itself is located further to the south.
- 3.1.5. The site of the proposed substation is within the extent of a previously permitted solar farm development (ABP 302037-18), which included a substation and 4 no. battery storage containers permitted as part of the overall development. The proposed substation is larger than that previously granted, and it is proposed partially at the location of the previously permitted substation with the remainder of its footprint overlapping with lands that were previously approved as a location for solar panels.

3.2. Natural Heritage Designations

- 3.2.1. The proposed development does not overlap with any ecologically designated site. The closest Special Area of Conservation (SAC) (Buckroney-Brittias Dunes and Fen – Site Code 000729) is located approximately 2.4km to the northeast, the closest proposed Natural Heritage Area (Arklow Sand Dunes pNHA – Site Code 001746) lies approximately 1km to the southeast, Arklow Town Marsh (pNHA – Code 001931) is approximately 1.2 km southwest and the Avoca River Valley (pNHA – 001748) is approximately 2.5km to the west. There are no Natural Heritage Areas within 20km of the proposed development.

4.0 Proposed Development

- 4.1. Following the Further Information (FI) request issued by the Board the proposed development constitutes the provision of the following (I note that the nature/description of the proposed development was altered in response to the Further Information request, at which time the applicant omitted the originally proposed battery storage compound element):

- 110kV Air Insulated Substation (AIS) split into two compounds, the Eirgrid compound and independent Power Producer (IPP) compound, (it should be noted that the description detailed in the updated Appropriate Assessment Screening Report submitted in response to the FI request overstates the compound area as it does not reduce the relevant compound areas following the omission of the battery storage). The IPP compound incorporates:
 - IPP (Independent Power Producer) control building MV switch room (footprint 10.4m x 9m, and height of 6.2m),
 - 33/110kV transformer,
 - Associated electrical equipment, hardstanding and access.

The Eirgrid compound incorporates:

- Switchgear/Substation building (footprint of 18m x 25m, and height of 6.2m),
- Private well water supply,

- Waste-water holding tank,
 - Associated Electrical Equipment, hardstanding and access.
 - Security fencing and CCTV cameras,
 - Site track (approximately 150m) and site access off the regional road,
 - Underground electrical cabling (approximately 1.4km in length) connecting the proposed substation to the Arklow 220kV substation, (entirely along the public road network - the R772 - from where it leaves the site of the proposed substation and access road).
- 4.2. The water supply for the proposed development is stated as being off a private well.
- 4.3. The application is accompanied by a Planning and Environmental Report which incorporates: a Landscape and Visual Impact Assessment (LVIA – updated to account for FI request), Ecological Impact Statement (EclS – updated in response to FI request), Appropriate Assessment Screening Report (AASR – updated in response to FI request), Archaeological Assessment, Flood Mapping, Traffic Management Plan, Drainage Impact Assessment, and a Construction and Environmental Management Plan (CEMP). It is intended that the construction of the proposed development will be co-ordinated with the provision of the previously permitted Ballinaclea Solar farm.
- 4.4. The construction works will be subject to a range of mitigation measures including:
- Oversight by a dedicated Pollution Prevention Clerk of Works to implement environmental protection measures,
 - In relation to drainage – maintenance of existing drainage channels, limiting surface water from entering excavations, collection, and treatment of water from material stockpiles and construction areas, engineered drainage attenuation and sediment control, use of stilling ponds and drainage spreaders.
 - Controlled storage and use of hydrocarbons, incorporating bunded storage areas and adopting good practice in terms of refuelling.
- 4.5. The Applicant is seeking a 10-year permission for the proposed development.

5.0 Request for Further Information

5.1. An Bord Pleanála sought further information (FI) in July 2022 in relation to the following:

- Clarification in relation to the nature of the proposed development having regard to a battery storage compound shown in the application drawings but which had not been included or considered within the pre-application S182A consultations.
- Provision of additional accurately scaled, and dimensioned plans, layouts, elevations, and sections accounting for the levels of the extant site and proposed development, as well as incorporating the extent of any proposed cut and fill works.
- Provision of additional detail in relation to the proposed substation including location where power will enter the substation from the solar farm, clarification as to whether additional grid connection(s) could be accommodated and incorporating additional landscape proposals.
- The provision of Figure LV1 which is referenced within the LVIA but not submitted as part of the original planning documentation.
- Applicant was requested to provide details of the potential for noise effects to arise from the proposed development on sensitive receptors in the vicinity.
- Additional details were requested in relation to establishing and confirming whether adequate separation distances as required by the transmission system operator (TSO) for the underground cabling were available in relation to existing and consented underground services in the vicinity.
- Arising from the above, additional details were also sought in relation to the location and design of the proposed underground cable along the public road network, including the location of joint bays/junction boxes if required, and to comment on the technical feasibility of the of underground cabling being provided in the deck of the R772 overbridge of the M11.

- Applicant was requested to comment on the dated nature of the ecological surveys (2017) which were used to inform the findings of the submitted Ecological Impact Statement.
- Finally, the applicant was invited to comment on the submissions that had been lodged in relation to the proposed development.

5.1.1. An Bord Pleanála received a response to the FI request from the applicant on the 23rd of September 2022, the submitted documentation included:

- Revised drawings which showed the omission of the battery storage compound element from the proposed development, the drawings still indicate the provision of battery storage modules throughout the wider consented solar farm development area, however, these are not subject to the current application before the Board. In the interests of clarity and in the event of favourable consideration I recommend that a condition be attached to clarify this issue.
- Updated drawings have been provided which are accurately scaled and which provide the details that were requested including all required levels to allow consideration of the proposed development in the context of the sloping topography on site and in the vicinity. The Eirgrid compound is proposed at a level of 45.250m while the Independent Power Producers (IPP) compound will be stepped up to a compound level of 47m. The overall levels of the substation compound footprint site currently rise from below 44m in the south to in-excess of 49m in the north. The updated drawings provide an accurate picture of how the proposed substation elements will sit into this sloping site and provides clarity in relation to the extent of cut and fill that will be required. It is noted that while FI Figure no. 2.5.1 shows that no cut and fill works are required outside the red line boundaries, the site sections provided show certain site formation and grading works outside the red line boundary. Given this discrepancy in the drawings in the interests of clarity I wish to state that I consider that these works to be incidental to the overall development (/expedient for the purposes of the development) and that where works have been shown outside the red-line application boundary, they remain within the established blue line consent boundary that has been submitted, I also note

the provisions of S182B(5) of the Act provide the Board with the power to attach to any S182B decision such conditions as it considers appropriate, as well as the general provisions of Section 34(4)(a) of the Act which facilitates the inclusion of conditions for regulating the development or use of lands under the applicants control adjoining a proposed development.

- The updated drawings submitted show the location of the power input to the substation and clarifies that the proposed development would be capable of accommodating up to 4 no. consented solar farms in the wider area. I note that any future or further connections to the proposed development will be subject to separate consent(s) processes.
- Additional landscaping proposals augmenting established treelines and hedgerows have also been provided as well as updated photomontages (to reflect the revised compound layout and levels). Figure LV1 has also been submitted to inform and augment the LVIA.
- An updated Drainage Impact Assessment has been submitted clarifying how the proposed development will be integrated within the wider drainage proposals for the solar farm permission.
- Noise predictions in relation to the proposed development have been submitted.
- Updated drawings providing details of separation distances to other services have been provided as well as provision of additional grid route details and an outline traffic management plan. The applicant also provided further commentary and detail in relation to the technical feasibility of the of underground cabling being provided in the deck of the R772 overbridge of the M11. An alternative from the standard trench arrangement has been set out providing the required cabling within the footpath area of the overpass (this is described and discussed further in section 11.8.4 below). Additional updated ecological surveying has been undertaken and an updated Appropriate Assessment Screening Report and Ecological Impact Statement has been submitted.

- 5.1.2. The FI was considered to be significant and was readvertised, one additional submission was made in relation to the further information by Transport Infrastructure Ireland (TII) this is discussed in Section 8.3.2 below.

6.0 Planning History

6.1. Application Site

- 6.1.1. The relevant planning history on the site of the proposed development includes the following:

PI. Ref. 17/1440: (ABP – 302037-18) – Ten-year permission granted by the Planning Authority and An Bord Pleanála (after a third-party appeal) in February 2019, for a solar PV development within a total site area of 58.9ha, including a single storey electrical substation building, battery storage modules and all associated works. The site of the current proposed substation is in the southern portion of this consented solar PV development and occupies an area that has been previously consented for the provision of solar panels, (a smaller) substation and battery storage. The current proposal's vehicular access arrangements are consistent with those of the previously consented solar PV panel development.

ABP-310024-21: The current application has been lodged following Section 182E pre-application consultations with the Board in relation to the provision of a 110kV substation at the location of the currently proposed substation. The Board determined in correspondence dated 16th September 2021 that the subject development would be strategic infrastructure development under the provisions of Section 182A of the Planning and Development Act, 2000 (as amended).

ABP-310090-21: Permission granted by An Bord Pleanála in May 2022 to Sure Partners Ltd. for 220kV cable circuits and fibre optic cables, 220kV substation and all associated ancillary developments (comprising the on-shore grid connection elements of phase II of the Arklow Bank Wind Park Project). The cable route of this permitted development crosses the cable route of the proposed development at a location approximately 300m northeast of the existing Arklow substation.

6.2. Applications in the Vicinity of the Proposed Development

6.2.1. The relevant planning history in the vicinity of the proposed development includes the following:

PI. Ref. 16/1285: Permission granted to Highfield Solar Ltd. for a solar farm with a site area of 21.5ha on lands to the southwest of the site of the current proposal – approx. 150m west of the currently proposed cable route. A declaration of exempted development has also been issued by the planning authority in relation to a grid connection route from this permitted solar site to the Arklow Substation (EX 36/17 refers) which shares a portion of the same roads as the currently proposed cable route.

PI. Ref. 16/176, ABP-PL27.246527: Permission refused by the Planning Authority to Highfield Solar Ltd. for solar farm development at Ballycooleen, Avoca, Co. Wicklow for one reason relating to visual impact on a site approximately 3.5km to the northwest of the current application. Following appeal this permission was granted subject to conditions by the Board in August 2016.

PI. Ref. 21/1131 (ABP-313749-22): Application for a 10-year permission for the construction of a solar PV energy development within a total site area of 32ha including battery storage, electrical substation, and all ancillary works by Highfield energy. Decision to grant permission issued from the Planning Authority in May 2022 a first party appeal was lodged but subsequently withdrawn and final permission was granted in September 2022. This site is approximately 1.3km northwest of the currently proposed development.

PI. Ref. 19/627 (ABP-305289-19): Application for a solar PV energy development and all ancillary works by BNRG Neoen Holdings Ltd. on a site of 19.16ha. Permission granted by the Planning Authority and An Bord Pleanála (August 2020) following third party appeal. This site is located approximately 100m (at their closest points) southeast of the current proposal, on the opposite side of the M11.

PI. Ref. 17/1497 (ABP-301726-18): Permission granted by the Planning Authority and An Bord Pleanála for a solar farm development by BNRG Neoen Holdings Ltd. covering an area of approximately 27.2ha on a site approximately 1.2km northeast of the proposed development.

RL27.300536: Referral to An Bord Pleanála in relation to the provision of an underground electrical cable from the Raheenleagh wind farm to the Arklow 220 kV

substation. The Board considered that the works were not exempted development, however, this decision was quashed by the High Court.

Pl. Ref. 22/433: Permission granted by the Planning Authority (May 2022) for the provision of two underground electricity cable circuits (each 3.12km in length) and all associated works, between the existing Arklow 220kV substation and the permitted Pollarhoney substation (Pl. Ref. 20/1285).

7.0 Legislative and Policy Context

7.1. National Policy

7.1.1. The Climate Act 2021

7.1.2. The Climate Action and Low Carbon Development (Amendment) Act 2021 (Climate Act, 2021), commits Ireland to a legally binding 51% reduction in overall greenhouse gas emissions by 2030 and to achieving net zero emissions by 2050. As part of its functions the Board must, in so far as practicable, perform its functions in a manner that is consistent with the most recent approved climate action plan, most recent approved national long term climate action strategy, national adaptation framework, sectoral plans, furtherance of the national climate objective and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State¹.

7.1.3. Climate Action Plan 2023

7.1.4. The Climate Action Plan 2023 (CAP 23) follows the commitment in the Climate Act, 2021 and sets out the range of emissions reductions required for each sector to achieve the committed to targets. CAP 23 supports the acceleration of the delivery of renewable energy onto the national grid with a target of achieving 80% of electricity demand being met from renewable energy by 2030. Towards this end a target of providing 5GW of solar energy by 2025, and a longer term target of 8GW by 2030. CAP 23 acknowledges that in order to meet the required targets it will be necessary to build supporting infrastructure. The proposed development facilitates the

¹ Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended) refers.

connection of a consented solar PV development to the national grid and accordingly is in line with the targets and commitments within CAP 23.

7.2. National Energy Security Framework

- 7.2.1. The National Energy Security Framework was published in April 2022. It sets out a single overarching response to address Ireland’s energy security needs in the context of the war in Ukraine, co-ordinating work connected to energy security across the electricity, gas and oil sectors.
- 7.2.2. Government Policy Statement on Security of Electricity Supply, November 2021
- 7.2.3. This policy statement notes that electricity is vital for the proper functioning of society and the economy. The 51% reduction in overall greenhouse gases by 2030 will be contributed to by a targeted increase electricity consumption from renewables (to 80%) as set out above. The November policy statement goes on to list various challenges to ensuring security of electricity supply, which include the following:
- ensuring adequate electricity generation capacity, storage, grid infrastructure, interconnection and system services are put in place to meet demand – including at periods of peak demand; and
 - developing grid infrastructure and operating the electricity system in a safe and reliable manner.
- 7.2.4. Within the Policy Statement the Government recognises inter alia that ensuring security of electricity supply continues to be a national priority as the electricity system decarbonises towards net zero emissions and that there is a need for very significant investment in additional flexible conventional electricity generation, electricity grid infrastructure, interconnection, and storage in order to ensure security of electricity supply.
- 7.2.5. The policy statement also notes the Government has approved “*that it is appropriate for additional electricity transmission and distribution grid infrastructure, electricity interconnection and electricity storage to be permitted and developed in order to support the growth of renewable energy and to support security of electricity supply*”.

7.3. National Planning Framework

7.3.1. The National Planning Framework 2018-2040 (NPF) sets ten strategic outcomes, one of which (No. 8), is the Transition to a Low Carbon and Climate resilient society. In discussing this outcome, the NPF states *“New energy systems and transmission grids will be necessary for a more distributed, renewables focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy to the major sources of demand.”* The NPF states that this transition to a low carbon economy requires:

- A shift from predominantly fossil fuels to renewable energy sources,
- Increasing efficiency and upgrades of appliances, buildings, and systems.
- Decisions around development and deployment of new technologies relating to wind, smart grids, electric vehicles, buildings, ocean energy and bioenergy, and
- Legal and regulatory frameworks to meet the relevant demands and challenges.

7.3.2. The NPF states that the future planning and development of our communities at local level will be refocused to tackle Ireland’s higher than average carbon-intensity per capita and enable a national transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050 through harnessing our country’s prodigious renewable energy potential. National Policy Objective 55 seeks to *“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.”* The NPF goes on to note the following in relation to the role of rural areas and energy production (page 77 of NPF refers):

“In meeting the challenge of transitioning to a low-carbon economy, the location of future national renewable energy generation will, for the most part, need to be accommodated on large tracts of land that are located in a rural setting, while also continuing to protect the integrity of the environment and respecting the needs of people who live in rural areas.”

7.4. Regional Policy

7.4.1. Wicklow is within the Eastern and Midland Regional Assembly (EMRA), and its Regional Spatial and Economic Strategy 2019-2031 (RSES) includes the following among its 16 no. Regional Strategic Outcomes (RSO no. 9):

“Support the Transition to Low Carbon and Clean Energy – Pursue climate mitigation in line with global and national targets and harness the potential for a more distributed renewables-focussed energy system to support the transition to a low carbon economy by 2050”

7.4.2. The RSES also contain Regional Policy Objectives (RPOs) which:

- Support and facilitate the development of enhanced electricity supplies including the delivery of necessary integration of transmission network requirements to facilitate linking renewables to the national grid (RPO 10.20 refers)
- Support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate renewable energy focused generation (RPO 10.22 refers).

7.5. Local Policy

7.5.1. Wicklow County Development Plan 2016-2022

7.5.2. At the time the current application was lodged, the further information sought (and the submission of the planning authority was made), the Wicklow County Development Plan 2016-2022 (2016 CDP) was in effect. This plan has since been superseded by the 2022-2028 County Development Plan (CDP) which provides the local planning policy framework for this and is discussed further in section 7.5 below. Notwithstanding the adoption of the new plan and in the interests of providing sufficient context to the Board (given the timing of the application and reporting) I have summarised the main relevant provisions of the 2016 CDP below. The 2016 CDP contained the following key strategic goals:

“Infrastructure

To protect and improve the county’s transport, water, waste, energy and communications and maritime infrastructure, whilst having regard to our responsibilities to respect areas protected for their important flora, fauna, and other natural features.” (Strategic Goal no. 7)

and

“Climate Change

To address the climate change challenge, as a plan dynamic, throughout the county plan, directly in the areas of flooding and renewable energy and indirectly by integrating climate change and sustainable development into statements of plan policy, strategies, and objectives.” (Strategic Goal No. 10)

- 7.5.3. Chapter 9 (Infrastructure) of the 2016 CDP noted the importance of renewable energy in climate change and stated, *“As renewable energy sources can only be developed where they occur it will also be necessary to put in place an electricity transmission and distribution network that can accommodate this change.”*
- 7.5.4. CCE9 of the 2016 Plan stated that it is an objective of the Planning Authority *“To facilitate the development of solar energy development”*, while CCE17 stated that it is an objective *“To support the development and expansion of the electricity transmission and distribution grid, including the development of new lines, pylons and substations as required.”*
- 7.5.5. In relation to matters of heritage the 2016 CDP contained significant policy protections as set out below:
- Archaeological features (both recorded and unrecorded) must be subject to suitable protections from proposed development (objectives BH1 – BH3 of the 2016 CDP refer).
 - Biodiversity protections are outlined and detailed in chapter section 10.3.2 of the CDP, which also provides for the protection of linear landscape features such as watercourses and hedgerows (Objective NH12).
 - The protection and preservation of woodlands trees and hedgerows were further protected and encouraged to be preserved under objectives NH14 – NH19.

- The importance of Wicklow’s landscape as a national asset was recognised in Section 10.3.9 of the 2016 CDP. The site of the proposed substation development is in Landscape Category (LC) “N11 Corridor Area/Eastern corridor” with the underground cable route running within that LC and the “Urban Area” of Arklow and environs. There were no designated views in the vicinity and the location of the proposed development is not within any of the areas that have been designated as either an Area of High Scenic Amenity or Area of Outstanding Natural Beauty within the 2016 CDP.
- Protected Views and prospects were dealt with in Chapter 10 of the CDP. The site is proximate to prospect no. 33 (N11 south of Scratanagh Cross Roads – main feature of which is *“Prospect of Ballymoyle Hill”*).

7.5.6. **Wicklow County Development Plan 2022-2028**

- 7.6. The Wicklow County Development Plan 2022-2028 (CDP) was made by the elected members at their meeting of the 12th of September 2022, with the plan coming into effect on the 23rd October 2022.
- 7.7. It is a strategic objective of the CDP *“To preserve the amenity character and scenic value of rural areas and to generally require employment generating development to locate on zoned/ designated land within existing settlements. Notwithstanding this it is the objective of the Council to enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services including those addressing climate change and sustainability through the development of appropriate rural based enterprises which are not detrimental to the character, amenity, scenic value, heritage value, and environmental quality of the area.”*
- 7.8. Relevant CDP objectives and policies include the following:
- CPO9.21 *“To encourage and facilitate the ‘circular economy’ and development of ‘green’ industries, including industries relating to renewable energy and energy-efficient technologies, material / waste recycling and conservation”.*
- 7.8.1. The energy transmission and distribution objectives are set out in Chapter 16 of the CDP. CPO 16.01 states that it is an objective “to support and facilitate to the highest

degree possible the development of alternative and renewable sources of energy particularly in the generation of electricity/heating and for use as transport fuel.”

Other relevant CDP objectives include the following:

- CPO 16.18 – *“To support the development and expansion of the electricity transmission and distribution grid, including the development of new lines, pylons and substations as required.”*
- CPO 16.19 – *“To facilitate planned growth and transmission/distribution of a renewable energy focused electricity generation across the main demand centres.”*
- CPO 16.24 – *“Proposals for the undergrounding of cables should demonstrate that environmental impacts including the following are minimised:*
 - *Habitat loss as a result of removal of field boundaries and hedgerows by topsoil stripping;*
 - *Short to medium term impacts on the landscape where, for example, hedgerows are encountered;*
 - *Impacts on underground archaeology;*
 - *Impacts on soil structure and drainage, and*
 - *Impacts on surface waters as a result of sedimentation.”*

7.8.2. In relation to matters of heritage the CDP contains significant policy protections as set out below:

- Archaeological features must be subject to suitable protections from proposed development (objectives CPOs 8.1 – 8.9 refer).
- Biodiversity protections are outlined and detailed in Chapter 17 of the CDP, which also provides for the protection of linear landscape features such as watercourses and hedgerows. CPO 17.23 requires the retention of hedgerows and other distinctive boundary treatments wherever possible while CPO 17.26 refers to the protection of rivers, watercourses, streams, and their banks and attendant riparian zones.
- The importance of Wicklow’s landscape as a national asset is recognised in Section 17.3 “Landscape” of the CDP. The site of the proposed substation

development is located in Landscape Category (LC) “N11 Corridor Area/Eastern corridor” with the underground cable route running within that LC and the “Urban Area” (Arklow and Environs), these lie 4th and 6th within the CDPs six-point landscape scale (with Areas of Outstanding Natural Beauty being first on the scale). The location of the proposed development is not within any of the areas that have been designated as either an Area of High Scenic Amenity or Area of Outstanding Natural Beauty within the CDP.

- Protected Views and prospects are dealt with in Chapter 17 of the CDP. The site is proximate to prospect no. 33 (N11 south of Scratanagh Cross Roads – the feature of which is “*Prospect of Ballymoyle Hill*”). The closest designated “Views of Special Amenity Value or Special Interest” is No. 23. – South of Scratanagh Cross, with the description of the view being “*View of Sea and Coast*”

7.9. Arklow and Environs Local Area Plan 2018

- 7.9.1. The southern part of the proposed cable route and existing Arklow substation are located within the functional area of the Arklow and Environs Local Area Plan 2018. Under this plan the proposed works are located within an area designated as “Public Utility” at the location of the existing Arklow Substation and runs along the public roadway adjacent to lands zoned as “Existing Residential”, “Employment” and “Open Space” as it runs north towards the proposed substation.

8.0 **Consultations and Submissions**

- 8.1.1. Details of the proposed development were circulated to the following bodies

- Minister for Housing, Local Government and Heritage,
- Minister for Communications, Marine and Natural Resources,
- Minister for Agriculture, Food, and the Marine,
- Wicklow County Council,
- Transport Infrastructure Ireland (TII),
- Commission for Regulation of Utilities, Water and Energy
- Irish Water

Submissions have been received from Wicklow County Council and TII in relation to the proposed development and these are discussed below.

8.2. Local Authority

8.2.1. Wicklow County Council's (WCC) submission can be summarised as follows (it should be noted that the Planning Authority have referenced the County Development Plan 2016-2022 throughout as it was the plan in force at the time their submission was lodged):

- The principal of the proposed development – electricity infrastructure to facilitate a solar farm development is supported by the County Development plan (Objectives CCE11 and CCE17 refer).
- Following review of the Ecological Impact Statement the proposed development will not have an adverse impact on Biodiversity.
- Having regard to the existing topography, vegetation and the LVIA that has been submitted it is considered that the proposed development will not have a significant visual impact and will not impact on any listed views or prospects.
- The site has good links onto the M11/N11 by way of the R772, with suitable sightlines in place, accordingly the proposed development will not constitute a traffic hazard.
- The proposed development is not located proximate to any residences therefore it is considered that the development will not give rise to adverse noise impacts.
- Area is not prone to flooding.
- Surface water treatment details should be agreed with the Planning Authority.
- The installation of a private well is considered satisfactory as is the provision of a sealed wastewater holding tank.
- No recorded monuments are located within the site and the archaeological mitigation measures proposed are considered appropriate.
- The proposed development will not have an adverse impact on human health.

- The proposed development and its associated solar farm will have a positive impact for the community by reducing reliance on fossil fuels and helping to combat climate change.
- The Planning Authority notes that it is appropriate to screen out impacts on the Natura 2000 network.
- Overall, the Planning Authority concludes that the proposed development would accord with the provisions of the (2016) CDP proper planning and sustainable development, and requests the inclusion of the following conditions in the event of favourable consideration:
 - Development to be in accordance with the CEMP,
 - Only motion-activated lighting to be installed and CCTV cameras to be fixed and angled to face into the site and away from adjacent properties.
 - Inverters/transformers and battery storage containers to be dark green in colour, and substation to have a neutral colour.

8.3. Prescribed Bodies

8.3.1. Transport Infrastructure Ireland (TII)

TII made an initial submission to the file dated April 29th, 2022, raising the following points:

- There is insufficient information submitted with the application regarding the technical feasibility of the proposed cable connection routing in the R772 overbridge over the M11 at junction 20. The TII considers that this lack of information and detail could have serious repercussions for the safety, maintenance, and operation of this heavily trafficked national road.
- TII does not consider that the applicant has addressed the requirements for proposals crossing the M11 adequately and not provided justification for the choice of this route should there be alternatives available.
- TII advise of procedures to be undertaken (Works Specific Deeds of Indemnities) for third party access or consent from TII under Section 53 of the

Roads Act, 1993. The lack of information in relation to the feasibility of using the R772 for the cabling is a serious concern.

- TII recommend that additional information be provided in advance of any decision.
- TII notes the lack of clarity provided in relation to abnormal loads (and notes it is not clear whether such loads will be a feature of the proposed development), clarity on this is requested, and advice is issued setting out the arrangements to be made.

8.3.2. Following the FI response TII lodged an additional submission dated 12th December 2022, which can be summarised as follows:

- TII notes that the submitted FI does not alter the location of the proposed cable route using the overbridge, as well as the location of “pits” (junction boxes) either side of the M11 which is a national road structure.
- TII also notes that the overbridge does not have sufficient depth in the structure deck to accommodate high voltage cabling and that the applicants have stated that should it not prove feasible to use the overbridge that an alternative route will be selected.
- The TII supports an alternative approach in the interests of safeguarding the investment in the national route network. Specifically, TII supports the crossing of the M11 by directional drilling and continues to lay out the procedures and processes required for same, while acknowledging that the applicants are aware of these procedures as they have engaged in pre-application consultation with them.
- TII request that prior to any works being undertaken liaison will be required with TII, N11 Arklow Rathnew PPP Limited and the applicant which must be co-ordinated by WCC to ensure consents, approvals and protocols are adhered to. The applicant should also consult in relation to the haul routes to safeguard the function of the national road network.
- TII also requests that any damage to national road pavement from temporary works/delivery of abnormal loads must be rectified in accordance with TII

pavement standards, the details of which should be agreed with the Road Authority prior to the commencement of any development on site.

8.4. Observers

- 8.4.1. There have been no third-party or other observations received by the Board in relation to this application.

8.5. Applicants Response

- 8.5.1. As part of the Further Information request the applicant was afforded the opportunity to respond to the submissions that had been received in relation to the proposed development. In this regard the applicant noted that the submission by Wicklow County Council was broadly supportive of the proposed development and had no further comment to make in that regard.
- 8.5.2. In relation to the submission by TII the applicant noted that the further information response provided further details and commitments from the applicant setting out how the works can be achieved while also noting the TII requirements in relation to abnormal loads and that it is not anticipated that abnormal weights will arise.

9.0 EIA Consideration

- 9.1.1. The requirements for Environmental Impact Assessment (EIA) are outlined in Part X of the Act and Part 10 of the Planning and Development Regulations 2001, as amended (“the Regulations”). Schedule 5 of the Regulations sets out the various classes and thresholds of development which require mandatory EIA. Part 1 of Schedule 5 lists projects for which mandatory EIA is required based on their type while Part 2 of the same schedule lists projects based on their relevant scale/size threshold that requires EIA.
- 9.1.2. There are no classes of development within Schedule 5 of the Regulations, that are applicable to the proposed development. The following classes of development relate to transmission lines and electrical industrial installations; however, they are not applicable in this instance:

- Part 1, Class 20 – referring to the construction of overhead electrical power lines with a voltage of 220kV or more and a length of more than 15 kilometres.
- Part 2, Class 3(a) – referring to industrial installations for the production of electricity, steam, and hot water with a potential heat output of 300MW or more.
- Part 2, Class 3(b) – referring to industrial installations for inter alia transmission of electrical energy by overhead cables not included in part 1 where the voltage would be 200 kV or more.

In the interests of clarity, the above classes of development are not applicable in this instance because the proposed development does not constitute the provision of overhead lines (the grid connection being facilitated by underground cabling) nor does the proposed substation constitute an industrial installation for the production of “electricity, steam and hot water”.

- 9.1.3. Accordingly, the proposed development which constitutes the provision of an electrical substation, associated electrical works and an underground cable route to serve as a grid connection for a consented solar PV renewable energy development does not fall into a class of development contained in Schedule 5, Parts 1 or 2 of the Regulations. Furthermore, the solar PV development for which the current proposed development would serve as a grid connection was not an EIA development nor does it constitute a class of development to which EIA applies. Class 15 of Schedule 5 states that EIA can be required in the case of a development listed in Part 2 that does not exceed a limit specified if it is considered that it that would be likely to have significant effects on the environment having regard to the criteria set out in Schedule 7 of the Regulations (Sub-threshold EIA). As the proposed development is not of a class listed there is no threshold for EIA and accordingly a subthreshold EIA is not applicable nor does the requirement for EIA arise.

10.0 Oral Hearing

- 10.1. The Board directed on the 23rd January 2023 that an Oral Hearing in respect of the application should not be held.

11.0 Planning Assessment

11.1. Introduction

11.1.1. Having regard to the nature of the proposed development and policy context the following are the relevant issues for consideration.

- Principle and Planning Policy,
- Battery Storage,
- Landscape and Visual Impact,
- Floodrisk and Surface Water Management,
- Underground Services,
- Residential Amenity,
- Traffic and Roads,
- Biodiversity, and
- Archaeology

11.2. Principle and Planning Policy

11.2.1. National, regional, and local policy all support the provision of renewable energy developments and improvements to electricity infrastructure that support the increased penetration of renewables onto the national grid. Furthermore, the principle of a substation to service a solar farm at this location has been previously established through the planning history on site. In this regard the original grant of permission for the solar farm included the provision of a smaller (38kV) substation in a smaller compound at the lower end of the site the current proposed substation is proposed. I acknowledge and note that the proposed substation has a significantly larger footprint than that permitted under the previous application, the details of which are discussed further in the subsequent sections of this report.

11.2.2. I note that the site of the substation is not zoned, however, the proposed development is to be provided within the context of a wider previously consented solar PV development which requires connection to the national grid. I consider that

the principle of the proposed development accords with the provisions of the current CDP in particular CPO 16.1 which states that it is an objective of the Plan to support and facilitate the development of renewable sources of energy to the “*highest degree possible*”. I also consider that the proposed development is compliant with CPOs 16.18 and 16.19 (which support the development and expansion of the electrical transmission grid), as well as CPO 16.24 which sets out criteria to be considered in relation to underground cables.

11.2.3. The applicant has sought a ten-year planning permission in this case. Having regard to the nature of the proposed development which is linked to the provision of a previously permitted solar array/farm and the consideration that S182A consents are not subject to standard timeframes under the provisions of the Act, I consider it acceptable and appropriate to limit the duration of this consent to 10 years to facilitate further engagement with, and approval of, the TSO and provide consistency with the previously consented solar PV development. The applicant has not sought a stated operational period in relation to the proposed development but has referenced the fact that the Board have not conditioned operational periods in relation to similar SID cases (ABP-303930-19, 303568-19 and 304558-19 refer). I note that the substation will be operated by the TSO and, if built, will become an Eirgrid asset, forming part of the national grid infrastructure. Accordingly, I consider it appropriate to assess the proposed development in terms of it constituting a permanent structure that will not be subject to decommissioning should the solar PV development cease operations.

11.2.4. I note that a new Wicklow County Development Plan has been adopted since the applicants have lodged this application, and since the Planning Authority have made their submission in which they stated that the development as proposed “...*would accord with the provisions of the Wicklow County Development Plan ...*”. In terms of the principle of the proposed development the current development plan remains broadly consistent with the previous plan, in that support remains for the provision of additional renewables and supporting electrical infrastructure. The amenity provisions of the plan and landscape protections are also consistent, and the proposed development is in accordance with the provisions of the CDP. Having regard to the significant national, regional, and local policy support for the proposed development, the planning history and proximity of the site to the national grid

connection point at the Arklow substation I am satisfied with the principle of the proposed development of a substation and associated 110kV underground electrical cabling connection as proposed.

11.3. Battery Storage

- 11.3.1. The initial application documentation included a battery storage compound despite the prospective applicant making no reference to their intention to incorporate such a form of development within the pre-application consultation phase of the project. Accordingly clarification of this matter was sought in the FI request that issued from the Board. In response the applicant omitted the battery storage compound from the proposed development.
- 11.3.2. The battery storage element was proposed at the northernmost and therefore most elevated portion of the site and no other part of the proposed development is dependent or reliant on the battery storage compound or any of its associated infrastructure. Accordingly, the battery storage element can be severed from the proposed development without adverse consequences arising, with the net result that the compound areas proposed are reduced.
- 11.3.3. I note that the original permission did provide for a certain amount of battery storage modules throughout the site and the submitted layouts continue to show these throughout the overall solar farm layout. These have been permitted under PI. Ref. 17/1440 (ABP 302037.18) and should remain unaffected by the current proposal. In the interests of clarity, consistency and having regard to the nature of the recorded development description, therefore I consider it prudent, in the event of favourable consideration to include a condition to clarify that any battery storage is not consented within this S182A application.

11.4. Landscape and Visual Impact

- 11.4.1. In terms of visual impact and assessment the proposed development can be considered as two elements, the underground cabling and the substation compounds/buildings/electrical plant.
- 11.4.2. The underground cabling proposed runs entirely under/along the public road network and the internal access road network of the consented solar array as well as within

the existing Arklow substation. The underground cabling will not have any impact on visual amenity or landscape apart from during the construction period, which while having a local impact, will be temporary in nature. In my opinion this impact is not significant and while local disturbance will arise during construction it will be completely mitigated at the end of the construction period as all relevant works will be underground and along established linear elements of the built environment (existing roads/tracks/compounds) and all works will be in accordance with the relevant health and safety standards.

11.4.3. The substation element is proposed at a location that has been previously consented for a substation (albeit the consented substation was much smaller) as part of a wider solar farm/array development. The proposed substation is in the “Eastern Corridor Area” of Wicklow which is an area of low sensitivity in terms of being capable of visually accommodating development. While not directly applicable to the current case I also note that this area has been designated within the County Wind Strategy (Appendix 5 of the CDP) as “Most Favoured” for the purposes of accommodating of wind turbines. Such areas are described in the Wind Strategy as being “... *less sensitive landscape areas that are deemed favourable for wind energy development given settlement patterns, landscape designation, views and prospects and the absence of areas of heritage value.*”

11.4.4. The site of the substation rises steadily, however, the levels of the proposed development are such that the site topography can accommodate a development of the nature proposed without adverse impacts on visual amenities or landscape. The revised layout drawings received in response to the FI request provide further clarity in relation to the nature of the compound and its levels. The Eirgrid portion of the compound (the southern and larger portion of the compound) will be provided at a level of 45.25m. The existing ground levels under the footprint of the proposed Eirgrid compound slope up from approx. 43m in the south to just over 47m to the north. The IPP compound is to be stepped up from the Eirgrid compound and provided at a level of 47m. The existing levels within the footprint of the proposed IPP compound rise from just below 45m to above 49m. The design of the development therefore minimises cut and fill requirements insofar as practicable and will be graded to sit within this sloping site.

- 11.4.5. The application documentation includes an LVIA which presents images and montages of the proposed development from a wide range of proximate views. I acknowledge that the substation element of the proposed development will be visible locally and that the extent of the compound and buildings proposed are larger, as well as being at a higher elevation and will therefore be more prominent than the previously consented electrical plant and substation, however, the undulating topography and mature hedgerows in the vicinity provide significant screening that precludes open or clear views of the development in its entirety from both close and far range.
- 11.4.6. The site is proximate to Prospect no. 33 described as “*N11 south of Scratanagh Cross Roads*” (Scrin the County Development Plan, the main feature of which is described as “*Prospect of Ballymoyle Hill*”. Ballymoyle Hill lies to the north of the proposed development at an elevation of 280m at its highest point. The proposed development (being provided within the existing 43-50m contour levels) and constituting the provision of substation buildings and electrical equipment within a larger solar farm/array that will be retaining (and augmenting) extant mature field boundaries and which has been designed to sit within the sloping topography with minimal cut and fill requirements will not in my opinion significantly interfere or adversely affect the CDP designated prospect of Ballymoyle Hill from the M/N11.
- 11.4.7. The closest designated “*View of Special Amenity Value or Special Interest*” from the County Development Plan is No. 23, which is described as “*View of the Sea and Coast*” from a defined point located approximately 2.5km to the northeast of the proposed development. The sea view from this point is to the east and south (i.e. at a significant angle away from the line of sight towards the proposed development) and accordingly it will not be interfered with or altered. Consequently, in my opinion, the proposed development will not impact on any designated view from the County Development Plan.
- 11.4.8. In the event of the Board considering granting permission, I recommend that a condition requiring the retention of hedgerows be imposed similar to that of the previously permitted solar farm. I also recommend that the additional landscaping proposed in the response to the FI request (supplementary native infill hedgerow planting along the extant site boundaries, to be grown to a minimum height of 4m and maintained) should also be confirmed by condition as it is appropriate and in

accordance with the development plan provisions and will further contribute towards permanent assimilation of the proposed development within the local topography and landscape.

11.5. Flood risk and Surface Water management

- 11.5.1. There is no history of flooding within the site of the proposed development. Arising from the site location, its character, elevation, planning history, and lack of surface water features in the immediate vicinity, I consider that flood risk is not an issue of significant concern in relation to the proposed development.
- 11.5.2. The surface water management of the proposed development has been broadly set out in the CEMP that has been submitted which has been further augmented by the additional detailed layouts received in response to the Boards FI request. The FI response also includes an updated Drainage Impact Assessment (DIA) in relation to the overall development (incorporating the entire solar farm/array development), showing the wider drainage response, and under which two large attenuation swales will be provided (one to be located to the southwest of the substation). I note that this DIA uses the layout of the already consented scheme i.e. the layout does not incorporate the currently proposed 110kV substation) and that some of the measures lie outside the scope of the current substation proposal. Notwithstanding this, however, the overall principles remain consistent and it is clear that the site will be subject to sufficient Sustainable Urban Design Systems (SuDS) drainage provisions as required under CPO 13.21 (which requires surface water design for new proposals to employ SuDs) and CPO 13.22 (which promotes the use of green infrastructure such as swales where feasible) of the 2022 CDP. The drainage proposals will ensure that surface water will be managed in a sustainable and controlled manner and that impact on surface water runoff will remain minimal due to the limited amount of impermeable infrastructure proposed on site (the substation compound itself will be permeable in general, while noting that the buildings and equipment plinths will be impermeable). I also note that works will be required along roads as well as in greenfield conditions and consider the request from the Planning Authority in their submission (i.e. that surface water treatment details should be agreed with the Planning Authority in advance of any construction) to be reasonable and appropriate in relation to this issue.

11.5.3. In conclusion in relation to the drainage provisions I am satisfied that the proposed development can be provided without adverse impact on flooding, surface waters or the existing drainage network. I recommend, in the event of favourable consideration that the detailed drainage measures be agreed with the planning authority prior to the commencement of development to ensure that any updated requirements (given the ten-year duration of the proposed consent) can be incorporated as necessary.

11.6. **Underground Services**

11.6.1. The application documentation sets out that consultation and advanced survey techniques (including use of ground penetrating radar) will be used prior to construction to ensure underground services are not impacted by the proposed underground cable route construction. Furthermore, the applicant has clarified that the proposed development will not impact on existing and permitted cable routes in the vicinity in the additional information provided on the 23rd September 2022. The further information has also clarified that the proposed substation development could accommodate a further 4 no. solar farms in the vicinity thus reducing the extent and amount of underground cabling required to connect these consented projects to the existing Arklow substation.

11.6.2. Within the FI response the applicant has mapped the location of the proposed cable route connection in the context of the previously permitted Arklow Bank, and Johnston North solar grid connections, as well as the known gas lines and water pipe network. The applicant has also mapped the locations of the extant 220kV, 110kV, MV and 38Kv overhead lines (OHL) and underground cables connecting into the existing Arklow substation. These details along with the locations of two proposed junction boxes are shown on drawing no. 22004.

11.6.3. The applicant has clarified that minimum (ESBN/Eirgrid) required separation distances to existing underground services can be facilitated due to the nature and location of the existing services and the extent of the existing public roadway along which the underground cable is proposed. In the event of deviations from standard separations distances being necessary (e.g., in the event of unknown or exempted works being identified/carried out) it is possible to engage with ESBN to agree certain bespoke interventions.

11.6.4. Accordingly, I am satisfied that the proposed development can be provided without adverse impact on existing services and infrastructure in the vicinity.

11.7. Residential Amenity

11.7.1. During the construction period there will be temporary potential impacts arising from general works activities, these will be mitigated through the application of a range of measures detailed within the submitted CEMP, including good construction practices, dust suppression, maintenance of machinery and restricted hours of construction.

11.7.2. The site of the proposed substation is relatively remote from residential development. The closest residential dwelling being located approximately 250m to the northeast (of any noise emitting equipment in the proposed substation) with further dwellings to the southwest located within 500m (on the same side of the M11). The applicants have submitted noise predictions in relation to the proposed development and have concluded that on review of the equipment proposed to be installed and considering the four most proximate sensitive receptors (dwellings located 250, 300, 310 and 420m distant from noise generating equipment) that noise generated is very likely to be below existing background levels for the majority of the time (having particular regard to the proximity of the proposed development and sensitive receptors to the N11). There is potential for noise generated to be marginally above background during the night-time should cooling be required. While this is neither a standard nor significantly likely scenario during operations it is a possibility. Accordingly, while I do not consider noise to be a significant potential impact arising from the proposed development, in the event of favourable consideration I recommend that an appropriate noise condition be imposed to ensure the protection of residential amenities.

11.7.3. In relation to the potential impact of the proposed development on the visual amenities of residential properties in the vicinity, I note that the development as proposed will maintain (and augment where appropriate) hedgerows insofar as practicable and there is a significant separation distance between the site of the proposed development and dwelling units. The retention of mature hedgerows and

the natural site topography also provides significant visual screening in relation to the proposal.

- 11.7.4. The cable route will pass several residential properties along its length. Due to the nature and location of the proposed development the primary impact that could potentially arise on residential amenity is from construction activities, these will be subject to mitigation through restricting hours of construction activity and ensuring that the proposed development is carried out in accordance with the construction practices set out in the CEMP. While there will be local impacts during the construction period I do not consider these to be significant due to their temporary nature.
- 11.7.5. In conclusion, I consider that the proposed development will not have a significant adverse impact on the amenities of the residential properties in the vicinity during the operational or construction periods of the proposed development subject to the applicant of appropriate conditions in relation to construction activities.

11.8. Traffic and Roads

- 11.8.1. The site of the proposed development is well serviced on the road network being proximate to junction 20 of the M11 from which it is connected by the R772. The access to the proposed development is via the previously approved access to the solar farm permission, (i.e. the regional road network) and sightlines onto the regional road are appropriate from the access point (the site access having been previously consented as part of the solar development permitted under PI. Ref. 17/1440, ABP – 302037-18). A Traffic Management Plan (TMP) has been submitted which is consistent with that of the solar farm. Having regard to the duration of the consent being sought (10 years) I recommend in the event of permission being granted that a condition be imposed to ensure that the developer prepare an updated traffic management plan and agree it with the Planning Authority prior to commencement of any development on site.
- 11.8.2. The TII have lodged two submissions (one to the original application and the second in response to the FI), which have raised concerns in relation to the use of the overpass on Junction 20 of the M11 to accommodate the underground grid connection. This matter was raised in the Boards FI request, the applicant's

response clarified that it is their intent (in the event of favourable consideration) to engage fully with all relevant stakeholders to ensure all technical requirements are met. ESB Networks and EirGrid (as discussed previously above in relation to services and as confirmed in the application documentation) do provide for a degree of flexibility in terms of providing alternative engineered responses to specific pinch points for underground cable routes should they arise (for example in relation to the limitations on depths available within any existing bridge decking).

- 11.8.3. The TII's response to the submitted FI, states that the bridge deck along the overpass does not have sufficient depth to accommodate the underground electrical cable and that they would support an alternative approach to crossing the M11 by means of directional drilling. They also set out the detailed engagement methodology that would be required to facilitate such a crossing and request that additional liaison be carried out prior to construction in the event of favourable consideration.
- 11.8.4. Within the FI response the applicants provided an example of the ducting/cabling arrangements that have been provided in a proximate overpass (approximately 2km south of the current proposal) that has been adopted and previously accepted. This arrangement involves the flattening out of the standard trefoil cable arrangement, and incorporation of steel plates surrounding the cabling (thus facilitating a reduction in the depth at which the cabling is laid). This alternative arrangement is capable of being installed within the depth and extent of either of the footpath areas within the subject overbridge. Using this methodology, from review of the documentation and site inspection of the proposed cable route the existing overpass has the deck depth, and footpath areas to accommodate the underground cabling.
- 11.8.5. I note that prior to any works along the public road network it will be necessary to obtain a road opening licence and that it is that stage that the detailed engineering requirements and liaison with the relevant roads and management authorities will be provided for. Should a previously unidentified technical issue arise at that stage the Roads Authority can refuse the licence for the works and the applicant will have to consider alternative options. The applicant has acknowledged that failure to obtain the agreement of the relevant parties in relation to the specific detail of the grid route traversing the overbridge will necessitate an alternative consenting (including a further planning application) process to be undertaken.

- 11.8.6. The current application has only sought consent for one cable route design option as set out in the application documentation. While the TII have stated that they support the pursuit of an alternative methodology (i.e. directional drilling under the M11), this has not been applied for and any effects arising cannot therefore be assessed and accordingly cannot be considered under the current application.
- 11.8.7. The TII have stated that the overbridge does not have the depth to cater for the cable ducts and trenches. While I acknowledge that the standard trenching details would present technical difficulties along the overpass, the updated arrangements set out in the applicant's response to further information (providing the underground cabling within the approximate depth and width of the footpath along the overpass) presents a suitable alternative which can be accommodated.
- 11.8.8. The TII also note that the provision of the joint bays "*have the potential to affect the area managed and maintained as part of the national road network*". They have not indicated any specific concern in this regard, and while I note that during construction there will have to be local traffic management, once the works are complete, I do not consider that there will be any operational affects arising. The other primary objection to the principle of the proposed cabling raised by the TII relates to the protection of the significant investment in the national road network that has been provided and the protection of its functions. In my opinion the cable crossing can be provided, managed, and maintained without adverse effect on the ongoing operational function of the overpass. Furthermore, increasing the penetration of additional renewable energy onto the national grid is fully supported by national, regional and local policy objectives and that its use for traffic and transportation will not be reduced. I, therefore, do not consider that the proposed development will prejudice or impact on the investment that has been made on the national road infrastructure at this location. I also note that the proposed works will make sustainable use of existing infrastructure that is in place and that both the underground cable and TSO substation will, if provided, ultimately become an Eirgrid asset that augments and contributes to the national transmission system.
- 11.8.9. I consider the details of the underground cable connection to the national grid as set out to be acceptable and the route chosen to represent the most direct and environmentally efficient means of providing grid connection infrastructure to the Arklow substation from the consented solar farm development. I note that in the

event of favourable consideration the applicant will have to undergo a separate further consent process in relation to a road opening licence and that forum presents the opportunity to engage with all the relevant authorities and to provide the necessary further engineering design details required. I recommend that in the event of favourable consideration it would be appropriate to attach a condition to ensure that any damage arising from the construction process (including deliveries of plant and machinery) on the national or local road network should be rectified and restored in accordance with details to be agreed with the Road Authority.

11.9. Biodiversity

- 11.9.1. The original application documentation included an Ecological Impact Statement (EcIS) prepared by Wetland Surveys Ireland; this was further augmented through the provision of an updated EcIS dated August 2022 which incorporated surveying carried out subsequent to the Boards FI request (the original EcIS having relied on ecological surveys in excess of 3 years old). The EcIS considers the entirety of the project (i.e. solar farm, 110kV substation and underground grid connection). The substation and its access road are located on Improved Agricultural Grassland (GA1) habitat with the field boundaries surrounding the site being classified as hedgerows (WL1) and drainage ditches (FW4). The GA1 habitat is species poor and highly managed and is considered of low ecological importance. The WL1 habitat (Hedgerows) on site are mature and are the most locally important habitat to wildlife on site as they will be used for commuting, shelter, nesting, and foraging for a range of species. The previously permitted solar farm development design ensures the preservation of these boundaries insofar as practicable. The underground cable works occur on lands which are currently improved agricultural grassland or along private/public roads which would be classified as Buildings and Artificial surfaces (BL3) and works along this route will not in my opinion affect sensitive habitats or species.
- 11.9.2. I note that the provision of the 110kV substation will lead to direct and permanent habitat loss, however, this loss will be of improved agricultural grassland that is intensively managed, and which is of low ecological value. I note that this loss will be permanent (as the substation will be a permanent permission while the solar panels previously approved over most of the proposed substation's location have been

permitted for a defined operational period) and, unlike solar panels, the substation development cannot be easily reversed if required. As the habitats being lost are in abundant supply in the wider area, are not ecologically sensitive, and of low value to mammalian and other species, I do not consider the loss of habitat arising from the proposed development to be significant.

11.9.3. The only hedgerow to be removed/cut-back by the proposed development are those portions required to be removed to facilitate the access track entering the field of the substation and to facilitate sightlines at the entrance to the site off the public road. These interventions have been previously approved under the solar development consent on this site. I therefore consider the impact of the current proposal to be neutral in that extent, albeit I note that as a permanent entrance to the substation the hedgerow amendments will need to be maintained beyond the operational duration of the solar array, however, in my opinion this impact is not significant. I also note that it is intended to augment and strengthen portions of the hedgerow through the planting of additional native species in the interests of aiding the visual assimilation of the proposed development. I consider this to be consistent with the maintenance and retention of existing hedgerows and will ensure that these more locally important ecological assets remain as a resource for wildlife. In the interests of minimising impact on any extant species I would recommend that any additional planting be carried out under the supervision of an appropriately qualified ecologist to ensure works are carried out in a manner and at a time that will not interfere with nesting birds or existing wildlife.

11.9.4. In relation to birds, I note that the habitats on the site of the proposed development are of low ecological significance, the hedgerows in the vicinity which are of more import will remain in place and will not be affected by the current proposal. The updated ecological surveys noted three Red Kite briefly flying over the northern portion of the site and yellowhammer calls were noted to the northwest. Both these species are of conservation concern. Kestrel, Redwing, and Yellowhammer are the only species of conservation concern likely to use the development site for foraging, and Red Kite are generally considered to be scavengers but also hunt small rodents and birds. The habitats that are affected by the proposed development are of low ecological value for birds and there is an abundance of similar and better foraging habitat in the immediate vicinity. Furthermore, development has been previously

permitted at the location of the proposed substation under the provisions of the previous solar development. Temporary minor disturbance will arise from construction activities, but the proposed substation works will be carried out as part of the larger solar array development and as such I consider this impact to be negligible.

- 11.9.5. The updated landscaping scheme submitted in response to the FI includes augmented planting along hedgerows most proximate to the proposed substation which I consider to be appropriate. As discussed above, in the event of favourable consideration I recommend that any such works be carried out under the supervision of an appropriately qualified ecologist to ensure impacts on birds are minimised.
- 11.9.6. Two invasive species Cherry Laurel (recorded along the entrance to the Arklow substation in proximity to the proposed underground cable route) and a small infestation of Montbretia (located adjacent to the site proposed substation entrance/exit onto the public road) have been identified. The applicant intends to deal with this issue through additional pre-construction surveys and adopting mitigation measures as per NRA 2010 guidance. I find this approach acceptable and appropriate, in the event of favourable consideration I recommend that an invasive species survey be completed and mitigation against invasives be provided within the CEMP.
- 11.9.7. In relation to bats the EclS acknowledges that the site overlaps with an area deemed to be of high value to bats although the habitats affected by the proposed development are not of high value. The hedgerows and treelines in the vicinity of and surrounding the site (along which bats are likely to commute and forage) are to be retained and augmented, and therefore the more important site features for bats will not be impacted and will, in fact, be improved.
- 11.9.8. A further potential impact on bats could arise from the proposed substation lighting. The EclS sets out several construction and operational stage measures in this regard. Accordingly, I would recommend that should the Board be minded to grant permission in this instance that an appropriate condition be imposed in relation to lighting requirements of the substation.
- 11.9.9. There was no evidence of Otters or Badgers (or other protected mammals) recorded on site. Although no evidence of the species was found, Otter may occur along

riparian habitats associated with the Templeraíney stream located approximately 400m northwest of the proposed substation site at its closest point. In the event of favourable consideration, the applicant has committed to carrying out pre-commencement surveys to confirm baseline conditions. I consider this to be appropriate, particularly having regard to the ten-year duration of the permission. The EclS includes a range of mitigation measures to protect the biodiversity of the site which include the following (Section 6 of EclS refers):

- Works to be carried out in accordance with best practice.
- Field boundaries will be retained, and all works set back from same.
- Security fencing will be placed inside established vegetation boundaries.
- Access tracks will be minimised.
- Vegetation clearance will occur outside bird breeding season.
- Use of artificial lighting during construction will be kept to a minimum to reduce potential light-spill on bats and other sensitive species.
- Re-fuelling will be carried out in designated areas.
- Sediment control measures (check dams, silt traps, silt curtains etc.) will be used throughout the site and a surface water management will ensure no impacts on surrounding or downstream watercourses.
- Buffer distances will be applied between works areas and natural watercourses.
- Invasive species mitigation measures as per NRA 2010 guidance will be employed.
- Pre-construction surveys will be carried out to re-confirm baseline conditions.

11.9.10. Mitigation measures proposed during the operational phase to ensure impacts on biodiversity include the following:

- Any on-site artificial lighting shall comply with appropriate guidelines (Bat Conservation Ireland 2010).
- Security fencing will retain sufficient mammal gaps at regular intervals.

- The solar panel element of the overall development will be reseeded with native grass species following construction with vegetation to be managed by sheep or low-intensity mowing.

11.9.11. The site does not overlap with any NHAs/pNHAs. The closest pNHA site is – Arklow Sand Dunes [001746], which is located approximately 1km southeast, while the Arklow Town Marsh pNHA [001931] is approximately 1.3km to the southwest and Avoca River Valley pNHA is approximately 2.5km to the west. There are no NHAs within 20km of the proposed development. The site does drain towards the Templerainey stream which ultimately provides a hydrological link to the Arklow Sand Dunes pNHA, however, the good construction practices and mitigation measures set out within the CEMP will ensure that adverse impacts from construction activities will not arise. The most proximate SAC is the Buckroney-Brittias Dunes and Fen SAC which is approximately 2.3km to the northeast, and there are no hydrological or other linkages between the proposed development and this site. Accordingly, there will be no direct or indirect impacts arising from the proposed development on any ecologically designated sites.

11.9.12. In relation to decommissioning, I note that the proposed development of the substation and underground cabling is proposed as a permanent feature and will form part of the national grid network. While decommissioning of the solar panels will be carried out when appropriate the subject substation and associated works will remain in place, as confirmed by the applicant in response to the FI request.

11.9.13. Having regard to the established planning history on site, the nature of the proposed development and suite of construction and operational measures set out within the EclS and CEMP, I conclude that the proposed development will not have a significant adverse impact on the biodiversity of the area.

11.10. Archaeology

11.10.1. The application documentation includes an Archaeological Assessment that has carried out a desk-based review of archaeological potential of the proposed site and has also been informed by a field inspection. The Archaeological Assessment considers the previously permitted solar panelling as well as the proposed 110kV substation and underground cable route. There are 24 recorded monuments within

1km radius of the permitted solar farm and proposed substation, although there are none within the development footprint of the proposed substation and its access road, nor are there any recorded monuments along the route of the underground electrical cable connection to the Arklow substation which runs along the public road network. The previously consented solar farm contained a condition requiring additional archaeological reporting and monitoring prior to commencement of development.

- 11.10.2. In my opinion the proposed development will not have an adverse impact on archaeological features, however, due to the nature and extent of the ground works required and in order to be consistent with the previously permitted solar farm decision an appropriate archaeological monitoring condition should be imposed in the event of favourable consideration.

12.0 **Appropriate Assessment Screening**

12.1. **Compliance with Article 6(3) of the Habitats Directive**

- 12.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

12.2. **Background on the Application**

- 12.2.1. The applicant has submitted an updated screening report for Appropriate Assessment as part of the further information response details. That report - Ballinlecka Lower Solar Farm, Arklow, County Wicklow, Appropriate Assessment Screening Report, (AASR) is dated August 2022, and was prepared by Wetland Surveys Ireland, Ltd.
- 12.2.2. The applicant's **Stage 1 AA Screening Report** was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.
- 12.3. The applicants AA Screening Report concludes as follows:

“...it has been determined that the proposed development is not directly connected with or necessary to the management of European sites. Secondly, it can be objectively concluded that there are not likely to be any significant effects on the Natura 2000 network of sites resulting from the proposed solar PV farm development and accordingly it is considered that there is no need to prepare a Natura Impact Statement / Appropriate Assessment, in this instance”.

12.4. Having reviewed the documents and submissions I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

12.5. Screening for Appropriate Assessment - Test of likely significant effects

12.6. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

12.7. The proposed development is examined in relation to any possible interaction with European sites designated as Special Conservation Areas (SAC) and/or Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

12.8. Brief description of the development

12.8.1. The applicant provides a description of the project on pages 4 to 8 of the AASR. The description from the AASR relates to the entirety of the project (including the solar panels previously consented and two potential grid connection options) and not just the proposed substation which is considered acceptable to provide an overall context. I should highlight to the Board that the description of the Eirgrid and IPP compound areas set out in the submitted AASR dated August 2022 have not been updated to accord with the revised plans, drawings and details submitted in response to the FI request. In the interests of clarity, I wish to advise the Board that my assessment considers the development for which consent is sought in the current application as set out in the FI response

drawings (i.e. the proposed 110kV substation and one cable route) as well as the relevant considerations of potential cumulative effects from adjacent permitted and proposed projects. In summary, the development here assessed comprises the project as described in Section 4 of this report above.

12.8.2. The site of the proposed substation and associated works is described in page 9 of the AASR. It lies within the southern land parcel which is described as comprising *'...improved agricultural grassland used for the production of hay and cattle grazing.... Hawthorn, Holly, and Willow hedgerows define the site boundaries, with a Willow and Ash treeline defining the southern site boundary, adjacent to the public road'*. The proposed cable route is described as traversing *"... improved agricultural grassland within the red line boundary [proximate to the proposed substation] for approximately 100m before joining the public road. The proposed UGC route will follow the public road for its entire length to Arklow substation circa 0.8km to the south..."*

12.8.3. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related emissions from the site - uncontrolled surface water/silt/ construction related pollution,
- Habitat loss / fragmentation,
- Habitat disturbance / species disturbance (construction and/or operational).

12.9. Submissions and Observations

12.9.1. There has been one submission made which is pertinent to the AA screening process. The Planning Authority's submission states the following in relation to the AASR *"Having regard to the information submitted in the Appropriate Assessment Screening Report, the location of the development which is not within or adjoining any Natura 2000 site, or hydrological link to any Natura 2000 site, the development would not, it is considered, give rise by itself or in combination to any impacts on the conservation values of any Natura 2000 site, and therefore the need for a Stage 2 Appropriate Assessment can be screened out."* In this regard I note that these

comments were made in the context of the AASR which was submitted with the original application documentation. The up-dated AASR has broadly similar findings and methodologies as the original document, however, it has also incorporated the results of surveys from August 2022 as the original surveys were considered dated and accordingly the baseline evidence and survey on have been fully updated and in my opinion the conclusions reached can be considered more robust and accurate.

12.10. European Sites

12.10.1. The development site is not located in, or immediately adjacent to, any European site. The closest European site is Buckrone y – Brittas Dunes and Fen SAC [Site code: 000729] and is located approximately 2.4 kilometres to the northeast of the proposed development.

12.10.2. Having regard to the nature of the proposed development and its potential to give rise to impacts a summary of the European Sites that occur within a (highly conservative 15 kilometre) possible zone of influence of the proposed development is presented in the table below.

Table 11.10 Summary Table of European Sites within a possible zone of influence of the proposed development

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
Buckrone y – Brittas Dunes and Fen SAC [000729]	Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	2.4	No there are no source-pathway receptors between the site of the proposed development and this SAC	N

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
	Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150] Dunes with Salix repens ssp. argentea (Salicion arenariae) [2170] Humid dune slacks [2190] Alkaline fens [7230]			
Magherabeg Dunes SAC [001766]	Annual vegetation of drift lines [1210] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Petrifying springs with tufa formation (Cratoneurion) [7220]	12km	No there are no source-pathway receptors between the site of the proposed development and this SAC	N
Kilpatrick Sandhills SAC [001742]	Annual vegetation of drift lines [1210] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150]	8.5km	No there are no source-pathway receptors between the site of the proposed development and this SAC	N
Deputy's Pass Nature Reserve SAC [000717]	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	13.6km	No there are no source-pathway receptors between the site of the proposed development and this SAC	N
Vale of Clara (Rathdrum Wood) SAC [000733]	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	14.1km	No there are no source-pathway receptors between the site of the proposed	N

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
			development and this SAC	

12.11. Identification of likely effects

12.11.1. The Qualifying Interests (QIs) and Conservation Objectives (COs) of the Buckroney – Brittas Dunes and Fen SAC, Magherabeg Dunes SAC, and Kilpatrick Sandhills SAC all relate to habitats. These SACs all occupy coastal locations 2.4km northeast, 12km northeast and 8.5km south of the proposed development respectively and there are no hydrological linkages between them and the site of the proposed development. Similarly, the Vale of Clara and Deputy’s Pass SACs QIs relate to habitats and are located 14.1- and 13.6-kilometres northwest and north (further inland) of the proposed site, and again there are no hydrological linkages from the site of the proposed development to these. Normal construction activities could potentially cause effects to an SAC in the vicinity of any development, however, in the absence of any source-pathway-receptor links no likely effects can be identified. Similarly due to lack of linkages there will be no effects arising during the operational phase. As there is no potential for the proposed development to have an effect on a Natura 2000 site due to a lack of connectivity, I also conclude that cumulative effects will not arise.

12.12. Mitigation measures

12.12.1. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise. I note that the CEMP and project design provide for good practice construction activities, drainage measures and monitoring to protect the local environment, however, as there are no linkages with any site on the Natura 2000 network these measures (while appropriate and considered good practice for the protection of local biodiversity) are neither necessary nor required to protect any Natura 2000 site.

12.13. Screening Determination

12.13.1. Finding of no likely significant effect

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on Buckrone-y-Britta Dunes and Fen SAC [000729], Magherabeg Dunes SAC[001766], Deputy's Pass Nature Reserve SAC [000717], Vale of Clara (Rathdrum Wood) SAC [000733], and Kilpatrick Sandhills SAC [001742] or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

13.0 Recommendation

13.1. Further to the above assessment of the application documentation, including the consideration of submissions made and including my site inspection, I recommend that the Board approve the proposed development subject to the conditions, for the reasons and considerations set out below.

14.0 Reasons and Considerations

14.1. This recommendation is being made having had regard to:

- (i) the nature, location, scale, and extent of the proposed development,
- (ii) the characteristics of the site and its general vicinity,
- (iii) European, national, regional, and county level support for renewable energy development such as:
 - the government's Climate Action Plan 2023,
 - the government's Project Ireland 2040 National Planning Framework,

- the Regional Spatial & Economic Strategy 2019-2031 published by the Eastern and Midland Regional Assembly, and
 - the Wicklow County Development Plan 2022-2028.
- (iv) the documentation submitted with the application, including the Planning and Environmental Report and appendices, and the Construction and Environment Management Plan,
- (v) the nature of the landscape and absence of any specific conservation or amenity designation for the site,
- (vi) the proximity of the site to the existing 110kV substation on the National Grid,
- (vii) the separation distances to houses or other sensitive receptors,
- (viii) The design mitigation measures proposed for construction and operation of the site,
- (ix) the submissions on file from prescribed bodies and the planning authority, and the report of the inspector.

14.2. **Appropriate Assessment Screening**

14.2.1. The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the receiving environment, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives.

14.3. **Proper Planning and Sustainable Development**

14.3.1. It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national, regional, and local planning and related policy, would not have an unacceptable impact on landscape,

ecology, cultural or archaeological heritage, would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would make a positive contribution to Irelands renewable energy targets/commitments in relation to climate change. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Conditions

1.	<p>(a) The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the revised details received 23rd September 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such matters shall be referred to An Bord Pleanála.</p> <p>(b) No part of this consent should be construed as permitting battery storage infrastructure on site.</p> <p>Reason: In the interests of Clarity</p>
2.	<p>The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.</p> <p>Reason: Having regard to the nature of the proposed development, the Board considers it appropriate to specify a period of validity of this permission.</p>
3.	<p>(a) All of the environmental, construction, ecological and heritage-related mitigation measures, as set out in the Planning and Environmental Report</p>

	<p>and other particulars, including the Ecological Impact Statement, the Appropriate Assessment Screening Report, and the Construction and 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.</p> <p>Reason: In the interests of clarity and the protection of the environment during the construction and operational phases of the development.</p>
4	<p>An Invasive Species Management Plan detailing the methodology of control of Invasives, and monitoring shall be submitted to and agreed with the Planning Authority prior to commencement of development.</p> <p>Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development</p>
5	<p>Details of the materials, colours, and textures of all the external finishes to the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of the visual amenity of the area.</p>
6.	<p>Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed in writing with the planning authority, generally in accordance with the CEMP report submitted with the application. The CEMP shall incorporate the following:</p> <p>(a) A detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise, dust, and surface water management measures including appointment of a pollution prevention clerk of works, and the management, transport and disposal of construction waste.</p>

	<p>(b) A comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period.</p> <p>(c) An emergency response plan.</p> <p>(d) A traffic management plan to include 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.</p> <p>(e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.</p> <p>(f) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of works.</p> <p>(g) No tree felling or vegetation removal shall take place between the period 1st March to 31st August.</p> <p>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.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
7.	<p>(a) Lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All lighting within the site shall be cowled to prevent overspill outside the site and shall be designed to minimise impacts on bats in accordance with application documentation received.</p> <p>(b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.</p>

	<p>Reason: In the interests of clarity, protection of bats and visual and residential amenity.</p>
8.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(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, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
9.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such</p>

	<p>works and services. Details to be agreed with the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity</p>
11.	<p>(a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:</p> <p>(i) An LeqT, value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be one hour]</p> <p>(ii) An Leq,15 min 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.</p> <p>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.</p> <p>(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.</p> <p>Reason: To protect the amenities of property in the vicinity of the site.</p>
12.	<p>(a) Existing field boundaries shall be retained, notwithstanding any exemptions available and new planting undertaken in accordance with the landscaping scheme submitted to An Bord Pleanála on the 23rd of</p>

	<p>September 2022 shall be carried out in the first planting season following commencement of construction and shall be supervised by an appropriately qualified ecologist.</p> <p>(b) Any trees or hedgerow that are removed, die, or become seriously damaged or diseased within the first five years, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of biodiversity, the visual amenities of the area, and the amenities of dwellings in the vicinity</p>
13.	<p>The developer shall comply with the transportation requirements of the planning authority and other relevant bodies for such works and services as appropriate.</p> <p>Reason: In the interest of traffic and pedestrian safety.</p>
14.	<p>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 at the developer's expense. Prior to commencement of development, a road condition survey shall be carried out 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.</p> <p>Reason: In order to ensure a satisfactory standard of development.</p>
15.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the provision and satisfactory completion of the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.</p>

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

Jimmy Green
Senior Planning Inspector

31st January 2023