



An  
Bord  
Pleanála

## Inspector's Report 313757-22

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<b>Development</b>	Synchronous Compensator (electricity grid stabilisation development).
<b>Location</b>	Windgates. Co.Kildare.
<b>Planning Authority</b>	Kildare Co. Council.
<b>Planning Authority Reg. Ref.</b>	21/1444.
<b>Applicant(s)</b>	Taghadoe Energy Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse to Grant.
<b>Type of Appeal</b>	First Party.
<b>Appellant(s)</b>	Taghadoe Energy Ltd.
<b>Date of Site Inspection</b>	November 22 <sup>nd</sup> , 2022.
<b>Inspector</b>	Breda Gannon.

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## **1.0 Site Location and Description**

- 1.1. The site is located within the townland of Windgates, Maynooth. Co. Kildare. It is located on the western side of the R406, the regional road that links Maynooth to the north with Straffan to the south. The site is located in the northeastern corner of a large agricultural field. There is an existing access off the regional road, defined by stone pillars and a gateway. Ground levels within the site are below the level of the adjoining regional road. The boundaries of the larger agricultural field are defined by hedgerows and there is a field drain along the western boundary that runs in a northeast-southwest direction and joins another field drain at the southwest corner.
- 1.2. The existing Maynooth 220kV substation lies to the north of the subject site and it is accessed from local road (L5037). High voltage lines run to the northwest of the site. The area is rural in character and the main land use is agriculture. The density of residential development is low and dispersed with small clusters of houses close to road junctions to the north and south. The closest residential property is 220m to the southeast and there is a small cluster of houses off the L5037 to the north at a distance of c300m.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the following infrastructure elements covering a site of c 1.97 hectares:
  - a) A High Inertia Synchronous Compensator (HISC) compound (0.25 ha)
    - 1 No. High Inertia Synchronous Compensator (HISC) building enclosed within a s steel clad framed housed structure (12.1m max height and 481m<sup>2</sup>);
    - Supported by an electrical container area measuring 355m<sup>2</sup> consisting of 8 No. electrical equipment containers with a total area of 238m<sup>2</sup>, each container measuring 29.75m<sup>2</sup>;
    - External cooler area measuring 180m<sup>2</sup> consisting of 4 No. external cooler units, each one measuring 30.5m<sup>2</sup>;

- 1 Auxiliary and Start up Static Frequency Converter (SFC) Transformer;
- 1 Generator circuit breaker, 1 emergency diesel generator and 1 associated diesel storage tank.

b) A High Voltage (HV) compound (0.11 hectares)

- Main Transformer;
- HV equipment;

c) A Gas Insulated Switchgear GIS Building Compound and underground connection (0.25 hectares)

- 1 High Voltage Gas Insulated Switchgear compound (0.16ha), included within this compound is a HV Gas Insulated Switchgear (GIS) housed structure (13.5m max height and 458m<sup>2</sup>);
- 220kV Underground cable connection (188m in length) to adjacent existing) 220kV EirGrid Substation;

d) Upgrade to the existing site entrance onto the R406, internal access tracks, fencing, temporary construction compound, landscaping and drainage.

2.2. The compounds will be positioned side by side with the GIS Compound to the north and the HISC and HV compound to the south side of the site. The compounds will be enclosed by a palisade fence, with an outer security fence. The proposed underground grid connection will extend from the HV Compound to the Maynooth substation to the north.

2.3. Permission is sought for a period of 10 years. The application is supported by a Planning and Environmental Report and a Natura Impact Statement.

### 3.0 Planning Authority Decision

The planning authority decided to refuse permission for the development on the grounds of traffic hazard.

### 3.1. Planning Authority Reports

#### Planning Reports

The **Planning Officer's** report of 25/11/21 raised issues regarding the visual impact of the proposed development and landscaping proposals. It considered that further information was required showing the GIS compound set back further into the site together with revised photomontages and a detailed landscaping plan.

#### Other Technical Reports

**Water Services** – in their report of 29/10/21 raised no objection to the development subject to conditions.

**Transportation Department** – in their report of 5/11/21 requested that further information be sought from the applicant on matters relating to the site access, sightlines, traffic management and that a Road Safety Audit be submitted.

**Environment Section** – in their report of 9/11/21 requested that further information be sought from the applicant on noise and vibration.

**E.H.O** -report of 9/11/21 noted that the proposal was acceptable subject to conditions.

**Fire Service** –in their report of 18/11/21 raised no objection to the development subject to a Fire Safety Certificate being obtained.

#### Prescribed Bodies

**Irish Water** raised no objection to the proposal subject to conditions.

#### Third Party Observations

An observation was received from Peter Sweetman & Associates referring to the legal functions of the planning authority in terms of ensuring that development is in accordance with the proper planning and sustainable development of the area, the environmental impacts of the proposed development are considered and the planning authority's responsibilities under the Habitats Directive are carried out.

## 4.0 Further Information

4.1. Further information was sought on the application on 29<sup>th</sup> November 2021, requesting the following;

- Revised layout showing the proposed development located further back in the application site to reduce its visual impact, supported by cross sections showing adjacent development and revised photomontages.
- Landscaping plan.
- Clarity on why the development site is not accessed through the existing entrance to Maynooth 220kV substation.
- Site layout plan showing sightlines at the site entrance in accordance with TII Geometric Design of Junctions DN\_GEO - 03060 June 2017.
- Topographical survey of the existing road and boundaries for landowner and neighbouring landowners that covers the extent of the proposed sightlines, supported by letters of agreement from affected landowners indicating that the setback will be permitted.
- Details of signage for proposed left in/left out arrangements at the site access.
- Measures to prevent vehicles queuing at the site entrance.
- Road Safety Audit.
- Revised Noise and Vibration report
- Assessment of any tonal or vibration components from operational phase of the proposed development.
- Mitigation measures to reduce noise, vibration and any tonal emissions.

### 4.2. Planning Authority Reports

The **Planning Officer's** report of 16<sup>th</sup> May 2022 considers that the principle of the development is acceptable in this location, noting its proximity to the existing Maynooth 220kV substation, its established use for electricity transmission and the provisions of the Kildare County Development Plan which supports transmission infrastructure and the distribution network.

The site is located within the 'Northern Lowlands' landscape character area which has a low landscape sensitivity rating and the capacity to accommodate a wide variety of development. The concerns remain regarding visibility of the building which is c. 13m in height. To provide an adequate level of screening mature planted berms are required and a landscaping plan carried out by a suitable qualified landscape architect.

Regarding alternative access to the site, EirGrid who operate the existing substation have confirmed that they do not grant third party access. It is also stated that the delivery of 3 no. abnormal loads via the existing entrance off the local road would require the complete shutdown of the substation.

Updated sightline drawings have been provided in accordance with TII requirements. Proposed road markings and signage drawings at the site entrance were submitted. The site entrance layout has been revised to include recessed entrance gates, a bell mouthed entrance which is 19m wide and an access track 13m wide in response to concerns regarding queuing at the site entrance. The Road Safety Audit submitted raised eight design issues and each is individually addressed in the response. The applicants do not appear to have control of sightline boundary/hedgerow to the south and this is highlighted in the Road Safety Audit.

An updated Noise and Vibration Impact Assessment Report was submitted, and the Environment Report have raised no objection subject to conditions.

The **Roads, Transportation & Public Safety Department** in their report of 13<sup>th</sup> May 2022 recommended refusal of the application on the grounds that the proposed development would endanger public safety by reason of traffic hazard.

The **Environment Section** in their report of 5<sup>th</sup> May 2022 raised no objection to the development subject to conditions.

The **Parks Section** report of 12<sup>th</sup> May 2022 raised no objection to the development subject to conditions.

## 5.0 Planning History

No details of any relevant planning history related to the site have been forwarded by the planning authority.

## 6.0 Policy Context

### Development Plan

The operative development plan is the **Kildare County Council Development Plan 2017-2023**. Chapter 8 of the plan is dedicated to Energy & Communications and it . recognises that the demand for electricity continues to grow at a national, regional and local level, with anticipated growth in the Greater Dublin Area expected to give rise to demand for increased energy supply and a pressure to connect the region with other regions via the hinterland area that is inclusive of Co. Kildare. It states that the Council will:

*‘support and facilitate the requirements of the major service providers, such as Gas Networks Ireland, Eirgrid and ESB, where it is proposed to enhance or upgrade existing facilities or networks to provide new infrastructure subject to landscape, residential amenity and environmental considerations, including where appropriate environmental assessments in accordance with the EU Directives i.e. EIA, Habitats and Flood Directives. The Council recognises the need for the development and renewal of transmission network, in order to meet both economic and social policy goals.*

Relevant policy objectives include the following:

*TN3: Recognise the development of secure and reliable electricity transmission infrastructure as a key factor for supporting economic development and attracting investment to the area and to support the infrastructural renewal and development of electricity networks in the county.*

*TN4: Support the sustainable development improvement and expansion of the high voltage electricity power lines and distribution network, subject to human health, landscape, residential amenity, tourism, equine industry and environmental considerations.*

*TN14: Seek to ensure that there is adequate electrical infrastructure and network capacity to provide a reliable supply to all those working and living in the county, and thereby support national economic growth and social development.*

Chapter 14 of the Plan sets out the planning policies and objectives relating to Landscape, Recreation and Amenity. Under the Landscape Character Assessment,



the County is divided into 15 Landscape Character Areas and the appeal site is within the 'Northern Lowlands' which is identified as having a Class 1 Low Landscape Sensitivity. These are defined as:

*Areas with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area.*

## **7.0 The Appeal**

This is a First Party appeal against the planning authority's decision to refuse permission for the development. The grounds of appeal are summarised below:

- Detailed pre-application consultations were carried out with Kildare Co. Council Roads office, who raised no objection in principle with access from the R406 and providing a left in/left out arrangement for the site access. (Appendix B).
- Further information was sought, and the applicant's response included a Road Safety Audit as requested.
- The Road Safety Audit did not state (as stated in the reason for refusal) that sightlines are not achievable to the south.
- Updated drawings were submitted in response to further information which demonstrate compliance with TII standards and that the sightlines are achievable at the entrance.
- No accommodation works are required along the road edge to accommodate the sightlines contrary to Kildare Co. Council assertions.
- The verges are in the control of Kildare Co. Council and are maintained on a regular basis
- The R406 at this location is within an 80km/h speed zone. Traffic management during construction is proposed by way of signage and any additional signage required by Kildare Co. Co will be agreed prior to commencement of the development. Dwg No P20-218-1200-0001 shows the signage proposed and road markings at the site entrance.

## **Planning Authority Response**

The planning authority stated that it had no further comments to make on the appeal and that their comments and analysis are outlined in the Road's Report dated May 13<sup>th</sup>, 2022.

## **8.0 Assessment**

### **Introduction**

I consider that the main issues that arise for determination by the Board in respect to this appeal relate to the following.

- Principle of the development in this location
- Road safety
- Visual impact
- Noise
- Appropriate Assessment
- Other matters

### **Principle of the development in this location**

The proposed synchronous compensator is to provide stability to the management of the national grid. At any given time, the consumption of electricity must be matched by the generation of electricity in order to maintain a balance of electricity supply. To support the high levels of wind and solar integration, the grid needs supplementary services such as 'inertia' (resistance to change) to ensure its stability. Traditionally, conventional fossil-fuel generators were used for this purpose, emitting large amounts of CO<sub>2</sub>. The proposed synchronous compensator is a zero-carbon technology and will eliminate the fuel costs and the CO<sub>2</sub> emissions generated by traditional plants.

The proposed development will facilitate the integration of higher levels of renewables into the electricity grid. It will support the decarbonisation of the electricity sector in line with international, national, regional and local policy objectives and will provide the necessary stability to the grid on a long term and continuous basis.

I consider that the proposed development is wholly acceptable in principle in this location, which is strategically positioned beside the existing substation, with ease of connection to the national grid.

### **Road safety**

It is proposed to access the site via an existing agricultural access located on a section of the regional road with a solid white centreline. The planning authority have raised a number of issues regarding traffic safety and the use of this access point.

The construction of the proposed development, which is expected to last between 12-16 months, will result in additional traffic on the road network in the vicinity of the site. A CEMP is included in Appendix A of the Planning and Environmental Report and calculations of truck and vehicle movements are provided in Appendix 1. It is estimated that the construction phase will result in an average daily increase of 4 HGV trips per day rising to 7 HGV's during the peak period (months 7 and 8). In addition, it is estimated that there will be 42 LGV trips per day rising to 60 during the peak period.

A left in/left out arrangement for traffic using the site is proposed. Site traffic travelling south from the Maynooth direction will pass the site and turn at Barberstown Roundabout (c 2.4km to the south) and travel north to access the site. Traffic turning north from the site access will turn left onto the R406 and proceed northwards towards Maynooth and the M4 motorway. There are elements of the development that will require abnormal loads and these will be transported on the same route (Fig 7-1 Planning and Environmental Report). No construction traffic will enter the site using a right turn off the regional road.

The existing local road (L5037) to the north provides access to the existing 220kV substation and the planning authority questioned why it not used to access the site. The applicant clarified that providing access off the local road to the north and via the existing substation was not a viable alternative. This is because ESBN/EirGrid have confirmed that they do not provide third party access to installations for operational and security reasons. Furthermore, the construction of the development will require the delivery of abnormal loads which could not be facilitated without a complete shut down of the substation and layout alterations, which I accept is not a feasible option.

The main areas of concern raised by the planning authority relate to available sightlines at the site entrance and traffic management during the construction stage. The Stage 1/2 Road Safety Audit identified a number of design issues, including that the sightlines provided are not set back 2.4m from the edge of the carriageway in accordance with TII requirements. In response to this matter the applicants submitted a revised drawing which shows sightlines set back 3m from the edge of the carriageway (Dwg No 20-218-0100-0105) and visibility splays of 160m in both directions. No works would be required along the road edge to accommodate these sightlines.

From my inspection of the site, I would accept that there is good visibility from the site entrance in both directions, with some vegetative cut back required. The construction stage will increase traffic and additional turning manoeuvres, but subject to the left in/left out arrangements with no right turn movements crossing the regional road and the preparation and implementation of a Traffic Management in consultation with the planning authority, I consider that construction traffic can be effectively and efficiently managed. The R406 is a busy regional route carrying significant volumes of traffic and I do not consider that the volume of traffic generated by the construction of the proposed development will impact on its operating capacity.

I note that the capacity of the road network to absorb the additional traffic generated by the proposed development has not been raised by the planning authority. I accept that the requirement for vehicles to travel 2.4km to the south to access the site is not ideal but it will significantly improve the efficiency and safety of access/egress arrangements at the site during construction, which is short term and temporary.

I accept that the construction stage is likely to result in a degree of disruption to local road users, but this will be temporary and short term and will not result in obstruction to traffic flow or public safety issues. I note that the operational facility will be monitored remotely and would only require occasional maintenance involving a LGV visiting the site from time to time. No significant impacts will arise once the facility is operational.

Subject to the application of suitable conditions, I accept that the proposed development is acceptable in terms of traffic safety and convenience.

## **Visual impact**

The planning authority raised issues regarding the visual impact of the proposed development. To address these matters the applicant submitted a revised site layout (Dwg No. P20-218-0100-0103 Revision C) showing an increased setback distance for the GIS Compound. It accommodates the HV Gas Insulated Switchgear (GIS) housed structure, which with a height of c.13.5m is the highest component of the proposed development. The setback distance is increased by 10m to 62m.

A Landscape and Visual Impact Assessment prepared by Macro Works Ltd and a revised set of photomontages were also submitted. I inspected the site and its surroundings including the locations of the revised photomontages, and I agree with the conclusions reached that there are no likely significant effects arising from the proposed development on the landscape and visual amenities of the area.

The landscape has been assigned a Class 1 'Low' Sensitivity rating with the capacity to absorb a wide range of uses. There are no scenic views or scenic routes in the area with the potential to be impacted. The proposed development will be located adjacent to the existing substation, which will form a cluster of electricity infrastructure in an area which is already impacted by multiple overhead lines and electricity pylons.

To mitigate the impacts of the proposed development, it is proposed to retain the existing hedgerow along the R406. Additional screen planting will be provided along the northern, southern and eastern site boundaries and along the access road to the site. The applicant provides details of the species, size and maturity and commits to implementing the landscape planting post construction and prior to commissioning.

The proposed steel framed structures which will house elements of the development will introduce industrial type buildings into an otherwise predominantly rural landscape. While I accept that it will be difficult to screen the taller elements, I consider that the increased set back of the GIS compound, the judicious use of colour to external facades and the provision of screen planting will significantly and effectively mitigate these impacts.

The existing Maynooth substation is the most prominent development in the locality. However, existing planting along both the regional road to the west and the local road to the north is very effective in screening its lower sections. The impact of the

proposed steel framed structures will be significantly less than the existing high voltage electricity lines and supporting pylons which are already a feature of the immediate landscape.

Having regard to the need for the proposed development as an important piece of infrastructure necessary to provide stability to the national grid, the location of the site in a landscape with a low sensitivity rating, the proximity of the existing Maynooth substation and the mitigation measures proposed to screen the site, I consider that the proposed development would be acceptable in terms of its localised impacts on the landscape and visual amenities of the area.

### **Noise**

The noise and vibration emissions associated with the proposed synchronous compressor is assessed in the Planning and Environmental Report. It describes the existing baseline noise environment, the guidance used for the assessment of construction/operational noise and vibration. It provides details of a noise survey conducted in proximity to sensitive receptors close to the site and predicted noise and vibration levels associated with the construction and operational phases of the development. The overall conclusion reached is that predicted noise levels at sensitive receptors will be below the relevant noise limits for both the construction and operational stages of the development. No significant vibration impacts are predicted for either the construction or operational phases of the proposed development which would be perceptible to human receptors or cause damage to buildings.

A range of standard best practice mitigation measures are proposed during construction to reduce potential impacts on the local community. These include controls on hours of construction, use of appropriate plant and equipment with low noise level generation, appropriate maintenance of silencers and other machinery/equipment and proposals to locate noise generating equipment as far as possible from noise sensitive receptors.

The applicant's response to further information addresses the matters raised in the Environment Section's report. It provides clarity on the noise survey periods, noting

that the survey was conducted in accordance with EPA NG4 Guidance<sup>1</sup>. Predicted operational noise levels for the development both on its own and cumulatively with the Maynooth substation have been assessed and it has been established that the noise levels can meet the more stringent night-time criteria of 45 dB LAeq T.

In response to the planning authority's concerns regarding a potential tonal/impulsive component to the noise emissions, the applicant states that predicted tonal data is not yet available for the technology. To address this issue, the applicant commits to carrying out a tonal noise assessment within 3 months of the operation of the facility. Should tonal noise be identified, it can be addressed by minor alterations to the internal arrangement of the development and suitable mitigation measures. It is stated that this would exclude the existing 100Hz tonal noise from the existing substation. I note that the Environment Section raised no further objection to the development subject to conditions.

I consider that the information provided in the planning application documents is sufficient to allow the impacts of the proposed development on the noise environment to be assessed. The main noise impacts will be associated with the construction stage, but these will be temporary and short term and capable of mitigation by the measures proposed. I am satisfied that subject to suitable conditions, the proposed development can operate within acceptable noise/vibration limits in conjunction with the existing substation.

### **Appropriate Assessment**

The AA Screening Report identifies the European sites with the potential to be impacted by the proposed development using the Source-Pathway-Receptor Model. The site is linked to the Rye Water Valley/Cartron SAC (Site code 001398) via agricultural drains which connect into the Taghadoe Stream located 760m west of the site. The Taghadoe Stream discharges into the Lyreen River, which in turn discharges into the Rye River, which is part of the Rye River Valley/Cartron SAC.

The Rye Water joins the River Liffey which flows into Dublin Bay, which is connected to the following European sites;

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<sup>1</sup>Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)(EPA, 2016)

- North Dublin bay SAC (Site code:000206)
- South Dublin Bay SAC (Site code:000210)
- North Bull Island SPA (Site code:004006)
- South Dublin Bay and River Tolka Estuary SPA (Site code: 004024).

While there is hydrological connection between the development site and the 4 no. European sites associated with Dublin Bay, due to the distance involved (40km) and the dilution effects of the intervening waters, it is concluded in the Stage 1 Screening report that no significant effects are likely on the qualifying interests. It is concluded that the only European site which is likely to be significantly impacts by the proposed development is the Rye Water Valley Carton SAC (Site code: 001398).

I accept that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a screening determination, that the proposed development, individually or in combination with other plans and projects would not be likely to have a significant effect on European sites, North Dublin bay SAC (Site code:000206), South Dublin Bay SAC (Site code:000210), North Bull Island SPA (Site code:004006) and South Dublin Bay and River Tolka Estuary SPA (Site code: 004024) in view of the site's Conservation Objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

Having regard to the nature and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors I would conclude that it is not possible to rule out the potential for significant effects on the Rye Water Valley/ Carton SAC River SAC (Site code:001398) and that a Stage 2 Appropriate Assessment and a Natura Impact Statement is therefore required. No measures designed or intended to avoid or reduce any harmful effects on a European site have been relied upon in this screening exercise.

### **Natura Impact Statement**

The NIS is contained in Section 5 of the Planning and Environment Report. It examines the potential for significant adverse effects on the Rye Water Valley/Carton SAC and its conservations objectives.



The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not individually, or, in combination with other plans and projects adversely affect the integrity of the European site.

Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided and are summarised in the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

### **Appropriate Assessment**

The AA screening Report concluded that it was not possible to rule out significant effects on Rye Water Valley/Cartron SAC (Site code 001398). The SAC is located between Leixlip and Maynooth, in Counties Meath and Kildare, and extends along the Rye Water, a tributary of the River Liffey.

The site is selected for the following habitats/species listed on Annex1/11 of the EU Habitats Directive;

- Petrifying Springs
- Narrow-mouthed Whorl Snail
- Desmoulin's Whorl Snail

Site specific conservation objectives have been published for the site which is the restore the favourable conservation condition of Petrifying springs and Narrow-mouthed Whorl Snail and to maintain the favourable conservation condition of Desmoulin's Whorl Snail.

Petrifying springs, is a priority habitat listed on Annex 1 of the Habitats Directive. This habitat relies on permanent irrigation and is likely to be significantly impacted by any reduction in water supply. The rare Narrow-mouthed Whorl Snail and Desmoulin's Whorl Snail occur in marsh vegetation near Louisa Bridge, Leixlip. Both are rare in Ireland and Europe and are listed on Annex 11 of the Habitats Directive.

The development site is located c 5km southwest of the SAC and accordingly there would be no loss of habitat or changes to the hydrological regime, water table/ or

water flows that would impact directly on Petrifying springs habitat, its area or its distribution. There is potential for indirect effects associated with a deterioration in water quality from the potential ingress of silt and other pollutants during construction. This would have the potential to affect the vegetative composition and structure of the Petrifying springs habitat, which occurs north of Louisa Bridge in Leixlip.

While Narrow-mouthed Whorl Snail has not been recorded in the SAC since 1997, it is acknowledged that further work is required to definitively establish its presence in the SAC. Previous records for the species were in the vicinity of Louisa Bridge, where Desmoulins Whorl Snail also occurs. The NIS states Louisa Bridge crosses the Royal Canal and as there is no hydrological connection between the Rye Water River and the canal there is no potential for significant adverse effects on these qualifying species of the SAC.

The NIS includes a suite of measures to mitigate potential impacts on water quality during construction (Table 5-2). These measures are standard best practice to prevent silt/sediments and pollutants from entering the drain along the western boundary. They include the installation of silt retention measures (silt traps/silt fences), use of settlement ponds and standard best practice in terms of stockpiling/management of excavated soil/materials to prevent erosion, storage of fuel/oil/chemical and other hazardous substances and refuelling of plant/machinery to prevent pollution of downstream watercourse.

It would appear that Petrifying springs is the only qualifying interest of the SAC with the potential to be significantly affected by the proposed development due to hydrological connectivity. However, I consider that the potential is negligible having regard to the separation distance (instream distance of 7.67km), the weak hydrological connections and the diluting effects of intervening water. Subject to the implementation of the measures proposed which are proven and effective measures to protect water quality., I accept that no significant effects are likely on the qualifying habitats and species, in view of their conservation objectives.

Following the completion of the works, no significant effects on water quality within the SAC are likely to arise.

Having regard to the nature of the proposed development which involves a minimal amount of excavation and intrusive ground works, the mitigation measures proposed which are proven best practice, the information presented with the application, including the revised Natura Impact statement, which I consider is adequate to carry out an assessment of the implications of the proposed development on the integrity of the European sites, I consider that it is reasonable to conclude that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Rye Water Valley/Carnton SAC (Site code 001398)) in view of the site's Conservation Objectives.

This conclusion is based on:

- the limited scale of the works proposed.
- avoidance of direct impacts on qualifying habitats and species of the European site.
- the weak hydrological connection between the development site and the SAC and the prevention of potential indirect effects on the qualifying habitats and species of the European site by the implementation of standard best practice and proven mitigation measures.

This assessment is based on a complete assessment of all aspects of the proposed development and there is no reasonable doubt remaining as to the absence of such effects

## **Other matters**

### **EIA**

The application is supported by an EIA Screening Report. It rules out the need for mandatory EIA. I accept that the proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Regulations 2001, as amended.

EIA screening was carried out having regard to the criteria listed in Schedule 7 of the Planning and Development Regulations, 2001. Having regard to the limited scale (1.97ha), location and the characteristics of the proposed development and the types and characteristics of potential impacts, I agree with the conclusions reached in the

report that there is no real likelihood of significant effects on the environment arising from the proposed development and EIA is not therefore required.

### **Biodiversity**

During the field survey 3 no. badger setts were recorded along the western boundary hedgerow, within the red boundary line but not within the development footprint. One of these setts is located in proximity to the grid route. No signs of badger activity was recorded but should they become active again, there is potential for disturbance during the works. It is proposed to carry out a pre-construction mammal survey within the footprint of the proposed development and should any setts be encountered, consultation will take place with the NPWS on how best to proceed.

Four trees were noted to have moderate bat roosting potential along the field boundaries surrounding the proposed development. While none of these trees will be impacted directly during construction, there is potential for localised disturbance during the works. To mitigate potential impacts it is proposed to engage an ecologist/ECOW and should an roost be found, the NPWS will be informed. Standard mitigation measures will be implemented to reduce potential disturbance including controls on the hours of construction and site lighting.

During the operational phase, the main potential impact on badger and bats would be associated with lighting, noise and disturbance. I note that the site will be unmanned with only occasional routine maintenance required which will minimise disturbance impacts. Subject to suitable conditions, the impacts of noise and light on these species can be mitigated.

### **Archaeology**

There are no archaeological sites listed on the Record of Monuments and Places (RMP) within the boundaries of the site and the proposed development does not encroach on any archaeological Zones of Notification. The closest recorded archaeological site lies c 300m west of the site and there will be no direct impacts on this monument.

The site is part of a larger agricultural field that does not appear to have been subject to significant ground disturbance. It lies within an area with a significant density of recorded monuments. For this reason, the site is considered to have moderate

archaeological potential and a programme of archaeological testing is recommended in advance of construction activity.

I accept that the potential exists for previously unrecorded archaeological remains to be uncovered during the works and should the Board be minded to grant permission for the development, I consider this matter can be suitably addressed by condition.

**Note:** The proposed development is not listed as a development type which attracts a development contribution under the Kildare County Council Development Contribution Scheme 2015-2022. There is provision for 'miscellaneous development' with rates for 'built' and 'open' development.

'Built' applies to all developments involving development not specifically defined in the listed categories of development set out in the scheme.

'Open' applies to development not included in the categories listed in the scheme which involves the carrying out of works on, in, over or under any land or the making of any material change in use of any land. Examples include golf courses, surface storage, temporary car parking etc.

The proposed development has elements of both built and open areas.

## **Conclusion**

- I accept that the principle of the development is acceptable. It will facilitate the integration of higher levels of renewables into the electricity system, supporting the decarbonisation of the electricity sector and providing stability to the national grid.
- The construction of the development will result in increased traffic on the road network in the vicinity of the site, which will be temporary and short term. Potential impacts on the road network and the safety of road users will be mitigated by the traffic management measures proposed. No operational impacts are predicted.
- Having regard to the location of the site in a landscape designated 'Low' sensitivity with the capacity to absorb a wide range of development, I consider that subject to the mitigation measures proposed and suitable conditions, the proposed development will not detract significantly from the landscape or visual amenities of the area.

- I accept that the greatest potential for noise impacts on local sensitive receptors will be during the construction stage and this can be managed by best practice mitigation measures.
- I consider the potential impacts on local biodiversity and the archaeological resource can be adequately dealt with by appropriate conditions.
- I accept the conclusion reached in the Natura Impact Statement that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Rye Water Valley/Carlton SAC (Site code 001398) or any European site in view of the site's Conservation Objectives.

## 9.0 Recommendation

On the basis of the above assessment, I recommend that the Board **Grant Permission** for the proposed development for the Reasons and Considerations set out below.

## 10.0 Reasons and Considerations

It is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of the landscape character and visual amenities of the area, would not seriously injure the amenities of property in the vicinity, would not significantly impact on biodiversity or the archaeological resource, would be acceptable in terms of traffic safety and convenience and would, therefore be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 21<sup>st</sup> day of April, 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.

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

2. The mitigation measures identified in the Planning and Environmental Report and other plans and particulars submitted with the application shall be implemented in full.

**Reason:** In the interests of clarity and the protection of the environment.

3. The mitigation measures contained in the Natura Impact statement shall be implemented in full.

**Reason:** In the interests of clarity and to ensure the protection of European sites.

4. The period during which the proposed development hereby permitted may be constructed shall be ten years from the date of this Order

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

5. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of the intended construction practice for the development, including:

- location of the construction compound including the area identified for the storage of waste;
- location of areas for construction site office and staff facilities;
- details of on-site parking facilities for site workers during the course of construction;
- measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- containment of all construction related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- Invasive Species Management Plan.

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

**Reason:** In the interest of protecting the environment.

6. Prior to commencement of development, a traffic management plan for the construction phase shall be submitted to, and agreed in writing with the planning authority. The traffic plan shall incorporate the following:
  - i. Details of the road network/haulage routes and the vehicle type to be used to transport materials to and from the site and a schedule of control measures for exceptionally wide and heavy delivery loads.
  - ii. A condition survey of the roads and bridges along the haul routes shall be carried out at the developer's expense by a suitably qualified person both before and after the construction of the proposed development. This survey shall include a schedule of required works to cater for construction related traffic. The extent and scope of the survey and the schedule of works shall be agreed with the planning authority prior to commencement of development.
  - iii. Detailed arrangements whereby the rectification of any construction damage which arises shall be completed to the satisfaction of the planning authority
  - iv. Details of construction related directional and road safety signage.
  - v. Measures to obviate queuing of construction traffic on the adjoining road network.

All works arising from the aforementioned arrangements shall be completed at the developer's expense.

**Reason:** To protect the public road network.



7. .Construction works shall be confined to between 08.00 and 18.00 hours Monday to Friday inclusive and between 08.00 hours and 16.00 hours on Saturdays and not at all on Sundays or Bank Holidays.

.**Reason:** To safeguard the amenities of property in the vicinity.

8. .Details of the materials, colours and textures of the external finishes of the proposed structures and enclosing fencing shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

.**Reason:** In the interests of the visual amenities of the area.

9. .The landscaped scheme shown on Drawing No LD.TGD\_SYNC 1.1 as submitted to the planning authority on the 21<sup>st</sup> day of April, 2022 shall be carried out within the first planting season following the substantial completion of external construction works.

Prior to commencement of the development the developer shall submit for the written agreement of the planning authority, a plan to a scale of not less than 1:500, showing details of the species, variety, number, size and locations of all proposed trees and shrubs.

.All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the commissioning of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

.**Reason:** In order to screen the proposed development in the interests of visual amenity

10. .Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the development

.**Reason:** In the interests of environmental protection and public health.

11. The developer shall retain the services of a suitably qualified and experienced bat specialist to survey the site for the presence of bat roosts, prior to commencement of development. In the event that any roosts are identified, the National Parks and Wildlife Service shall be consulted regarding how best to deal with such roosts. The removal of any roosts identified shall be carried out only under licence from the National Parks and Wildlife Service.

**Reason:** In the interest of protecting ecology and wildlife in the area.

12. The developer shall retain the services of a suitably qualified and experienced ecologist to survey the site for the presence of badger, prior to commencement of development. In the event that any setts are identified, the National Parks and Wildlife Service shall be consulted regarding how best to deal with such setts. The removal of any setts identified shall be carried out only under licence from the National Parks and Wildlife Service.

**Reason:** In the interests of protecting ecology and wildlife in the area

13. (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:

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

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

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

(b) All sound measurement shall be carried out in accordance with ISO Recommendation R 199 "Assessment of Noise with respect to Community Response" as amended by ISO Recommendations R 1996 1,2 or 3 "Description and Measurement of Environmental Noise", as applicable.

(c) within three months of the commissioning into use of the proposed development a noise survey and assessment, including a tonal assessment

and any mitigation measures required shall be submitted to the planning authority for written agreement.

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

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

**Reason:** In the interest of proper planning and sustainable development and to prevent the spread of hazardous invasive species and pathogens.

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

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

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

16. All lighting within the site shall be cowled to prevent overspill outside the site.

**Reason:** To reduce impacts on local biodiversity.

17. 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 planning authority, to secure

the reinstatement of public roads which may be damaged during the transport of materials to the site, coupled with an agreement empowering the planning authorities to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authorities and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the delivery routes.

18. 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 Scheme.

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

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.Breda Gannon  
Senior Planning Inspector

12th December 2022