

An  
Bord  
Pleanála

**Board Direction**  
**BD-011961-23**  
**ABP-315836-23**

The documentation on file and the Inspector's report were considered at a Board meeting held on 28/03/2023.

The Board recommends that the conditions as set out below be taken into account in any approval of the designated development by the Minister for the Environment, Climate and Communication.

### **Environmental Assessment**

The Board carried out an environmental assessment of the designated development in accordance with section 5(2) of the Development (Emergency Electricity Generation) Act 2022.

The Board considered that the Environmental Report, supported by the documentation submitted by the applicant, was prepared by competent experts and describes the likely main effects of the designated development on the environment. The Board agreed with the examination set out in the Inspector's report of the information contained in the Environmental Report and associated documentation submitted by the applicant, and submissions made in the course of the application for approval.

In reaching its conclusion, the Board had regard to:

(a) European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following:

#### **European Policy**

- Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive)
- Directive 92/43/EEC (Habitats Directive, and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive).
- Directive 2000/60/EC (Water Framework Directive)

#### **National Policy**

- National Development Plan (2021-2030) (NDP)
- Development (Emergency Electricity Generation) Act 2022
- Climate Action and Low Carbon Development Amendment Act 2021, amending the Climate Action and Low Carbon Development Act 2015
- Climate Action Plan 2023
- Policy Statement on Security of Electricity Supply (November 2021)
- National Energy Security Framework (April 2022)

#### **Regional and Local Policy**

- Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Region (2019-2031)
- The Offaly County Council Development Plan 2021-2027

(b) The brownfield nature of the site and planning history relating thereto.

(c) The nature and scale, and infrequent operation of the development limited to a maximum operation of 500 hours per year and the temporary period of operation limited to a maximum of 5 years, of the designated development.

(d) The documentation submitted by the applicant to the Minister in accordance with the provisions of article 3(4) of the Development (Emergency Electricity Generation) Regulations 2022.

- (e) The range of mitigation measures set out in the Environmental Report and the Natura Impact Statement accompanying the application and recommended hereunder.
- (f) The submissions received in relation to the application by all parties.
- (g) The report of the planning Inspector, and
- (h) The Memorandum of the Ecologist appointed by the Board to assist in the Natura Impact Statement and general ecological matters.

The Board has concluded that the main likely effects of the designated development on the environment are as follows:

- The designated development would give rise to a slight increase in airborne emissions with resulting air quality limited impacts during the operational phase. Modelling indicates that the impact on human and ecological receptors in the receiving environment would not be significant. Having regard to the scale and limited deployment of the plant and the modelling undertaken which demonstrates the designated development's ability to adhere to the air pollution limits set out in the Air Quality Standard Regulations (Statutory Instruments 180 of 2011), it is not considered that any air borne emissions would be significant.
- Noise emissions during construction activity have the potential to give rise to adverse effects on adjoining sensitive residential and ecological receptors, in particular wintering birds. Having regard to the temporary duration of such activity and the identified mitigation measures, including in particular the proposed acoustic barriers around within the site and surrounding the gas turbines and the limited timing and duration of certain activities, significant adverse effects are not considered likely. Such acoustic screening would also address potential disturbance effects on species of conservation interest.
- Peak construction traffic movements have the potential to impact on adjoining residential amenity during night-time hours. Having regard to the limited duration of such activity and subject to the routing of heavy goods vehicle traffic and



restrictions on the volume of heavy goods vehicle movements during such periods, significant adverse impacts are not considered likely.

- The designated development would give rise to an increase in operational greenhouse gas emissions with resulting impacts on and on the achievement of European and National climate change and carbon emission reduction targets, however the impact on the environment would not be significant in the long-term having regard to the scale and the temporary and emergency nature of the facility which would only operate intermittently, as and when needed, and for no more than 500 hours per year.
- The project could give rise to minor impacts on hydrology as a result of run-off of sediments, accidental spillages of chemicals, hydrocarbons or other contaminants entering waterbodies during construction and operational phases. These impacts will be adequately mitigated by the implementation of standard construction management measures, including measures for the control of polluting materials and the management of surface waters and adherence to industrial emissions licence requirements.

In conclusion, having regard to the identified likely main effects, the Board is satisfied that the designated development would not have any unacceptable direct or indirect impacts on the environment, subject to implementation of the identified mitigation measures.

Having regard to the above conclusions, the Board recommends that the conditions as set out below be taken into account in any decision by the Minister for the Environment, Climate and Communication to approve the designated development.

#### **Appropriate Assessment: Stage 1:**

The Board carried out an appropriate assessment of the designated development in accordance with section 6(1) of the Act.

Further to the Board's screening determination by order dated 24/02/2023, the Board identified the European Sites referred to below in respect of which there is a likelihood of significant effects.

The Board noted that the designated development is not directly connected with the or necessary for the management of any European Site.

The Board completed an appropriate assessment Screening exercise in relation to potential effects on designated European Sites, taking into account the Screening Report submitted with the application, the report and screening assessment completed by the Board's Inspector which concluded that the following sites are the European Sites in respect of which there is a likelihood of significant effects:

- Middle Shannon Callows Special Protection Area (Site Code: 004096).
- River Suck Callows Special Protection Area (Site Code: 004097).
- River Shannon Callows Special Area of Conservation (Site Code 000216).

The Board concluded that appropriate assessment was required in respect of these European Sites.

#### **Appropriate Assessment: Stage 2:**

In this regard the Board considered that the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file and the report of the planning Inspector and the memorandum of the ecologist, and carried out an appropriate assessment of the implications of the designated development on European Sites in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment and to allow it to reach complete, precise and definitive conclusions for appropriate assessment.

In completing the assessment, the Board considered in particular the likely direct and indirect impacts arising from the designated development both individually and in combination with other plans and projects, the mitigation measures which are included as part of the current proposal and additional mitigation measures recommended by the Inspector in view of the sites' conservation objectives. In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out by the Board's Inspector of the potential effects of the development on the aforementioned European Sites, having regard to the sites' conservation objectives. In overall conclusion, the Board was satisfied that the

proposed development would not adversely affect the integrity of the European Sites, Middle Shannon Callows Special Protection Area (Site Code: 004096), River Suck Callows Special Protection Area (Site Code: 004097) and River Shannon Callows Special Area of Conservation (Site Code: 000216), in view of the conservation objectives of those sites and there is no reasonable scientific doubt as to the absence of such effects.

The Board in accordance with section 6(2) of the Act also considered that the need for a derogation is not necessary in respect of the designated development.

### **Recommended Conditions**

1. The designated development shall be carried out and completed in accordance with the plans and particulars, including the mitigation measures specified in the Environmental Report, Framework Construction Environmental Management Plan and the Natura Impact Statement lodged with the application to the Minister for the Environment, Climate and Communication on the 17<sup>th</sup> day of February 2023, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interests of clarity and environmental protection

2. The construction of the development shall be managed in accordance with a finalised Construction Management Plan, which shall be made available for inspection. This plan shall provide details of intended construction practice for the development, including, inter alia:
  - (a) Location of the site and materials compounds including areas identified for the storage of construction refuse;
  - (b) Location of areas for construction site offices and staff facilities;
  - (c) Final alignment of acoustic barriers and site security fencing and hoardings; Acoustic barriers shall be erected prior to any demolition and dismantling activity on site;



- (d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (f) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (g) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall comply with the Environmental Protection Agency's - IPC Guidance Note on Storage and Transfer of Materials for Scheduled Activities;
- (h) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (i) A site-specific water management plan, to include detailed drawings of adequate scale, for each development phase of the project identifying measures to ensure that surface water run-off is controlled such that no silt or other pollutants enters local surface waters or drains. The existing surface water management system, such as drains settlement ponds, outfalls and interceptors / separators must be inspected and confirmed to be in suitable working order prior to any designated development works commencing on site. The self-contained wheel wash shall be the subject of regular inspection and maintenance.

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

**Reason:** In the interests of amenities, public health and safety.

3. During the operational phase of the development, the noise level arising from the development, shall not exceed:-

(a) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive at any point along the boundary of the site.

(b) An Leq,15 min value of 45 dB(A) at any other time at the nearest dwelling at any other time.

The noise at such time shall not contain a tonal component. All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

**Reason:** To protect the residential amenities of property and avoid adverse effects on species of conservation interest in the vicinity of the site.

4. Water supply arrangements shall comply with the requirements of Irish Water for such works and services.

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

5. (a) All discharges through the stormwater drainage outfall shall pass through a silt trap and Class 1 Hydrocarbon Interceptor. Any bunded areas within the site will have valve-controlled discharge points as part of their connection to the outfall drainage network. Drainage runoff from these areas will be tested for contamination prior to release to the outfall drainage network.

(b) All material storage and containment at the designated development site, to include all tanks (including drums and containers), bunds and pipelines and transformers which store or transmit potentially polluting substances, shall be designed and installed in accordance with the Environmental Protection Agency *IPC Guidance Note - Storage and Transfer of Materials for Scheduled Activities* (EPA 2013), as amended.

**Reason:** In the interest of environmental protection.



6. The development shall provide firewater retention which shall be designed and sized in accordance with the provisions of the Environmental Protection Agency *Guidance on Retention Requirements for Firewater Run-off* (EPA 2019). In the event of a fire or a spillage to storm water, the system shall provide for the automatic diversion of storm water for collection.

**Reason:** In the interest of environmental protection.

7. During the site clearance, preparation and construction phase of the development, dust levels shall not exceed 350 milligrams per square metre (TA LUFT Air Quality Standard) per day averaged over 30 days, when measured at the site boundary.

**Reason:** In the interest of public health and residential amenity.

8. A finalised Construction Traffic Management Plan shall be submitted and agreed in writing with the planning authority prior to the commencement of development and shall provide for the following:
  - (a) All national road structures on the proposed haul route, should be checked to confirm their capacity to accommodate any abnormal load proposed.
  - (b) Pre and post-construction phase surveys of structures on the public road network to be used as haul routes, shall be carried out by the applicant to confirm their capacity to accommodate any proposed abnormal weight loads.
  - (c) The applicant/developer should consult with all relevant parties involved in the management of the local and national road network traversed by the haul route to ascertain any operational requirements such as delivery timetabling.
  - (d) Any damage to the local and national road network arising from the transportation of components units and/or materials to the site shall be rectified in accordance with the requirements of the planning authority, at the developer's expense.

**Reason:** In the interests of road safety, orderly development and the proper planning and sustainable development of the area.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

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

10. During the construction phase, the developer shall adhere to the measures set out in “Guidelines for the Treatment of Otters Prior to the Construction of National Road Schemes”, published by the National Roads Authority in 2008.

**Reason:** In the interest of wildlife protection.

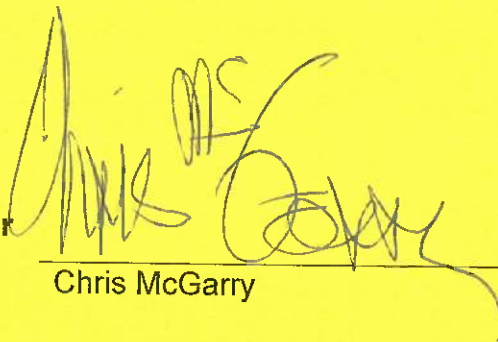
11. During both the construction and operational phases all artificial lighting to be provided on site shall conform with the Bat Conservation Trust/Institute of Lighting Professionals guidance entitled ‘Bats and Artificial Lighting in the UK – Bats and the Built Environment Series’ (2018). A suitably qualified Environmental Manager shall be appointed and be responsible for monitoring compliance with lighting mitigation and shall require the contractor(s) to take corrective action if the light spill is illuminating habitats adjoining the site.

**Reason:** To minimise disturbance on bats and otters in the vicinity of the site boundary.

**Section 6(2) - Strict Protection of Certain Animal and Plant Species under the Habitats Directive**

Having regard to the available information, including the results of surveys undertaken in respect of the designated development and the results of surveys previously undertaken in the area, the Board concluded that there is no basis to consider that a requirement for a derogation for the purposes of Article 16 arises. Accordingly, no recommendation as to the granting of such a derogation under article 6(2) of the regulations of 2022 is made.

Board Member



Chris McGarry

Date: 28/03/2023



