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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork County Council**

**Application for Substitute Consent** by ESB care of Engineering and Major Projects of One Dublin Airport Central, Dublin Airport, Cloghran, County Dublin in accordance with section 177E of the Planning and Development Act, 2000, as amended by the insertion on section 57 of the Planning and Development (Amendment) Act, 2010, as amended.

**Development:** As-constructed electricity grid connection elements, which will connect the partially constructed Derreenacrinnig West Windfarm (DWWF) [Cork County Council planning register reference number 10/857] to the national electricity grid at the existing ESB sub-station consisting of the following : circa 9.7 km of 20 kV overhead line (OHL). The as constructed OHL consists of circa 140 wood poles (ranging from 9 metres to 12.5 metres above ground) supporting electrical conductor lines and ancillary structures and equipment. All works that have been constructed are the subject of this application for subject consent. All remaining works that have not yet been constructed (that is, circa 1.2 km of OHL and circa 3 km of underground cable (UGC) are the subject of a separate planning application to Cork County

Council for which a notification of decision to grant permission was issued on the 30<sup>th</sup> day of September, 2019 under planning register reference number 19/10; located in the Townlands of Derreenacrinnig West, Gortnacowly, Barnagowlane West, Glanareagh, Ards Beg, Ardrah, Laharanshermeen, Maularaha, Maulikeeve, Derryarkane, Capanaboul, Shandrum More, Dromclarig, Gortroe, Crossoge and Ballylicky, County Cork.

## **Decision**

The Board, in accordance with section 177K of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, decided to **GRANT** substitute consent in accordance with the following conditions.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to:

- (a) the provisions of the Planning and Development Act, 2000 as amended, and in particular XA,

- (b) national policy with regard to the development of sustainable energy sources,
- (c) the Wind Energy Development Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June 2006,
- (d) the provisions as set out in the current Cork County Development Plan, including those regarding renewable energy development, in particular Objectives ED 1-1, ED 6-1, and ED 6-2,
- (e) the location in an area not subject to designations for scenic amenity or natural heritage protection,
- (f) the pattern of development in the area (including the separation distance to dwellings) and the pattern of permitted development in the area,
- (g) the limited scale of the proposed development,
- (h) the report and opinion of the planning authority under section 177I of the Planning and Development Act, 2000, as amended,
- (i) the submissions on file, and
- (j) the report of the Inspector,

it is considered that, subject to compliance with the conditions set out below, the development for which substitute consent is sought would not seriously injure the visual amenities of the area or of property in the vicinity, would not have an unacceptable impact on the landscape character of the area, would not be detrimental to the natural heritage or cultural heritage of the area, and

would otherwise be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment**

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 development for which substitute consent is sought, 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 site's conservation objectives, and a Stage 2 Appropriate Assessment and submission of a Natura impact statement is not therefore, required.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the development for which substitute consent is sought,
- (b) the remedial Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the planning application,

- (c) the submissions received from the planning authority in the course of the application, and
- (d) the Inspector's assessment on environmental effects as set out in the Inspector's report,

The Board considered that the remedial Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers the development for which substitute consent is sought, and also adequately identifies and describes the direct, indirect, secondary and cumulative effects of the development for which substitute consent is sought, on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the remedial Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Board considered and agreed with the Inspector's reasoned conclusions, that the development for which substitute consent is sought, is not likely to have significant effects on the environment.

The Board completed an Environmental Impact Assessment in relation to the development for which substitute consent is sought and concluded that, subject to the implementation of the mitigation measures set out in the remedial Environmental Impact Assessment Report and subject to compliance with the conditions set out below, the effects on the environment of the development for which substitute consent is sought, by itself and in combination with other development in the vicinity, would be acceptable. In this regard, the Board adopted the report and conclusions of the Inspector.

## **Proper Planning and Sustainable Development**

It is considered that, subject to compliance with the condition set out below, the development for which substitute consent is sought, would be in accordance with European energy policy, the National Planning Framework and the Cork County Development Plan 2014 and would:

- (a) make a positive contribution to Ireland's national strategic policy on renewable energy and its move to a low energy carbon future, and
- (b) have an acceptable impact on the environment and on the amenities of the area.

The development for which substitute consent is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1.
  - (a) The grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála on the 8<sup>th</sup> day of October 2019 except as may otherwise be required to comply with the following condition.
  - (b) This grant of substitute consent relates only to development undertaken, as described in the application and does not authorise any future development.

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

2. All environmental mitigation measures identified within the remedial Environmental Impact Assessment Report and associated documentation shall be implemented in full.

**Reason:** In the interest of clarity and to protect the environment.

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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

**Dated this            day of            2020**