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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 19/00010**

**Appeal** by Ian Collins care of Maulakieve, Bantry, County Cork against the decision made on the 30<sup>th</sup> day of September, 2019 by Cork County Council to grant subject to conditions a permission to The Electricity Supply Board (ESB) care of ESB International of One Dublin Airport Central, Dublin Airport, Cloghran, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The installation of approximately 3.2 kilometres of underground cable ducting and associated electrical cabling, approximately 1.2 kilometres of overhead line supported on wood polesets, and all other ancillary works including joint bays, culverts, marker posts and all associated developments. The works, which will take place at six separate locations along the 14 kilometre grid connection route, are required to complete the grid connection from Derreenacrinnig West Windfarm to the ESB Ballylickey substation. An Environmental Impact Assessment Report (EIAR) has been prepared and will be submitted to the authority with the application. Advisory Note: The full extent of the grid connection is approximately 14 kilometres. The remaining 9.6 kilometres has already been installed and is the subject of

an application for leave to apply for substitute consent to An Bord Pleanála Reference 302837-18, all within the townlands of Derreenacrinnig West, Barnagowlane West, Glanareagh, Gortnacowly, Ards Beg, Ardrah, Laharanshermeen, Maulraha, Maulikeeve, Derryarkane, Cappanaboul, Skahanagh More, Shandrum Beg, Shandrum More, Dromloughlin, Ballylicky, Crossoge, County Cork as amended by the revised public notices received by the planning authority on the 16<sup>th</sup> day of May, 2019 and the 6<sup>th</sup> day of August, 2019.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **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) national policy with regard to the development of sustainable energy sources,
- (b) the Wind Energy Development Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June 2006,
- (c) 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,
- (d) the location in an area not subject to designations for scenic amenity or natural heritage protection,
- (e) the pattern of development in the area (including the separation distance to dwellings) and the pattern of permitted development in the area,
- (f) the limited scale of the proposed development,
- (g) the submissions on file, and
- (h) the report of the Inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development 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 proposed development, 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 proposed development,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the planning application,
- (c) the submissions received from the planning authority and others in the course of the application, and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers the proposed development and also adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report, 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 proposed development is not likely to have significant effects on the environment.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, 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 conditions set out below, the proposed development 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 proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information received by the planning authority on the 2<sup>nd</sup> day of May, 2019 and the 26<sup>th</sup> day July, 2019, 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 interest of clarity.

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

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

3. Prior to commencement of development, the developer shall submit a revised Construction Environmental Management Plan for the written agreement of the planning authority. The agreed plan shall include detailed method statements for works within sensitive habitats, programmes for water quality and ecological monitoring and supervision, and method statements for habitat reinstatement.

**Reason:** To protect the environment and the amenities of the area.

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

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

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

5. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

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

6. No alterations to the footpath or public road shall be made without the prior agreement of the planning authority.

**Reason:** In the interest of traffic safety.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and amenity.

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

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

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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**