



An
Bord
Pleanála

Board Direction
PL02.248394

The submissions on this file and the Inspector's report were considered at a Board meeting held on June 13th 2018.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- the nature, scale, extent and location of the proposed development;
- the Environmental Impact Statement submitted with the application,
- the documents on file including the submissions from the planning authority and from the parties and observer lodged in the course of the application and appeal; and
- the Inspector's report.

The Board considered that the Environmental Impact Statement identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board completed an Environmental Impact Assessment in relation to the subject development, by itself and in combination with other development in the vicinity, and agreed with the Inspector in her assessment of

the likely significant effects of the development, and agreed with her conclusions on the acceptability of the mitigation measures proposed. The Board concluded that, subject to the implementation of the mitigation measures proposed, and subject to the following conditions, the proposed development would not have any unacceptable direct, indirect and cumulative effects on the environment. In doing so, the Board adopted the report of the Inspector.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board had regard to the nature, scale and location of the proposed development, the appropriate assessment screening report submitted with the application, the documentation including submissions on file, and the Inspector's screening assessment.

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that, having regard to the nature, scale and location of the proposed development, and the separation distances to European Sites, the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European sites, in view of the conservation objectives of these sites, and that therefore a Stage 2 Appropriate Assessment (and submission of a NIS) is not required.

Reasons and Considerations

Having regard to the nature, scale and location of the proposed development, the pattern of development in the vicinity, the planning history, including the related windfarm development for which planning permission was granted under an Bord Pleanála reference number PL02.236608, and the provisions of the Cavan Development Plan 2014 - 2020, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of its impact on the visual amenities and landscape character of the area, would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health, would conform to the objectives of the Development Plan in relation to renewable energy and would be acceptable in terms of pedestrian and traffic safety. 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, 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. As PA condition no. 5

Reason: In the interest of clarity, and the protection of the environment.

3. Road breaking operations (use of the Mini excavator with hydraulic breaker) shall take place only between 1000 hours and 1700 hours, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays.

Reason: In the interest of public safety and residential amenity.

4. Site development and building works, other than those works referred to in condition 3, shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of public safety and residential amenity.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within 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) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and all 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 (in situ or by record) of any remains that may exist within the site.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

7. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All environmental mitigation measures set out in the Environmental Impact Statement and associated documentation shall be included in the plan. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
- (b) Location of areas for construction site offices and staff facilities.
- (c) Details of site security fencing and hoardings.
- (d) Details of on-site car parking facilities for site workers during the course of construction.
- (e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network (including the installation of wheelwash facilities on the site);
- (f) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels (where not already provided for in documentation submitted with the application and appeal). The dust control plan shall include a dust monitoring regime for the duration of the work and methodology for dust monitoring.
- (g) 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.

- (h) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soils.
- (i) Details of a site drainage management plan, in accordance with the documentation and mitigation measures provided in the Environmental Impact Statement, as amended, and the other documentation submitted with the application and appeal, incorporating a detailed silt management plan and pollution prevention plan, and including appropriately-sized silt traps and/or settlement ponds as required, to be prepared by a suitably qualified professional with experience of drainage design, to the satisfaction of the planning authority.
- (j) A programme for the on-going monitoring of water quality during the construction period.
- (k) An action plan for the prevention or spread of any invasive species along the subject site or within 10m either side of the route.
- (l) Compliance with the Guidelines on Protection of Fisheries During Construction Works in and adjacent to Waters, published by Inland Fisheries Ireland in 2016, and compliance with the requirements of construction methods for both open cut/ trench type crossings and directional drilling.

Prior to the commencement of construction, proposals for environmental monitoring of construction works on site by an ecologist and by an environmental scientist or equivalent professional, including the monitoring and implementation of construction stage mitigation measures and illustrating compliance with the requirements set out above shall be submitted to, and agreed in writing with, the planning authority, together with associated reporting requirements, in consultation with Inland Fisheries Ireland. A record of daily checks that the works are being undertaken in accordance with the Environmental Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities and safety.

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 following the construction of the proposed development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of such public roads. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic safety and to ensure the proper reinstatement of public roads following the construction of the proposed development.

9. Prior to commencement of development, the developer shall submit a Transport Management Plan to the planning authority for its written approval. This Plan shall include the following details: -
 - (a) Detailed arrangements for temporary traffic arrangements/controls on roads during site development works,
 - (b) A programme indicating the timescale within which it is intended to use each public route to facilitate construction of the development,
 - (c) 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,
 - (d) Measures to obviate queuing of construction traffic on the adjoining road network, and
 - (e) 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 site development works.

The developer shall comply with any requirements that the planning

authority may impose as part of its approval of this Plan.

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

Reason: To protect the public road network and to clarify the extent of the permission in the interest of traffic safety and orderly development.

Board Member

Date: 14th June 2018

Philip Jones