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The submissions on this file and the Inspector's report were considered at a Board meeting held on 22<sup>nd</sup> June 2018.

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

### **Reasons and Considerations**

- 1 The Board had regard to the following;
  - Substantial excavation proposed for the substation was not accompanied by an adequate peat stability assessment.
  - Over reliance on general design methodologies, in particular on local service roads and in areas of peat soils.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Special Area of Conservation Site Code No. 002301 (River Finn SAC) and Special Area of Conservation Site Code No. 000163 (Lough Eske and Ardnamona Wood SAC) are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and in light of the assessment carried out, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of the European site No. 002301 (River Finn SAC) in view of the sites' Conservation Objectives. In such circumstances the development would be contrary to the proper planning and sustainable development of the area.

2 The proposed cable route extends for a significant length along public roads of varying widths and conditions, and involves numerous crossings of culverts and watercourses. It is considered that existing ground conditions, the condition of the roads and the condition of the bridges have not been adequately documented, and that insufficient design details have been provided to demonstrate how the works would be carried out and road reinstated, in particular with regard to sections of road traversing ramparts and adjacent to bogland. Given the overall length of the route the Board is not satisfied that the proposed development would not adversely impact, to a significant extent, the future development and long term maintenance of these roads for their use as roads and the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Note: In relation to the Lough Eske and Ardnamona Wood SAC European site No. 000163, the Board identified that the main likely impact arising from the proposed development would be on the Fresh water Pearl Mussel, oligotrophic waters containing very few minerals of sandy plains, and salmon. It is a conservation objective of the Lough Eske and Ardnamona Wood SAC to maintain or restore the favourable conservation status of habitats and species of community interest.

Having regard to

- Results of the surveys
- Nature and characteristics of the watercourse
- Technical details and methodology for construction including drilling beneath the river to avoid instream works
- Mitigation measures with respect to the relevant section of works

The Board considered that proposed development would not adversely affect the Fresh Water Pearl Mussel, oligotrophic waters containing very few minerals of sandy plains, and salmon. The Board considered the NIS conclusions with respect to this SAC were robust and that the level of detail provided in relation to works including cable laying and river crossings were sufficiently detailed. The Board concluded that

the integrity of the SAC would not be adversely affected in view of the sites' conservation objectives.

**Board Member**

**Date:** 19<sup>th</sup> July 2018

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Michelle Fagan

Please attach a copy of the Board Direction with the Board Order.