



An
Bord
Pleanála

Board Direction
BD-002207-19
ABP-301000-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/01/2019.

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.

Reasons and Considerations

Having regard to the Cork County Development Plan 2014 – 2020 and to the planning history of the site, it is considered that, subject to the conditions as set out below, the proposed development would be acceptable in terms of land use and it would be compatible with identified archaeological features and ecological interests of the area. Furthermore, the proposed development would not injure the amenities of the area. Access arrangements would be acceptable and any risk to water quality would be capable of being addressed by standard construction methods, which would be integral to the design of the project. With respect to Environmental Impact Assessment, the proposal would be a sub-threshold development, which would not need to be the subject of such Assessment. The proposal would therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board noted the Screening for Appropriate Assessment Report submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination and adopted the conclusions and recommendations in this regard. The Board was therefore satisfied, having regard to the nature, location and scale of the subject development, that the construction of the proposed development would not be likely to have a significant effect on European Site No. 002170, or any other European site, either individually or in combination with other plans or projects, on any other European sites, in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

Environmental Impact Assessment Screening:

The Board is satisfied that the proposed development on its own or when assessed cumulatively with the impacts of other existing or permitted development, would not be likely to have significant effects on the environment and would not, therefore, require Environmental Impact Assessment. In this regard, the Board has adopted the E.I.A. screening analysis as set out in the Inspector's report.

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 plans and particulars submitted on the 21st day of December 2017, 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. The proposal hereby permitted shall comply with the terms and conditions of planning permission reg. no. 12/5997, as amended by planning permission reg. nos. 15/5521 and PL04.245560, which governs the overall development of the lands of which the site forms part, save where amended by the terms and conditions herein.

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

3. All trees and hedgerows within and on the boundaries of the site, save those trees and hedgerows whose removal is shown on drawing nos. 05607-B152 and DC/BW/02-A, shall be protected during building operations and retained thereafter.

The temporary hoarding shown on the former plan and the tree protective fence shown in the latter plan shall be erected and retained insitu for the entirety of the construction phase.

Reason: In the interest of visual amenity.

4. An Ecological Clerk of Works shall be appointed. The removal of trees and hedgerows and the trimming of trees and hedgerows shall only be undertaken at times outside the bird breeding season. Such removal and trimming shall only proceed under the supervision of the Ecological Clerk of Works and mature trees shall only be removed or trimmed once he/she has surveyed them for the presence of bats.

Reason: To safeguard breeding birds and bats.

5. (a) Prior to the commencement of development, a detailed landscaping scheme, including an implementation timetable, for replacement planting of trees and hedgerows adjacent to the site access off the LS-5476 and the formation of a replacement earthen mound adjacent to the junction between the farm track and the L-1309 shall be submitted to and agreed in writing with the Planning Authority.

(b) Prior to the commencement of operation of the control building, the perimeter landscaping to its surrounding hardstanding shall be planted in accordance with the scheme shown on drawing no. IE201035_M_011_B.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

6. An Ecological Clerk of Works shall be appointed to supervise the implementation of the Surface Water Management Plan and the Japanese Knotweed Management Plan. Any water pollution incidences shall be the subject of a written report to the Planning Authority and a written compliance monitoring report shall, likewise, be submitted to the Planning Authority at the end of the construction period.

Reason: To safeguard the environment.

7. Prior to the commencement of development, a scheme identifying the number and location of marker posts shall be submitted to and agreed in writing with the Planning Authority.

Reason: In the interest of orderly development.

8. (a) Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and agreed in writing with the Planning Authority.

(b) Site Management Procedures and Construction Work Methodologies set out in the Outline Construction Environmental Management Plan shall be followed during the construction phase of the development.

(c) Methodologies identified in the Construction and Environmental Management Plan submitted to the Planning Authority on the 21st day of December 2017 shall be fully implemented throughout the construction phase.

Reason: To promote good traffic management and to safeguard the environment and the amenities of the area.

9. The applicant shall engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930 – 2004) to carry out pre-development archaeological testing in the area where the cable route crosses Ringfort CO002-091 and its Zone of Notification.

No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.

The archaeologist shall notify the Local Authority Archaeologist and the National Monument Service of the Department of Culture, Heritage and the Gaeltacht (DoCHG) in writing at least four weeks prior to the commencement of site preparations.

The archaeologist shall excavate the test trenches, by hand in undisturbed ground, to the depth of the cable trench. Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the National Monuments Service (DoCHG) for consideration.

Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) may be required and the Planning Authority and the National Monuments Service (DoCHG) will advise the applicant/developer with regard to these matters.

No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority and the National Monuments Service (DoCHG).

Reason: To identify and preserve items of archaeological importance.

10. The applicant shall engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930 – 2004) to monitor under license from the Department of Culture, Heritage and the Gaeltacht (DoCHG) the excavation of the cable trench and top soil removal in all areas of undisturbed ground both along the cable route and within the development site and in the Zone of Notification associated with Ringforts CO002-100 & 108.

The remainder of the cable route shall be subject to intermittent monitoring/ watching brief.

In the event that archaeological material is found during the course of monitoring, the archaeologist shall have work on the site immediately stopped and notify the Local Authority Archaeologist and National Monuments Service (DoCHG).

No further surface clearance shall take place, pending a decision as to how best to deal with the archaeology.

The applicant/developer shall be prepared to be advised by the Local Authority Archaeologist in regard to any necessary mitigating action (e.g. preservation in situ or excavation). The applicant/developer shall facilitate the archaeologist in recording any material found.

The Planning Authority and National Monuments Service (DoCHG) shall be furnished with a written report describing the results of the monitoring.

Reason: In the interest of preserving items of archaeological interest.

11. (a) During the construction phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:

(i) An Leq, 1-hour value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

(ii) An Leq, 15-minute value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

(b) 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 in the vicinity of the site.

12. Prior to the commencement of development, a baseline road condition survey of the roads comprised within the red edge of the application site shall be undertaken, submitted to and agreed in writing with the Planning Authority.

Reason: In the interest of orderly development.

13. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory restoration of public roads, following the completion of the construction period, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any such restoration. The security to be lodged shall be as follows -

- (a) An approved insurance company bond in the sum of €125,425 (one hundred and twenty-five thousand, four hundred and twenty-five euro), or
- (b) A cash sum of €125,425 (one hundred and twenty-five thousand, four hundred and twenty-five euro) to be applied by the planning authority at its absolute discretion if such restoration works are not provided to its satisfaction, or
- (c) Such other security as may be accepted in writing by the planning authority.

Reason: To ensure the satisfactory restoration of public roads in the interest of road safety.

14. The developer shall pay to the planning authority a financial contribution of €876 (eight hundred and seventy-six euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

15. The developer shall pay the sum of € 10,000 (ten thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of works proposed to be carried out, for the provision of upgrade works to the public roads. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Board Member

Date: 23/01/2019

Paul Hyde