



An
Bord
Pleanála

Board Direction
BD-003421-19
ABP-301717-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on June 26th, 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:

- National policy in relation to renewable energy, as set out in *Ireland's' Transition to a Low Carbon Energy Future 2015-2030* and in the *Irish National Renewable Energy Action Plan*, including national targets for renewable energy contribution of 40% of gross electricity consumption by 2020,
- the "Wind Energy Development Guidelines - Guidelines for Planning Authorities", issued by the Department of the Environment, Heritage and Local Government in June 2006,
- the policies of the planning authority as set out in the Cavan County Development Plan 2014 - 2020,
- the distance to dwellings or other sensitive receptors from the proposed grid connection development,

- the planning history of the wider area including the decision to grant permission for the related wind farm development under appeal reference number PL02.247401.
- the submissions made in connection with the planning application and appeal,
- the likely consequences for the environment and the potential for impacts of the proposed development on European Sites.

it is considered that the proposed development would facilitate the development of renewable energy in accordance with the national policy in relation to renewable energy targets, would be in accordance with the policies and objectives of the planning authority set out in the county development plan to support the development of renewable energy, would not seriously injure the residential amenities of the area or of adjoining property, 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.

Appropriate Assessment Screening

The Board considered the Screening Report for Appropriate Assessment submitted by the applicant, including revisions submitted on the 22nd day of February 2018, and all other relevant submissions and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale and location of the proposed development, as well as the report of the Inspector.

The Board agreed with, and adopted the conclusions of, the screening exercise carried out by the Inspector. The Board concluded that, having regard to the qualifying interests for which the sites were designated and the distances from the subject development to the European sites concerned, the proposed development, individually or in combination with other plans or projects (including the grid connection to the Raragh windfarm) would not be likely to have a significant effect on

the Kilconny Bog Special Area of Conservation (site code 000006) and No. 004091 Stabannon-Branganstown SPA (site code 004091), or any other European site, in view of the Conservation Objectives of these sites, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

Environmental Impact Assessment

The Board completed, in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, from interested parties, and from prescribed bodies in the course of the application and appeal, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, including revisions submitted on the 22nd day of February 2018, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the environmental impact assessment report complies with the provisions of EU Directive 2014/52/EU, amending Directive 2011/92/EU.

Reasoned Conclusions on the Significant Effects.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated, as follows:

- There is potential for likely significant effects on aquatic fauna within the catchment of the Glyde river system, particularly in relation to the construction of a new box culvert in place of bridge number 3 at Corawaddy involving minor excavation and construction works within Cornagee Stream. Mitigation measures against release of suspended solids and hydrocarbons are set out in the EIAR and in the further submissions by the applicant in response to the planning authority's request for further information, including a detailed construction methodology, and are considered adequate to mitigate direct, indirect and cumulative impacts on aquatic fauna.
- Impacts on population and human health will be generally arise in terms of traffic management on the public road where cable laying will occur. Construction works will give rise to short term impacts, over the 24-28 weeks of construction, by way of disruption to road users, and construction noise etc. where the route runs alongside roadside properties/businesses. Construction phase impacts are addressed the EIAR and the construction and environmental management plan which will mitigate noise and vibration. It is considered that, once the public road is reinstated, the development will have no discernible effects in the public domain, give rise to very limited traffic movements and no adverse impacts (direct, indirect or cumulative) on population or human health.

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 22nd day of February 2018, 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 mitigation measures identified in the Environmental Impact Assessment Report/Environmental Impact Statement and other particulars submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interests of public safety, residential amenity and clarity.

3. Prior to the commencement of development, the developer shall submit to and agree in writing with, the planning authority, the following:
 - i. A Traffic Management Plan which includes details of construction staging, traffic control methods, road closures and diversions, access for residents, businesses and pedestrians.
 - ii. A Construction Management Plan. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.
 - iii. A Construction Environmental Management Plan. This plan shall provide details of environmental construction strategies to be carried out during construction and appointment of an Ecological Clerk of Works and Project Liaison Officer.

The developer shall comply with any requirements that the planning authority may impose as part of its agreement to these Plans.

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

Reason: In the interests of pedestrian and traffic safety, orderly development and residential amenity.

4. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

5. All works to bridges shall comply with the requirements of the planning authority, and shall be carried out in accordance with Transport Infrastructure Ireland’s Guidelines for the Treatment of Otters, including:
 - i. For Bridge No. 2 Drumsallagh the existing parapet wall as indicated on Drawing Sheet Number 05-511-052C shall not be raised in height, unless otherwise agreed in writing with the planning authority. The grass verge between the new rubbing strip (125mm above road level x 1075mm wide) and existing edge of road shall be strengthened/overlaid to form part of the existing carriageway.
 - ii. For Bridge No. 3, Corawaddy, prior to commencement of development the detailed design shall be submitted to, and agreed

in writing with, the planning authority. A rubbing strip shall be provided along each of the parapet walls.

- iii. All bridges along the route shall require a principle and structural assessment, before and after construction, to ensure that the integrity of the bridges is not compromised. Any rehabilitation works shall be the responsibility of the developer, including the cost of such works.
- iv. All concrete piped surface water systems encountered, including culvert nos. 7 and 10, shall be replaced with a twin wall plastic pipe from inlet to outfall, to the satisfaction of the planning authority.

Reason: In the interest of traffic safety.

- 6. No in-stream works shall be carried out without the written consent of the planning authority, in consultation with Inland Fisheries Ireland.

Reason: In order to protect water quality and fisheries.

- 7. 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.

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.

Board Member

Date: 28th June 2019

Philip Jones