

An
Bord
Pleanála

Board Direction
BD-010706-22
ABP-310798-21

At a meeting held on 16/05/2022, the Board considered the objections made to the proposed development, the report of the Inspector, and the documents and submissions on file generally in relation to the proposed development of that portion of the Celtic Interconnector electricity transmission interconnector to be constructed onshore in Ireland to the mean high water mark from its landfall at Claycastle Beach, Youghal, County Cork, to the 220kV Knockraha substation in the townland of Ballynanelagh, County Cork, including a connection to the Irish National Grid, an electricity converter station at Ballyadam, east of Carrigtwohill and all associated and ancillary works.

The Board decided to approve the proposed development under section 182A of the Planning and Development Act 2000, as amended, for the following reasons and considerations and subject to the conditions set out below.

The Board also determined under section 182B of the Planning and Development Act 2000, as amended, the sum to be paid by the undertaker in respect of costs associated with the application, as set out in the Schedule of Costs below.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

European legislation, including of particular relevance:

- o The EU TEN-E Regulation 347/2013 which sets out guidelines for the timely development and interoperability of priority corridors and areas of trans-

European energy infrastructure and under which the project is designated as a project of common interest,

- The European Commission Framework Strategy for a Resilient Energy Union (COM/2015/080) which launched the 'Energy Union', which establishes related and mutually reinforcing dimensions relating to energy security and diversification, energy integration and efficiency, innovation, and climate action and set interconnection targets to be achieved by Member States,
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union, and
- EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy.

National and regional planning and related policy, including:

- National Development Plan 2021-2030,
- National Planning Framework, 2018,
- Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012, and
- Policy Statement on Security of Electricity Supply, Department of the Environment, Climate and Communications, 2021.

Regional and local level policy, including:

- Regional Spatial Economic Strategy for the Southern Region 2020-2032.

The local planning policy including:

- Cork County Development Plan 2014,
- Draft Cork County Development Plan 2022-2028,
- other relevant national guidance documents,
- the nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity, including the proposed offshore element of the development,

- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- the submissions made to An Bord Pleanála in connection with the planning application, and
- the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Appropriate Assessment:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Great Island Channel Special Area of Conservation (Site code: 001058), the Ballymacoda (Clonpriest and Pillmore) Special Area of Conservation (Site code: 000077), the Ballymacoda Bay Special Protection Area (Site code: 004023), the Blackwater River (Cork/Waterford) Special Area of Conservation (Site code: 002170), the Cork Harbour Special Protection Area (Site code: 004030), the Blackwater Estuary Special Protection Area (Site code: 004028), the Mullaghanish to Musheramore Mountains Special Protection Area (Site code: 004162) 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 carried out an appropriate assessment of the implications of the proposal for the Great Island Channel Special Area of Conservation (Site code: 001058), the Ballymacoda (Clonpriest and Pillmore) Special Area of Conservation (Site code: 000077), the Ballymacoda Bay Special Protection Area (Site code: 004023), the Blackwater River (Cork/Waterford) Special Area of Conservation (Site code: 002170), the Cork Harbour Special Protection Area (Site code: 004030), the Blackwater Estuary Special Protection Area (Site code: 004028), the Mullaghanish to Musheramore Mountains Special Protection Area (Site code: 004162), in view of the Sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment, the Board considered, in particular, the

- i. Likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon the Great Island Channel Special Area of Conservation (Site code: 001058), the Ballymacoda (Clonpriest and Pillmore) Special Area of Conservation (Site code: 000077), the Ballymacoda Bay Special Protection Area (Site code: 004023), the Blackwater River (Cork/Waterford) Special Area of Conservation (Site code: 002170), the Cork Harbour Special Protection Area (Site code: 004030), the Blackwater Estuary Special Protection Area (Site code: 004028), the Mullaghanish to Musheramore Mountains Special Protection Area (Site code: 004162),
- ii. Mitigation measures which are included as part of the current proposal,
- iii. Conservation Objective for these European Sites, and
- iv. Views of prescribed bodies in this regard.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Sites' conservation objectives.

Reasoned Conclusion for EIA

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending

Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below.

The main significant effects, both positive and negative, are:

- Negative impacts on human health and population arising from construction include noise, traffic and dust disturbance to residents of neighbouring dwellings. All of these impacts are low to moderate. Adequate mitigation measures are proposed to ensure that these impacts are not significant and include adequate mitigation for operational noise.
- Benefits/positive impacts on the Air and Climate, the proposed development will have a significant positive effect on human health and population due to the displacement of CO₂ from the atmosphere arising from a reduction of fossil fuel energy production.
- Negative impacts on Water could arise as a result of accidental spillages of chemicals, hydrocarbons or other contaminants entering watercourses, the sea or groundwater via piling activities during the construction phase of the development. These impacts will be mitigated by measures outlined within the application and can, therefore, be ruled out.
- Negative impacts on biodiversity relate to the disturbance of breeding birds as a result of noise disturbance, the removal of habitat in the form of hedgerows and treelines, the temporary removal of habitat within the Ballyvergan Marsh and the translocation of habitat within the Ballyadam Converter station and the potential translocation of species within works areas. Such impacts are not considered significant and can adequately be mitigated for within the scheme. Other impacts relate to the removal of treelines and hedgerows, such areas will be reinstated where small areas cannot be reinstated, vegetation will be planted in the vicinity to bolster existing treelines and hedgerow. Significant impacts are, therefore, not expected in this regard.

- Noise and Dust impacts arise during the construction phase from construction activities. These impacts will be mitigated through adherence to best practice construction measures and the use of noise abatement at sensitive locations such as Ballyvergan Marsh and Claycastle. Noise disturbance from the operation of the development is not likely to arise and noise disturbance from decommissioning is similar in impact as construction. Impacts arising from noise and dust disturbance during the construction, operational and decommissioning stages can, therefore, be ruled out.
- Negative traffic impacts arise during the construction phase of the development, these impacts will be mitigated through the implementation of a traffic management plan and a construction management plan. Whilst some localised impacts arising from road closures may arise, significant impacts arising from traffic can be ruled out.

Having regard to the above, the Board is satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment. The Board is satisfied that the reasoned conclusion is up to date at the time of making the decision.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the environmental impact assessment report and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

Proper Planning and Sustainable Development

It is considered that the proposed development would accord with European, national, regional and local planning policies, would enhance electricity interconnectivity and security between Ireland and other EU countries, and would be acceptable in respect of its likely effects on the environment and its likely

consequences for the proper planning and sustainable development of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report and other plans and particulars submitted with the application shall be implemented in full.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the proposed development.

3. The mitigation measures contained in the Natura Impact Statement submitted with the application and the other plans and particulars submitted with the application shall be implemented in full.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of European Sites.

4. In accordance with the EIAR, all works shall be monitored by an Ecological Clerk of Works. Where appropriate, monitoring shall be specialists including

ornithologists (Ballyvergan), freshwater ecologists (water crossings) and botanists (habitat removal and re-instatement works at Claycastle, Ballyvergan, Ballyadam and Roadside/Field boundaries). Monitoring schedules shall be included in Site Specific Habitats Protection and Re-instatement Method Statements.

Reason: In the interest of environmental protection

5. In accordance with the EIAR, the applicants shall provide detailed method statements setting out proposed methods for the translocation and re-instatement of habitats at Ballyvergan Marsh pNHA, Ballyadam and Claycastle, for the agreement of the Planning Authority prior to the commencement of works. The statements shall include details of measures to be undertaken to protect habitats of ecological value proximal to the works areas, to re-instate habitats which will be disturbed as a result of the works and monitoring of same and to prevent disturbance of protected species.

Reason: In the interest of protecting local biodiversity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development. Details of attenuation within the Ballyadam Converter Station site shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of environmental protection and public health.

7. All new surface water outfalls shall be constructed in a manner which protects riparian habitat and does not result in excessive erosion of such habitat.

Reason: In the interest of habitat protection.

8. Construction works will be undertaken in accordance with best practice and relevant guidance to prevent any deterioration of water quality and disturbance to bird species, as set out in the preliminary CEMP. These measures will be integrated in full into the final CEMP by the eventual contractor as a means of effective implementation of all measures. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

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

9. The undertaker shall monitor queuing time / delays at each works location on the N25 and record traffic flows on the local road network at locations to be agreed with the planning authority. Such monitoring information shall be provided in a report to the planning authority on a weekly basis.

Reason: In the interest of orderly development.

10. A pre-condition survey will be carried out on all public roads and bridges that will be used in connection with the development to record the condition of the public roads in advance of construction commencing. A post-construction survey will also be carried out after the works are completed. The specification and timing of the surveys will be agreed with the local authority

Reason: In the interest of orderly development.

11. Details of Joint Bay design shall be submitted to, and agreed in writing with, the local authority prior to the commencement of development.

Reason: In the interest of sustainable development

12. The undertaker 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 relevant 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.

All archaeological pre-construction investigations shall be carried out in accordance with the details specified with the EIAR submitted with the application.

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.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or 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 order to safeguard the amenities of property in the vicinity.

14. Noise levels from the proposed extension to the substation at Knockraha and the Converter Station located within Ballyadam IDA lands shall not exceed 55 dB(A) rated sound level (corrected sound level for any tonal or impulsive component) at dwellings between 0800 hours and 2200 hours on any day and shall not exceed 45dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to and agreed with the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity.

15. The delivery of abnormal loads for the construction of the development shall be managed in accordance with a Traffic 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 shall of the road network to be used by construction traffic, including over-sized loads, and detailed arrangements for the protection of bridges, culverts or other structures to be traversed, as may be required. The plan should also contain details of how the developer intends to engage with and notify the local community in advance of the delivery of oversized loads.

Reason: In the interests of public safety and residential amenity

16. (a) All lighting shall be operated in such a manner as to prevent light overspill to areas outside of compounds and works areas.

(b) Prior to the commencement of development, the applicant shall submit a detailed lighting plan for the written agreement of the planning authority. The plan shall include the type, duration, colour of light and direction of all external lighting to be installed within the external areas of the development site.

Reason: In the interests of clarity, and of visual and residential amenity and protection of local biodiversity.

17. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority, details of an obstacle warning light scheme which can be visible to night vision equipment.

Reason: in the interest of aviation safety.

18. Prior to the commencement of development, the applicant shall submit an Invasive Species Management Plan to the local authority, which includes details of a pre- construction survey to be carried out. The plan shall include full details of the eradication of such invasive species from the development site prior to construction or if discovered during construction as soon as is practicably possible.

Reason: In the interest of nature conservation and mitigating ecological damage associated with the development.

19. Trees to be felled and buildings to be demolished shall be examined prior to felling and demolition to determine the presence of bat roosts. Any works shall be in accordance with the TII Guidelines for the Treatment of Bats during the construction of National Road Schemes.

Reason: In the interest of wildlife protection.

20. Boreholes present within the Zone of Influence of proposed works shall be monitored and tested prior to works commencing to establish the baseline conditions of such boreholes. Such boreholes shall be monitored during construction and re-examined after construction works are completed.

Reason: In the interest of public health.

21. Monitoring of piling operations shall be carried out during construction works within the proposed converter station site. Should any voids be encountered

during such works, adequate mitigation shall be implemented to prevent any impacts to sub surface karst features and groundwater.

Reason: In the interest of ground water protection and ground stability.

22. Detailed proposals for roadside and field boundary removal and re-instatement must be agreed with the Local Authority prior to the commencement of development. The proposals must provide for habitat creation in the event that it is deemed not practicable to re-instate roadside /field boundaries. No field or roadside boundaries should be removed where an alternative proposal which would require the active management of invasive alien species exists.

Reason: In the interest of protecting local biodiversity.

23. No ground clearance shall be undertaken and no vegetation shall be cleared during the bird breeding season, unless otherwise agreed with the local authority.

Reason: In the interest of protecting local biodiversity.

24. Prior to commencement of development, the undertaker shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

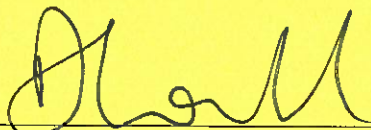
Reason: To ensure the satisfactory completion of the development.

Schedule of Costs

In accordance with the provisions of section 182B of the Planning and Development Act 2000, as amended, the amount due to be recouped from the applicant is €4,890.

A breakdown of the Board's costs is set out in the attached Appendix 1.

Board Member:

A handwritten signature in black ink, appearing to read 'D Walsh', written over a horizontal line.

Dave Walsh

Date: 16/05/2022