

An
Bord
Pleanála

Board Direction
BD-013676-23
ABP-313724-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/09/2023.

The Board decided to approve the proposed development under section 182A of the Planning and Development Act 2000, as amended, generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

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

European legislation, including of particular relevance:

- 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.
- EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy.

National and regional planning and related policy, including:

- The National Development Plan 2021-2030.
- The National Planning Framework – Ireland 2040.

- Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, issued by the Department of the Communications, Energy and Natural Resources in July 2012.
- Policy Statement on Security of Electricity Supply, issued by the Department of the Environment, Climate and Communications in November 2021.
- The Climate Action Plan 2023.

Regional and local level policy, including the:

- Regional Spatial Economic Strategy for the Southern Region.

The local planning policy including:

- Mayo County Council Development Plan 2022-2028,
- Roscommon County Development Plan 2022-2028,
- other relevant 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,
- 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 the planning and environmental considerations report.

Appropriate Assessment: Stage 1:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the River Moy Special Area of Conservation (Site Code: 002298), The Killala Bay/Moy Estuary Special Area of Conservation (Site Code: 000458), Killala Bay/Moy Special Protection Area (Site Code: 004036), Lough Conn and Lough Cullin Special Protection Area (Site Code: 004228) and the Lough Gara Special Protection Area (Site Code: 004048) are the only European sites for which there is a possibility of significant effects and must therefore be subject to appropriate assessment.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the site's conservation objectives for the River Moy Special Area of Conservation (Site Code: 002298), The Killala Bay/Moy Estuary Special Area of Conservation (Site Code: 000458), Killala Bay/Moy Special Protection Area (Site Code: 004036), Lough Conn and Lough Cullin Special Protection Area (Site Code: 004228) and the Lough Gara Special Protection Area (Site Code: 004048). The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's conservation objectives using the best available scientific knowledge in the field.

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

- (i) Site specific conservation objectives for these European Sites,
- (ii) current conservation status, threats and pressures of the qualifying interest features,
- (iii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (iv) mitigation measures which are included as part of the current proposal.

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

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European Sites in view of the site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

Proper Planning and Sustainable Development

It is considered that the proposed development would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for 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 undertaker 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. (a) All mitigation, environmental commitments and monitoring measures identified in the Planning and Environmental Considerations Report shall be implemented in full as part of the proposed development
- (b) All mitigation and environmental commitments identified in the Natura Impact Statement shall be implemented in full as part of the proposed development

Reason: In the interest of development control, public information, and clarity.

3. In accordance with the Planning and Environmental Considerations Report, all works shall be monitored by an Ecological Clerk of Works. Where appropriate, monitoring shall be specialists including ornithologists, freshwater ecologists (water crossings) and botanists (habitat removal and re-instatement works and roadside/field boundaries).

Reason: In the interest of environmental protection.

4. All works undertaken in the regional and local road networks are to comply with the "*Guidelines for Managing Openings in Public Roads*" published by the Department of Transport, Tourism and Sport in April 2017.

Reason: To maintain the structural integrity of the local and regional road network.

5. Where it is proposed to lay high voltage cabling within the national road reservation, all cabling shall be laid outside paved areas of the national road. In the event that cable laying must occur in the national road pavement, due to the absence of available non-paved areas, verge space or other adjacent lands, appropriate plans and details shall be agreed with the relevant road's authority in collaboration with Transport Infrastructure Ireland in advance of any construction.

Reason: To safeguard the significant investment in the national road network in accordance with Government objectives and to ensure the North Connacht

Project is compatible with future improvements and maintenance works to the national road network, in the interests of road user safety.

6. A standard detail and construction methodology for the installation of joint bays in the national road reservation using trench boxes, or similar, shall be agreed with the road's authority in collaboration with Transport Infrastructure Ireland (TII) prior to the commencement of development. On completion of the cable jointing at each joint location, the national road verge and/or pavement shall be reinstated to the satisfaction of the road's authority in collaboration with TII.

Reason: To safeguard the significant investment in the national road network in accordance with Government objectives and to ensure the North Connacht Project is compatible with future improvements and maintenance works to the national road network, in the interests of road user safety.

7. Horizontal Directional Drilling (HDD) or other appropriate alternatives shall be utilised for all crossings with appropriate plans and details to be agreed with the relevant road's authority in collaboration with TII in advance of any construction to ensure avoidance of national road infrastructure, including structures, associated embankments, drainage, communications. Details of the methods to be employed shall be agreed in writing with Mayo County Council, Roscommon County Council and TII.

Reason: In the interest of the proper planning and sustainable development of the area and to protect the integrity and carrying capacity of the national road network.

8. Noise monitoring shall be carried out at all times during the construction phase of the development.

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

9. 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.

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

10. Prior to the commencement of development, the undertaker shall agree details for all crossings above and below Uisce Eireann assets. The undertaker shall ensure that no additional load or force to any Uisce Eireann assets from any preconstruction, post construction or operational phases will result from the proposed development. All detailed designs including separation distances shall be in accordance with Uisce Eireann *Technical Standards, Codes of Practice, Standard Details* and other associated Uisce Eireann requirements.

Reason: To protect existing Uisce Eireann infrastructure.

11. The undertaker shall ensure that sufficient access is established to maintain and replace Uisce Eireann assets at any location beneath the proposed 110kV underground cable.

Reason: To ensure that sufficient access is maintained for the future maintenance of Uisce Eireann assets.

12. Any new surface water outfalls which may be required as a result of laying the underground cable, 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.

13. 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 Construction Environmental Management Plan. 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.

14. The undertaker shall monitor traffic queuing time/delays at each works location on the N5 and N26 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.

15. The detailed design of the North Connacht Project underground cable shall consider and where possible incorporate the alignment of any future road improvements and shall be agreed in writing with both Transport Infrastructure Ireland, Mayo County Council and Roscommon County Council prior to the commencement of construction.

Reason: In the interest of orderly development.

16. A pre-condition survey shall 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 Mayo County Council, Roscommon County Council and Transport Infrastructure Ireland.

Reason: In the interest of orderly development.

17. Details of joint bay design shall be agreed in writing with both Transport Infrastructure Ireland, Mayo County Council and Roscommon County Council prior to the commencement of development.

Reason: In the interest of sustainable development.

18. The undertaker shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the undertaker 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 planning 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 within the Planning and Environmental Considerations Report 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.

19. The undertaker shall engage a suitably qualified archaeologist to carry out an Underwater Archaeological Impact Assessment (UAIA) of the River Moy crossing (Area of Archaeological Potential 1 in Table 13.7 of Chapter 13 (Archaeology and Cultural Heritage) of that submitted in the Planning and Environmental Considerations Report in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The Underwater Archaeological Impact Assessment shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/photographic research and fieldwork, the latter to include a licensed underwater survey and licensed metal detection survey (consent/licensed as required under the National Monuments Acts).

All archaeological diving should comply with the Health and Safety Authority's Safety, Health and Welfare at Work (Diving) Regulations 2018/2019. A Dive Survey Licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required for all of these works. The archaeologist shall prepare a comprehensive report, including an Archaeological Impact Statement and mitigation strategy, to be submitted for the written agreement of the planning authority and the Department of Housing, Local Government and Heritage, in advance of any site

preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the UAIA. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department of Housing, Local Government and Heritage, shall be complied with by the undertaker. The planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the undertaker.

Reason: In order to conserve the underwater archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

20. Site development and building works shall be carried out only between the hours of 0700 to 2000 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.

21. Noise levels from the proposed extension to the existing substations Moy Ballina and at Tonroe Ballaghadereen, 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.

22. 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 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 undertaker 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.

23. (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.

24. Prior to the commencement of development, the undertaker 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.

25. Prior to the commencement of development, the undertaker shall submit an Invasive Species Management Plan to the planning 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.

26. Trees to be felled and any structures to be removed 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.

27. The undertaker shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

28. Detailed proposals for roadside and field boundary removal and re-instatement must be agreed with the planning 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 local biodiversity

29. 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 local biodiversity.

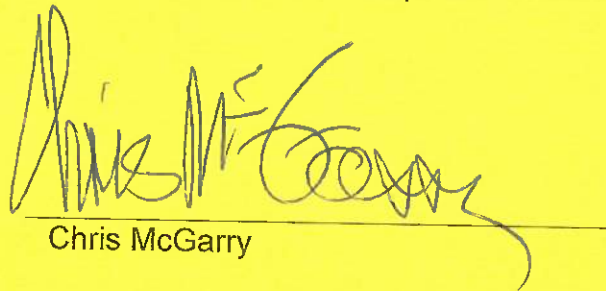
30. The undertaker shall agree with Mayo County Council and Roscommon County Council to have representatives from Mayo County Council and Roscommon County Council to supervise works along the route network during the construction phase of the scheme.

Reason: To protect the integrity of the road network.

31. Prior to commencement of development, the undertaker shall lodge with Roscommon County Council and Mayo County Council a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with 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. The form and amount of the security shall be as agreed between the planning authority and the undertaker or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

Board Member



Chris McGarry

Date: 11/09/2023

