

An
Bord
Pleanála

Board Direction
BD-015101-24
ABP-317406-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/01/2024.

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 nature and scale of the proposed development, mitigation measures proposed for the construction, and operation of the site and subject works, the planning history including the planned renewable energy development (Reg Ref 19/4972), and the policies and objectives of the Kerry County Development Plan 2022-2028, it is considered that subject to compliance with the conditions set out below, the proposed development would not have a significant negative impact on the water quality downstream and would not adversely affect the environmental amenities of the area, would not adversely affect the traffic flow along the N22 or the visual or residential amenities of the area. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development on a site,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the further information and associated documentation submitted by the applicant,
- (d) the submissions received from the prescribed bodies, the planning authority and third parties, and
- (e) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made during the application.

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

- The risk of pollution of ground and surface waters during the construction phase through a lack of control of surface water during excavation and construction, the mobilisation of sediments and other materials during excavation and construction and the necessity to undertake construction activities in the vicinity of existing watercourses. The construction of the proposed project could also potentially impact negatively on ground and surface waters by way of contamination through accidents and spillages. These impacts would be mitigated by the agreement of measures within a Construction and Environment Management Plan, and the implementation of

mitigation measures related to control and management of sediments, accidental spills and contamination, and drainage management.

- The proposed development would give rise to a short-term increase in vehicle movements and resulting traffic impacts during the construction phases. These impacts would be mitigated by the agreement of measures within a Construction and Environment Management Plan.
- The overall proposed project, including the permitted development (Reg Ref 19/4972), the concurrent Strategic Infrastructure Development Application before the Board for part of the grid connection (ABP314275-22) and the proposed development for this 33kV cable would have a direct long term positive impact on the climate by supplying electricity to the national grid from renewable energy sources.

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, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Appropriate Assessment – Stage 1

The Board considered the screening report for appropriate assessment, all other relevant submissions and carried out an appropriate assessment screening exercise 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 generally with the screening report submitted with the application and with 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 in the absence of connections to, and distance between,

the application site and the European Sites, Mullaghanish Bog Special Area of Conservation (Site Code: 001890), St. Gobnet's Wood Special Area of Conservation (Site Code: 000106), Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170), Old Domestic Building, Curraglass Wood Special Area of Conservation (Site Code: 002041), Kilgarvan Ice House Special Area of Conservation (Site Code: 000364), The Gearagh Special Area of Conservation (000108), The Gearagh Special Protection Area (Site Code: 004109), could be screened out from further consideration and that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effects on these European Sites or any other European Sites in view of the Sites' conservation objectives and that a Stage 2 appropriate assessment is therefore not required in relation to these European Sites.

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 the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code: 000365) and 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 as well as the report of the Inspector.

In completing the assessment, the Board considered the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, the mitigation measures which are included as part of the current proposal and the conservation objectives for these European Sites'.

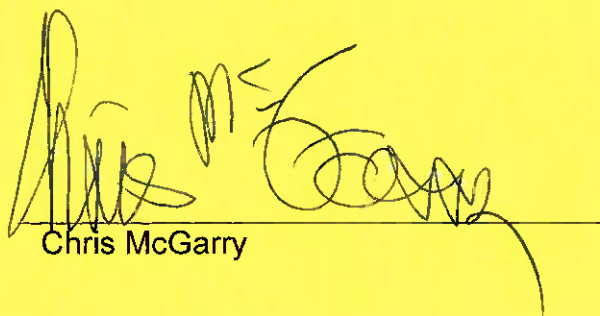
In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites', having regard to the Sites' conservation objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Killarney National Park, Macgillycuddy's Reeks and Caragh River

Catchment Special Area of Conservation (000365) and Mullaghanish to Musheramore Mountains Special Protection Area (Site Code: 004162) or any other European Site in view of the Sites' Conservation Objectives.

Conditions

ADD IN INSPECTOR'S CONDITIONS.

Board Member



Chris McGarry

Date: 17/01/2024