



An  
Bord  
Pleanála

**Board Direction**  
**BD-015948-24**  
**ABP-317706-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/03/2024.

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**

This recommendation is being made having had regard to:

- (i) the nature, location, scale, and extent of the proposed development,
- (ii) the characteristics of the site and its general vicinity,
- (iii) European, national, regional, and county level support for renewable energy development such as:
  - the government's Climate Action Plan 2023,
  - the government's Project Ireland 2040 National Planning Framework,
  - the Regional Spatial & Economic Strategy for the Southern Region 2020 and
  - the Cork County Development Plan 2022-2028.
- (iv) the documentation submitted with the application, including the Planning and Environmental Report, Ecological Impact Assessment and Natura Impact Statement and the Construction and Environment Management Plan and Outline Construction Methodology,
- (v) the nature of the landscape and absence of any specific conservation or amenity designation for the site,

- (vi) the proximity of the site to the existing 220kV Raffeen substation on the National Grid,
- (vii) the separation distances to houses or other sensitive receptors,
- (viii) The design mitigation measures proposed for construction and operation of the site,
- (ix) the submissions on file from prescribed bodies, observers' submissions from members of the public and the planning authority, and the report of the inspector.

### **Appropriate Assessment Stage 1**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, zoning of the site, the Screening for Appropriate Assessment and Natura Impact Statement Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector (specifically pages 47-62) and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have an adverse effect on any European site in view of the conservation objectives of such sites, other than Cork Harbour SPA (Site Code 004030), which was a European site where the likelihood of significant effects could not be ruled out.

### **Appropriate Assessment – Stage 2**

The Board considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on Cork Harbour SPA (Site Code 004030), in view of that site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

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

- a) the site-specific conservation objectives for the European site,
- b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts on water quality,
- c) the 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 (specifically pages 47-62) in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's 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 site in view of the site's conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

This conclusion is based on the measures identified for the interception of silt and other contaminants from the site during construction and operation phase, and measures to limit disturbance/displacement during construction phase.

### **Proper Planning and Sustainable Development**

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national, regional, and local planning and related policy, would not have an unacceptable impact on landscape, ecology, cultural or archaeological heritage, would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would make a positive contribution to Ireland's renewable energy targets/commitments in relation to climate change. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. (a) The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further details received 10<sup>th</sup> November 2023 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. In default of agreement, such matters shall be referred to An Bord Pleanála.

Reason: In the interests of Clarity

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. (a) All of the environmental, construction, ecological and heritage-related mitigation measures, as set out in the Planning and Environmental Report and other particulars, including the Ecological Impact Assessment, the Natura Impact Statement, and the Construction and Environmental Management Plan, and other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

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

4. Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed in writing with the planning authority, generally in accordance with the CEMP report submitted with the application. The CEMP shall incorporate the following:

(a) A detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise, dust, and surface water management measures including appointment of a pollution prevention clerk of works, and the management, transport and disposal of construction waste.

(b) A comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period.

(c) An emergency response plan.

(d) A traffic management plan to include the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.

(e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

(f) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of works.

(g) No tree felling or vegetation removal shall take place between the period 1st March to 31st August.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

5. Prior to the commencement of development a road safety audit stage 1 and 2 shall be submitted for written agreement of the planning authority and the developer shall undertake any recommendations within the road safety audit.

Reason: In the interest of traffic and pedestrian safety.

6. The developer shall comply with the transportation requirements of the planning authority and other relevant bodies for such works and services as appropriate.

Reason: In the interest of traffic and pedestrian safety.

- 7 (a) Lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All lighting within the site shall be cowled to prevent

overspill outside the site and shall be designed to minimise impacts on bats in accordance with application documentation received.

(b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.

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

8. (a) All mitigation measures in relation to archaeology and cultural heritage as set out in the Ballinrea 110kV Substation and Grid Connection Planning Environmental Considerations Report (PECR) – Archaeology and Cultural Heritage (Rubricon Heritage Services Ltd dated June 2023 shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission.

(b) The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance within the greenfield portion of the scheme and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/ site clearance and/or construction works.

(c) The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required.

(d) Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

(e) No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority.

(f) A suitably qualified archaeologist shall be retained to advise on, and establish appropriate Exclusion Zones around the external-most elements of Vulnerable heritage Assets as identified in Ballinrea 110kV Substation and Grid Connection Planning Environmental Considerations Report (PECR)- Archaeology and Cultural Heritage (Rubricon Heritage Services Ltd. dated June 2023).

(g) Exclusion zones shall be fenced off or appropriately demarcated for the duration of construction works in the vicinity of the monuments. The location and extent of each exclusion zone and the appropriate methodology for fencing off or demarcating at each location shall be agreed in advance with the National Monuments Service and the planning authority.

(h) No groundworks of any kind (including but not limited to advance geotechnical site investigations and no machinery, storage of materials or any other activity related to construction will be permitted within Exclusion Zones.

(i) The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Ballinrea 110kV Substation and Grid Connection Planning Environmental Considerations Report (PECR) – Archaeology and Cultural Heritage (Rubricon Heritage Services Ltd dated June 2023) and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

(j) The planning authority and the National Monuments Service 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 developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

- 9 Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details to be agreed with the Planning Authority prior to commencement of development.

Reason: In the interest of public health.

10. An underground sealed wastewater holding tank shall be installed on site with effluent to be removed to a licensed wastewater treatment facility for treatment and disposal at

regular intervals. Details of the holding tank shall be submitted for the agreement of the planning authority prior to the commencement of development.

**Reason:** In the interests of environmental protection and public health.

- 11 (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest existing or permitted (prior to the date of this Order) noise sensitive location shall not exceed:
- (i) An  $LeqT$ , value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be one hour]
  - (ii) An  $Leq,15$  min value of 45 dB(A) at any other time. [The T value shall be 15 minutes]. 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 amenities of property in the vicinity of the site.

12. The undertaker shall comply with the following requirements:
- a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
  - b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or roads.
  - c) Cables within the site shall be located underground.
  - d) All fencing, gates and exposed metalwork shall be dark green in colour. The roofs of the buildings within the substation compound shall be dark grey or black and the external walls shall be finished in neutral colours such as grey or off-white.

**Reason:** In the interest of clarity, of visual and residential amenity.

13. All road surfaces, culverts, watercourses, verges, and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority at the developer's expense. Prior to commencement of development, a road condition survey shall be carried out to provide a basis for reinstatement works. Details in this regard shall be submitted to,



and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to ensure a satisfactory standard of development.

14. 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 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 satisfactory completion of the development.

**Board Member**



**Date:** 27/03/2024

Tom Rabbette