

An
Bord
Pleanála

Board Direction
BD-018729-25
ABP-318505-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/01/2025.

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

In coming to its decision, The Board made its decision consistent with the:

- Climate Action and Low Carbon Development Act 2015, as amended;
- Climate Action Plan 2024,

In addition, the Board had regard to the following:

- a) the nature, scale and extent of the proposed development,
- b) the characteristics of the site and surrounding area,
- c) the national targets for renewable energy,
- d) European, national, regional and county level support for renewable energy development such as:
 - Consistency with the Climate Action Plan, 2024
 - Project Ireland 2040 National Planning Framework
 - Regional Spatial and Economic Strategy for the Southern Region
 - Clare County Development Plan 2023-2029

- Clare Wind Energy Strategy (2023)
 - The objectives and targets of the National Biodiversity Action Plan 2023-2030.
- (e) the documentation submitted with the application including the Environmental Impact Assessment Report, Appropriate Assessment Screening Report, and associated documentation.
- (f) 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,
- (g) the planning history of the immediate area, including proximity to the permitted Carrownagowan Windfarm and Substation (An Bord Pleanála Reference Number: ABP-308799-20),
- (h) the distance to dwellings or other sensitive receptors from the proposed development,
- (i) the submissions on file, including those from observers, prescribed bodies and the planning authority,
- (j) the mitigation measures proposed for the construction and operation of the site, and
- (k) the report of the Inspector.

Appropriate Assessment:

In conducting a screening exercise for Appropriate Assessment, the Board considered the nature, scale and context of the proposed development, the documentation on file, in particular, the Appropriate Assessment Screening Report submitted with the application, the submissions on file and the assessment of the Inspector in relation to the potential for significant effects on European Sites. In undertaking the screening exercise, the Board accepted the analysis and conclusions of the Inspector and the analysis and conclusions set out in the Screening report submitted with the application. The Board noted that no mitigation measures relevant to European Sites are

considered. Specifically, the Board noted the Invasive Species Management Plan submitted with the application and determined that this Plan, which relates to the overall project area, includes survey detail which describes an absence of invasive species within the portion of the proposed development route at Glenomra Wood Special Area of Conservation (Site Code: 001013) and does not propose mitigation measures related to any European Site. The Board concluded that, by itself and in combination with other developments in the vicinity, the proposed development would not be likely to have significant effects on any European Site in view of the sites' conservation objectives. In reaching this conclusion, the Board took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

Environmental Impact Assessment:

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

- a) the nature, scale and extent of the proposed development,
- b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- c) the submissions from the applicant, observers and prescribed bodies in the course of the application, and
- d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report (EIAR), supported by the information submitted by the applicant, 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 EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and 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 the submissions made in the course of the application as set out in the Inspector's report. The Board was satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation which are incorporated into the Board's decision.

Reasoned Conclusion of the Significant Effects:

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 Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the proposed mitigation measures, as set out in the EIAR "Mitigation Measures" section of the various chapters 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.

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:

- Positive short-term impacts on Population and Human Health in terms of the local economy from employment during the construction period.
- Potential short-term negative impacts on Population and Human Health due to dust and noise during the construction stage. These effects would be effectively mitigated through the implementation of the mitigation

measures detailed in the Environmental Impact Assessment Report and Construction Environmental Management Plan.

- Direct effects on Biodiversity. There would be potential for habitat loss, notably a 40 metre stretch of degraded upland blanket bog at the northern end of the route. However, the loss would not be significant due to the already degraded condition of the upland blanket bog habitat. Excavated areas on undisturbed land would be backfilled and revegetated. Noise disturbance to fauna would not be significant. The proposal would not involve direct disturbance to European Sites. The underground nature of the grid connection and its distance from sensitive breeding areas and habitats such as Hen Harrier would not pose a risk to protected species.
- Positive long-term effects on Air Quality and Climate Change during the operation phase as it would enable the transmission of renewable energy from the wind farm to the national grid, thereby reducing GHG emissions.
- Temporary disruptions to Traffic, resulting in road closures and diversions. Direct effects would be temporary and limited to short stretches of public roads. These would be managed by implementing the Traffic Management Plan and controlled by the Local Authority through road opening licences.
- Potential negative impacts on Water Quality as a result of sediment release into surface waters and accidental pollution spillages into the local drainage system during the construction phase. These impacts would be mitigated through the implementation of the Construction Environmental Management Plan, horizontal directional drilling, and drainage control measures detailed in the Environmental Impact Assessment Report.
- Potential contamination of Land and Soil from accidental spillages of chemicals from fuel. These impacts would be mitigated through the implementation of the Emergency Spill Response Plan and the mitigation measures detailed in the Environmental Impact Assessment Report and Construction Environmental Management Plan.
- Potential negative impacts on Cultural Heritage would be mitigated during the construction stage through archaeological monitoring of groundworks.

- Regarding waste, a planned and mitigated approach to waste management will ensure that the impact on the environment will be short-term, neutral and imperceptible.

The Board is satisfied that the reasoned conclusion is up to date at the time of making the decision.

Proper Planning and Sustainable Development

It is considered that subject to compliance with the conditions set out below, the proposed development would accord with European, national, regional and local planning and related policy. The Board was satisfied that an approval for the proposed development would be consistent with national climate ambitions and with the relevant provisions of the Climate Action Plan 2024. Furthermore, the Board has performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Act 2021. The Board determined, having regard to its scale, form and nature, that the proposed development would not have an adverse impact on landscape, cultural heritage or ecology, would not seriously injure the visual or landscape amenities of the area or of property in the vicinity, would be acceptable in terms of water and drainage impacts and would otherwise constitute an appropriate form of development providing an underground cable link between a permitted wind farm and an existing substation, thus facilitating the distribution of renewable generated energy into the wider electricity network, which would be consistent with State climate objectives. 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 upon with the planning authority, the undertaker shall agree to such details in writing with the planning authority prior to the commencement of development, and the development shall be carried out and completed in accordance with the agreed-upon particulars.

Reason: In the interest of clarity.

2. The mitigation measures identified in the Environmental Impact Assessment Report and other plans and particulars submitted with the planning application shall be implemented in full by the undertaker in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this permission.

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

3. Prior to the commencement of development, the undertaker shall submit for written agreement with the planning authority the following:
 - (a) Drawings showing cross sections of existing foul water sewers adjacent to the cable route hereby permitted, including horizontal and vertical distances between proposed cables and existing watermains adjacent to same;
 - (b) Drawings showing cross sections of existing foul water sewers adjacent to the cable route hereby permitted, including horizontal and vertical distances between proposed cables and existing foul water sewers adjacent to same;
 - (c) 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 operational phases of the proposed development.

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

4. The crossing of watercourses by the 110kV underground grid connection cable shall be constructed in accordance with the Construction Methodology Statement submitted with the application.

Reason: In the interest of environmental protection.

5. Prior to commencement of development, the undertaker shall submit for the written agreement of the planning authority the following:
 - (a) a tree and hedgerow survey of the site;
 - (b) an arboricultural impact report;
 - (c) a landscaping plan to include tree protection plans coupled with proposal for reinstatement and/or mitigation planting.

Landscaping to replace felled trees and hedging shall be carried out within the first planting season following the proposed development's construction. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. The landscaping and screening shall be maintained at regular intervals. All tree and shrub removal and the demolition of buildings shall be undertaken outside the bird nesting season.

Reason: In the interests of orderly development and the protection of birds.

6. Prior to commencement of development, a detailed final Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed upon in writing with the local authority, generally in accordance with the Outline CEMP included in the Environmental Impact Assessment Report. The CEMP shall incorporate the following:

- (a) a detailed plan for the construction phase incorporating, inter alia, the construction programme, supervisory measures, noise, dust and surface water management measures, including the appointment of a Client Liaison Officer, construction hours and the management, transport and disposal of construction waste,
- (b) a comprehensive programme for the implementation of all monitoring commitments made in the planning application and supporting documentation during the construction period,
- (c) an emergency response plan, and
- (d) proposals in relation to public information and communication. A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of environmental protection and orderly development.

7. The undertaker shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, the National Parks and Wildlife Services and Inland Fisheries Ireland. A report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.

Reason: To protect the environmental and natural heritage of the area.

8. 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 local authority in writing at least four weeks prior to the commencement of any site operations (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. No groundworks of any type

shall take place in the absence of the archaeologist without his/her express consent. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

- (c) carry out the archaeological monitoring programme which must be carried out under license from National Monuments Service and in accordance with an approved method statement, note a period of 5-6 weeks should be allowed to facilitate processing and approval of the licence application and method statement.
- (d) Should archaeological material be found during the course of the archaeological monitoring, the archaeologist shall have work on site stopped pending a decision regarding appropriate mitigation. The undertaker shall be prepared to be advised by the National Monuments Service with regard to any mitigating action (preservation in situ and/or excavation). The undertaker shall facilitate the archaeologist in recording any material found.
- (e) The planning authority and National Monuments Service shall be furnished with a final archaeological report describing the results of archaeological monitoring and of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the undertaker.

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.

- 9. The construction of the development shall be managed in accordance with a Traffic Management Plan and a Waste Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

10. 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 and 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.

11. 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 undertaker's expense. Prior to the 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 the commencement of development.

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

12. Prior to commencement of development the applicant shall submit to and agree with the planning authority plans and particulars for the implementation of the Invasive Species Management Plan submitted with the application. These plans and particulars shall include the employment of suitable qualified and experienced personnel to monitor the development works and the removal and safe disposal of contaminated material when it arises.

Reason: To prevent the spread of invasive plant species.

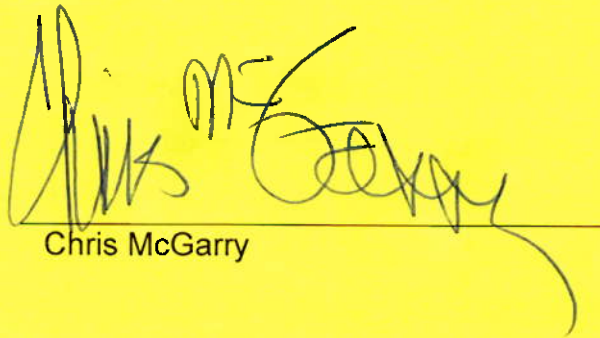
13. Prior to commencement of development, the undertaker shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 satisfactory reinstatement of the site.

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 reimbursed to the applicant is **€58,130**

Board Member



Chris McGarry

Date: 23/01/2025