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Pleanála

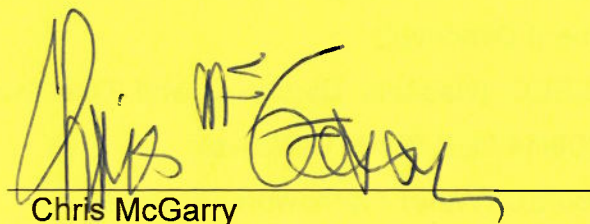
**Direction**  
**CD-020220-25**  
**ABP-321518-24**

The submissions on this file and the Inspector's report were considered at a meeting held on 15/07/2025.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

**Planning**

**Commissioner:**

  
Chris McGarry

**Date:** 15/07/2025

### **DRAFT WORDING FOR ORDER**

#### **Reasons and Considerations**

The Board performed its functions in relation to the making of its decision, in a manner consistent with:

- (a) Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those

Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

- (b) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.

The Board also had regard to the following in coming to its decisions:

- (a) **European legislation**, including of particular relevance:

The relevant provisions of EU Directive 2011/92/EU as amended by Directive 2014/52/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment,

**European Policy/Legislation** including:

- (i) Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive);
- (ii) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive);
- (iii) Directive 2000/60/EC (Water Framework Directive)

**National Policy and Guidance** including:

- (i) Project Ireland 2040 - National Planning Framework (2018);
- (ii) National Planning Framework – First Revision, April 2025;
- (iii) National Development Plan (2021-2030);
- (iv) The objectives and targets of the National Biodiversity Action Plan 2023-2030;
- (v) Long-term Strategy on Greenhouse Gas Emissions Reduction (2024);
- (vi) Policy Statement on Security of Electricity Supply (November 2021);
- (vii) National Energy Security Framework (April 2022);
- (viii) National Energy and Climate Action Plan (2021-2030);

**Regional and Local Planning Policy**, including in particular:



- (i) Regional Spatial and Economic Strategy for the Southern Region;
- (ii) Cork County Development Plan 2022-2028;

- (c) the location, nature, scale and layout of the proposed development;
- (d) the range of mitigation measures set out in the Natura Impact Statement;
- (e) the submissions received in relation to the application by all parties;
- (f) the Inspector's report and recommendation.

### **Appropriate Assessment: Stage 1:**

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Cork Harbour Special Protection Area (Site Code: 004030) and Great Island Channel Special Area of Conservation (Site Code: 001058) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

### **Appropriate Assessment: Stage 2:**

The Commission considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Cork Harbour Special Protection Area (Site Code: 004030) and Great Island Channel Special Area of Conservation (Site Code: 001058), in view of the sites' conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Commission 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 Commission 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.

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

It is considered that subject to compliance with the conditions set out below the proposed development would be consistent with and align with relevant European, national, regional and local planning and related policy which recognises the importance of renewable energy and associated electricity infrastructure to support transmission and distribution of this energy to the national grid (noting also the dual consent obligation which requires this application for substation and grid connection and associated works to be made directly to The Commission in its constituent form), would not have an unacceptable impact on the landscape, biodiversity or on the cultural or archaeological heritage, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and it would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **CONDITIONS**

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

**Reason:** In the interest 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 proposed development, the Commission considered it reasonable and appropriate to specify a period of the permission in excess of five years.

3. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented in full.

**Reason:** To protect the integrity of European Sites.

4. All of the environmental, construction, ecological related mitigation measures, as set out in the Ecological Impact Assessment, Construction and Environmental Management Plan, Electrical Infrastructure - Construction Methodology, Noise Impact Assessment Report, and other particulars submitted with the application, shall be implemented by the undertaker in conjunction with the timelines set out therein except as may otherwise be required to comply with the conditions of this Order.

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

5. Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) and Electrical Infrastructure - Construction Methodology for the construction phase shall be submitted to and agreed in writing with the planning authority, generally in accordance with the Outline CEMP and Electrical Infrastructure - Construction Methodology submitted with

the application. The CEMP and Electrical Infrastructure - Construction Methodology 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 site noise liaison officer, 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 Invasive Species Eradication and Management Strategy for the site, to include monitoring post completion of works;
- (d) an emergency response plan;
- (e) 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 and Construction Methodology shall be kept for inspection by the planning authority.

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

6. Prior to the commencement of development, the undertaker shall comply with the transportation requirements of the planning authority for such works and services as appropriate. Such requirements shall require provision of a detailed Traffic Management Plan and shall include the following details:
- (a) Consultation with Transport Infrastructure Ireland (TII) and all private and public companies and road authorities;
  - (b) Details of haulage routes, control measures for abnormally sized vehicles and an Abnormal Load Assessment;
  - (c) A road condition survey of roads and bridges along the haul route to be carried out at the undertaker's expense and to the satisfaction of the planning authority;



- (d) Detailed arrangements for construction damage to be made good by the undertaker to the satisfaction of the planning authority;
- (e) Detailed arrangements for temporary traffic management/controls and protocols to keep residents informed,
- (f) Construction route signage,
- (g) Road Opening Licences that will be required,
- (h) Arrangements for the phasing of the development.

**Reason:** In the interest of traffic and pedestrian safety.

7. (a) All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment (Rubicon Heritage Services Limited date October 2024) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.
- (b) The undertaker shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out a pre-development Archaeological Geophysical Survey and a pre-development Archaeological Test Excavation at the location for the sub-station and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the Department of Housing, Local Government and Heritage, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works.
- (i) The Archaeological Geophysical Survey must be carried out under licence from National Monuments Service and in accordance with an approved method statement. Having completed the work, the archaeologist shall submit a written report to the Department and the planning authority describing the results of the Archaeological Geophysical Survey.

- (ii) The archaeologist shall liaise with the Department to establish—based on the results the Archaeological Geophysical Survey—the appropriate scope of the Archaeological Test Excavation to adequately characterise the character and extent of any potential sub-surface archaeological material within the development site.
  - (iii) The report on the Archaeological Test Excavation 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.
  - (iv) Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department, shall be complied with by the undertaker.
  - (v) 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.
- (c) The Construction Environment 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 Archaeological Impact Assessment by Rubicon Heritage Services Limited (dated October 2024) 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.
- (d) The planning authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and 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:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features and other objects of archaeological interest.

8. Prior to the commencement of development, the undertaker shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out an Underwater Archaeological Impact Assessment (UAIA) report which shall include the following:
  - (a) A desktop assessment that addresses the underwater cultural heritage of the proposed development area. The assessment shall include a full inventory, mapping and survey (photographic, descriptive, photogrammetric, as appropriate) of underwater cultural heritage features and structures identified by fieldwork cartographic analysis, historical research and prior archaeological investigations.
  - (b) A licenced dive/wade assessment, accompanied by a hand-held metal detection survey, centred on (but not confined to) the area(s) where in-stream works are proposed within or immediately proximal to the proposed development area, including the proposed locations of enabling works, coffer dams and machinery movements that may affect the watercourses. The dive/wade assessment and metal detection survey shall be undertaken by a suitably licenced and experienced underwater archaeologist. All identified underwater cultural heritage shall be surveyed (photographic, descriptive, photogrammetric) in detail as part of the assessment. A Dive/Survey licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required for the dive/wade survey and metal detection, respectively. Licenses should be applied for to the Department of Housing, Local Government and Heritage and should be accompanied by a detailed method statement. All archaeological wading/diving should comply with the

- (c) Having completed the above-described works, the archaeologist shall submit a final written report to the Department describing the results of the UAIA. The report shall include a comprehensive Archaeological Impact Statement (AIS) that comments on the degree to which the extent, location and levels of all proposed works (including ground disturbances, foundations, service trenches and other sub-surface works including Site Investigation works) required for the development will impact upon any underwater cultural heritage, archaeological materials, objects and/or areas of archaeological potential that have been identified. The AIS shall describe the potential impact(s) of all proposed in-stream development, access and ingress routes to the river channels, and shall also assess any proposed additional potential secondary/indirect impacts such as scouring resulting from changes in hydrology. The AIS should be illustrated with appropriate plans, sections and photographs that clearly describe any adverse effect(s) of the development on the underwater cultural heritage and proposals for their mitigation. Mitigation may include recommendations for redesign to allow for full or partial preservation in situ, the institution of archaeological exclusion zones, further wade/dive surveys, test-excavations, excavations ('preservation by record') and/or monitoring, as deemed appropriate. The Department will advise with regard to these matters. No construction works shall commence until after the UAIA has been submitted and reviewed. All recommendations will require the agreement of the Department.

**Reason:** To ensure the continued preservation (either in situ or by record) of underwater cultural heritage features and other objects of archaeological interest.

9. 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 practise.



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

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 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.

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 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 protect the road network.

### **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 undertaker is **€69,282.**