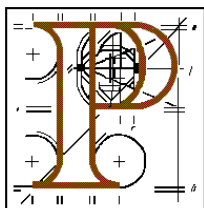


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Cork County

**Planning Register Reference Number: 14/00557**

An Bord Pleanála Reference Number: PL 04.244439

**APPEAL** by Stephanie Larkin and others care of Noonan Linehan Carroll Coffey of 54 North Main Street, Cork against the decision made on the 13<sup>th</sup> day of January, 2015 by Cork County Council to grant subject to conditions a permission to Arran Windfarm Limited care of Fehily Timoney and Company of Core House, Pouladuff Road, Togher, Cork in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of an electricity substation compound to replace the substation already granted permission under appeal reference number PL 04.219620 (planning register reference number 05/5907) and subsequently extended under planning register reference number 11/6605. The electricity substation layout includes three number control buildings, associated electrical plant and equipment, security fencing and ancillary works, all at Barnadivane (Kneeves), Tarelton, County Cork.

## DECISION

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to planning history of the site, the policies and objectives contained within the Cork County Development Plan 2014–2019 in respect of wind energy and rural development, the existing character and pattern of development in this rural and the proposals for landscaping of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity of the site or the amenities of the surrounding rural area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, (i) the Board having considered the proposed development in conjunction with appeal reference number PL04.245824) was satisfied that the proposed development involving the construction of a substation (to replace the substation previously granted under appeal reference number PL04.219620) and the proposed six turbine wind farm development on the surrounding lands had been subject to a full and comprehensive assessment in terms of their individual, combined and cumulative impacts. The Board was also satisfied that the manner of consideration and assessment of each of these individual projects did not, in this instance, give rise to the project splitting of a wind energy project at this location for the purpose of avoiding the obligation under the EU Environmental Impact Assessment legislation to complete an Environmental Impact Assessment in respect of the proposed substation and six turbine wind farm development. The Board was satisfied that the reasons provided by the developer for the making of a separate planning application in respect of the proposed substation stood up to scrutiny and (ii) the Board, having considered the further information provided on behalf of the applicant in response to the section 132 Notice issued by the Board, was satisfied that subject to appropriate landscaping of the site the proposed substation buildings could be satisfactorily visually assimilated into the landscape such that the proposed substation would not be unduly visually obtrusive when viewed from nearby and distant public vantage points. The Board noted that the already permitted substation at this location would be visible in the landscape which is already traversed by a 110 kV powerline. Furthermore, no specific landscape or visual amenity designations apply to the lands in the immediate vicinity of the site. The Board concluded that, on balance, the proposed substation would not seriously injure the visual amenities of the area.

The Board concurred with the Planning Inspector's conclusions in respect of screening for Appropriate Assessment. In this regard, the Board adopted the Planning Inspector's report and screening for Appropriate Assessment. Accordingly, the Board considered that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site in view of the site's conservation objectives.

The Board considered the Planning Inspector's assessment and report in respect of Environmental Impact Assessment together with the conclusions of the EIA Screening Report (dated 6<sup>th</sup>, November 2014) carried out by the planning authority Senior Planner. The Board concurred with the Planning Inspector's assessment and conclusions in relation to the Environmental Impact Assessment. In this regard, the Board was satisfied having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, that an Environmental Impact Statement was not required for the proposed development and that the proposed development would not be likely to have significant effects on the environment.

### CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 9<sup>th</sup> day of December, 2014, 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.

**Reason:** In the interest of clarity.

2. This permission shall be for a period of 10 years from the date of this order.

**Reason:** To enable the planning authority to review its operation in the light of the circumstances then prevailing.

3. The site of the proposed development shall be landscaped in accordance with a comprehensive scheme of hard and soft landscaping details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The agreed scheme shall incorporate, but not be limited to the landscaping scheme received by An Bord Pleanála on the 3<sup>rd</sup> day of November, 2015 in response to the section 132 notice issued by An Bord Pleanála. The landscaping plan shall be of native species of local origin. The agreed scheme of landscaping shall be completed within one growing season following the completion of construction.

**Reason:** In the interest of the visual amenities of the area.

4. The construction of the development shall be managed in accordance with a Construction 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 intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

6. During the construction period, noise levels emanating from the proposed development when measured at noise sensitive locations shall not exceed 55 dB(A) (15 minute  $L_{eq}$ ) between 0800 hours and 1800 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Measurements shall be made in accordance with ISO Recommendation R.1996/1 "Acoustics - Description and Measurement of Environmental Noise, Part 1: Basic Quantities and Procedures."

If noise contains a discrete, continuous tone (whine, hiss, screech, hum etc.), or if there are distinctive impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of +5 dB(A) will be applied to the measured noise level and this increased level shall be used in checking compliance with the specified levels.

**Reason:** To protect the amenity of the area.

7. Noise levels emanating from the substation following commissioning, when measured externally at a noise sensitive location, shall not exceed 43 dB(A), ( $L_{A90,10}$  mins) or maximum increase of 5 dB(A) above background noise ( $L_{A90,10}$  mins) at nearby noise sensitive locations. If noise contains a discrete, continuous tone (whine, hiss, screech, hum etc.), or if there are distinctive impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of +5 dB(A) will be applied to the measured noise level and this increased noise level shall be used in checking compliance with the specified levels. All sound measurements shall be carried out in accordance with ISO recommendations R 1996, "assessment of Noise with Respect to Community response" as amended by ISO Recommendations R 1996/1 and 2, "description and Measurement of Environmental Noise", as appropriate.

**Reason:** To safeguard the amenities of the area and control noise emissions from the development.

8. Any over ground tanks containing liquid fuels shall be contained in waterproof bunded areas of sufficient volume to hold 110% of the value of the largest tank within the bund. All valves on the tank shall be contained within the bunded area. The bunded area shall be fitted with a locking penstock valve, which shall be opened only to discharge storm water to the interceptor. The developer shall ensure that this valve is locked at all times.

**Reason:** To protect the environment.

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 and services.

**Reason:** In the interest of public health.

10. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the 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, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

11. 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 satisfactory reinstatement local access roads, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the reinstatement of local access roads,

The form and amount of the security shall be agreed between the planning authority and the developer, or in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory reinstatement reinstatement of local access roads.

12. 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 satisfactory landscaping of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the landscaping.

The form and amount of the security shall be agreed between the planning authority and the developer, or in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory landscaping of the site.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2016.**