

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

Planning Register Reference Number: 16/256

An Bord Pleanála Reference Number: PL 88.246915

APPEAL by Ian Collins and Nigel de haas care of Anthony Cohu of Borlin, Bantry, County Cork and by others against the decision made on the 22nd day of June, 2016 by Cork County Council to grant subject to conditions a permission to Shehy More Windfarm Limited care of McCarthy Keville O'Sullivan of Block 1, G.F.S.C., Moneenageisha Road, Galway in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of an underground electricity cable in the townlands of Cloghboola, Cornery, Garryantornora, Tooreenalour, Gortnacarriga, Gortaknockane, Cooragreenane, Coolroe West, Curraheen (ED Bealock), Cappanclare, Coorolagh, Carrignacurra, Dromnagapple, Teeranassig, Clonmoyle, Dromleigh, Coolaclevane, Carrigboy, Cooldorragha, Deshure, Teerelton, Lisnacuddy, Reanacaheragh, Barnadivane, Barnadivane (Kneeves) and Garranareagh, County Cork. The proposed underground electricity cable will be 38kV, will run predominantly within the public road corridor and is intended to connect the proposed Shehy More Wind Farm (planning register reference number 13/551, An Bord Pleanála appeal reference number PL 04.243486) to the National Grid via either the permitted substation at Garranareagh (planning register reference number 11/6605, An Bord Pleanála appeal reference number PL 04.219620) or the currently proposed substation at Barnadivane (Kneeves) (planning register reference number 14/557, An Bord Pleanála appeal reference number PL 04.244439).

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

In coming to its decision, the Board had regard to the following:

- (a) national policy relating to the development of alternative and indigenous energy sources and the minimisation of emissions of greenhouse gases,
- (b) the provisions of the “Wind Farm Planning Guidelines”, issued by the Department of the Environment, Heritage and Local Government in 2006,
- (c) the policies of the planning authority as set out in the Cork County Development Plan 2014, including the Cork County Wind Energy Strategy contained therein,
- (d) the character of the landscape in the area and the absence of any ecological designation on or in the immediate environs of the subject site, and the character of the landscape through which the proposed underground grid connection would be provided,
- (e) the characteristics of the site and of the general vicinity,
- (f) the pattern of existing and permitted development in the area, including windfarms,

- (g) the nature and scale of the proposed development, and the range of mitigation measures set out in the documentation received, including the Environmental Impact Statement and the Appropriate Assessment Stage 1 screening statement, as submitted with the application,
- (h) the submissions and observations made in connection with the planning application and the appeal, including submissions made in relation to the environmental and Natura impacts of the proposed development, and
- (i) the report of the Planning Inspector, including the examination, analysis and evaluation undertaken in respect of Appropriate Assessment and Environmental Impact Assessment.

Appropriate Assessment Screening

In conducting the screening exercise for Appropriate Assessment, the Board considered the nature, scale and location of the proposed development, the Appropriate Assessment Stage 1 screening statement submitted by the applicant (including the mitigation measures set out therein), and the reports of the planning authority, including the screening report carried out by the authority's Ecologist. The Board noted the Appropriate Assessment Stage 1 screening assessment carried out by the Inspector, both in relation to the proposed development itself, and in relation to potential in-combination/cumulative effects of the subject development with other plans/projects. The Board agreed with the Inspector's analysis and conclusions. The Board therefore determined that the proposed development, which is not directly connected with or necessary to the management of a European site, would not be likely, individually and in combination with other plans and projects, to have a significant effect of any European sites, in view of the relevant conservation objectives of such sites.

Environmental Impact Assessment

The Board considered the Environmental Impact Statement submitted with the application, the submissions made in the application and appeal, and the Inspector's assessment of the environmental impacts, which it noted. The Board considered that this documentation identified and described adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board adopted the Inspector's report and concurred with its conclusions, and accordingly completed an Environmental Impact Assessment of the development. The Board concluded that the effects on the environment of the proposed development would be acceptable by itself and cumulatively with other development in the vicinity, including the Shehy More windfarm and other wind farms, subject to compliance with the mitigation measures proposed, and subject to compliance with the conditions set out below.

Planning Considerations

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse impact on the landscape, would not seriously injure the residential amenities of the area or of property in the vicinity, would not be injurious to the cultural or archaeological heritage of the area and 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 as amended by the further plans and particulars submitted to the planning authority on the 9th day of May 2016, the 23rd day of May 2016, the 31st day of May 2016 and the 15th day of June 2016, and by the further particulars received by An Bord Pleanála on the 15th day of August 2016 and the 22nd day of August 2016, except as may otherwise be required in order to comply with the following conditions. In this regard:-
 - (a) 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, and,

- (b) specifically, the mitigation measures described in the Environmental Impact Statement, Appropriate Assessment Stage 1 screening statement and other details and particulars submitted to the planning authority and to An Bord Pleanála, shall be implemented in full during the construction, operation and decommissioning of the development.

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

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

Reason: Having regard to the nature of the proposed development, and its linkage with the windfarm for which planning permission, appeal reference number PL 04.243486, relates (which has a similar ten-year time period), the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

- 3. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

4. (a) Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:
- (i) a Transport Management Plan, including details of the road network/haulage routes, the vehicle types to be used to transport materials on and off-site, and a schedule of control measures for exceptionally wide and heavy delivery loads,
 - (ii) detailed measures whereby cable laying works for the proposed grid connection will not pose a hindrance along those sections of the public road network which coincide with haul routes scheduled for the delivery of exceptionally wide and heavy loads,
 - (iii) a condition survey of the roads and bridges along the grid connection route to be carried out at the developer's expense by a suitably qualified person both before and after construction of the development. The extent and scope of the survey and the schedule of works shall be agreed with the planning authority prior to commencement of development,
 - (iv) detailed arrangements whereby the rectification of any construction damage which arises shall be completed to the satisfaction of the planning authority,
 - (v) detailed arrangements for temporary traffic arrangements/controls on roads, and
 - (vi) a programme indicating the timescale within which it is intended to use each public route to facilitate construction of the development.
- (b) All works arising from the aforementioned arrangements shall be completed at the developer's expense, within 12 months of the cessation of the use of each road as a grid connection route.

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

Reason: To protect the public road network and to clarify the extent of the permission in the interest of traffic safety and orderly development.

5. The construction of the development shall be managed in accordance with a Construction Environmental 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:-
- (a) location of the site and materials compound including areas identified for the storage of construction waste,
 - (b) location of area for construction site offices and staff facilities,
 - (c) measures providing for access for construction vehicles to the site, including details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include, in particular, proposals to facilitate and manage the delivery of over-sized loads,
 - (d) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
 - (e) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works or the laying of the grid connection,
 - (f) details of appropriate mitigation measures for construction-stage noise, dust and vibration, and monitoring of such levels,
 - (g) details of the methodology for any rock-breaking works, which shall not include any blasting,
 - (h) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater,
 - (i) appropriate provision for re-fuelling of vehicles,
 - (j) off-site disposal of construction waste and excavated soil/material. No such disposal shall take place within any

windfarm, including that at Shehy More to which planning permission, appeal reference number PL 04.243486 relates, but only to a licensed landfill,

- (k) means to ensure that surface water run-off is controlled in accordance with the mitigation measures proposed in the submitted documents, and
- (l) details of the intended hours of construction.

Reason: In the interests of proper and orderly construction, the protection of the environment and to prevent the spread of invasive species.

- 6. Prior to the commencement of construction, proposals for the environmental monitoring of construction works on site by an ecologist and by an environmental scientist or equivalent professional, including the monitoring of the implementation of construction-stage mitigation measures, and illustrating compliance with the requirements set out above, shall be submitted to, and agreed in writing with, the planning authority, together with associated reporting requirements.

Reason: In the interest of protection of the environment and of the amenities of the area.

- 7. Any signage relating to that part of the proposed development that is located within the Muscraí Gaeltacht, including any public roadside signage erected within the Gaeltacht area during construction works, shall be in both Irish and English, with Irish as its primary language. Details of any such signage shall be submitted to, and agreed in writing with, the planning authority prior to erection.

Reason: Having regard to the location of portion of the subject site within this Gaeltacht area, and to accord with the relevant provisions of the Cork County Development Plan 2014.

8. 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 reinstatement of public roads which may be damaged by works carried out in relation to the laying of the grid connection, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

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

Dated this day of 2016.