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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: 14/557**

**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, 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 at Barnadivane, Kneeves, Terelton, 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 –

- (a) National policies to increase the proportion of energy that is generated from renewable sources including wind set out in the Renewable Energy Directive 2009/28/EC and the National Renewable Energy Action Plan which sets a target that 40% of the electricity generated in Ireland would be from renewable sources by 2020,
- (b) the provisions of the Cork County Development Plan 2014-2020, including objective ED-4 and ED 6-1 and the location of the site within an area where wind energy is acceptable in principle and the provisions to facilitate where practical and feasible infrastructure connections to wind farms and other renewable energy sources subject to normal planning considerations,
- (c) the planning history of the site and surrounding area,
- (d) the nature of the landscape and the absence of any specific conservation or amenity designation for the site,
- (e) the submissions on file,
- (f) the documentation submitted by the applicant including the appropriate assessment screening report, and

(g) the report and recommendation of the Inspector;

### **Appropriate Assessment**

The Board noted that the proposed development is not directly connected with or necessary for the management of a European site.

In completing the screening for appropriate assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of European sites which could potentially be affected and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following European sites - Bandon River Special Area of Conservation (Site Code: 002171), The Gearagh Special Area of Conservation (Site Code: 000108), The Gearagh Special Protection Area (Site Code:004109), and Mullaghanish to Musheramore Mountains Special Protection Area (Site Code: 004162), or any other European site in view of the sites Conservation Objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

### **Environmental Impact Assessment**

The Board considered the case concurrently with the appeal reference number PL 04.248153 (245824) for a nearby windfarm. The Board considered that there was no 'project splitting' in this case and no avoidance of any requirements under Environmental Impact Assessment. The Board noted that the concurrent consideration of the proposed substation and the windfarm together with the planning history details of other developments related to renewable energy and grid connection in the area ensured that all impacts including direct, indirect and

cumulative impacts were comprehensively assessed for the purposes of Environmental Impact Assessment.

As the development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, there is no requirement for submission of an Environmental Impact Statement.

### Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of visual amenity and would not be detrimental to other aspects of the environment. 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 to the planning authority on the 26<sup>th</sup> day of September, 2014, as amended by the further information received by the planning authority on the 9<sup>th</sup> day of December, 2014 and the further details received by An Bord Pleanála, 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 proposed development shall be carried out 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 ten years from the date of this Order.

**Reason:** To facilitate the completion of the development.

3. All mitigation measures identified in the Environmental Report and in the other particulars submitted on behalf of the applicant shall be implemented in full by the developer except as may otherwise be required in order to comply with the following conditions. The developer shall appoint a person with appropriate ecological and construction expertise as an environmental manager to ensure that the mitigation measures identified are implemented in full.

**Reason:** In the interest of clarity and to protect the environment.

4. 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 landscaping scheme shall maximise the screening effect of the boundary planting and shall incorporate dense planting on earthen berms where possible and shall include some evergreen species. The landscaping scheme shall be completed within the first season after completion of construction and shall be regularly maintained for a duration of not less than five years.

**Reason:** In the interest of minimising the visibility of the proposed substation and to ensure it is satisfactorily assimilated into the landscape.

5. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a detailed Construction and Environment Management Plan and an Environmental Emergency Response Plan for the proposed project.

This shall include details of construction practice for the development including hours of working, noise management measures and off-site disposal of waste. Surplus excavation material to be taken off site shall only be recovered or disposed of at an authorised site in accordance with the Waste Management Acts.

**Reason:** In the interests of residential amenity, public health and safety and the protection of the environment.

6. Site development and building works shall be carried out only between the hours of 0800 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.

7. During construction 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 All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

If noise contains a discrete, continuous tone (whine, hiss, screech or hum), 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) shall 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 amenities of property in the vicinity of the site.

8. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development.

**Reason:** To ensure adequate servicing of the proposed development and prevent pollution.

9. Any over ground tanks containing liquid fuels shall be contained in waterproof bunded areas of sufficient volume to hold 110% of the volume 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.

10. Prior to the commencement of any works on the site, the developer shall have completed, to the written satisfaction of the planning authority, the upgrading works at the site entrance. All such works shall be at the expense of the developer.

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

11. 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 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 by record and protection of any archaeological remains that may exist within the site.



12. Any external lighting and floodlighting shall be cowled and directed away from any light sensitive point, so as not to cause light glare. The lighting shall include remote timing options, and shall be installed, positioned, and directed to the satisfaction of the planning authority. Full details in this regard shall be agreed in writing with the planning authority prior to installation.

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

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

Dated this      day of

2019