



An  
Bord  
Pleanála

**Board Order**  
**PL 08.248216**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 16/1284**

**Appeal** by Denis Roche and others of Ballyplymoth, Cordal, Castleisland, County Kerry and by James G. Keane care of Ger O’Keeffe Consulting Engineers Limited of Friary Lane/4 Day Place, Tralee, County Kerry against the decision made on the 23<sup>rd</sup> day of February, 2017 by Kerry County Council to grant subject to conditions a permission to EirGrid Plc care of Pdraig O’Flynn of EirGrid, The Oval, 160 Shelbourne Road, Ballsbridge, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Uprate of a section of the existing Clashavoon to Tarbert 220 kV overhead line. The proposed development pertains to the length of existing overhead line between mast structure number 63 (south-east of the existing Knockanure 220kV substation, County Kerry and mast structure number 233 (north of the existing Ballyvouskill 220 kV substation, County Cork). The overall length of this section of overhead line is approximately 60.4 kilometres, of which 39.2 kilometres is located in County Kerry and 21.2 is located in County Cork. The proposed development in County Kerry, between mast structure number 63 and the Kerry-Cork County boundary south-east of mast structure number 172, is located in the townlands of Lacka East, Foildarrig, Coolvackagh, Kilcarra More, Scrahan, Knockaderreen, Rylane, Meenahoma, Meenscovane, Ahane, Beheenagh, Knocknagasthel East, Meenbannivane, Ballyduff, Lackbrooder, Meenleitrim North, Meeneitrim South, Knockachur, Lackanoneen, Knockardtry, Kilbannivane,

Kilcusnaun, Ballyplimoth, Ballynahallia, Codal West, Breahig, Mullen, Leaha, Derreen, Knockyeala, Tooreengarriv and Ballynahulla. The proposed development in County Kerry comprises of renewal and alteration to a total of 110 mast structures, including foundation upgrade development, removal of an existing lattice steel intermediate mast structure number 107 in the townland of Lackbrooder and replacement with a new steel angle mast structure up to 22 metres in elevation above the ground, installation of one new lattice steel angle mast structure up to 22 metres in elevation above the ground in the townland of Meenleirim North and restringing of the existing overhead line with new conductor. The proposed development also includes all associated and ancillary works, including comprising or relating to permanent and temporary construction and excavation, involving construction of temporary guard poles, the construction and reinstatement of temporary access tracks, improvement and reinstatement of new temporary entrances, widening of existing entrances, temporary silt fencing, temporary silt traps, temporary culverts, temporary clear span bridging and the clearance of vegetation at various locations along the route to facilitate the proposed principal development. The proposed development will be facilitated by the storage of construction materials and associated and ancillary activities, at existing hard-standing yards. These six yards (two in County Cork and four in County Kerry) are located in the vicinity of the existing overhead line, in the townlands of Shronebeirne, Dooneen, Glanlarehan and Knocknaboul, County Kerry. No works or change of use, are proposed in these existing yards and do not form part of the development.

## **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) the provisions of the National Spatial Strategy for Ireland 2002-2020, which seeks to strengthen energy networks in the regions,
- (b) the provisions of the Government White Paper 'Delivering a Sustainable Energy Future for Ireland - the Energy Policy Framework, 2007-2020',
- (c) the National Renewable Energy Action Plan 2020,
- (d) the Strategy for Renewable Energy 2012-2020 (Department of Communications, Energy and Natural Resources) which refers to the requirement for modernisation and expansion of the grid through investment in the transmission system and the necessity to adapt the grid to enable integration of high volumes of electricity from renewable resources into the system,
- (e) the provisions of GRID 25, EirGrid's transmission network development policy,
- (f) the provisions of the Government White Paper 'Ireland's Transition to a Low Carbon Energy Future 2015-2030',

- (g) the provisions of the 'Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure' (2012),
- (h) the provisions of EirGrid's grid development strategy 'Your Grid, Your Views, Your Tomorrow' (2015),
- (i) the provisions of the Kerry County Development 2015 – 2021, Kanturk Local Area Plan 2015 – 2021 and the Castleisland Local Area Plan 2009 – 2015 which seeks to actively facilitate development of transmission network upgrades,
- (j) the regional importance of and demonstrated need for the proposed development,
- (k) the planning history of the area and the pattern of development in the area, including the existing substation and existing and permitted wind farm developments, and
- (l) the documentation submitted with the application, including the environmental report and the Natura impact statement,

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 impact and in terms of traffic safety and convenience, would not be prejudicial to public health or safety, and would not have significant adverse effects on the environment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lower River Shannon Special Area of Conservation (Site Code 002165), the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (Site Code 004161) and the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code 002170) are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura impact statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the sites' conservation objectives (Lower River Shannon Special Area of Conservation (Site Code 002165), the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (Site Code 004161) and the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code 002170)). The Board considered that it was reasonable to conclude on the basis of the information on the file, which the Board considered to be adequate to carry out an Appropriate Assessment (Stage 2) that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any European site.

In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, specifically the Coollegrean and Gneeves Wind Farm projects and the mitigation measures which are included as part of the current proposal.

## Environmental Impact Assessment

The Board agreed with the conclusions carried out in the Inspector's report that the proposed development does not come within the scope of the classes of development requiring the submission of a mandatory Environmental Impact Statement as set out in Schedule 5 of the Planning and Development Regulations 2001, as amended, nor is it likely to have significant effects on the environment having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended. The Board is satisfied that the proposed development would not be likely to have significant effects on the environment and accordingly an Environmental Impact Statement is not required.

### Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars, including the mitigation measures specified in the environmental report, 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 developer 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. (a) A suitably qualified on-site environmental manager/ecological clerk of works shall supervise compliance with mitigation measures recommended in the Natura impact statement, particularly in relation to water quality control and management and Hen Harrier mitigation. The ecological clerk-of-works shall be empowered to ensure compliance with mitigation measures and/or to halt construction works if they deem a pollution event is likely. Contact details for this individual shall be forwarded to the planning authority at the commencement notice stage of the development.
- (b) Suitable measures shall be implemented in advance of any development works commencing on site to ensure that polluting matter (includes sedimentation) is not discharged to any watercourses. These measures shall be fully maintained thereafter. These measure shall be agreed in writing with the planning authority prior to commencement of works on site.
- (c) Should the identified measures not be adequate to control all sedimented water run-off, additional suitable measures shall be put in place to ensure that sedimented water does not discharge to any watercourses. These measures shall be agreed in writing with the planning authority prior to commencement of works on site. Where fugitive emissions to water occur, works shall cease until effective controls have been put in place. The planning authority and Inland Fisheries Ireland shall be notified immediately when any emissions to water have occurred.
- (d) Bunds shall be installed around all temporary oil containment facilities and the developer shall ensure that no oil, grease or other objectionable matter is discharged into any drain, sewer or watercourse.

- (e) All non-hazardous waste generated on the site shall be taken directly to a suitably authorised waste facility or transferred to a suitably licenced waste collector.
  
- (f) Prior to the commencement of any works on site, the developer shall retain the services of a suitably qualified person(s) to carry out a final evaluation and quantification of all demolition and excavation waste likely to arise during the proposed works and shall develop a waste management and disposal plan for all such wastes arising. A copy of this plan shall be submitted to the planning authority for agreement and written approval prior to commencement notice stage. The agreed plan shall be fully implemented unless otherwise subsequently approved in writing by the planning authority.

**Reason:** In the interest of public health and to prevent pollution.

- 3. Formation of any access points shall not cause surface water or seepage water to flow onto the road surface. No water from these access points shall be allowed to flow onto the public road. The developer shall institute appropriate measures to prevent material being drawn from the site or deposited onto the public road. The developer shall make good any damage caused to the public road as a result of their works to the satisfaction of the planning authority. Details of all works on the public road shall be agreed in writing with the planning authority prior to commencement of work on site.

**Reason:** To prevent a traffic hazard and protect public property.



4. 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.

5. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory reinstatement of all public roads damaged as a result of activities related to construction of the proposed development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the reinstatement of such roads. The form and amount of the security shall be as agreed between the planning authority and the undertaker or, in default of agreement; the details shall be referred to An Bord Pleanála for determination.

