



An
Bord
Pleanála

Board Order PL 02.248394

Planning and Development Acts 2000 to 2017

Planning Authority: Cavan County Council

Planning Register Reference Number: 16/566

Appeal by Val Martin and others of Gortnakesh, Cavan, County Cavan against the decision made on the 31st day of March, 2017 by Cavan County Council to grant subject to conditions a permission to Raragh Developments 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: The laying of an underground 20kV electricity cable and associated ducting, installation of cable joint bays, link box chambers cable marker posts and cable marker plates, to facilitate the connection of the permitted Raragh Wind Farm within the townland of Raragh and Corrinshigo, County Cavan (Cavan County Council planning register reference number 09/270 and An Bord Pleanála appeal reference number PL 02.236608) to the national electricity grid via the existing Kingscourt 38kV Electricity Supply Board substation in the townland of Raloaghan, County Meath. The proposed underground electricity cable will run predominantly within the public road corridor, except for approximately 0.7 kilometres which will traverse private access road and agricultural land within the townland of Corrinshigo, County Cavan. The works will take place within the verge of the road where possible, however, where this is not possible, the works will take place in the road surface. The proposed development will be constructed within the road corridor

of the R162 Regional Road through the settlement of Kingscourt, County Cavan and onto the L3527 Local Road (Carrickleck Road) before entering the existing Kingscourt 38kV substation within the townland of Raloaghan, County Meath. The proposed development includes for the laying underground of approximately five kilometres of 20kV electricity cable and associated ducting, the installation of 17 number cable joint bays, the installation of two number link box chambers, ancillary cable marker posts and ancillary cable marker plates. The proposed development within the jurisdiction of County Cavan will consist of the laying underground of approximately 4.8 kilometres of 20kV electricity cable and associated ducting, the installation of 15 number cable joint bays, the installation of two number link box chambers, ancillary marker posts and ancillary marker plates. The proposed development in County Meath will consist of the laying underground of approximately 0.2 kilometres of 20kV electricity cable and associated ducting, the installation of two number cable joint bays and ancillary marker plates. All within the townlands of Corrinshigo, Drumpeak, Marahill, Cabra, Annagh, Dunaree, Lisanisky, Lisasturrin, Enniskeen and Lisnahederna, County Cavan.

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.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- the nature, scale, extent and location of the proposed development,
- the Environmental Impact Statement submitted with the application,
- the documents on file including the submissions from the planning authority and from the parties, and observer lodged in the course of the application and appeal, and
- the Inspector's report.

The Board considered that the Environmental Impact Statement identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board completed an Environmental Impact Assessment in relation to the subject development, by itself and in combination with other development in the vicinity, and agreed with the Inspector in her assessment of the likely significant effects of the development, and agreed with her conclusions on the acceptability of the mitigation measures proposed. The Board concluded that, subject to the implementation of the mitigation measures proposed, and subject to the following conditions, the proposed development would not have any unacceptable direct, indirect and cumulative effects on the environment. In doing so, the Board adopted the report of the Inspector.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board had regard to the nature, scale and location of the proposed development, the appropriate assessment screening report submitted with the application, the documentation including submissions on file, and the Inspector's screening assessment.

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of the 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 sites' conservation objectives. The Board was satisfied that, having regard to the nature, scale and location of the proposed development, and the separation distances to European Sites, 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 Sites, in view of the conservation objectives of these sites, and that, therefore, a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not required.

Reasons and Considerations

Having regard to the nature, scale and location of the proposed development, the pattern of development in the vicinity, the planning history, including the related windfarm development for which planning permission was granted under an Bord Pleanála reference number PL 02.236608, and the provisions of the Cavan Development Plan 2014 - 2020, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of its impact on the visual amenities and landscape character of the area, would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health, would conform to the objectives of the Development Plan in relation to renewable energy and would be acceptable in terms of pedestrian and traffic safety. 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 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. The mitigation measures identified in the Environmental Impact Statement and other particulars submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interests of clarity, and the protection of the environment.

3. Road breaking operations (use of the Mini excavator with hydraulic breaker) shall take place only between 1000 hours and 1700 hours, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays.

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

4. Site development and building works, other than those works referred to in condition number 3, 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 the interests of public safety and residential amenity.

5. 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 all 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 (in situ or by record) of any remains that may exist within the site.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

7. 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. All environmental mitigation measures set out in the Environmental Impact Statement and associated documentation shall be included in the plan. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
 - (b) Location of areas for construction site offices and staff facilities.
 - (c) Details of site security fencing and hoardings.
 - (d) Details of on-site car parking facilities for site workers during the course of construction.
 - (e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network (including the installation of wheelwash facilities on the site).
 - (f) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels (where not already provided for in documentation submitted with the application and appeal). The dust control plan shall include a dust monitoring regime for the duration of the work and methodology for dust monitoring.
 - (g) 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.

- (h) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soils.
- (i) Details of a site drainage management plan, in accordance with the documentation and mitigation measures provided in the Environmental Impact Statement, as amended, and the other documentation submitted with the application and appeal, incorporating a detailed silt management plan and pollution prevention plan, and including appropriately-sized silt traps and/or settlement ponds as required, to be prepared by a suitably qualified professional with experience of drainage design, to the satisfaction of the planning authority.
- (j) A programme for the on-going monitoring of water quality during the construction period.
- (k) An action plan for the prevention or spread of any invasive species along the subject site or within 10 metres either side of the route.
- (l) Compliance with the Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters, published by Inland Fisheries Ireland in 2016, and compliance with the requirements of construction methods for both open cut/ trench type crossings and directional drilling.

Prior to the commencement of construction, proposals for environmental monitoring of construction works on site by an ecologist and by an environmental scientist or equivalent professional, including the monitoring and 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, in consultation with Inland Fisheries Ireland. A record of daily checks that the works are being undertaken in accordance with the Environmental Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of amenities and safety.

8. Prior to commencement of development, the developer shall submit a Transport Management Plan to the planning authority for its written agreement. This Plan shall include the following details: -
 - (a) Detailed arrangements for temporary traffic arrangements/controls on roads during site development works,
 - (b) A programme indicating the timescale within which it is intended to use each public route to facilitate construction of the development,
 - (c) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,

- (d) Measures to obviate queuing of construction traffic on the adjoining road network, and
- (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.

The developer shall comply with any requirements that the planning authority may impose as part of its agreement to this Plan.

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.

9. 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 following the construction of the proposed development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of such public roads. 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 to ensure the proper reinstatement of public roads following the construction of the proposed development.

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

Dated this day of 2018