



An  
Bord  
Pleanála

**Board Order  
PL04.248451**

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## **Planning and Development Acts 2000 to 2018**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 16/453**

**Appeal** by Nigel de Haas of Inchicurka, Dunmanway, County Cork and by Tony Miller and others of Tooreen, Dunmanway, County Cork against the decision made on the 10<sup>th</sup> day of April, 2017 by Cork County Council to grant subject to conditions a permission to Shehy More Windfarm Limited care of McCarthy Keville O'Sullivan Limited of Block 1, G.F.S.C., Moneenageisha Road, Galway in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Widening works to the junction of the R585 Regional Road and the L4607 Road (Inchicurka Cross) to facilitate the delivery of abnormal loads to a windfarm development at Shehy More and adjacent townlands (planning register reference number 13/551, currently under appeal with An Bord Pleanála, appeal reference number PL 04.243486), in the townland of Inchicurka, County Cork. The proposed development was revised by further public notices received by the planning authority on the 15<sup>th</sup> day of March, 2017.

## **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:

- (i) the nature of the works proposed which are considered necessary to facilitate the delivery of abnormal loads such as turbine tower section and blades to the permitted Shehy More Windfarm appeal reference number PL 04.243486 (planning register reference number 13/551), and the scope of the Environmental Impact Assessment carried out by the Board for that windfarm development, which included consideration of the impacts on the environment of the turbine delivery route to the windfarm (including the works to this junction),
- (ii) the nature, scale and form of the development and its location relative to nearby sensitive receptors,
- (iii) the measures which are proposed for the construction and operation of the development,
- (iv) the provisions of the Cork County Development Plan 2014,
- (v) the nature of the landscape and the absence of any specific conservation or amenity designation for the site,
- (vi) the pattern of development in the area,

- (vii) the submissions on file including those from the planning authority, and
- (viii) the documentation submitted with the application, including the Ecological Impact Assessment and Appropriate Assessment Screening Report, Environmental Report and Revised Ecological Impact Appropriate Assessment Screening Report,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan, would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **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 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 the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Bandon River Special Area of Conservation (Site Code 002171), or on any other European sites, in the light of the conservation objectives of such sites, having regard to the nature of the proposed development, including the proposed construction methodology proposed for the development, and the distances from the site to other European sites.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars, including the mitigation measures, specified in the submission lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 2<sup>nd</sup> day of March, 2017 and by further particulars received by An Bord Pleanála on the 7<sup>th</sup> day of June 2017, 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 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, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

3. 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, and shall be in accordance with the commitments and construction practices included in the documentation submitted with the application.

**Reason:** In the interest of environmental protection and traffic safety.

4. 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.

5. The existing hedgerow, as indicated in drawing number 0521-03 received by the planning authority on the 2<sup>nd</sup> day of March, 2017, running parallel to the L-4607, shall be retained in perpetuity other than the two areas of hedgerow shown to be removed on that plan.

**Reason:** In the interest of visual amenity.

6. Prior to commencement of development, full and precise details of the “temporary boundary treatment” and fencing and/or traffic bollards along the L-4607 road shall be submitted to, and agreed in writing with, the planning authority and the area of such boundary treatment shall be clearly demarked on the site. Such details, as may be agreed, shall include a timescale for the complete reinstatement of the boundary along the L-4607 road that shall also provide for the further planting of a native indigenous hedgerow.

**Reason:** In the interests of visual amenity and traffic safety.

7. Prior to commencement of development, a scaled plan shall be submitted to the planning authority to indicate that the existing hedgerow and timber post fencing running parallel to the R-585 is to be removed, so far as it relates to the development site edged red, and that a new native indigenous hedgerow is to be planted set back from the R-585 road edge, at a location to be agreed with the planning authority. The height of this hedgerow shall not in perpetuity exceed one metre in height. The hedgerow shall be planted during the first planting season following the removal of the existing fence and hedgerow.

**Reason:** In the interest of road safety given the restrictive emerging visibility at the R-595 and L-4607 road junction.

8. (a) The two areas of hard surfacing, indicated in drawing number 0521-03 received by the planning authority on the 2<sup>nd</sup> day of March 2017, shall be surfaced in tar and chip for a distance of not less than three metres from each road edge.
- (b) Any damage caused to the nearby public road(s) by construction traffic during development works shall be made good by the planning authority at the expense of the developer.

**Reason:** In the interest of traffic safety.

9. Following the final use of the lands for delivery vehicles associated with the development of windfarm components, for a period not exceeding 10 years from the date of this permission unless otherwise agreed in writing with the planning authority, the site shall be grass seeded with a native grass seed mix and the area returned to its original condition of improved grassland. The lands shall in perpetuity remain in such a condition unless consent has been obtained in writing from the planning authority for the removal of the grassland and the further use of the overrun area during any decommission phase of the wind turbines.

**Reason:** In the interest of visual amenity and traffic safety.

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

**Dated this          day of    2018**