



Planning and Development Acts 2000 to 2018

Planning Authority: Cavan County Council

Planning Register Reference Number: 17/502

Appeal by Taghart Wind Information Group care of Carmel O'Callaghan of Nolagh, Shercock, County Cavan against the decision made on the 30th day of April, 2018 by Cavan County Council to grant subject to conditions a permission to Taghart Energy Limited care of Gaeltech Energy Services of Clandogan, Stradone, County Cavan in accordance with plans and particulars lodged with the said Council:

Proposed Development: Installation of approximately nine kilometres of 38 kV underground electricity transmission cable from the permitted (wind farm) substation (County Cavan planning register reference number 16/74 and An Bord Pleanála appeal reference number PL 02.247401) across private lands and within the public roads numbered L7553, L3524, L3525, L3526, R165, L7612, L3536, L7611, R164, R162 and L7561. The cable will be installed predominantly in excavated trenches of approximately 1.2 metres in depth and will include associated underground ducting, joint bays, chamber bays, sheath link boxes and inspection chambers; ducting across the length of span of two number bridges/culverts and directional drilling at two number bridges/culverts; and all associated site development and reinstatement works. The proposed development is part of a larger overall development

which will involve the installation of approximately 13 kilometres of underground electricity transmission cable from the permitted (wind farm) substation in the townland of Taghart South, County Cavan to the existing electricity substation in the townland of Meath Hill, County Meath and also extends into lands in the townlands of Drumgill, Cornahoova, Corratober, Ardagh and Meath Hill, County Meath, and installed within R165, L74021 and L7408 within the adjoining planning authority jurisdiction of Meath County Council. A concurrent planning application for that part of the overall development located within County Meath has been submitted to Meath County Council. This Planning application is accompanied by an Environmental Impact Assessment Report/Environmental Impact Statement which includes an assessment of the likely impacts of the proposed development, as a whole and in combination with the relevant off-site or secondary development which will occur as a direct result of the proposed development, including the wind farm development permitted pursuant to County Cavan planning register reference number 16/74 and An Bord Pleanála appeal reference number PL 02.247401, all within Taghart South, Corlea, Cornamagh, Collops, Corglass, Drumsallagh, Corawaddy, Carnagee, Cornakill, Dunaree, Lisanisky, Lisasturrin, Corgarry and Larchfield Glebe, County Cavan. The proposed development was revised by further public notices received by the planning authority on the 8th day of March, 2018.

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:

- National policy in relation to renewable energy, as set out in “Ireland’s Transition to a Low Carbon Energy Future 2015-2030” issued by the Department of Communications, Energy and Natural Resources and in the “Irish National Renewable Energy Action Plan”, issued by the Department of Communications, Climate Action and Environment including national targets for renewable energy contribution of 40% of gross electricity consumption by 2020,
- the “Wind Energy Development Guidelines - Guidelines for Planning Authorities”, issued by the Department of the Environment, Heritage and Local Government in June 2006,
- the policies of the planning authority as set out in the Cavan County Development Plan 2014-2020,
- the distance to dwellings or other sensitive receptors from the proposed grid connection development,

- the planning history of the wider area including the decision to grant permission for the related wind farm development under appeal reference number PL 02.247401,
- the submissions made in connection with the planning application and appeal, and
- the likely consequences for the environment and the potential for impacts of the proposed development on European Sites.

it is considered that the proposed development, subject to compliance with the conditions set out below, would facilitate the development of renewable energy in accordance with the national policy in relation to renewable energy targets, would be in accordance with the policies and objectives of the planning authority set out in the development plan to support the development of renewable energy, would not seriously injure the residential amenities of the area or of adjoining property, 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.

Appropriate Assessment Screening

The Board considered the Screening Report for Appropriate Assessment submitted by the applicant, including revisions submitted on the 22nd day of February 2018, and all other relevant submissions and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale and location of the proposed development, as well as the report of the Inspector.

The Board agreed with, and adopted the conclusions of, the screening exercise carried out by the Inspector. The Board concluded that, having regard to the qualifying interests for which the sites were designated and the distances from the subject development to the European sites concerned, the proposed development, individually or in combination with other plans or projects (including the grid connection to the Raragh windfarm) would not be likely to have a significant effect on the Kilconny Bog (Cloghbally) Special Area of Conservation (site code: 000006) and Stabannon-Branganstown Special Protection Area (site code: 004091), or any other European site, in view of the Conservation Objectives of these sites, and a Stage 2 Appropriate Assessment (and submission of a natura impact statement) is not therefore required.

Environmental Impact Assessment

The Board completed, in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, from interested parties, and from prescribed bodies in the course of the application and appeal, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, including revisions submitted on the 22nd day of February 2018, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the environmental impact assessment report complies with the provisions of EU Directive 2014/52/EU, amending Directive 2011/92/EU.

Reasoned Conclusions on the Significant Effects.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated, as follows:

- There is potential for likely significant effects on aquatic fauna within the catchment of the Glyde river system, particularly in relation to the construction of a new box culvert in place of bridge number 3 at Corawaddy involving minor excavation and construction works within Cornagee Stream. Mitigation measures against release of suspended solids and hydrocarbons are set out in the Environmental Impact Assessment Report and in the further submissions by the applicant in response to the planning authority's request for further information, including a detailed construction methodology, and are considered adequate to mitigate direct, indirect and cumulative impacts on aquatic fauna.
- Impacts on population and human health will be generally arise in terms of traffic management on the public road where cable laying will occur. Construction works will give rise to short term impacts, over the 24-28 weeks of construction, by way of disruption to road users, and construction noise etc. where the route runs alongside roadside

properties/businesses. Construction phase impacts are addressed the Environmental Impact Assessment Report and the construction and environmental management plan which will mitigate noise and vibration. It is considered that, once the public road is reinstated, the development will have no discernible effects in the public domain, give rise to very limited traffic movements and no adverse impacts (direct, indirect or cumulative) on population or human health.

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 on the 22nd day of February 2018, 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 Assessment Report/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 public safety, residential amenity and clarity.

3. Prior to commencement of development, the developer shall submit to and agree in writing with, the planning authority, the following:
 - (i) A Traffic Management Plan which includes details of construction staging, traffic control methods, road closures and diversions, access for residents, businesses and pedestrians.
 - (ii) A Construction Management Plan. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.
 - (iii) A Construction Environmental Management Plan. This plan shall provide details of environmental construction strategies to be carried out during construction and appointment of an Ecological Clerk of Works and Project Liaison Officer.

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

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

Reason: In the interests of pedestrian and traffic safety, orderly development and residential amenity.

4. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

5. All works to bridges shall comply with the requirements of the planning authority, and shall be carried out in accordance with Transport Infrastructure Ireland’s Guidelines for the Treatment of Otters, including:
 - (i) For Bridge Number 2 Drumsallagh, the existing parapet wall as indicated on Drawing Sheet Number 05-511-052C submitted to the planning authority on the 29th day of November, 2017, shall not be raised in height, unless otherwise agreed in writing with the planning authority. The grass verge between the new rubbing strip (125 millimetres above road level by 1,075 millimetres wide) and existing edge of road shall be strengthened/overlaid to form part of the existing carriageway.

- (ii) For Bridge Number 3 Corawaddy, prior to commencement of development the detailed design shall be submitted to, and agreed in writing with, the planning authority. A rubbing strip shall be provided along each of the parapet walls.
- (ii) All bridges along the route shall require a principle and structural assessment, before and after construction, to ensure that the integrity of the bridges is not compromised. Any rehabilitation works shall be the responsibility of the developer, including the cost of such works.
- (iv) All concrete piped surface water systems encountered, including culvert numbers 7 and 10, shall be replaced with a twin wall plastic pipe from inlet to outfall, to the satisfaction of the planning authority.

Reason: In the interest of traffic safety.

- 6. No in-stream works shall be carried out without the written consent of the planning authority, in consultation with Inland Fisheries Ireland.

Reason: In order to protect water quality and fisheries.

- 7. 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.

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 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.

Philip Jones

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.