



Planning and Development Acts 2000 to 2018

Planning Authority: Leitrim County Council

Planning Register Reference Number: P.18/45

Appeal by Derrysallagh Wind Farm Limited care of Fehily Timoney and Company of Core House, Pouladuff Road, Cork against the decision made on the 8th day of May, 2018 by Leitrim County Council to refuse a permission to the said Derrysallagh Wind Farm Limited for the proposed development.

Proposed Development: Installation of approximately 0.46 kilometres of underground cable ducting, one number joint bay and ancillary development laid primarily within the public road corridor, with a section of circa. 0.07 kilometres within private lands at Seltan. A section of ducting is to be installed within a steel box structure to be fixed to Boleymaguire Bridge within the townland of Boleymaguire, County Leitrim. Within the townland of Boleymaguire, permission is sought for the carrying out of remedial works to approximately 0.44 kilometres of the installed underground cable ducting which is subject to a pending application for Substitute Consent to An Bord Pleanála (An Bord Pleanála reference number ABP-300811-18); remedial works include the relaying of backfill material. Permission is also sought for the installation of the electricity cable following the completion of the civil works. The development will comprise part of an overall development in

Counties Leitrim, Sligo and Roscommon, consisting of the laying of an underground 38 kV electricity cable and associated ducting and ancillary development primarily within the public road to facilitate the connection of the permitted Derrysallagh Wind Farm, County Sligo (Sligo County Council Planning Register Reference Number: PL 12/133) to the national electricity grid via the existing Garvagh 110 kV substation in the townland of Seltan, Co Leitrim. Part of this development is in place and subject to a pending application for Substitute Consent to An Bord Pleanála (An Bord Pleanála reference number: ABP-300811-18); all at Seltan and Boleymaguire, County Leitrim.

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 policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouse gases,

- (b) the provisions of the Wind Energy Development Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June, 2006,
- (c) the policies of the planning authority as set out in the Leitrim County Development Plan 2015 – 2021,
- (d) the characteristics of the site and of the general vicinity,
- (e) the nature and scale of the proposed development,
- (f) the pattern of existing and permitted development in the area,
- (g) the Environmental Impact Assessment Report submitted, and
- (h) the report of the Inspector.

Appropriate Assessment

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the site's conservation objectives, and a Stage 2 Appropriate Assessment and submission of a Natura impact statement is not therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- the nature, scale and extent of the proposed development,
- the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the planning application,
- the submissions from the planning authority and others in the course of the application, and
- the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers the proposed development and also adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions, that the proposed development is not likely to have significant effects on the environment.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In this regard, the Board adopted the report and conclusions of the Inspector.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European energy policy, the National Planning Framework and the Leitrim County Development Plan 2015 – 2021 and would

- make a positive contribution to Ireland’s national strategic policy on renewable energy and its move to a low energy carbon future, and
- have an acceptable impact on the environment and on the amenities of the area.

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. All environmental mitigation measures identified within the Environmental Impact Assessment Report and associated documentation shall be implemented in full.

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

3. Prior to the commencement of development, the developer shall submit a Construction Environmental Management Plan for the written agreement of the planning authority which shall generally be in accordance with the draft plan set out in appendix 2.2 of the submitted EIAR. The agreed plan shall include the measures necessary for the carrying out of the development to comply noise limits set out in BS5228 "Noise Control on Construction and Open Sites", and to limit the deposition of dust on the boundary of the site to no more than 350mg/m² per day. Working hours shall be restricted to between 0800 and 2000 hours, unless the prior written consent of the planning authority has been obtained.

Reason: To protect the environment and the amenities of the area.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

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

Dated this day of 2019.