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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Cork County Council**

**Application for Leave To Apply For Substitute Consent**, by ESB Networks care of ESB International of One Dublin Airport Central, Dublin Airport, Cloghran, County Dublin.

**Development:** Grid connection circuit between Derreenacrinnig West windfarm and Ballylickey Electrical Supply Board substation at Derreenacrinnig West windfarm, Drimoleague, County Cork.

**Decision**

**GRANT** leave to apply for substitute consent under section 177D of the Planning and Development Act 2000, as amended, based on the reasons and considerations 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.

## **Appropriate Assessment**

The Board considered the Screening Report for Appropriate Assessment on file and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report. The Board considered that, given the nature of the development, the lack of a hydrological link to the Derryclogher (Knockboy) Bog Special Area of Conservation (Site Code: 001873) and the Cahal Mountains Special Area of Conservation (Site Code: 000093) and the separation distances to the Special Areas of Conservation that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives.

## **Reasons and Considerations**

Having regard to section 177D of the Planning and Development Act, 2000, as amended, the planning history of the site, all documentation on file and the report of the planning Inspector, the Board is satisfied that:

- (a) the development is one where an environmental impact assessment is required, and
- (b) that exceptional circumstances exist by reference, in particular, to the following:
  - the fact that the regularisation of the development would not circumvent the purpose or objectives of the Environmental Impact Assessment Directive or of the Habitats Directive,
  - that the applicant could reasonably have had a belief that the development was not unauthorised,
  - that the ability to carry out an Environmental Impact Assessment or Appropriate Assessment and provide for public participation in such assessments has not been substantially impaired, and

- the actual or likely significant effects on the environment or adverse effects on the integrity of a European Site, if any, can be remedied.

The Board decided that it would be appropriate to consider an application for the regularisation of the development by means of an application for substitute consent.

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

**Dated this            day of            2019.**