



Planning and Development Acts 2000 to 2019

Planning Authority: Offaly County Council

Planning Register Reference Number: PL2/18/230

Appeal by Galetch Energy Developments Cloghan Limited care of Galetch Energy Services of Clondargan, Stradone, County Cavan against the decision made on the 27th day of February, 2019 by Offaly County Council to refuse permission for the proposed development.

Proposed Development: The installation of approximately 12.5 kilometres of 38kv electricity transmission line from the permitted (wind farm) substation (Offaly County Council planning register reference 14/188 and An Bord Pleanála reference PL19.244053) in the townland of Stonestown, County Offaly to the existing electricity substation in the townland of Clondallow, County Offaly. The transmission line will comprise approximately 8.5 kilometres of underground line and approximately 3.7 kilometres of overhead line. Underground infrastructure will be located within private lands and within the public roads numbered N62, R439 and the L70152 will be installed in excavated trenches of approximately 1.2 metres in depth and will include associated underground ducting, joint bays, communication chamber bays, sheath link boxes and inspection chambers; directional drilling at one number Railway crossing along the N62 and all associated site development and reinstatement works. Overhead infrastructure will consist of three number

powerlines suspended from wooden poles with a maximum height of 16 metres and all associated site development and reinstatement works. 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 developments which will occur as a direct result of the proposed development, including the wind farm development permitted pursuant to Offaly County Council planning register reference 14/188 and An Bord Pleanála reference PL19.244053, all located across the townlands of Stonestown, Kilcamin, Crancreagh, Derrinlough, Clooneen, Whigsborough, Galros East, Galros West, Cush, Boolinarig Big, Conspark, Ballaghanoher, Ross and Clondallow, County Offaly, as amended by the further public notice received by the planning authority on the 3rd day of January, 2019.

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) the national policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouses gases including;
- (b) the provisions of the Wind Energy Development Guidelines – 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 Offaly County Development Plan 2014-2020,
- (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 and the Appropriate Assessment Screening Report submitted, and
- (h) the report of the Planning Inspector.

The Board considered, that subject to compliance with the conditions set out below, the proposed development would be in accordance with national policy and local policy on renewable energy, would have an acceptable impact on the environment and on amenities of the areas, would be acceptable in terms of traffic safety and convenience and would therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission because of the potential for adverse impacts on the N62 arising from differential settlement, the Board considered that potential impacts could be addressed through the agreement of the detailed construction and reinstatement methodology following a programme of pre-construction site investigations between the development and the planning authority which could be satisfactorily addressed by condition. In reaching this conclusion, the Board noted that the Inspector was satisfied that there were no unacceptable environment impacts on material assets but that the recommendation for refusal related to traffic safety, carrying capacity and the operational efficiency of the material asset (road). Furthermore, the Board did not consider that the proposed development would materially contravene Policy STAP-17 of the Offaly County Development Plan 2014-2020 by causing adverse impacts on the capacity and efficiency of National Roads.

Screening for Appropriate Assessment

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 accepted and adopted the screening assessment and conclusion carried out 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 site's conservation objectives.

The Board noted that the grid connection route crossed some minor watercourses that were hydrologically linked to European sites comprising the River Little Brosna Callows Special Protection Areas (Site Code: 004086), the River Shannon Callows Special Area of Conservation (Site Code: 000216), the Middle Shannon Callows Special Protection Area (Site Code: 004096) and the Dovegrove Callows Special Protection Area (Site Code: 004137) European Sites. The Board was satisfied based on the limited carrying capacity, low gradient and small size of the streams and their overall separation distance to European sites that the proposed development, either individually or in combination with other plans or projects (including the permitted Cloghan Wind Farm development), would not be likely to have a significant effect on the River Little Brosna Callows Special Protection Areas (Site Code: 004086), the River Shannon Callows Special Area of Conservation (Site Code: 000216), the Middle Shannon Callows Special Protection Area (Site Code: 004096) and the Dovegrove Callows Special Protection Area (Site Code: 004137) European Sites, or any other European site, in view of the site's conservation objectives.

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 appeal, and
- the Planning 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 and the appeal.

Having regard to the examination of environmental information contained above, to the Environment Impact Assessment Report and supplementary information provided by the applicant and the submissions received, the contents of which I have noted, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Short term and limited negative impacts on human health and population due to noise and dust disturbance. The impacts will be mitigated by reason of their limited duration and use of dust suppression measures.
- Positive long term socio-economic impacts.
- Short term negative visual impact on the landscape. No specific mitigation measures are proposed. However, the visual impact of the over ground wirescape should dissipate with time as human perception of the wirescape dissipates with time.
- No specific deterioration in habitat or on biodiversity anticipated during the construction phase and no impact during the operational phase. No specific mitigation measures proposed.

- Negative Noise and Dust impacts arise during the construction phase from construction activities. These impacts will be mitigated through adherence to best practice construction measures.
- Negative short term impacts in terms of transport and access due to disruption to traffic flows during the construction phase of the underground grid connection (beneath the N62 and other local roads). These impacts will be mitigated by traffic management measures to minimise disruption to traffic flows and protect the safety of construction workers and other road users. No impact is predicted following construction of the grid connection and during the operation phase of the Wind Farm. Construction of the overhead section of the grid connection will have no impact.

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 doing so, the Board adopted the report and conclusions of the Inspector.

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 30th day of November, 2018 and by the further plans and particulars received by An Bord Pleanála on the 26th day of March, 2019, 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. All works impacting national road structures shall be carried out in compliance with Transport Ireland Infrastructure Publications (Standards). Details for the construction and reinstatement works on the N62 shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

4. 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, traffic management measures, noise management measures and off-site disposal of construction/demolition waste.

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

5. 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 which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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 the proper planning and sustainable development of the area.

6. 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.

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

Dated this day of 2020.