



An  
Bord  
Pleanála

Board Order  
ABP-308643-20

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 20/438**

**Appeal** by Ballylongford Windfarm Group care of JOAM Consulting Limited of Harbour View, Cromane Lower, Killorglin, County Kerry against the decision made on the 28<sup>th</sup> day of October, 2020 by Kerry County Council to refuse permission for the proposed development.

**Proposed Development:** Amend a previously granted permission (Kerry County Council Planning Reference 19/381) (An Bord Pleanála Reference ABP-304807-19) which relates to a change in the grid connection route for the permitted windfarm. The revised route will entail the construction of approximately 12.1 kilometres of 38kV underground electric cable connecting the existing permitted windfarm (19/381) to the 38kVA/110kVA substation at Kilpaddoge, Tarbert, County Kerry. The underground cables will be located along the public roads R551, R552 and L-1010 and along two sections of private property. The cable will be installed in excavated trenches approximately 1.2 metre in depth and will include associated underground ducting joint bays, communication chamber bays, drill pits, sheath link boxes and inspection chambers, associated equipment and all ancillary site and ground works. The development will also consist of the connection of the permitted windfarm (19/381), via existing permitted underground electricity

cables, to the proposed cable. The underground cable will be located in the townlands of Ballyline West, Ballymacasy, Lisleaughtin, Glancullare South, Gurteenavallig, Meelcon, Carhoona, Farranawana, Doonard Upper, Doonard Lower, Tarbert and Kilpaddoge, County Kerry. The applicant is seeking a ten year planning permission and operational period of 25 years. (As amended by the further public notices received by the planning authority on the 3rd day of September, 2020).

## **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 sustainable energy sources,
- (b) the Wind Energy Development Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June, 2006,
- (c) the provisions as set out in the current Kerry County Development Plan, including those regarding renewable energy development, in particular Objectives EP-11 and EP-12,
- (d) the location for the grid connection primarily within a road corridor and in an area not subject to natural heritage protection,
- (e) the pattern of development along the grid connection route and the pattern of permitted development in the area, and
- (f) the limited scale of the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not have an unacceptable impact on the road network of the area, would not be detrimental to the natural or cultural heritage of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

The Board considered the Appropriate Assessment Screening Report and the Natura Impact Statement and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European sites.

The Board agreed that the screening assessment and conclusion carried out in the Inspector's report that the Lower River Shannon Special Area of Conservation (Site Code: 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077) are the only European sites in respect of which the proposed development has the potential to have a significant effect in view of the conservation objectives for these sites and for which appropriate assessment is required.

## **Appropriate Assessment**

The Board considered the Natura impact statement and carried out an appropriate assessment of the implications of the proposed development on the Lower River Shannon Special Area of Conservation (site code: 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (site code: 004077) in view of the sites' conservation objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' conservation objectives using the best available scientific knowledge in the field.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects. In completing the assessment, the Board considered, in particular, the following:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures.

- Assessment of in-combination effects with other plans and projects.
- Reasonable scientific doubt as to the absence of adverse effects on the integrity of the Lower River Shannon Special Area of Conservation and the River Shannon and River Fergus Estuaries Special Protection Area.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European sites in view of the sites' conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

## 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 21<sup>st</sup> day of August 2020, 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 mitigation measures identified within the Natura Impact Statement and the associated documentation submitted with the planning application shall be implemented in full.

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

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.

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

4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist along the grid connection corridor. 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 other 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 of any remains that may exist within the site.

5. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads, coupled with an agreement empowering the local 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 interests of traffic safety and the proper planning and sustainable development of the area.

*DR. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *21<sup>st</sup>* day of *June* 2021.

