

An  
Bord  
Pleanála

Board Order  
ABP-309906-21

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Monaghan County Council**

**Planning Register Reference Number: 18/562**

**Appeal** by An Taisce of Tailors' Hall, Back Lane, Dublin against the decision made on the 4<sup>th</sup> day of September, 2019 by Monaghan County Council to grant subject to conditions a permission to Coolberrin Wind Limited care of Galetch Energy Services of Clondargan, Stradone, County Cavan in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (i) The construction of a 38kv electricity substation, switchroom and equipment compound with palisade fence; the construction of approximately 400 metres of site access track and the upgrading of approximately 150 metres of existing agricultural track and an existing agricultural site entrance; approximately 200 metres of underground cabling and all associated site development and reinstatement works in the townland of Luppan, County Monaghan and (ii) the installation of approximately 22 kilometres of 38kV electricity cables from the proposed substation to the existing electricity substation in the townland of Lisdrumdoagh, County Monaghan. The electricity cables will comprise approximately 17 kilometres of overhead line and approximately five kilometres of underground line. Overhead lines will consist of three number cables suspended from wooden poles with a maximum height of 16 metres, and all associated site

development and reinstatement works. Underground cables will be located within private lands and within the public roads numbered L5171, L1400 and L1171; 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 beneath the N12 and Ulster Canal and all associated site development and reinstatement works. A vehicle access track of up to four metres in width will be provided immediately adjacent to underground cables within private lands. This planning application is accompanied by an Environmental Impact Assessment Report 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 planning reference 10/110 and An Bord Pleanála Reference PL18.240760 and proposed to be amended by planning reference 17/258 and An Bord Pleanála Reference PL18.300998 (currently under construction). All within the townland of Luppan, County Monaghan and across the townlands of Shanmullagh, Coraghbrack, Drumlester, Knockabeany, Drumbristan, Tonintlieve, Cloghfin, Derrykinnigh More, Killybreen, Killycarran, Derrygola, Tamlet, Derrilla, Tonyfinnigan, Knockcor, Drumdart, Aghaclogha, Drumcoo Woods, Drumlish, Aghagally, Doogary, Killygavna, Sheetrim, Drumshanny, Drumgeeny, Legacurry, Mullabrack (Scott), Enagh, Griggy, Straghan or Cornasore, Eden Island, Crumlin, Drumrutagh, Aghnasedagh, Coolmain, Feebane and Lisdrumdogagh, County Monaghan. Further public notices were received by the planning authority on the 11<sup>th</sup> day of July, 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.**

## Reasons and Considerations

Having regard to the nature, scale and extent of the proposed development and to the pattern of development in the area, to the relevant provisions of the Monaghan County Development Plan 2019-2025, it is considered that, the proposed development would accord with national, regional and local planning and related policy, would not seriously injure the amenities of the area, including the amenities of property in the vicinity, would not have an unacceptable impact on the landscape or on biodiversity, would be acceptable in terms of human health and safety and in terms of traffic safety and convenience. The proposed development 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, the Board considered the totality of the documentation on file, including the submissions from the applicant, the planning authority and from all other parties and observers. The Board firstly noted and agreed with the conclusions of the Inspector in her report dated the 22<sup>nd</sup> October, 2021, that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of any European site. Furthermore, the Board determined that the presented evidence from the applicant in relation to the potential impact of the proposed development on the curlew, was comprehensive in detail and reasonable in conclusion, such that it was considered that the concerns of the Inspector on this matter were not grounds to refuse the proposed development.

Specifically, the Board did not share the concerns of the Inspector in her report dated the 11<sup>th</sup> January, 2023 regarding the submissions of the applicant. In this regard, the Board noted the commentary of the applicant in the submission received by the Board on the 25<sup>th</sup> February, 2022 and the report of the Environmental Consultants. The Board noted the detailed reasoning provided by the applicant for the 100-metre buffer zone. The Board

agreed that the route of the grid connection will not significantly impact on the curlew population because of the buffer of 100 metres and the mitigation measures. It was noted that there is no curlew nesting area within 100 metres of the cable route. The Board noted the mitigation measures set out by the applicant in respect of predation and this is addressed by condition. The Board also noted and shared the overall opinion of the planning authority in its planning report dated the 4<sup>th</sup> September, 2019 which was prepared after a receipt of Further Information and on foot of an extensive assessment, and which led to a decision to grant permission.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report and the 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 conservation objectives of such sites, other than Slieve Beagh Special Protection Area (Site Code: 004167), and Slieve Beagh Mullaghfad Lisnaskea Special Protection Area (Site Code UK: 9020302), which are European Sites for which the proposed development has the potential to have a significant effect and for which Appropriate Assessment is, therefore, required.



## Appropriate Assessment Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions, including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on Slieve Beagh Special Protection Area (Site Code: 004167), and Slieve Beagh Mullaghfad Lisnaskea Special Protection Area (Site Code UK: 9020302), in view of the above 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.

In completing the assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures that are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European sites in view of the sites' conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

## 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 and extent of the proposed development.
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions from the applicant, planning authority, the observers and the prescribed bodies in the course of the application, and
- (d) the Planning Inspector's reports.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, 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 overall assessment except in relation to biodiversity (specifically curlew) and completed the following reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Any impacts on population and human health at construction stage will be mitigated by construction management measures.
- Potential impacts on flora and fauna would not be material and with mitigation no unacceptable environmental impacts arise.





- Subject to mitigation outlined and/or conditioned there will be no significant residual impacts on land, soil, water, air, climate, landscape and cultural heritage.
- Traffic management measures will be implemented during construction. There is potential for disruption on local road network during the laying of cables under public roads which generally comprise road crossings, 40 metres in total, which will not require extensive excavation or involve prolonged disruption.

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, except by reference to biodiversity (specifically curlew).



## 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 information submitted on the 11<sup>th</sup> day of July, 2019 and the further information received by An Bord Pleanála on the 24<sup>th</sup> day of February, 2022, 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 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 interests of clarity and environmental protection.

2. The mitigation measures identified in the Environmental Impact Assessment Report, the Natura Impact Statement and other plans and 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 conditions of this permission.

**Reason:** In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. The developer shall comply with the following general requirements:
  - (a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
  - (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.





- (c) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.
- (d) Interconnecting cables within the substation site shall be located underground.

**Reason:** In the interests of clarity, of visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

- 4. The developer shall comply with the following additional nature conservation requirements:
  - (a) No felling or vegetation removal shall take place during the period 1<sup>st</sup> March to 31<sup>st</sup> August.
  - (b) The developer shall comply with the Inland Fisheries Ireland publication "Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters".
  - (c) A pre-construction mammal survey shall be carried out by a suitably qualified ecologist to check for the presence of any protected species (including otter, birds and bats).
  - (d) Any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.
  - (e) Bird deterrents shall be installed along the overhead transmission cables.

**Reason:** In the interests of biodiversity and nature conservation.

5. The landscaping proposals shall be carried out within the first planting season following commencement of construction of the proposed development. All existing hedgerows (except at access track openings) shall be retained. The landscaping and screening shall be maintained at regular intervals. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those original required to be planted.

**Reason:** To assist in screening the proposed development from view and to blend it into its surroundings in the interest of visual amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Uisce Éireann (formerly Irish Water) and the planning authority for such works and services as appropriate.

**Reason:** In the interest of public health and to ensure a proper standard of development.

7. The construction of the development shall be managed in accordance with a final Construction and Environmental 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 noise management measures, traffic management, protection of wayleaves, an invasive species management plan and off-site disposal of construction /demolition waste.

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

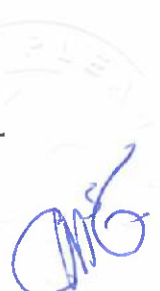
8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

9. The preservation, recording and protection of archaeological materials or features that may exist within the site shall be facilitated. In this regard, a suitably-qualified archaeologist shall be retained to monitor all site investigations and other excavation works and provide arrangements for the recording and for the removal of any archaeological material considered appropriate to remove.

**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.

10. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a final Traffic Management Plan. The Traffic Management Plan shall contain the following detail: -
- (a) All proposed site access locations off the road network and the signage proposed at each location in accordance with Chapter 8 of the Traffic Signs Manual 2010.
  - (b) Loading/unloading of construction materials and plant. The proposed source of all construction material shall be specified.



- (c) Parking locations - parking of all site operatives and construction vehicles shall not be permitted on the national and regional road network.
- (d) The location of site compounds.
- (e) Proposals to phase deliveries to minimise traffic disruption.

**Reason:** In the interest of traffic safety.

11. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

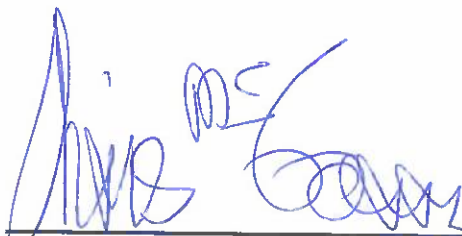
**Reason:** To ensure the satisfactory completion of the development.

12. 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 provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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:** To ensure the satisfactory completion of the development.

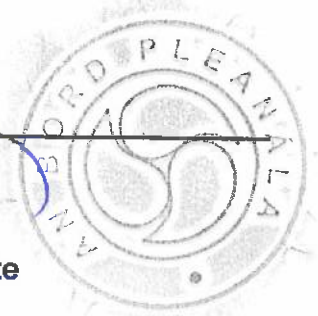
13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



**Chris McGarry**

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



Dated this 30<sup>th</sup> day of June 2023.