



An  
Bord  
Pleanála

## Inspector's Report ABP 301563-18

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<b>Development</b>	10-year permission for 110kV electricity and underground cabling.
<b>Location</b>	In the following townlands; Carrigdangan, Inchincurka, Kilnadur, Aultaghreagh, Aultagh, Ardcahan, Knockduff, Gurteennasowna, Ballyhalwick. Shehy More, Coolcaum, Coolmountain, Tullagh, Lackabaun, Clogher, Farrannahineeny, Crushterra, Gurteen and Carrigdangan north of Dunmanway, County Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	17/431
<b>Applicant(s)</b>	Keel Energy Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	(1) Nigel de Hass (2) Karin Kempf and Others. (3) John Smedley/Jutta Zahl (4) Francis Kelly and Others

(5) Elizabeth Fleming/Carole Neiertz

(6) Sarah Hodgkinson and Others

(7) Joe Franz

(8) Anne Marie Murray

(9) David Hyland and Others

(10) Pat Lordan and Others

(11) Timothy/Kathleen Baker

**Observer(s)**

Jyoti Foster Mills

Diana Kuehnel

**Date of Site Inspection**

1<sup>st</sup> March 2019

**Inspector**

Hugh Mannion

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## 1.0 Site Location and Description

- 1.1 For convenience this site description will start at the western end of the electricity cable at Shehy More and end at the ESB substation at Ballyhalwick just east of Dunmanway, County Cork.
- 1.2 From its western end at Shehy More the 33kV cable will run east from the windfarm permitted under PL04.243861. Initially for about 400m it will be laid within an existing fire break in commercial forestry down to a gravelled track. This gravelled track has a junction with a single lane public road which serves two houses. There is limited screening in the immediate area of these two houses but soon after and to the east there is significant screening on both sides of the public road. About a kilometre from its western terminal point at Shehy More the cable goes off the public road to loop through another forest path/firebreak before emerging again onto the public road (this is in the townland of Coolcaum - see table 2.1 Townlands Traversed by the Proposed Cabling in Chapter 2 of the EIAR). The cable then follows the public road south. The public road is still single carriageway with sod bank boundaries generally topped by shrub/bracken.
- 1.3. The first major watercourse is crossed at Coolmountain where there is a fast-flowing upland section of the Caha River which is itself a tributary of the Bandon River and has its confluence with that river at Ardcahan further along the route. This crossing is marked by a bridge on the public road with blockwork/concrete walls. The public road now turns sharply east and continues as a single carriageway along the southern flank of Carrigarierk (343 OD) for about 4kms. At Carrigdangan a forest track heads north from a junction with the public road and the substation and amended borrow pit are proposed to be located about 600/700m up this forest track. There is dense tall tree cover all along this forest track and in the area of the substation and a little farther along the track in the area of the amended borrow pit.
- 1.4. A 110kV cable will connect the proposed new substation at Carrigdangan to the existing ESB station at Dunmanway. The public road leads east from the junction with the forest track to a further junction with another public road and then turns south. In quick succession then there are three watercourse crossings (identified as crossings 2, 3 and 4 in the EIAR and NIS) before the proposed route reaches the R585 which links the N71 in the southwest to the N22 on the northeast. The R585

has two lanes. The proposed cable route then turns off the R585 and heads south and re-crosses the Caha river (watercourse crossing number 5 in the EIAR/NIS). The proposed route then joins and runs along the R587 to the last section of minor road which links the R587 to the R586 just east of Dunmanway town centre. There is a 6<sup>th</sup> major water course crossing at Ardcahan bridge on this section of minor road.

- 1.5. The southern terminal point is the existing ESB substation at Ballyhalwick, east of Dunmanway on the R586.

## 2.0 Proposed Development

- 2.1. This is an application for 10-year permission for
- 2.2. (1) a 110kV electricity substation including 2 control buildings, associated electrical plant and equipment, underground electricity cabling, fencing, alterations to a previously permitted borrow pit and temporary construction compound at Carrigarierk Windfarm (permitted under PL04.246353) in Carrigdangan townland.
- 2.3. (2) 110kV underground electricity cabling connecting the proposed substation to the existing Dunmanway ESB substation in the townlands of Carrigdangan, Inchincurka, Kilnadur, Aultaghreagh, Aultagh, Ardcahan, Knockduff, Gurteennasowna, and Ballyhalwick.
- 2.4. (3) 33kV underground electricity cabling connecting the proposed substation to the permitted windfarm at Carrigarierk through the townlands of Carrigdangan, Gortatanavally and the permitted Shehy More windfarm (PL04.243486) through the townlands of Shehy More, Coolcaum, Coolmountain, Tullagh, Lackabaun, Clogher, Farrannahineeny, Crushterra, Gurteen and Carrigdangan.
- 2.5. (4) All ancillary works and apparatus north of Dunmanway, County Cork.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority granted permission subject to 13 conditions. Condition 2 granted a 10-year permission. Condition 9 required agreement of a traffic management plan for works on the public road.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

3.2.2. Initially the planning authority sought additional information in relation to;

- (1) confirmation of occupied houses within 500m of the proposed substation.
- (2) details of dewatering of trenches and disposal of pumped water when in proximity to the SAC.
- (3) details of the clear-felling at the substation site and integration of the Forest Service Guidelines - Forestry and Freshwater Pearl Mussel Requirements. Submit an assessment of the possible effects on the SAC.
- (4) submit details of the 6 proposed cable water crossings with reference to otters, dippers, kingfishers and bats.
- (5) identify any invasive species along the route and submit an invasive species management plan.
- (6) submit a revised NIS which details the cumulative impacts on the SAC's qualifying interests.
- (7) submit survey results for the Kerry slug in the area of the proposed substation and access road.
- (8) submit details of surface water drainage arrangements and construction related techniques.
- (9) Submit details of proposed road reinstatement.
- (10) Submit a waste management plan for the proposed development.

### 3.2.3. Other Technical Reports:

**Ecologist:** (24<sup>th</sup> August 2017) sought further information as set out in points 2 to 7 of the further information request. The matter of the potential for impact on the Freshwater Pearl Mussel which is a qualifying interest for the Bandon River SAC was raised in point 2 of the request for further information. The applicant responded to this point and a further Ecologist's Report (dated 10/4/2018) reviewed the additional information and recommended a grant of permission with conditions.

**Conservation Officer** (24<sup>th</sup> August 2017) reported no objection on architectural conservation grounds.

**Environment Report** sought submission of a waste management plan (point 10 of the further information request).

The **Archaeologist Report** recommended a condition requiring protection of national monument Farranahineeny Stone Row.

**Area Engineer** (10<sup>th</sup> August 2017) stated that there should be clarity as to how application affects the public road and that full reinstatement should be provided.

**Irish Water** (10<sup>th</sup> August 2017) reported no objection.

**Inland Fisheries Ireland** (31<sup>st</sup> July 2017) stated that there should be no interference with water courses along the proposed development and that suspended solids or other polluting matter must not be discharged to watercourses.

## 4.0 **Planning History**

- 4.1. PL04.246353 a ten year planning permission was granted for development comprising the construction of a wind farm of up to five number wind turbines, with a maximum ground to blade tip height of up to 140 metres, upgrading of existing and provision of new internal access roads, provision of a wind anemometry mast (height up to 90 metres), two number borrow pits, underground electricity cabling, underground grid connection electrical cabling including all associated infrastructure, junction accommodation works for the proposed delivery route, one number electricity sub-station with control building and associated equipment, one number construction compound, upgrading of the existing site access junction, permanent signage and all ancillary site works, all in the townlands of Gurteen, Clogher, Derryleigh, Gortatanavally, Carrigdangan, Inchincurka, Johnstown, Haremont, Gorteenadrolane, Teeranassig, Clonmoyle, Dromleigh, Coolaclevane, Carrigboy, Cooldorragha, Deshure, Teerelton, Lisnacuddy, Reanaca heragh, Barnadivane, Barnadivane (Kneeves), and Garranereagh, County Cork.
- 4.2. PL04.243486 Permission was granted for the construction of a windfarm and all associated infrastructure comprising the provision of a total of 12 number wind

turbines, with a maximum overall blade tip height of up to 131 metres, upgrading of existing and provision of new internal access roads, provision of a wind anemometry mast (height up to 90 metres), four number borrow pits, underground electricity connection cabling, upgrading of site access junctions an electricity substation with control room and associated equipment, temporary construction compound and all ancillary site and ground works in the townlands of Cloghboola, Gortnacarriga, Tooreenalour, Garryantorna, and Shehy More, Dunmanway, County Cork. The proposed development was revised by further public notices received by An Bord Pleanála in relation to further information received by it on the 18<sup>th</sup> September 2015 comprising a detailed Environmental Impact Statement addendum in respect of the proposed grid connection and details regarding the route of that connection which will be entirely by way of an underground 38kV cable. The underground cable will run within the public road corridor between the site of the current proposal and either the previously permitted substation (in the townland of Garranereagh) or currently proposed substation (in the townland of Barnadivane [Kneeves]). The underground cable will run within the public road corridor through the townlands of Cloghboola, Cornery, Garryantornora, Tooreenalour, Gortnacarriga, Gortaknockane, Cooragreenane, Coolroe West, Curaheen (ED Bealock), Cappanclare, Coorolagh, Carrignacurra, Dromnagapple, Teeranassig, Clonmoyle, Dromleigh, Coolaclevane, Carrigboy, Cooldorragha, Deshure, Teerelton, Lisnacuddy, Reanacaheragh, Barnadivane, Barnadivane (Kneeves) and Garranareagh.

- 4.3. Under **04.VC0104** the Board decided that the substation and underground cabling was not strategic infrastructure development to which section 182A of the Planning and Development Acts apply.

## 5.0 Policy Context

### 5.1. National Planning Framework (NPF)

- 5.2. The NPF (especially chapter 9) commits the state to a policy of environmental sustainability through several overarching aims including a transition to a low carbon economy through the use renewable energy. National policy objective 55 is to;



Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

**5.3. Wind Energy Guidelines 2006.**

5.4. The Guidelines advise that a reasonable balance must be achieved between meeting Government Policy on renewable energy and the proper planning and sustainable development of an area and they provide advice in relation to the information that should be submitted with planning applications. The impacts on residential amenity, the environment, nature conservation, birds and the landscape should be addressed. The guidelines state that particular landscapes of very high sensitivity may not be appropriate for wind energy development.

5.5. Planning authorities are advised to distinguish locations within their administrative areas where wind energy projects would be acceptable.

**5.6. South-west Regional Planning Guidelines 2010-2020**

5.7. South-west Regional Planning Guidelines 2010-2020 are the relevant regional planning guidelines for the area. The Guidelines have regard to the National Climate Change Strategy to reduce greenhouse gas emissions and encourage the development of sources of renewable energy. Some of the key issues identified are;

- The South West Region has significant natural resources (renewable energy, primary production), the value and potential of which for economic development have not been fully realised. This provides a major opportunity for the future development of sustainable rural economies and tourism.
- It is an objective to protect existing tourism assets in the region and develop additional sustainable facilities for activity holidays, urban and rural tourism.
- It is an objective to facilitate the sustainable development of additional electricity generation capacity throughout the region and to support the sustainable expansion of the network. National grid expansion is important in terms of ensuring adequacy of regional connectivity as well as facilitating the development and connectivity of sustainable renewable energy resources.
- It is an objective to ensure that future strategies and plans for the promotion of renewable energy development and associated infrastructure development in

the Region will promote the development of renewable energy resources in a sustainable manner

**5.8. Cork County Development Plan 2014-2020**

5.9. The Cork County Development Plan 2014-2020 is the relevant county development plan for the area. The development plan has, *inter alia*, identified areas where wind energy is generally permitted and open for consideration.

**5.10. Objective ED1-1 Energy**

Ensure that through sustainable development County Cork fulfils its optimum role in contributing to the diversity and security of energy supply and to harness the potential of the county to assist in meeting renewable energy targets.

**Objective ED3-1 National Wind Energy Guidelines**

Development of on-shore wind shall be designed and developed in line with the ‘Planning Guidelines for Wind Farm Development 2006’ issued by DoELG and any updates of these guidelines.

**Objective ED3-3 Wind Energy Generation.**

Support a plan led approach to wind energy development in County Cork and identify areas for wind energy development. The aim in identifying these areas is to ensure that there are no significant environmental constraints, which could be foreseen to arise in advance of the planning process.

**Objective HE3-1 Protection of Alcohological Sites**

a) Safeguard sites and settings, features and objects of archaeological interest generally.

b) Secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments including the Sites and Monuments Record (SMR) (see [www.archeology.ie](http://www.archeology.ie)) and the Record or Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, as amended and of sites, features and objects of archaeological and historical interest generally.

In securing such preservation, the planning authority will have regard to the advice and recommendations of the Department of Arts, Heritage and Gaeltacht as outlined in the Frameworks and Principles for the Protection of the Archaeological Heritage.

### **Objective HE 3-6: Archaeology and Infrastructure Schemes**

Have regard to archaeological concerns when considering proposed service schemes (including electricity, sewerage, telecommunications, water supply) and proposed roadwork's (both realignments and new roads) located in close proximity to Recorded Monuments and Places and their known archaeological monuments.

### **Objective GI 6-1: Landscape**

- a) Protect the visual and scenic amenities of County Cork's built and natural environment.
- b) Landscape issues will be an important factor in all landuse proposals, ensuring that a proactive view of development is undertaken while maintaining respect for the environment and heritage generally in line with the principle of sustainability.
- c) Ensure that new development meets high standards of siting and design.
- d) Protect skylines and ridgelines from development.
- e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

### **Objective GI 7-2: Scenic Routes**

Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this plan. The scenic routes identified in this plan are shown on the scenic amenity maps in the CDP Map Browser and are listed in Volume 2 Chapter 5 Scenic Routes of this plan.

### **Objective GI 7-3: Development on Scenic Routes**

- a) Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout,

and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area.

b) Encourage appropriate landscaping and screen planting of developments along scenic routes.

#### **5.11. The West Cork Municipal District Local Area Plan 2017.**

5.12. The West Cork Municipal District Local Area Plan 2017 replaced the Skibbereen Local Area Plan 2011 in the lifetime of this application and is now the relevant local area plan for the application site. Dunmanway is identified as one of the 6 towns at the apex of the settlement hierarchy in table 2.2 in the LAP and is recognised as a growth centre in the Core Strategy and as a location for employment services and public transport. The plan recognises the need to encourage the diversification of the rural economy by promoting a stronger tourism and leisure economy both through the protection of the area's natural and built heritage and by encouraging appropriate new forms of employment development.

#### **5.13. Natural Heritage Designations**

See AA Screening below.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

- The planning authority did not properly consider the observations lodged in relation to this application.
- The EIAR indicates that the proposed development will serve two windfarms with a combined 22 turbines and 66MW which exceeds the threshold for a SID application. The proposed development may serve future windfarms.
- The proposed substation is 290m from one house and 455m from another. These houses will be impacted upon.

- The EIAR is incorrect in its description of the landscape characteristics and the river catchment location. The stated rationale for the proposed development is to replace two previously permitted substations. This is not true.
- The Regional Planning Guidelines/County Development Plan cannot be relied upon to support this development.
- The proposal is elevated at 209mOD in an area of high landscape value, will be visually obtrusive and out of keeping with the character of the area.
- The proposed development should be dealt with under the strategic infrastructure provisions of the Planning Acts.
- The control compound is 50% larger than required.
- There is potential for pollution of both ground and surface water within the Bandon River catchment which will also negatively impact on the conservation objectives of the Bandon River SAC.
- The applicant does not have the agreement of the owners of land under the public road and therefore the application is invalid having regard to Article 22 of the Planning and Development Regulations.
- Dust impacts from ground works on houses are not properly considered.
- The noise assessment does not deal with the noise impacts from construction of the substation.
- The proposed development will negatively impact on the archaeological heritage of the area and the substation will be visually intrusive when viewed from Farranahineeny Stone Row.

## 6.2. Applicant Response

- The Board has previously determined under reference 04.VC0104 that this development is not strategic infrastructure. The proposed substation will be within the site of the Carrigarierk windfarm permitted under PL04.246353, planning register reference 15/730. This substation will replace the two

substations previously permitted under the Carrigarierk/ PL04.246353 permission and the Shehy More/PL04.243486 permission.

- The County Council as roads authority has already given consents for the proposed works to the public road. Traffic impacts are addressed in the EIAR and a construction environmental management plan was submitted with the application. Traffic impacts will be adequately mitigated as set out in the application. Road surfaces will be reinstated.
- Alternative routes for the laying of cabling are discussed and evaluated in the EIAR.
- Public consultation as carried out in preparation for the application is set out in section 2.5.4 of the EIAR.
- The application is not project splitting since full information in relation to the entire project is set out in the application.
- There was an error in the omission of two houses close to the proposed development which was corrected by way of the submission of additional information.
- The project will not impact on property prices.
- The roadside cabling will not impact on future houses along the roadside. Access to agricultural and community uses will be managed in a way to avoid impact where possible.
- The proposed development will not adversely impact on archaeology is set out in the EIAR. The planning authority's heritage office had no objection on archaeological grounds.
- The waste management plan submitted with the application is adequate and accepted as such by the planning authority.
- The proposed development will not impact on water supply and where works take place close to watermains the work will be carried out by hand.
- Dust emissions are addressed in the EIAR.
- The depth of earth cover over the cables will accord with EIRGRID/ESB standards.

- There are 68 culvert/bridge crossings within the proposed development. The detailed methodology for implementing these crossings is set out in the CEMP.
- Dewatering of trenches will be kept to a minimum having regard to rainfall. Where possible water will be pumped to the existing surface water treatment ponds within the windfarm site and where necessary the water will be trucked to a nearest suitable windfarm settlement pond.
- The proposed development will not damage human health through the creation of electromagnetic fields.
- The ecological surveys underpinning the EIAR were undertaken in accordance with the relevant guidelines.
- Invasive species will be managed in accordance with an invasive species management plan.
- The ecological importance of the watercourses in the area of the proposed development have been recognised in the EIAR. The effects on the aquatic environment have been properly identified and appropriately mitigated.
- A moderate negative effect was identified in the application on the Kerry slug. The slugs in the affected area will be trapped and relocated. 1.43ha of commercial forestry which is a suitable habitat for this species will be lost but this is an imperceptible negative impact.
- Effects on surface and ground water quality will be mitigated as set out in the EIAR. Measures will prevent hydrocarbon spillages.
- The proposed development will not affect tourism or impact on visual amenity. The proposed cable route is not along any designated scenic route.
- The proposed development will not significantly increase noise in the area.

### 6.3. Planning Authority Response

- No comments.

#### 6.4. **Observations**

6.5. Observations were received from Jyoti Foster Mills and Diana Kuehnel. These may be summarised as;

- The cable is within 500m of several houses.
- The proposed development will negatively impact on walking trails in the area.
- The NIS/EIAR submitted are flawed.
- The application is part of a project splitting exercise.
- The proposed development will spread invasive species.

#### 6.6. **Further Responses**

6.7. Further responses were received from Nigel de Haas, Timothy & Kathleen Baker, Karin Kempf and Others, Francis Kelly and Others, Sarah Hodgkinson & Others, Joe Franz & Diana Kuehnel, John Smedley/Jutta Zahl, Elizabeth Fleming/Carole Neiertz, Annmarie Murray/Nicola Hassett, Geraldine Lordan and Others. These may be summarised as;

- Public consultation should have included more public meetings.
- The proposal will devalue property in the area.
- The completion time for the proposed development is unclear.
- The proposed development will endanger traffic safety.
- The proposed development will give rise to dust emissions.
- The proposed development will release silt into water courses with consequent damage to aquatic species, including Freshwater Pearl Mussel.
- The proposed development will damage drains and give rise to flooding.
- The invasive species management plan is inadequate.
- The proposed development will impact visual amenity and the tourism value of the area.
- The substation is 50% larger than necessary.



- The proposed development is project splitting.
- Local archaeological remains will be disturbed.
- The development description is incorrect, and the planning authority's processing of the application was flawed. The EIAR is inadequate.

## 7.0 **Planning Assessment**

7.1. I am satisfied that the main issues to be considered are those raised in the appeals made to the Board and are;

- Planning Policy Context,
- The planning authority's consideration of the application,
- The Application as Strategic Infrastructure,
- Project Splitting,
- Visual impacts and Tourism,
- Water pollution,
- Ecological – Freshwater Pearl Mussel and Kerry Slug,
- Invasive Species,
- Traffic Safety,
- Archaeology,
- Dust.

## 7.2. **Planning Policy Context**

7.3. The Wind Energy Guidelines set out a number of strategic aims for wind energy development which should inform local planning policy as incorporated in County Development Plans. A strategic aim to be delivered by the development plan is the identification on development plan maps of the key areas within the planning authority's functional area where there is significant wind energy potential and

where, subject to criteria such as design and landscape planning, natural heritage, environmental and amenity considerations, wind energy development will be acceptable in principle. The current Regional Planning Guidelines includes an objective to facilitate the sustainable development of additional electricity generation capacity throughout the region and to support the sustainable expansion of the network and the RPGs state that connectivity of sustainable renewable energy resources is a priority for the region.

- 7.4. The Cork County Development Plan includes a map (figure 9.3) which indicates areas within the county where wind energy projects are acceptable in principle and where such projects are open for consideration. The County Development Plan also sets out an objective to contribute to the diversity and security of energy supply and to harness the potential of the county to assist in meeting renewable energy targets.
- 7.5. The Board has previously granted two wind farm developments at Carrigarierk/ PL04.246353 and Shehy More/PL04.243486 which will be served by the proposed substation and underground connection to the national grid through a connection at the Dunmanway substation.
- 7.6. Having regard to the location of the substation and underground cabling in an area where wind energy development is open for consideration and to the overall policy set out in the County Development Plan to support renewable energy projects I conclude that the proposed development accords with the national, regional and county development plan objectives in relation to renewable energy.
- 7.7. **Planning Authority's consideration of the Application.**
- 7.8. The appeal makes the point that the planning authority's consideration of the application and submissions made in relation to it was flawed. It should be noted in this connection that the Board's function is limited to *de novo* consideration of the application as brought to it on appeal. The Board has no function in relation to how the planning authority discharges its functions under the Planning and Development Acts.
- 7.9. A further point is made that the consent of landowners with property along the public road has not been gained by the applicant for the application. The point is made that landowners own the land up to the centre line of the public road. The applicant

makes the point that consents for road works under the Roads Acts have already been granted by the County Council as Roads Authority.

- 7.10. The Development Management Guidelines for Planning Authorities (2007) (paragraph 5.13) make the point that the development management system is not a mechanism for resolving disputes in relation to title to lands. The Guidelines advise that only in circumstances where it is clear that an applicant does not have sufficient legal interest to make an application for permission that permission should be refused. Where other impediments arise section 34(13) of the Planning and Development Act states that a person is not entitled solely by reason of a grant of planning permission to carry out development.
- 7.11. I am satisfied on the basis of the material submitted with the application and response to the appeal that the applicant has sufficient legal interest to make this application.
- 7.12. A further point is made in the appeals and observations submitted that the EIAR was inadequate and in particular that two houses located 290m and 455m from the proposed substation were omitted from the EIAR. This point was raised by the planning authority in its request for additional information and addressed in the response to the request for additional information submitted to the planning authority on the 20<sup>th</sup> March 2017.
- 7.13. The applicant accepted that two houses had been omitted from the EIAR and table 1.1 of the further information submission sets out an assessment of the foreseeable impacts, mitigation measures and residual impacts for these two houses. The construction phase impacts are examined under the heading of health and safety, employment and investment, population, landuse, noise and vibration, dust, tourism and amenity, landscape and visual. In relation to construction phase noise and vibration on these two houses it is concluded that the separation distances from the proposed works at 290m and 455m will adequately mitigate impacts. Dust emissions will be insignificant because aggregate construction material will be sourced on site and machinery will be properly maintained to minimise these emissions. Operational phase impacts are examined under the headings of noise, health and safety, tourism amenity, and landscape and visual. There will be no

operational phase noise for these two houses and all other impacts will be insignificant.

7.14. While recognising that these two houses should have been assessed in the original EIAR the omission was identified by the planning authority and the applicant addressed the omission in the further information submission. I have considered the further information response and the other material submitted with the application and appeal. I consider that the impacts on these two houses are properly assessed in the additional information submitted and I conclude that the construction and operational phase impacts on these two houses are acceptable.

#### 7.15. **Strategic Infrastructure**

7.16. The appeal makes the point that the application should have been dealt with as an application for strategic infrastructure development under section 182A of the Planning and Development Act 2001, as amended.

7.17. The Board dealt with this question under case reference 04.VC0104 (file attached). The proposal in this instance is for the substitution of 2 no. substations for 1 no. 110 kV substation to serve two permitted windfarm developments, in addition to underground cabling from the substation to a 110kV substation at Dunmanway and 33kV underground cabling from one windfarm to the other. Carrigariék windfarm secured permission on appeal for 5 no. turbines and a substation under reference number PL04.246353. The application was accompanied by an EIS. Shehy More windfarm secured permission for 11 no. turbines and a substation on appeal under reference PL.04243486. This was also accompanied by an EIS. In terms of the latter a separate permission was secured on appeal for the underground electrical connection to Barnadivane under ref.no. PL88.246915.

7.18. In total 16 turbines have permission. Whilst dependent on the turbine specifications the projected output of the two windfarms would be in the region of 32-48 megawatts. As per the 7<sup>th</sup> Schedule of the Planning and Development Act, 2000, as amended, which set out infrastructure developments for the purposes of sections 37A and 37B, the thresholds for wind energy development are 25 turbines or 50MW. Therefore, the developments, when taken cumulatively, do not meet or exceed the said thresholds.

7.19. The Board directed that the proposed development does not constitute strategic infrastructure. I am satisfied therefore that the proposed development should properly to be considered as an application under section 34 of the Planning and Development Act.

**7.20. Project Splitting**

7.21. The appeal makes the point that there have been many planning applications for wind energy development within the wider area of this application and that these and the present application comprise project splitting. The applicant makes the point that this term is usually used in relation to attempts to avoid compliance with EIAR requirements and that in this case the applicant has provided full details on environmental impacts.

7.22. The previously determined wind farm applications which the current application is proposed to serve have been subject to EIA. An EIAR has been submitted in the present case. Having regard to the material submitted with the application and appeal I conclude that the application as amended by the further information adequately describes the likely significant impacts on the environment.

**7.23. Visual Impact and Tourism**

7.24. The appeals make the point that the proposed development is elevated over the adjoining landscape and will negatively impact on the visual amenity of the area and thereby on the tourism potential of the area.

7.25. The County Development Plan includes an objective (objective GI 6-1: Landscape) to protect the visual and scenic amenities of County Cork's built and natural environment and to consider landscape impacts when accessing planning applications. Volume 4 of the County Development Plan maps the designated High Value Landscape areas within the County and neither the substation/borrow pit or the route of the cable are within a High Value Landscape area. The heavily wooded location of the substation/borrow pit serves to minimise visual impacts. The appeals make the point that much of the conifer plantation in the area may be harvested at some point in the future; even if this were the case I am satisfied that the topography and distance from areas of high landscape value will adequately mitigate any visual impact.

- 7.26. Objective GI 7-2 commits the planning authority to protect the character of those views and prospects obtainable from designated scenic routes mapped in volume 4 of the Development Plan. The route of the proposed cable is not within any designated scenic route. The southern terminal point of the closest such route is close to Coolmountain bridge but the buried cable will visually not impact on it.
- 7.27. I conclude therefore, that the proposed development will not unacceptably impact on the landscape quality of the area, be visible from designated routes and will not undermine the tourism potential of the area.
- 7.28. **Water Pollution.**
- 7.29. The appeals make the point that the proposed development will give rise to water pollution.
- 7.30. There are no instream works proposed in the application. The application has three basic elements which have capacity to give rise to silt or other suspended solids which may cause surface water pollution; the substation/borrow pit, the trench for cable laying and the directional drilling generally under the watercourses at bridges and culverts. The substation/borrow pit are at least 100m from any water course and the application (see especially chapter 3 of the CEMP) sets out detailed mitigation measures to prevent silt/suspended solids making their way from the construction site to any water course. These include an interceptor drain up-slope of the works which will minimise surface water flows into the construction area and swales down gradient of the works to catch run off. Other elements of the proposed surface water management system include check dams, level spreaders, maintenance of existing vegetation to slow surface water movement and, stilling ponds to allow silt to settle out and silt fences. The planning authority raised the issue of dewatering in the request for further information. The applicant responded that dewatering within the substation or cable trench should be minimal and where possible standing water would be allowed to infiltrate into the soil. Where areas require dewatering excess surface water will be tankered away and released where permitted surface water management measures are in place.
- 7.31. The trenches will be generally opened and closed in short sections and trenches will be covered during heavy rain. No works will take place close to river/water course

banks, machinery will move slowly and largely in the public road. Hydrocarbons will be prevented from reaching surface water through keeping machinery refuelling at an appropriate distance, using bunded areas for storage of oils and chemicals, spills will be avoided through best practice site management. Human foul waste will be stored, removed from site and disposed of to an authorised facility.

- 7.32. As a last option where trench laying is not possible directional drilling will be undertaken. Directional drilling will be used to provide a path for the cable. The potential impacts arising from drilling were raised by the planning authority in the request for additional information and further detail was submitted by the applicant (see section 3 of the McCarthy Keville O'Sullivan submission). A further assessment of all the water crossings (that is the six main bridge crossing points and all the smaller culverted crossing points) was undertaken and the applicant states that only two adjoining culverts, numbers C65 and C66) will require drilling. The underlying bedrock comprising moderately weathered sandstone and mudstone is suitable for the type of directional drilling proposed. The drilling is carried out using a natural, inert fully biodegradable drilling fluid which is pumped through the drill rods until the required diameter is achieved and the cable threaded through from the launch pit (the beginning) to the reception pit (end) (see CEMP paragraph 2.3.3.8 and drawing figure 2).
- 7.33. This material was reviewed by the planning authority's ecologist who reported that there were no further concerns in relation to water quality risk and especially the drilling required.
- 7.34. Having regard to the foregoing and the material submitted with the application and appeal I conclude that the proposed development will not give rise to surface or ground water pollution.
- 7.35. **Ecology – (a) Freshwater Pearl Mussel.**
- 7.36. The appeal makes the point that the proposed development may impact on the Freshwater Pearl Mussel. The planning authority's ecologist raised concerns in this regard in particular the potential for the clear-felling of the area of the proposed substation in Carrigdangan to release silt and nutrients which may impact on the Freshwater Pearl Mussel where it occurs in the Bandon River SAC. The planning

authority raised this issue by way of a request for further information and the applicant submitted an amended NIS which made the points that;

- the area of 1.43ha would be cleared under licence from the forestry service,
- buffer zones would be maintained as per the license,
- there were no watercourses within the felling area and the nearest watercourse is 100m distance,
- that the mitigation measures set out in the amended NIS would prevent runoff of silt or nutrients.

7.37. The submission concluded that no impacts would arise for water quality within the SAC or wider catchment and there would no adverse impact on the Freshwater Pearl Mussel. The planning authority's ecologist reviewed the additional information and clarification of additional information and recommended permission.

7.38. Having regard to the material submitted with the application and appeal, to the planning authority reports and to and my site inspection which confirmed that the topography, water courses and tree cover in the area are as described in the material on file I conclude that the proposed development will not give rise to surface or ground water pollution such as to impact on the Freshwater Pearl Mussel.

7.39. **Ecology - (b) Kerry Slug.**

7.40. The appeal makes the point that the proposed development would impact on the Kerry slug. This matter was raised as point 7 in the request for additional information whereby the planning authority sought an assessment of the impact on the Kerry slug in the area of the proposed substation and access road.

7.41. The applicant submitted a survey/assessment as set out in appendix 7 to the further information submission. The slug was confirmed in 11 locations within the entire application site. The felling of trees will impact on slugs. To mitigate this impact the slugs will be trapped within the working areas and hand searches will be carried out to remove remaining creatures. There will be a long-term imperceptible impact on the Kerry slug population but their range includes the southwest of Ireland and the loss of 1.54ha of trees is not a significant habitat loss.



- 7.42. This survey/assessment was reviewed by the planning authority's ecologist and considered acceptable. Having regard to the material submitted with the application and appeal I consider that the impact on the Kerry slug to be proportionate and acceptable.
- 7.43. **Invasive Species**
- 7.44. The appeal makes the point that the application does not deal adequately with invasive species. This matter was raised by the planning authority in the request for additional information on the basis that a comprehensive plan for annual treatment of recorded invasive species within the application site was necessary and a plan to safe disposal of contaminated soil.
- 7.45. The applicant responded that the submitted invasive species management plan was basically sound, that the main concern is Japanese Knotweed and that there are no identified examples of this within the application site. Where works must take place within 7m of such a plant (seven metres is the farthest know extent of the rhizome from a particular plant) or underground root it will be carried out under the supervision of an appropriately qualified ecologist and any contaminated soil will be segregated and disposed of under licence from the NPWS. The planning authority's ecologist reviewed the additional information and recommended permission.
- 7.46. Having regard to the material submitted with the application and appeal (especially the applicant's response to the appeal at 4.6.2) I am satisfied that the proposed development will not contribute to the expansion of invasive species.
- 7.47. **Traffic Safety**
- 7.48. The appeal makes the case that the proposed development will disrupt traffic movements on the public road and may give rise to traffic hazard.
- 7.49. A number of observations may be made in this regard; the road network in not heavily trafficked and only three short sections (substantially less than a kilometre each) of regional route will be affected, some parts of the cable route will be off road, the western end of the cable route and the substation and amended borrow pit are not on the public road, works will take place in sections and for limited periods, the entire circa 20kms of route will not be constructed simultaneously. Furthermore, the CEMP has set out a list of mitigation measures including staff training and

management supervision to ensure that safe work practices and minimal disruption to road users.

7.50. Where access is required for roadside residential or agricultural uses steel plates will be laid over the working trenches and works will be scheduled to avoid more sensitive uses – for instance access to the Dunmanway Community Hospital (this small hospital is located on the minor road close to the junction with the R586 near the southern end of the proposed cable). The public road will be reinstated to the standard required by the planning authority.

7.51. Having regard to the material submitted in relation to the application and appeal, to the nature of the road network in the area and the traffic volumes currently using this network, the mitigation measures set out in the application and the reports of the planning authority I conclude that the proposed development will not endanger public safety by reason of traffic hazard or disruption of road users.

#### 7.52. **Archaeology**

7.53. The appeal makes the point that the proposed development will impact archaeological remains and especially on Farranahineeny Stone Row. This matter has been addressed in the EIAR at chapter 11 and additional material is submitted with the response to the grounds of appeal. The planning authority's archaeological advice is that the proposed development is acceptable and that the mitigation measure of a planted strip around the area of the substation will acceptably minimise its visual impact. The Farranahineeny Stone Row is about 1.5kms southwest of the substation; the intervening tree cover and topography will ensure that views between these two elements are very limited and visual impact not significant.

7.54. The appeal refers to five recorded monuments within 100m of the application site. The application makes the point that there will be no direct impact on these monuments and that the correct mitigation measure is to monitor works to ensure that no disturbance takes place. I agree with this point.

7.55. Having regard to the material submitted with the application and appeal and the reports of the planning authority I conclude that no significant negative impact will arise for archaeological heritage from the proposed development and that the proposed development is acceptable from an archaeological heritage perspective.

## 8.0 Environmental Impact Assessment

- 8.1. This section sets out an environmental impact assessment (EIA) of the proposed project. I have examined the information submitted by the applicant including the submitted Environmental Impact Assessment Report /EIAR as well as the written submissions made to the Board. I am satisfied that the environmental impact of the proposed development is addressed under each environmental factor in addition to the cumulative impacts of the proposed development.
- 8.2. The application is accompanied by an EIAR. The application was received by the planning authority 5<sup>th</sup> July 2017 therefore, having regard to the provisions of Circular Letter PL1/2017, the subject application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017.
- 8.3. The impact of the proposed development is addressed under all relevant headings with respect to the environmental factors listed in Article 3(1) of the 2014 EIA Directive. The EIAR clearly sets out a case regarding the background to and need for the project (Chapter 2). The EIAR also provides a significant level of detail regarding the consideration of alternatives. This information is presented at Chapter 2 of the EIAR and includes discussion on site selection, alternative layouts, alternative designs and alternative processes. An overview of the main interactions is provided at Chapter 13 of the EIAR. Table 1.2 presents a list of main contributors/ authors for each environmental factor and their qualifications. The competencies of the experts detailed in the EIAR are considered to be consistent with and appropriate to the requirements of the EIA and amending directive.
- 8.4. Details of the consultation carried out by the applicant as part of the preparation of the project are set out at Chapter 2 of the EIAR.
- 8.5. The content and scope of the EIAR is acceptable and in compliance with the requirement of Articles 94 (content of EIS) and 111 (adequacy of EIS content) of the Planning and Development Regulations, 2001 (as amended) and the provisions of the new amending directive.

## 8.6. **Alternatives**

8.7. Chapter 2 discusses alternatives to the present proposal. The rationale for the present application is to provide a single substation to serve two permitted windfarms at Shehy More/PL04.243486 and Carrigarierk/PL04.246353. The substation is within a landscape and habitat of low sensitivity in an area of commercial coniferous forestry. Following on the choice of site for the substation the route for the connection to the Dunmanway substation/grid connection is the shortest and most accessible route which avoids ecologically sensitive areas. All cabling will be underground.

8.8. Section 2.3 of the EIAR addresses the cumulative impacts which will arise both from the landuse plans relevant to the area and the permitted windfarms in the area. The Cork County Development Plan supports the development of renewable energy in a manner that contributes the local economy and assists the reaching of renewable energy targets nationally.

8.9. I conclude based on the information set out in the EIAR and the additional information submitted with the application and appeal that the alternatives considered in the EIAR are reasonable and are relevant to the project and its specific characteristics. The main reasons for choosing the proposed site are set out, have been properly assessed and are acceptable.

## 8.10. **Proposed project**

8.11. Chapter 3 describes the proposed development. The main elements of the proposed development are (1) 8.6kms of 33kV cabling from the Shehy More windfarm to the Carrigarierk substation, (2) the construction of a substation at Carrigarierk, and 11kms of 110kV cabling from Carrigarierk substation to the existing Ballyhalwick substation close to Dunmanway. The detailed elements of the proposed works are;

- The new electricity substation with two control buildings and two steel lattice lighting masts at Carrigarierk where the electrical components will reflect the standards established by the ESB/Eirgrid.
- A 55m access road to the substation.
- About 19.6kms of cabling of which 18.4m will be along existing roads and tracks while 0.78kms will within conifer forestry firebreaks.

- A permitted borrow pit (permitted under PL04.246353) will be relocated to accommodate a substation and rock breaking or blasting will occur within this pit and resulting rock will be used in construction works.
- The laying of the new cable will require a combination of ducting, trenching water course crossings. The EIAR lists and maps the water course crossing as bridge and water culvert crossings (see Bridge Crossings Figure 3.2 and Table 3.1 of EIAR).

8.12. I conclude based on the information set out in the EIAR and the additional information submitted with the application that the proposed development is adequately described.

### 8.13. **Population and Human Health.**

8.14. Chapter 4 deals with likely direct, indirect and cumulative impacts on human beings, population and human health. In relation to human health it is considered that there is no potential for impact on public health from the construction compounds/borrow pit and substation construction as these elements are not publicly accessible. Potential for significant impact arises from works along the public road for the public. Mitigation of these potential impacts will be achieved through adherence to health and safety at work regulations, use of personal health and safety equipment and safety signage. Traffic speeds near the works in the public space will be limited to 25kms/hour, work areas will be marked and segregated from the public. The overall effect will be insignificant.

8.15. The project will employ 25 people in the construction phase. There will be no significant long-term population effect. Other potential areas of impacts (dust, noise and vibration, amenity and land take) are dealt with in detail under separate chapters.

8.16. I have considered the EIAR and all the written submissions made in relation to the application. I am satisfied that impacts on population and human health are positive or would be avoided, managed and/or mitigated by measures that form part of the proposed scheme and with suitable conditions. I am therefore satisfied that the

proposed development would not have any unacceptable direct or indirect impacts on population and human health.

**8.17. Biodiversity, Flora and Fauna.**

8.18. Chapter 5 deals with Biodiversity, Flora and Fauna. Table 5.3 sets out the European Sites and Natural Heritage Areas within 15kms of the application site. The SACs are the Bandon River SAC (002171), the Gearagh SAC (000108), the Derryclogher (Knockboy) Bog SAC (001873). The SPA is the Gearagh SPA (004109). There are two Natural Heritage Areas are; the Sillahertane Bog NHA (001882) and the Connigar Bog NHA (002386). The proposed Natural Heritage Areas are; the Bandon Valley South of Dunmanawy (001053), Lough Allua (001065), Boylegrove Wood (001854), Gouganebarra Lake (001057), The Gearagh (000108), Ballagh Bog (001886), Prohus Wood (001248), the Derryclogher (Knockboy) Bog SAC (001873) and Killaneer House Glen (001062).

8.19. Research in relation to rare/protected flora in the area was conducted as a field survey and a literature review (the EIAR uses the hectads or 10kms/10kms squares which is a standard methodology for assessing widely distributed plant or animal species). The plant species of conservation value are listed in table 5.4. The same methodology is used to record birds as set out in table 5.6 and for other mammals/amphibians (for example badgers, otters, common frogs and lizards) in table 5.7. Bats are present within the overall area. Freshwater pearl mussel is present in the Bandon catchment. The elements of the overall development for which works will give rise to impacts are identified as;

1. Substation, borrow pit and temporary construction compound,
2. Underground cabling,
3. Major water crossings, and
4. Smaller water crossings.

8.20. Substation is located beside an existing forestry track where Sitka spruce and lodgepole pine/conifer dominate. The borrow pit extension and the temporary construction compound are within areas of conifer plantation. The borrow pit is 150m

of the nearest water course. The underground cabling<sup>1</sup> begins to the west in a conifer firebreak area and continues through a regenerating section which was previously occupied by commercial forestry. After this area is a new forestry track (0.6kms) and older track and then about 18kms along the public road. The major water crossings are mapped on figure 5.2 and listed in table 5.8. Minor crossings are at existing public and private culverted water course crossings.

8.21. A construction and environmental management plan (CEMP) is included as appendix 6 of the EIAR, is summarised at section 3.5 and is referenced in relation to the construction of the substation, borrow pit extension and the temporary construction compound, with the major and minor water crossings.

8.22. The mitigation measures proposed include;

- Standardised training for all operational staff in method statements, risk assessment and traffic management. Safe Passes will be required and first aid supplies will be available, and PPE will be in use. A competent foreman will manage day to day operations. Excavations will be backfilled each evening, unauthorised access will be prevented, pipework will be positioned manually and where existing services are identified hand digging will be employed.
- 1.43ha of conifer plantation will be removed and replanted under license.
- Pollution of water courses with silt will be prevented by ensuring no release of suspended solids as a direct or indirect result of construction works, there are no instream works or temporary culverting, works will be stopped during heavy rains, and exposed fills/stockpiles will be covered during rain, silt fences will be used to trap any silt escaping the working areas.
- Hydrocarbon release will be prevented by storing any oils, fuels and all potentially harmful materials in propriety containers and in bunded areas, refuelling of machinery will be kept a minimum of 50m from any water course, no hazardous substance will be left unattended, spill kits and oil soakage pads will be kept on hand for unintended spills, plant and machinery will be maintained in good order, waste hydrocarbons will be collected in leak proof

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<sup>1</sup> There is some pagination confusion in the printed EIAR at this point (See 5-12 and following) but the material is clear.

containers for disposal, where pumps use fuel they will be maintained in bunded areas, refuelling will be carried out by trained staff.

- 8.23. Construction phase direct impacts will be limited to loss of a small area of conifer and scrub and road verges. Areas will be revegetated as soon as possible. There will be a slight short-term negative impact on otters arising from the works, but this is limited to daylight working hours and there will be no long term impact on the otter or other fauna.
- 8.24. There are no instream works proposed. The EIAR suggested originally that the up to 17 water crossings will require directional drilling but this was reduced to two culverts in the revisions submitted as further information. Where this horizontal drilling is required it will take place outside the salmonid spawning period of July to September. The proposed development is predicted to have no long-term impact on the ecology of the watercourses. The potential for aquatic fauna particularly Brook Lamprey and freshwater pearl mussel are addressed by the mitigation measures for silt mobilisation and hydrocarbon escape and it is concluded that no long-term impact for the ecology of the Bandon catchment will result from the proposed development.
- 8.25. There will be staff sanitary facilities at the substation, but wastewater will be contained, removed from site and treated in accordance with a waste management collection permit.
- 8.26. Section 5.3.4 addressed invasive species. Three areas of Japanese knotweed and one area of giant rhubarb were identified adjacent to the cable route. The planning authority sought additional information in the form of an Invasive Species Management Plan. This was submitted with the further information response. While there is no invasive species within the application site the management plan recommends mitigation measures to prevent the spread of such species by the provision of a buffer zone between construction related activity and an example of an invasive species and the disposal under licence of any soil identified as being contaminated.
- 8.27. I have considered the EIAR and all the written submissions made in relation to the application. I am satisfied that impacts on biodiversity, flora and fauna would be avoided, managed and/or mitigated by measures that form part of the proposed



scheme and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts on biodiversity, flora and fauna.

**8.28. Land, Soils and Geology.**

8.29. Chapter 6 addresses the likely significant impacts on land, soils and geology. The substation, borrow pit and trench for cabling will require excavation of soil, subsoil and bedrock and will have a permanent direct effect on geology in the area of the proposed development. The effect within the substation area will not be significant because the peat there has been degraded due to forestry works and drainage, the majority of soils and subsoil will be reinstated or sent for recovery, the stone required for the substation will be sourced within the development site, the soils and subsoils along the cable route are not greenfield and are of low significance because they are roadside verges, a minimum amount of material will be removed in comparison to the total volume within the site.

8.30. Fuel and chemicals are identified as the potential sources of contaminants for soils and subsoils. Mitigation measures are set out (paragraph 6.5.1.2 in the EIAR) which include keeping oils/fuels/chemicals in proprietary containers in bunded areas, prevention and management of leaks, removal of waste oils/fuels for disposal or recycling.

8.31. I have considered the EIAR and all the written submissions made in relation to the application. I am satisfied that impacts on land, soils and geology would be avoided, managed and/or mitigated by measures that form part of the proposed scheme and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts on land, soils and geology.

**8.32. Hydrology and Hydrogeology**

8.33. Chapter 7 of the EIAR deals with the likely significant impacts on hydrology and hydrogeology. No flood risk is indicated for the area of the substation from a search of the OPW information on their website. For a synopsis of the main and minor water course and culvert crossings see especially Figure 2.2 in the CEMP.

8.34. The potential for impact on surface water quality would arise from the substation construction works but since this is about 100m from any watercourse there is no

impact on surface water. The potential for run off during the operational phase of the substation will be mitigated by the construction of up-gradient surface water drains to reduce the amount of surface water flowing onto ground surface within the substation enclosure. Swales, drains and a settlement pond down gradient of the substation will allow sediment to settle out. Any hydrocarbons required during the substation operational phase will be properly handled and stored to avoid spillage.

- 8.35. The trench and water course crossings are identified as potential sources of surface water pollution and the measures to prevent the mobilisation of silt and hydrocarbons are repeated here. The chapter concludes that there is an overall insignificant effect on surface water quality.
- 8.36. Potential impact on ground water arises from potential spills of fuels and other chemicals. The mitigation measures specific to this point include avoiding maintenance of plant and machinery on site, storage of fuels/chemical remote from the cable laying working area, inspection of plant for leaks and keeping of spill kits to deal with accidental spillages.
- 8.37. The potential for impact on human health through pollution of public or private potable water supply is noted. There are no public or group supply ground water protection zones within the area of the proposed development and the design and mitigation measures set out elsewhere are sufficient to prevent risk to human health. There will be no effect on surface or ground water quality.
- 8.38. I have considered the EIAR and all the written submissions made in relation to the application. I am satisfied that impacts on hydrology and hydrogeology would be avoided, managed and/or mitigated by measures that form part of the proposed scheme and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts on hydrology and hydrogeology.
- 8.39. **Air and Climate**
- 8.40. Chapter 8 deals with air and climate. Dust is identified as the major emission during the construction phase of the proposed development and arises from two sources; excavation and backfilling and construction related traffic movements. The mitigation of excavation and backfilling generated dust will be implemented through; wetting of dry disturbed working surfaces, inspection and cleaning of roads as

necessary, covering of vehicles when transporting loose material with a tarpaulin. Minor emissions of greenhouse gases will occur during construction, but these will be mitigated against in the operational phase of the project by the supply of renewable energy.

8.41. There is no negative operational climate impact and a positive operational phase impact will arise from the facilitation of renewable energy production.

8.42. I have considered the EIAR and all the written submissions made in relation to the application. I am satisfied that impacts on air and climate would be avoided, managed and/or mitigated by measures that form part of the proposed scheme and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts on air and climate.

8.43. **Noise and Vibration**

8.44. Chapter 9 covers noise and vibration. Noise and vibration will arise in the construction phase. Table 9.1 sets out standard thresholds for noise at houses. Table 9.2 highest predicted noise values for several types of construction machines. Information on construction related vibration is set in the NRA Guidelines for the treatment of Noise and Vibration in National Roads Schemes. The EIAR states that there will be construction phase noise impacts on sensitive receptors, mainly houses, but these will be temporary. The nearest habitable house to the substation as stated in the original application is 500m distant but this was corrected to 290m in the further information. There is also intervening dense forest in the area. Mitigation measures will be employed as follows;

- Equipment will be appropriately located having regard to topography and natural screening.
- Noise generating construction activities will take place within normal working hours.
- Working plant will be selected for its noise reduction properties and plant operations will be carried out in accordance with relevant British Standard.
- Construction staff will be trained to reduce noise where appropriate.

8.45. No noise or vibration impacts will arise at operational phase and there will be no impact on human health.

8.46. I have considered the EIAR and all the written submissions made in relation to the application. I am satisfied that noise and vibration would be avoided, managed and/or mitigated by measures that form part of the proposed scheme and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts arising from noise and vibration related to the proposed development.

**8.47. Landscape and visual.**

8.48. Chapter 10 of the EIAR addresses landscape and visual impact. For the purpose of assessing landscape and visual impact there are two distinct elements to the proposed development; (1) the underground cabling and (2) the substation, alteration to the borrow pit and the constriction compound.

8.49. The construction phase impacts from the cable laying will arise largely along the public road where they will be short term, localised and transient. There is a short stretch (1.3kms) on an existing forest track and a shorter (0.9kms) within a commercial forestry plantation. The substation, alteration to the burrow pit and the constriction compound will occupy about 1.43ha and require removal of coniferous plantation. Areas of bare soil within the forestry area and along the roadside verge will be revegetated as soon as possible when construction operations have ceased. There will be no long-term landscape impacts from the roadside cable and the existing forestry and replanted area around the substation will adequately mitigate its visual and landscape impact.

8.50. There will be a long term slight negative visual impact from the lighting masts located within the substation compound and there will be minor cumulative visual impacts from the proposed development, the Carrigarierk and Shehy More windfarms.

8.51. I have considered the EIAR and all the written submissions made in relation to the application. I am satisfied that impacts on landscape and visual amenity would be avoided, managed and/or mitigated by measures that form part of the proposed scheme and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts on the landscape and visual amenity of the area.

## 8.52. **Archaeology and Cultural Heritage**

8.53. Chapter 11 of the EIAR identified direct, indirect, cumulative and residual impacts.

Residual impacts are those which remain after mitigation measures have been implemented. There are no national monuments within the site along the line of the proposed grid connection cabling. There is a national monument – the Stone Row at Farranahineeny about 166m south of the public road along which the cable will be laid. Therefore, there is no direct impact on national monuments arising from the proposed development. Table 11.2 lists the recorded monuments within 100m of the cable route and these are mapped in Figure 11.8. There is potential for direct impact on these during construction phase and the mitigation measure recommended in table 11.3 is monitoring during the construction phase.

8.54. The EIAR considered the operational phase impact of the substation on the Stone Row at Farranahineeny and summarises the potential impacts in table 11.4. The main impact identified is visibility between the substation and the Stone Row and the mitigation measure proposed is replanted screening around the substation especially in views from the monument. Monitoring of the grid connection route works is the principal mitigation measure in relation to unidentified archaeological remains which may occur.

8.55. I have considered the EIAR and all the written submissions made in relation to the application. I am satisfied that impacts on archaeology and cultural heritage would be avoided, managed and/or mitigated by measures that form part of the proposed scheme and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts or cumulative on the archaeology and cultural heritage of the area.

## 8.56. **Material Assets**

8.57. Chapter 12 deals with impacts on material assets. Impacts on the road network and traffic on it along the proposed cabling route are identified as significant. Mitigation of construction impacts on the road network will include;

- Briefing drivers of the identified haulage route,
- Appropriate signage to ensure agreed routes are followed,

- Restricting vehicle passing times to between 7am and 7pm Monday to Saturday.
- Managing construction traffic including staff car parking, turning and passing room on the forest track, the employment of flagmen to manage traffic movements.
- Road cleaning as appropriate and liaison with the local community.
- There are no identified operational phase traffic impacts.

8.58. There are no construction phase impacts identified arising from the substation and other off-road works for above or underground telecoms services. There may be short term construction phase impacts for these services but these impacts will be mitigated in accordance with the measures set out in the CEMP submitted with the EIAR and will include survey of the planned construction area to identify any services, liaison with the local authority in relation to underground services and informing operatives of the location of such services. There will be no operational phase impacts from the completed cable.

8.59. I have considered the EIAR and all the written submissions made in relation to the application. I am satisfied that impacts on material assets would be avoided, managed and/or mitigated by measures that form part of the proposed scheme and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect or cumulative impacts on the material assets of the area.

8.60. Chapter 13 summarises the impacts which have been identified in the earlier chapters.

#### 8.61. **Conclusions**

8.62. Having regard to the examination of environmental information contained above, to the EIAR and supplementary information provided by the applicant and the submissions from the appellants, 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:

- There is potential for likely significant effects on water quality because of the disturbance to soils, subsoils and bedrock in the area of the substation, borrow pit and temporary construction compound and the roadside cabling within the catchment of the Bandon river system. Mitigation measures against release of suspended solids and hydrocarbons include avoidance of in-stream works, cessation of works during periods of heavy rain, covering of exposed areas of fill/stockpiles during rain and use of swales and silt fences to trap any silt escaping the working areas. These measures are set out in the EIAR and the additional information and are considered adequate to mitigate direct, indirect and cumulative impacts on water quality.
- There is potential for likely significant effects on aquatic fauna within the catchment of the Bandon river system. Mitigation measures against release of suspended solids and hydrocarbons are set out in the EIAR and the additional information and are considered adequate to mitigate direct, indirect and cumulative impacts on aquatic fauna.
- There is potential for likely significant effects on archaeological remains proximate to the proposed development, in particular the Stone Row at Farranahineeny. Mitigation measures provided for in the application include maintenance of appropriate separation distances between the works and identified archaeological features, monitoring ground works for any archaeological impacts and screen planting between the substation and the Stone Row at Farranahineeny. These measures set out in the EIAR and the additional information are considered adequate to mitigate direct, indirect and cumulative impacts.
- Impacts on population and human health will generally arise in terms of traffic management on the public road where cable laying will occur. Construction phase impacts are addressed the EIAR and the construction and environmental management plan (CEMP). Measures therein will mitigate noise and vibration through limiting the duration of construction hours, the use of plant with low potential of noise and / or vibration, the use of noise barriers and locating plant away from noise sensitive receptors. Noise and vibration levels would be within acceptable emissions limits during normal operation.

- Landscape and Visual impacts would will be limited to those that arise from the substation. The mitigation measures, including planting and landscaping set out in the in the EIAR and the additional information are considered adequate to mitigate direct, indirect and cumulative impacts.

## 9.0 Appropriate Assessment Screening

- 9.1. The application included an Appropriate Assessment Screening report. The report identified 6 European sites which could be potentially affected by the proposed development. The sites identified are; the Bandon River SAC (002171), the Gearagh SAC (000108), the Derryclogher (Knockboy) Bog SAC (001873), St Gobnet's Wood SAC (000106), the Gearagh SPA (004109), the Mullaghanish to Musheramore Mountains SPA (004162). The report sets out the conservation objectives for all the European sites identified. The Gearagh SAC (000108), the Derryclogher (Knockboy) Bog SAC (001873), and St Gobnet's Wood SAC (000106) are 10kms, 17.8kms and 15kms distant from the application site and have no hydrological connection with the application site. These three sites are accordingly screened out from further consideration. No source-pathway-receptor connection or surface water pathway was identified between the Gearagh SPA (004109) and the application site, the separation distance is 10.5kms and, accordingly, this European site was excluded from further consideration. The Mullaghanish to Musheramore Mountains SPA (004162) is 15kms distant from the cable route and there are no hydrological links between the application site and the SPA and, accordingly, this European site was excluded from further consideration.
- 9.2. Having regard to the material submitted with the application, the conservation objectives for which these sites have been designated, the absence of a source-pathway-receptor connection and separation distances between the European sites and the application site I consider that it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on The Gearagh SAC (000108), the Derryclogher (Knockboy) Bog SAC (001873), and St Gobnet's Wood SAC (000106), The Gearagh SPA (004109) and the Mullaghanish to Musheramore Mountains SPA (004162) and



a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in relation to these sites.

- 9.3. The AA screening report addressed the Bandon River SAC (002171) and having regard to the qualifying interests for which the SAC was designated it concluded that significant effects on water quality within the Bandon River SAC (002171) could not be ruled out and that the submission of a NIS and carrying out of an AA was necessary in this instance.
- 9.4. On the basis of the information provided with the application I recommend that it cannot be concluded that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on Bandon River SAC (002171) and that submission of a NIS and carrying out of an appropriate assessment is necessary.

## 10.0 Appropriate Assessment

- 10.1. The Bandon River SAC (002171) is the subject of the NIS submitted with the application and a revised NIS with the additional information on the 20<sup>th</sup> October 2017. The site has been designated for habitats and species. The designated habitats are; water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation and Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) which is a priority habitat. The designated species are; the fresh water pearl mussel and the Brook Lamprey. The conservation objective is to maintain or restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SAC has been selected.
- 10.2. The main elements of the proposed development are (1) 8.6kms of 33kV cabling from the Shehy More windfarm to the Carrigarierk substation, (2) the construction of a substation at Carrigarierk, and 11kms of 110kV cabling from Carrigarierk substation to the existing Ballyhalwick substation close to Dunmanway. All the proposed works take place outside the SAC and therefore there are no direct effects on the integrity of the European site.
- 10.3. Since the entire proposed development is outside the SAC but within the catchment of the Bandon River there is potential for significant indirect effects on the SAC

arising from contaminants in surface water. The detailed elements of the proposed works are;

- The new electricity substation with two control buildings and two steel lattice lighting masts at Carrigarierk where the electrical components will reflect the standards established by the ESB/Eirgrid.
- A 55m access road to the substation.
- About 19.6kms of cabling of which 18.4m will be along existing roads and tracks while 0.78kms will within conifer forestry firebreaks.
- A permitted borrow pit (permitted under PL04.246353) will be relocated to accommodate a substation and rock breaking or blasting will occur within this pit and resulting rock will be used in construction works.
- The laying of the new cable will require a combination of trenching and ducting at water course crossings. The NIS lists and maps the water course crossing as bridge and water culvert crossings (see Main Water Course Crossings map page 13 and Table 2.1 of NIS).

10.4. Construction phase measures to prevent water pollution include having regard to the Inland Fisheries Ireland guidance document – Protection and Conservation of Fisheries Habitat with reference to Road Construction. There will be no release of suspended solids to any watercourse, there will be no permanent or temporary instream works, works will be halted during heavy rain, exposed surfaces will be covered to prevent sediment washing into watercourses and silt fences will be constructed to prevent sediment reaching water courses. Hydrocarbons will be stored in impermeable containers; storage areas will be bunded and refuelling will not take place within 50m of any watercourse. Spills will be remedied at source with spill kits. Refuelling will be carried out in controlled conditions which avoid leaks or spills.

10.5. The potential sources for operational phase contaminants are identified as foul wastewater from staff facilities at the substation which will be collected and tankered off site. Oils/fuels used as part of operations will be stored in bunded areas.

10.6. The planning authority raised the issue of potential impact on the Freshwater Pearl Mussel which is a qualifying interest of the Bandon River SAC and which is

particularly sensitive to changes within the water environment. The planning authority was concerned that the potential effects of both silt and nutrients entering the river system had not been fully assessed in the NIS submitted with the application and raised the issue as point 3 in the request for additional information.

- 10.7. A revised NIS was submitted. The applicant responded that the substation will require clear felling of 1.43ha of commercial conifer forestry which has been scheduled to take place irrespective of this application and will be carried out under a tree felling licence from the Forestry Service. There is no watercourse within the area to be cleared and nearest watercourse is 100m. Buffer zones will be maintained accordance with the appropriate guidance – Forestry and Water Quality Guidelines – Forestry Service 2000. In relation to silt or nutrient movement in groundwater this will be limited and groundwater will re-emerge within 30m to 300m of the infiltration point. Therefore the objective is to mitigate against movement of contaminants in surface water towards sensitive water courses. Detailed mitigation measures in relation to silts and nutrients are set out at paragraph 2.2.3.2 of the further information response received by the planning authority on the 22<sup>nd</sup> February 2018 (MacCarthy Keville O’Sullivan report). This material was reviewed by the planning authority’s environment section which reported no further concern in relation to environmental effects.
- 10.8. The NIS (Table 4.3) assesses the potential for impacts on Alluvial forests *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) and concludes that there will be no impacts. Table 4.4 assesses the impacts on water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation and concludes that there will be no reduction in habitat distribution or other impact. Table 4.5 assesses the impacts for Freshwater Pearl Mussel populations and concludes there will be no impacts and table 4.6 assesses the impact on Brook Lamprey and concludes there will be no impacts. The cumulative impacts arising in conjunction with other projects (Sheehy More windfarm, Sheehy More turbine delivery works, Carrigarierk windfarm, the existing Dunmanway substation) are considered at section 4.3.1 of the revised NIS and it is concluded that there will be no such impacts. Table 4.7 considers the cumulative interactions that will arise in conjunction with certain policy provisions which support renewable energy in the South West Regional Planning Guidelines and the Cork County

Development Plan 2014-2020. These potential interactions arise from the objective to encourage renewable energy projects within the Clare and Cork County Development Plans and the Regional Planning Guidelines for the area. But the mitigation measures incorporated in this application will avoid any adverse effects on the SAC.

10.9. Having regard to the location of the works within the Bandon river catchment but outside the SAC, to the material set out in the application, to the information set out in the NIS and particularly the measures proposed to prevent the entry of silt or hydrocarbons into the Bandon river catchment I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Bandon River SAC (002171), or any other European site, in view of the site's Conservation Objectives.

## 11.0 Recommendation

11.1. I recommend that planning permission be granted.

## 12.0 Reasons and Considerations

12.1. Having regard to:

- the national targets for renewable energy contribution of 40% gross electricity consumption by 2020,
- the "Wind Energy Development Guidelines - Guidelines for Planning Authorities", issued by the Department of the Environment, Heritage and Local Government in June 2006,
- the policies of the planning authority as set out in the Cork County Development Plan (2014-2020),
- the proximity and availability of a grid connection to serve the proposed development,

- the distance to dwellings or other sensitive receptors from the proposed development,
- the planning history of the wider area including the decisions in appeal reference numbers PL04.246353 and PL04.243486.
- the submissions made in connection with the planning application and appeal,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,

it is considered that the proposed development would accord with the national policy in relation to renewable energy targets, the policy of the planning authority set out in the county development plan to support the development of renewable energy and with the proper planning and sustainable development of the area.

## 12.2. **Appropriate Assessment Stage 1**

12.3. The Board considered the Screening Report for Appropriate Assessment, the Natura Impact Statement and all other relevant submissions and carried out 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 noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale and location of the proposed development, as well as the report of the Inspector.

12.4. The Board agreed with the screening report submitted with the application and with the screening exercise carried out by the Inspector. The Board concluded that, having regard to the qualifying interests for which the sites were designated and in the absence of a hydrological connection between the application site and the European sites that The Gearagh SAC (000108), the Derryclogher (Knockboy) Bog SAC (001873), and St Gobnet's Wood SAC (000106), The Gearagh SPA (004109) and the Mullaghanish to Musheramore Mountains SPA (004162) could be screened out from further consideration and that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant

effects on these European sites in view of the sites' conservation objectives and appropriate assessment is therefore not required in relation to these European sites.

#### **12.5. Appropriate Assessment Stage 2**

12.6. The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the Bandon River SAC (002171) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

12.7. In completing the assessment, the Board considered the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, the mitigation measures which are included as part of the current proposal and the Conservation Objectives for this European Site. 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 Site, having regard to the site's Conservation Objectives.

12.8. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of Bandon River SAC (002171) or any other European site in view of the site's Conservation Objectives.

#### **12.9. Environmental Impact Assessment**

12.10. There is potential for likely significant effects on water quality because of the disturbance to soils, subsoils and bedrock in the area of the substation, burrow pit and temporary construction compound and the roadside cabling within the catchment of the Bandon river system. Mitigation measures against release of suspended solids and hydrocarbons include avoidance of in-stream works, cessation of works during periods of heavy rain, covering of exposed areas of fill/stockpiles during rain and use of swales and silt fences to trap any silt escaping the working areas. These measures are set out in the EIAR and the additional information and

are considered adequate to mitigate direct, indirect and cumulative impacts on water quality.

- 12.11. There is potential for likely significant effects on aquatic fauna within the catchment of the Bandon river system. Mitigation measures against release of suspended solids and hydrocarbons are set out in the EIAR and the additional information and are considered adequate to mitigate direct, indirect and cumulative impacts on aquatic fauna.
- 12.12. There is potential for likely significant effects on archaeological remains proximate to the proposed development, in particular the Stone Row at Farranahineeny. Mitigation measures include maintenance of appropriate separation distances between the works and identified archaeological features, monitoring ground works for any archaeological impacts and screen planting between the substation and the Stone Row at Farranahineeny. These measures set out in the in the EIAR and the additional information are considered adequate to mitigate direct, indirect and cumulative impacts.
- 12.13. Impacts on population and human health will be generally arise in terms of traffic management on the public road where cable laying will occur. Construction phase impacts are addressed the EIAR and the construction and environmental management plan which will mitigate noise and vibration through limiting the duration of construction hours, the use of plant with low potential of noise and / or vibration, the use of noise barriers and locating plant away from noise sensitive receptors. Noise and vibration levels would be within acceptable emissions limits during normal operation.
- 12.14. Landscape and Visual impacts would will be limited to those that arise from the substation. The mitigation measures, including planting and landscaping on the landscape set out in the in the EIAR and the additional information are considered adequate to mitigate direct, indirect and cumulative impacts.

## 13.0 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 20<sup>th</sup> day of October 2017 and the 22<sup>nd</sup> day of February 2018 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. The period during which the development the subject of this grant of permission may be carried out shall be 10 years from the date of this order.

**Reason:** Having regard to the relationship of this development to the windfarms it will serve.

3. All of the environmental, construction and ecological mitigation measures set out in the Environmental Impact Statement, the Natura Impact Statement, as revised, and other particulars submitted with the application and in the further information submitted to the planning authority the 20<sup>th</sup> day of October 2017 and the 22<sup>nd</sup> day of February 2018 shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order.

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



4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. 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. The construction of the development shall be managed in accordance with a Construction Environment 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:
  - (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) Location of areas for construction site offices and staff facilities;
  - (c) Details of site security fencing and hoardings;
  - (d) Details of on-site car parking facilities for site workers during the course of construction;

- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (h) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (i) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (j) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Environment Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

6. 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.

7. Prior to the commencement of development, the applicant shall submit to and agree with the planning authority a landscaping scheme for the area of the proposed substation.

**Reason:** In order to provide screening for the proposed substation in the interests of visual amenity.

8. Prior to commencement of development the applicant shall submit to and agree with the planning authority plans and particulars for the implementation of the Invasive Species Management Plan submitted with the application. These plans and particulars shall include the employment of suitable qualified and experienced personnel to monitor the development works and the removal and safe disposal of contaminated material when it arises.

**Reason:** To prevent the spread of invasive plant species.

9. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

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Hugh Mannion  
Senior Planning Inspector

9<sup>th</sup> April 2019