An Bord Pleanála

Inspector's Report ABP-301717-18

Development	Installation of 38kV underground electricity transmission cables (c.9km of c.13km), from the permitted wind farm sub-station in the townland of Taghart South, Co. Cavan (PA ref. 16/74 and PL02.247401) to the border with County Meath. File travelling with concurrent appeal ABP-301742-18 (PA ref. KA171177).
Location	Taghart South, Corlea, Cornamagh, Collops, Corglass, Drumsallagh, Corawaddy, Carnagee, Cornakill, Dunaree, Lisanisky, Lisasturrin, Corgarry and Larchfield Glebe, Co. Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	17/502
Applicant(s)	Taghart Energy Ltd.
Type of Application	Permission.
Planning Authority Decision	To grant.
Type of Appeal	Third Party.
Appellant(s)	Taghart Wind Information Group.
Observer(s)	None.

Date of Site Inspection	13th March 2019.
Inspector	Deirdre MacGabhann

Contents

1.0 Introduction

1.1. The proposed development comprises c.9km of a c.13km underground cable to connect a permitted wind farm development in the townland of Taghart South, Co. Cavan (PL02.247401) to an existing ESB sub-station in Co. Meath. It is travelling with a concurrent appeal, ABP-301742-18, in respect of the c.4km proposed development in Co. Meath. Similar issues are raised in both appeals and the matters are addressed in a common 'Assessment' section of both reports.

2.0 Site Location and Description

2.1. The proposed development comprises c.9km of a c.13km underground cable connecting the permitted wind farm at Taghart South to an existing ESB sub-station at Meath Hill, County Meath. The overall development (c.13km underground cable) is situated in the predominantly rural areas straddling and passing through Kingscourt Town itself. Development alongside the public road is largely confined to scattered rural housing and farms. Corlea National School and St. Joseph's Church lie alongside the public road, c. 500m to the east of the permitted wind farm.

2.2. From the permitted wind farm development at Taghart south, the proposed underground cable in Co. Cavan will travel across agricultural land (c.350m) and existing farm tracks (c.495m) to the public road to the east of the permitted wind farm. From here it will run along minor public roads to join the R165 to the north west of Kingscourt. It will pass through Kingscourt travelling for a short distance along the R165, then turn south along St. Mary's Road, to join the R164 just west of Main Street. It will then continue in an easterly direction along the R164 for a short distance, crossing Main Street (R162), to re-join the R165 east of Main Street. The route then travels principally along this regional road to the County Border with Meath just east of the town. The remaining c.4km of the proposed cable route in County Meath travels for a short distance along the R165, then turns north east along the minor public roads to the ESB station at Meath Hill. The last c.150m of the route will run along the private access lane to the ESB sub-station. (See Site Location Map, sheet no. 05511-01-C for full route and that section in Co. Cavan).

3.0 **Proposed Development**

3.1. The proposed development, as amended by significant further information (22nd February 2018) comprises the installation of c.9km of 38kV underground electricity transmission cable from a permitted wind farm in Taghart South (County Cavan PA ref. 16/74 and PL02.247401), across private lands and public roads, to the boundary with County Meath on the R165 south east of Kingscourt.

3.2. The development is part of a larger overall development to connect the permitted windfarm sub-station (comprising 7 no. wind turbines, hub height 125m) to the existing electricity sub-station in the townland of Meath Hill, Co. Meath. As stated, a concurrent appeal has been made to the Board in respect of this section of the development (PA ref. KA171177 and ABP-301742-18).

3.3. The proposed cable will be installed predominantly in excavated trenches c.1.2m in depth, 0.6m wide and will include underground ducting, joint bays, chamber bays, sheath link boxes and inspection chambers. High-density polyethylene ducts will be laid in the trench with the electrical cables pulled through the ducts later in the construction process. The trench will then be backfilled with aggregates and reinstated to the satisfaction of the local authority (see section 2.0, EIAR/EIS, Volume 1).

3.4. Ducting will span across 11 no. culverts (nos. 3 to 13) and three bridges (nos. 1 to 3) in County Cavan. A further two culverts (nos. 1 and 2) and two bridges (nos. 4 and 5) are traversed by the cable in County Meath (see Overall Route Design, Sheet no. 05-511-001-C). Bridge no. 4 sits on the County border between Cavan and Meath, within the administrative area of Meath County Council.

3.5. Where the cable intersects with culverts, where possible, the culvert will remain in place and the cable ducting will be installed below to provide minimum separation distances in accordance with ESB and Irish Water standards. Where culverts need to be removed during duct installation, water will be pumped around temporarily during construction works, and the culvert reinstated to match existing levels and dimensions (subject to the agreement of the relevant statutory authorities).

3.6. In County Cavan, proposed bridge works are as follows:

- Bridge no. 1 – Cable will be installed by horizontal directional drilling, 2.5m beneath the waterway.
- Bridge no. 2 – The cable will be installed within the deck of the bridge (northern verge). An in-situ reinforced concrete beam adjacent to the northern parapet wall to be installed to ensure that the excavation of the cable trench does not interfere with the structural integrity of the wall (see Annex 4 to RFI).
- Bridge no. 3 – The applicant proposes replacing the bridge with a new box culvert arrangement, in accordance with the requirements of the planning authority (see Annex 5 to RFI).

3.7. In County Meath, bridge works are:

- Bridge no. 4 - Cables will be installed by horizontal directional drilling, 2.5m beneath the waterway and disused railway crossing.
- Bridge no. 5 – Cables to be installed in the carriageway/deck of the bridge.

3.8. The application for the development is accompanied by:

- An Environmental Impact Assessment Report (EIAR)/Environmental Impact Statement (EIS), Volume 1, Grid Connection Works (RFI, Annex 2), with the following annexes:
    - Annex 1 - Outline Construction Methodology (report revised by RFI, see Appendix C of Appropriate Assessment Screening Report, RFI Annex 3).
    - Annex 2 – Ecology Report (29th November 2017).
    - Annex 3 – Appropriate Assessment Screening Report (RFI, Annex 3).
    - Annex 4 – Hydrological, Geological and Hydrogeological Impact Assessment (29th November 2017).
    - Annex 5 – Cultural, Heritage Impact Assessment (29th November 2017).
    - Annex 6 - Traffic Management Plan (29th November 2017).
    - Annex 7 - Outline Construction Environmental Management Plan (29th November 2017).

- Environmental Impact Assessment Report/Environmental Impact Statement, Non-Technical Summary (RFI, Annex 1), for the proposed development.
- EIAR/EIS, Volume 2, Taghart Wind Farm (permitted under PL02.247401). This includes an assessment of the cumulative effects of the wind farm and its connection to the transmission system.
- Revised proposals for Bridge nos. 2 and 3 (Sheet nos. 05-511-052 and 053).
- Details of bridge no. 3 replacement works (Annex 5, RFI):
    - Outline Construction Methodology Report,
    - Ecological Assessment of Bridge Replacement, and
    - Hydrological assessment of proposed bridge replacement.
- Planning drawings, site notices and landowner consents.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. On the 30th April 2018 the planning authority decided to grant permission for the development subject to 18 conditions, including the following:

- No. 2 – Mitigation measures identified in EIAR and other particulars submitted with the application to be implemented in full.
- No. 3 – Applicant to apply for road opening licence and comply with requirements for reinstatement.
- Nos. 4, 5 and 6 – Require, prior to the commencement of development a Traffic/Transport Management Plan, Construction and Demolition Waste Management Plan and Construction Management Plan respectively.
- Nos. 7 to 10 – Deal with works to bridges and culverts.
- No. 11 – Deals with road closures.
- No. 17 – Requires archaeological monitoring of all topsoil stripping.
- No. 18 – Prohibits in-stream works without written approval of IFI.

4.2. Planning Authority Reports

4.2.1. Planning Reports

- 26th January 2018 – Refers to site notices, policy context, planning history of the site and nearby energy wind development, submissions on file and technical reports. It comments on the merits of the development under a number of headings including principle, environmental impact assessment and appropriate assessment. It also refers to the matters raised in submissions and considers that these have been addressed by the applicant, can be addressed in conditions or lie outside the scope of the application. The report recommends further information in respect of revisions to sections of the EIAR (including Non-Technical Summary) and AA Screening Report and further details in respect of bridge crossings.
- 26th April 2018 – Refers to the further information submitted, observations and technical reports made and considers the matters raised have been adequately addressed. The report recommends granting permission for the development subject to conditions.

4.2.2. Other Technical Reports

- Environment (5th January 2018) – Recommends conditions.
- Area Engineer (11th January 2018) – Recommends further information in respect of bridge crossings.
- Area Engineer (26th March 2018) – Post FI, recommends conditions.

4.3. Prescribed Bodies

- Inland Fisheries Ireland (11th January 2018) – No objections but construction standards/practices required.
- Department of Culture, Heritage and the Gaeltacht (10th January 2018) – Recommend archaeological monitoring of works.

4.4. Third Party Observations

4.4.1. The following matters are raised in third party observations on the planning application:

- No EIS with application when first submitted. Project splitting (three applications, one for wind farm, two for cable connection).
- Means to connect wind farm to sub-station is an unproven technology.
- Environmental effects due to scale of the project (with wind farm). Proliferation of overhead lines and pylons, including North South Interconnector. Where soil will be removed to/disposed of. Effect of development on adjoining land uses (i.e. restrictions on future development). Health effects of electromagnetic radiation from underground cable. Impact on business in Kingscourt. Cumulative effects of cables from proposed development and Raragh wind farm in Kingscourt. Removal of bridge no. 3 would have a detrimental effect on the character of the landscape. Bridge no. 2 should be completed to heritage standard.
- Environmental effects of wind farm development, and in conjunction with others, on residential amenity, noise, health, shadow flicker etc. No consultation despite proximity of properties to nearby turbines.
- No adequate SEA, or public participation, for wind energy development in the State (NREAP and Grid 25 are inadequate) or for project.
- Inadequate justification for wind energy and, therefore, need for the development.
- Validity of original decision for wind farm if overground option of connection to grid not available (no landowner consent). Premature application without knowing how the electricity could be got to market. Owners of National Grid should be co-applicant, as they are determining where the cable route goes.
- Inadequate technical information, for example, AC or DC, wind speeds achieved on site, loss of power in cables over 9km, means to cross culverts/bridges, heat from cables, actual power output from wind farm.
- No proper assessment of alternatives (e.g. use of closer sub-station).

- Inadequate public notices (people not aware of development).
- Inappropriate business model for development.
- Compliance with Machinery Directive.
- Landowners object and do not give consent to applicant to use their land to lay cables (own to centre of public road). Private development has no entitlement to lay cable in road.
- Risk of applicant exceeding 38kV limit unknown to residents.
- Impact on condition of public road (road recently resurfaced). Impact on road users during construction. No traffic management plan during construction. No programme of works.
- Impact of proposed cable with other underground services/cables e.g. Dhuish Group Water Scheme. Effects on future access to/maintenance of services/cables. Not all services in public road identified. Damage to roadside drains and risk of future flooding.

5.0 **Planning History**

5.1. On file are the following history cases:

- PL02.239141 (PA ref. 10/154) – Permission granted by the Board in May 2013 for 9 no. wind turbines (maximum height 99.5m) at Taghart South and North, Crossmakeelan, Ralaghan, Glasleck, Kilcrossduff, Corlea, Shercock, Co. Cavan (Taghart Wind Farm). The application was accompanied by an environmental impact assessment. It was proposed to connect the wind farm to the national grid at Meath Hill 110kV sub-station.
- PA ref. 14/85 – Permission refused by the planning authority in 2015 for amendments to the previously permitted Taghart Wind Farm to provide an increase in hub height (maximum height 126m) and increase in height of anemometer (65m to 85m). Grounds were that the planning authority was unable to carry out an EIA, due to the inadequacy of the EIS submitted and the risk of significant environmental effects.
- PL02.247401 (PA ref. 16/74) – Permission granted for 7 no. wind turbines (maximum height 125m), 38kV sub-station, meteorological mast and

associated works, to replace PL02.239141 (Taghart Wind Farm). The application was accompanied by an environmental impact statement. Grid connection did not form part of the proposed development. However, the application stated that the wind farm would connect to an existing 110kV sub-station at Meath Hill, c.12.5km to the south east of the site. Two options for this connection were described and addressed in the EIS, comprising an overground and underground option.

5.2. The following wind farms have been granted permission in the wider area of the site:

- PA ref. 00/1820 – Permission granted to construct a wind farm (9 no. turbines, sub-station/control centre, compounds, meteorological mast/anemometer at Gartnaneane, c.2km to the west of the appeal site (constructed).
- PA ref. 01/791 – Permission granted to construct one wind turbine, access road, hard standing and site works at Gartnaneane (constructed).
- PA ref. 09/270 (PL02.236608) – Permission granted to construct 5 no. wind turbines, anemometer mast, sub-station and associated development at Raragh and Corrinshigo, Kingscourt, Co. Cavan, c.5km to the south east of the appeal site (north of Kingscourt). Connection to the national grid by underground cable w as approved under PL02.248394. The route of the connection travels from Raragh, south through Kingscourt to a sub-station south east of the town. The route crosses the proposed underground cable for the proposed development in Kingscourt at the junction of the R165 and R162.

6.0 Policy Context

6.1. National/Regional Policy

6.1.1. **Irelands' Transition to a Low Carbon Economy Future 2015-2030.** This policy document sets out a framework to guide policy and actions that Government intends to take in the energy sector up to 2030. Its objective is to guide a transition to a low carbon energy system and, reflecting legal obligations under Directive 2009/28/EC, sets out targets to increase the share of final energy consumption from renewables

to 16% by 2020. A sectoral target of 40% in the electricity generation sector is set out. On shore wind energy is considered to be a cost- effective resource to meet short-term targets for renewables.

6.1.2. The **Irish National Renewable Energy Action Plan**, also required under Directive 2009/28/EC, was submitted to the EU and sets out national targets for the share of energy from renewable sources to be consumed across different sectors by 2020. This includes a target of achieving 40% electricity consumption from renewable resource by 2020. Ireland's Fourth Progress Report (2017) on the implementation of the NREAP recognises the significant contribution that wind energy has made to meeting this target:

> '*The share of electricity from renewable energy has increased fivefold between 1990 and 2016 – from 5.3% to 27.2% - an increase of over 21% over 26 years. Most of this increase has taken place since 2000 and the vast majority has been attributable to wind energy'*.

6.1.3. '**Grid 25'** is a national grid development strategy published by EirGrid's in 2008. It was accompanied by an Implementation Programme and has more recently been replaced with '**Your Grid Your Tomorrow'** in 2017. Both strategy documents set out a requirement for an increase in wind energy generation to meet the government's target of 40% of electricity demand to be met by renewable energy by 2020.

6.1.4. **Wind Energy Development Guidelines for Planning Authorities, 2006.** These guidelines offer advice on determining applications for planning permission in respect of wind energy, within the context of national and European priorities to develop renewable energy sources in the state. Section 6.11.3 deals with 'Connections to Electricity Providers'. It refers to the cost of underground connection from a wind farm to the national grid and states that this option is generally prohibitive and therefore that connection can be above ground in all but the most sensitive landscape.

6.1.5. **Preferred Draft Approach to review of Wind Energy Guidelines 2006 (2017)**. This draft document comes forward within a wider European and national policy context which continue to seek to deliver a greater proportion of energy from renewable resources. It makes specific reference to grid connections and in contrast

to the 2006 Guidelines states that, from a visual amenity aspect, the undergrounding of cable connections from wind farms to the transmission and distribution system is the most appropriate solution, except where specific ground conditions or technical considerations make this impractical.

6.1.6. **Border Regional Planning Guidelines 2010-2022**. This regional policy document states that the Border Region is ideally located to make significant contributions, through wind energy, to the revised targets for renewable energy generation of 40% with resulting economic benefit (Section 5.5.1). Policies INF P24 to INF P26 support the development of renewable energy generation in the region.

6.2. Cavan County Development Plan 2014 – 2020

6.2.1. Section 4.7.3 of the Plan deals with Renewable Energy and states that the County has substantial potential for the development of wind energy to meet national targets for the reduction in fossil fuel dependency. The Plan states that a favourable approach to wind energy is adopted subject to environmental considerations. Policy PIO117(7) states that cables connecting wind farm development to the national grid should be located underground where feasible.

6.2.2. Map 8 of the CDP identifies 'High landscape areas and major lakes' in the County. HL3, Lough an Lea Mountain, is designated as a High Landscape Area to the south of the appeal site approximately mid-way between Kingscourt and Bailieborough. Policies of the plan seek to maintain the scenic and recreation value of the area by restricting all adverse uses and negative visual impacts (NHEO 26).

6.2.3. Scenic views are set out in Map 10 of the County Development Plan, these also include SV8 'Lough an Leagh Gap' to the south of the site. Scenic views are afforded protection by policy NHEO 28 (see attachments).

6.3. Natural Heritage Designations

6.3.1. The appeal site is generally removed from sites of nature conservation interest (see attachments). Nearest site are as follows:

- pNHA – The closest pNHA to the appeal site lies c.1km to the east of the sub-station in County Meath that the underground line will connect to. It

comprises Ballyhoe Lough pNHA (site code 001594). The lough discharges into the River Glyde, which outfalls into Dundalk Bay SAC, SPA and pNHA, c.26km to the east of the development.

- Natura 2000 – There are no Natura 2000 sites within 15km of the proposed development. The nearest protected area is Kilconny Bog SAC (site code 000006), c. 16km to the south west of the proposed cable route. The nearest Special Protection area is Stabannan-Braganstown SPA (site code 004091), c. 17km to the east of the route.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The appeal against the planning authority's decision to grant permission is made by Taghart Wind Information Group. This is a submission made on behalf of 23 persons listed in page 1 of their appeal. Matters raised repeat many of the issues set out in submissions to the planning authority (see above). Additional matters raised are:

- Absence of SEA - Board must seek legal advice to make sure it can defend any grant or refusal of appeal in the courts, including public participation as required by EU Directives and case law.
- Cumulative impact assessment/cable route - The original application did not include the present cable route. Existing CJEU case law supports the case that where there was no EIA for the previous stage (or a defective EIA), the cumulative effects of the entire project can be assessed.
- Assessment of cumulative effects of all parts of the project – Including compliance with Machinery Directive, Government's Guidelines on wind energy development (including set back distances from turbines) and effects on human health. Arrangements for crossing of underground cables in Kingscourt (Raragh and Taghart wind farms). Cumulative effects of possible need for separate planning application for switching gear at Meath Hill sub-station and changes to turbines and on-site sub-station at Taghart (e.g. AC to DC, if required).

- Access to lands – There is no legal provision for private companies to lay infrastructure in the public road. The applicant has no reasonable expectation of permission and the application should not have been validated. Board will be acting *ultra vires* if consent is granted (North East Pylon Pressure Group and Maura Sheehy v ABP, 151/2017/JR).
- Habitats and Birds Directive – There is no licence under the Wildlife Act for a wind farm. There is an inadequate assessment of the effects of the proposed works to the River Glyde under bridge nos. 2 and 3 on the river.
- Environmental effects – The plan for bridge no. 2 is not good engineering practice. Impact of wind turbines on bats and birds. Effect of the development on wild animals and birds. Impact of development on property values. Disruption to users of the public road. Damage to public road.
- Alternatives – Why not connect the wind farm to the substation at Kilnalun, Kingscourt (like Raragh wind farm). Use of common trenches for wind farm connections.
- Other matters - Compliance with standards for electrical cables. Implications for adjoining land uses/future responsibility for cables.

7.2. Applicant Response

7.2.1. The applicant responds to the matters raised by the appellant. I refer to the arguments made as necessary in my assessment below.

7.3. Planning Authority Response

7.3.1. The planning authority consider that the matters raised in the appeal have been addressed by the Planning Authority in their assessment of it. They make no further comments on the appeal.

7.4. Observations

- None

7.5. **Further Responses**

7.5.1. The appellant responds to the applicant's response to the appeal. Only one new matter is raised:

- The applicant has sought an extension of the time period for the planning permission granted under PA ref. 10/154/PL02.239141 in order to deal with an unforeseen technical error in the transfer of the grid connection offer to the later permission (PA ref. 16/74/PL02.247401). Granting of the installation of the grid connection cables by the planning authority was premature given that there are problems in respect of the transfer of grid connection.

8.0 **Assessment**

8.1. Having regard to my inspection of the appeal site, the information on file and the matters raised by the parties to the appeal, I consider that the key matters arising relate to:

- Procedural matters.
- Legal matters.
- Strategic environmental impact assessment.
- Need/justification for the proposed development.
- Environmental impact assessment and the O'Grianna judgement.
- Technical information.
- Alternatives.
- Environmental effects.
- Assessment of cumulative effects.
- Other matters.

8.2. **Procedural matters.**

8.2.1. The appellant states that no EIS was originally submitted with the planning application for the development and that public notices were inadequate, as some members of the public were not aware of it.

8.2.2. The planning authority is responsible for validating a planning application and I note in this instance that they have done so and that they have indicated that it was accompanied by an environmental impact assessment report/environmental impact statement (with all application documentation and EIAR/EIS, Volumes 1 and 2, date stamped 29th November 2017). Any further concerns should be directed to the Ombudsman.

8.2.3. With regard to public notices, the applicant's Overall Route Design (Sheet No. 05-511-001-C) indicates the location of site notices along the length of the route, with 14 erected in total along the full route (Cavan and Meath). These together with the newspaper notices have resulted in a number of submissions on the planning application and an appeal from an umbrella group, Taghart Wind Information Group. Having regard to this level of interest and the wide range of matters raised in the appeal, I consider that the purpose of the public notice has been served i.e. that the public have been alerted to the development and to its nature and extent.

8.3. **Legal matters.**

8.3.1. The appellant argues:

- The applicant is not entitled to use their private land (i.e. they own to the centre of the public road) to lay the proposed underground cable,
- As the applicant has no reasonable expectation of gaining consent, the application should not have been validated and the Board will be acting *ultra vires* if consent is granted.
- In the event that the public road is moved, what future liability will adjoining landowners have in respect of the cabling.
- The cable will interference with landowners' ability to carry out future works under road (e.g. to install pipes for water, communications or electricity joining properties on each side of the road) and may impact on adjoining land uses.

8.3.2. Section 34 (13) of the Planning and Development Act, 2000 (as amended), provides that a person shall not be entitled solely by reason of a permission to carry out a development. Further, the government's Development Management Guidelines state that the planning system is not designed as a mechanism for resolving disputes

about title to land or rights over land as these are ultimately matters for resolution in the courts. Instead the guidelines refer to section 34 (13) of the Act, above, and to the requirement for an applicant to provide sufficient legal interest in the land in order to make the application.

8.3.3. In this instance the applicant, in response to the appeal (page 13 of submission, 22nd June 2018) refers to provisions under the Electricity Supply Act 1927 and Electricity Regulation Act 1999 which generally confer rights that would be bestowed on the applicant as an authorised party/statutory undertaker to enter land. Having regard to these provisions, I am satisfied therefore that sufficient legal means have been indicated to demonstrate that there is a reasonable prospect of the proposed development being carried out. Any further dispute is a matter for the courts.

8.3.4. In response to the appeal the applicant states that following construction of the underground cable connection, the distribution system licence owner (ESB Networks) will take ownership of it and third parties would be required to consult with them in respect of any proposed development works. This approach is standard practice in the State, would limit the future liability of any adjoining land owners and provide a consultative channel for any proposed works. With regard to works on adjoining lands, my understanding of the relatively low voltage underground cables is that these generally do not preclude development on adjoining land, typically outside of the road corridor.

8.4. Strategic environmental assessment (SEA)

8.4.1. The third-party appellant argues:

- The SEA accompanying broader policy documents for renewables and wind energy (notably NREAP and Grid 25) have been inadequate, in particular in terms of public consultation, and
- Having regard to European case law, it is therefore incumbent on the Board to ensure, at project assessment stage, that adequate SEA has been carried out.

8.4.2. The appellant also make reference to a number of European Directives/policy documents in respect of the right of the public to participate in the process of decision making.

8.4.3. Article 3, paragraph 2(a) of the SEA Directive requires the strategic environmental assessment of plans and programmes. The proposed development, in conjunction with the permitted Taghart wind farm, comprises neither a plan or a programme and therefore the Directive and the requirement for SEA therefore does not apply. In fact, there is no statutory basis for the Board to carry out strategic environmental assessment.

8.4.4. The proposed development comes forward within a clear policy context which supports the development of wind energy at a national, regional and local level, subject to environmental safeguards (see 'Policy Context' above). These include the NREAP which has been submitted to and accepted by the EU and the regional and local development plans which have been subject to SEA.

8.4.5. The application for the proposed development is also properly accompanied by an assessment of the likely effects of the **project** on the environment, alone and in conjunction with the permitted wind farm and other relevant development. Further, all matters raised by the public in their observations or submissions in respect of the development are before the board for their consideration and all options remain open to the Board in their decision making i.e. whether to grant or refuse permission for the development or to grant with conditions.

8.5. Need/justification for the proposed development.

8.5.1. The appellant argues that there are misleading claims and/or a flawed assessment of the contribution that wind energy can make to the supply of electricity in the State, and therefore an inadequate case for the proposed development. They also refer to the absence of wind data for the appeal site and an inappropriate business model for the development.

8.5.2. The proposed development comprises the installation of underground cabling to connect the approved Taghart wind farm to the transmission network. The principle and merits of the wind farm development, in conjunction with an underground or overground connection to the national grid, has already been assessed by the Board under PL02.247401, and it was concluded that the it would be acceptable on the basis that it would accord with national policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions of

greenhouse gases, the Wind Energy Development Guidelines and policies of the Cavan County Development plan 2014-2020.

8.5.3. The proposed development, to connect the permitted wind farm to the national grid, comes forward in the same policy context and I do not consider that there is any requirement to revisit the principle of the permission granted for the wind farm itself (including provision of wind data). With regard to the applicant's business model, this matter lies outside the scope of the planning system, which is limited to evaluating the merits of any development within the prevailing policy context and relevant planning guidelines at the time of application.

8.6. Environmental impact assessment and the O'Grianna judgement

8.6.1. The appellant argues that the Board granted permission for the Taghart wind farm (in 2017) without a cable connection, contrary to the O'Grianna judgement, that the current approach to the wind farm development comprises three applications (wind farm, cables in Cavan and cables in Meath) and amounts to project splitting. Further, it is argued that if the overground option for grid connection is not available (as land owners will not give consent), the basis for the original decision is flawed as it was predicated on an over-grounding option for grid connection. They also argue, that on this basis, and because of the applicant's application to e xtend the duration of PA ref. 10/154 and PL02.239141, the application was also premature (i.e. no connectivity to the national grid).

8.6.2. In December 2014, the judgement of the case O'Grianna v ABP (2014, IEHC 632) determined that permission should not be granted for any project which is subject to environmental impact assessment and requires a connection to the national grid, unless details of the grid connection are provided and included in the EIA process. The application for the Taghart wind farm granted by the Board under PL02.247401 included two possible connections to the national grid, one underground along the public road network and one overground. The application was accompanied by an environmental impact statement which included a cumulative impact assessment of both connection options, with emphasis on the underground route as it was an option that was within the control of the applicant. The Board determined that the development itself and its grid connection (either option) would not give rise to significant environmental effects. Condition no. 5(b) of the permission also

specifically required a separate grant of permission for connection to the national grid.

8.6.3. In this current application the route of the proposed underground connection differs from that proposed in the original application for the wind farm. As indicated in the Site Location Map (Sheet no. 05511-01-C) the route of the proposed connection to the sub-station at Meath Hill runs to the west of the original route (see Figure 2.6, page 2:19 of Volume 2, EIAR). However, it remains along the public road network, over a similar distances and environmental effects will also be similar in nature. Further, the proposed development, comes forward with an assessment of likely environmental effects of this development i.e. the modified route, and in conjunction with the permitted wind farm, with planning applications for that element of the route in County Cavan and County Meath submitted simultaneously to Cavan County Council and Meath County Council respectively.

8.6.4. Having regard to the above, I do not accept that the original appeal in respect of Taghart wind farm was determined in the absence of means to connect to the grid or that the current approach amounts to project splitting. The O'Grianna judgement requires an application for a development (which triggers the need for EIA) to have regard to the full environmental effects of a project. However, it does not require that different elements of a development form part of the same planning application. Indeed, in this instance, where the route connection spans two local authority areas, a single application would not be possible.

8.6.5. With regard to the applicant's requirement to extend the duration of PA ref. 10/154 and PL02.239141 to enable the transfer of grid connection offer between permissions, the reason for this extension lies outside of the planning system and does not undermine the validity of the permissions granted.

8.7. Technical information

8.7.1. The appellant argues that the means to connect the wind farm to the national grid is an unproven technology. It is also maintained that there is a lack of technical clarity regarding the nature of the underground connection (e.g. AC or DC) and its viability, given power loss of the c.13km to the Meath Hill sub-station. They state that the applicant for the North South Interconnector considered that, in contrast to the

proposed development, it was not possible to put the power cable underground and they raise concerns regarding the possible future upgrading of this cable. The appellant's also raise concerns regarding heat from the cables, compliance with industry standards for cabling and how cables from the proposed development and Raragh wind farm interact.

8.7.2. As stated by the applicant in the course of the application and in response to the appeal, the proposed development comprises a 3-phase alternating current underground cable operating at 38kV. The development will use 38kV Aluminium XLPE cables, the standard conductor specified by ESB Networks for all 38kV underground connection. Losses over the whole 13km route are stated to be c.0.6%.

8.7.3. At 38kV, this type of underground connection is, as stated by the applicant, a standard practice in the State and is evidenced in other projects granted permission by the Board. Further, undergrounding is possible due to the low voltage that is transported, unlike the higher voltage associated with the North South Interconnector – 400kV. It is also specifically encouraged in national policy (Review of Wind Energy Development Guidelines, 2006 – Preferred Draft Approach). Design of the underground cable will also be required to meet the technical specifications of ESB Networks (see page 9 of appellant's response to appeal) as approved by the Commission of Regulation and Utilities. Any increase in voltage, from 38kV, would require an application for planning permission as well as adherence to relevant technical standards.

8.7.4. The cables for the proposed development and those for the Raragh wind farm cross over each other in Kingscourt (R162, Main Street). It is stated by the applicant that the 38kV proposed cable will be laid under the 20kV Raragh wind farm cable and will be constructed to ESB standards (see page 15 of appellant's response to appeal).

8.7.5. Having regard to the above, I am satisfied that technical information on the proposed means to connect the wind farm to the sub-station in Meath Hill is clearly stated in the application documentation, comprises an established practice and will be required to meet appropriate technical standards.

8.8. **Alternatives**

8.8.1. The appellant argues that there has been no assessment of the use of a closer sub-station and that the owners of the national grid should be a co-applicant as they determine where the cable route will connect to.

8.8.2. As stated by the applicant, in response to the appeal, the point of connection to the national grid is determined by ESB Networks as per their document 'The Distribution System Security and Planning Standards' (ESB Networks, 2015). The objective of the network planning process is to ensure that the Distribution System is developed in an orderly and cost-effective manner in order to deliver a safe, secure and reliable distribution system, with capacity for new connections, whether demand or generation. Within this context, which is regulated by government, I would accept that the point of tie in to the national grid cannot be determined by the applicant and the consideration of alternatives is therefore constrained in this respect. Given the statutory role of ESB Networks and absence of a direct interest in the proposed development, it is not necessary or appropriate that they act as a co-applicant for the proposed development.

8.9. **Environmental effects.**

8.9.1. The appellant raises a number of issues regarding the likely environmental effects of the proposed development. Many of these relate to the effects of the permitted wind farm, for instance, the proximity of turbines to residential properties, noise and shadow flicker, effects of turbines on birds and bats. However, these matters have previously been addressed by the Board in their determination of the appeal in respect of the wind farm development, PL02.247401, and will not be added to or exacerbated by the proposed development. I do not consider it necessary, therefore, to re-visit these matters here.

8.9.2. Issues raised with regard to the environmental effects of the proposed development are as follows:

- Impacts arising from the scale of the proposed development with the permitted Taghart wind farm.
- Impacts on human health, residential amenity and property values.

- Impacts on soil.
- Impacts on River Glyde.
- Impacts on landscape.
- Impacts on material assets.
- Traffic effects.

Impacts arising from the scale of the development with Taghart wind farm

8.9.3. The appellant argues that the scale of the proposed development outweighs that of the original permitted wind farm, extending over c.13km, and with the permitted wind farm will give rise to significant environmental effects. I would accept that the proposed development extends across a large geographical area. However, the development itself, the construction of a relatively low voltage underground electricity cable in the public road network is not substantial. Further, for the reasons stated in the remainder of this assessment, with the implementation of all the proposed environmental mitigation measures, I do not consider that the environmental effects of the development, in conjunction with the permitted wind farm will be significant.

Human beings

8.9.4. The appellant refers to the health effects of electromagnetic radiation from the underground cable and to the effects of the development on residential amenity/property values.

8.9.5. The proposed underground cable comprises a relatively low voltage connection to the transmission system. Under statute, the applicant is required to construct the cable to meet ESB specifications and to comply with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines, which themselves are designed to protect human health. I do not consider, therefore, that the proposed development low voltage development will give rise to adverse effects on human health due to radiation.

8.9.6. The proposed development comprises an underground connection between the permitted wind farm and sub-station in Co. Meath. Consequently, post construction no visual impacts (or health effects as stated above) will arise for properties along the route. Significant effects on property values are, therefore, highly unlikely.

Soil

8.9.7. The appellant raises concerns regarding where soil will be disposed of. Section 4.3 of the EIAR/EIS, Volume 1, deals with impacts on soil. It references Annex 4 of the report, which comprises an assessment of potential hydrological, geological and hydrogeological impacts. It is also dealt with in Volume 2 of the EIAR/EIS for the Taghart Wind Farm, in Chapter 5 soil and geology.

8.9.8. In summary, it is proposed to strip top and underlying sub-soil from the cable trench, with excavated material stored in two parallel bunds; place the ducts in the trench and backfill the trench with granular cement followed by selected excavated subsoil material. Excess material from the trench will be moved from site and brought to a licenced waste facility.

8.9.9. The trench that will be created by the works will be c.0.6m wide by 1.2m deep. The volume of overburden required to be excavated is 9,779m^3, with c.60-70% reinstated. This would give a volume of c.3,912-2,934sqm^3 for disposal. This volume, whilst quite large in total, is not unusual in the scale of construction projects and with appropriate disposal to licenced waste facility is not unreasonable.

Impacts on the River Glyde

8.9.10. The appellant asserts that there is an inadequate assessment of the impact of the bridge works (nos. 2 and 3) on the River Glyde. I address this matter in Environmental Impact Assessment section of this report. In summary, I do not consider that the proposed works will adversely affect the integrity of the river system, water quality or the conservation interests of any European site.

Impacts on wild animals and birds

8.9.11. I address this matter in the Environmental Impact Assessment of this report (under Biodiversity) and I conclude that no significant effects on wild animals or birds will arise as a consequence of the development.

Landscape

8.9.12. Parties argue that the scale of project is unsustainable, with the proliferation of OHLs and pylons. They also state that bridge no. 2 should be completed to heritage standards and that the removal of arch at bridge no. 3 will adversely affect landscape character.

8.9.13. The proposed development is an underground line. Once constructed it will have no visual effect on the natural/built environment. There will, therefore, be no proliferation of OHLs/pylons as a consequence of the development.

8.9.14. Bridge no. 2 comprises an attractive stone bridge with low parapets alongside the road edge. The cable will be installed in the deck of the bridge with any increase in height of the wall, in similar materials to existing, to be subject to agreement with the planning authority (to prevent adverse impacts on sightlines). These arrangements are not unreasonable and unlikely to adversely alter the character of the bridge.

8.9.15. Bridge no. 3 currently comprises a small arched bridge. In response to the planning authority's request for further information the applicant proposes replacing it with a precast concrete box culvert. I would accept that the proposed bridge would not be as attractive as the current structure. However, the bridge is modest in scale and not readily visible from the public road and any visual effects would be very local and not sufficient to require a different design solution.

Impacts on material assets

8.9.16. The appellant raises concerns regarding:

- How cables will be laid across culverts and bridges.
- The effect of the proposed development on existing services in the public road.

8.9.17. Annex 1 of the EIAR/EIS (Volume 1) describes how the proposed cable will traverse culverts and bridges. Culverts, where possible, will remain in place with the cable ducting installed below to provide minimum separation distances in accordance with the ESB and Irish Water standards. In the event that the culvert needs to be removed during duct installation, it is proposed to dam the water source and pump water around the work area during construction. Once installed the culvert will be reinstated to match existing levels and dimensions. It is proposed that all works are reviewed and approved by the relevant statutory authority.

8.9.18. Three bridges fall within the administrative area of Cavan County Council. The cable will pass under bridge no. 1 and will be installed by directional drilling (see page 18 of Annex 1). Bridges no. 2 and 3 will be crossed within the deck. In County Meath,

the cable will be installed under bridge no. 4 by directional drilling and cross within the deck of bridge no. 5.

8.9.19. The arrangements for traversing both culverts and bridges follow standard engineering practices and have been accepted by the planning authority (Roads Engineer), subject to condition, and do not seem unreasonable.

8.9.20. The application documentation sets out how the proposed development will interact with existing services e.g. in Section 13.2 of the NTS, 4.10.2 of the EIAR/EIS, Volume 1, and in the outline Construction Methodology (page 21). The applicant states that (a) the proposed route has been surveyed to determine the presence of existing subsurface telecommunications and other services within the public road, roadside verge and overhead, (b) the route has been designed to ensure an appropriate distance to existing services and will be subject to additional survey by the contractor (with regard to any changes to service provision), and (c) where the underground line comes within close proximity to existing services, the relevant service provider will be contacted in advance to determine the necessity for specific excavation, relocation or reinstatement requirements. Subject to these arrangements, I do not consider that the proposed development would adversely impact on existing services or future access to them for maintenance.

Traffic Effects

8.9.21. The appellant raises concerns regarding impacts of the construction phase of the development as a consequence of traffic arising on businesses in Kingscourt and on road users. They also raise concerns regarding the impact of the development on the condition of the public road (with parts of the public road recently resurfaced) and damage to roadside drains, with the risk of future flooding.

8.9.22. The proposed development, despite its length, is reasonably modest in scale, will be constructed generally along minor public roads, where there is limited residential development (c.106 dwellings along its length) and will be constructed over a period of 24 to 28 weeks. The Outline Traffic Management Plan sets out reasonable arrangements for the management of construction traffic, the management of traffic on the public road where construction is taking place and arrangements for access to dwellings, businesses and enterprises during the construction phase of the development. Arrangements include consultation with stakeholders, co-ordination

of crews to prevent cumulative effects at any one location, stop/go systems on wider roads, proposals for short term road closures on minor roads and preparation of detailed method statements and work programme prior to the commencement of construction. A final Traffic Management Plan will also be prepared following consultation with planning authorities and will set out details and nature of road closures (where required), location of partial closures and routing diversions and details of a Public Liaison Officer.

8.9.23. The proposed arrangements are reasonable, consistent with standard practices for works within public roads and can be controlled by condition. I do not consider therefore that significant traffic impacts are likely to arise.

8.9.24. I note that much of the public road along which the development is routed is in good condition and I would accept that there is a risk that the proposed development will result in its deterioration. However, the applicant has clearly stated that the roads will be reinstated to the satisfaction of the planning authority. The approach proposed is common practice and would ensure that the planning authority also has control over final road condition and the maintenance of roadside drains. Consequently, I do not consider that the proposed development will adversely impact on the condition of the public road or the risk of flooding.

8.10. Assessment of cumulative effects

8.10.1. The appellant raises concerns regarding the cumulative effects of the development, for example, environmental effects arising from the proposed scale of the development as a whole (in Co. Cavan and Co. Meath) and permitted wind farm, the cumulative effect of the development with existing wind farms and other wind/power developments e.g. North South Interconnector. These have been addressed by the applicant in the EIAR/EIS and are dealt with in the Environmental Impact Assessment section of this report. .

8.11. Other matters

8.11.1. The appellant argues that the proposed wind turbines for the approved wind farm must comply with the EU's Machinery Directive. However, this application does not relate to the approved wind turbines and the matter therefore lies outside of the

scope of this appeal. Furthermore, it would be inappropriate in principle to address this matter within the planning system as it relates to another code.

9.0 Environmental Impact Assessment

9.1. The proposed development, of itself, by virtue of its nature, scale and form would not typically trigger a requirement for environmental impact assessment. However, it forms part of the Taghart wind farm development which did trigger the requirement for environmental impact assessment and the applicant has included an EIAR/EIS of the proposed development in two volumes. Volume 1 comprises an EIAR/EIS of the grid connection works, it deals specifically with the likely environmental effects of the development as a whole (i.e. 13km) and the cumulative impacts of it with the permitted Taghart wind farm and other relevant development in the area. Volume 2 comprises the EIAR/EIS of the Taghart wind farm development, which also considers cumulative effects including the proposed grid connection (with a focus on an underground cable connection).

9.2. I have read Volumes 1 and 2 of the EIAR/EIS, the other information on file and the applicant's response to the request for further information. I consider that the EIAR/EIS, Volume 1, when read in conjunction with Volume 2, generally meets the requirements of EIA Directive 2011/92/EU (as amended by Directive 2014/52/EU) and includes the information required to be contained within an EIAR, as set out in article 94 and Schedule 6 of the Planning and Development Regulations, 2001 (as amended), including a description of the proposed development, its likely significant effects on the environment, mitigation measures and reasonable alternatives considered. Additional information is also provided, as required in paragraph 2 of Schedule 6, as relevant to the specific development here, notably cumulative impacts of the proposed development with Taghart wind farm (technical competencies are set out in specialist reports) and I am satisfied that the information is sufficient to allow the Board to carry out an assessment of the likely environmental effects of the development.

9.3. Population and Human Health

9.3.1. Section 4.0 of the EIAR/EIS, Volume 1, and Chapter 3 of the EIAR/EIS, Volume 2 deal with impacts on population and human health. The proposed development will be laid predominantly within the public road network. Construction works will give rise to short term impacts, over the 24-28 weeks of construction, by way of disruption to road users, and construction noise etc. where the route runs alongside roadside properties/businesses. The applicant proposes the management of construction related impacts via a Construction Methodology, Traffic Management Plan and Construction Environmental Management Plan to be agreed in advance of construction with the relevant planning authorities. Subject to this measure, short term construction effects will not be significant. As stated by the applicant, cumulative construction effects can only arise if the construction locations and phases of development coincide. I would accept therefore that cumulative construction impacts could arise where the proposed cable route interfaces with the permitted wind farm and in Kingscourt where the cable for the permitted Raragh wind farm and Tagart wind farm cross. However, having regard to these limited occasions, the temporary nature of construction works at any one location and the proposed mitigation measures (including planned co-ordination of works in Kingscourt to minimise impacts in the town and construction by a single developer of the cable crossing ducting – see page 10 of EIAR/EIS), cumulative impacts will not be significant.

9.3.2. With regard to operation, once the public road is reinstated, the development will have no discernible effects in the public domain, give rise to very limited traffic movements and no adverse impacts (direct, indirect or cumulative) on population or human health are likely to arise (as discussed above in this report).

9.4. Biodiversity.

9.4.1. Section 4.2 of the EIAR/EIS Volume 1 and Chapter 4 of the EIAR/EIS Volume 2 deal with biodiversity.

9.4.2. The proposed development is laid principally within the public road network (c.970m off road, with most of this length in existing agricultural tracks and c.325m in improved agricultural grassland) in a wider area that is largely free from

environmental constraints (see Section 3.0 Ecology Report for Grid Connection, Annex 2 of original EIAR/EIS, 29th November 2017). The route of the underground cable crosses a number of tributaries of the River Glyde (see Drawing 2, Appendix A, Ecology Report) and is hydrologically linked to Ballyhoe Lough pNHA, downstream of the development and c.1km to the east of the Meath Hill sub-station. Nearest Natura 2000 sites lie >15km from the route. Having regard to this context, and the nature of the proposed development, the risk of significant environmental effects on biodiversity, therefore, arises principally during construction along the route corridor and where the cable crosses culverts and rivers.

9.4.3. Habitats along the route are considered to be of low ecological value (e.g. common hedgerow habitat) or sufficiently removed to prevent impact (e.g. marsh habitat, GM1 on the outskirts of Kingscourt).

9.4.4. A low risk of impacts on bat species is identified with the installation of the cable at bridge nos. 3 and 4 (see Appendix C Ecology Report) and the applicant proposes (a) inspection of the bridges by a bat specialist in advance of works to identify any bat activity, and (b) in the event of bat activity consultation with NWPS as to whether a bat derogation licence is warranted. The approach proposed seems reasonable given the limited evidence of bat activity observed.

9.4.5. Where the cable crosses culverts and rivers, no in-stream works are generally proposed and the applicant sets out a detailed construction methodology and mitigation measures to minimise the risk of environmental effects, including works to adhere to Inland Fisheries Ireland's '*Guidelines on Protection of fisheries during construction works in and adjacent to waters'*. For Bridge no. 3, which will be replaced, this will entail some minor excavation and construction works within Cornagee Stream. Again, a detailed '*Outline Construction Methodology for the Replacement of Bridge No. 3'* is included in Annex 5 of the RFI. It sets out detailed measures to prevent adverse effects on the riverine environment, proposals to adhere IFI guidelines and to consult with them on IFI in advance of construction works. Annex 2 (of Annex 5) provides an ecological assessment of the proposed bridge works and Annex 3 (of Annex 5), a hydrological assessment of the proposed bridge works. Subject to the proposed mitigation measures, no adverse effects on either water quality or water dependent habitats and species are predicted to arise and these conclusions seem reasonable given the proposed standard methods

proposed for both construction and mitigation. Further, given the absence of likely significant effects, distance of the development generally from other permitted/proposed development, cumulative impacts are unlikely.

9.4.6. Once operational, and the public road, culvert and river crossings are reinstated, no impacts on biodiversity will arise. Again, in the absence of significant effects, cumulative impacts on biodiversity are unlikely to arise

9.5. Land, Soil, Water, Air and Climate

9.5.1. Section 4.3 of the EIAR/EIS, Volume 1, and Chapter 5 Volume 2 deal with impacts on land, soil and geology. The proposed development will take place largely within the confines of the public road. Land take and impacts on soil, as discussed above, will be short term over the duration of construction and negligible with the reinstatement of the public road. Cumulative effects will be negligible given the location of the development, almost wholly within the public road, re-use of soils for backfilling and proposed means to transfer surplus soils to a licenced facility.

9.5.2. Section 4.4 of the EIAR/EIS (Volume 1) and Chapter 6 of the EIAR/EIS (Volume 2) deal with water. The appeal site lies within the Neagh-Bann River Basin District and as stated the development will cross a number of local streams and rivers, which are tributaries of the River Glyde. Potential impacts on this water environment arise from the construction phase of the development. However, as stated above, the applicant has indicated how the proposed underground cable will be laid across 13 no. culverts and 5 no. bridges along its route. Subject to the implementation of these construction methodologies and related mitigation measures, significant adverse effects on water bodies should not arise during construction.

9.5.3. Once construction is completed, no operational impacts are predicted due to the inert nature of the development and this is considered to be reasonable.

9.5.4. With regard to cumulative impacts, any works associated with the permitted Taghart wind farm and Raragh wind farm (which the development for much of its length is substantially removed) are also subject to strict environmental controls to limit emissions to water bodies. No significant cumulative impacts should therefore arise as a consequence of the proposed development with other related or concurrent developments.

9.5.5. With regard to air and climate effects, I would accept that there may be short term, localised adverse effects on air quality during construction e.g. dust, noise from construction works and associated traffic. However, these are likely to be confined to the immediate area of works (which will progress on a phased basis), will be subject to standard mitigation measures (see Outline Construction Methodology, Outline Traffic Management Report and Outline Construction Management Plan of RFI) and are unlikely to be significant or cumulative. In the town of Kingscourt in section 4.5 of the EIAR/EIS (Volume 1), as stated, the phasing of the grid connection for the permitted Raragh wind farm and proposed development will be agreed to prevent significant cumulative impacts in the town.

9.5.6. Once operational no adverse effects on air quality will arise directly from the development. Positive cumulative impacts on climate are likely as a consequence of the operation of the proposed development with Taghart Wind farm and other constructed and permitted wind farms in the area.

9.6. Material Assets and Cultural Heritage and the Landscape

9.6.1. Section 4.10.1 of the EIAR/EIS (Volume 1) and Chapter 13 (Volume 2) deal with transport and access. As previously discussed, temporary impacts during construction of the development will arise for road users. However, subject to the implementation of proposed mitigation measures, impacts will be short term and are unlikely to be significant. The risk of cumulative effects arises where construction works take place in proximity to the permitted Taghart wind farm and for the Raragh wind farm when the cable is laid through Kingscourt in tandem with the proposed development. Duration of works in the immediate vicinity of the proposed development will be short term and cumulative effects, subject to the proposed mitigation measures for traffic management, are unlikely to be significant. For the Raragh wind farm cable, the applicant states (a) that whichever grid connection is installed first, the necessary cable crossing ducting for the second will be installed to facilitate the installation of the second cable, and (b) phasing of connection works to the Raragh wind farm and Taghart wind farm will be agreed between the developers to ensure that works in the town of Kingscourt do not coincide. Whilst these measures will minimise cumulative effects, the duration of works within the town will be more substantial than from either development in isolation.

9.6.2. On completion of the proposed development, the public road will be reinstated to the satisfaction of the planning authority and during operation of the associated wind farm, predicted traffic movements are quite modest. Consequently, long term and cumulative effects on the public road and traffic on it are unlikely.

9.6.3. Interaction with other services has been dealt with earlier in this report. I have concluded that significant impacts arising from the interaction of the proposed cable with other services, including cumulative impacts, will not arise during construction or operation of the development.

9.6.4. Impacts on cultural heritage are dealt with in section 4.7 of the EIAR/EIS (Volume 1) and Chapter 9 of the EIAR/EIS (Volume 2). The Cultural Heritage Impact Assessment for the proposed development (Annex 5 EIAR/EIS, Volume 1, 29th November 2017), identifies no sites of archaeological or architectural significance within the proposed development site (including all bridges along the alignment) and concludes, therefore that the development will have no significant effect on any previously recorded archaeological or architectural report during construction or operation or give rise to cumulative impacts. The Cultural Heritage Impact Assessment recommends archaeological monitoring of groundworks associated with the development, including at bridge locations and the Department of Culture, Heritage and the Gaeltacht has recommended archaeological monitoring of construction. Having regard to the absence of sites of cultural heritage significance in the vicinity of the proposed development, these mitigation measures seem reasonable and significant impacts (including cumulative impacts) unlikely.

9.6.5. The proposed development will result in local landscape impacts during the course of the construction phase of the project (e.g. road works, equipment, signage and machinery). However, on completion the road will be reinstated to the satisfaction of the planning authority and other lands to its previous condition (at either end of the route). Further, phasing of the underground cable for Taghart wind farm and Raragh wind farm will be planned to ensure that works in Kingscourt do not coincide. Having regard to the above, visual impacts during construction will be temporary, local to the immediate environment of the works and unlikely to be cumulative. On completion of construction works, there will be no significant upstanding visual effects of the development, or therefore significant effects on landscape or protected views.

9.7. Interactions

9.7.1. Interactions of impacts are addressed in section 4.11 of the EIAR/EIS (Volume 1) and summarised in Table 2 of the report. Key interactions identified are population and human health with landscape, noise and vibration, shadow flicker, transport & access, telecommunications and services, biodiversity with land and soil and water, landscape with cultural heritage and transport and access with cultural heritage. Some of the interactions relate to impacts primarily associated with the permitted wind farm development and will not be significantly exacerbated by the proposed development e.g. population and human health with shadow flicker. For all other interactions, given the relatively modest nature of the proposed development and environmental effects arising and the proposed means to mitigate and manage impacts, significant effects arising from the interaction of impacts are unlikely.

9.8. Environmental Impact Assessment Conclusion

9.8.1. In conclusion, having regard to the nature, scale and form of the proposed development and the suite of mitigation measures proposed to manage effects on environmental parameters during construction and operation, I do not consider that any significant direct, indirect, short or long term or cumulative environmental effects will arise as a consequence of the proposed development.

10.0 Appropriate Assessment – Screening.

10.1. Annex 3 of the RFI provides a Revised Appropriate Assessment Screening Report. All Natura 2000 sites are considered to be outside the zone of influence of the proposed development given the distance between them and the cable route, the absence of surface water pathways and other landscape features linking them and the scale and localised nature of the development, being located within the existing road network. However, it considers the likely effects of the European sites closest to the appeal site, Kilconny Bog SAC (site code 000006) c. 16km to the south west of the grid connection route and Stabannan – Branganstown SPA (site code 004091) c. 17km east of the proposed route (see Figure 2 of AA screening report).

10.2. Conservation interests of these sites are:

- Kilconny Bog SAC – Active raised bog, degraded raised bog still capable of natural regeneration.
- Stabannan – Branganstown SPA – Greylag goose.

10.3. The Appropriate Assessment Screening Report examines the likely impact of the development on the conservation interests of the two sites and the cumulative effects of the development in conjunction with the Taghart wind farm and Raragh cable route, using a cause-pathway-effect model.

10.4. The report considers:

i. There is no potential for direct impacts of the proposed development on any European sites (e.g. land take etc.),

ii. There are no surface water hydrological connections between the route and Kilconny Bog SAC which may impact on the bog habitats for which it is designated and hence no indirect effects.

iii. There is a hydrological connection between the proposed route and the Stabannan-Branganstown SPA through surface water connections (see Figure 2 in Screening Report). Section 3.22 of the report refers to the instream works to bridge 3, the construction methodology referred to previously and to the appointment of an Ecological Clerk of Works to ensure the implementation of environmental mitigation measures. Having regard to these measures and the distance of the appeal site from the SPA (34km downstream), it is considered that there is no potential for significant indirect impacts on the SPA through deterioration of water quality. The report also states that the use of habitats along the route or in close proximity to it by Greylag Goose is extremely unlikely (given the site faithful nature of the species and the very limited availability of suitable habitat along the route), and that therefore there is no potential for indirect impacts on Greylag Goose as a result of displacement or disturbance during construction or operation of the grid connection.

iv. Section 3.25 of the Report addresses the likelihood of cumulative impacts, arising from the proposed development with the permitted Taghart wind farm, Raragh wind farm (and underground cable connection to the national grid), Gartnaneane wind farm and other rural development granted planning

permission by Cavan County Council and Meath County Council. In essence the report considers that cumulative impacts will not arise due to the absence of significant impacts of individual projects (as assessed and determined by the planning authority or Board), the localised nature of the proposed development and its distance European site and, therefore, the absence of its capacity to generate cumulative impacts.

10.5. The conclusions drawn in the report seem reasonable having regard to the nature of the proposed development i.e. an underground cable route constructed principally within the public road, the modest in stream works, the standard construction practices to be adopted and the substantial distance of the development from European sites.

Screening Conclusion

10.6. Having regard to the above, it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Nos. 000006, Kilconny Bog SAC and No. 004091 Stabannon-Branganstown SPA or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

11.0 Recommendation

11.1. Having regard to the matters raised in the assessment above, I consider that planning permission for the proposed development be granted, subject to condition.

12.0 Reasons and Considerations

Having regard to the nature, scale and location of the proposed development, the pattern of development in the vicinity, the planning history of the site, including the related windfarm development for which planning permission was granted under an Bord Pleanála reference number PL02.247401, and the provisions of the Cavan Development Plan 2014 - 2020, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of its impact on the aquatic environment, biodiversity, the visual amenities and

landscape character of the area, would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health, would conform to the objectives of the Development Plan in relation to renewable energy and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 22nd February 2018 and the 8th March 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 mitigation measures identified in the Environmental Impact Assessment Report/Environmental Impact Statement and other particulars submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions. A comprehensive list of all mitigation measures to be implemented shall be submitted to the planning authority prior to the commencement of the development.

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

3. Prior to the commencement of development, the developer shall submit to the planning authority for its written agreement:

   i. A Traffic Management Plan which includes details of construction staging, traffic control methods, road closures and diversions, access for residents, businesses and pedestrians.

ii. A Construction Management Plan. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

iii. A Construction Environmental Management Plan. This plan shall provide details of environmental construction strategies to be carried out during construction and appointment of an Ecological Clerk of Works and Project Liaison Officer.

The developer shall comply with any requirements that the planning authority may impose as part of its agreement to these Plans.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic safety and orderly development, residential amenity.

4. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

5. All works to bridges shall comply with the requirements of the planning authority, including:

i. All works shall comply with the requirements of the planning authority and shall be carried out in accordance with Transport Infrastructure Ireland's Guidelines for the Treatment of Otters

ii. For Bridge No. 2 Drumsallagh the existing parapet wall as indicated on Drawing Sheet Number 05-511-052 shall not be raised in height, unless agreed in writing with the planning authority. The grass verge between the new rubbing strip (125mm above road level x 1075mm wide) and existing edge of road shall be strengthened/overlay to form part of the existing carriageway.

iii. For Bridge No. 3, Corawaddy, prior to commencement of development detailed design of culvert shall be submitted to planning authority for written agreement. A rubbing strip shall be provided along each of the parapet walls.

iv. All bridges along the route shall require a principle and structural assessment, before and after construction, to ensure integrity of the bridge is not compromised. Any rehabilitation works shall be the responsibility of the developer, including the cost of such works.

v. All concrete piped surface water systems encountered, including culvert nos. 7 and 10, shall be replaced with a twin wall plastic pipe from inlet to outfall, to the satisfaction of the planning authority.

Reason: In the interest of traffic safety.

6. No in-stream works shall be carried out without the written approval of Inland Fisheries Ireland.

Reason: In order to protect water quality and fisheries.

7. 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 all 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 (in situ or by record) of any remains that may exist within the site.

8. 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 following the construction of the proposed development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of such public roads. 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 to ensure the proper reinstatement of public roads following the construction of the proposed development.

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Deirdre MacGabhann

Planning Inspector

21st March 2019