



An
Bord
Pleanála

Inspector's Report ABP-302722-18

Development

Works in County Roscommon to complete an underground grid connection from a permitted windfarm at Derrysallagh Co. Sligo to the existing sub-station at Garvagh, Co. Leitrim

Location

Gubbarudda, Co. Roscommon

Planning Authority

Roscommon County Council

Planning Authority Reg. Ref.

18/397

Applicant

Derrysallagh Windfarm Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellant

Derrysallagh Windfarm Ltd

Observers

Transport Infrastructure Ireland

Date of Site Inspection

30th November 2018

Inspector

Stephen J. O'Sullivan

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1.0 Site Location and Description

1.1. The site is a linear site in an upland area of north Co. Roscommon. Sligo. It is c400m long. The northern end adjoins a county road that contains previously laid ducting. It then passes south of the road across an area of bog, scrub and rough pasture, and then continues parallel to a track within the site of a quarry. The end of the site adjoins the linear site for the concurrent application in Co Sligo ABP-302422-18 Reg. Ref. 18/64. The surrounding landscape is hilly, with the ridgelines and the valley of the Arigna River running NW-SE.

2.0 Proposed Development

- 2.1. The development is part of an overall project to provide a 38kV grid connection from the authorised Derrysallagh windfarm to the existing substation at Garvagh over a distance of 9.57km. The completed connection would include a 38kV electrical cable laid underground with associated infrastructure. The connection comprises 3no. 110mm cable ducts, generally in a trefoil formation, with 2 ducts for pull ropes and a warning tape above. The standard cross section provides a minimum cover of 950mm over the cable ducts, although this is altered where the ducts are above or below culverts. The connection includes 9 joint bays, which are below-ground concrete structures with plan dimensions of 4.5m by c1.815m, and a depth of 1.21m. The EIAR states that 8.8km of the ducting has been installed, including 2.52km in Co. Leitrim, 5.5km in County Sligo and 780m in Co. Roscommon. This amounts to 92% of the ducting required for the connection, although remedial works would be required on 1.96km over the existing ducting. The structures will be left in place when the use of the cable ceases and it is decommissioned.
- 2.2. The works to which this application refers are those in Co. Roscommon required to complete the 38kV grid connection. They would comprise the laying of new ducting, parallel to existing ducting for c380m from joint bay no. 1 on the county boundary to meet the existing ducting in the public road. Section 2.3.1.1 of the EIAR describes the method of installation of the ducting for the stretch of c200m where it would cross wet grassland and degraded bog where rock is likely to be close to the surface. This would involve either rock breaking or directional drilling.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for 3 reasons –

Reason no. 1 stated that it would be inappropriate to grant permission for works to complete the grid connection that are a direct component of other works which are the subject of an application for substitute consent (ABP-300811-18) in the absence of a decision by the board to regularise the prior works.

Reason no. 2 stated that an EIA of the development including its cumulative impact with the prior works on the grid connection could not be completed until the EIA of the prior works under the current application for substitute consent had been completed by the board.

Reason no. 3 stated that the planning authority could not conclude that the proposed development would not be likely to have significant effects on a Natura 2000 site either alone or in combination with other plans or projects including that which is the subject of the application for substitute consent.

3.2. Planning Authority Reports

3.2.1. Planning Reports

It is not possible to determine whether the proposed development would be likely to have significant effects on any Natura 2000 site. In the absence of a decision by the board on the application for substitute consent it is not possible to determine whether the application would have a significant impact on the environment cumulatively with other development. A decision on the proposed works would be premature pending the decision by the board on the application for substitute consent which relates to previous unauthorised works on the grid connection. As the works in Co.

Roscommon would be on private land, disruption to the road network would be minimal. However further information is required on the handling and disposal of excavated material. Rock is close to the surface and the EIAR outlines two alternative methods to create the trench required for the ducting – rock breaking or directional drilling. The assessment of both methods is adequate and the planning

authority is satisfied that significant effects on the environment are not likely to arise from the trenching. The EIAR adequately describes the applicant's consideration of alternatives to the proposed development. The EIAR does not identify and adequately describe the direct and indirect effects of the proposed development in accordance with article 3 of the 2014 EIA directive, having regard to the cumulative impact with the development that is subject to the application for substitute consent and the absence of a decision by the board upon it. Adequate information is not submitted with regard to excavation and soil for the works in Gubbarudda to allow a proper assessment in relation to noise and vibration or biodiversity. The planning authority are generally supportive of the proposed works but the application is premature pending the determination of the application for substitute consent and site specific information regarding biodiversity, traffic and the excavation/import of materials. It was recommended that permission be refused. An appropriate assessment screening report stated that the planning authority cannot conclusively determine whether the subject development when taken cumulatively with other development including that which is the subject of the application to the board has or will have significant effects or adverse impacts to site integrity either alone or in combination with other plans or projects.

4.0 Planning History

- 4.1. Reg. Ref. 12/133: Sligo County Council granted permission for a windfarm of 10 turbines at Derrysallagh in 2013 with an appropriate period of 10 years. The consent was granted after an EIA of the windfarm (but not of any grid connection) had been completed. The planning authority did not carry out an appropriate assessment.
- 4.2. Reg. Ref. 15/35: Leitrim County Council granted permission to extend the 110kV substation at Garvagh Glebe.
- 4.3. Reg. Ref. ED-16-05: Leitrim County Council made a declaration under section 5 of the act on 24th March 2016 that the laying of a 38kV cable for 2.8km to connect the authorised windfarm at Derrysallagh to the substation at Garvagh Glebe would be exempted development under Class 26 of Part 1 of Schedule 2 to the planning regulations, after screening out a requirement for EIA or appropriate assessment.

- 4.4. 2017 IEHC 308, Daly vs. Kilronan – The High Court made an order on 11th May 2017 under section 160 of the planning act to cease works on the grid connection to the authorised windfarm at Derrysallagh and to prohibit further works on the grounds that they were an integral part of the windfarm development that required EIA and so could not be exempted development. The order did not require the reinstatement of works that had already been carried out.
- 4.5. 21. LS0032 – The board granted leave to apply for substitute consent for the partially constructed grid connection from the Derrysallagh Windfarm to the Garvagh Glebe 110kV substation on 21st December 2017 and directed that the application be accompanied by a remedial Environmental Impact Assessment report.
- 4.6. ABP-300811-18 - An application for substitute consent in respect of the previous works to provide the grid connection was granted the board on 5th February 2019. The application was accompanied by an EIAR.
- 4.7. ABP-301756-18, PD/18/102 – Roscommon County Council refused permission on 7th March 2018 for works to complete part of the grid connection between the Derrysallagh Windfarm and the Garvagh substation within the county which would include c380m of underground cabling. . An appeal against this decision to the board was invalid.
- 4.8. ABP-301812-18, PL18/45 – An application for permission was made to Leitrim County Council to complete part of the grid connection between the Derrysallagh Windfarm and the Garvagh substation within that county which would include the laying of c380m of cable ducting (as well as for 20m on either side of joint bays) and remedial works to c460m of ducting previously laid, as well as the installation of a new joint bay. The planning authority refused permission on 8th May 2018 because it was part of a grid connection project that had not been regularised and the council could not complete an EIA or AA screening in respect of it. An appeal against this decision is currently before the board.
- 4.9. ABP-302422-18, PL18/64 – An application for permission was made to Sligo County Council to complete part of the grid connection between the Derrysallagh Windfarm and the Garvagh substation within that county which would include the laying of c690m of cable ducting and remedial works to c1.28km of ducting previously laid. The planning authority refused permission on 10th August 2018 because substitute

consent had not been granted by the board for the prior works on the grid connection. An appeal against this decision is currently before the board.

5.0 Policy Context

5.1. National Policy

The minister issued **Guidelines for Planning Authorities on Wind Energy Development** in June 2006. Section 1.2 refers to public policy in favour of the development of renewable energy resources, including wind energy development. These or similar public policies remain in favour of wind energy development in general. Section 4.3 refers to access to the electricity grid. It does not provide substantive guidance on the means or location of connections between windfarms and the electricity grid. Its procedural advice regarding windfarms which require EIA has largely been overtaken by the statement of the law by the High Court in the O Grianna case.

5.2. Development Plans

The Roscommon County Development Plan 2014-2020 applies. Section 4.6.2 refers to wind energy development. It cites the 2006 guidelines. A renewable energy strategy prepared as part of the plan identifies the area of the county which the current site crosses as most favoured for wind energy development.

5.3. Natural Heritage Designations

The site is not in or immediately adjacent to any Natura 2000 sites or any Natural Heritage Area.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development is part of the overall grid connection project which was described and analysed in the submitted EIAR

- It would appear that the planning authority had all the necessary information before them to carry out an EIA. The planner's report stated that the council was generally supportive of the proposal and no objection was made by the roads or environment sections.
- With regard to reason no 1 of the planning authority's decision, the existence of concurrent planning applications is not a good reason to refuse permission for the works proposed in this planning application. In any event prematurity or the status of previous works is not an issue as this application and the one for substitute consent for the prior works are both before the board.
- With regard to reason no. 2 the submitted EIAR provided for a comprehensive assessment of the overall grid connection which would allow each competent authority to properly assess the cumulative impact of its various parts under different applications. The information before Sligo County Council allowed it to carry out an EIA of the entire project, as can the board can now do at appeal stage. It was therefore incorrect of the council to refuse permission on the basis that only the board could carry out a comprehensive assessment of the grid connection project. In any event applications concerning all elements of the grid connection are now before the board.
- With regard to reason no. 3, a screening report for appropriate assessment was submitted which described and evaluated the entire grid connection project. It established that there would be no linkages or connectivity between any of the works and any Natura 2000 site, and so there was no potential for any significant effects on such a site and a stage 2 appropriate assessment is not required. The grant of leave to apply for substitute consent by the board under 21.LS0032. concluded that the previous grid connection works did not require appropriate assessment. The council was therefore in a position to carry out an screening for appropriate assessment on this application, as the board can now.
- There is a minor discrepancy in the drawings submitted in the drawings submitted with the substitute consent application with regard to works in Co. Roscommon, in that they showed remedial works in blue on 230m of cable between junction bays 1 and 2 that are proposed rather than completed. The

applicant wishes to clarify that permission is being sought for the proposed works under this application.

- The appeal is accompanied by a letter from a solicitor which states that the applicant does not accept that the previous works were unauthorised, having regard to the valid section 5 declaration on the matter, and that the decision of the High Court in *Daly vs. Kilronan Windfarm Ltd* is under appeal. It referred to other planning cases where adjoining planning authorities had granted separate permissions after EIA of projects that crossed their boundaries. It stated that it was lawful for EIA and appropriate assessments of separate parts of project to be carried out by different consent authorities, referring to the interaction between planning permission and IED licences which the courts have accepted.

6.2. Planning Authority Response

The planning authority did not respond to the appeal.

7.0 Environmental Impact Assessment

7.1. Statutory Provisions

- 7.1.1. This application was submitted to the planning authority after 16th May 2017, the date for transposition of Directive 2014/52/EU amending the 2011 EIA Directive. The Directive had not, however, been transposed into Irish legislation when the application was submitted. In accordance with the advice on administrative provisions in advance of transposition contained in Circular Letter PL1/2017, it is proposed to apply the requirements of Directive 2014/52/EU. The consent for the windfarm to which the works proposed in this application would facilitate a grid connection was the grant of permission given by Sligo County Council under Reg. Ref. 12/133. The consent and the environmental impact assessment which preceded it are not subject to challenge or revision at this stage by virtue of article 50(2) of the Planning and Development Act, 2000 as amended. The likely significant effects on the environment of the windfarm are relevant to the extent that they might give rise to a cumulation of effects with those arising from the proposed works which are the subject of this application and EIA. Similarly the substitute consent and EIA

for prior works to provide the grid connection, granted by the board under ABP-300811-18, and the two other applications for proposed works to complete the grid connection in counties Leitrim and Sligo, which are before the board under ABP-301812-18 and ABP-302422-18, are relevant to this application and EIA inasmuch as they might also give rise to cumulation of effects on the environment that would be significant .

7.1.2. A Environmental Impact Assessment Report (EIAR) was submitted with the application. It is laid out in four volumes. The first volume contains a Non-Technical Summary. Volume 2 is the main volume of the EIAR. Section 1 indicates the expertise of various people who were responsible for particular sections of the EIAR, as does appendix 1.2 in volume 3. Section 2 provides a description of the development. Section 12 provides a description of the reasonable alternatives studied by the developer. The various other sections of volume 2 provide a description of the current state of the environment, the factors likely to be significantly affected by the development, the likely significant effects of the development, the methods by which they were identified, and of the measures intended to mitigate them. Volume 3 provides various supporting documentation, while volume 4 provides a copy of the EIS that was submitted for the Derrysallagh Windfarm. The EIAR describes the previously authorised windfarm and its effects. It also describes and analyses the other works required to provide the grid connection to the windfarm including the prior works that are the subject of the substitute consent and proposed works in counties Sligo and Leitrim that are the subject of applications for permission. The content of the EIARs submitted with each of the four current applications is therefore similar. This is appropriate as the applications refers to the same project, and allows the identification of any possible significant direct or indirect effects that might arise from the cumulation of the various elements of the grid connection and the authorised windfarm.

7.1.3. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the results of the submissions made by the planning

authorities, prescribed bodies and observers has been set out at Section 6 of this report. This EIA has had regard to the application documentation, including the EIAR and the observations received from the planning authority and others.

7.2. Alternatives

Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment,

Annex (IV) (Information for the EIAR) provides more detail on ‘reasonable alternatives’:

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

Chapter 9 of the EIAR presents a such a description of the reasonable alternatives studied by the developer for a grid connection from the substation to the authorised windfarm, including different routes and the installation of an overground cable. The installation of an underground cable mainly along roads was deemed to have lesser environmental impact, and no other route was regarded as preferable to the one chosen. The description of the consideration of alternatives in the EIAR is reasonable and coherent. The works for which permission are sought in this application are minor and contingent on the approval of the route of the grid connection and the prior works of greater scale that have been carried out along that route. It is therefore appropriate that the developer’s consideration of alternatives is based on alternative means and routes for that grid connection. The requirements of the directive in this regard have been properly addressed.

7.3. Likely Significant Direct and Indirect Effects

7.3.1. The likely significant direct and indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

7.3.2. Population and human health

The proposed development involve groundworks of a standard type and limited extent. Section 2.3.1.1 of the EIAR provides a full description of the proposed methods of construction. Emissions of noise during construction can be adequately controlled by the imposition of standard limits by condition. A proper assessment of the issues of noise and vibration can therefore be made on the basis of the information before the board. It is therefore concluded that the proposed development would not be likely to have any significant effect on population or human health during construction nor would it be likely to have such an effect during its operation or decommissioning.

7.3.3. Biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

The submitted EIAR adequately described the habitats on the site and the proposed method of construction and there is sufficient information before the board to allow an assessment of the likely effects of the proposed development on biodiversity. The proposed development is not in or immediately adjacent to any Natura 2000 sites or any NHA. The works that are the subject of this application would occur in an area of degraded bog and wet grassland which is not of high ecological value and on a short stretch of land previously subject to works within the site of the authorised

Derrysallagh Windfarm and the existing quarry. The works would not result in the loss of habitats or species protected under Directive 92/43/EEC and Directive 2009/147/EC. The disturbance to the grassland and bog would not have a significant impact of biodiversity having regard to the scale of the works and the extent and ecological value of the habitats in and around the site. The potential for indirect effects on habitats arises from the potential for an effect on the quality of waters downstream of the site. However, as set out in section 7.3.6 of this assessment below, the evidence available from the EIAR and the inspection of the site shows that the development would not be likely to have a significant effect on water. It is therefore concluded that no indirect effect on natural habitats including downstream aquatic habitats is likely to result from the proposed development. It is therefore concluded that the carrying out of the proposed development is not likely to have a significant effect on biodiversity. No such effect is likely to arise from its operation or decommissioning either.

7.3.4. Land

The proposed development would be carried out on marginal land that is not intensively used. It would not alter the use or character of that land. Therefore the proposed development would not have a significant effect on land.

7.3.5. Soil

The proposed development would involve the excavation of soil and rock from the site, the export of some of it to a licensed waste facility and the importation of fill material onto the site. Section 7.6.1.2 sets out measures to minimise the impact of the development in this regard, which amount to the implementation of good practice for soil handling during works in rural areas. Given the poor quality of the soil on the site and the limited extent of the proposed works in length, width and depth, these measures would be sufficient to ensure that the residual effects of the proposed development on soil would be of negligible significance. The operation of the grid connection would not have effects with respect to soil. No works are proposed when the grid connection is decommissioned so that would not give rise to significant environmental effects on soil either.

7.3.6. **Water**

The proposed development involves ground works on previously undisturbed rural land . It would therefore have the potential to affect water through the emission of sediment or hydrocarbons if the works are not carried out in a competent manner in accordance with standard practices. Section 8.6.1.1 of the EIAR sets out mitigation measures which involve carrying out the works in accordance with such practices, with proper controls on the handling of soil, fuels and lubricants and the installation of silt fences and petrol interceptors. The efficacy of these measures in protecting water quality has been established by their widespread use. Subject to their implementation, the proposed development is not likely to have significant effects on the environment with respect to water. Similar measures have been stipulated for the works proposed to complete the grid connection in Cos. Leitrim and Sligo which are also likely to avoid any significant environmental effect to water. As stated in the EIA in the inspector's report for ABP-300811-18, it is not likely that the previous works to provide the grid connection had significant effects on water. It is therefore concluded that the proposed development would not be likely to have significant effects on the environment in respect of water, either by itself or in cumulation with the other works to provide the grid connection or other projects

7.3.7. **Air**

The carrying out of the works has the potential to cause the emissions of dust to air. The potential effect is similar to that which would arise from most works in rural areas and can be properly mitigated by common practices which are set out in section 4.5.1 of the EIAR and section 2.2 of the Outline Construction Environmental Management Plan appended to it. Subject to the implementation of such measures, the proposed development would not be likely to have a significant effect on the environment with respect to air.

7.3.8. **Climate**

The development would not have a significant effect on climate. It would facilitate the operation of a windfarm which might give rise to an indirect positive effect on climate due to reducing the demand to burn fossil fuels, but the magnitude of this effect would not be significant.

7.3.9. **Material assets**

The completion of the grid connection would not alter the use of the land in which it is laid. It would allow the permitted windfarm to operate. Its impact on material assets would be positive to the extent that the operation of the permitted windfarm would have a positive environmental impact. This would have been addressed in the completed EIA for the windfarm.

7.3.10. **Cultural heritage**

The proposed works would not be in the vicinity of any structure or monument designated to protect cultural heritage. Section 13.6.1 of the EIAR stipulated archaeological monitoring of works to undisturbed ground as a mitigation measure. Therefore the construction of the proposed development would not be likely to have a significant effect on cultural heritage. Its operation and decommissioning would not be likely to have such an effect either. .

7.3.11. **The landscape**

The grid connection would be underground on land that will be reinstated after works have finished. Its completion will not affect the landscape.

7.3.12. **The interaction between the above factors and cumulative impact with other development**

As the development is unlikely to have a significant effect on: population and human health; biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; land, soil, water, air or climate; material assets, cultural heritage or the landscape, there are no other significant effects on the environment that are likely to arise from the proposed development due to the interaction between those factors or due to cumulative impact with other development, including the permitted windfarm at Derrysallagh or the prior works to the grid connection or the proposed works to complete it in Counties Sligo and Leitrim. This conclusion is made having regard to the information submitted in connection with the application submitted for substitute consent for the prior works to the grid connection and the board's decision on that application, and the concurrent applications for permission to works to complete the connection in the other

counties. All this information is before the board. As a grant of substitute consent has been issued and a decision on whether or not to issue any of the planning permissions can now be made by board, the constraints that were cited in reason no. 2 of planning authority's decision regarding EIA would not apply to the board's EIA in this case.

7.3.13. Reasoned Conclusion on Significant Effects

Having regard to the nature and scale of the development, which consists of the works to install part of a 38kV grid connection laid underground on degraded bog and wet grassland of limited ecological value, to the environmental information available in connection with the current application, including the EIAR and other information provided by the developer and the submissions from the planning authorities, prescribed bodies and observers, it is concluded that the development which is the subject of the current application is not likely to have significant effects on the environment, either directly or indirectly or cumulatively with other developments including the permitted windfarm at Derrysallagh and the completion of the grid connection to it.

8.0 Screening for Appropriate Assessment

- 8.1. As a grant of substitute consent for the prior works on the grid connection has been issued and a decision on whether or not to issue any of the planning permissions for prospective works to complete can now be made by board, the constraints that were cited in reason no. 3 of the planning authority's decision regarding appropriate assessment do not apply to the board's consideration of this application. The proposed development would not be in or adjacent to any Natura 2000 site. Neither would the other works to complete the grid connection of which the proposed development is a part. The proposed development would not be likely to have a direct effect on any Natura 2000 site, therefore. As concluded in the EIA at section 7.3.6 above, the proposed development would not be likely to have significant effects on water quality, and there is no pathway by which the proposed development could have a significant indirect effect on any Natura 2000 site. There are no effects that are likely to arise from the proposed development that could be significant in combination with any other plan or project. Therefore it is unlikely that the proposed

development would have a significant effect on any Natura 2000 site, either individually or in combination with any other plan or project. It is therefore reasonable to conclude that, on the basis of the information on the file, which is adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on any 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. This conclusion is consistent with the board's decision not to require the submission of an NIS for the application for substitute consent for the prior works to the grid connection, which were substantially greater in extent than the proposed works to complete it.

9.0 Assessment of other issues

- 9.1. As a grant of substitute consent has been issued and a decision on whether or not to issue any of the planning permissions can now be made by board, the circumstances to which the reason no. 1 for the planning authority's decision refers do not apply to the board's consideration of this application.
- 9.2. The proposed completion of a grid connection to an authorised windfarm would be in keeping with national and local policy on the exploitation of renewable energy resources, and with the proper planning and sustainable development of the area.

10.0 Recommendation

- 10.1. I recommend that permission be granted.

11.0 Reasons and Considerations

- 11.1. Having regard to the nature, scale and location of the development, and to the EIAR and the submissions made in connection with the application and appeal, it is considered that the carrying out of the development would not be likely to have significant effects on the environment and that its operation and decommissioning are not likely to have significant effects on the environment, either when considered individually or in cumulation with other development including the permitted windfarm

at Derrysallagh, the prior works to provide the grid connection that are the subject of the substitute consent issued under ABP-300811 or the works to complete the grid connection that are proposed in Counties Sligo and Leitrim under applications Nos. ABP-302422-18,18/64 and ABP-301812-18, PL18/45. The development would facilitate the operation of the windfarm at Derrysallagh and so would be in accordance with national policy regarding the exploitation of renewable energy resources and with the provisions of the development plan.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. All environmental mitigation measures identified within the Environmental Impact Assessment Report and associated documentation shall be implemented in full.

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

3. Prior to the commencement of development the developer shall submit a Construction Environmental Management Plan for the written agreement of the planning authority which shall generally be in accordance with the draft plan set out at appendix 2.2 of the submitted EIAR. The agreed plan shall include the measures necessary for the carrying out of the development to comply noise limits set out in BS5228 "Noise Control on Construction and Open Sites", and to limit the deposition of dust on the boundary of the site

to no more than 350mg/m² per day. Working hours shall be restricted to between 0800 and 2000, unless the prior written consent of the planning authority has been obtained.

Reason: To protect the environment and the amenities of the area

4. 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 that authority in accordance with the terms of the Development Contribution Scheme made which it made under section 48 of the Planning and Development Act 2000, as amended. The contributions shall be paid prior to the commencement of development or in such phased payments as the relevant 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 each of the Schemes shall be agreed between the relevant planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Schemes made under

. Stephen J. O'Sullivan
Planning Inspector

14th February 2019