



An
Bord
Pleanála

Inspector's Report

ABP-311157-21

Development

10 Year permission to develop an electricity service, entailing the laying of approximately 10.4km of 38KV underground cable from the granted Sheskin Wind Farm to connect the wind farm to the national grid at the existing Bellacorick 110KV ESB Station. A Natura Impact Statement was lodged with the planning application.

Location

Sheskin, Tawnaghmore,
Kildallagh/Bellacorick, Co. Mayo.

Planning Authority

Mayo County Council

Planning Authority Reg. Ref.

20834

Applicant(s)

ABO Wind Ireland Ltd.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party

Appellant(s)

ABO Wind Ireland Ltd.

Observer(s)

None.

Date of Site Inspection

23 July 2022.

Inspector

Bríd Maxwell

1.0 Site Location and Description

- 1.1. This appeal relates to a site within the townlands of Sheskin, Tawnaghmore, Kilsallagh and Bellacorrick within the Sheskin and Glenco Electoral Divisions in County Mayo. The site lies to the east of the Slieve Fyagh Mountain (331m) at the northern extent of the Nephin Beg range. Bellacorrick lies circa 15km east of Bangor Erris, 17km west of Crossmolina, 27km west of Ballina and 33km northwest of Castlebar.
- 1.2. The appeal site which is linear in shape has a stated area of 8.5hectares and extends from the existing Belacorrick 110kV ESB Station in Co Mayo towards Sheskin north / northwest. An 8 no windfarm development was permitted at Sheskin under Planning Reference 19/457. Bellacorrick substation is a long established substation originally linked with the peat burning tower facility demolished in 2007.
- 1.3. The proposed grid connection route leaves the permitted substation at Sheskin Wind Farm and commences along the existing Coillte forestry access track. After the forestry, it follows a private access track in a southerly direction before reaching and following a Local Road L52936 until it joins the N59. Moving in an easterly direction along the N59 it diverts off the public road and through private farmland for the final c350m into the existing substation at Bellacorrick to the southeast. Buildings and artificial surfaces which includes tarmac substrate is the dominant habitat along the proposed grid connection route along with forest tracks and grassland verge. The dominant habitats adjacent to the proposed grid connection route are cutover bog, blanket bog, and conifer plantation.
- 1.4. The boglands in the local area were historically used for the production of milled peat to supply the ESB Bellacorrick peat fired power station (originally commissioned in 1962). More recently the area has become renowned for wind farm development. Bellacorrick Windfarm (Ireland's 1st Windfarm) consisting of 21 turbines was built in 1991. There are a number of existing and consented wind farm developments in the area. The Sheskin windfarm development is located north of the Oweninny Bog complex windfarm development phase 2 - 31 turbines which is currently under construction while Phase 1 Oweninny - 29 turbines is operational.

2.0 Proposed Development

2.1. The stated purpose of the development is to facilitate the export of electricity from the permitted but not yet constructed Skeskin Windfarm to the national grid at the Bellacorrick 110kV ESB Station.

2.2. The development as described consists of :

“A ten year permission to develop and electricity service entailing the laying of approximately 10.4km of 38kV underground cable from the granted Sheskin Wind Farm to connect the wind farm to the national grid at the existing Belacorrick 110kV ESB Station, Co Mayo. The proposed grid connection will be installed along existing private tracks, the public roadway, and a short section of private agricultural land.

The proposed development will consist of three phase underground electrical cables laid in ducts, with communications cable, draw pits, jointing bays, cable sheath sectionalising chambers, communication chambers, water crossings by bridge crossings and directional drilling, the widening of private track and L52926 and all associated works. An Environmental Report and Natura Impact Statement have been prepared in respect of the proposed development.”

2.2 The proposed development comprises of

- Four 110mm diameter HDPE ducts (three power and one communications) laid in a standard trench excavated to typically 1.2m deep by 0.6m wide or a non-standard trench with “top hat” profile for soft ground conditions (38kV Connection)
- Three phase electrical cables
- Optical fibre cables
- Draw pits and joint bays
- Communication chambers
- Cable sheath and sectionalising chambers
- Water crossings by (i) bridge crossings (within road pavement) (ii) directional drilling. (Regarding bridge crossings SC1 and SC2 it was confirmed in response to

the request for additional information that consent from the OPW in accordance with Section 50 of the Arterial Drainage Act is required.

- Upgrading and widening of private track and L52926 to facilitate turbine delivery and grid cabling works
- Ancillary works

2.3 A ten year permission is being applied for to allow sufficient time for all the required grid connections capacity from the national grid to be fully commissioned and made available to the proposed development.

2.4 The anticipated construction period for the project will last for approximately six to nine months from commencement of duct construction through the installation of cables and road resurfacing works. The works can be carried out concurrently at several locations along the route. The grid connection open trenching, laying of ducts and reinstatement works will be contained to one traffic lane and carried out on a phased basis. Traffic will be managed with one-lane reversible (shuttle) flow control. All trenches will be backfilled and made safe to reopen to both traffic lanes at the end of each working day.. It is envisaged that the proposed road widening works on the L52926 will take approximately 10-15 working days and will be carried out with a combination of one way reversible flow control and short term road closures.

2.5 The expected operational lifetime of the windfarm grid connection is approximately 25 years. The ownership of the cables will be handed over to ESB Networks and will be managed as part of the national grid.

2.6 The application is accompanied by

- Environmental Report
- Natura Impact Statement

- Consent from landowners with regard to third party lands involved in the application.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order date 19 July 2021 Mayo County Council issued notification of the decision to refuse permission for the following reasons:

1. Due to the weak peat subgrades underlying this section of the N59, the proposed trench construction will result in a rigid trench with flexible pavement on either side. This will result in differential pavement settlement with pavement failure and seriously reduce the life design of the pavement. As such would be contrary to National Policy in relation to development on National Roads which is to curtail development in order to safeguard the substantial public investment in such roads and to maintain their carrying capacity and safety. The proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.

2. The installation of this proposed underground electricity infrastructure will compromise the ability of Mayo County Council to maintain or improve this section of N59 due to its presence and any exclusion zone which would be specified around it. As such would be contrary to National Policy in relation to development on National Roads which is to curtail development in order to safeguard the substantial public investment in such roads and to maintain their carrying capacity and safety. The proposed development would endanger public safety by reason of traffic hazard and the obstruction of road users.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2.1 Planner's initial report notes concerns of Transport Infrastructure Ireland TII and Mayo County Council with regard to the proposal and negative impact on the structural integrity of the road network. Additional information required to include

- Report for the entire length of the route along the National and local road network to establish
 - (i) That the development will not impact on or be detrimental to the capacity safety or operational efficiency of the road network
 - (ii) That the inclusion of infrastructure will not impact on the structural integrity of the road
 - (iii) That the proposal will not limit the ability of the roads authorities to carry out future improvement works without structural interventions
 - (iv) Reinstatement proposals in accordance with TII publications CC-PaV-04007 -Requirements for reinstatement of openings in National Roads.
- Submit a technical acceptance confirmation from TII in accordance with TII publications. Full details required to safeguard the safe and efficient performance of the national road.
- Indicate following consultation with the OPW as to whether or not consent in accordance with Section 45 of the Arterial Drainage Act is required in respect of proposal which traverses several watercourses.
- Indicate why stream crossings were included in the methodology and were not referred to in the Environmental Report.
- Indicate if the structures referred to in the “Inventory of Bridge and Culvert Structures” (Appendix 3.2 October 2016) correspond with water crossings 1-24 listed in Table 3.1 of the Environmental Report
- Submit details on the potential for dewatering of the peatlands in the Carrowmore Lake Complex SAC to the west of the cable route (chainage 3,500 to 5,500) facilitated by the permeable surround material in the trench acting as a preferential flow path.

The applicant was advised that the respective road authorities Transport Infrastructure Ireland (TII) and Mayo County Council have serious concerns in relation to the siting of infrastructure along the road networks. In the event that it can't be demonstrated that the infrastructure will not be to the detriment of

the road networks the applicant will have to explore in detail Alternatives A or B as set out in the environmental report.

3.2.1.2 Following submission of further information Planner's report sought a clarification as follows:

The N59 is a strategically important National Secondary Road with a pavement overlain on a poor peat subgrade and requires regular bridge maintenance / structural improvement interventions as well as regular pavement maintenance / structural improvement interventions. The details submitted have not satisfactorily addressed the potential for differential settlement between the reinstatement and the existing surrounding road on the N59. The potential for differential settlement raises a concern for road safety and the overall structural integrity of the existing N59 Road as well as having a detrimental impact on future maintenance / structural interventions.

The details submitted have not satisfactorily addressed the potential for differential settlement between the reinstatement and the existing surrounding road on the L52926 Local road. The potential for differential settlement raises a concern for road safety and the overall structural integrity of the existing L52926 Road as well as having a detrimental impact on future maintenance / structural interventions.

A clear method statement of technical acceptance confirmation from Transport Infrastructure Ireland TII. The confirmation of technical acceptance includes pertaining to indemnifying TII and Donegal County Council.

3.2.1.3 Final Planner's report, (on the 10th page) refers to a second report and recommendation of Mayo County Council Roads Design Section which I note has not been provided to the Board and having interrogated the Council's website I have failed to locate same at

<https://idocsweb.mayococo.ie/iDocsWeb/listFiles.aspx?catalog=planning&id=20834>.

The Planner's report reports a conclusion by the road design office that the provision of underground electricity infrastructure by a non-statutory undertaker would give rise to difficulties for Mayo County Council regarding maintenance or improvement

works. The provision of a rigid trench with flexible pavement either side would give rise to potential for differential pavement settlement and pavement failure. The provision of an exclusion zone would compromise future maintenance or improvement works by Mayo County Council. An analysis of alternative route options does not appear to have been undertaken. The Planner's report notes that in relation to the Oweninny Wind Farm (61 turbine 172MW) connection for same was originally proposed part overground and part underground and later entirely underground. No part of the grid connection was proposed within the national or local road network in the vicinity.

3.2.1.6 Refusal was recommended as per subsequent decision.

3.2.2. Other Technical Reports

- 3.2.2.1 **Flood risk management report** – Development per se is not at risk of flooding from a 1% AEP Flood Event or a 0.1% AEP event however the development has potential to adversely interfere with existing watercourse / watercourse infrastructure along its route including proposals to widen 3.75 km of existing private roadway. Condition recommended that all crossing points construction methods to maintain flow rate conveyance capacity and structural integrity where applicable of the existing watercourse infrastructure.
- 3.2.2.2 **Roads report** - applicant to seek private wayleave for this infrastructure. The N59 is a Strategic National Route road formation is generally on peat and poor quality subgrades. Proposal to lay ducts along the N59 in either the carriageway or verge has the potential to impact on the structural integrity of the road pavement and should be avoided. Installation of ducts has the potential to undermine the ability of Mayo County Council to maintain or improve this section of the N59 and accordingly should be avoided.
- 3.2.2.3 **Roads Design** report recommends refusal on grounds of negative impact on structural integrity of the N59 road and limitation in terms of the ability of the Local Authority to carry out future structural interventions. The L25926 pavement is overlain in a poor peat subgrade and requires pavement maintenance / structural

improvement interventions. The inclusion of infrastructure (with associated wayleave) along the L52926 would have a negative impact on the structural integrity of the road and would limit ability of the local authority to carry out future structural interventions. Exact location of the proposed 38KV ducting within the road verge of the N59 and L52926 is unclear. More detailed drawings of the proposed route including regular cross sections of pavements along key points including crossings through all bridge structures and culverts would be required.

3.2.2.4 **Senior Archaeologist Mayo County Council.** If permission is granted condition to include provision of a written and photographic record of the 25 water crossings including the 3 fords and a bridge recorded on cartographic sources in advance of construction works. Monitoring of ground disturbance under license. Should archaeological material be uncovered the archaeologist to have works stopped pending decision of how best to deal with the archaeology in consultation with National Monuments Section of the Department of Housing Local Government and Heritage. Planning Authority and National Monuments Section to be furnished with a report describing the results of the monitoring.

3.2.2.5 **Environment Section** – There are 24 watercrossings along the route and 14 of these high-status waterbody Sheskin Stream_010 and Owenmore_020 waterbodies. Seven of the 14 watercourses in the Sheskin _010 are described in Table 3.1 of the Environmental Report as roadside drains while it crosses the Sheskin Stream itself at Water Crossing No 19. The preferred solution in all crossings is referred to as bridge crossing where it is understood that the cable will be installed within the bridge deck or roadside verge with no instream works required. The option of directional drilling below the stream bed has been retained where there is insufficient depth within the road base.

The Grid Connection Cable Route Methodology provides drains and a list of mitigation measures to be implemented for the stream crossings but also introduces the option of instream crossings. Chapter 5 (Biodiversity – Aquatic Ecology) or 8(Hydrology/Hydrogeology and Water Quality) in the Environmental Report do not refer to the requirement for in stream crossings.

Clarification required as to why stream crossings were included in the methodology and not referred to in the environment report.

Do the structures referred to in the “Inventory of Bridge and Culvert Structures” (Appendix 3.2 October 2016) Correspond with water crossings 1-24 listed in Table 3.1 of the Environmental Report?

Can the developer comment on the potential for dewatering of the peatlands in the Carrowmore Lake Complex SAC to the west of the cable route (chainage 3,500 to 5,500) facilitated by the permeable surround material in the trench acting as a preferential flow path?

3.3. Prescribed Bodies

3.3.1 **National Roads Office.** Planning application does not raise any issues for the National Road System that needs to be addressed or conditioned by Mayo County Council.

3.3.2 **Transport Infrastructure Ireland TII.** Considers the proposal to be at variance with official policy in relation to control of development on / affecting national roads as outlined in the DoEGLG Spatial Planning and National Roads Guidelines for Planning Authorities 2012 as the proposed development by itself or by the precedent which a grant of permission would set would adversely affect the operation and safety of the national road network for the following reasons:

- Insufficient data has been submitted to demonstrate that the proposed development will not have a detrimental impact on the capacity safety or operational efficiency of the national road network in the vicinity of the site.
- Alternatives should be fully considered prior to any decision being made to permit such development on the national road networks.
- Assessment of the national road structure and any reinstatement proposals should be considered by the Planning Authority and roads Authority prior to any decision to approve laying of proposed cabling on the national road and only after it has been demonstrated that no viable alternative to use the national road exists.
- Potential for differential settlement between the reinstatement and the existing surrounding road unclear raising concern for road safety and the overall structural integrity of the existing road.

- Reinstatement proposals to comply with standards included in TII Publications CC-PAV-04007 Requirements for the Reinstatements of Openings in National Roads.”
- In relation to works impacting structures on the national Roads the application identifies that two structures on the national road are proposed to be crossed TII structure IDMO0N590011-00 (Post office bridge) and TII Structure ID MO0N590912.99 (Ballymonnelly Bridge). Technical acceptance of all works impacting the national road structures is required in accordance with TII publications. No technical acceptance of proposed works has been submitted in this regard. If there is insufficient availability on the structures concerned to accommodate proposals an alternative will be required.
- All works should comply with TII Publications (Standards)
- Full details relating to works impacting on national roads, including structures, reinstatement proposals etc should be agreed and resolved prior to any decision on the application in the interest of road safety.

3.4. Third Party Observations

No submissions.

4.0 Planning History

19/457 Permission for amendments to an existing planning permission (Mayo Co Council Ref 15/825) for 8 turbines with an overall maximum height of 150m and associated infrastructure at Sheskin, Bellacorick. Proposed amendment included an increase in the overall maximum height of the turbines from 150m to 165m (turbines 1-3) and from 150m to 165m (turbines 4-8) comprising a tower 95-120m high to which three blades of 55m – 70m length will be attached. An increase in the maximum height of the permanent met mast from 100m to 120m. An increase in the diameter of the foundation base from 22m to 26m. An amendment to Condition no

46 to revise the community benefit payment to €2/MWh, to be consistent with government guidance set out under the renewable Electricity support scheme. The redline boundary and all other aspects of the development will remain unchanged.

Permission expires 6/12/26

15/825 Permission granted to ABO Wind for 10 years on 2/11/2016 for a wind energy project comprising up to eight wind turbines with associated hardstandings, construction of new internal access tracks underground cabling, permanent meteorological mast and associated hardstanding, electrical substation, recreational walking trail, site compound and associated works. Each wind turbine will have an overall maximum height of 150m comprising a tower 95-105m high to which three blades of 45-55m length will be attached.

18/274 Permission granted to ESB International for Decommissioning and removal of electrical plant and associated structures and the demolition of the existing fence along a portion of the north eastern boundary of the existing substation, the extension of the existing substation by 3970sq m to accommodate c 20m of overhead 110kV conductor connecting to an existing 110kV busbar and associated structures c 16m high, incorporating lightening protection measures, 1 no 38/110kV banded transformer and additional 38kV electrical equipment such as Arc suppression coil, cable chairs /sealing ends, etc. All ancillary work within the site including the provision of additional areas of hard standing, internal access ways associated drainage works and all ancillary works within the site associated with the removal replacement and installation of underground cables electrical plant and switchgear at the site and a 2.6m high palisade perimeter fence with a dedicated access gate.

15/456 Permission granted 14/9/2015 to Eirgrid PLC for construction of an extension (approximately 60m² and 3.2m high) to the southwestern elevation of the existing 100kV control room. Installation of 1 no new 110kV cable bay with equipment and apparatus comprising busbar disconnect, circuit breaker, combined current /voltage transformer, line/ each disconnect, surge arrestor and cable sealing end and all associated site development works at Bellacorrick.

P17/42 Mayo County Council issued declaration under Section 5 of the Planning and Development Act 2000 in respect of an underground 38kv cable grid connection from Sheskin windfarm to existing ESB Substation at Bellacorrick Co Mayo.

“Mayo County Council has concluded that the works proposed constitute works that come within the scope of Exempted development – Development by statutory Undertakers – Schedule 2, -Part 1, -Class 26 of the Planning and development Regulations 2001-2015

Mayo County Council has concluded that the works proposed constitutes works that come within the scope of; Exempted Development - Temporary Structures and Uses – Schedule 2, - Part 1, - Class 16 of the Planning and Development Regulations 2001-2015

Mayo County Council has concluded that, due to the nature of the work, combined with construction methodology proposed and the distance of the works from the nearest Archaeological features and Natura 2000 sites, that the development does not comprise development outlined in Section 9(1) (Vii, ViiB or ViiC) of the Planning and Development Regulations 2001-2015

Now therefore Mayo County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the 2000-2010 Act, hereby decides that the laying of an electrical grid connection along the route indicated is development and is exempted development.”

ABP Ref: 16.PA0029: Permission was granted for a windfarm development (June 2016) in the townlands of Bellacorick, Corvoderry, Croaghaun West, Doobehy, Dooleeg More, Formoyle, Kilsallagh, Knockmoyle, Laghtanvack, Moneynierin, Shanvodinnaun, Shanvolahan, Sheskin, Srahnakilly and Tawnaghmore, County Mayo. Oweninny windfarm phase one was constructed and comprises 29 turbines (93MW) which are currently operational. Oweninny windfarm phase two, 31 turbines (83MW), is under construction.

309375: Pre-Application Consultation. Decision 4th April 2022 - Is a Strategic Infrastructure Development. Oweninny Wind Farm Phase 3, townlands of Laghtanvack, Croaghaun (also known as Croaghaun West), Moneynieran,

Corvoderry, Shanvolahan, Dooleeg More and Shanvodinnaun, Co. Mayo. Between 10 and 20 wind turbines (including tower sections, nacelle, hub, rotor blades) with an approximate capacity of 90 MW and a maximum blade tip height of 200 metres.

5.0 Policy Context

5.1. National Policy

The EU has set binding targets for Member States to reduce greenhouse gas (GHG) emissions by 20% by 2020. In addition, under the EU Renewable Energy Directive (2009/28/EC) Ireland is committed to produce from renewable sources at least 16% of all energy consumed by 2020. Ireland has committed to meet this national target through 40% renewable electricity, 12% renewable heat and 10% renewable transport. Ireland's National Policy position is to reduce CO₂ emissions in 2050 by 80% on 1990 levels across the Energy Generation, Built Environment and Transport sectors, with a goal of Climate neutrality in the Agriculture and Land-Use sector.

Project Ireland 2040 National Planning Framework

National Planning Objective 54: "Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions."

National Policy Objective 55: "Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050"

Climate Action Plan 2021

The Climate Action Plan 2021 provides a detailed plan for taking decisive action to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and setting us on a path to reach net-zero emissions by no later than 2050, as committed to in the Programme for Government and set out in the Climate Act 2021.

Delivering a Sustainable Energy Future for Ireland – The Energy Policy Framework 2007-2020

This is a Government White Paper. The overriding objective is to ensure that energy is consistently available at competitive prices, with minimal risk of supply disruption. It is an objective to achieve 15% of electricity consumption, on a national basis, from renewable energy sources by 2010, and 33% by 2020 (target increased to 40% in Government budget speech of 2009).

Guidelines for Planning Authorities on Wind Farm Development and Wind Energy Development 2006

The Guidelines offer advice on planning for wind energy through the Development Plan process, and in determining applications for planning permission, and are intended to ensure consistency of approach in the identification of suitable locations for wind energy developments and acknowledge that locational considerations are important. These considerations include ease of vehicular access and connection to the electricity grid. It is acknowledged that visual impact is amongst the more important issues when deciding a particular application.

Draft Revised Wind Energy Development Guidelines (2019)

These Draft Guidelines were issued by the Department of Housing, Planning and Local Government on 12th, December 2019 with a closing date for public consultation on the 19th, February 2020.

The Draft Guidelines contain changes to the currently operative 2006 Guidelines.

Section 4.14 of the Draft Guidelines states that it is recommended that environmental assessments address reasonable alternatives for the location of new wind energy developments, and where existing infrastructural assets such as substations, power lines and roads already exist within proposed development areas, then such assets should be considered for sustainable use by the proposed development where the assets have the capacity to absorb the new development.

Section 7.14 of the Draft Guidelines states that a condition should be attached to all planning permissions which involve a wind energy development which requires EIA or AA but does not include the grid connection as part of the application, to ensure that no works shall commence on the wind energy development until a separate planning permission for the grid connection has been obtained.

Section 7.15 states that a condition should also be attached to all planning permissions for the grid connection, which should specify the nature of the connection (i.e. underground/overground/a combination of the two as outlined in the planning application submission).

5.2. Development Plan

- 5.2.1 The Mayo County Development Plan 2014 – 2020 refers. I note that the members of Mayo County Council adopted the Mayo County Development Plan 2021-2027 on the 29th of June 2022. The new plan will come into effect on 10th August 2022, i.e., 6 weeks from the date of adoption.

Within the **Mayo County Development Plan 2014-2020** I note the following objectives:

Energy EY-01 It is an objective of the Council to support and facilitate the provision of a reliable energy supply in the County, with emphasis on increasing energy supplies derived from renewable resources whilst seeking to protect and maintain biodiversity, wildlife habitats, the landscape, nature conservation, and residential amenity.

EY-02 It is an objective of the Council to implement the Renewable Energy Strategy for Co. Mayo 2011-2020.

RE-01 It is an objective of the Council to implement the Renewable Energy Strategy for Co. Mayo 2011-2020 or any amendment to same.

- 5.2.2 **I note the Mayo Interim Development Plan 2022-2028 includes the following relevant policies and objectives.**

Electricity Policies INP 18 To support the provision of high-quality, electricity infrastructure and development of an enhanced electricity supply, to serve the existing and future needs of the county and to facilitate new transmission infrastructure projects, including the delivery and integration of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner, whilst seeking to minimise any adverse impacts on local communities and protect

and maintain bio-diversity, wildlife habitats, scenic amenities, including protected views and nature conservation.

INP 19 To co-operate and liaise with statutory and other energy providers in relation to power generation, in order to ensure adequate power capacity for the existing and future business and enterprise needs of the county.

INP 20 To support the statutory providers of national grid infrastructure by safeguarding such strategic corridors from encroachment by other developments that might compromise the provision of energy networks where strategic route corridors have been identified.

Electricity Objectives INO 37 To facilitate the progression of and implement improvements to the existing electricity networks and facilitate the development of new transmission infrastructure projects in accordance with EirGrid's Implementation Plan Strategy 2020-2025 (or any superseding strategy) that might be brought forward during the lifetime of this plan.

INO 38 To ensure the provision, where feasible, of electricity cables located underground.

INO 39 To seek the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity transmission grid, in a sustainable and timely manner

Renewable Energy Policies and Objectives

Renewable Energy Policies REP 1 To support Ireland's renewable energy commitments outlined in national policy by facilitating the development and exploitation of a range of renewable energy sources at suitable locations within the county, where such development does not have a negative impact on the surrounding environment (including water quality), landscape, biodiversity, or local amenities to ensure the long term sustainable growth of the county.

REO 9 To support Ireland's renewable energy commitments outlined in national policy by promoting the development of solar energy.

5.3. Natural Heritage Designations

5.3.1 The proposed grid-connection site does not lie within any EU Natura 2000 or nationally designated conservation sites. A total of 11 designated Natura 2000 sites are located within 15km of the grid connection route.

The proposed route passes close to the Carrowmore Lake Complex SAC (Site Code 000476) and Owenduff / Nephin Complex SPA/SAC (Site Codes 004098 /000534) and Bellacorrick Bog Complex SAC (001922)

Natura 2000 site	Site Code	Distance
Carrowmore Lake Complex SAC	000476	C 5m
Belacorrick Bog Complex SAC	001922	C 25m
Owenduff / Nephin Complex SPA	004098	0.2km
Owenduff / Nephin Complex SAC	000534	002km
Glenamoy Bog Complex SAC	000500	1.6km
Slieve Fyagh Bog SAC	000542	2.2km
Lough Dahybaun SAC	002177	2.5km
Bellacorrick Iron Flush SAC	000466	5km
River Moy SAC	002298	5.7km
Carriwnire Lake SPA	004052	8.9km
Blacksod Bay / Broad Haven SPA	004037	11.6km

5.4. EIA Screening

5.4.1 As a standalone project, the development the subject of this appeal, namely the Sheskin Windfarm Grid Connection, is not of a class of development that is listed in Annex I or Annex II of Schedule 5 of the Planning and Development Regulations which lists the classes of development and, in the case of Annex II projects, the relevant thresholds where the preparation of an EIAR is required.

5.4.2 The grid connection and road widening works form part of the wider development – the Sheskin Wind Farm Project which must be assessed in accordance with the EIA Directive.

5.4.3 The application is accompanied by an Environmental Report. It is stated by the applicant that the Environment Report was prepared and submitted following

agreement with Mayo County Council at pre-planning stage that a full EIAR was not necessary, and a more focussed Environmental Report would be acceptable for the purposes of the grid route application. Rather than resubmit the entire project EIAR in support of the application a more focussed Environmental Report has been produced which takes relevant information from the updated 2019 EIAR and is supplemented with additional detail particularly relating to these aspects of the works.

- 5.4.4 The Environmental Report considers the environmental impacts of grid connection and ancillary works and includes a cumulative assessment of the proposed development together with the permitted Sheskin Wind farm as amended, developments within the Bellacorrick substation, neighbouring Oweninny wind farm and other proposed or permitted developments.
- 5.4.5 As part of my assessment, I have carried out a Screening Determination to ascertain whether this development may potentially require EIA. This detailed assessment is attached to this report in Appendix 1. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as discussed below under Section 7.9 – Appropriate Assessment - Screening).
- 5.4.6 Having regard to the nature and scale of the proposed development and the absence of significant environmental sensitivity in the vicinity, and on the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an Environmental Impact Assessment is not required (see attached EIA Screening Determination for further details).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The first party appeal is summarised as follows:

- Reasons for refusal have been fully addressed by the information submitted with the application and response to further information.
- The grid connection application is a critical component of the Sheskin Wind Farm project enabling the energisation of the wind farm and production of renewable energy to serve the national grid. Sheskin Wind Farm received a tariff in the Renewable Electricity Support Scheme (RESS) 1 auction held in 2020 and has paid all contributions required to date under its grid connection offer for connecting the project to the network at Bellacorrick ESB Station. A connection date of December 2022 has been set by the delivery team in ESB networks
- Regarding refusal reason no 1 the response prepared by Roughan O Donovan, Consulting Engineers, summarises that the peat layer has achieved sufficient strength to support the road pavement structure. This is evident from a visual inspection of the road surface which doesn't have the severe or major undulations or distortions typical on roads constructed on weak peat subgrades. The road construction material making up the road structure will also have undergone significant consolidation under traffic load since its construction. Based on this information it is considered that the road is built on a well consolidated peat subgrade, which is not considered weak and there is not likely to be any further significant settlement of the road pavement.
- Regarding potential for differential pavement settlement with pavement failure proposed reinstatement detail is more durable than the reinstatement detail for type O road found in TII publication CC-PAV-04007 - Requirements for Reinstatement of openings in National roads. Several additional mitigation measures are incorporated into the reinstatement detail to mitigate the risk of long-term differential settlement of the road.
- The proposed trench construction detail is wholly appropriate to prevent differential settlement based on the ground investigation information and using standard trench

reinstatement details. The applicant will be required to obtain a road opening license which will involve verifying the trench construction detail with a further ground investigation information (for example trial holes) to be agreed with the road authority in advance of works commencing. The applicant will be required to pay a bond and charges as part of the road opening license to safeguard the condition of the road post construction. The bond is usually retained for a period of 2 years at which stage potential defects are usually visible.

- The road opening license system will provide Mayo County Council roads department with surety that the technical engineering specification for all in road works fully meet all of their requirements prior to commencing development.
- ABP's attention is drawn to ABP 304056-19 Grid connection from a consented windfarm in Co Offaly, refused by Offaly County Council on grounds of risk of differential settlement on the N62. The Board order concluded that the potential for adverse impacts on the N62 arising from differential settlement could be addressed through the agreement of the detailed construction and reinstatement methodology following a programme of pre-construction site investigations between the developer and the planning authority which could be satisfactorily addressed by condition."
- Condition 3 of 304056-19 as follows: "*All works impacting national road structures shall be carried out in compliance with TII Publications (Standards). Details for the construction and reinstatement works on the N62 shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Reason: In the interest of traffic safety.*"
- Regarding refusal reason no 2. ESB will take ownership of the 38kv grid connection infrastructure following completion and energisation of the works. This process will be completed via asset transfer, with the grid infrastructure being managed as part of the national electricity grid by ESB thereafter. As part of ESB technical specification requirements, an exclusion zone of 300mm all around the power duct is required. The ducts proposed as part of this development are located 750mm (Communication duct) and 950mm (power ducts) below road surface, which is significantly below the road layers impacted for maintenance purposes, notably the road pavement layer and the subbase. Regular maintenance of roads is usually limited to ongoing localised repairs to the pavements surface course (top 20-40mm layer) every 20

years. Accordingly, the laying of electricity cables at a depth of between 750mm and 950mm, inclusive of the required ESB exclusion zone are significantly below the depths required for Mayo County Council to maintain this section of the N59. As such the proposed development will not compromise the ability of Mayo County Council or TII to maintain or improve this section of the N59.

- Regarding alternative options – Section 4.2 of the Environment Report provides an assessment of the alternative options considered

Alternative 1 – Hybrid underground cable connecting into the existing Bangor Erris to Bellacorrick 38kV overhead line. Connection not feasible due to the ESB protection policy.

Alternative 2 – Connecting directly to Bellacorrick Substation via a private wayleave (OHL) or Underground connection.

The direct route would require the overhead wayleave to traverse adjacent windfarm – Oweninny Phase 2. – Not feasible and would give rise to negative landscape and visual impacts. Also given the presence of series of Natura 2000 sites on any potential OHL route it was concluded that an OHL option could have potentially negative impact on ornithology in the local area.

An underground connection from the consented Sheskin Windfarm to Bellacorrick via private lands not feasible as traversing Oweninny Phase 2 windfarm not feasible. The applicant considered an underground route crossing the N59 at the L52926 junction and proceeding toward Bellacorrick on the Southern side of the N59, however, this route would involve traversing some sections of very poor ground conditions in close proximity to the Moy River and would mean passing directly adjacent to the Bellacorrick Bog Complex SAC (0019922). Furthermore, to satisfy requirements of the ESB Networks a road over the cable is required through difficult terrain /soft peatland so that the asset can be easily accessed by vehicles for remedial and maintenance works. From an environmental impact perspective this alternative option was considered to give rise to potentially negative environmental impacts as it would involve excavating trenches and creating a new road through sensitive bog areas adjacent to a Natura 2000 site.

Alternative 3. To implement the Section 5 Declaration decided by Mayo County Council this route extended from the consented Sheskin wind farm site in a southerly direction before entering the N59 and travelling in an easterly direction where it connection to Bellacorrick substation. The Section 5 declaration and map of the grid connection route provided as part of the Section 5 application are provided in Appendix E. The current proposal under appeal follows the section 5 route for the majority of the route however exits the N59 at an earlier point. The applicant has sought to limit the extent of the N59 used for the purpose of grid connection. Ultimately the applicant has decided not to implement the Section 5 approval due to project financing constraints associated with the reliability of Section 5's for wind farm grid connection works.

It is concluded that the proposed is the optimum connection. The assessment of alternative options identifies that the underground grid connection utilising public roads (L52926 and N59) from the consented Sheskin Wind farm installation to the Bellacorrick substation is the only feasible option to deliver this important renewable energy project. This option utilises existing built infrastructure in an area that is highly constrained by Natura 2000 sites and as such avoids associated environmental impacts of building new roads. It removes the potential of any landscape visual impacts and travels along the shortest possible distance of the N59.

- Extensive consultation was carried out with Mayo County Council in advance of the application. The applicant's preferred approach to install the cable in the centre of the east bound carriageway so as to avoid any interaction with the Oweninny Phase 2 site was deemed acceptable. No objection in principle was raised.
- Requirement to obtain a road opening license which will involve verifying the trench construction detail with further ground investigation will provide Mayo County Council roads department with complete surety that the technical specification of all in road works meets all requirements prior to the commencement of development.
- The provision of underground infrastructure within National Roads is a well-established and important mechanism to ensure high priority infrastructure requirements are provided. E.g.: East West interconnector route constructed in 2012 provided an underground cable within both the N2 and N3. This was a 400kV underground cable which is comparatively larger than the 38kV grid connection

cable proposed. More recently Eirgrid have selected an underground cable option for the emerging north Connacht 110kV project.

- Technical solution provided as part of the development will not compromise the life design of the N59 pavement, prejudice the substantial public investment in the N59 or compromise its capacity and safety and will not compromise the ability of Mayo County council to maintain or improve this section of the N59.

6.2. Planning Authority Response

6.2.1 The Planning Authority did not respond to the grounds of appeal.

6.3. Observations

6.3.1 No observer submissions.

7.0 Assessment

7.1 Having regard to the nature of the proposal which seeks to connect the permitted Sheskin windfarm and to the prevailing policy context there is no requirement to revisit the principle of the permission granted for the wind farm itself. The main issues to be addressed are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. I note in relation to the duration of permission, a ten year permission has been applied for to allow for the necessary grid connections capacity from the national grid to be fully commissioned and made available to the proposed development. In light of the nature of the development I

consider that this is appropriate. The issue of Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

Impact on N59 and consideration of alternatives

Appropriate Assessment Screening

7.2 Impact on the N59

7.2.1 The key issues raised within the refusal by Mayo County Council relate to the potential negative impact on the National Route N59 arising firstly from the potential for differential pavement settlement and pavement failure and secondly the potential for the development to compromise the ability of Mayo County Council to maintain or improve the N59 due to the presence of an exclusion zone around the electricity infrastructure.

7.2.2 The proposed development impacts on a 3,170m section of the N59 route. The Planning Authority's first reason for refusal referred to the weak peat subgrade underlying this section of the N59 and proffered that the proposed trench construction would result in a rigid trench with flexible pavement on either side resulting in differential pavement settlement with pavement failure which would seriously reduce the life design of the pavement. On this basis the Planning Authority concluded that the proposal would endanger public safety by reason of traffic hazard and obstruction of road users.

7.2.3 Within the first party appeal submission, which is supported by a technical response note by O Roughan O Donovan Consulting Engineers and a report on the geophysical investigation by Apex Geophysics, the first reason for refusal is strongly refuted asserting that based on geophysical investigation using ground penetrating radar data it has been demonstrated that the road is built on a well consolidated peat subgrade which is not weak and therefore there is not likely to be any further significant settlement of the road pavement. The proposed reinstatement is in accordance with the Permanent Reinstatement Detail for Longitudinal Openings found in the Purple Book (Guidelines for Managing Openings in Public Roads -

Guidelines for the opening backfilling and reinstatement of openings in public roads, Department of Tourism and Sport April 2017) and more durable than the reinstatement detail of type O Roads found in TII publication CC-PAV-04007 Requirements for the Reinstatement of Openings in National Roads. (National Standard) TII 2019. Several additional measures are incorporated into the reinstatement detail to mitigate the risk of long term differential settlement of the road. Further refinements of the design details can be made following more detailed ground investigation as part of the detailed design process. It is further outlined that the road opening license application process including charges and bonds on the licensee will safeguard the condition of the road post construction. On this basis it is contended that the proposed trench construction detail is wholly appropriate to prevent differential settlement.

7.2.4 Concerns with regard to differential settlement and structural integrity of the N59 were raised within the submission of Transport Infrastructure Ireland dated 16th December 2020 and in the reports of Mayo County Council Road Design Section and Head of Roads dated 2/12/2020. The matter was subsequently queried in the request for additional information and clarification of additional information. There was no further submission from TII to the local authority. Correspondence from TII to the applicant dated 11 June 2021 refers to a submission in response to the further information however there is no record of same and Planner's report confirms that no submission subsequent to further information response was received. The correspondence from TII to the applicant 11 June 2021 comments on the specific request in further information regarding technical acceptance in relation to structural design of bridge and retaining walls and confirms that this is not appropriate for a service crossing a bridge as proposed. It states nevertheless that *"TII structures have Reviewed the details of the bridge service crossings (drawings) provided in relation to the above planning application and are satisfied with the approach proposed in terms of the interactions with the national road structures concerned."*

7.2.5 I note that it is reported within the Planner's ultimate report that the Head Of Roads (MCC Roads Design) remained dissatisfied with regard to the impact on the road network in respect of differential pavement settlement. It was on this basis that Mayo County Council issued notification of its decision to refuse permission. The first party

was encouraged to revisit alternative options avoiding the public road network. I note that the Planner in the final report refers to Oweninny Windfarm whereby grid connection is located underground and none of which is within the national or local road network.

7.2.6 I note the precedent case cited by the first party ABP304056 which was permission for installation of approximately 12.5km of 38kv electricity transmission line from the permitted (windfarm) substation in Stonestown, County Offaly to the electricity substation in Clondallow, County Offaly. The permission was refused by Offaly County Council on basis of potential for differential settlement on the affected 3.3km section of the N62. While the reporting Inspector in that case also retained concerns that it had not been demonstrated that an adverse impact on the safety, capacity or operational efficiency on the National Roads Network in the vicinity of the subject site, given the risks of differential settlement along National Road N62 would not arise, the Board concluded that the potential impacts could be addressed through the agreement of the detailed construction and reinstatement methodology following a programme of pre-construction site investigations between the development and the planning authority which could be satisfactorily addressed by condition.

7.2.7 The detailed submissions of the first party including the submissions of Roughan and O Donovan, Consulting Engineers, assert that the proposed trench construction detail is appropriate to prevent differential settlement based on the ground investigation information and using standard trench reinstatement details. The submission also notes that the road opening license procedure, to be agreed with the road authority in advance of works, will ensure that the technical engineering specification will meet all necessary requirements. On the basis of the submissions, I consider that the potential for adverse impact on the N59 can be appropriately mitigated by design.

7.2.8 As regards Reason no 2 which asserts that the proposal would compromise the ability of Mayo Count Council to maintain or improve this section of the N59 due to the presence of an exclusion zone specified arounds the electricity infrastructure, it is outlined that the ducts are located 750mm (communication duct) and 950mm (power ducts) below road surface which is well below the road pavement layers and

typically below the sub base. ESB require an exclusion zone of 300m surrounding the ducts. Regular road maintenance is usually limited to ongoing localised repairs to pavement surface course (top 20-40mm layer) every 20 years. The exclusion zone will not therefore compromise the ability of Mayo County Council to carry out maintenance works. Based on this information I consider that the Councils second reason for refusal has been addressed. On the basis of the foregoing, I consider that the Council's second reason for refusal has been addressed.

7.2.9 Regarding alternatives considered I note that these are set out at Chapter 4 of the Environmental Report and are further elaborated within the appeal submission. Alternative A – a hybrid underground overhead power line was considered unfeasible on the basis of visual impact and potential ornithological impact. Alternative B an off road underground connection directly (as the crow flies) rejected on basis of location in sensitive bog areas and detrimental environmental effect and issues with regard to consent. Having considered the detailed submissions of the first party I consider that it has been demonstrated that alternative options were explored and on the basis of negative environmental impacts and the constraints arising from natura 2000 site Carrawmore Complex SAC a justification for the preferred solution has been demonstrated.

7.3 Appropriate Assessment

7.3.1 Compliance with Articles 6(3) of the EU Habitats Directive

7.3.1.1 The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

7.3.1.2 The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either

individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

7.3.1.3 The application is accompanied by a Natura Impact Statement prepared by Ecology Ireland and dated October 2020. Appropriate Assessment screening is provided at Section 4. The applicant's stage 1 screening report was prepared in line with current best practice guidelines and identifies European sites within a possible zone of influence of the development.

7.3.1.4 The applicants AA screening report concluded that it cannot be concluded that the proposed project individually or in combination with other plans or projects, will not have a significant effect on a Natura 2000 site without the implementation of best practice construction measures, site design measures or mitigation measures to avoid significant negative effects to Natura 2000 sites therefore a Stage 2 Appropriate Assessment is required.

7.3.2 Screening for Appropriate Assessment – Test of Likely significant effects

7.3.2.1 The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

7.3.3 Brief Description of the Development

7.3.3.1 The applicant provides a description of the project in Section 2 of the NIS and at chapter 3 of the Environmental Report by ABO Wind Ireland Ltd, dated October

2020. The development is also summarised in Section 2 of this Report. In summary, the proposed development entails the installation of a 38kV underground cable from Sheskin Windfarm to connect the windfarm to the national grid at the existing Bellacorrick 110kV ESB station, County Mayo. The proposed grid connection will be installed along existing private tracks, the public roadway, and a short section of agricultural land. The principal components of the development involve:

- The construction of a trench to enable the laying of an underground grid connection cable between the Sheskin Windfarm substation and Bellacorrick ESB substation,
- 25 watercourse crossings.
- Track widening and upgrade of a 3.75km stretch of the grid connection route that runs along L52926 private road between the junction of the N59 and the Sheskin Wind farm.
- The proposed grid connection will be 10.4km in length and runs in a southerly direction from the Sheskin windfarm substation along existing Coillte Forest track to the L52926 local road, then east along the N59 to Bellackorick. The proposed grid connection will consist of three phase underground electrical cable laid in ducts, with communications cable, draw pits, jointing bays, cable sheath sectionalising chambers, works to terminus substations and all associated works. There will be 24 water crossings along the cable route.

7.3.3.2 The proposed route is surrounded by cutover bog, blanket bog, farmland, and conifer plantation. The site characteristics are described in detail at section 2.2 of the Environmental Report. Buildings and artificial surfaces which includes tarmac substrate is the dominant habitat along the grid connection route along with forestry track and grassland verge. As the track leaves the conifer plantation forestry. The track is bordered by grassy verges with a mixed assemblage of wet grassland, neutral grassland, scrub, and patches of heath communities. Drainage ditches separate the track and associated verges from cutover bog to the south-southeast and intact blanket bog to the north northwest. Bog habitats are outside the proposed grid connection route footprint which will follow the track and public road. The final

section of the grid route is across improved grassland in use as animal pasture. The grid connection route will cross 24 watercourse dominated by eroding upland streams with concrete and stone bridge crossing and associated natural channels and tributaries.

7.3.3.3 Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites.

- Surface water run-off from the site that contains silt, sediments and/or other pollutants impacting water quality in a downstream Natura 2000 site.
- Disturbance and displacement of qualifying species due to disturbance associated with construction activities and increased human activity during the construction.
- The construction activity including the excavation of material and its storage on site and the storage on site of construction related materials and equipment. Specifically, the storage of excavated material (soil, sub soil and rock) along the line of the cable route, storage of construction materials related to the widening of the forestry access road and storage of construction equipment and fuels etc. within the substation compound.
- The impact of construction traffic to and from the site including the potential impact on watercourses and crossings of watercourses along the route.
- Given the nature of the proposed development, it is not considered that there would be any impacts from the operational phase of the development that would be likely to potential give rise to significant effects on identified European sites.

7.3.4 Submissions and Observations

None

7.3.5 European Sites

7.3.5.1. I note that the site is not within or immediately adjacent to a Natura 2000 site.

Figure 3.1 of the NIS delineates the designates sites in the wider hinterland. A total of 11 Natura 2000 sites are located within 15km of the grid connection route. The grid connection works also supports remove and tenuous connectivity to Blacksod Bay / Broad Haven SPA via Owenmore River catchment. The Blacksod Bay / Broad Haven SPA is located 18.7km downstream via the Owenmore watercourse and its tributaries. The grid connection route passes close to Carramore Lake Complex SAC [Site Code: 000476] Bellacorrick Bog Complex SAC (Site Code 001922) and Owenduff / Nephin Complex SPA (Site Code 004098) and Owenduff /Nephin Complex SAC (Site Code 000534).

Table 1 Summary Table of European Sites within a possible zone of influence of the proposed development.

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
Carrowmore Lake Complex SAC Site Code 000476	The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive: [7130] Blanket Bogs (Active)* [7150] Rhynchosporion Vegetation [1393] Slender Green Feather-moss (Drepanocladus vernicosus) [1528] Marsh Saxifrage (Saxifraga hirculus)	c5m	Yes	Yes

Bellacorrick Bog Complex SAC 001922	The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats: [3160] Dystrophic Lakes [4010] Wet Heath [7130] Blanket Bogs (Active)* [7150] Rhynchosporion Vegetation [7230] Alkaline Fens [1013] Geyer's Whorl Snail (Vertigo geyeri) [1528] Marsh Saxifrage (Saxifraga hirculus)	c25m	Yes	Yes
Owenduff Nephin Complex SAC 004098	The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive: [3110] Oligotrophic Waters containing very few minerals [3160] Dystrophic Lakes [3260] Floating River Vegetation [4010] Wet Heath [4060] Alpine and Subalpine Heaths [5130] Juniper Scrub [7130] Blanket Bogs (Active)* [7140] Transition Mires [1106] Atlantic Salmon (Salmo salar) [1355] Otter (Lutra lutra) [1393] Slender Green Feather-moss (Drepanocladus vernicosus) [1528] Marsh Saxifrage (Saxifraga hirculus)	C0.2km	Yes	Yes
Owenduff Nephin Complex SPA 00534	The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: [A098] Merlin (Falco Columbarius [A140] Golden Plover (Pluvialis apricaria)	C0.2km	Yes	Yes
Glenamoy Bog Complex SAC 000500	The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive: [1230] Vegetated Sea Cliffs [21A0] Machairs* [3160] Dystrophic Lakes [4010] Wet Heath [5130] Juniper Scrub [7130] Blanket Bogs (Active)* [7140] Transition Mires	1.6km	No No hydrological connectivity	No

Slieve Fyagh Bog SAC 000542	<p>[7150] Rhynchosporion Vegetation [1106] Atlantic Salmon (<i>Salmo salar</i>) [1393] Slender Green Feather-moss (<i>Drepanocladus vernicosus</i>) [1395] Petalwort (<i>Petalophyllum ralfsii</i>) [1528] Marsh Saxifrage (<i>Saxifraga hirculus</i>)</p> <p>The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive: [7130] Blanket Bogs (Active)*</p>	2.2km	No hydrological connectivity	No
Lough Dahybaun SAC 002177	<p>The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive: [1833] Slender Naiad (<i>Najas flexilis</i>)</p>	2.5km	Proposed works are downstream. No hydrological connectivity	No
Bellacorrick Iron Flush SAC 000466	<p>The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive [1528] Marsh Saxifrage (<i>Saxifraga hirculus</i>)</p>	5km	Grid connection works downstream No hydrological connectivity	No
River Moy SAC 002298	<p>The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive: [6510] Lowland Hay Meadows [7110] Raised Bog (Active)* [7120] Degraded Raised Bog [7150] Rhynchosporion Vegetation [7230] Alkaline Fens [91A0] Old Oak Woodlands [91E0] Alluvial Forests* [1092] White-clawed Crayfish (<i>Austroptamobius pallipes</i>) [1095] Sea Lamprey (<i>Petromyzon marinus</i>) [1096] Brook Lamprey (<i>Lampetra planeri</i>) [1106] Atlantic Salmon (<i>Salmo salar</i>) [1355] Otter (<i>Lutra lutra</i>)</p>	5.7km	No	No
Carrowmore Lake SPA 004052	<p>The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Sandwich Tern</p>	8.9km	No hydrological connectivity	No

Blacksod Bay /Broadhaven SPA 004037

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Red-throated Diver, Great Northern Diver, Slavonian Grebe, Light-bellied Brent Goose, Common Scoter, Red-breasted Merganser, Ringed Plover, Sanderling, breeding Dunlin (subsp. schinzii), Dunlin, Bar-tailed Godwit, Curlew and Sandwich Tern. As required under Article 4 of the Birds Directive, particular attention shall be paid to the protection of the wetlands used by regularly occurring migratory birds, which are included within Blacksod Bay/Broad Haven SPA.

11.6km (straight line distance) 18.7km downstream via Owenmore River Catchment

Remote downstream hydrological connectivity via Owenmore River Catchment Distanc and dilutional capacity of Owenmore River and associated tributaries removes potential for significant effects.

No

7.3.6 Identification of likely effects

7.3.6.1 The development site is not located in or immediately adjacent to a European site. In determining the extent of potential effects of the development, the source pathway-receptor model of impact was used. There is a hydrological connection to Carrowmore Lake Complex SAC, Bellacorrick Bog Complex SAC, Owenduff/Nephin Complex SAC, Owenduff Nephin Complex SPA. Indirect effects arising from impacts on water quality during the construction phase cannot be ruled out.

7.3.6.2 The site does not support habitats of ex-situ ecological value for qualifying interest species of the SPA. Due to the separation distance, combined with character of the site the potential for significant impacts on birds that are qualifying species of the designated site due to disturbance / displacement effects can be screened out.

7.3.7 Mitigation Measures

7.3.7.1 No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

7.3.8 Screening Determination

7.3.8.1 The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site Carrowmore Lake Complex SAC 000476, Bellacorrick Bog Complex SAC 001922, Owenduff /Nephin Complex SAC 004098, Owenduff / Nephin Complex SPA 000534 in view of the site's Conservation Objectives and Appropriate Assessment is therefore required.

7.3.8.2 The possibility of significant effects on other European Sites has been excluded on the basis of objective information. The following European sites have been screened out from the need to appropriate assessment.

Glenamoy Bog Complex SAC 000500
Slieve Fyagh Boh SAC 000542
Lough Dahybaun SAC002177
Bellacorrick Iron Flush SAC 000466
River Moy SAC 002298
Carrowmore Lake SPA 004052
Blacksod Bay /Broadhaven SPA 004037

7.3.8.3 Measures intended to reduce or avoid significant effects have not been considered in the screening process.

7.3.9 The Natura Impact Statement

7.3.9.1 The application included an NIS – Natura Impact Statement Proposed Grid Connection Route and Road Widening, Sheskin, Co Mayo prepared by Ecology Ireland Ltd dated October 2020. The NIS examines and assesses

potential adverse effects of the proposed development on the following 4 no. designated European Sites.

Carrowmore Lake Complex SAC 000476,

Bellacorrick Bog Complex SAC 001922,

Owenduff /Nephin Complex SAC 004098,

Owenduff / Nephin Complex SPA 000534

7.3.9.2 The NIS is stated as having been informed by best practice guidance for such assessments, a desktop review and detailed ecological surveys carried out by Ecology Ireland and presented in the Biodiversity and Aquatic Ecology Section of the Environmental Report (Section 5 & 6 of the ER). Detailed drone flown orthophotography of the grid connection route was produced in March 2020. Habitats were further validated during field walkover surveys undertaken in August 2020. Other sources include NPWS databases, the synopses, Natura 2000 Data Forms and conservation objectives and EPA mapping, and surveys.

7.3.9.3 Section 5 of the NIS contains an assessment of the potential impacts of the proposed development on the identified European Sites and in combination effects with Section 5.3 setting out a series of mitigation measures. The NIS concluded that the proposed grid connection and ancillary works will not adversely affect the integrity there will be no significant effects to the integrity of any Natura 2000 site and there is no reasonable scientific doubt in relation to this conclusion.

7.3.9.4 Having reviewed the NIS, all supporting documentation and submissions, I am satisfied that the information allows for a complete assessment of any adverse effects of the proposed development on the conservation objectives of the above mentioned European sites alone, or in combination with other plans and projects.

7.3.10 Appropriate Assessment of Implications of the Proposed Development.

7.3.10.1 The following is an assessment of the implications of the project on the relevant conservation objectives of the European sites using the best available scientific knowledge in the field (NIS). All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed.

7.3.10.2 I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks, and Wildlife Service. Dublin
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC •
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.

7.3.11 Relevant European sites:

7.3.11.1 The following sites are subject to Appropriate Assessment

Carrowmore Lake Complex SAC 000476

Bellacorrick Bog Complex SAC 001922

Owenduff /Nephin Complex SAC 004098

Owenduff / Nephin Complex SPA 000534

7.3.11.2 A description of the sites' conservation interests and conservation objectives are set below. I have also examined the Natura 2000 data form and

the conservation objectives supporting documents for the sites available through the NPWS website (www.npws.ie).

Carrowmore Lake Complex SAC 000476

Qualifying Interests

1393 Slender Green Feather-moss *Drepanocladus vernicosus*

1528 Marsh Saxifrage *Saxifraga hirculus*

7130 Blanket bogs (* if active bog)

7150 Depressions on peat substrates of the Rhynchosporion

Conservation Objectives(Site Specific)

The conservation objectives for the site are to maintain the favourable conservation condition of the above listed species and habitats in the Carowmore Lake Complex SAC , which is defined by a number of attributes and targets including inter alia related to:

Habitat Area and distribution,

Ecosystem function

Community Diversity

Vegetation

Physical structure

Population distribution

Area of suitable habitat

Hydrological conditions

Aspects of the proposed development

The principal risk of impacts on the SAC are associated with the construction phase

No direct effects. Indirect Effects: Potential for indirect effects from construction phase surface water discharge. The main aspects of the proposed development that could adversely affect the conservation objectives of the European site include the release of sediment and other pollutants to surface water during the construction phase as the site is hydrologically linked to the SAC due to proximity.

Section 5.3 of the NIS details mitigation measures to be employed and are also detailed in Chapter 5 of the Environmental Report. The mitigation measures include:

Construction Phase:

- Preparation of a detailed Environmental Management Plan and Outline construction method statement.
- Environmental Clerk of Works to complete routine inspections and monitoring of all construction activities and oversight of mitigation measures in the CEMP
- Project ecologist to prepare subject specific management plan to feed into the CEMP.
- Monitoring and reporting
- Silt fences and silt traps to allow sediments to settle out suspension before runoff to watercourses.
- Works to take place outside of periods of heavy rain to avoid uncontrolled runoff.
- Storage of soil and excavation material way from watercourse
- At water crossings works under supervision of clerk of works
- Bunding of bentonite away from water courses in the event of directional drilling for water crossings.
- Refuelling and maintenance at designated area >50m away from any watercourse. Drip trays to prevent spills and spill kits
- Best practice measures re. pouring of concrete.
- Timing of construction works to minimise risk of suspended solids in surface water run-off and transport.

- No instream works
- Fracture blow out prevention and contingency plan
- Measures to avoid the introduction establishment and spread of invasive species.
- Measures along the length of the cable route bordering Carrowmore Lake Complex SAC border to ensure no alteration to existing drainage regime

I am satisfied that the measures outlined fully address any potential impacts on the designated site arising from the proposed development.

In terms of possible in-combination effects, plans, programmes, and existing and proposed developments were considered. I do not consider that there are any specific in-combination effects that arise from other plans or projects. Regard is had to the Sheskin Windfarm Oweninny windfarms and other proposed permitted and constructed wind farms.

Bellacorrick Bog Complex SAC 001922

Qualifying Interests

1013 Geyer's Whorl Snail *Vertigo geyeri*

1528 Marsh Saxifrage *Saxifraga hirculus*

3160 Natural dystrophic lakes and ponds

4010 Northern Atlantic wet heaths with *Erica tetralix*

7130 Blanket bogs (* if active bog)

7150 Depressions on peat substrates of the *Rhynchosporion* 7230 Alkaline fens

Conservation Objectives

Conservation Objectives(Site Specific)

The conservation objectives for the site are to maintain the favourable conservation condition of the above listed species and habitats in the Bellacorric Bog Complex SAC, which is defined by a number of attributes and targets including inter alia related to:

Habitat Area and distribution,

Typical Species

Vegetation

Hydrological regime and conditions

Water Quality

Fringing habitat

Aspects of the proposed development

The principal risk of impacts on the SAC are associated with the construction phase

No direct effects due to separation distance. Indirect Effects: Potential for indirect effects from construction phase surface water discharge. The main aspects of the proposed development that could adversely affect the conservation objectives of the European site include the release of sediment and other pollutants to surface water during the construction phase as the site is hydrologically linked to the SAC due to proximity.

Section 5.3 of the NIS details mitigation measures to be employed and are also detailed in Chapter 5 of the Environmental Report. The mitigation measures include:

Construction Phase:

- Preparation of a detailed Environmental Management Plan and Outline construction method statement.
- Environmental Clerk of Works to complete routine inspections and monitoring of all construction activities and oversight of mitigation measures in the CEMP
- Project ecologist to prepare subject specific management plan to feed into the CEMP.

- Monitoring and reporting
- Silt fences and silt traps to allow sediments to settle out suspension before runoff to watercourses.
- Works to take place outside of periods of heavy rain to avoid uncontrolled runoff.
- Storage of soil and excavation material way from watercourse
- At water crossings works under supervision of clerk of works
- Bunding of bentonite away from water courses in the event of directional drilling for water crossings.
- Refuelling and maintenance at designated area >50m away from any watercourse. Drip trays to prevent spills and spill kits
- Best practice measures re. pouring of concrete.
- Timing of construction works to minimise risk of suspended solids in surface water run off and transport.
- No instream works
- Fracture blow out prevention and contingency plan
- Measures to avoid the introduction establishment and spread of invasive species.

I am satisfied that the measures outlined fully address any potential impacts on the designated site arising from the proposed development.

In terms of possible in-combination effects, plans, programmes, and existing and proposed developments were considered. I do not consider that there are any specific in-combination effects that arise from other plans or projects.

Regard is had to the Sheskin Windfarm Oweninny Windfarm and other proposed permitted and constructed wind farms.

Owenduff / Nephin Complex SAC 000534

Qualifying Interests

1106 Salmon *Salmo salar*

1355 Otter *Lutra lutra*

1393 Slender Green Feather-moss *Drepanocladus vernicosus*

1528 Marsh Saxifrage *Saxifraga hirculus*

3110 Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)

3130 Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or *Isoeto-Nanojuncetea*

3160 Natural dystrophic lakes and ponds

3260 Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation

4010 Northern Atlantic wet heaths with *Erika tetralix*

4060 Alpine and Boreal heaths

5130 *Juniperus communis* formations on heaths or calcareous grasslands

7130 Blanket bogs (* if active bog)

7140 Transition mires and quaking bogs

Conservation Objectives (Site Specific)

The conservation objectives for the site are to maintain the favourable conservation condition of the above listed species and habitats in the Owenduff Nephin Complex SAC, which is defined by a number of attributes and targets including inter alia related to:

Habitat Area and distribution,

Vegetation composition and distribution

Hydrological regime and conditions

Water Quality

Fringing habitat

Aspects of the proposed development

The principal risk of impacts on the SAC are associated with the construction phase

No direct effects due to separation distance. Indirect Effects: Potential for indirect effects from construction phase surface water discharge. The main aspects of the proposed development that could adversely affect the conservation objectives of the European site include the release of sediment and other pollutants to surface water during the construction phase as the site is hydrologically linked to the SAC.

Section 5.3 of the NIS details mitigation measures to be employed and are also detailed in Chapter 5 of the Environmental Report. The mitigation measures include:

Construction Phase:

- Preparation of a detailed Environmental Management Plan and Outline construction method statement.
- Environmental Clerk of Works to complete routine inspections and monitoring of all construction activities and oversight of mitigation measures in the CEMP
- Project ecologist to prepare subject specific management plan to feed into the CEMP.
- Monitoring and reporting
- Silt fences and silt traps to allow sediments to settle out suspension before runoff to watercourses.
- Works to take place outside of periods of heavy rain to avoid uncontrolled runoff.
- Storage of soil and excavation material way from watercourse
- At water crossings works under supervision of clerk of works
- Bunding of bentonite away from water courses in the event of directional drilling for water crossings.

- Refuelling and maintenance at designated area >50m away from any watercourse. Drip trays to prevent spills and spill kits
- Best practice measures re. pouring of concrete.
- Timing of construction works to minimise risk of suspended solids in surface water run-off and transport.
- No instream works
- Fracture blow out prevention and contingency plan
- Measures to avoid the introduction establishment and spread of invasive species.

I am satisfied that the measures outlined fully address any potential impacts on the designated site arising from the proposed development. In terms of possible in-combination effects, plans, programmes, and existing and proposed developments were considered. I do not consider that there are any specific in-combination effects that arise from other plans or projects. Regard is had to the Sheskin Windfarm Oweninny Windfarm and other proposed permitted and constructed wind farms.

Owenduff Nephin Complex SPA

Qualifying Interests

A098 Merlin *Falco columbarius*

A140 Golden Plover *Pluvialis apricaria*

Conservation Objectives

To maintain or restore the favourable conservation status of habitats and species of community interest

Aspects of the proposed development

The principal risk of impacts on the SPA are associated with the construction phase. No direct effects due to separation distance. Indirect Effects: Potential for indirect effects from construction phase surface water discharge and disturbance. The main aspects of the proposed development that could adversely affect the conservation objectives of the European site include the release of sediment and other pollutants to surface water during the construction phase as the site is hydrologically linked to the SPA.

Section 5.3 of the NIS details mitigation measures to be employed and are also detailed in Chapter 5 of the Environmental Report. The mitigation measures include:

- Undergrounding and siting within forestry tracks and public roads thus avoiding sensitive habitats and collision risk
- Preparation of a detailed Environmental Management Plan and Outline construction method statement.
- Environmental Clerk of Works to complete routine inspections and monitoring of all construction activities and oversight of mitigation measures in the CEMP
- Project ecologist to prepare subject specific management plan to feed into the CEMP.
- Monitoring and reporting
- Silt fences and silt traps to allow sediments to settle out suspension before runoff to watercourses.
- Works to take place outside of periods of heavy rain to avoid uncontrolled runoff.
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- Best practice measures re. pouring of concrete.
- Timing of construction works to minimise risk of suspended solids in surface water runoff and transport.
- No instream works
- Fracture blow out prevention and contingency plan
- Measures to avoid the introduction establishment and spread of invasive species.

I am satisfied that the measures outlined fully address any potential impacts on the designated site arising from the proposed development. In terms of possible in-combination effects, plans, programmes, and existing and proposed developments were considered. I do not consider that there are any specific in-combination effects that arise from other plans or projects. Regard is had to the Sheskin Windfarm Oweninny Windfarm and other proposed permitted and constructed wind farms.

7.3.11.3 Integrity test

This complete assessment allows for clear, precise, and definitive conclusions to be reached in terms of adverse effects on the integrity of European sites. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Carrowmore Lake Complex SAC 000476, Bellacorrick Bog Complex SAC 001922, Owenduff /Nephin Complex SAC 004098, Owenduff / Nephin Complex SPA 000534 in view of the conservation objectives of the sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

7.3.12 Appropriate Assessment Conclusion:

7.3.12.1 The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on

Carrowmore Lake Complex SAC 000476,

Bellacorrick Bog Complex SAC 001922,

Owenduff /Nephin Complex SAC 004098,

Owenduff / Nephin Complex SPA 000534

Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

7.3.12.2 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site, or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project including proposed mitigation measures and there is no reasonable scientific doubt as to the absence of adverse effects.

8.0 Recommendation

8.1 Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions

Reasons and Considerations

Having regard to:

- the provisions of national and regional policy objectives in relation to renewable energy,
- the provisions of the Interim Mayo County Development Plan, 2022-2028,
- the nature, scale, extent, and layout of the proposed development,
- the topography of the area
- the pattern of development in the vicinity

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

Appropriate Assessment: Stage 1: The Board considered the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspector's report that the Carrowmore Lake Complex SAC 000476, Bellacorrick Bog Complex SAC 001922, Owenduff /Nephin Complex SAC 004098, and Owenduff / Nephin Complex SPA 000534 are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2: The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate

assessment of the implications of the proposed development for the aforementioned European Sites in view of the site's Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the Conservation Objectives for the European Sites. In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's Conservation Objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by further plans and particulars submitted on 7th day of May 2021, and by the further plans and particulars received by An Bord Pleanála on 16th August 2021 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. This permission shall expire within 10 years of the date of this order.

Reason: To clarify the permission.

3. All mitigation measures identified within the Natura Impact Statement and the associated documentation with the planning application shall be implemented in full.

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

4. All works impacting national roads structures shall be carried out in compliance with TII Publications (Standards). Details for the construction and reinstatement works on the National Road N59 and Local Road 52936 shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interest of traffic safety.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist along the grid connection corridor. In this regard, the developer shall – (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

7. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public road, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination. Reason: To ensure the satisfactory completion of the development.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid

prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Bríd Maxwell
Planning Inspector

05th August 2022