Planning and Environmental Consultants

Planning Report

Proposed Substation, Underground Cabling & Access Roads to Knocknamork Renewable Energy Development

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1. INTRODUCTION

This Planning Report has been prepared by MKO on behalf of Knocknamork Ltd, who are applying to An Bord Pleanála (ABP), Cork County Council (CCC) and Kerry County Council (KCC) for planning permission for works associated with the permitted Knocknamork Renewable Energy Development (Permitted Development), located near Ballyvourney, Co. Cork. The proposed works will consist of a 110kV electricity substation, underground electrical cabling, road and junction upgrades, new access roads, borrow pit and associated works. Refer to Section 1.1 below for full detail of the Proposed Development.

The Permitted Development comprises 7 no. turbines, up to 70,000m^2 of solar panels on ground mounted steel frames, 38kV electricity substation including up to 4 no. battery storage units, and all associated works. Planning permission was granted by Cork County Council on 2nd January 2020 (Ref. No. 19/4972). A copy of the grant of permission issued by Cork County Council is enclosed here at **Appendix 1** for completeness.

The site of the Proposed Development which straddles the county boundary between Co. Kerry and Co. Cork is located approximately 6 kilometres southwest of the town of Millstreet and 3 kilometres northwest of the village of Ballyvourney. The Grid Reference co-ordinates of the approximate start and end points for the Proposed Development site are E514036, N581567 and E525824, N584341 respectively. Land-use on the site and in the wider area comprises a mix of commercial forestry, wind farm development, cutover peat bog and some agricultural pastures.

Of the proposed infrastructure, the 110kV electrical substation,110kV cabling and associated works represents Strategic Infrastructure Development (SID) and therefore a planning application has been submitted directly to ABP, under the provisions of the Planning and Development (Strategic Infrastructure) Act 2006. The proposed on-site borrow pit will be included in the planning application to be submitted to ABP and in the application to Kerry County Council given that it will serve the 110kV and 33kV infrastructure.

1.1 Description of the Proposed Development

The development and its component parts (the 'Proposed Development') require a planning application to An Bord Pleanála, Cork County Council and Kerry County Council. Detail of the respective components of each planning application detailed overleaf.

The Proposed Development comprises the construction of a 110kV electrical substation and adjacent borrow pit located in the townlands of Cummeennabuddoge and Caherdowney. The proposed underground grid connection cabling consists of two elements, with 110kV underground electrical cabling connecting the proposed 110kV electrical substation to the existing 220kV substation at Ballyvouskill, and 33kV underground electrical cabling connecting the Permitted Development to the proposed 110kV electrical substation. The proposed 33kV underground electrical cabling will consolidate all of the on-site underground cabling, from the individual turbines and solar array, into 3 no. cable circuits connecting the Permitted Development to the proposed 110kV substation.

The total length of underground electrical cabling routes will measure approximately 11.9 kilometres (the 110kV and 33kV cable routes are approximately 3.6km and 8.3km respectively), which will be located on existing forest/ agricultural roads (requiring upgrading), forestry land, peatland and agricultural land. Where roads do not exist along the proposed underground cabling routes, new access roads will be provided. No road will be provided across a short section (685m) of peatland habitat along the 110kV cabling route. The proposed 110kV electrical substation is intended to replace the 38kV substation (and associated 38kV underground cabling and battery storage compound) permitted under Pl. Ref. 19/4972. Upgrading of access junctions and existing roads will be required to facilitate the delivery of materials (in particular, turbine components) to the Permitted Development. A short section

(209m) of new access road will connect the upgraded access road to the Permitted Development, completing the Turbine Delivery Route (TDR). The borrow pit permitted under Pl. Ref. 19/4972 will be extended to facilitate the construction of the TDR.

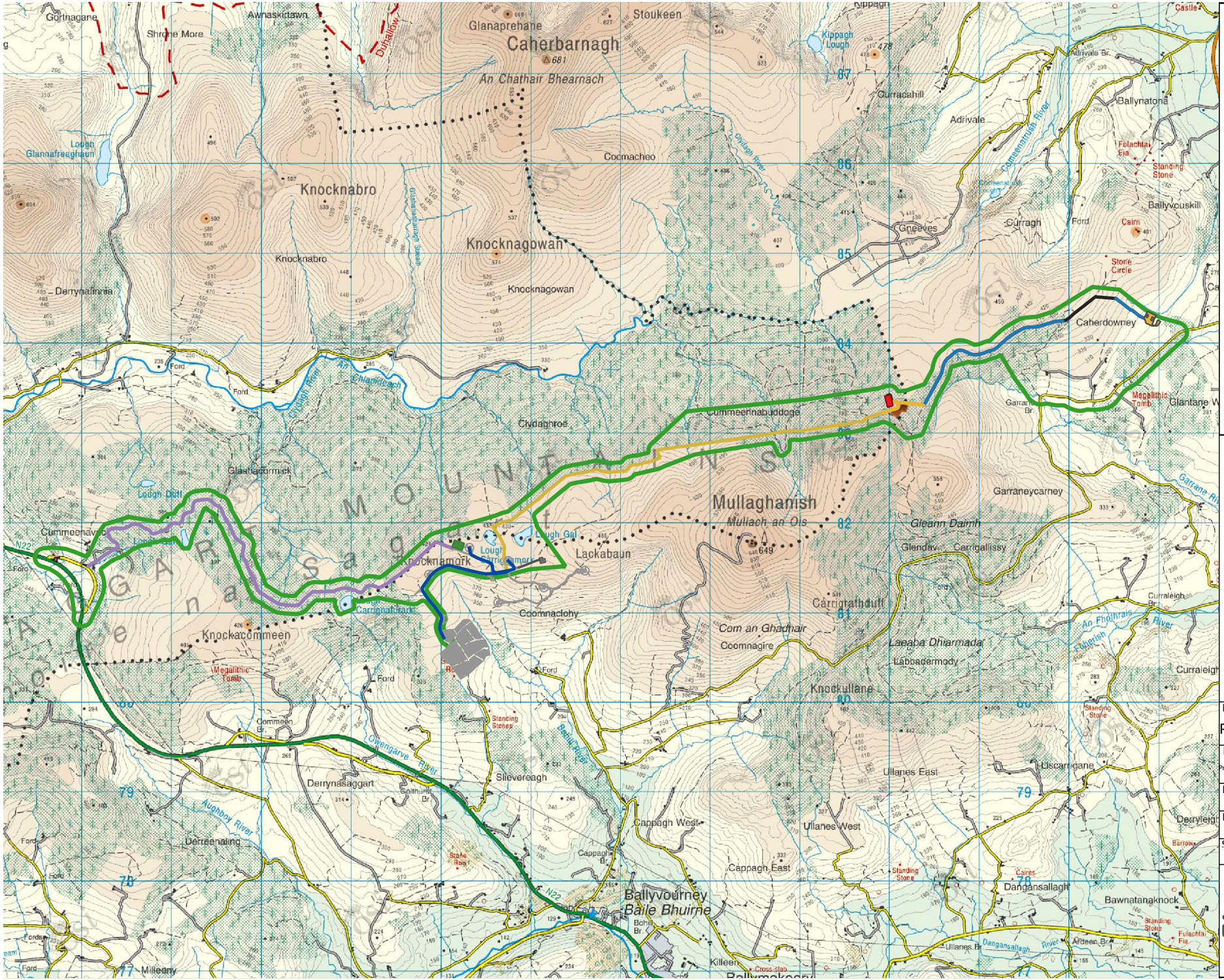
A new borrow pit is also proposed south of the proposed 110kV substation. Site drainage measures, forestry felling and all associated site development works and apparatus are also included.

Approximately 5.6km of the access road works and approximately 5.2km of the underground electrical cabling (33kV) with associated access road connecting the Permitted Development to the proposed 110kV substation are located within the functional area of KCC. The relevant portion of the proposed on-site borrow pit will also be included in the planning application to be submitted to KCC.

Approximately 707m of the access road works, approximately 3.2km of the 33kV underground electrical cabling (including approximately 450m of road upgrade) and the proposed extension to the permitted borrow pit are located in the functional area of CCC and will be included in the planning application to be submitted to CCC. A planning application will be submitted to each relevant authority with respect to the works required in areas accordance with the requirements of the Act.

Of the proposed infrastructure, the 110kV electrical substation,110kV cabling and associated works represents Strategic Infrastructure Development (SID) and therefore a planning application will be submitted directly to ABP, under the provisions of the Planning and Development (Strategic Infrastructure) Act 2006. The proposed on-site borrow pit will be included in the planning application to be submitted to ABP and in the application to KCC given that it will serve the 110kV and 33kV infrastructure.

The overall layout of the Proposed Development is shown on Figure 1-1. This figure shows the Proposed Development infrastructure as outlined above. Detailed site layout drawings of the entire Proposed Development are included in Appendix 4-1 to the EIAR.



Map Legend

- EIAR Study Boundary
- Access Road (Upgrade & New)
- Temp Road
- 33kV Underground Cabling and Access Roads
- 33kV Underground Cabling in Permitted Development
- 110kV Underground Cabling
- 110kV Underground Cabling and Access Road
- Ballyvouskill 220kV Substation
- Proposed 110kV Substation Location
- Proposed Borrow Pit
- Permitted Borrow Pit Extension
- Omitted 38kV Electrical Substation and Battery Compound

N

Drawing Title
Proposed Development Layout

Project Title
Proposed Substation, Underground Cabling & Access Roads to Knocknamork Renewable Energy Development

Drawn By	Checked By
NMcH	EOS
Project No.	Drawing No.
210732	Figure 1-1
Scale	Date
1:55000	28.06.2022

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The project description regarding each of the applications as set out in the public planning notices, is as follows:

An Bord Pleanála – Planning Notice Project Description

i. *110 kV electrical substation with 2 no. control buildings with welfare facilities, all associated electrical plant and apparatus, security fencing, underground cabling, waste water holding tank and all ancillary works;*
ii. *Underground electrical cabling (110kV);*
iii. *New access roads;*
iv. *Borrow pit;*
v. *Site Drainage;*
vi. *Forestry Felling; and*
vii. *All associated site development works and apparatus.*

Cork County Council – Planning Notice Project Description

i. *Underground electrical cabling (33kV);*
ii. *Access roads (new and upgrade of existing);*
iii. *Amendments to the Permitted Development (Ref. No. 19/4972), including extension to the borrow pit and the omission of the 38kV Electrical Substation, 38KV underground cabling and Battery Storage compound;*
iv. *Site Drainage;*
v. *All associated site development ancillary works and apparatus.*

Kerry County Council – Planning Notice Project Description

i. *Underground electrical cabling (33kV);*
ii. *Upgrade of access junctions;*
iii. *Access roads (new and upgrade of existing);*
iv. *Temporary access road;*
v. *Borrow pit;*
vi. *Site Drainage;*
vii. *Forestry Felling; and*
viii. *All associated site development works and apparatus.*

As there are three planning applications prepared for the Proposed Development, this planning report will discuss each application under relevant topic headings. The entire site boundary is shown earlier at Figure 1-1. The actual site boundary for each planning application is enclosed at **Appendix 2.**

1.1.1 Main Development Components

Full detail of the overall development components is set out in the accompanying EIAR at Chapter 4. For ease, the main development components included in each individual planning application is summarised as follows:

1.1.1.1 Kerry County Council

i. *Underground electrical cabling (33kV);*
ii. *Upgrade of access junctions;*
iii. *Access roads (new and upgrade of existing);*
iv. *Temporary access road;*
v. *Borrow pit;*
vi. *Site Drainage;*
vii. *Forestry Felling; and*

viii. *All associated site development works and apparatus.*

The proposed 33kV underground electrical cabling proposed will consolidate all of the on-site underground cabling, from the individual turbines and solar array located in County Cork, into 3 no. cable circuits connecting the Permitted Development to the proposed 110kV substation. As such, part of this underground 33kV electrical cabling runs through County Kerry and forms part of both of the planning applications to County Kerry and County Cork. The cable circuits will include power ducts, communication fibre duct and earth wire laid in an excavation depth of approximately 0.95m. The 33kV underground cabling route will be finished with an access track approximately 3m wide and will connect the Permitted Development to the proposed 110kV substation predominately following proposed and existing forestry roads/firebreaks measuring approximately 11.7km. The exact configuration of the underground cabling will be set by the requirements of the electrical designers at detailed design stage. A methodology for these works is provided in Section 4.6.3 of Chapter 4 of the EIAR.

To facilitate the construction of the development it is proposed to take access from the N22 and old N22 to the west of the site. This requires junction upgrade works at the N22/old N22 junction and also at the existing forestry access point to the site. The works comprise two overrun areas to facilitate delivery of plant to site, including turbine components.

Further within the site, to provide access and to connect the associated Permitted infrastructure, existing roads will need to be upgraded and new access roads will need to be constructed.

The routes of any natural drainage features will not be altered as part of the Proposed Development. The underground electrical cabling route has been selected to avoid natural watercourses where possible. Up to 5 no. new watercourse crossings are required over streams along the proposed cable route.

It is proposed to develop a new borrow pit in County Kerry as part of the Proposed Development. The location of the borrow pit is shown in the detailed site layout drawings included as Appendix 4-1 to the EIAR. The southern cell will cater for the construction of the 33kV underground electrical cabling route and access roads in County Kerry. The new borrow pit in County Kerry is located approximately 50 metres southeast of the proposed 110kV substation and measures approximately 13,094 m^2 in area. The new borrow pit will be formed in two main cells stepped to align with the natural topography. The northern cell covers an area of 6,249 m^2 and the southern cell covers an area of 6,845 m^2. The borrow pit will cater for the construction of the 110kV substation and 110kV underground electrical cabling route and access roads.

1.1.1.2 Cork County Council

i. *Underground electrical cabling (33kV);*
ii. *Access roads (new and upgrade of existing);*
iii. *Amendments to the Permitted Development (Ref. No. 19/4972), including extension to the borrow pit and the omission of the 38kV Electrical Substation, 38KV underground cabling and Battery Storage compound;*
iv. *Site Drainage;*
v. *All associated site development ancillary works and apparatus.*

The proposed 33kV underground electrical cabling will consolidate all of the on-site underground cabling, from the individual turbines and solar array located in County Cork, into 3 no. cable circuits connecting the Permitted Development to the proposed 110kV substation. This connection travels through both County Kerry and Cork and is therefore relevant to both planning applications. The cable circuits will include power ducts, communication fibre duct and earth wire laid in an excavation depth of approximately 0.95m as illustrated in Figure 4 7. The 33kV underground cabling route will be finished with an access track approximately 3m wide and will connect the Permitted Development to the proposed 110kV substation predominately following proposed and existing forestry roads/firebreaks

measuring approximately 11.7km. The exact configuration of the underground cabling will be set by the requirements of the electrical designers at detailed design stage. A methodology for these works is provided in Section 4.6.3 of Chapter 4 of the EIAR.

There is no works to the public road network within the planning application to Cork County Council. To provide access within the Proposed Development site and to connect the associated infrastructure existing roads will need to be upgraded and new access roads will need to be constructed.

It is proposed to extend the borrow pit (located in County Cork) as permitted under Planning Permission Ref. No. 19/4972. It is proposed to obtain the majority of all rock and hardcore material that will be required during the construction of the Proposed Development permitted borrow pit extension, and from the new borrow pit (not forming part of the planning application to County Cork). Usable rock may also be won from other infrastructure excavations (such as the substation platform excavation). The location of the borrow pits are shown on **Error! Reference source not found.** and on the detailed site layout drawings included as Appendix 4-1 to the EIAR. The permitted borrow pit will be extended laterally to cover a total area of approximately 9,900 m^2. The extension will cover an area of approximately 3,321 m^2. It is intended that all hardcore materials required for the construction of the Proposed Development will be won on-site.

The routes of any natural drainage features will not be altered as part of the Proposed Development. The underground electrical cabling route has been selected to avoid natural watercourses where possible. Up to 5 no. new watercourse crossings are required over streams along the proposed cable route. The methodologies for new crossings comprises a selection of clear span bridge or corrugated steel arch bridge, bottomless box culverts or piped culvert. These are required mainly where no crossing currently exists and where it is necessary to traverse watercourse with the cabling ducts.

1.1.1.3 An Bord Pleanála

i. *110 kV electrical substation with 2 no. control buildings with welfare facilities, all associated electrical plant and apparatus, security fencing, underground cabling, waste water holding tank and all ancillary works;*
ii. *Underground electrical cabling (110kV);*
iii. *New access roads;*
iv. *Borrow pit;*
v. *Site Drainage;*
vi. *Forestry Felling; and*
vii. *All associated site development works and apparatus.*

Approximately 3.6km of 110kV underground electrical cabling will connect the proposed 110kV substation to the existing Ballyvouskill 220kV Substation which will be installed predominantly following the alignment of existing forest roads / land and agricultural land.

The 110kV cable circuit will include power ducts, communication fibre ducts and earth wire laid in an excavation depth of approximately 1.3m as illustrated in Figure 4 6. The position of the cable trench relative to the roadways is shown in section in Figure 4 8 and Figure 4 9 below. The exact number and configuration of cable ducting may vary within the cabling trench. The exact configuration of the underground cabling will be set by the requirements of the electrical designers at detailed design stage. A methodology for these works is provided in Section 4.6.3 of Chapter 4 of the EIAR.

It is proposed to construct a 110 kV electrical substation to accommodate the connection of the Permitted Development to the national grid. It is intended that the 110kV substation will replace the 38kV substation, 38kV underground cabling and battery storage compound permitted under Pl. Ref. 19/4972. The footprint of the proposed electrical substation compound measures approximately 0.84 hectares. The works will consist of the construction of 2 no. control buildings with welfare facilities, all associated electrical plant and apparatus, security fencing, underground cabling, waste water holding tank and all ancillary works. The substation compound will be surrounded by an approximately 2.4-

metre high steel palisade fence in line with standard ESB/ Eirgrid requirements, and internal fences will also segregate different areas within the main substation. The substation compound will serve as a site compound during the construction phase with the site facilities being removed before the final sections of the perimeter fence are erected. The layouts and elevations of the proposed substation works are shown on Figures 4-2 and 4-3 of Chapter 4 of the EIAR. The construction and electrical components of the substation will be to Eirgrid specifications. The configuration of the substation layout is designed to cater for Eirgrid's future expansion requirements, should it be required by Eirgrid to make provision for future grid connections. Any future development associated with the proposed 110kV substation would be subject to a separate planning application process and would be assessed appropriately. Further details regarding the cabling connection between the Permitted Development and the national electricity grid are provided in Section 4.3.2 of Chapter 4 of the EIAR.

The wind farm control buildings will be located within the substation compound. Control building 1 will measure approximately 450 square metres in area and 9 metres in height. Control building 2 will measure approximately 195 square metres in area and 7 metres in height. Layout and elevation drawings of the control buildings are included in Figure 4-4 and Figure 4-5 of Chapter 4 of the EIAR.

The substation control buildings will include staff welfare facilities for the staff that will work on the substation during the operational phase of the project. Toilet facilities will be installed with a low-flush cistern and low-flow wash basin. There will be a very small water requirement for occasional toilet flushing and hand washing and therefore the water requirement for the substation does not necessitate a potable source. It is proposed to harvest rainwater from the roofs of the buildings, and if necessary, bottled water will be supplied for drinking.

To provide access within the Proposed Development site and to connect the associated infrastructure existing roads will need to be upgraded and new access roads will need to be constructed.

It is proposed to develop a new borrow pit (located in County Kerry) as part of the Proposed Development and extend the borrow pit (located in County Cork) as permitted under Planning Permission Ref. No. 19/4972. It is proposed to obtain the majority of all rock and hardcore material that will be required during the construction of the Proposed Development from the borrow pit and the permitted borrow pit extension. Usable rock may also be won from other infrastructure excavations (such as the substation platform excavation).The location of the borrow pits are shown on in the application drawings. The new borrow pit is located approximately 50 metres southeast of the proposed 110kV substation and measures approximately 13,094 m2 in area. The new borrow pit will be formed in two main cells stepped to align with the natural topography. The northern cell covers an area of 6,249 m2 and the southern cell covers an area of 6,845 m2. The borrow pit will cater for the construction of the 110kV substation and 110kV underground electrical cabling route and access roads. The southern cell will cater for the construction of the 33kV underground electrical cabling route and access roads in County Kerry.

The routes of any natural drainage features will not be altered as part of the Proposed Development. The underground electrical cabling route has been selected to avoid natural watercourses where possible. Up to 5 no. new watercourse crossings are required over streams along the proposed cable route. The methodologies for new crossings comprises a selection of clear span bridge or corrugated steel arch bridge, bottomless box culverts or piped culvert. These are required mainly where no crossing currently exists and where it is necessary to traverse watercourse with the cabling ducts.

1.2 Project History

A planning application was lodged with Cork County Council for a renewable energy development comprising 7 no. turbines and a solar photovoltaic array in April 2019. Planning permission was granted by Cork County Council in January 2020 (Ref. No. 19/4972).

The planning application did not include for the connection to the national grid, however the accompanying Environmental Impact Assessment Report (EIAR) assessed 2 no. underground grid connection options located in the townlands of Clydaghroe and Cummeennabuddoge, Co. Kerry. It was intended that the renewable energy development would be connected to the National Grid via an underground cabling connection to the existing Garrow 110kV substation in the townland of Cummeennabuddoge. Eirgrid have subsequently identified the existing Ballyvouskill 220kV substation as the connection node for the Permitted Development. Consent is therefore being sought to connect the Permitted Development to the existing Ballyvouskill 220kV Substation in line with Eirgrid requirements and to upgrade access junctions and existing tracks and roads to facilitate access to the Permitted Development and the proposed underground cabling.

1.2.1 The Applicant

The applicant for the proposed renewable energy development, Knocknamork Ltd, is an associated company of Enerco Energy Ltd., which is an Irish-owned, Cork-based company with extensive experience in the design, construction and operation of wind energy developments throughout Ireland, with projects currently operating or in construction in Counties Cork, Kerry, Limerick, Clare, Galway, Mayo and Donegal.

By the end of 2021, Enerco associated companies had over 625 Megawatts (MW) of wind generating capacity in commercial operation, 200MW in construction, with a further 400MW of projects at various stages in its portfolio to assist in meeting Ireland's renewable energy targets.

1.2.2 Need for the Proposed Development

A connection between the Permitted Development and the national electricity grid is necessary to export electricity from the Permitted Renewable Energy Development. Eirgrid have identified the existing Ballyvouskill substation as the connection node for the Permitted Development. It is therefore proposed to construct a 110kV substation, underground cabling connecting the Permitted Development to the proposed 110kV substation and 110kV grid connection cabling from the proposed 110kV substation to the Ballyvouskill 220kV Substation in the townland of Coomnaclohy, Co. Cork. The Proposed Development is therefore crucial in order to facilitate the supply of electricity generated at the Permitted Development to the national grid. By providing the Permitted Development with a connection to the national grid, the Proposed Development will contribute to meeting Government and EU targets for the production and consumption of electricity from renewable resources and the reduction of greenhouse gas emissions.

The Proposed Development, alongside the Permitted Development provides the opportunity to realise the valuable renewable energy resource identified and acknowledged in the Permitted Development. If the Proposed Development were not to proceed the opportunity to capture this additional part of Cork's valuable renewable energy resource would be lost, as would the opportunity to contribute to meeting Government and EU targets for the production and consumption of electricity from renewable resources and the reduction of greenhouse gas emissions.

1.3 Pre-Application Engagement

1.3.1 Scoping

Environmental Impact Assessment (EIA) scoping is detailed at Section 2.4.1 of Chapter 2 of the EIAR. In summary, a scoping report, providing details of the application site and the Proposed Development, was prepared by MKO and circulated in December 2021, with subsequent follow ups made in March 2022 to the Department of Housing, Local Government and Heritage and in April 2022 to the

Department of the Environment, Climate and Communications, the Commission for Regulation of Utilities and Eirgrid. MKO requested the comments of the relevant personnel/bodies in their respective capacities as consultees with regards to the scope and preparation of the EIAR. Appendix 2-1 of the EIAR contains all scoping responses received. The comments of the consultees will be considered in the construction, operation and decommissioning of the Proposed Development in the event of a grant of planning permission. The recommendations of the consultees have informed the scope of the assessments undertaken and the contents of the EIAR

1.3.2 Pre-Application Meetings

1.3.2.1 An Bord Pleanála

The prospective applicant engaged with An Board Pleanála under the provisions Section 182A of the Planning and Development Act 2000 (as amended), as to whether the 110kv infrastructure elements of the Proposed Development would meet the thresholds of the Seventh Schedule of the Planning and Development Act, 2000, as amended. MKO requested on behalf of the applicant to enter into pre-application consultation with the Board to formally determine whether the proposed 110kV substation, national grid connection and all ancillary works as set out above fall within the scope of Section 182A of the Act.

A first SID meeting was held with the Board on the 10th March 2022. The Board's representatives expressed the opinion that the Proposed Development would constitute strategic infrastructure development but stated that the decision is ultimately for the Board.

On the 13th April 2022, MKO on behalf of the prospective applicant sought to close the consultation process with An Bord Pleanála. On the 15th June 2022 An Bord Pleanála served notice that following consultations, it is of the opinion that the Proposed Development falls within the scope of Section 182A of the Planning and Development Act, 2000 as amended and would be strategic infrastructure within the meaning of section 182A of the Planning and Development Act 2000, as amended. Any application for approval of the Proposed Development must therefore be made directly to An Bord Pleanála. (**Appendix 3**)

1.3.2.2 Kerry County Council

A pre-planning meeting took place on the 8th of March 2022 via MS Teams with Michael Lynch Senior Executive Engineer and Fiona O'Sullivan Planner, representatives from Knocknamork Ltd and MKO Planning. The team gave a PowerPoint presentation as an introduction to the site and development proposals. Please refer to Section 2.5.1.3 of Chapter 2 of the EIAR for more detail.

1.3.2.3 Cork County Council

A pre-planning meeting took place on the 24th of March 2022 via MS Teams with Gregg Simpson Senior Executive Planner and Carol Stack Area Planner, representatives from Knocknamork Ltd and MKO Planning. The team gave a PowerPoint presentation as an introduction to the site and development proposals. Please refer to Section 2.5.1.2 of Chapter 2 of the EIAR for more detail.

1.3.2.4 Community Consultation

The applicant has undertaken two rounds of public consultation. The first round of public consultation comprised delivery of detail on the proposed development to the local community and upload of same to the project website on the 08th of December 2021, informing the community of the next stages of the project. Residents were updated on the next steps of the planning process was to consult with An Bord Pleanála to determine if they considered the Proposed Development to be Strategic Infrastructure Development (SID).

Additional information was provided in the form of draft layout map of the permitted renewable energy development, the proposed turbine delivery route and the new grid connection route. Finally, the community were advised that a new community liaison officer (CLO) was taking over the project and relevant contact details were provided.

A second round of correspondence was delivered to the local community and uploaded to the project website on the 17th of June 2022. Additional information was provided in the form of final layout map. Residents were updated on pre-application engagement with An Bord Pleanála.

A public notice was placed in both the Southern Star and Kerry's newspaper on the 17th of June, to inform the wider community about the proposal and invite the interested parties to view information provided on the website www.knocknamorkinfo.com and to contact the CLO with any feedback or queries in relation to the Proposed Development.

The notice also provided details of a public information evening that would be held in The Mills Inn, Ballyvourney Co. Cork on Tuesday 21st June from 16:00 to 20:00 to facilitate people that were not familiar with accessing information online.

Public Exhibition

A public information event was held in The Mills Inn, Ballyvourney Co. Cork on Tuesday 21st June from 16:00 to 20:00. The event was advertised in two local papers, The Southern Star in Co. Cork, and The Kerry's Eye in Co. Kerry.

Due to concerns regarding the spread of Covid 19 at the time, attendance could only be facilitated by appointment. Those wishing to attend were asked to make an appointment by contacting the CLO via the mobile number and/or email address advertised. No contact was received regarding appointments; however, the project representatives were in attendance on the night to cater for walk-in attendance. One interested party attended the event after hearing about it on local radio. As stated on the public notice, all the information provided at the public information session was made available on the project website, www.knocknamorkinfo.com.

At the session, there were a series of information leaflets and mapping on display that contained details on the following:

- Proposed Development Site
- Site Constraints and Development Design
- The Proposed Development
- The Planning Processes
- Environmental Impact Assessment Report
- Turbine Delivery Route
- Proposed Grid Route
- Need for the Project

2. PROPOSED DEVELOPMENT

2.1 Overview

The entire site which is linear in nature, traverses counties Kerry and Cork, begins at the west in County Kerry, where access to the wider site is taken from the N22 National Road. Running eastwards, the access route along the county boundary between County Kerry and County Cork continues before turning south into County Cork. This provides access to the permitted turbines and solar array. Detailed site layout drawings of the Proposed Development are included in Appendix 4-1 to the EIAR.

Upgrading of access junctions and existing roads will be required to facilitate the delivery of materials (in particular, turbine components) to the Permitted Development, a short section of new access road will connect the upgraded access road to the Permitted development, completing the Turbine Delivery Route (TDR). The borrow pit permitted under Pl. Ref. 19/4972 will be extended to facilitate the construction of the TDR. Site drainage measures, forestry felling and all associated site development ancillary works and apparatus are also included.

The proposed 33kV cabling will consolidate all of the on-site underground cabling, from the individual turbines and solar array, into 3 cable circuits for the purposes of grid connection from the Permitted Development. It is proposed to omit the 38kV electrical substation, 38KV underground cabling and battery storage compound of the Permitted Development located in County Cork.

This electrical cabling from the Permitted Development is then continued north across the county border back into County Kerry.

33kV electrical cabling continues through County Kerry towards a new 110kV substation. 110kV electrical cabling from the new substation will then run east crossing the border from County Kerry back into County Cork before joining with the existing 220kV Ballyvouskill substation, located in County Cork.

The proposed underground grid connection cabling of the entire Proposed Development therefore consists of two elements, with 110kV underground electrical cabling connecting the proposed 110kV electrical substation to the existing 220kV substation at Ballyvouskill, and 33kV underground electrical cabling connecting the Permitted Development to the proposed 110kV electrical substation. The total length of underground electrical cabling routes will measure approximately 11.7 kilometres (the 110kV and 33kV cable routes are approximately 3.6km and 8.1km respectively), which will be located on existing forest/ agricultural roads (requiring upgrading), forestry land, peatland and agricultural land. Where roads do not exist along the proposed underground cabling routes, new access roads will be provided. No road will be provided across a short section (685m) of peatland habitat along the 110kV cabling route. The proposed 110kV electrical substation is intended to replace the 38kV substation (and associated battery storage compound) permitted under Pl. Ref. 19/4972.

It is proposed to construct a 110 kV electricity electrical substation to accommodate the connection of the Permitted Development to the national grid. It is intended that the 110kV substation will replace the 38kV substation and battery storage compound permitted under Pl. Ref. 19/4972. The footprint of the proposed electricity substation compound measures approximately 0.84 hectares. The works will consist of the construction of two control buildings 2 no. control buildings with welfare facilities, all associated electrical plant and apparatus, security fencing, underground cabling, waste water holding tank and all ancillary works. The substation compound will be surrounded by an approximately 2.4-metre high steel palisade fence in line with standard ESB requirements, and internal fences will also segregate different areas within the main substation.

The wind farm control buildings will be located within the compound of the proposed 110kV substation. Control building 1 will measure approximately 450 square metres in area and 9 metres in height. Control building 2 will measure approximately 195 square metres in area and 7 metres in height.

The substation control buildings will include staff welfare facilities for the staff that will work on the substation during the operational phase of the project. Toilet facilities will be installed with a low-flush cistern and low-flow wash basin. There will be a very small water requirement for occasional toilet flushing and hand washing and therefore the water requirement for the substation does not necessitate a potable source. It is proposed to harvest rainwater from the roofs of the buildings, and if necessary, bottled water will be supplied for drinking.

Some of the Proposed Development site is located on commercial forestry. As part of the Proposed Development therefore tree felling will be required within and around the development footprint to allow the construction of the underground cabling, substation, borrow pit and the other ancillary infrastructure. It should be noted that forestry on the site of the Proposed Development was originally planted as a commercial crop and will be felled in the future should the Proposed Development proceed or not. Replacement planting is proposed.

A short section of the proposed 110kV underground electrical cable is located in a highly disturbed area of peatland habitat. The proposed 110kV underground electrical cable will be located immediately adjacent to an existing track and will follow disturbed ground along its edge and will closely follow degraded habitats that lie adjacent to the existing cable and the degraded peatland that surrounds it.

There will be a proportion of forestry felling as part of the planning application around the footprint of the Proposed Development including along the access route in County Kerry. No felling is proposed within County Cork. The felling will be linear in nature and extend to 22.3ha which includes 0.6ha of felling required at the habitat enhancement area.

3. SITE DESCRIPTION

The Proposed Development is integrated with the Permitted Development and is located in close proximity to other renewable energy developments. A point of access exists to the west, within County Kerry, from the old N22 national road. This commercial forestry access point is protected by a vehicle barrier in this location. The existing 220kV Ballyvouskill electrical substation is located the eastern end of the site. The site comprises in the main, a mix of agricultural fields, degraded peatland habitats, commercial forestry plantation and forestry roads and tracks. The proposed underground electrical cabling will be installed predominately in existing forestry roads/tracks, grasslands and agricultural land.

Plates 3-1 to 3-4 below illustrate a sample of the site characteristics.

Plate 3-1: Agricultural grassland – Located within the footprint of the proposed 110kV underground electrical cabling

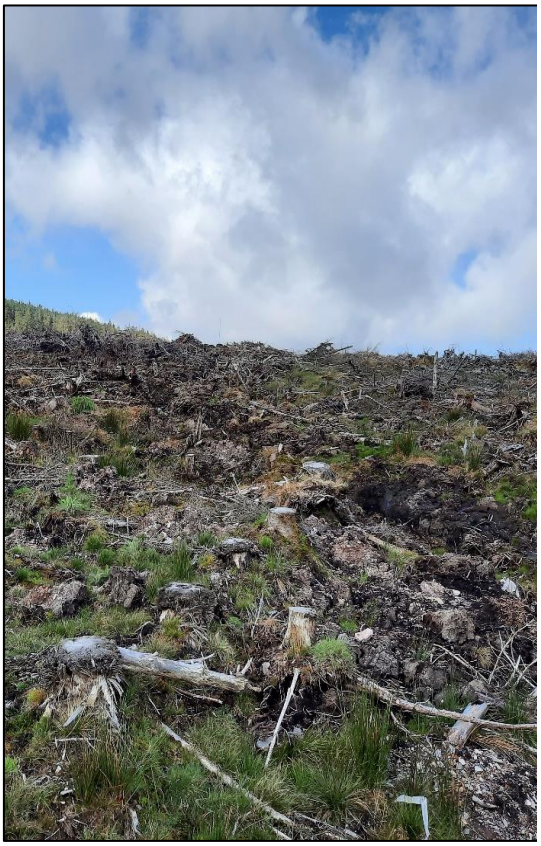

Plate 3-2 Felled Conifer plantation – Located within footprint of proposed 110kV underground electrical cabling

Plate 3-3: Degraded habitats – Located within the footprint of the proposed 110kV underground electrical cabling

Plate 3-4 Existing track – Located within footprint of the proposed 33kV underground electrical cabling

4. PLANNING POLICY

As noted earlier the Proposed Development spans the administrative areas of both County Cork and County Kerry. As such, the provisions of the Development Plan's for both authorities are relevant in the consideration of the Proposed Development. In addition, pertinent national and regional policy and guidance are considered in the section below. Full planning policy detail has been set out in the accompanying EIAR at Chapter 2: Background, a summary of which is set out below.

4.1 National Planning Policy

The Programme for Government 2020 highlights the importance of the next 10 years in addressing the climate crises, calling for a deliberate and swift approach to reducing Ireland's carbon emissions by more than half. The commitment to reduce greenhouse gas emissions by an average of 7% per annum over this period to achieve net zero emissions by the year 2050 is set out. The Climate Action and Low Carbon Development (Amendment) Act 2021 legally binds Ireland to achieve net zero emissions no later than the end of 2050 and to a 51% reduction in emissions by the end of this decade. The Climate Action Plan 2021 sets out the detail by which we are to achieve this reduction by 2030. As part of this, the Plan aims to increase the proportion of renewable electricity up to 80% by 2030, calling for '*sustained efforts across all sectors'* and '*a more rapid build out of renewable generation capacity*. To achieve the 80% renewable electricity envisioned, the indicative onshore wind capacity is set in the Plan at up to ~8GW. Large scale renewable generation is identified as a key measure in meeting the targets set out and includes: (inter alia):

- *'Achieving the renewable electricity target of up to 80% will entail investment of tens of billions of euro, including in the installation and maintenance of generation assets, and associated infrastructure and services, as well as in the development of supply chains and port infrastructure.*
- *EirGrid will carry out further grid, operational and market studies to understand any additional measures, beyond current plans, to facilitate reduced sectoral emissions ceilings and, therefore, support annual renewable electricity share of up to 80%'.*

As Ireland remains one of the highest fuel-import countries in the EU, there is an urgent need to reduce dependency on such and ensure the electricity grid is sufficient to response to energy demands.

The Proposed Development will not only facilitate the operation of the Permitted Development which comprises both wind turbines and a solar photovoltaic array, but will strengthen the overall grid network by constructing a new 110kV substation in County Cork, proximate to County Kerry.

4.2 Regional Planning Policy

The Regional Spatial and Economic Strategy (RSES) for the Southern Region covers the period 2020-2032 and recognises that the Region exhibits significant potential for the generation of renewable energy.

To achieve national and EU targets in the context of the electricity sector, the RSES notes that further investment is required to develop alternative renewable energies with greater interconnection to energy resources. This key enabling action is captured under Strategic Aim 8 which sets out the need to safeguard and enhance the environment through sustainable development, prioritising action on climate change across the region, driving the transition to a low carbon and climate resilient society. Several Regional Policy Objectives (RPOs) are set out within the Strategy which offer clear support for strengthening the grid network to meet demand, to ensure a safe and secure system exists going forward, and to support renewable energy technologies include wind and solar (RPO 96 – Integrating

Energy Sources, RPO 99- Renewable Wind Energy, RPO 100- Indigenous Renewable Energy Production and Grid Injection, RPO 219 New Energy Infrastructure, RPO 221 Renewable Energy Generation and Transmission Network, RPO 222 Electricity Infrastructure).

The thrust of national policy has therefore been subsumed into regional strategy which in turn gives clear direction to Local planning policy. The Proposed Development meets the provisions of the RSES insofar as it will facilitate electrification of the Permitted Development which comprises both solar and wind technologies. The Proposed Development also serves to strengthen the grid network and therefore security of supply going forward.

4.3 Local Planning Policy

4.3.1 Cork County Development Plan 2022-2028

Cork County Council has recently concluded their Development Plan review process, with the newly adopted Development Plan 2022-2028 coming into force on the 6th June 2022. It should be noted that the Wind Energy Strategy from the previous 2014 Development Plan has not been updated as part of the new Plan.

Policy objective ET 13-1 Energy is an overarching Plan policy offering support for the county to fulfil its full potential in contributing to the '*sustainable delivery of a diverse and secure energy supply and to harness the potential of the county to assist in meeting renewable energy targets and managing overall energy demand.'*

Relevant to the Proposed Development is Policy objective ET 13-21: Electricity Network offers clear support for the sustainable development and expansion of the electricity transmission grid and distribution network infrastructure, infrastructure connections to wind and solar energies, subject to normal proper planning considerations. It also aims to protect the integrity of nature conservation-sites and/or habitats or species of high conservation value, where proposals will only be approved in these areas where '*it can be ascertained, by means of an Appropriate Assessment or other ecological assessment, that the integrity of these sites will not be adversely affected.'*

The Plan clearly algins with the RSES in so far as it recognises that '*The provision of a secure and reliable electricity transmission infrastructure and transmission grid is essential to meet the growth in demand and ensure that a reliable electricity supply is available. Cork has a very strong electrical grid and substation network and this network will be instrumental in supporting the development of the renewable energy industry in the county.'*

Policy objective ET 13-22: Transmission Network aims to ensure an '*adequate power capacity for the existing and future needs of the County'* and advocates undergrounding of cables, especially in high sensitivity landscapes. It also aims to protect the integrity of nature conservation-sites and/or habitats or species of high conservation value, where proposals will only be approved in these areas where, similarly to ET 13-21 above, *'it can be ascertained, by means of an Appropriate Assessment or other ecological assessment, that the integrity of these sites will not be adversely affected.*'

It is the objective of Cork County Council to support the implementation of the National Climate Change Strategy and to facilitate measures which seek to reduce emissions of greenhouse gases and reducing CO_2 emissions of the County. Objective CA 17- 2, outlines the steps needed to reduce greenhouse gas (GHG) emissions over the Plan period:

> *In order to achieve a reduction in greenhouse gas emissions, an increase in renewable energy production, an increase in energy efficiency and enhanced biodiversity, support the transition to a*

low carbon, competitive, climate resilient and environmentally sustainable economy by 2050 through implementation of the polices of this plan that seek to deliver the following: [inter alia]

- *Renewable energy production and reduced energy consumption*

It is pertinent to note that the Permitted Development (which is facilitated by the Proposed Development), is located within an area deemed 'Open to Consideration' for wind energy development. As such, Plan Objective ET 13-5: Wind Energy Projects states:

- *Support a plan led approach to wind energy development in County Cork through the identification of areas for wind energy development. The aim in identifying these areas is to ensure that there are minimal environmental constraints, which could be foreseen to arise in advance of the planning process.*
- *On-shore wind energy projects should focus on areas considered 'Acceptable in Principle' and 'Areas Open to Consideration' and generally avoid "Normally Discouraged" areas as well as sites and locations of ecological sensitivity.*

County Development Plan Objective ET 13-7: Open to Consideration adds:

- *Commercial wind energy development is open to consideration in these areas where proposals can avoid adverse impacts on:*
  - *Residential amenity particularly in respect of noise, shadow flicker and visual impact;*
  - *Urban areas and Metropolitan/Town Green Belts;*
  - *Natura 2000 Sites (SPA's and SAC's), Natural Heritage Areas (NHA's), proposed Natural Heritage Areas and other sites and locations of significant ecological value. • Architectural and archaeological heritage;*
  - *Visual quality of the landscape and the degree to which impacts are highly visible over wider areas. In planning such development, consideration should also be given to the cumulative impacts of such proposals.*

County Development Plan Objective

- ET 13-9: National Wind Energy Guidelines
  Development of on-shore wind should be designed and developed in line with the *'Planning Guidelines for Wind Farm Development 2006'* and *'Draft Wind Energy Development Guidelines 2019'* and any relevant update of these guidelines.

The CCDP includes policies and objectives pertaining to landscape and amenity, with Objective GI 6-3 advising that the Cork County Draft Landscape Strategy (2007) is to be used as a supporting background document to inform planning processes related to landscape. The Draft Landscape Strategy identifies 76 Landscape Character Areas (LCAs) in the County, amalgamated into a set of 16 Landscape Character Types (LCTs) based on similarities of physical and visual characteristics. All components of the Proposed Development located within County Cork are situated in LCT 15b – Ridged and Peaked Upland, as shown in Figure 2-2 below. A full description of this LCT and the likely landscape and visual effects of the Proposed Development on LCT15-b are set out in Chapter 12 - Landscape and Visual Impact. Scenic amenity, views and prospects are also considered in full in the EIAR with the following policies being relevant:

- Objective GI 14-12: General Views and Prospects,
- Objective GI 14-13: Scenic Routes
- Objective GI 14-14: Development on Scenic Routes
- Objective GI 14-15: Development on the approaches to Towns and Villages.

4.3.2 Kerry County Development Plan 2015-2021

The Kerry County Development Plan 2015-2021 (KCDP) was adopted on the 16th of November 2015. The KCDP acknowledges the importance of having sufficient capacity to meet current and future needs and the essential requirement for energy production and distribution. The development of secure and

reliable electricity transmission infrastructure is recognised as a key factor for supporting economic development and attracting investment to the County.

Section 2.2.2.5 of the KCDP recognises the Councils' commitment to addressing climate change to mitigate against its adverse effects. The Council is committed to addressing climate change in a proactive manner through the careful consideration of policy guidance and strategies. In this regard, the following policy objective is identified,

- County Development Plan Objective CS-11
  "Support the National Climate Change Strategy and the National Climate Change Adaptation Framework, Building Resilience to Climate Change on an ongoing basis through implementation of supporting objectives in this Plan, particularly those supporting use of alternative and renewable energy sources, sustainable transport, air quality, coastal zone management, flood risk management, soil erosion and promotion of the retention of and planting of trees, hedgerows and afforestation subject to compatibility with environmental designations and legislative requirements."

Section 7.6.1 of the KCDP sets out the Council's aim to support and provide for the sustainable development of indigenous energy resources, with an emphasis on renewable energy supplies, in the interests of economic progress and the proper planning and sustainable development of the county. It is recognized that the development of secure and reliable electricity transmission infrastructure is a key factor for supporting economic development and attracting investment to the County.

Substantial work has been carried out on the upgrading of the national grid and the Council supports the sustainable provision for new high voltage electrical infrastructure, including high voltage transformer stations and new overhead transmission power lines further to no significant adverse effects on the environment or Natura 2000 sites.

The Council outlines the importance of ensuring that the capacity of the energy networks is sufficient to meet demands in a sustainable manner. County Kerry is regarded by the Council as being 'well placed' to encourage and facilitate the sustainable development of power generation facilities in the county, for a variety of reasons, including the proximity to Cork and Limerick.

In this regard the KCDP states that the Council will,

> *"... continue to support the infrastructural renewal and sustainable development of electricity and gas networks. The County has in terms of alternative energy, huge potential for the development of wind, solar, biomass, geothermal, hydro and wave energy. The wave and wind resources are among the richest in Europe. Although some wind projects are in production in the County, an objective to maximise the sustainable alternative resources, in accordance with the County's Renewable Energy Strategy, shall be a priority."*

The following are key objective provisions of the KCDP in relation to renewable energy that relevant to the Proposed Development,

- Development Plan Objective EP-1
  "Support and facilitate the sustainable 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, archaeological and built heritage, the landscape and residential amenity."

- Development Plan Objective EP-3
  Facilitate sustainable energy infrastructure provision, so as to provide for the further physical and economic development of the County.

- Development Plan Objective EP-4
  "Support and facilitate the sustainable development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the County."

- Development Plan Objective EP-7
  "Facilitate the sustainable development of additional electricity generation capacity throughout the region/county and to support the sustainable expansion of the network. National grid expansion is important in terms of ensuring adequacy of regional connectivity as well as facilitating the development and connectivity of sustainable renewable energy resources."

- Development Plan Objective EP-8
  Ensure that the siting of electricity power lines is managed in terms of the physical and visual impact of these lines on both the natural and built environment, the conservation value of Natura 2000 sites and especially in sensitive landscape areas. When considering the siting of powerlines in these areas the main technical alternatives considered should be set out, with particular emphasis on the undergrounding of lines, and the identification of alternative routes at appropriate locations. It should be demonstrated that the development will not have significant, permanent, adverse effects on the environment including sensitive landscape areas and the ecological integrity of Natura 2000 sites.

Kerry County Council recognises in Section 7.6.3 that the renewable energy sector is rapidly expanding and is a growing source of employment and investment for the County. In order to facilitate the sustainable growth of renewable energies Kerry County Council prepared and adopted a Renewable Energy Strategy in 2012.

This strategy sets out the development criteria, development management standards and objectives for the development of renewable energy in the County and will be used in the assessment of all planning applications for such development. The following objective is identified in his section,

- Development Plan Objective EP-11
  Implement the Renewable Energy Strategy for County Kerry (KCC 2012)

Kerry Renewable Energy Strategy 2012

The County's Renewable Energy Strategy (RES) forms part of the adopted Plan. The mission of The Sustainable Energy Authority of Ireland (SEAI) is to *"play a leading role in transforming Ireland into a society based on sustainable energy structures, technologies and practices"*, It is recognized by Kerry County Council that it has a role to play in the delivery of such a society. This strategy has been developed to ensure that the Council, as a Planning Authority, "*actively facilitates, and where possible, drives the development of renewable energy within its functional area."*

In preparation of the RES, an appraisal of the county's renewable energy resources and infrastructural capacity was undertaken, it was established that the county has significant potential for the development of renewable energy sources, it is further set out that;

> *"The existing transmission grid together with current upgrade projects are such that the capacity of the grid will provide for the collection and distribution of significant amounts of electricity. The upgrading of the transmission network was designed primarily to harness wind energy. This capacity, however, also provides the opportunity to connect electricity generated from other types of renewable energy."*

Strategic policy objectives for the development of the renewable energy sector are set out within the strategy which include the following:

- Objective NR 7-21 *To maximise the development of all renewable energies at appropriate locations in a manner consistent with the proper planning and sustainable development of the county. This will include requirements and considerations in relation to: landscape; cultural heritage; Natura 2000 sites and the Habitats & Birds Directive; the objectives of the Water Framework Directive; Flood Directive; Sustainable Forestry Management; and Best Practices in the production of energy crops.*

- Objective NR 7-22 *To promote the sustainable development of renewable energy types and technologies with the capacity to store energy which can be released at times of peak demand.*

- Objective NR 7-24 *To secure the maximum potential for the generation of electricity from wind energy resources that is consistent with proper planning and sustainable development of the county. This will include requirements and considerations in relation to: landscape; cultural heritage; Natura 2000 sites and the Habitats & Birds Directive; the objectives of the Water Framework Directive; Flood Directive; electricity infrastructure; settlement patterns; and wind energy potential.*

Landscape Policy

Sections 12.1 to 12.3 of the KCDP detail the objectives and policies of Kerry County Council in relation to landscape and development. Regarding landscape protection, the Plan sets out the following objective:

- ***"ZL 1:** Protect the landscape of the county as a major economic asset as well as for its invaluable amenity which contributes to the quality of people's lives."*

The KCDP recognises that the sensitivity of a landscape is a measure of its ability to accommodate change or intervention without suffering unacceptable effects to its character. On this basis, the KCDP sets out the following policy regarding zoning of lands in rural areas:

- **ZL 3:** *Determine the zoning of lands in rural areas having regard to the sensitivity of the landscape as well as its capacity to absorb further development.*

All infrastructure of the Proposed Development located within County Kerry are sited in land zoned as Rural Secondary Special Amenity.

There are three categories of rural area zoning designations; Rural Prime Special Amenity, Rural Secondary Special Amenity and Rural General. Rural Prime Special Amenity Areas are defined as follows:

- *These are landscapes which are very sensitive and have little or no capacity to accommodate development. In these areas, all development will be prohibited, other than exempted development in accordance with Schedule 2 of the Planning & Development Regulations 2001-2013 and Chapter 3.3.2. which will be open to consideration, subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development in the area.*

In relation to views and prospects in County Kerry, the following objective of the KCDP relates to views and prospects:

- **ZL-5**: *Preserve the views and prospects as defined on Map No's 12.1, 12.1a– 12.1u*

A short length of designated (unnamed) views/prospects are located on the N22 National Road approximately 170 metres southwest of the Proposed Development. The only elements of the Proposed Development potentially visible from this location will be the proposed access road and temporary road associated with the turbine delivery route. A description of this view/prospect and the likely landscape and visual effects of the Proposed Development upon the visual amenity of this route are assessed in Chapter 12 - Landscape and Visual.

Also of relevance is the objectives of the Landscape Character Assessment for County Kerry:

> ***"ZL-2:** Prepare a Landscape Character Assessment of the County following the publication of the proposed National Landscape Strategy. This assessment will include capacity studies for different forms of development and will involve consultation with adjoining local authorities."*

Within the Renewable Energy Strategy (hereafter referred to as RES) prepared by Kerry County Council in 2012, forty-six LCAs were identified. *Map 7.5* of this document shows that all components of the Proposed Development sited within County Kerry are located in LCA 36 '*Upper Clydagh River and the Derrynasaggart Mountains*'. LCA 36 is described in the RES as follows:

> *"36. Upper Clydagh River and the Derrynasaggart Mountains*
>
> ***Landcover:*** *The summits and slopes of the mountains comprise moorland or rocky moorland. Coniferous plantations occurs on the slopes of the mountains. There is some rough pasture lower in the valleys."*

LCA 36 states that the Landscape Type is '*Mountain Moorland and Transitional Marginal Land*', however, these landscape types relate to the entirety of LCA 36. The Proposed Development is inserted in the eastmost boundary of this typology and can be described solely as Mountain Moorland.

Sensitive landscape areas are also identified on the *Map 7.5*. LCA 36 as designated sensitive areas. The Proposed Development is not sited within designated sensitive areas. The nearest sensitive landscape area is located northwest of the Proposed Development at approximately 1 kilometre, however no areas in proximity to the Proposed Development in the southern portion of the LCA are marked as sensitive.

4.3.3 Draft Kerry County Development Plan 2022-2028

The review of the Kerry County Development Plan commenced on 24th June 2020 in accordance with the requirements of Section 11 of the Planning and Development Act 2000 (as amended), with submissions or observations regarding the Material Alterations to the Draft Kerry County Development Plan (DKCDP) Plan taking place between 18th May to 16th June 2022.

The DCKDP sets out that one of the underpinning goals for the future development of the county include growth of a sustainable and strong economy involving the transition to a low carbon and climate resilient society. Section 12.5 recognises the importance of access to secure, clean and affordable energy for the future development of the county and states that:

> *"The Council will continue to support and facilitate the sustainable development of the renewable energy sector in line with the strategic goals set out by the Department of Communications, Climate Action and the Environment whilst balancing the need for new development with the protection of the environmental, cultural and heritage assets of the county."*

In this regard, the following policy objective is identified:

- KCDP 12-12
  Maximise the development of all renewable energies at appropriate locations in a manner consistent with the proper planning and sustainable development of the County.

Furthermore, Section 12.0 sets out that the development of secure and reliable electricity transmission infrastructure is also recognised as a key factor for supporting economic development and attracting investment to the County.

> *"The Council supports the development of a safe, secure and reliable supply of electricity and to support and facilitate the development of enhanced electricity networks and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this plan under EirGrid's (2017) Grid Development Strategy."*

In this regard, the following policy objectives are identified which are relevant to the Proposed Development:

- KCDP 12-6
  Facilitate sustainable energy infrastructure provision, so as to provide for the further physical and economic development of the county.

- KCDP 12-7
  Support and facilitate the sustainable development of enhanced electricity and gas supplies, additional electricity generation capacity, and associated networks, to serve the existing and future needs of the county.

- KCDP 12-8
  Ensure that the siting of electricity power lines is managed in terms of the physical and visual impact of these lines on both the natural and built environment, the conservation value of Natura 2000 sites and especially in sensitive landscape areas. When considering the siting of powerlines in these areas, consideration will be given to undergrounding or the selection of alternative routes.

- KCDP 12-9
  Support the sustainable implementation of EirGrid's Grid 25 Investment Programme (and successor programme), subject to landscape, residential, amenity and environmental considerations.

In relation to Solar Energy, Section 12.5.4.2 sets out that:

> *"The Council will continue to support and facilitate the sustainable development of solar energy (USSPV) in appropriate locations, encourage passive solar design and solar water heating in new buildings and in retrofitting buildings, including agricultural buildings."*

In this regard, the following policy objective is identified:

- KCDP 12-21
  Facilitate USSPV where it can be demonstrated to the satisfaction of the planning authority that there will be no significant adverse impact on the built and natural environment, the visual character of the landscape, or on residential amenity.

Landscape Policy

New draft landscape designations for County Kerry, described in the Draft Kerry County Development Plan combine the existing Rural Primary and Rural Secondary Special Amenity Areas into one classification called 'Visually Sensitive Areas'. Therefore, the Proposed Development components will be located within this visually sensitive area.

According to the Draft Development Plan, 'Visually Sensitive Areas' can be defined as:

> *"Visually sensitive landscape areas comprise the outstanding landscapes throughout the County which are sensitive to alteration. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation.*
>
> *These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area."*

The following provisions are requested by KCC to development in Visually Sensitive Landscapes Areas under the Draft Development Plan, in section 11.6.4

> *"There is no alternative location for the proposed development in areas outside of the designation.*
>
> *Individual proposals shall be designed sympathetically to the landscape and the existing structures and shall be sited so as not to have an adverse impact on the character, integrity and distinctiveness of the landscape or natural environment.*
>
> *Any proposal must be designed and sited so as to ensure that it is not unduly obtrusive. The onus is, therefore, on the applicant to avoid obtrusive locations. Existing site features including trees and hedgerows should be retained to screen the development."*

In relation to Landscape Character Assessment, the Draft Kerry County Development Plan (2022-2028) identifies a total of 40 LCA's, however, although there is a reduction in LCAs in the new draft document, the Proposed Development is still located within the landscape character of "Clydagh River, The Paps and the Derrynasaggart Mountains" which is cognisance of the Renewable Energy Strategy (2012).

Summary Conclusion on Local Policy for County Kerry

In summary, the Kerry County Development Plan recognizes the importance of addressing climate change in order to mitigate against its adverse effects and acknowledges the importance of having sufficient capacity to meet current and future needs and the essential requirement for energy production and distribution. The development of secure and reliable electricity transmission infrastructure is recognised as a key factor for supporting economic development and attracting investment to the County.

The overarching policy stance is one of support for continued decarbonisation, while emerging planning policy, at this early stage, appears to be in alignment with this stance. The Proposed Development by facilitating the Permitted Development will contribute to meeting Government and EU targets for the production and consumption of electricity from renewable resources and the reduction of greenhouse gas emissions. The Proposed Development will also facilitate the sustainable development of additional electricity generation capacity throughout the region/county and to support the sustainable expansion of the network.

There is a range of policy in place within the current and draft county plans which strongly supports the development and continued supply of renewable energy onto the national grid. Accordingly, the Proposed Development is consistent with the aims and objectives of the Kerry County Development Plan 2015-2021.

5. PLANNING ASSESSMENT

The Proposed Development is directly linked to the Permitted Knocknamork Renewable Energy Development (ref: 19/4972). Under the original planning application, up to 7 no. wind turbines were permitted along with up to 70,000m² of a solar photovoltaic array, a 38kV electrical substation along with associated electrical plant and a battery storage compound. It was intended to connect the development to the national grid via an underground connection to the existing 110kV Garrow electrical substation. EirGrid have since identified the 220kV Ballyvouskill substation as the required connection note. Therefore it is now the case that the 38kV electrical substation originally permitted is no longer required, with EirGrid now seeking a 110kV electrical substation in this location to facilitate the wider national grid connections. The Proposed Development comprising of a new 110kV electrical substation and underground electrical cabling connecting it to the existing 220kV Ballyvouskill substation will serve the Permitted wind and solar development and have the capacity to facilitate other developments which require a connection to the national grid with the new 110kV electrical substation becoming a node on the national grid.

5.1 Principle of Development

The principle of the proposal is considered established in so far as the locations of the development, in both County Cork and County Kerry, are designated as wind energy zones. It is the case then that the associated electrical infrastructure and works typically required as part of wind energy developments are also deemed appropriate in such locations. In addition to this, the Permitted Development (Pl. Ref: 19/4972) in County Cork is located in an area deemed 'Open to Consideration' for wind energy development. The Planning Authority had no objection in principle to the proposals, subject to normal proper planning and sustainable development considerations, demonstrated clearly by the grant of permission issued. As the Proposed Development represents electrification of the Permitted Development, therefore being intrinsic to its operation, it is pertinent to emphasise that the overarching thrust of policy in both the adopted Kerry and Cork Development Plans is one of support for the deployment of renewable energy. Policy ET-13-21 Electricity Network within the Cork County Development Plan directly supports the sustainable development and expansion of the electricity transmission grid, and supports the connection of wind and solar projects to the grid network. Policy ET-13-22: Transmission Network calls for underground of cables, and a thorough assessment of the receiving environment. Within County Kerry, the Development Plan also offers clear support for the Proposed Development as set out in policy Objective EP-1, which also seeks to ensure proposals consider the protection of the wider environment eg. landscape, biodiversity and residential amenity.

This stance is supported in a more detailed way through dedicated policies surrounding the electricity network, and maximisation of generation of electricity from wind energy resources. At higher levels of the planning hierarchy, this sentiment also exits with the Regional Strategy for the Southern Region stating in RPO 22 that "*it is an objective to support the development of a safe, secure and reliable supply of electricity and to support and facilitate the development of enhanced electricity network and facilitate new transmission infrastructure projects ... subject to appropriate environmental assessment and planning processes...*" Development Plan Objective EP-7 supports an expansion of the national grid network recognising the important role this plays in ensuring county connectivity and facilitating sustainable renewable energy.

A connection between the Permitted Development and the national electricity grid will be necessary to export electricity from the renewable energy development. Eirgrid have identified the existing Ballyvouskill substation as the connection node for the permitted development. It is therefore proposed to construct a 110kV substation, underground cabling connecting the Permitted Development to the proposed 110kV substation and 110kV grid connection cabling from the proposed 110kV substation to

the Ballyvouskill 220kV Substation in the townland of Coomnaclohy, Co. Cork. The Proposed Development is therefore crucial in order to facilitate the supply of electricity generated at the Permitted Development to the national grid. By providing the Permitted Development with a connection to the national grid, the Proposed Development will contribute to meeting Government and EU targets for the production and consumption of electricity from renewable resources and the reduction of greenhouse gas emissions.

The Proposed Development, alongside the Permitted Development provides the opportunity to realise the valuable renewable energy resource. If the Proposed Development were not to proceed the opportunity to capture this additional part of Cork's valuable renewable energy resource would be lost, as would the opportunity to contribute to meeting Government and EU targets for the production and consumption of electricity from renewable resources and the reduction of greenhouse gas emissions.

5.2 Access and Transport

Under the Permitted Development, four access options were presented to access the site, including two (Option 1 and 2b) from the west, via the N22. The access routes were not within the redline planning application boundary of the Permitted Development however these were assessed in the Environmental Impact Assessment Report (EIAR) lodged with the planning application.

5.2.1 Kerry County Council

Under the Proposed Development here under consideration, access from the public road network is proposed via the N22,w which falls under the planning application to County Kerry. It is proposed to access the site of the Proposed Development via an existing access track off the remaining section of the old N22 alignment to the southwest of the site. This entrance will be widened to facilitate the delivery of the construction materials and turbine components to the Permitted Development. A temporary access road will also be required from the N22 to the old N22 alignment to facilitate the delivery of abnormally large wind turbine vehicle loads. The use of this temporary access road will be carefully managed and the route will be blocked with traffic bollards when not in use for turbine deliveries. It is also proposed that general HGV construction traffic will access the east of the site via the L5226 Local Road.

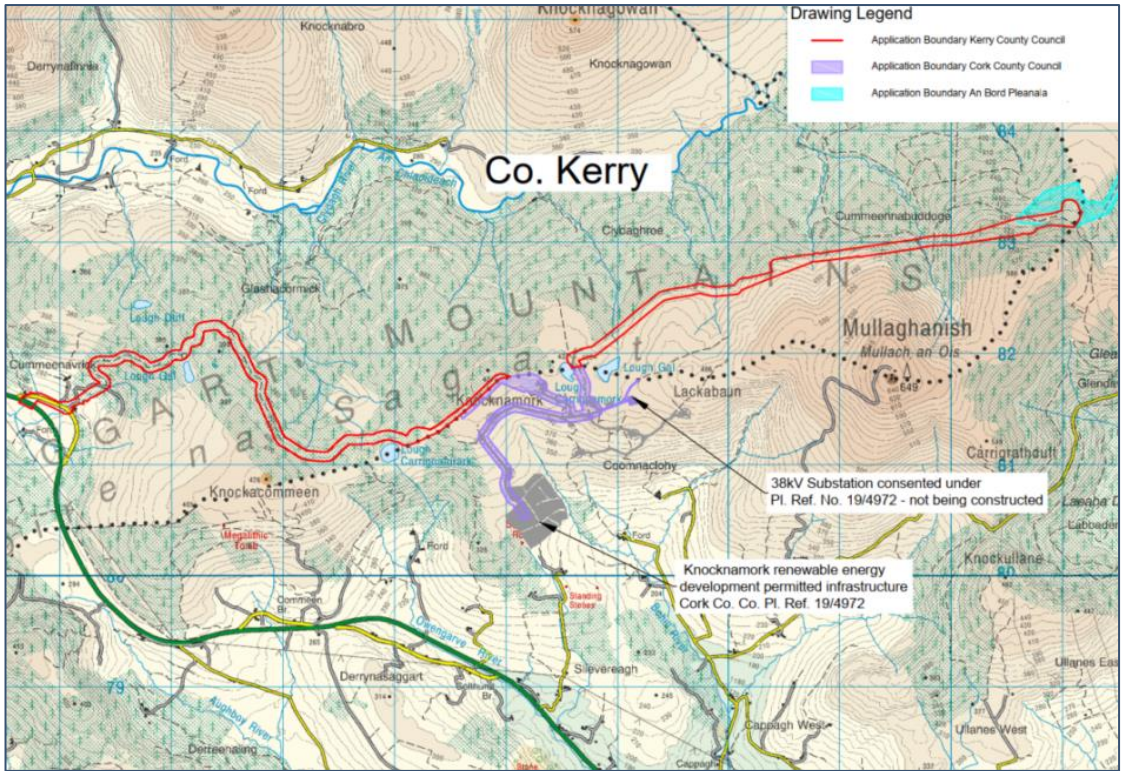

Figure 5-1: County Kerry Planning Application Boundary

The works at the junction of the N22 and old N22 has been included in the application and considered in the traffic and transport assessment within the EIAR at Chapter 13. Further along the old N22, prior to the existing site entrance location, a second overrun area is required for delivery of large plant to site. This is again assessed in Chapter 13 of the EIAR.

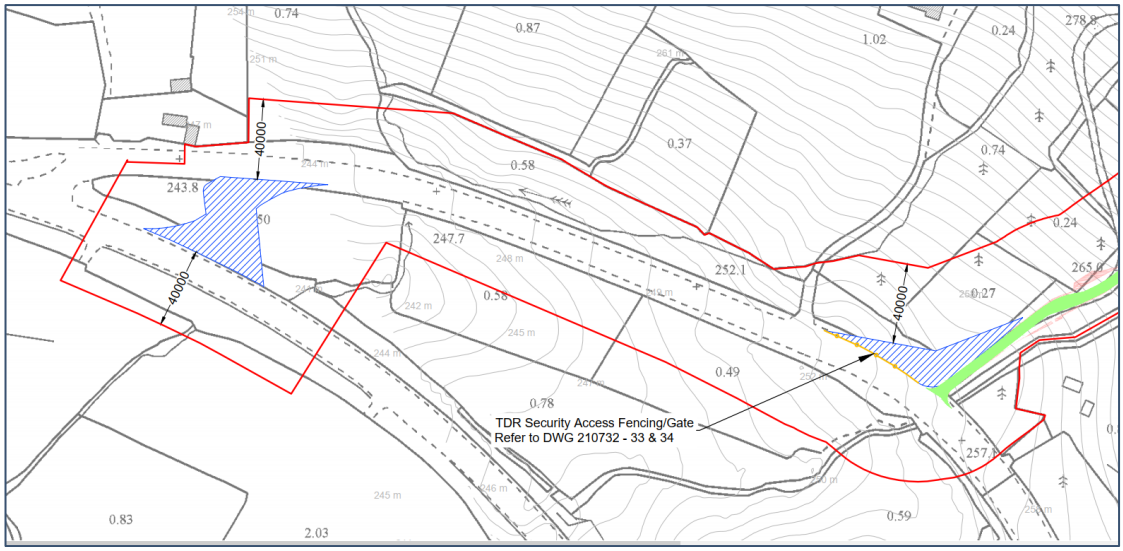

Figure 5-2: Overrun Areas, County Kerry (Extract of drawing Kerry: 210732-05)

The assessment was undertaken for the construction, operational and decommissioning stages of the development. The assessment considered the impact that the traffic generated by the Proposed Development would have on the national, regional and local highway network.

On leaving the public road, access to the wider site currently exists for the purposes of forestry; this is the case for the planning application to County Kerry. A barrier exists to the site as it comprises private lands. A range of forestry tracks and roads exist within the site which are being upgraded or extended under this planning application. Full details of proposed upgrades and new tracks are set out in the

accompanying planning drawings submitted with the County Kerry planning application. Further into the site, dedicated construction vehicles will travel on existing and proposed tracks as shown in the planning drawings to both Kerry and Cork County Councils. Beyond the construction traffic entering the site from the N22 in County Kerry, it is expected that only a car/van will be required for maintenance over the lifetime of the development.

To provide access within the Proposed Development site and to connect the associated infrastructure existing roads will need to be upgraded and new access roads will need to be constructed. A track will be laid in most areas of the electrical cabling. The exact configuration of the underground cabling will be set by the requirements of the electrical designers at detailed design stage. A methodology for these works is provided in Section 4.6.3 of Chapter 4 of the EIAR. The general construction methodology for upgrading of existing sections of access roads or tracks, as presented in Fehily Timoney & Company (FT) Peat & Spoil Management Plan in Appendix 4-2 of the EIAR. The finished road width will have a running width of 5 metres, with wider sections on bends and corners. The finished width on sections of excavated road alongside existing roads along the 33kV underground cabling will be 3 metres. Excavate and replace type access roads are the conventional method for construction of access roads on peatland sites and the preferred construction technique in shallow peat provided sufficient placement/reinstatement capacity is available on site for the excavated peat. The construction methodology for the construction of excavated roads, as presented in FT's Peat & Spoil Management Plan in Appendix 4-2 of the EIAR. The EIAR has considered the potential impacts arising from these activities in full.

5.2.2 Cork County Council

The elements of the Proposed Development located in County Cork are largely within the footprint of the Permitted Development and comprise a small portion of new access track, and upgrade works to the existing permitted electrical cabling maintenance track. No works are proposed on the public road network of County Cork.

Within County Cork, to connect the associated infrastructure of the Permitted Development existing roads will need to be upgraded and new access roads will need to be constructed. A track will be laid in most areas of the electrical cabling. The exact configuration of the underground cabling will be set by the requirements of the electrical designers at detailed design stage. A methodology for these works is provided in Section 4.6.3 of Chapter 4 of the EIAR. The general construction methodology for upgrading of existing sections of access roads or tracks, as presented in Fehily Timoney & Company (FT) Peat & Spoil Management Plan in Appendix 4-2 of the EIAR. The finished road width will have a running width of 5 metres, with wider sections on bends and corners. The finished width on sections of excavated road alongside existing roads along the 33kV underground cabling will be 3 metres. Excavate and replace type access roads are the conventional method for construction of access roads on peatland sites and the preferred construction technique in shallow peat provided sufficient placement/reinstatement capacity is available on site for the excavated peat. The construction methodology for the construction of excavated roads, as presented in FT's Peat & Spoil Management Plan in Appendix 4-2 of the EIAR. The EIAR has considered the potential impacts arising from these activities in full.

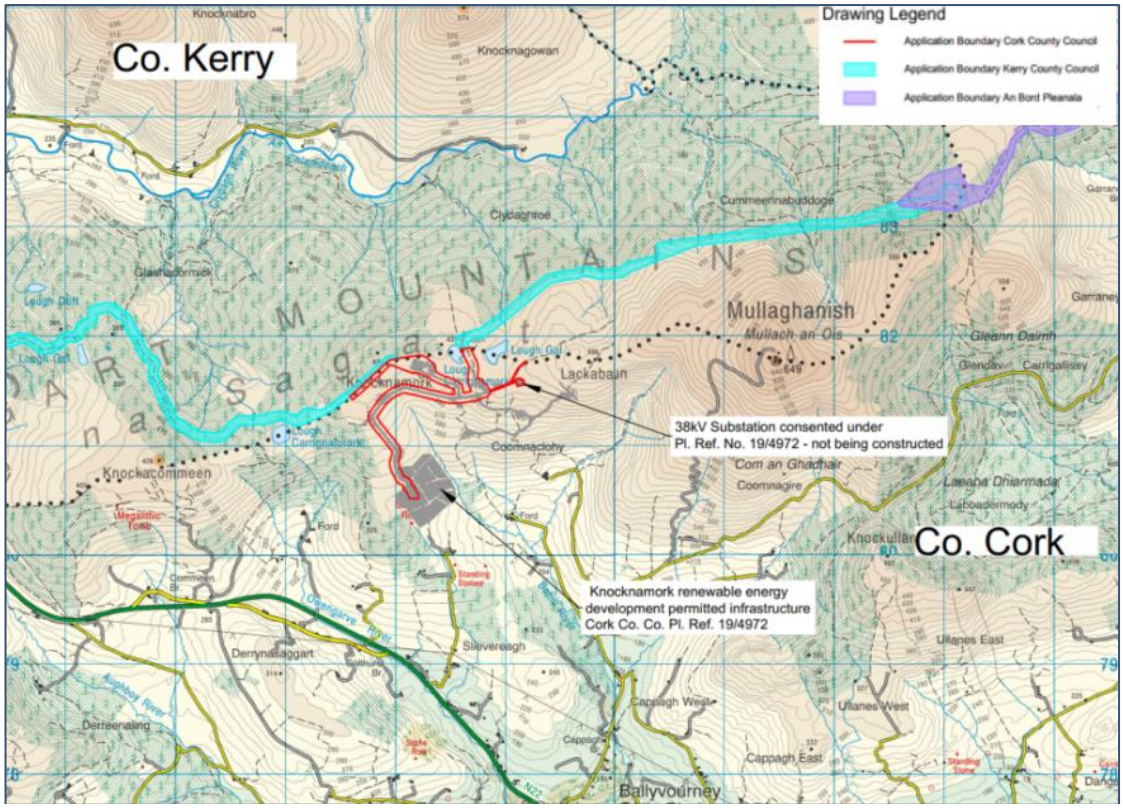

Figure 5-3: County Cork Planning Application Boundary

5.2.3 Strategic Infrastructure Development

The construction of the 110kV elements of the Proposed Development, including connection to the existing 220kV Ballyvouskill substation requires an application to be lodged with An Bord Pleanála as the competent authority in this regard.

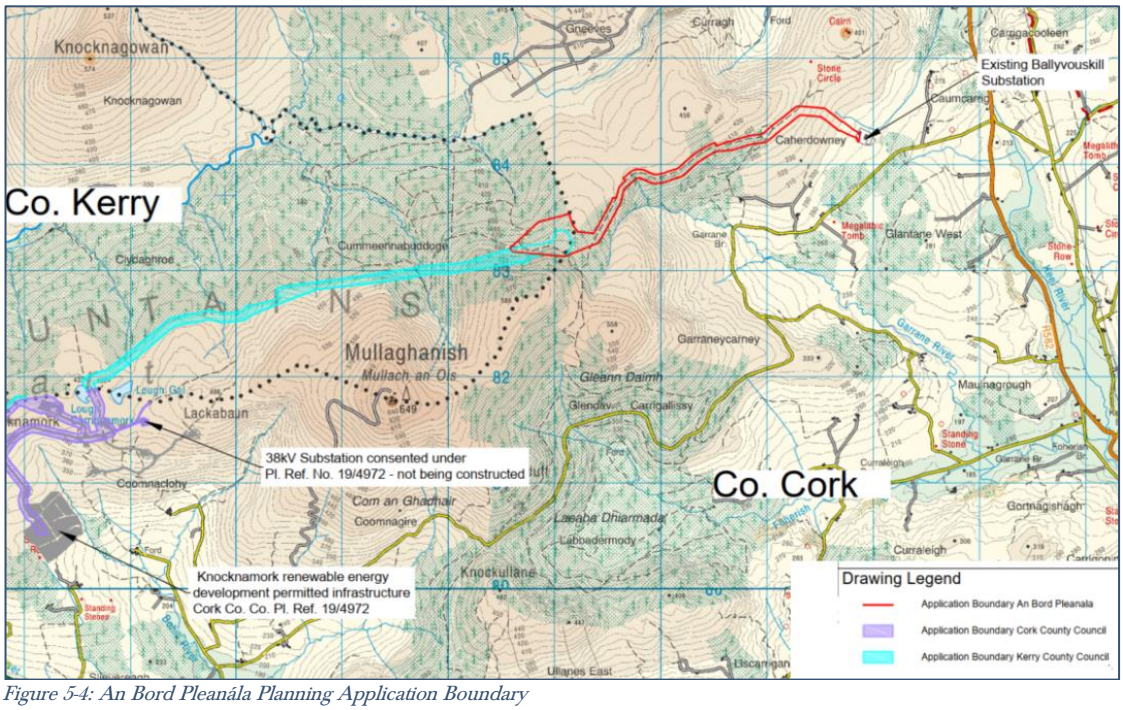

Figure 5-4: An Bord Pleanála Planning Application Boundary

No element of the Proposed Development subject of this planning application involves the public road network.

The proposed 110kV electrical substation will be served by the 33kV electrical cabling travelling from County Kerry, and provide for 110kV underground electrical cabling to connect the substation to the existing 220kV Baklyvouskill substation to the east.

To facilitate the 110kV electrical cabling a maintenance track runs alongside the existing track in this location. The finished width on the sections of excavated road alongside existing roads along the 110kV underground cabling will be 2.5 metres.

5.2.4 Summary

Chapter 13 of the EIAR considers in full the likely impacts of the Proposed Development on the road network. During the construction phase, it is anticipated that regardless of what option is progressed, the effects will be negative, temporary, lasting for 255 days and will be imperceptible to slight. For developments of this nature, the construction phase is the critical period with respect to the traffic effects experienced on the surrounding road network in terms of the additional traffic volumes that will be generated on the road network. The requirements of the additional traffic generated during the construction stage were assessed on both the external highway network and at the proposed junction that will provide access to the site.

During the operation phase, effects will be long term but imperceptible with staff travelling to site per day (on average) by car or light goods vehicle.

During the construction of the Proposed Development, a number of road and junction improvements and temporary works will be completed to provide access to the site during materials delivery. All these

accommodation areas will be re-used during decommissioning. This includes the re-instatement and reestablishment of the temporary access road from the N22 to the old N22 alignment to facilitate the removal of abnormally large vehicle loads. The use of this temporary access road will be carefully managed, and the route will be blocked with traffic bollards when not in use for component removal.

On completion of the component removal from the site, the temporary accommodation area will be fully re-instated. Site roadways could be in use for purposes other than the operation of the development by the time the decommissioning of the Permitted Development is to be considered, and therefore it may be more appropriate to leave the site roads in situ for future use. It is envisaged that the roads will provide a useful means of extracting the commercial forestry crop which exists on the site, along with general agricultural use.

Mitigation is set out in the EIAR at Chapter 13: Material Assets and within the CEMP at Section 3.9. A detailed Traffic Management Plan is set out, which includes for a traffic management coordinator, delivery programme, and information to locals. A pre- and post-construction condition survey of roads associated with the Proposed Development is proposed, along with liaison with the relevant Local Authority/-ies. A travel plan for all construction workers is also to be completed should planning permission be granted.

Given the thorough assessment carried out and the mitigation proposed, it is held that there are no relevant policy or guidance within the County Kerry or County Cork Development Plan which would warrant refusal of the Proposed Development on traffic/transport related grounds. Making use of the existing road network is wholly in line with the Development Plan, which promotes improved integration between land use planning and transport. Moving off the public road network, the Proposed Development makes use of existing roads and tracks where possible.

5.3 Biodiversity

The final underground cable route largely takes account of all site environmental constraints (e.g., ecology, archaeology, hydrology, peat depths etc.) and design constraints (e.g., third party lands, underground electrical cables). The final underground cable route also takes account of the findings from the site investigations and baseline assessments that have been carried out during the EIAR process. The Proposed Development is supported by an Appropriate Assessment Screening Report, Natura Impact Statement Chapter 6: Biodiversity of the EIAR. Provided that the Proposed Development is constructed and operated in accordance with the design, best practice and mitigation that is described within this application, significant impacts on ecology are not anticipated

The site is outside of any designated Natural Heritage Area, proposed Natural Heritage Area, Special Area of Conservation and Special Protection Area.

Multidisciplinary walkover surveys were undertaken on the 28th of September 2021, the 29th of September 2021, the 13th of January 2022, the 9th of February 2022, the 9th of May 2022 and the 10th of May 2022. Surveys were conducted throughout a range of seasons including optimum periods for vegetation surveys and habitat mapping, i.e. April to September (Smith et al., 2011). Bat surveys were carried out in August 2021. A comprehensive walkover of the entire site was completed also.

The habitats on the site of the Proposed Development were the subject of a detailed survey and assessment. This habitat mapping and assessment was undertaken following with 'A Guide to Habitats in Ireland' (Fossitt, 2000). The majority of the EIAR Study Area comprises commercial conifer plantation (WD4), dominated mainly by Sitka spruce (Picea sitchenis).

- **Habitats within and adjacent to Proposed 110kV Underground Electrical Cabling Route (County Kerry, An Bord Pleanála Planning Application)**
  - Starting at the existing 220kV Ballyvouskill substation, the proposed 110kV underground electrical cabling route proceeds northwest through agricultural fields. The proposed 110kV underground cabling route passes west through degraded Upland blanket bog and Wet heath habitat for a distance of 600m before continuing west through commercial forestry plantation a single Environmental Protection Agency (EPA) mapped dried out stream habitat and forestry roadways before arriving at the location of the proposed 110kV substation.
- **Habitats within and adjacent to Proposed 110kV Electrical Substation and Borrow Pit (County Kerry, An Bord Pleanála Planning Application)**
  - Habitats recorded within and adjacent to the footprint of the proposed 110kV substation and borrow pit comprise solely of commercial forestry plantation of varying ages.
- **Habitats within and Adjacent to Proposed 33kV Underground Electrical Cabling Route (County Cork and County Kerry)**
  - Starting at the proposed 110kV substation, the proposed 33kV underground electrical cabling route proceeds west through commercial forestry plantation (Plate 2-6), crossing three EPA mapped watercourses. The proposed 33kV underground then continues west within a forestry firebreak located adjacent to commercial forestry plantation and peatland habitat. The footprint of the proposed 33kV underground electrical cabling crosses a further two EPA mapped watercourses while within this firebreak. After following the path of this firebreak for approximately 2.2km the footprint of the proposed 33kV underground electrical cabling redirects in a southerly direction and runs along an existing roadway until it reaches the Permitted Development infrastructure.
- **Habitats within and Adjacent to Proposed Extension of Permitted Borrow Pit (County Cork)**
  - Habitats within and adjacent to proposed extension works at the borrow pit as permitted under Planning Permission Ref. No. 19/4972 include recolonising bare ground and cutover peatland habitat.

- **Habitats within and Adjacent to Proposed Turbine Delivery Route (TDR) (County Kerry and County Cork)**
    - Throughout the western section of the proposed TDR works associated with the turbine delivery route, the proposed works follow existing forestry roads that are located within the existing forestry plantation , with occasional deviations requiring felling of conifer plantation. Also present within the footprint of the proposed TDR works are agricultural fields, treelines, hedgerows, immature woodland and a single EPA mapped watercourse. The eastern end of the footprint of the proposed TDR works is located within a forestry firebreak located between a conifer plantation and peatland habitats. The footprint of the proposed TDR works crosses one EPA mapped watercourse.

5.3.1 Appropriate Assessment and NIS

An Appropriate Assessment was carried out for the Proposed Development, which found that it could not be concluded beyond reasonable doubt, in the view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of relevant European sites, that the subject development, individually or in combination with other plans and projects, would be likely to have a significant effect on the following sites:

- Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC [000365]
- Mullaghanish to Musheramore Mountains SPA [004162]

As a result, an Appropriate Assessment is required, and a Natura Impact Statement (NIS)has been prepared in respect of the subject development in order to assess whether the subject development will adversely impact the integrity of these European Sites.

The resulting NIS provided an assessment of all potential direct or indirect adverse effects on European Sites whether considered individually or in combination with other plans and projects. Where the potential for any adverse effect on any European Site has been identified, the pathway by which any such effect may occur has been robustly blocked through the use of avoidance, appropriate design and mitigation measures as set out within this report and its appendices. The measures ensure that the construction and operation of the Proposed Development will not adversely affect the integrity of any European Sites. Therefore, it can be objectively concluded that the Proposed Development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site.

Finally, the Biodiversity Chapter of the EIAR, Chapter 6, assesses the likely significant effects (both alone and cumulatively with other projects) that the Proposed Development may have on Biodiversity, Flora and Fauna and sets out the mitigation measures proposed to reduce or offset any potential significant effects that are identified. The residual impacts on biodiversity are then assessed.

There are seven EPA mapped watercourse crossings associated with the footprint of the Proposed Development, each of which are mapped and fully considered in the EIAR as lodged.

Biodiversity has been considered in full as part of this Proposed Development, including likely significant effects during construction, operation and at the decommissioning phase. There is no evidence of the proposals, provided the Proposed Development is constructed and operated in accordance with the design, best practice and mitigation described within this application, giving rise to significant impacts which would warrant a refusal of the planning application.

5.4 Landscape and Visual Impact

Chapter 12 of the EIAR contains the full landscape and visual impact assessment carried out for the Proposed Development. The Proposed Development is sited in a remote and isolated upland landscape. The site is composed mainly of human interventions such as wind farm infrastructure and conifer plantations. The Proposed Development will therefore integrate with the existing landscape character. The proposed 110kV electrical substation (located in County Kerry, subject of the planning application to An Bord Pleanála) is strategically sited in a remote and isolated upland plateau, where the existing topography and forestry restrict visibility and mitigate the potential for significant landscape and visual effects. The proposed underground electrical cabling consists of two underground elements - (1) 110kV underground cabling connecting the proposed 110kV substation to the existing 220kV substation at Ballyvouskill; and (2) 33kV underground cabling connecting the Permitted Development to the proposed 110kV substation.

County Kerry

- In terms of access, although the LVIA study area is 2km from the Proposed Development, visual and landscape effects are likely to be limited to the immediate vicinity of the proposed and existing access roads (approximately 50 metres either side of the proposed route). The study area for the access road (from the N22 to the southwest of the Proposed Development site) is entirely restricted to a private access track and forestry tracks where road upgrade works are proposed. The entrance to this existing road off the old N22 alignment, which is also the main access to the Permitted Development, requires temporary widening works to facilitate the delivery of the construction materials and turbine components. Additionally, a temporary access road is proposed from the N22 to the old N22 alignment. This temporary access point is also located southwest of the site and LVIA Study Area, immediately east of the existing junction connecting the current N22 road to the old N22 alignment.
- With regards the proposed 33kV underground electrical cabling in County Kerry, although the LVIA study area is 2km from the Proposed Development, visual and landscape effects are likely to be limited to the immediate vicinity of the underground cabling route (approximately 50 metres either side of the proposed route). The proposed underground cabling will require temporary and permanent widening of existing forestry tracks or the construction of new roads. The location of the proposed cabling is almost entirely restricted to existing forestry areas. Other land-uses are crossed by the cabling route such as agricultural land to the east.
- The Proposed Development includes a new borrow pit (located in County Kerry) which will include surface and below surface extraction activities. The study area for the borrow pit is 2km due to the extraction works associated with the borrow pit, and subsequent likely visual effects from close proximity within the existing upland plateau. The proposed borrow pit is located approximately 50 metres southeast of the proposed 110kV substation. The permitted borrow pit extension is located to the west of the LVIA Study Area, circa 5km west of the proposed 110kV substation. It is intended that hardcore materials required for the construction of the Proposed Development will be sourced from the new and extended borrow pits on site.

County Cork

- Although the LVIA study area is 2km from the Proposed Development, visual and landscape effects are likely to be limited to the immediate vicinity of the underground cabling route (approximately 50 metres either side of the proposed route). The proposed underground cabling will require temporary and permanent widening of existing forestry tracks or the construction of new roads. The location of the proposed cabling is almost

entirely restricted to existing forestry areas. Other land-uses are crossed by the cabling route such as agricultural land to the east.

- The Proposed Development includes an extension of the permitted borrow pit in County Cork (Planning Permission Ref. No. 19/4972), which will include surface and below surface extraction activities. The study area for the borrow pit is 2km due to the extraction works associated with the borrow pit, and subsequent likely visual effects from close proximity within the existing upland plateau. The proposed borrow pit is located approximately 50 metres southeast of the proposed 110kV substation. The permitted borrow pit extension is located to the west of the LVIA Study Area, circa 5km west of the proposed 110kV substation. It is intended that hardcore materials required for the construction of the Proposed Development will be sourced from the new and extended borrow pits on site.

An Bord Pleanála

- The construction of a 110kV substation located in the townland of Cummeennabuddoge will be the only above ground feature of the Proposed Development, and therefore the only potentially perceptible element of the proposal from local sensitive visual receptors. The LVIA Study Area extends to 2 km from the proposed 110kV substation location, beyond 2 km it is deemed that landscape and visual effects will not be significant.
- The Proposed Development includes a new borrow pit which will include surface and below surface extraction activities. The study area for the borrow pit is 2km due to the extraction works associated with the borrow pit, and subsequent likely visual effects from close proximity within the existing upland plateau. The proposed borrow pit is located approximately 50 metres southeast of the proposed 110kV substation. The permitted borrow pit extension is located to the west of the LVIA Study Area, circa 5km west of the proposed 110kV substation. It is intended that hardcore materials required for the construction of the Proposed Development will be sourced from the new and extended borrow pits on site.
- Although the LVIA study area is 2km from the Proposed Development, visual and landscape effects are likely to be limited to the immediate vicinity of the underground cabling route (110kV infrastructure located in County Kerry) (approximately 50 metres either side of the proposed route). The proposed underground cabling will require temporary and permanent widening of existing forestry tracks or the construction of new roads. The location of the proposed cabling is almost entirely restricted to existing forestry areas. Other land-uses are crossed by the cabling route such as agricultural land to the east.

Overall, the landscape has been deemed to be low to medium value. Considering the presence of other wind farm infrastructure in the area, susceptibility of the landscape to the type of change prompted by the proposed 110kV electrical substation, underground electrical cabling, borrow pits and access roads has been considered low. On balance, the landscape has been deemed to be of Low Sensitivity.

Prominent receptors identified in the landscape and visual impact assessments (LVIA) Study Area include public roads, scenic routes, main access roads, a walking trail, and local residential dwellings. The principal visual receptors identified in this study were the existing residential dwellings, scenic route S22 and the National Waymarked Trail, with forestry and maintenance tracks not being considered as a primary receptor due to their momentary use and function. Although the proposed 110kV electrical substation was deemed potentially visible from several isolated locations on scenic route S22, mostly limited to elevated elements such as masts, it was noted that visibility will be localised to the elevated remote plateau where the proposed 110kV electrical substation will be constructed. The proposed 110kV electrical substation will therefore be perceived by visual receptors from the existing 'Sli Gaeltacht Mhuscrai' walking trail that crosses the landscape in proximity to existing and proposed

windfarm infrastructure. The proposed 110kV electrical substation was deemed to have short-term negative landscape effects of 'Moderate' significance, and long-term, negative visual effects of 'Slight' significance for construction and operational phases.

The proposed underground electrical cabling routes will be laid underground and therefore have been identified as comprising temporary construction effects but imperceptible operational effects. Due to the underground nature of these elements, the entirety of the cable will not be visible. Once backfilling and revegetation have been applied further to construction works, no landscape and visual effects are likely to occur. Access roads pertaining to the 110kV underground cabling were deemed to have a shortterm, negative visual and landscape effects of 'Slight' significance for the construction phase, and a longterm, 'Slight' negative impact during operational phase.

The proposed borrow pit and permitted borrow pit extension will be a temporary feature in the landscape, comprising short-term, negative landscape and visual effects of 'Slight' significance during the construction phase. Once backfilling and revegetation has occurred further to construction works, no landscape and visual effects are likely to occur.

The access road and temporary access road to be carried out in the western portion of the site will be highly localised and will be mostly imperceptible. The works will only be perceived within the forestry and immediate surrounds. The road works have been identified as comprising no significant landscape and visual effects as these works will take place within mature forestry of low sensitivity in a private domain.

The lack of highly sensitive landscape and visual receptors, the likely limited visibility of the Proposed Development within the landscape and the strategic siting of infrastructure will mitigate any potential for significant landscape and visual effects. As such, it is considered that the Proposed Development is in accordance with the provisions of the Cork and Kerry County Development Plans and no reason exists that would warrant a refusal of the planning application.

6. SUMMARY AND CONCLUSION

This planning report draws on and adds to the assessment presented within the planning application detail presented. It is held that the Proposed Development is in line with the planning policy provisions of the Development Plans and guidance of both County Kerry and County Cork, and established national and regional planning policy in respect of the facilitation of renewable energy generation. The Proposed Development will directly facilitate the electrification of the Permitted Knocknamork Renewable Energy Development (Pl. Ref: 19/4972)), granted planning permission by Cork County Council on the 02nd of January 2021. There is no matter arising which would warrant a refusal of any of the three planning applications as lodged, and as such it is respectfully requested that the planning application which is with Kerry County Council, Cork County Council and An Bord Pleanála, is granted planning permission.

APPENDIX 1

GRANT OF PERMISSION REF: 19/4972

C O R K C O U N T Y C O U N C I L
Planning & Development Acts 2000 – 2010 as amended

Knocknamork Ltd
C/O J. Green
MKO
Tuam Road
Galway

Planning Register No: 19/04972

Application by: Knocknamork Ltd

Of: C/O J. Green, MKO, Tuam Road, Galway

On: 18/04/2019, as amended on 25/09/2019

For: Renewable energy development consisting of the provision of a 7 turbine wind farm, solar photovoltaic array, electricity substation, battery storage compound and all associated works consisting of the following: - i. Up to 7 wind turbines with an overall blade tip height of up to 150 metres and all associated foundations and hard-standing areas; ii. Up to 70,000sq.m solar photovoltaic array, with up to 17 associated inverters and 2 no. control cabins; iii. 1 no. borrow pit; iv. 1 No. permanent meteorological mast with a maximum height of up to 100 meters; v. Upgrade of existing and provision of new site access roads; vi. 1 no. 38kV electrical substation with 1 no. control building with welfare facilities, associated electrical plant and equipment security fencing and waste water holding tank; vii battery storage compound accommodating 4 no. battery storage containers, security fencing, and associated electrical plant and equipment; viii. forestry felling; ix. 1 no. temporary construction compound; x. Site drainage; xi. all associated internal underground cabling; xii. 38kV underground grid connection cabling; xiii. all associated site development and ancillary works.
The proposed development will have an operational life of 30 years from the date of commissioning of the development and the application seeks a ten year planning permission. An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) have been prepared in respect of the proposed development.

At: Slievereagh and Coomnaclohy, Ballyvourney, Co. Cork

Further to Notice dated the 18/11/2019 Cork County Council hereby conveys a grant of **Permission** for the application described above subject to the conditions set out in the schedule attached to the said Notice dated 18/11/2019 of its intention to grant **Permission**

Signed on behalf of Cork County Council

Caitriona Ni Mhainnin
DATE: 02/01/2020

NOTE FOR GUIDANCE OF DEVELOPERS

A grant of Planning Permission or Permission Consequent on the grant of Outline Permission does NOT of itself empower a person to carry out a development unless that person is otherwise legally entitled to do so. Unless otherwise stated or unless it is revoked a Permission or Permission Consequent on the Grant of Outline Permission is valid for a period of five years.

Any development which takes place prior to the payment of a financial contribution required by any of the conditions attached to a Permission or Permission Consequent on the grant of Outline Permission will be unauthorized until compliance with the condition or conditions.

Please note that there is an onus on developers to ensure that there is no danger to the public as a result of the proposed development.

Knocknamork Ltd
C/O J. Green
MKO
Tuam Road
Galway

02/01/2020

Re: ***Renewable energy development consisting of the provision of a 7 turbine wind farm, solar photovoltaic array, electricity substation, battery storage compound and all associated works consisting of the following: - i. Up to 7 wind turbines with an overall blade tip height of up to 150 metres and all associated foundations and hard-standing areas; ii. Up to 70,000sq.m solar photovoltaic array, with up to 17 associated inverters and 2 no. control cabins; iii. 1 no. borrow pit; iv. 1 No. permanent meteorological mast with a maximum height of up to 100 meters; v. Upgrade of existing and provision of new site access roads; vi. 1 no. 38kV electrical substation with 1 no. control building with welfare facilities, associated electrical plant and equipment security fencing and waste water holding tank; vii battery storage compound accommodating 4 no. battery storage containers, security fencing, and associated electrical plant and equipment; viii. forestry felling; ix. 1 no. temporary construction compound; x. Site drainage; xi. all associated internal underground cabling; xii. 38kV underground grid connection cabling; xiii. all associated site development and ancillary works.***
The proposed development will have an operational life of 30 years from the date of commissioning of the development and the application seeks a ten year planning permission. An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) have been prepared in respect of the proposed development.
At: ***Slievereagh and Coomnaclohy, Ballyvourney, Co. Cork***
Reg. No. 19/04972

A Chara,

I enclose grant of **Permission** in connection with the above.

Your attention is drawn to Condition Nos. 45 & 46 of the **Permission**, which require that before any work commences on the site, you pay financial contributions and/or a bond to the Council. Otherwise, the **Permission** granted is of no effect.

It should be noted that the amount of the contribution is calculated in accordance with the Council's Development Contributions Scheme.

Please note that payment of development contributions by CASH or CREDIT CARD may only be made at the PAYMENTS OFFICE, COUNTY HALL. Payment by CHEQUE *(non-business customers only)*/BANK DRAFT etc. can be accepted at Planning Department, County Hall, Carrigrohane Road, Cork.

Is mise, le meas,

Caitriona Ni Mhainnin
Administrative Officer

Important Notice for Developers – Conditions Precedent

The enclosed grant of permission may not automatically entitle you to commence the authorised development. This is because many permissions contain "Conditions Precedent" i.e. conditions which must be complied with before development commences. (Such conditions usually contain the phrase 'before development commences' and may require further details to be submitted to and agreed with the Planning Authority). If there are such conditions on your permission please read on.

1) **Early Submission Of Details**

   Where compliance proposals are required by condition you should make them as far in advance of your anticipated commencement date as possible. This is to enable adequate time for the Planning Authority to consider and, when satisfactory, agree the details. Such proposals may need to be revised before agreement can be reached or, in the absence of agreement, may need to be referred to An Bord Pleanala. These potential delays to starting a development can be mitigated by early submission of proposals in the first instance.

   These is no statutory timeframe for responding to such compliance proposals and on an ongoing basis the Planning Authority will be dealing with other priorities including current Planning Applications with statutory decision deadlines. **Therefore, submit as early as possible and do not commence development until agreement of the Planning Authority has issued in writing.**

2) **Development Commenced In Advance of Compliance Proposals/Agreements**

   Any development commenced in advance of full compliance with such conditions (including conditions requiring financial contributions, bonds, securities) is unauthorised and leaves a developer liable to **enforcement proceeding** and **heavy penalties**. Simply submitting a proposal may not in itself be sufficient compliance if the condition also requires the Agreement/Approval of the Planning Authority. This will also apply where the Planning Authority becomes aware that a development is about to start (e.g. Commencement Notice) and conditions precedent have not been complied with.

3) **Submission Should Be Addressed As Follows:**

   Compliance with Conditions
   Planning Department, County Hall, Carrigrohane Road, Cork.

The above information is intended for your assistance and guidance in avoiding a situation of unauthorised development and the Planning Authority wishes you every success with the development.

APPENDIX 2

INDIVIDUAL APPLICATION SITE BOUNDARIES

Drawing Legend

- Application Boundary Cork County Council
- Application Boundary Kerry County Council
- Application Boundary An Bord Pleanala

N

DRAWING TITLE:

Location Context Map

PROJECT TITLE:

Knocknamork Grid Connection Infrastructure, Co. Cork

DRAWING BY: Joseph O Brien	CHECKED BY: Meabhann Crowe
PROJECT No.: 210732	DRAWING No.: 210732 - 01
SCALE: 1:50,000 @ A3	DATE: 26.07.2022

OS SHEET No.: 6135, 6136, 6137, 6182, 6183, 6184, 6230, 6231, 6232

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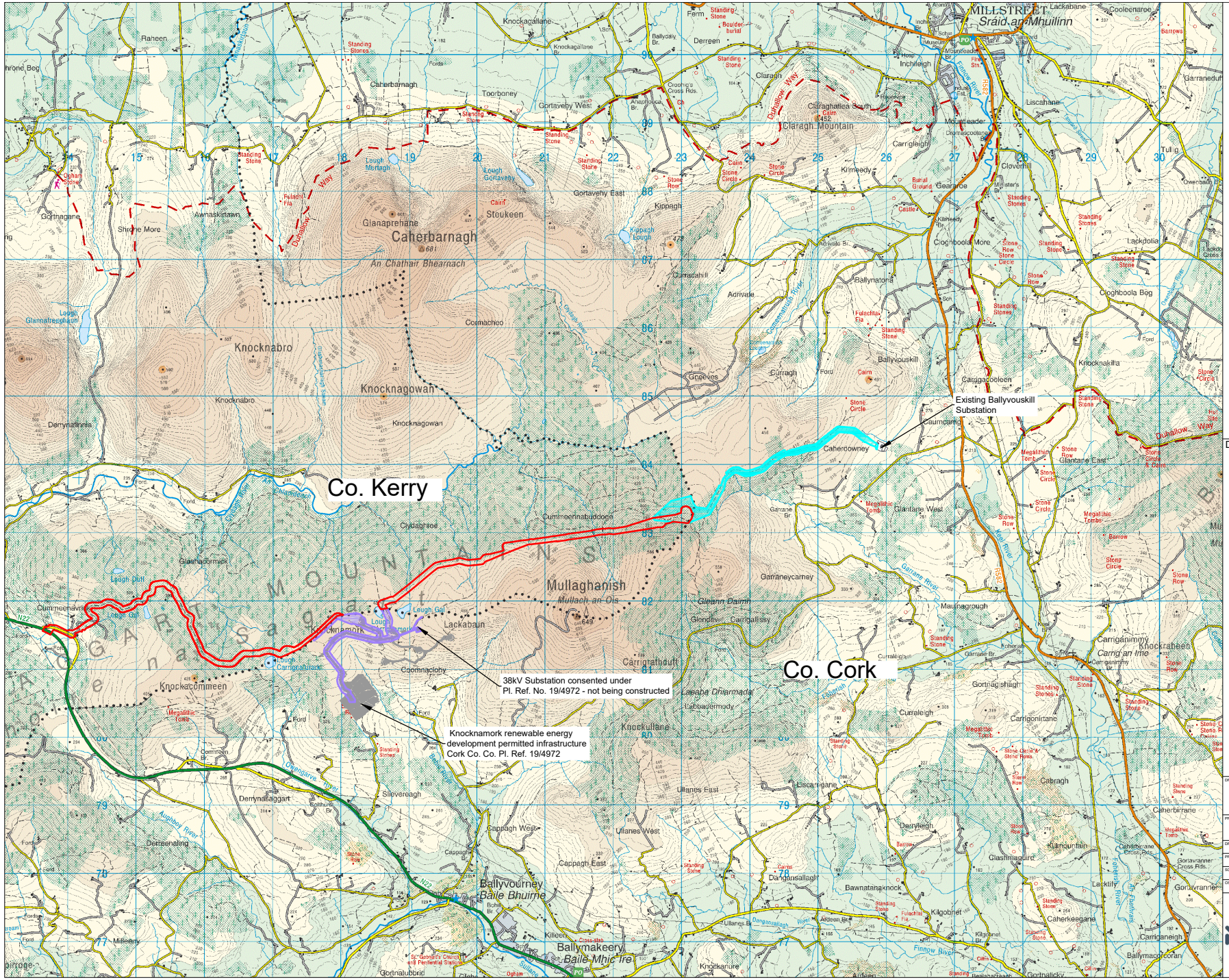
Website: www.mkoireland.ie



Drawing Legend

- Application Boundary Kerry County Council
- Application Boundary Cork County Council
- Application Boundary An Bord Pleanala

DRAWING TITLE:

Location Context Map

PROJECT TITLE:
Knocknamork Grid Connection Infrastructure, Co. Kerry

DRAWING BY: Joseph O Brien	CHECKED BY: Meabhann Crowe
PROJECT No.: 210732	DRAWING No.: 210732 - 01
SCALE: 1:50,000 @ A3	DATE: 26.07.2022
OS SHEET No.: 6135, 6136, 6137, 6182, 6183, 6184, 6230, 6231, 6232	

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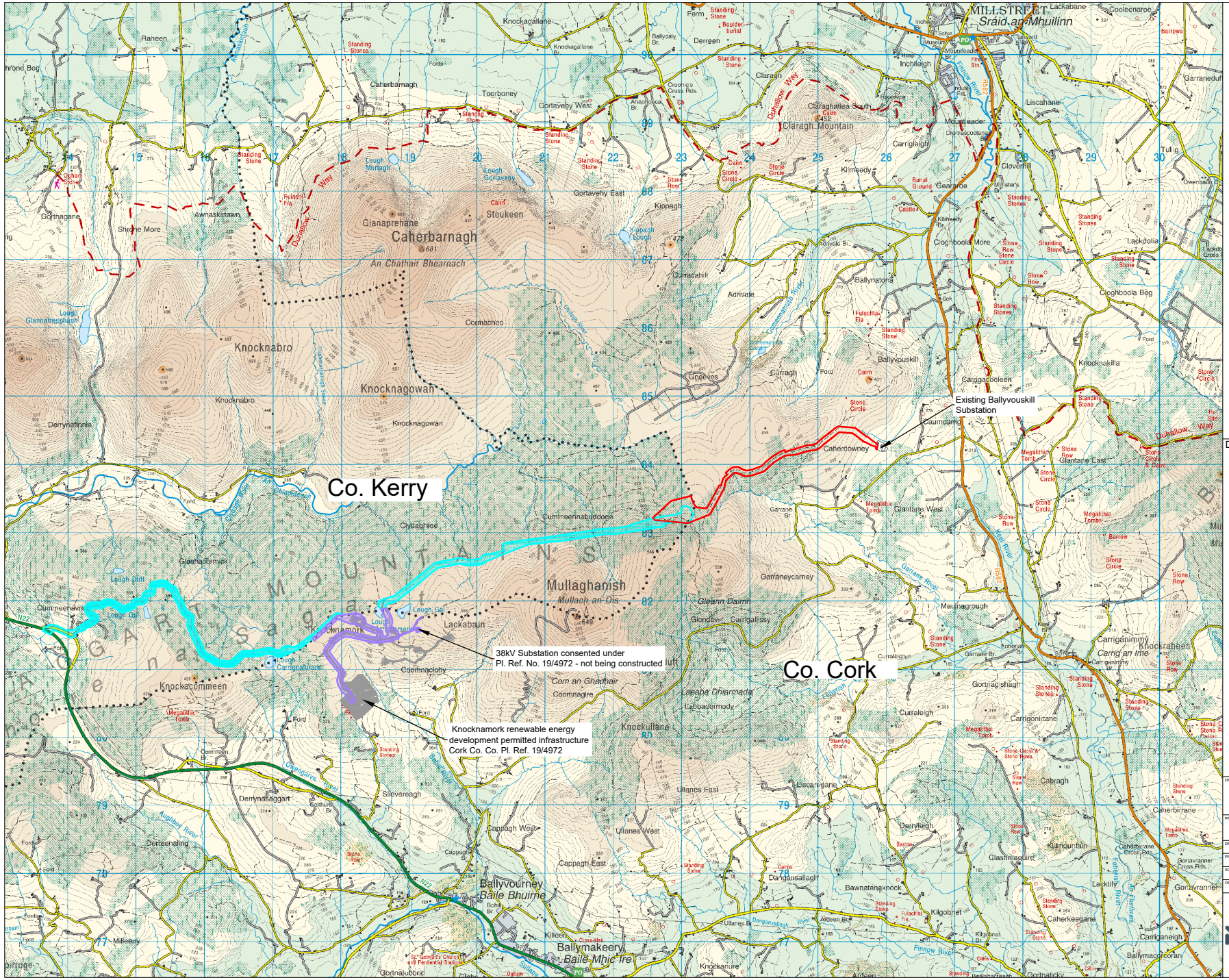

DRAWING TITLE:

Location Context Map

PROJECT TITLE:

Knocknamork Grid Connection Infrastructure, An Bord Pleanala

DRAWING BY: Joseph O Brien	CHECKED BY: Meabhann Crowe
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APPENDIX 3

ABP A182 OPINION

Our Case Number: ABP-312249-21

Your Ref: Knocknamork Ltd

An Bord Pleanála

Meabhann Crowe
MKO
Tuam Road
Galway
Co. Galway
H91 VW84

Date: 15th June 2022

Re: Development of a 110kV substation and provision of electrical connection to the national grid. Ballyvourney, Co. Cork

Dear Madam,

Please be advised that following consultations under section 182E of the Planning and Development Act, 2000, as amended, the Board hereby serves notice that it is of the opinion that the proposed development falls within the scope of section 182A of the Planning and Development Act, 2000 as amended. Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 182A of the Planning and Development Act, 2000, as amended. Any application for approval for the proposed development must therefore be made directly to An Bord Pleanála under section 182A(1) of the Act.

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed.

In accordance with section 146(5) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

Please note as only one pre application meeting took place, a fee refund in the amount of €3,500 will follow under separate cover.

If you have any queries in relation to the matter, please contact the undersigned officer of the Board.

Teil / Glao Áitiúil / Facs / Láithreán Gréasáin / Ríomhphost
Tel / LoCall / Fax / Website / Email
(01) 858 8100 / 1890 275 175 / (01) 872 2684 / www.pleanala.ie / bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Kieran Somers
Executive Officer
Direct Line: 01-873 7250

VC11

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Glao Áitiúil	**LoCall**	1890 275 175
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ABP-312249-21 List of Prescribed Bodies

- Cork County Council
- Kerry County Council
- Minister for the Environment, Heritage and Local Government
- Minister for Communications, Marine and Natural Resources
- Transport Infrastructure Ireland
- Commission for Regulation of Utilities, Water and Energy
- Irish Water
- The Heritage Council
- An Taisce
- An Chomhairle Ealaion
- Failte Ireland
- Inland Fisheries Ireland

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(7) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

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