

An  
Bord  
Pleanála



**Board Order**  
**ABP-305790-19**

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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 19/00010**

**Appeal** by Ian Collins care of Maulakieve, Bantry, County Cork against the decision made on the 30<sup>th</sup> day of September, 2019 by Cork County Council to grant subject to conditions a permission to The Electricity Supply Board (ESB) care of ESB International of One Dublin Airport Central, Dublin Airport, Cloghran, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The installation of approximately 3.2 kilometres of underground cable ducting and associated electrical cabling, approximately 1.2 kilometres of overhead line supported on wood polesets, and all other ancillary works including joint bays, culverts, marker posts and all associated developments. The works, which will take place at six separate locations along the 14 kilometre grid connection route, are required to complete the grid connection from Derreenacrinnig West Windfarm to the ESB Ballylickey substation. An Environmental Impact Assessment Report (EIAR) has been prepared and will be submitted to the authority with the application. Advisory Note: The full extent of the grid connection is approximately 14 kilometres. The remaining 9.6 kilometres has already been installed and is the subject of

an application for leave to apply for substitute consent to An Bord Pleanála Reference 302837-18, all within the townlands of Derreenacrinnig West, Barnagowlane West, Glanareagh, Gortnacowly, Ards Beg, Ardrah, Laharanshermeen, Maulraha, Maulikeeve, Derryarkane, Cappanaboul, Skahanagh More, Shandrum Beg, Shandrum More, Dromloughlin, Ballylicky, Crossoge, County Cork as amended by the revised public notices received by the planning authority on the 16<sup>th</sup> day of May, 2019 and the 6<sup>th</sup> day of August, 2019.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

Having regard to:

- (a) national policy with regard to the development of sustainable energy sources,
- (b) the Wind Energy Development Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June 2006,
- (c) the provisions as set out in the current Cork County Development Plan, including those regarding renewable energy development, in particular Objectives ED 1-1, ED 6-1 and ED 6-2,
- (d) the location in an area not subject to designations for scenic amenity or natural heritage protection,
- (e) the pattern of development in the area (including the separation distance to dwellings) and the pattern of permitted development in the area,
- (f) the limited scale of the proposed development,
- (g) the submissions on file, and
- (h) the report of the Inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or of property in the vicinity, would not have an unacceptable impact on the landscape character of the area, would not be detrimental to the natural heritage or cultural heritage of the area, and would otherwise be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the site's conservation objectives, and a Stage 2 Appropriate Assessment and submission of a Natura impact statement is not, therefore, required.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the planning application,
- (c) the submissions received from the planning authority and others in the course of the application, and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers the proposed development and also adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report, associated documentation submitted by the applicant and submissions made in the course of the application.

The Board considered and agreed with the Inspector's reasoned conclusions, that the proposed development is not likely to have significant effects on the environment.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In this regard, the Board adopted the report and conclusions of the Inspector.

### **Proper Planning and Sustainable Development**

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European energy policy, the National Planning Framework and the Cork County Development Plan 2014 and would:

- (a) make a positive contribution to Ireland's national strategic policy on renewable energy and its move to a low energy carbon future, and
- (b) have an acceptable impact on the environment and on the amenities of the area.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information received by the planning authority on the 2<sup>nd</sup> day of May, 2019 and the 26<sup>th</sup> day July, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

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

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

3. Prior to commencement of development, the developer shall submit a revised Construction Environmental Management Plan for the written agreement of the planning authority. The agreed plan shall include detailed method statements for works within sensitive habitats, programmes for water quality and ecological monitoring and supervision, and method statements for habitat reinstatement.

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

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

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

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

5. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

**Reason:** In the interest of public health.

6. No alterations to the footpath or public road shall be made without the prior agreement of the planning authority.

**Reason:** In the interest of traffic safety.

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

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

8. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of such agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of traffic safety and the proper planning and sustainable development of the area.

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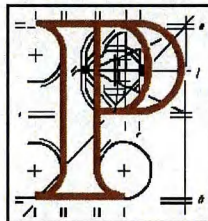
**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board**

**Dated this            day of            2020**

# **An Bord Pleanála**



## **Inspector's Report**

**Development:** Derrenacrinnig West Windfarm grid connection, Ballylickey, County Cork

**Planning Authority:** Cork County Council

**Applicant:** Electricity Supply Board

**Application Type:** Application for Substitute Consent

**Date of Site Inspection:** 4<sup>th</sup> March, 2020

**Inspector:** Kevin Moore

## **1.0 Introduction**

- 1.1 This application is for substitute consent for a windfarm grid connection between Derreenacrinnig West Windfarm and Ballylicky in County Cork.
- 1.2 A decision was issued by An Bord Pleanála on 23<sup>rd</sup> May 2019 under ABP-302837-18 granting leave to apply for substitute consent under section 177D of the Planning and Development Act 2000, as amended, for the development of a grid connection circuit between Derreenacrinnig West Windfarm and Ballylicky ESB substation. The Board determined that the development is one where an environmental impact assessment is required. The current application for substitute consent includes a remedial Environmental Impact Assessment Report.

## **2.0 Site Location and Description**

- 2.1 The substitute consent site area site is a linear site that links a substation that will serve an authorised windfarm of 7 turbines at Derreenacrinnig West c. 5.8km to the north of Drimoleague for a distance of approx. 14 km westward connecting to the existing ESB 110kV substation at Ballylickey. Development of the windfarm commenced in August 2017 and is partially constructed. The windfarm is proposed to be connected to the national grid by way of a medium voltage 20kV circuit. The circuit, which is partially constructed, is designed as part overhead line (OHL) and part underground cable (UGC). The application relates to that section of the circuit which has already been constructed and comprises OHL only. The sections constructed are delineated on the plans accompanying the application. The overhead line is mounted on single wooden pole sets.
- 2.2 Commencing at the windfarm the route travels uphill across an area of blanket bog and wet heath at Derreenacrinnig West. The route then descends and cuts through commercial forestry and unenclosed grazing areas. It travels westwards along the Mealagh River valley characterised by improved pasture and wet

grassland. It crosses the Mealagh River c. 1km southeast of Ardrah Bridge. It rises up the north side of the valley then descends towards Shandrum across improved and unimproved grassland with occasional areas of heath and commercial forestry. Between Shandrum and Ballylickey substation the route is characterised by improved grassland. Dispersed housing is noted along the local road network.

- 2.3 The overhead line traverses the following townlands – Derreenacrinnig West, Gortnacowly, Barnagowlane West, Glanareagh, Ardrah, Laharanshermeen, Maularaha, Maulikeeve, Derrtarkane, Cappanaboul, Shandrum More, Dromclarig, Gortroe, Crossoge, and Ballylicky.

### **3.0 Proposed Development**

- 3.1 It is proposed to seek substitute consent to retain grid connection works that have been carried out. The OHL to which the application refers is in five sections equating to a distance of approx. 9.7km. The c.140 wood poles, ranging from 9m to 12.5m over ground level, support 20kV electrical conductor lines.
- 3.2 An application was been made to Cork County Council for permission under ref. 19/10 for the remaining sections which entail:
- Overhead line for a distance of 1.2 km
  - Underground cabling for a distance of 3.2 km

This application is now subject to appeal under ABP-305790-19.

- 3.3 Details submitted with the current application include a Planning Report and an Environmental Impact Assessment Report (EIAR).

## **4.0 Planning History**

### ***ABP Ref. PL88.239767 (P.A. Ref. 10/857)***

Permission granted on appeal in December 2012 for a wind farm comprising of 7 turbines, an electrical compound and sub-station and all related electrical equipment subject to 29 conditions.

### ***P.A. Ref. D/19/15***

Section 5 declaration by Cork County Council on 01/12/15 that works at Ballylickey 110kV substation are exempted development.

### ***P.A. Ref. D/10/17***

Section 5 declaration by Cork County Council on 05/04/17 that the installation of a switching station at the consented wind farm development is not exempted development.

### ***P.A. Ref. D/13/17***

Section 5 declaration by Cork County Council on 07/04/17 that proposed 20kV connection from the permitted Derreenacrinig West wind farm to the existing 110kV substation at Ballylickey is not exempted development.

### ***P.A. Ref. D/25/17***

Section 5 declaration request regarding the proposed 20kV connection was withdrawn 03/07/17.

### ***P.A. Ref. D/41/17***

Section 5 declaration request for the reconfiguration and modification of access track for the development of the windfarm was withdrawn 16/01/18.

Warning letter issued from Cork County Council on 03/05/18 stating that an unauthorised 20kV electrical connection between the windfarm and the existing substation at Ballylickey may have been, is being, or may be carried out.

**ABP-302837-18**

The Board granted leave to apply for substitute consent, under section 177D of the Planning and Development Act 2000, as amended, for the development of a grid connection circuit between Derreenacrinnig West Windfarm and Ballylicky ESB substation. This related to the constructed overhead line sections of the grid connection and the subject of the current application for substitute consent.

**ABP-305790-19 (P.A. Ref. 19/10)**

An application lodged with Cork County Council for permission for the remaining overhead and underground sections to connect the permitted windfarm to the Ballylickey 110kV substation. This application is now subject to appeal.

## **5.0 Submissions**

- 5.1 Cork County Council set out details relating to the planning history associated with the overall windfarm development and planning policy. It was submitted that the development would not have a significant impact on any European sites. The anticipated effects on the local environment were itemised. It was further submitted that water management issues could be addressed by way of condition. It is concluded that the grid connection is in accordance with the proper planning and sustainable development of the area and two conditions are recommended to be attached with the grant of substitute consent.
- 5.2 A separate report from the Divisional Manager (West) of the Council concluded that the grid connection forms part of the essential infrastructure of the permitted windfarm, is supported by national, regional and local policy, and is in accordance with the proper planning and sustainable development of the area.

## **6.0 Appropriate Assessment**

- 6.1 I note that the applicant submitted a Screening Report for Appropriate Assessment in the application to the Board for leave to apply for substitute consent for the existing overhead line sections of the grid connection under ABP-302837-18. The Board considered this report and carried out an appropriate assessment screening exercise in relation to potential effects of the proposed development on European sites. The Board considered that, given the nature of the development, the lack of a hydrological link to the Derryclogher (Knockboy) Bog Special Area of Conservation (Site Code: 001873) and the Caha Mountains Special Area of Conservation (Site Code: 000093) and the separation distances to the Special Areas of Conservation that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives.
- 6.2 I note that the applicant submitted as Appendix C of its remedial EIAR two Screenings for Appropriate Assessment. The first related specifically to the application for substitute consent. This assessment concluded that the project alone, or in-combination with other projects will not have any significant direct or indirect adverse impacts on Glengarriff Harbour and Woodland SAC, Derryclogher (Knockboy) Bog SAC and Caha Mountains SAC and that a Stage 2 Appropriate Assessment is not considered necessary. The second Screening for Appropriate Assessment considered the overall development, namely the windfarm development itself, the completed sections of grid connection the subject of this application and the sections of the grid connection the subject of Appeal Ref. ABP-305790-19. The applicant's assessment concluded that no significant adverse effects directly or indirectly will occur on the integrity of Natura 2000 sites as a result of the proposed construction and operation of the works and it was not necessary to carry out a Stage 2 Appropriate Assessment.
- 6.3 My considerations on appropriate assessment are as follows:

- The Board will note that the proposed development is not directly connected with or necessary to the management of any European Site.
- The Board will also note that the proposed development would not traverse any European site nor be on, in or close to any such site.
- The nearest European Sites relevant to the grid connection proposal are Derryclogher (Knockboy) Bog SAC (Site Code 001873), the Bandon River Special Area of Conservation (Site Code: 002171), the Caha Mountains Special Area of Conservation (Site Code: 000093), and Glengarriff Harbour and Woodland SAC (Site Code: 000090).
- The above referenced European sites are distant from the grid connection corridor, located to the east at Dunmanway, north-west at and to the north of Coomhola Mountain, and west at Glengarriff.
- The potential sources of impact arising from the proposal are hydrological, arising from the potential construction impacts on watercourses.
- There is no known hydrological pathway directly connecting the grid corridor to the above referenced European sites.

6.4 It is reasonable to conclude that on the basis of the available information, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

## 7.0 Environmental Impact Assessment

### 7.1 Introduction

- 7.1.1 I note that the Board completed an environmental impact assessment of the windfarm development under Appeal Ref. PL 88. 239767. In the Board Order it was stated:

*The Board considered that the environmental impacts of the proposed development are acceptable and, subject to compliance with the mitigation measures set out in the environmental impact statement and as conditioned by the Board, the proposed development would not have unacceptable adverse effects on the environment.*

- 7.1.2 I note that the applicant in the current application has sought to address the overall windfarm development in its submitted EIAR, while making discernible reference to the grid connection in its examination of environmental impacts to allow an assessment of that component within the context of the overall project. I consider this to be a reasonable approach to allow for a comprehensive assessment of environmental impacts. I further note that the consideration of environmental impacts in the EIAR has also included the impacts arising from a 'Do Nothing' scenario.
- 7.1.3 It is intended in this assessment to consider the development the subject of the grid connection and to assess the cumulative impacts of that with the development of the windfarm.
- 7.1.4 This application falls under Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment (i.e. the 2014 EIA Directive). I have examined the information presented by the applicant, including the EIAR, further information and clarification, and the submissions made during the course of the appeal. I have considered whether the information contained in the EIAR and the supplementary information provided by the applicant to date in the application process adequately identifies and describes

the direct and indirect effects of the proposed development on the environment and complies with relevant legislative provisions.

- 7.1.5 I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality to allow consideration as to whether the information contained in the EIAR and any supplementary information provided by the applicant adequately identifies and describes the direct, indirect and cumulative effects of the proposed development and complies with article 94 of the Planning and Development Regulations 2000, as amended.

## 7.2 Alternatives

- 7.2.1 I note the *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment* issued by the Department of Housing, Planning and Local Government in August 2018. I further note that the purpose of these Guidelines is to give practical guidance on procedural issues and the EIA process arising from the requirements of Directive 2014/52/EU and to assist with the achievement of a consistency of approach in the implementation of the Directive. On the issue of 'Reasonable Alternatives', the following may be ascertained:

- An EIAR is required to include a description of the reasonable alternatives studied by a developer, which are relevant to the project and its specific characteristics, and is required to give an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment.
- Reasonable alternatives may include the project design, technology applied, location, layout, size and scale of a proposed development.
- It is generally sufficient for the developer to provide a broad description of each main alternative studied and the key environmental issues

associated with each. There is no requirement to carry out a 'mini-EIA' of the alternatives considered.

7.2.2 Further to the above, it may reasonably be determined that, in addressing the issue of alternatives, an outline of the 'Do-Nothing scenario', i.e. the likely evolution of the current state of the environment without implementing the project, can form part the consideration of alternatives.

7.2.3 In addressing the issue of alternatives, I first note the circumstances that have led to the making of two applications for the grid connection. I note that since the decision by the Board on the windfarm itself, Court judgements have led to determinations that grid connections cannot be separated from the planning assessment process for windfarm development where such development is subject to environmental impact assessment. Such judgements were made after the applicant commenced works on the grid connection in this instance, with the understanding that it could avail of exempted development provisions for the delivery of the grid connection. This has led to the need to seek substitute consent for the completed works and the need for planning permission for the remaining outstanding works. Therefore, the outcome arising in this particular circumstance was that, by the time applications for permissions were being made, the developer had permission for a windfarm, a substation for connectivity to the national grid had been selected at Ballylickey, and 9.7km of 14.1km (i.e. almost 70%) of a grid connection had been developed. I put it to the Board that the scope for moving on in this application to engage in a comprehensive examination of alternatives was extremely limited by this stage.

7.2.4 In seeking to address this issue in the substitute consent application process to date, I note that the applicant submitted an EIAR and within that, under Section 2.13, site selection and examination of alternatives were addressed. The applicant submitted therein that the application to which this EIAR relates is an application for permission for modifications to the 2012 permission for the windfarm and explained that the site selection process for the windfarm had been

examined in that earlier application. It was acknowledged that the grid connection route was not considered in its earlier 2010 EIS. It is referenced that Ballylickey substation was chosen as being the most favourable electricity node to connect into and a connection offer was made by ESBN to the windfarm development on this basis. The EIAR refers to three options for routing that were examined and it was concluded that the proposed route was chosen to give ample buffer to designated areas, archaeological features and visual amenities.

7.2.5 I am satisfied to conclude that the applicant has undertaken the assessment of alternatives to an extent that is acceptable at this stage. The consideration of alternatives broadly described each alternative route that was a reasonable alternative option for the routing and each was relevant to the project. It described the main reasons for the selection of the route chosen, taking into account the effects on the environment. It also examined the 'Do Nothing' scenario. In terms of meeting with requirements on the examination of alternatives, it is reasonable to determine that the examination / assessment process undertaken by the applicant met with Guideline requirements and it was in keeping with the spirit of the Directive, in my opinion.

### **7.3 Population and Human Health**

7.3.1 The 9.7km overhead line that has been developed as part of the grid connection to date has had no known negative effects in relation to employment, settlement patterns, population (and the health of this population), health and safety, economic activity or tourism.

7.3.2 Reduced greenhouse gas emissions arising from the development and functioning of the windfarm, which the grid connection seeks to facilitate, can reasonably be understood to have positive impacts on the wider population and human health. There would be no known negative cumulative effects on population and human health with the permitted windfarm development and the

proposed remaining sections of grid connection associated with the application now subject to appeal under ABP-305790-19.

#### **7.4 Biodiversity**

7.4.1 The corridor in which the grid connection has been / is proposed to be developed is not on, in or near any European site. The Board, in determining that permission be granted for leave to apply for substitute consent, considered the applicant's Screening Report for Appropriate Assessment and carried out an appropriate assessment screening exercise in relation to potential effects of the proposed development on European sites. The Board considered that the development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives. My overall considerations on appropriate assessment have been set out earlier.

7.4.2 I acknowledge that the siting of the 20kV wooden poles for the overhead line has likely resulted in a loss of a small amount of peatland and improved agricultural lands over its 9.7km length along with the felling of small sections of vegetation to create a suitable corridor to route the overhead line. The routing includes one crossing of the Mealagh River at Ards Beg at the eastern end of the corridor, otherwise only smaller waterbodies are traversed. This crossing has been completed by the existing overhead line that has been constructed. I note that all other watercourses are also oversailed by overhead lines. The provision of the overhead line appears to have had a negligible impact on biodiversity. The operational phase of the grid connection would have no additional impacts on biodiversity. I note that Sections 5.26-5.30 of the EIAR set out mitigation measures proposed to be employed at the construction and operational phases for both the wind farm and grid connection. These are reasonable best practice measures to minimise potential impacts on biodiversity during the different phases of the development.

7.4.3 In conclusion, it is reasonable to determine that the proposed development would not have any known significant cumulative effect on existing habitats in itself or with the windfarm development and/or the proposed remaining sections of grid connection associated with the application now subject to appeal under ABP-305790-19.

## 7.5 Land and Soils

7.5.1 With the application of construction drainage design measures, there have been no known significant negative impacts on soils and geology arising from the construction of the grid connection to date. These detailed mitigation measures are set out in Section 6.10 of the applicant's EIAR for the overall development. There has been minimal land take for the provision of the overhead line. The implications for established land uses could not be construed as having been significant. The functioning of the grid connection would have no known significant impacts on land and soils. There would be no known negative cumulative effects on land and soils associated with the permitted windfarm development and the proposed remaining sections of grid connection associated with the application now subject to appeal under ABP-305790-19.

## 7.6 Water

7.6.1 The proposed grid connection corridor passes through three separate water catchments – the Ilen, Meelagh and Owvane river catchments. Grid connection crossings of watercourses are, and would be, via overhead line, with poles at least 25 metres away from watercourses. With the application of construction drainage design measures, inclusive of comprehensive measures relating to control of the release of suspended solids and sediments during excavation, there have been no known significant negative impacts on ground or surface waters arising from the construction of the wood poles associated with that part

of the grid connection that has been developed. The functioning of the grid connection would have no known impacts on water. There would not be any known significant cumulative effect on water with the windfarm development itself and the proposed remaining sections of grid connection associated with the application now subject to appeal under ABP-305790-19.

## **7.7 Air**

- 7.7.1 The construction of the wood poles and overhead line have had no known significant negative impacts on air for that part of the development associated with the grid connection that has been developed to date. The functioning of the grid connection would have no known impacts on air. There would not be any known significant cumulative effect on air, inclusive of dust, with the windfarm development itself and the proposed remaining sections of grid connection associated with the application now subject to appeal under ABP-305790-19.
- 7.7.2 The grid connection works to date have had no known significant negative impacts by way of noise or vibration. There would be no known noise impacts arising from the functioning of the grid connection. There would not be any known significant cumulative effect by way of noise with the windfarm development itself and the proposed remaining sections of grid connection associated with the application now subject to appeal under ABP-305790-19.

## **7.8 Climate**

- 7.8.1 The impacts of the grid connection, as part of a scheme to provide wind energy, would have positive effects on climate by reducing CO<sub>2</sub> emissions in the energy industry. The nature and siting of the development and the methodologies at construction stage, associated with the mitigation measures employed, should result in the proposed grid connection not being vulnerable to future climate

changes. The capacity to adapt to climate change effects is inherent in the design and siting of the grid connection.

## **7.9 Material Assets**

- 7.9.1 There are no known significant impacts on agriculture, natural resources, forestry, the road network, utilities, etc. arising from the construction of the wooden poles and the overhead line. The ground would be reinstated to its original use following the development of the grid connection. There would be no known significant impacts on material assets arising from the functioning of the grid connection. There would not be any known significant cumulative effects on material assets with the windfarm development itself and the proposed remaining sections of grid connection associated with the application now subject to appeal under ABP-305790-19.

## **7.10 Cultural Heritage**

- 7.10.1 The applicant examined the proposed development in the context of the overall windfarm development. While it is acknowledged that the constructed sections of the overhead line were not monitored by an archaeologist, it is noted that there has been no direct impacts on any archaeological monuments or cultural heritage sites arising from the construction of the wood poles and the overhead line. Archaeological monitoring of works coming in close proximity to any archaeological monuments is proposed for the remaining section of grid connection to be developed. There would be no known significant impacts on cultural heritage arising from the functioning of the grid connection. There would not be any known significant cumulative effects on cultural heritage with the windfarm development itself and the proposed remaining sections of grid connection associated with the application now subject to appeal under ABP-305790-19.

## **7.11 Landscape**

7.11.1 Due to the undulating topography of the area across which the grid connection traverses, the nature and scale of the wood poles and overhead lines, the existence of electricity and telephone lines within the wider landscape, and the range of other land uses within and adjoining the corridor for the grid connection, inclusive of forestry and houses, it can be determined that the landscape in which the grid connection has been developed is one that is varied, is continually evolving and one in which the grid connection development would not be incongruent. The grid connection works have had no known significant negative impacts on landscape or by way of visual impact. There would be no known significant landscape or visual impacts arising from the functioning of the grid connection. I note the westernmost section of the route is within an area designated in the Cork County Development Plan as being of 'High Landscape Value'. However, the context in which the route is set must be understood, notably with the existence of electricity lines, housing and vegetation. There would not be any known significant cumulative landscape or visual effects with the windfarm development itself and the proposed remaining sections of grid connection associated with the application now subject to appeal under ABP-305790-19.

## **7.12 Major Accidents**

7.12.1 Section 4.3.3 and 4.4.5 of the EIAR addressed the issue of major accidents and the health and safety consequences, identifying potential risks to personnel and to infrastructure, the effects of weather, and vulnerability to climate change for the overall project. All reasonable potential major accidents arising from the overall windfarm development have been examined in the applicant's EIAR and mitigation to avoid accidents and disasters are proposed as part of the overall project. Compliance with health and safety guidance and best practice in

construction methodologies and use of established maintenance procedures should culminate in the grid connection posing no potential significant major accident threat to the resident population or to infrastructure.

### **7.13 Interactions of the Foregoing**

7.13.1 It is noted from the above that no significant negative impacts are predicted to occur with the development of the grid connection associated with this application. Therefore, no significant negative impacts are predicted to occur by the interaction of any of the above considered topics. Significant cumulative or in-combination effects with the windfarm development itself and the proposed remaining sections of grid connection associated with the application now subject to appeal under ABP-305790-19 are not predicted to have, or be likely, to occur with the grid connection development the subject of this application.

### **7.14 Reasoned Conclusion**

7.14.1 Having regard to the nature and scale of the development, to the environmental information available in connection with the current application, including the EIAR and other information provided by the developer and the submission from the planning authority, it is concluded that the development which is the subject of the current application is not likely to have had significant effects on the environment, either directly or indirectly or cumulatively with other developments including the permitted windfarm at Derreenacrinig West and the completion of the grid connection to it.

## **8.0 Policy Context**

8.1 I note the following policies from Cork County Development Plan 2014 that are applicable to development the nature of the application before the Board:

**ED 1-1: Energy**

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

**ED 6-1: Electricity Network**

*Support and facilitate the sustainable development, upgrade and expansion of the electricity transmission grid, storage and distribution network infrastructure. Support the sustainable development of the grid including strategic energy corridors and distribution networks in the region to international standards. Facilitate where practical and feasible infrastructure connections to wind farms and other renewable energy sources subject to normal proper planning considerations.*

*Proposals for development which would be likely to have a significant effect on nature conservation sites and/or habitats or species of high conservation value will only be approved if 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.*

- 8.2 I also note the array of policies and objectives relating to landscape, ecology, archaeology, etc. in the County Development Plan. The grid connection associated with the functioning of the proposed windfarm does not contravene the relevant policies and objectives set out in the Plan.
- 8.3 I note that the windfarm at Derreenacrinning West was previously permitted by the Board in its decision under Appeal Ref. PL 88.239767, with regard being had in that decision to national policy relating to the development of sustainable energy sources. The grid connection is an integral part of the overall wind farm development and can only reasonably be viewed as being in accordance with such policy. Further to provisions at the local level, it is important to note the support for renewable energy at national and regional policy levels, and in particular the support of same in the National Planning Framework.

## **9.0 Recommendation**

- 9.1 I recommend that the Board grants permission in accordance with the following reasons, considerations and conditions.

## **10.0 Reasons and Considerations**

Having regard to:

- (a) national policy with regard to the development of sustainable energy sources,
- (b) the Wind Energy Development Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June, 2006,
- (c) the provisions as set out in the current Cork County Development Plan, including those regarding renewable energy development, in particular Objectives ED 1-1, ED 6-1, and ED 6-2,
- (d) the location in an area not subject to designations for scenic amenity or natural heritage protection,
- (e) the pattern of development in the area (including the separation distance to dwellings) and the pattern of permitted development in the area, and
- (f) the limited scale of the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development, would not seriously injure the visual amenities of the area or of property in the vicinity, would not have an unacceptable impact on the landscape character of the area, would not be detrimental to the natural heritage or cultural heritage of the area, and would otherwise be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the site's conservation objectives, and a Stage 2 Appropriate Assessment and submission of a Natura impact statement is not therefore, required.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- the nature, scale and extent of the proposed development,
- the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the planning application,
- the submissions from the planning authority in the course of the application, and
- the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers the proposed development and also adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Board considered and agreed with the Inspector's reasoned conclusions, that the proposed development is not likely to have significant effects on the environment.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In this regard, the Board adopted the report and conclusions of the Inspector.

### **Proper Planning and Sustainable Development**

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European energy policy, the National Planning Framework and the Cork County Development Plan 2014 and would:

- make a positive contribution to Ireland's national strategic policy on renewable energy and its move to a low energy carbon future, and
- have an acceptable impact on the environment and on the amenities of the area.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

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

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

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Kevin Moore

Senior Planning Inspector

12<sup>th</sup> March, 2020.