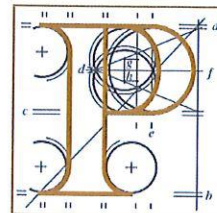


Our Case Number: ABP-307798-20

Your Reference: Eirgrid Plc



An
Bord
Pleanála

Mott MacDonald Ireland Limited
South Block
Rockfield
Dundrum
Dublin 16

| MOTT MacDONALD IRELAND LIMITED. | | | | | |
|---------------------------------|---|---|------------|------|------|
| Dept. | | | Serial No. | | |
| Job File | | | | | |
| Return To: | | | | | |
| Received 08 JUN 2021 | | | | | |
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Date: - 4 JUN 2021

Re: Proposed 400kV electricity transmission cables, extension to the existing Kilpaddoge Electrical Substation and associated works, between the existing Moneypoint 400kV Electrical Substation in the townland of Carrowdoita South County Clare and existing Kilpaddoge 220/110kV Electrical Substation in the townland of Kilpaddoge County Kerry. The development includes work in the foreshore. Townland of Carrowdotia South County Clare and Kilpaddoge County Kerry.

Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned case. A copy of the order is enclosed.

In accordance with section 146(3) of the Planning and Development Act, 2000 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. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website (www.pleanala.ie). 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.

If you have any queries in relation to the matter, please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

[Redacted Signature]

Executive Officer

Direct Line: 01- [Redacted]

VA18

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64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act, 2000, as amended

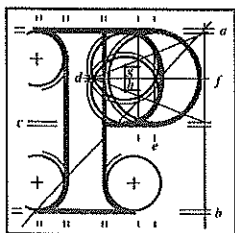
A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 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(6) 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.



An
Bord
Pleanála

Board Order ABP-307798-20

Planning and Development Acts, 2000 to 2020

Planning Authority: Clare County Council and Kerry County Council

Application for approval under section 182A(1) of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura impact statement, lodged with An Bord Pleanála on the 30th day of July, 2020 by Eirgrid plc care of Mott MacDonald Ireland Limited of South Block, Rockfield, Dundrum, Dublin.

Proposed Development:

A proposed electricity transmission infrastructure development and associated works (known as the 'Cross Shannon 400 kV Cable Project') generally comprising the laying of 400 kV underground cables (UGC) across the Lower Shannon Estuary, between the existing Moneypoint 400 kV Electricity Substation in the townland of Carrowdotia South Co. Clare and the existing Kilpaddoge 220/110 kV Electricity Substation in the townland of Kilpaddoge, Co. Kerry:

The proposed development comprises 3 main elements:

1. Connection of a 400 kV UGC installation at the Moneypoint 400 kV electricity substation (Co. Clare), including:
 - the laying of 3 no. 400 kV UGC [approx. 1.8 kilometres (km) each] between the existing Moneypoint 400 kV electricity substation and 3 no. land-submarine transition joint bays located east of the existing

Moneypoint Generation Station. The UGC will be installed by standard trenching and includes the provision of 3 no. joint bays along their length and the associated provision, upgrading and/or extension of existing internal access tracks to provide operational vehicular access,

- the provision of 4 no. land-submarine transition joint bays located east of the existing Moneypoint Generation Station to connect the land cables to submarine cables (this arrangement also includes a land-submarine transition joint bay for the spare submarine cable).
2. Laying of 400 kV submarine cables across the Lower Shannon Estuary, including:
- the laying of 4 no. 400 kV submarine cables (approx. 2.8 km each) from the proposed land-submarine transition bays located east of the existing Moneypoint Generation Station in Co. Clare across the Lower Shannon Estuary to the proposed 400 kV Air Insulated Switchgear (AIS) compound at the existing Kilpaddoge 220/110 kV electricity substation in Co. Kerry. The submarine cables will be installed by standard submarine installation techniques, which primarily involves them being buried in the seabed,
 - the installation of communication links between both substations, this will take the form of a fibre optic cable that will be integrated into each of the proposed 400 kV cables,
 - the installation of fibre optic cables for maintenance and cable monitoring, this will take the form of an armoured fibre cable wrapped helically around each of the proposed 400 kV cables,
 - associated works in the foreshore include the reinforcement of the ground beneath and around the cables by various methods including concrete ramps, concrete cable channels, infilling with gravel/concrete, articulated pipes, gabion wall and rock protections where required.
3. Connection of a 400 kV UGC installation and substation extension at the Kilpaddoge 220/110 kV electricity substation (Co. Kerry) including:
- the laying of the 4 no. 400 kV UGC [approx. 51 metres (m) in length] from the southern foreshore of the Lower Shannon Estuary, to a

proposed extension (approx. 5,500 m²) to the north of the existing Kilpaddoge 220/110 kV electricity substation,

- the provision, within the proposed substation extension, of a 400/220 kV AIS compound, containing electrical equipment and apparatus to connect the submarine cables to the existing Kilpaddoge 220/110 kV electricity substation including the following:
 - 9 no. surge arrestors (approx. 7.9 m high);
 - 6 no. cable sealing ends (approx. 7.4 m high);
 - 1 no. 400 / 220 kV transformer (approx. 8.9 m high);
 - 9 no. post insulators (approx. 9.8 m high);
 - 1 no. disconnector (approx. 8.6 m high);
 - 9 no. instrument transformers (approx. 7.6 m high);
 - 3 no. circuit breakers (approx. 7.5 m high);
 - 5 no. lightning protection masts (approx. 25 m high);
 - a control building (approx. 14.6m x 6.6m x 4.6m high);
 - an associated access track (approx. 155 m in length and 5 m in width);
 - 12 no lighting poles (approx. 9 m high);
 - 3 no. 220 kV UGC (approx. 151 m in length);
 - the AIS compound will be enclosed by a palisade fence (approx. 2.6 m in height).

The proposed development includes all associated and ancillary development, including communication links, temporary construction compounds, temporary construction tracks, site development, landscaping works and vegetation removal. Access to the existing electricity substations will be retained from their existing entrances onto the N67 Road in Co. Clare and the L1010 Tarbert Coast Road in Co. Kerry.

Decision

APPROVE the proposed development under section 182A of the Planning and Development Act, 2000, as amended, in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

DETERMINE under section 182B, as amended, the sum to be paid by the undertaker in respect of costs associated with the application as set out in the Schedule of Costs 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

In coming to its decision, the Board had regard to the following:

- European Legislation, including of particular relevance:
 - Directive 92/43/EEC (Habitats Directive),
 - Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,
 - EU Renewable Energy Directive 2009/28/EC, which aims to promote the use of renewable energy.
- National and regional planning and related policy, including:
 - the National Development Plan 2018-2027,
 - the National Planning Framework Project Ireland 2040,

- the Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure 2012,
- regional and local level policy, including the:
 - Regional Spatial Economic Strategy for the Southern Region 2020,
- the local planning policy including:
 - Clare County Development Plan 2017-2023,
 - Kerry County Development Plan 2015-2021,
 - Strategic Integrated Framework Plan for the Shannon Estuary (2013-2020),
- other relevant guidance documents,
- the nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity, including the existing Moneypoint Power Station,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- the submissions made to An Bord Pleanála in connection with the planning application, and
- the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment screening.

Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Lower River Shannon Special Area of Conservation (Site Code: 002165), the River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077), are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura impact statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposal for the Lower River Shannon Special Area of Conservation (Site Code: 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077), in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the:

- (i) likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon the Lower River Shannon Special Area of Conservation (Site Code: 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077),
- (ii) mitigation measures which are included as part of the current proposal,
- (iii) the Conservation Objectives for these European Sites, and
- (iv) the views of the Department of Culture Heritage and the Gaeltacht.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the sites' Conservation Objectives.

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

Proper Planning and Sustainable Development

It is considered that the proposed development would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

Conditions

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

Reason: In the interest of clarity.

2.
 - (a) All mitigation, environmental commitments, and monitoring measures identified in the Environmental and Planning Report shall be implemented in full as part of the proposed development,
 - (b) All mitigation and environmental commitments identified in the Natura impact statement shall be implemented in full as part of the proposed development.

Reason: In the interest of development control, public information, and environmental protection.

3. No submarine works shall be carried out during dolphin calving season.

Reason: In the interest of species protection.

4. Noise monitoring shall be carried out at all times during the construction phase of the development.

Reason: In the interest of environmental protection and public health.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development.

Reason: In the interests of environmental protection and public health.

6. (a) No additional artificial lighting shall be installed or operated on site, unless authorised by a prior grant of planning permission.
- (b) Cables within the site shall be located underground.

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

7. Construction works shall be undertaken in accordance with best practice and relevant guidance to prevent any deterioration of water quality and disturbance to bird species, as set out in the preliminary Construction Environmental Management Plan (CEMP). These measures will be integrated in full into the final CEMP by the eventual contractor as a means of effective implementation of all measures. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

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

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
- (a) notify the relevant 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.

All archaeological pre-construction investigations shall be carried out in accordance with the details specified with the Environmental and Planning Report submitted with the application and in accordance with details specified within the further information response dated 3rd day of December, 2020.

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.

- 9. Onshore site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

- 10. Noise levels from the substation shall not exceed 55 dB(A) rated sound level (corrected sound level for any tonal or impulsive component) at dwellings between 0800 hours and 2200 hours on any day and shall not exceed 45dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to and agreed with the planning authority prior to commencement of development.

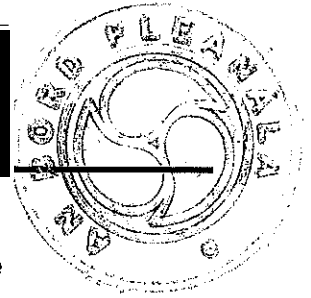
Reason: To protect the residential amenities of property in the vicinity.

Schedule of Costs

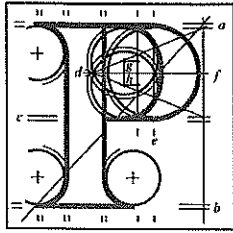
In accordance with the provisions of section 182B of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is **€68,438**

A breakdown of the Board's costs is set out in the attached Appendix 1.

[REDACTED]
[REDACTED]
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 4th day of *June* 2021



**An
Bord
Pleanála**

**Board Order –
Appendix 1**

ABP-307798-20

Strategic Infrastructure Development

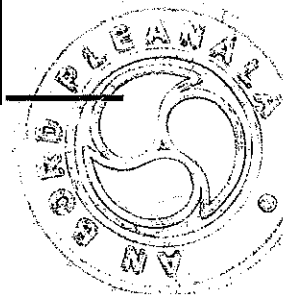
Costs of determining the Application

Case Number: ABP-307798-20 (VA)

Proposed Development: 400kV electrical transmission cables, extension to the existing Kilpaddoge electrical substation in the townland of Carrowdotia, South County Clare and Kilpaddoge, County Kerry.

| Board Costs | | |
|--------------------|---|----------------|
| (1) | Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) €6,669 Inspector 2 (application) €29,393 | |
| (2) | Costs invoiced to Board | N/A |
| | Total chargeable costs | €36,062 |
| Board Fees | | |
| (3) | Application Fee - €100,000 | €100,000 |
| | Pre-application Consultation Fee - €4,500 | €4,500 |
| (4) | Observer fees paid | €0 |
| | Net amount due to be refunded to applicant | €68,438 |

[REDACTED]
[REDACTED]
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 4th day of June 2021