



## Board Direction

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**Ref: PL92.245544**

The submissions on this file and the Inspector's report were considered at a further Board meeting held on June 28<sup>th</sup>, 2016.

The file was considered in conjunction with ABP Planning Appeal Ref. No. PL92.243611 an application for two wind turbines, new internal access roads, upgrading of existing internal roads, underground cables and associated works on lands to the west of the subject site. (The turbines in question would connect with the substation the subject of this application and appeal).

The Board decided to grant permission generally in accordance with the Inspector's draft reason, considerations and conditions as set out below.

### REASONS AND CONSIDERATIONS

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

- national policy with regard to the development of sustainable energy sources,
- the Wind Energy Development Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June, 2006,
- the provisions of the North Tipperary County Development Plan 2010-2016,
- the existing planning permission for a five turbine windfarm with associated infrastructure on the site (planning reference 12/51/0385),
- the pattern of development and land uses within the vicinity of the site;
- the minor nature and extent of the proposed development,
- the submissions made in connection with the planning application and the appeal including the EIS and the Appropriate Assessment Screening Reports, and
- the Inspector's report.

## **Appropriate Assessment Screening**

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site.

The Board had regard to the Appropriate Assessment Screening Reports submitted with the planning application (the first in respect of the alterations and additions to the substation and second in respect of the proposed 38kV underground grid connection cable route), the Planning Authority's analysis in respect of Appropriate Assessment, the documentation submitted at appeal stage, the submissions on file, the Inspector's report which included a screening assessment and completed a screening for Appropriate Assessment.

The Board accepted and adopted the Inspector's screening assessment in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives.

The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Sites in view of the site's Conservation Objectives.

## **Environmental Impact Statement**

The Board considered that the Environmental Impact Statement submitted with the application, the reports, assessment and conclusions of the Inspector with regard to this file were adequate in identifying and describing the direct, indirect, secondary and cumulative effects of the proposed development. The Board took into consideration cumulative impacts with permitted and proposed wind turbines, including electrical connections to and from these turbines (including PL92.243611). The Board completed an Environmental Impact Assessment, and agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and generally agreed with his conclusions. The Board generally adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, the effects on the environment of the proposed development would be acceptable.

## **Conclusion on Proper Conclusion on Proper Planning and Sustainable Development**

It is considered that, subject to compliance with the conditions set out below, the proposed alterations and additions to the electrical substation within the

site, would not seriously injure the amenities of the area or of property in the vicinity and 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 appeal, 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 set out in the Environmental Impact Statement shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of protection of the environment.

3. This permission shall expire with the 10 year parent permission reference number 12/51/0385 and shall not be considered a time extension of that permission.

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

4. The proposed development shall be subject to all conditions set out in planning reference number 12/51/0385 and be subject to all relevant mitigation measures set out in the EIS and NIS/AA for that windfarm with ancillary infrastructure.

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

### Notes:

1. The Board noted the Inspector's comments that the envisaged grid connection appears to be exempted development. The Board was of the view that this question was not before the Board for consideration in the subject application and appeal.
2. The Board also noted the Inspector's reference to the ambiguity in the planning acts and regulations as to the status of an application for an amendment or addition to a permitted but not finished

development. The Board considered that the public notices adequately described the proposed development and that it was appropriate to determine the application and appeal as lodged.

Board Member: \_\_\_\_\_ Date: August 26<sup>th</sup>, 2016  
Nicholas Mulcahy

Please issue copy of direction with order.