

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Tipperary County

Planning Register Reference Number: 15/600566

An Bord Pleanála Reference Number: PL 92.245544

APPEAL by Edel and Paul Grace and James and Tanya Embleton care of Peter Sweetman and Associates of 14 Postnet, 113 Lower Rathmines Road, Dublin against the decision made on the 1st day of September, 2015 by Tipperary County Council to grant subject to conditions a permission to ABO Wind Development Ireland Limited care of Tom Phillips and Associates of 2-3 Roger's Lane, Lower Baggot Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: A ten year permission for development consisting of amendments and additions to an electrical substation associated with a previously permitted, five-turbine, wind farm development (planning register reference number 12/51/0385). The electrical substation is situated in the townland of Graniera, County Tipperary. The proposed amendments and additions include: a change from the permitted 20 kV to a 38 kV electrical substation; changes to the electrical substation control building including an increase in the area from approximately 66 square metres to approximately 70 square metres, (the building will measure approximately 11.4 metres by 6.1 metres), an increase in the maximum height from approximately 4.6 metres to 5.95 metres, and internal reorganisation of the layout; the inclusion of an adjoining switchgear compound (approximately 688 square metres in area), enclosed by a palisade security fence and vehicular access gates and the construction of a crane hardstanding adjacent to the compound, measuring approximately 12 metres by 12 metres in area. The proposed development also includes for landscaping and all associated ancillary site development works above and below ground at this site of 24.07 hectares, approximately, situated in the townlands of Knockcurraghbola Commons, Knockcurraghbola Crownlands, Graniera and Shevry, County Tipperary.

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

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

- (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 of the North Tipperary County Development Plan 2010-2016,
- (d) the existing planning permission for a five turbine windfarm with associated infrastructure on the site (planning reference 12/51/0385),
- (e) the pattern of development and land uses within the vicinity of the site,
- (f) the minor nature and extent of the proposed development,
- (g) the submissions made in connection with the planning application and the appeal including the Environmental Impact Statement and the Appropriate Assessment Screening Reports, and
- (h) 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 38 kV 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 sites' 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 appeal reference number 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 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 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 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 (planning register 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 register reference number 12/51/0385 and be subject to all relevant mitigation measures set out in the Environmental Impact Statement and Natura Impact Statement/Appropriate Assessment for that windfarm with ancillary infrastructure, except as may otherwise be required in order to comply with the conditions of this order.

Reason: In the interest of clarity.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.