

**Planning and Development Acts 2000 to 2020**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 20/18**

**Appeal** by Paul and Edel Grace and others of Grousehall, Milestone, Thurles, County Tipperary against the decision made on the 18<sup>th</sup> day of August, 2020 by Tipperary County Council to grant subject to conditions a permission to Brookfield Renewable Ireland Limited care of Malone O'Regan Consulting Engineers of Ground Floor, Unit 3, Bracken Business Park, Bracken Road, Sandyford, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Development consisting of the installation of battery arrays, located within container units (18 number units, each 30 square metres by circa 2.6 metres tall), a control building (circa 160.5 square metres by circa 6.4 metres tall) and transformer (circa 5 metres tall). The development will include for ancillary infrastructure including security fencing, lighting, CCTV, internal access roads and drainage. The overall development site is c.2.6 hectares at Garracummer Wind Farm, Kilcommon Cross, Moanvaun near the village of Hollyford, 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 making its decision, the Board had regard to:

- (a) the European and national policies to increase the proportion of energy that is generated from alternative, indigenous and renewable energy sources including wind and the minimisation of emissions of greenhouse gases as set out in the Renewable Energy Directive 2009/28/EC and the National Climate Action Plan and the National Planning Framework,
- (b) the policies set out in the Regional Spatial and Economic Strategy for the Southern Region,
- (c) the policies of the planning authority as set out in the South Tipperary County Development Plan 2009 (as extended and varied),
- (d) the provisions of the Tipperary Renewable Energy Strategy 2016,
- (e) the nature of the proposed development that comprises infrastructure that facilitates the increased penetration of renewable energy to the national grid,

- (f) the distances of the proposed development to dwellings or other sensitive receptors,
- (g) the nature and scale of the proposed development, and the contents of the Environmental Report, the Ecological Impact Statement, the Natura Impact Statement, and further information submitted by the applicant,
- (h) the range of mitigation measures set out in the documentation received, including the Environmental Report, Ecological Impact Statement, Natura Impact Statement, and further submissions from the applicant to the Board in the course of the appeal,
- (i) the likely post mitigation emissions to the environment from the proposed development at construction and operational phases, the separation distance from the site of the proposed development to sites designated as part of the Natura 2000 network, and the nature of the connections between them,
- (j) the topography and character of the landscape of the area, and the character of the landscape through which the battery storage facility would be provided, and
- (k) the planning history of the site, and the pattern of existing and permitted development in the area.

### **Appropriate Assessment Screening**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lower River Suir Special Area of Conservation (Site Code: 002137), the Lower River Shannon Special Area of Conservation (Site Code: 002165) and the Slievefelim to Silvermines Mountains Special Protection Area (Site Code: 004165) are the European Sites for which there is a possibility of significant effects and must, therefore, be subject to Appropriate Assessment.

## **Appropriate Assessment**

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the above-mentioned European sites in view of the sites' conservation objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' conservation objectives using the best available scientific knowledge in the field.

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

- (i) the site-specific conservation objectives for these European Sites,
- (ii) the current conservation status, threats and pressures of the qualifying interest features,
- (iii) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and
- (iv) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications 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 would not adversely affect the integrity of the European Sites in view of the sites' conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

## Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development:

- (a) would be in accordance with national and regional policy on wind energy, wind energy infrastructure and the facilitation of renewable energy projects,
- (b) would be in accordance with the provisions of the South Tipperary County Development Plan 2009, including the policies relating to wind energy, and the protection of landscapes and scenic amenity,
- (c) would not seriously injure the visual amenities of the area, or have a significant negative impact on the landscape,
- (d) would not seriously injure the amenities or depreciate the value of properties in the vicinity of the site,
- (e) would not give rise to a risk of pollution,
- (f) would not give risk to a significant fire hazard or risk of explosion,
- (g) would be acceptable in terms of traffic safety and convenience, and
- (h) would not be prejudicial to public health.

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 plans and particulars submitted on the 25<sup>th</sup> day of June 2020, 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 mitigation measures identified in the Environmental Report, Natura Impact Statement and Ecological Impact Statement and other plans and particulars submitted with the application shall be complied within the development.

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

3. This permission shall be for a period of 30 years from the date of commissioning of the development. The battery storage units and all related infrastructure shall then be removed from the site unless, prior to the end of the appropriate period, planning permission for their retention shall have been granted.

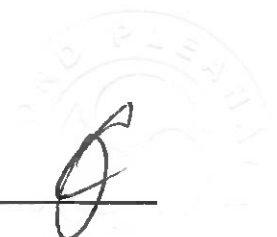
**Reason:** To enable the impact of the development to be reassessed, having regard to changes in technology over the period of the permission.

4. Prior to the commencement of development, details of all external finishes to the battery storage containers and control building shall be submitted for the written agreement of the planning authority.

**Reason:** To protect the visual amenities and landscape quality and character of the area.

5. Permitted CCTV and lighting on site shall be sited so as to face into the site and shall not be sited so as to face towards the public road or third party lands. Details of the location and specification of this equipment shall be submitted to the planning authority for written agreement prior to the commencement of development.

**Reason:** In the interests of traffic safety and visual and residential amenity.



6. Soil, subsoil and rock excavated during construction shall not be left stockpiled on site following completion of works. Details of the treatment of stockpiled materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

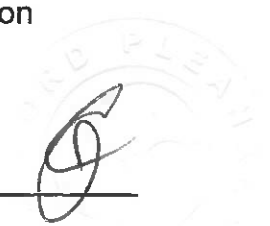
**Reason:** In the interest of the visual amenities of the area.

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 and dust management measures, off-site disposal of construction/demolition waste, measures for the storage of oils and fuels on site, and measures for the protection of ground and surface waters.

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

8. On full or partial decommissioning of the permitted battery storage development or if the wind farm ceases operation for a period of more than one year, the battery storage units, control building and transformer shall be removed within three months and the site reinstated as detailed at section 4.6.2 of the Environmental Report received by the planning authority on the 14<sup>th</sup> day of January, 2020.

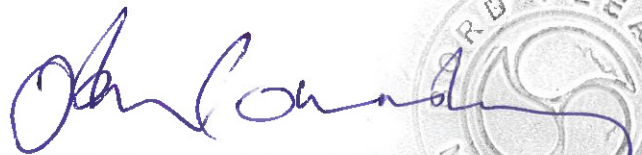
**Reason:** To ensure satisfactory reinstatement of the site upon cessation of the project.





9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



---

**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 12<sup>th</sup> day of July 2021.