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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 21/638**

**Appeal** by the Electricity Supply Board of One Dublin Airport Central, Dublin Airport, Cloghran, County Dublin in relation to the application by Tipperary County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 4 of its decision made on the 1<sup>st</sup> day of July, 2021.

**Proposed Development:** Completion of existing partially constructed 38 kV overhead electricity line from Thurles 110 kV station to Borrisoleigh 38 kV station crossing the following townlands Ballygammane, Lisduff, Knockanacunna, Cassestown, Farranreigh, Tooreen, Rossestown, Brittas, Clonamuckoge More, Clonamuckoge Beg, Kilkillahara, Ballybristy, Lisheenataggart, Rorardstown Lower, Rorardstown Upper, Rathleasty, Kivilcorris, Clonbrassil, Fishmoyne, Knockbrack, and Coolataggle, County Tipperary. The development will consist of the completion of partially constructed 15.3 kilometres long 38 kV overhead electricity line from Thurles electricity substation to Borrisoleigh electricity substation as permitted under Tipperary County Council planning register reference number 08/511136 which comprises an overhead line supported by a total of 116 structures. As this permission has expired, permission is sought for works not yet completed,

namely (1) works to 38 number structures to (subject to final detailed design) erect replacement wooden poleset structures or alter existing structures, (2) stringing of conductor along approximately seven kilometres of the overhead line, and (3) all ancillary works related to the project, all at Ballygammane, Lisduff, Knockanacunna, Cassestown, Farranreigh, Tooreen, Rossestown, Brittas, Clonamuckoge More, Clonamuckoge Beg, Kilkillahara, Ballybristy, Lisheenataggart, Rorardstown Lower, Rorardstown Upper, Rathleasty, Kivilcorris, Clonbrassil, Fishmoyne, Knockbrack, and Coolataggle, County Tipperary.

## **Decision**

**The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 4 and directs the said Council to AMEND condition number 4 so that it shall be as follows for the reason stated.**

4. The developer shall pay to the planning authority a financial contribution of €60,610 (sixty thousand six hundred and ten euro) 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 within three months of the date of this Order 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. The application of any indexation required by this condition 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.

**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.

## **Reasons and Considerations**

Having regard to the previous grant of permission in respect of the overall line between Thurles and Borrisoleigh substations (planning register reference number 08/511136), to the payment of a development contribution of €19,304 in respect of the full length of this previously permitted development, to the fact that the current application only relates to the completion of part of this previously permitted development, and to the specific provisions of the adopted Tipperary County Council Development Contribution Scheme 2020 which explicitly references that the scheme aims to avoid any double charging of contributions, it is considered that the application of the terms of the scheme provide for the calculation of contributions on the basis of the extent of new development proposed and also that the allowance made for previous contributions paid would apportion this payment to the extent of uncompleted line. It is therefore considered that the appropriate length of line for the calculation of contribution is 6,940 metres which at a rate of €10 per linear metre equates to a total of €69 400.

It is further considered appropriate that this amount would be reduced by €8,790 being the portion of the previously paid contribution (€19,304) that relates to the uncompleted section of the line which is the subject of the subject application, giving a final contribution requirement of €60,610 (sixty thousand six hundred and ten euro).

*Dr. Maria FitzGerald*

**Maria FitzGerald**

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



Dated this *23<sup>rd</sup>* day of *June* 2022.