

An
Bord
Pleanála

Board Order
ABP-314836-22

Planning and Development Acts, 2000 to 2021

Planning Authority: Tipperary County Council

(Associated application reference number: ABP-306204-19)

REQUEST received by An Bord Pleanála on the 12th October 2022, from Ecopower Developments Limited of Zetec House, Purcellsich IDA Business Park, Dublin Road, County Kilkenny under section 146B of the Planning and Development Act 2000, as amended, to alter the terms of a strategic infrastructure development described as proposed alterations to the previously approved 110kV electrical substation underground, 110kV cabling and ancillary works to connect the already consented Upperchurch windfarm substation to the existing 110kV overhead line at Mountphilips, County Tipperary, the subject of an approval under An Bord Pleanála Reference Number ABP-306204-19.

WHEREAS the Board made a decision to approve the proposed development, subject to conditions, for the above-mentioned development by Order dated 8th day of February 2021,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the approval,

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AND WHEREAS the proposed alteration is described as follows:

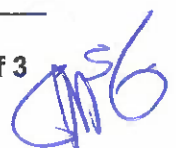
Alteration of project design measure PD01 contained in the Natura Impact Statement for An Bord Pleanála Reference Number ABP-306204-19 to allow for construction works of the Upperchurch Windfarm 110kV underground grid connection to take place throughout the year, including the Hen Harrier breeding season (March to August inclusive), under the direct supervision of a full time on-site Hen Harrier specialist and project ecologist and subject to the requirement that no construction works will be carried out during the breeding season within one kilometre of a pre-nesting breeding site and or previously identified nest.

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would result in a material alteration to the terms of the development, the subject of the approval,

AND WHEREAS the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, to invite submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

AND WHEREAS having considered all the documents on file, submissions and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(a) of the Planning and Development Act 2000, as amended, the Board hereby alters the abovementioned decision so that the approved development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 12th day of October 2022, for the reasons and considerations set out below.

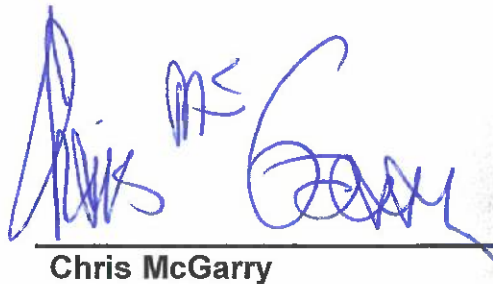


REASONS AND CONSIDERATIONS

Having regard to:

- (i) the nature and scale of the underground grid connection approved by An Bord Pleanála under Reference Number ABP-306204-19 for this site,
- (ii) the examination of the environmental impact, including in relation to European Sites, carried out in the course of that application,
- (iii) the nature and character of the proposed alteration when considered in relation to the overall approved development,
- (iv) the mitigation measures and precautions for the proposed construction works to take place along the public road within the Hen Harrier breeding season,
- (v) the absence of any other significant new or additional environmental concerns (including in relation to European Sites) arising as a result of the proposed alteration, and
- (vi) the report of the Board's Inspector, which is adopted,

it is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning and Development Act 2000, as amended, the Board hereby makes the said alterations.

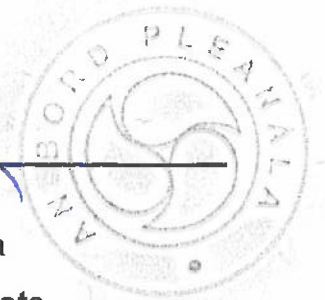


Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *16th* day of *August* 2023