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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 2360402**

**Appeal** by Peter Sweetman and Associates on behalf of Wild Ireland Defence CLG, PO Box 13611 Bantry, County Cork, against the decision made on the 3<sup>rd</sup> day of August 2023 by Tipperary County Council to grant, subject to conditions, a permission to Gromane Limited care of Jennings O'Donovan and Partners Limited Consulting Engineers of Finisklin Business Park, Sligo in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Proposed amendments to the previously consented grid connection granted under planning authority register reference 21/1620 to comprise of: a) increase in number of joint bays along the extent of the grid connection from a total of 35 to 45 joint bays, b) grid connection to be operated at 38kV but installed to a 110kV underground cable design standards/infrastructure, c) minor adjustments to the route and red line boundary, all at Coolanshinnagh, Ardragh, Gortfree, Bolakeale, Coolanshinnagh, Ardragh, Gortfree, and Bolakeale, County Tipperary. (Advisory Note: The full extent of the grid connection is 33.65 kilometres and a separate amendment planning application will be made for an underground grid connection to Kilkenny County Council).

## **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.**

## **Reasons and Considerations**

Having regard to the following:

- (a) EU legislation including in particular: the provisions of Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which sets out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union, and the EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and associated infrastructure,
- (b) the National Planning Framework published in February 2018,
- (c) the Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012,
- (d) the provisions, policies and planning objectives of the Tipperary County Development Plan 2022-2028: particularly, 3.1, 3-A, 10-1, 10.5, 11-1, 11-2, 11-4 and 11-7,
- (e) the nature, scale and design of the proposed development as set out in the planning application, existing permissions in the area, and the pattern of development in the vicinity,
- (f) other relevant guidance documents,

- (g) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development,
- (h) the submissions and observations made to An Bord Pleanála in connection with the application,
- (i) the Climate Action Plan 2024, and
- (j) the report and recommendation of the Planning Inspector,

the Board considered that, subject to compliance with the conditions set out below, the proposed amendments to the underground grid connection would accord with European, national, regional and local planning policies, would not be injurious to the environment, would not result in a deterioration in status of any water body and, therefore, would be in accordance with the proper planning and sustainable development of the area.

#### **Appropriate Assessment: Stage 1**

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspectors report that the River Barrow and Nore Special Area of Conservation (Site Code 002162) and the River Nore Special Protection Area (Site Code 004233) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

#### **Appropriate Assessment: Stage 2:**

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file and the Inspectors assessment. The Board completed an Appropriate Assessment of the implications of the proposed development for the affected European sites, that is, River Barrow and Nore Special Area of Conservation (Site Code

002162) and River Nore Special Protection Area (Site Code 004233) in view of these sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- the mitigation measures which are included as part of the current proposal, and
- the conservation objectives for these European Sites

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European sites, having regard to these sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives and there is no reasonable scientific doubt remaining as to the absence of such effects.

## **Environmental Impact Screening**

The Board completed an Environmental Impact Assessment screening of the proposed development and agreed with its Inspector that the Environmental Impact Assessment Screening Report submitted by the developer, which contains the information set out in Schedule 7A to the Planning and Development Regulations 2001, as amended, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to;

- (a) the nature and scale of the proposed development, which is below threshold in respect of Class 20 of Part 1 of Schedule 5 to the Planning and Development Regulations 2001, as amended,
- (b) the proposed amendment upgrades the capacity of the line but does not increase the length or physical characteristics of the underground line to a degree which would fall under paragraph 13 of Part 2 of Schedule 5 to those Regulations,
- (c) the existing use and pattern of development in the surrounding area,
- (d) the planning history relating to the wider area,
- (e) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and
- (f) all of the information which accompanied the application including the Environment Report, associated documents and all plans and particulars and other reports submitted with the application.

the Board considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

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

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact the cultural, archaeological and built heritage of the area, would not constitute a traffic hazard and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The proposed 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 proposed development shall be carried out in accordance with the agreed particulars.

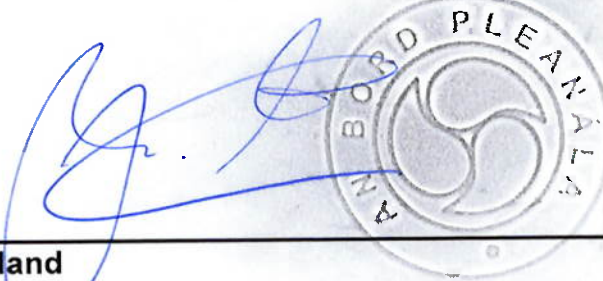
**Reason:** In the interest of clarity.

2. The development shall comply with the terms and conditions of planning authority register reference 21/1620, including the expiry date of same, which govern the overall development of the lands in which the site forms part.

**Reason:** In the interest of orderly development.

3. The mitigation measures contained in the Natura Impact Statement (NIS) shall be implemented in full.

**Reason:** To protect the integrity of European Sites.



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

Dated this 11<sup>th</sup> day of November 2024.