

An
Coimisiún
Pleanála

Commission Order ABP-322038-25

Planning and Development Acts, 2000 to 2022

Planning Authority: Tipperary County Council

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

REQUEST received by An Coimisiún Pleanála on the 7th day of March 2025 from Ecopower Developments Limited of Zetec House, Purcellsinch IDA Business Park, Kilkenny under section 146B of the Planning and Development Act 2000, as amended, to alter the terms of a strategic infrastructure development comprising a 110kV electrical substation, underground 110kV cabling and ancillary works for the purposes of connecting the consented Upperchurch Windfarm to an existing 110kV overhead line at Mountphilips, County Tipperary, the subject of an approval under An Coimisiún Pleanála reference number ABP-306204-19 and alterations under reference numbers ABP-311034-21 and ABP-314836-22.

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

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

AND WHEREAS the proposed alteration is described as follows:

1. Alterations to the route of a section of the underground grid cable (UGC) route around Newport and alterations to the crossing methodology of bridges both in the vicinity of Newport and along the Thurles to Limerick Regional Road (R503), and
2. A request to include a condition for a 10-year appropriate period, during which the development can be constructed. This is required due to the nature of the development.

The alternative route over a distance of approximately five kilometres around Newport Town and over the Newport River will use other public roads, agricultural lands and existing farm tracks, and will cross watercourses off-road at a more suitable location for directional drilling.

AND WHEREAS the Commission 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 Commission 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 Commission 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 Commission hereby alters the above-mentioned decision so that the approved development shall be altered in accordance with the plans and particulars received by An Coimisiún Pleanála on the 7th day of March 2025 for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

In coming to its decision, the Commission had regard to the following:

- (a) the nature and scale of the proposed alteration;
- (b) the documentation and submissions on file, including submissions in response to the public notices, and
- (c) the report of the Inspector.

The Commission was satisfied that the information before it was adequate to undertake screening/appropriate assessment and a screening for environmental impact assessment in respect of the proposed alteration.

Appropriate Assessment: Stage 1:

The Commission agreed with the screening assessment and conclusion carried out in the Inspector's report that having regard to the requested alteration, which seeks to alter a section of the authorised underground grid connection route in proximity to Newport Town, and to alter the crossing methods for twelve bridges along the route, a Stage 2 Appropriate Assessment is required for the following European Sites in view of the conservation objectives of those sites.

- Slieve Felim to Silvermines Mountains Special Protection Area (Site Code: 004165);
- Lower River Shannon Special Area of Conservation (Site Code: 002165);
- Clare Glen Special Area of Conservation (Site Code: 000930).

Appropriate Assessment: Stage 2:

The Commission considered the documentation submitted with the application, the mitigation measures contained therein, the submissions on file and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the requested alteration for the European Sites; Slieve Felim to Silvermines Mountains Special Protection Area (Site Code: 004165); Lower River Shannon Special Area of Conservation (Site Code: 002165); Clare Glen Special Area of Conservation (Site Code: 000930) in view of the sites' conservation objectives.

In completing the Appropriate Assessment, the Commission considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the requested alteration, both individually, when taken together and in combination with other plans or projects;
- (b) the mitigation measures, which are included as part of the proposal;
- (c) the submissions from the planning authority, the observer and prescribed bodies in the course of the application, and
- (d) the conservation objectives for the European Sites.
- (e) the report of the Inspector,
- (f) the Appropriate Assessment completed for the parent permission (ABP-306204-19).

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 requested alteration on the aforementioned European Sites, having regard to the sites' conservation objectives.

The Commission determined that the requested alteration would not change the findings of no adverse effects on the integrity of the three European Sites mentioned above, as contained within the Appropriate Assessment carried out for parent permission (ABP 306204-19).

In overall conclusion, the Commission was satisfied that the requested alteration, either 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 as to the absence of such effects.

Environmental Impact Assessment:

Having regard to:

- (i) the criteria set out in Schedule 7, in particular,
 - (a) the limited nature and scale of the proposed alterations, which do not affect the authorised use and comprise mostly of works along the public road;
 - (b) the absence of any significant impact on sites of environmental sensitivity in the vicinity, including conservation areas, archaeological protection zones and protected structures;
- (ii) the results of other relevant assessments of the effects on the environment submitted by the applicant;
- (iii) the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular the proposals to protect water quality and prevent disturbance to mammal and bird species,

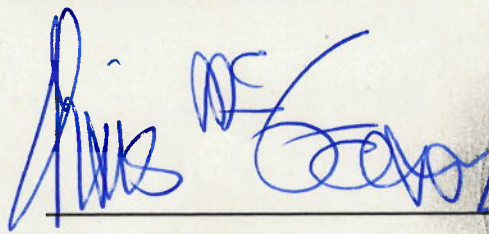
the Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

PROPER PLANNING AND SUSTAINABLE DEVELOPMENT

Having regard to:

- (i) the nature and scale of the amendments to the development approved by An Coimisiún 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 and operational phase;
- (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 Commission's Inspector, which is adopted,

it is considered that the proposed alteration would be material but would not be likely to have significant effects on the environment or on any European Site. In accordance with section 146B(3)(b) of the Planning & Development Act, as amended, the Commission hereby makes the said alteration.

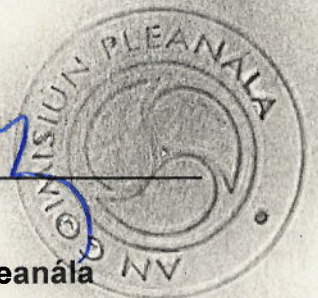


Chris McGarry

Member of An Coimisiún Pleanála

duly authorised to authenticate

the seal of the Commission.



Dated this 10th day of July 2025.