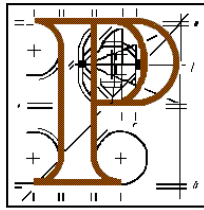


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Kilkenny County**

**Planning Authority Reference Number: DEC 358**

An Bord Pleanála Reference Number: 10.RL.3377

**WHEREAS** a question has arisen as to whether the provision of a 20kV electrical connection between Cnoc Wind Farm at Grangehill, Bawnlea and Newpark, Grange, Barna, Thurles, County Tipperary and Ballybeagh 38kV substation at Ballybeagh, Tullaroan, County Kilkenny is or is not development or is or is not exempted development:

**AND WHEREAS** the said question was referred to An Bord Pleanála by Kilkenny County Council of County Hall, John Street, Kilkenny on the 7<sup>th</sup> day of August, 2015:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to -

- (a) sections 2(1), 3(1), 4(4), 172(1) and 177U(9) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 and Class 27, Part 1 of Schedule 2 and Class 20, Part 1 and Class 3(b), Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended,
- (c) O’Grianna (and others) v. An Bord Pleanála (and others), Record Number: 2014 No. 19 JR; and

- (d) the documentation on file and the report of the Planning Inspector:

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) the said electrical connection comes within the scope of sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended, and constitutes development,
- (b) the said electrical connection comes within the scope of Class 27, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (c) the said electrical connection does not come within the scope of section 4(4) of the Planning and Development Act, 2000, as amended. In this regard, the Board adopts the report of the Inspector in relation to an Environmental Impact Assessment and an Appropriate Assessment and, thereby, has carried out the necessary assessments to conclude that neither an Environmental Impact Assessment nor an Appropriate Assessment is required,
- (d) the said electrical connection does not come within the scope of Articles 9(1)(a)(vi), (vii), (viiA) or (viiB) or Article 9(1)(c) of the Planning and Development Regulations, 2001, as amended, and
- (e) as the wind farm for which the proposed electrical connection is required was approved prior to the O’Grianna decision, the Board can proceed to decide the subject referral, including the consideration of an Environmental Impact Assessment and an Appropriate Assessment to the extent that is necessary, in accordance with the relevant legislative provisions:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the said provision of a 20kV electrical connection between Cnoc Wind Farm at Grangehill, Bawnlea and Newpark, Grange, Barna, Thurles, County Tipperary and Ballybeagh 38Kv substation at Ballbeagh, Tullaroan, County Kilkenny is development and is exempted development.

## **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.

---

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

**Dated this                    day of                    2016.**