

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Tipperary County

Planning Authority Reference Number: S5/15/56

An Bord Pleanála Reference Number: 92.RL.3436

WHEREAS a question has arisen as to whether the laying of underground 20kV electricity cables and ancillary works to link Turraheen Windfarm (planning register reference number 13/24, An Bord Pleanála appeal reference number PL23.242710) to Glencarbry Windfarm (planning register reference number 07/255, An Bord Pleanála appeal reference number PL23.225618) at Glenough Lower, Rossmore, Cashel, County Tipperary is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Tipperary County Council of Civic Offices, Clonmel, County Tipperary on the 20th day of November, 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 3, 6 and 9 and Class 26 of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended, and
- (c) O’Grianna and others-v-An Bord Pleanála Record Number: 2014 No. 19 JR; 2014 No. 10 COM:

AND WHEREAS An Bord Pleanála has concluded that –

- (a) the said underground cables come within the scope of sections 2(1) and 3(1) of the Planning and Development Act 2000, as amended, and is development,
- (b) the said underground cables come within the scope of Class 26 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (c) the said underground cables do 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 underground cables do not come within the scope of articles 9(1)(a)(v), (vii), (viiA) or (viiB) or article 9(1)(c) Planning and Development Regulations, 2001, as amended, and
- (e) as the wind farms for which the proposed electrical connection is required were 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 laying of underground 20 kV cables and ancillary works to link Turraheen Windfarm (planning register reference number 13/24, An Bord Pleanála appeal reference number PL23.242710) to Glencarbry Windfarm (planning register reference number 07/255, An Bord Pleanála appeal reference number PL23.225618) at Glenough Lower, Rossmore, Clonmel, County Tipperary 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.