

An
Bord
Pleanála

Board Direction
ABP-300536-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/07/2020.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the provision of an underground electricity cable grid connection from the substation within the Raheenleagh Wind Farm to the Arklow 220kV substation at Coolboy, Arklow, Co. Wicklow, is or is not development or is or is not exempted development:

AND WHEREAS The Raheenleagh / Ballinvalley 8, c/o Mr. Eugene Clune, requested a declaration on this question from Wicklow County Council and no declaration was issued by the planning authority:

AND WHEREAS The Raheenleagh / Ballinvalley 8, c/o Mr. Eugene Clune, referred this declaration for review to An Bord Pleanála on the 19th day of December, 2017:

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

sections 2, 3, 4, 172 & 177U of the Planning and Development Act, 2000, as amended,

Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
Class 26 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001

the planning history of the site,

The judgement of the High Court in O'Grianna (and others) v. An Bord Pleanála (and others) [2014] IEHC 632, and

The judgement of the High Court in Patrick Daly v. Kilronan Wind Farm Limited and, by order, Derrysallagh Wind Farm Limited [2017] IEHC 308

AND WHEREAS An Bord Pleanála has concluded that:

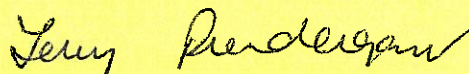
the said underground electricity cable grid connection comes within the scope of sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended, and constitutes development

the said underground electricity cable grid connection comes within the scope of Class 26, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and

the provision of the said underground electricity cable grid connection would contravene condition number 26 of planning register reference number 10/2140, and would, therefore, come within the restrictions on exemption set out in Article 9(1)(a)(i) of the said Regulations, and

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(b) of the 2000 Act, hereby decides that the provision of an underground electricity cable grid connection from the substation within the Raheenleagh Wind Farm to the Arklow 220kV substation at Coolboy, Arklow, Co. Wicklow is development and is not exempted development.

Board Member:



Terry Prendergast

Date: 14/07/2020