



An
Bord
Pleanála

Board Direction
ABP-302895-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on March 12th 2019.

The Board decided, as set out in the following Order, that the provision of a medium voltage (20kV) underground grid connection between a permitted solar farm at Dysart, Johnstownbridge, Co Kildare and the Dunfirth ESB substation at Dunfirth, Johnstownbridge, Co. Kildare, is development and is exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the provision of a medium voltage grid connection between a permitted solar farm and the Dunfirth ESB substation at Dysart, Johnstownbridge, Co Kildare, is or is not development or is or is not exempted development.

AND WHEREAS Power Capital Renewable Energy Limited, of 2 Merrion Place, Dublin 2, requested a declaration on this question from Kildare County Council, and the Council issued a declaration on the 8th day of October 2018 stating that the matter is development and is not exempted development.

AND WHEREAS Power Capital Renewable Energy Limited c/o IMG Planning Limited of 75 Fitzwilliam Lane, Dublin 2, referred this declaration for review to An Bord Pleanála, on the 31st day of October 2018.

AND WHEREAS An Bord Pleanála, in the light of the documentation submitted with the referral, and in the interests of clarity, decided to re-word the question as follows:-

Whether the provision of a medium voltage (20kV) underground grid connection between a permitted solar farm at Dysart, Johnstownbridge, Co Kildare and the Dunfirth ESB substation at Dunfirth, Johnstownbridge, Co. Kildare is or is not development and is, or is not, exempted development.

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

- (a) sections 2, 3, 4, 172(1) and 177U(9) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 26 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended,
- (d) The planning history of the solar farm, under planning authority register reference number 16/1265,
- (e) The documentation and submissions on file, including the outline construction methodology report submitted to the planning authority on the 15th day of February 2018, and,

- (f) The report of the Inspector, including his Environmental Impact Assessment screening and his Appropriate Assessment screening, both of which the Board adopts.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the provision of the underground electricity connection and associated works involves the carrying out of works and, therefore, constitutes development, under sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) the underground electricity grid connection involves works carried out by an electricity undertaking, and, having regard to the nature of those works, would come within the scope of Class 26 of Part 1 of the Second Schedule 2 to the Planning and Development Regulations, 2001, as amended, and would therefore constitute exempted development,
- (c) None of the restrictions on exempted development provided for under Section 4 (4) of the Planning and Development Act 2000, as amended, apply in this case, and
- (d) None of the restrictions on exempted development provided for under Article 9 (1)(a) of the Planning and Development Regulations, 2001, as amended, apply in this case, and in particular, having regard to the scope of the works as set out in the outline construction methodology report submitted by the referrer, the development in question would not endanger public safety by reason of traffic hazard.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby

decides that the provision of a medium voltage (20kV) underground grid connection between a permitted solar farm at Dysart, Johnstownbridge, Co Kildare and the Dunfirth ESB substation at Dunfirth, Johnstownbridge, Co. Kildare, is development and is exempted development.

Board Member

Date: 12th March 2019

Philip Jones