



An  
Bord  
Pleanála

**Board Direction**  
**ABP-307454-20**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/01/2021.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the construction of an underground 20 kV medium voltage cable within the public road between a permitted solar farm and a 38 kV substation, is or is not, development, and is or is not, exempted development:

**AND WHEREAS** Power Capital Renewable Energy Ltd. requested a declaration on this question from Roscommon County Council and the Council issued a declaration on the 4<sup>th</sup> day of June, 2020 stating that:

- (1) the proposed development constitutes development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations;
- (2) the likelihood of significant effects from the proposed development on the conservation objectives of European sites, in particular Lough Ree SAC and Lough Ree SPA cannot be excluded, and a Stage 2 AA is required, therefore, in accordance with Section 4(4) of the Planning and Development Act, 2000, as amended, the said works cannot avail of any exemptions that might otherwise be available under the Act, or under the Planning and Development Regulations, 2001, as amended;

(3) the possibility of the proposed development endangering public safety by reason of traffic hazard or obstruction of road users cannot be ruled out and therefore the said works cannot avail of any exemptions that might otherwise be available under Section 9 of the Planning and Development Regulations, 2001, as amended; and,  
(4) the proposed development is not exempted development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations;

**AND WHEREAS** Power Capital Renewable Energy Ltd referred this declaration for review to An Bord Pleanála on 16<sup>th</sup> day of July, 2020:

**AND WHEREAS** An Bord Pleanála, in considering the referral, had regard to –

- (a) Sections 2(1), 3(1), 4(1), 4(2)(ai), 4(4) of Part 1 and Section 177 (U)(9) of Part XAB of the Planning and Development Act, 2000, as amended,
- (b) Articles 3(3), 6(1), 9(1) (a) (iii), (v), (vii), (viiA), (viiB) and (xi) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 26 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (d) The documentation on file and the report of the Planning Inspector;

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

- (a) the said underground cable comes within the scope of Sections 2(1) and 3(1) of the Act, as amended, and constitutes development,
- (b) the said underground cable comes within the scope of Class 26, Part 1, Schedule 2, of the Planning and Development Regulations, 2001, as amended,
- (c) the said underground cable does not come within the scope of Section 4(4) of the Planning and Development Act, 2000, as amended. In this regard the Board agreed with and adopted the report of the Inspector in relation to EIA and AA and, thereby, has carried out the necessary assessments to conclude that neither EIA nor AA is required, and

(d) the said underground cable does not come within the scope of Articles 9(1) (a)(iii), (v), (vii), (viiA), (viiB) and (xi) of the Planning and Development Regulations, 2001, as amended;

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by Section 5(3) of the 2000 Act, hereby decides that the construction of an underground 20 kV medium voltage cable within the public road between a permitted solar farm and a 38 kV substation, is development and is exempted development.

**Board Member:**

**Date:** 25/01/2021

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John Connolly