



An
Bord
Pleanála

Board Direction
ABP-308071-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/03/2021.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the laying underground cables in an SPA from Mauricetown Windfarm, Mauricetown, Ashford, Ballagh, Co. Limerick to the substation at Dromdeeveen for grid connection is or is not development or is or is not exempted development.

AND WHEREAS Liam Lenihan requested a declaration on this question from Limerick County Council and the Council issued a declaration on the day of 14th of August, 2020 stating that the matter was development and was permitted development.

AND WHEREAS Liam Lenihan referred this declaration for review to An Bord Pleanála, on the 31st day of August 2020.

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(h)(i) of the Planning and Development Act, 2000, as amended,
- (d) Section 4(2) of the Planning and Development Act, 2000, as amended,
- (e) Section 4(4) of the Planning and Development Act, 2000, as amended,
- (f) Section (5)(3) of the Planning and Development Act, 2000, as amended,
- (g) Section 138 (1)(b)(ii) of the Planning and Development Act, 2000, as amended,
- (h) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (i) Class 26, Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (j) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (k) the planning history of the site,
- (l) the report of the Planning Inspector.

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 works specifically would come within the scope of Class 26 of Part 1 of the Second Schedule of the Planning and Development Regulations, 2001, as amended and constitute exempt development.

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 laying underground cables in an SPA from Mauricetown Windfarm, Mauricetown, Ashford, Ballagh, Co. Limerick to the substation at Dromdeeveen for grid connection purposes is development and is exempted development.

Note: The Board noted that 2019/16/JR – Narconon Trust v ABP is currently on appeal.

Board Member:

Date: 30/03/2021

Chris McGarry