

An
Bord
Pleanála

Board Direction ABP-321898-25

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/04/2025. The Board decided, as set out in the following Order, that

WHEREAS a question has arisen as to whether the proposed development of a sub-sea fibre optic cable system (approximately 38.5km long) from the terminus of works under the granted foreshore licence (F007361) at the 12 nautical mile (nM) limit through, and to the limit of the Exclusive Economic Zone (EEZ) is or is not development and is or is not exempted development:

AND WHEREAS Amazon MCS Ireland Limited requested a declaration on this question from An Bord Pleanála on the 29th day of January, 2025:

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, as amended
- (c) Sections 4(1A),(1B) and (1C) of the Planning and Development Act, 2000, as amended,
- (d) Sections 278, 285, 286, and 314, Part XXI, Maritime Development, of the Planning and Development Act, as amended,
- (e) Section 2 of the Maritime Area Planning Act, 2021 (as amended)
- (f) Section 3 of the Maritime Area Planning Act, 2021 (as amended)
- (g) Part 5 of the Maritime Area Planning Act, 2021 (as amended)
- (h) Schedule 7 of the Maritime Area Planning Act. 2021 (as amended)

- (i) the report and recommendation of the Planning Inspector.

AND WHEREAS An Bord Pleanála concluded that the proposed development of a sub-sea fibre optic cable system (approximately 38.5km long) constitutes works as defined under Section 2(1) of the Planning and Development Act 2000, as amended,

AND WHEREAS the works in the maritime area, in making a material change of the seabed are therefore, deemed to be development within the meaning of Section 278 of Part XXI of the Planning and Development Act 2000, as amended

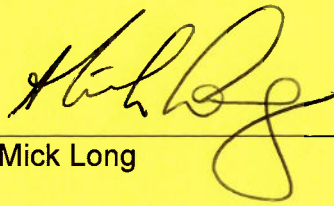
AND WHEREAS An Bord Pleanála concluded on the basis of the facts of the case that, the proposed development of a sub-sea fibre optic cable system which passes through the EEZ clearly forms part of the overall cable system that ultimately lands in the State. The proposed development is, therefore, not a maritime use listed in Schedule 7 and in particular item 13 of the schedule, as proposed in the referral case, which relates to telecommunication cables that do not land in the State,

AND WHEREAS An Bord Pleanála and concluded therefore, and concurred with the Maritime Area Regulatory Authority (MARA) that the proposed development is not an activity that is the subject of, or require, a licence under Part 5 of the Maritime Act 2021 and therefore cannot avail of the exemption under Section 4 (1A)(f) of the Planning and Development Act, 2000 (as amended), for such activities that are subject to such a licence.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 314 of the Planning and Development Act, 2000 (as amended), hereby

decides that the proposed development of a sub-sea fibre optic cable system (approximately 38.5km long) from the terminus of works under the granted foreshore licence (F007361) at the 12 nautical mile (nM) limit through, and to the limit of the Exclusive Economic Zone (EEZ) is development and is not exempted development

Board Member:

A handwritten signature in black ink, appearing to read 'Mick Long', is written over a horizontal line. The signature is stylized with a large, looping 'L'.

Mick Long

Date: 23/04/2025