



An
Coimisiún
Pleanála

Direction
ACP-323792-25

The submissions on this file and the Inspector's report were considered at a meeting held on 28/01/2026.

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

Commission Order as follows:-

WHEREAS a question has arisen as to whether the development of a 33kV underground cable to connect the permitted Swordlestown Solar farm to the existing Dunnstown 400kV substation site is or is not development or is or is not exempted development.

AND WHEREAS Kildare County Council referred this declaration for review to An Coimisiún Pleanála, on the 3rd day of October 2025.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- (b) Class 26 of the Planning and Development Regulations 2001 (as amended),
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended), and in particular Article 9 (1)(a)(vii),

- (d) The Policy and Objectives contained in the Kildare County Council Development Plan and specifically Objective BI O49 of the said plan,

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The proposed works would ordinarily fall within Class 26 being works being carried out by an undertaker authorised to provide an electricity service,
- (b) However the works would be de-exempted by reason of falling within the restriction placed under the provisions of Article 9(1)(a)(vii) by reason of Objective BI O49 of the Kildare County Development Plan which seeks to protect wetland sites including Harristown Commons North cNHA which is located in proximity to the southwestern end of the proposed underground cables;
- (c) The Commission was not satisfied on the basis of the information submitted to Kildare County Council on the 4th of September 2025 that, notwithstanding the additional set back of the underground cabling from the boundary of the Harristown Commons North cNHA by 87 metres, that the cabling would not still fall within the zone of influence of the said cNHA and therefore could potentially adversely affect the said cNHA and therefore be contrary to Objective BI O49;

NOW THEREFORE An Coimisiún 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 development of a 33kV underground cable to connect the permitted Swordlestown Solar farm to the existing Dunnstown 400kV substation site is development and is not exempted development.

Note: The Commission agreed with the inspector that there is insufficient information on file to establish that the proposed development would not continue to conflict with CDP Objective BI O49 and therefore that there is insufficient information or evidence on file to establish that the proposed development would not conflict with Article

9(1)(a)(vii) of the Regulations. However the Commission did not agree that the question referred to the Commission essentially relates to the same question as that posed under the previous declaration issued under ED1261 by Kildare County Council by virtue of the different alignment proposed under the current referral case and specifically, the realignment of the final route of the cable which was set back a further 87 metres from the boundary of the Harristown Commons North cNHA. As such the Commission did not rely on the Case Law, specifically Narconon Trust v An Bord Pleanála & Others [2020] IEHC 25 to dismiss the referral as recommended by the Inspector.

Planning

Commissioner:

Date: 28/01/2026



Paul Caprani