



An
Bord
Pleanála

Board Direction
93.RL3606

The submissions on this file and the Inspector's report were considered at a Board meeting held on April 25th 2018.

The Board decided, as set out in the following Order, that the laying of underground MV cables to link a substation in the permitted Drumroe solar farm development (Waterford City and County Council Permission Ref. 16/126 – ABP Ref. PL93.246902) to the existing ESN Kilcloher sub station, at Kilclogher and Drumroe, Cappoquin, Co Waterford, is development and is exempted development.

Board Order to be as follows:-

WHEREAS a question has arisen whether the laying of underground MV cables to link a substation in the permitted Drumroe solar farm development (Waterford City and County Council Permission Ref. 16/126 – ABP Ref. PL93.246902) to the existing ESN Kilcloher sub station, at Kilclogher and Drumroe, Cappoquin, Co Waterford, is or is not development and is or is not exempted development;

AND WHEREAS Highfield Solar Ltd, c/o Highfield Energy Services Ltd, requested a declaration on this question from Waterford City and County Council, and the Council issued a declaration on the 6th day of July 2017 stating that the matter is development and is not exempted development.

AND WHEREAS Highfield Solar Ltd, c/o Highfield Energy Services Ltd referred this declaration for review to An Bord Pleanála, on the 25th day of July 2017.

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

- (a) Sections 2(1), 3(1), 4(4), 172(1) and 177U(9) of the Planning and Development Act, 2000 (as amended),
- (b) Articles 3, 6 & 9, and Class 26 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended), and,
- (c) The documentation submitted by the referrer to An Bord Pleanála.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the laying of the underground cables comes within the scope of sections 2(1) and 3(1) of the Planning and Development Act, 2000, Act (as amended), and therefore constitutes development;
- (b) the referrer in this case, Highfield Solar Ltd., is a statutory undertaker and an electricity undertaking, within the meaning of Article 3 (3) of the Planning and Development Regulations 2001, as amended;
- (c) the carrying out by the referrer of the development in question comes within the scope of Class 26 of Part 1 of Schedule 2 to these Regulations and is therefore exempted development;
- (d) None of the restrictions on exemption set out in Section 4 (4) of the Planning and Development Act 2000, as amended, or set out in Article 9 of the Planning and Development Regulations, 2001, as amended, apply in this instance.

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 of underground MV cables to link a substation in the permitted Drumroe solar farm development (Waterford City and County Council Permission Ref. 16/126 – ABP Ref. PL93.246902) to the existing ESN Kilcloher sub station, at Kilclogher and Drumroe, Cappoquin, Co Waterford, is development and is exempted development.

Board Member

Date: 25th April 2018

Philip Jones