



An  
Bord  
Pleanála

Board Order  
ABP-300536-18

Planning and Development Acts 2000 to 2019

Planning Authority: Wicklow County Council

Planning Register Reference Number: EX57/17

**WHEREAS** a question has arisen as to whether the provision of an underground electricity cable grid connection from the substation within the Raheenleagh Wind Farm to the Arklow 220kV substation at Coolboy, Arklow, County Wicklow, is or is not development or is or is not exempted development:

**AND WHEREAS** The Raheenleagh/Ballinvalley 8 care of Eugene Clune and care of Ian Doyle Planning Consultant of Woodleigh, Cornwall, Killurin, Enniscorthy, County Wexford requested a declaration on the question from Wicklow County Council and no declaration issued by the planning authority:

**AND WHEREAS** The Raheenleagh/Ballinvalley 8 care of Eugene Clune referred the question for decision to An Bord Pleanála on the 19<sup>th</sup> day of December, 2017:

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

- (a) sections 2, 3, 4, 172U and 177U of the Planning and Development Act, 2000, as amended,
- (b) articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 26 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the judgement of the High Court in O’Grianna (and others) v. An Bord Pleanála (and others) [2014] IEHC 632, and
- (f) the judgement of the High Court in Patrick Daly v. Kilronan Wind Farm Limited and, by order, Derrysallagh Wind Farm Limited [2017] IEHC 308:

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

- (a) the said underground electricity cable grid connection comes within the scope of sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended, and constitutes development,
- (b) the said underground electricity cable grid connection comes within the scope of Class 26 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and
- (c) the provision of the said underground electricity cable grid connection would contravene condition number 26 of planning register reference number 10/2140 and would, therefore, come within the restrictions on exemption, as set out in article 9(1)(a)(i) of the said Regulations.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (b) of the 2000 Act, hereby decides that the provision of an underground electricity cable grid connection from the substation within the Raheenleagh Wind Farm to the Arklow 220kV substation at Coolboy, Arklow, County Wicklow is development and is not exempted development.

### Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

  
Terry Prendergast

Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.

Dated this 21<sup>st</sup> day of July 2020.

**DECISION QUASHED**