



Planning and Development Acts 2000 to 2020

Planning Authority: Roscommon County Council

Planning Register Reference Number: DED 383

WHEREAS a question has arisen as to whether the construction of an underground 20 kV medium voltage cable within the public road between a permitted solar farm at Creevyquin and the 38 kV Roscommon substation, is or is not, development, and is or is not, exempted development:

AND WHEREAS Power Capital Renewable Energy Limited care of IMG Planning Limited of 75 Fitzwilliam Lane, Dublin requested a declaration on this question from Roscommon County Council and the Council issued a declaration on the 4th day of June, 2020 stating that:

- (1) the proposed development constitutes development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations;

- (2) the likelihood of significant effects from the proposed development on the conservation objectives of European sites, in particular Lough Ree Special Area of Conservation (Site Code: 000440) and Lough Ree Special Protection Area (Site Code: 004064) cannot be excluded, and a Stage 2 Appropriate Assessment is required, therefore, in accordance with Section 4(4) of the Planning and Development Act, 2000, as amended, the said works cannot avail of any exemptions that might otherwise be available under the Act, or under the Planning and Development Regulations, 2001, as amended;
- (3) the possibility of the proposed development endangering public safety by reason of traffic hazard or obstruction of road users cannot be ruled out and therefore the said works cannot avail of any exemptions that might otherwise be available under Section 9 of the Planning and Development Regulations, 2001, as amended; and,
- (4) the proposed development is not exempted development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations;

AND WHEREAS Power Capital Renewal Energy Limited referred the declaration for review to An Bord Pleanála on the 30th day of June, 2020:

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

- (a) Sections 2(1), 3(1), 4(1), 4(2)(ai), 4(4) of Part 1 and Section 177 (U)(9) of Part XAB of the Planning and Development Act 2000, as amended,
- (b) Articles 3(3), 6(1), 9(1)(a)(iii), (v), (vii), (viA), (viiB) and (xi) of the Planning and Development Regulations 2001, as amended,

- (c) Class 26 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, and
- (d) The documentation on file and the report of the planning inspector;

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the said underground cable 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 cable comes within the scope of Class 26, Part 1, Schedule 2, of the Planning and Development Regulations, 2001, as amended,
- (c) the said underground cable does not come within the scope of Section 4(4) of the Planning and Development Act, 2000, as amended. In this regard the Board agreed with and adopted the report of the Inspector in relation to Environmental Impact Assessment and Appropriate Assessment and, thereby, has carried out the necessary assessments to conclude that neither EIA nor AA is required, and
- (d) the said underground cable does not come within the scope of Articles 9(1) (a)(iii), (v), (vii), (viiA), (viiB) and (xi) of the Planning and Development Regulations, 2001, as amended;

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5(3) of the 2000 Act, hereby decides that the construction of an underground 20 kV medium voltage cable within the public road between a permitted solar farm and the 38 kV substation, is development and is 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.

John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this day of 2021