

Planning and Development Acts 2000 to 2022

Planning Authority: Wexford County Council

WHEREAS a question has arisen as to whether the installation of the Beaufort sub-sea fibre optic cable system from the terminus of works under the granted Foreshore Licence [FS007361] (i.e. beyond 12 nautical miles of the coast) within the Irish Exclusive Economic Zone (EEZ) maritime boundary at Kilmore Quay, County Wexford is or is not development or is or is not exempted development:

AND WHEREAS Amazon MCS Ireland Limited care of Tom Phillips and Associates of 80 Harcourt Street Dublin 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 2000, 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; and
- (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 38.5 kilometres 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 Exclusive Economic Zone (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 Area Planning Act 2021, as amended 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.

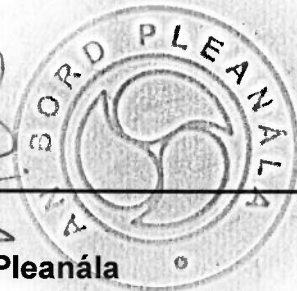
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the Planning and Development Act 2000, as amended by section 314 of the Act, hereby decides that the proposed development of a sub-sea fibre optic cable system (approximately 38.5 kilometres long) from the terminus 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.



Mick Long

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 29th day of April 2025