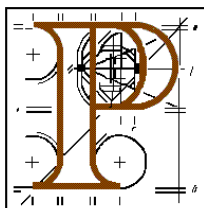


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cavan County

An Bord Pleanála Reference Number: RL.02.3369

WHEREAS a question has arisen as to whether the provision of a 20kV underground cable forming the grid connection between the planned wind farm in the townlands of Raragh, Kingscourt, County Cavan and the existing ESB substation at Kilnalun, County Meath is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Cavan County Council of Courthouse, Cavan on the 16th day of July, 2015:

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 and 9 and Class 26, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (c) O'Grianna (and others) v. An Bord Pleanála (and others), Record Number: 2014 No. 19 JR, 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 of 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 adopts the report of the Inspector in relation to an Environmental Impact Assessment and an Appropriate Assessment and, thereby, has carried out the necessary assessments to conclude that neither an Environmental Impact Assessment nor an Appropriate Assessment is required,
- (d) the said underground cable does not come within the scope of Articles 9(1)(a)(iii), (v), (vii), (viiA) or (viiB) or Article 9(1)(c) of the Planning and Development Regulations, 2001, as amended, and
- (e) as the wind farm for which the proposed electrical connection is required was approved prior to the O’Grianna decision, the Board can proceed to decide the subject referral, including the consideration of an Environmental Impact Assessment and an Appropriate Assessment to the extent that is necessary, in accordance with the relevant legislative provisions:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by sections 5 (4) of the 2000 Act, hereby decides that the said provision of a 20kV underground cable forming the grid connection between the planned wind farm in the townlands of Raragh, Kingscourt, County Cavan and the existing ESB substation at Kilnalun, County Meath 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.

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

Dated this day of 2016.