

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Offaly County**

**Planning Authority Reference Number: DEC 16/7**

An Bord Pleanála Reference Number: 19.RL.3503

**WHEREAS** a question has arisen as to whether the provision of a connection between the 110kV substation of the Yellow River windfarm granted under An Bord Pleanála reference number 19.PA0032 and the National Grid at Rhode, County Offaly is or is not development or is or is not exempted development:

**AND WHEREAS** the said question was referred to An Bord Pleanála by Offaly County Council of Áras an Chontae, Charleville Road, Tullamore, County Offaly on the 2<sup>nd</sup> day of September, 2016:

**AND WHEREAS** An Bord Pleanála considered that the referral question should be reformulated as follows:

“Whether the provision of a connection between the 110kV substation of the Yellow River windfarm granted under An Bord Pleanála reference number 19.PA0032 and the National Grid at the adjoining Derryiron 110kV substation at Rhode, County Offaly is or is not development or is or is not exempted development”:

**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) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (d) An Bord Pleanála reference number 19.PA0032 granting planning permission for the Yellow River wind farm wherein the cumulative environmental impact of the proposed connection to the National Grid at Derryiron was assessed:

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

- (a) the provision of a connection between the 110kV substation of the Yellow River wind farm and the National Grid at the adjoining Derryiron 110kV substation comes within the scope of sections 2(1) and 3(1) of the said Act and constitutes development,
- (b) the 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 underground cables do 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 Environmental Impact Assessment and Appropriate Assessment and, thereby has carried out the necessary assessments to conclude that neither an Environmental Impact Assessment or an Appropriate Assessment is required, and
- (d) the underground cables do not come within the scope of Article 9(1)(a)(i), (ii), (v), (vii), (viiA) or (viiB) or Article 9(1)(c) 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 (4) of the 2000 Act, hereby decides that the said provision of a connection between the 110kV substation of the Yellow River wind farm granted under An Bord Pleanála reference number 19.PA0032 and the National Grid at the adjoining Derryiron 110kV substation at Rhode, County Offaly 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.

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

**Dated this                    day of                    2017.**