



An
Bord
Pleanála

Board Order 93.RL.3606

Planning and Development Acts 2000 to 2017

Planning Authority: Waterford City and County Council

Planning Register Reference Number: D5/2017/21

WHEREAS a question has arisen as to whether the laying of underground MV cables to link a substation in the permitted Drumroe solar farm development (Waterford City and County Council permission reference number 16/126, An Bord Pleanála appeal reference number PL93.246902) to the existing ESB Kilcoher substation at Kilcloher and Drumroe, Cappoquin, County Waterford is or is not development or is or is not exempted development:

AND WHEREAS Highfield Solar Limited care of Highfield Energy Services Limited of Design Suite 7, Old Castle View, Kilgobbin Road, Dublin requested a declaration on this question from Waterford City and County Council and the Council issued a declaration on the 6th day of July, 2017 stating that the matter is development and is not exempted development:

AND WHEREAS Highfield Solar Services Limited care of Highfield Energy Limited of Design Suite 7, Old Castle View, Kilgobbin Road, Dublin referred the declaration for review to An Bord Pleanála on the 25th day of July, 2017:

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, as amended,
- (b) Articles 3, 6 and 9 and Class 26 of Part 1 of Schedule 2 to the Planning and Regulations, 2001, as amended, and
- (c) the documentation submitted by the referrer to An Bord Pleanála:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the laying of the underground cables comes within the scope of Sections 2(1) and 3(1) of the Planning and Development Act 2000, as amended, and therefore constitutes development,
- (b) the referrer in this case, Highfield Solar Limited, is a statutory undertaker and an electricity undertaking, within the meaning of Article 3(3) of the Planning and Development Regulations 2001, as amended,
- (c) the carrying out by the referrer of the development in question comes within the scope of Class 26 of Part 1 of Schedule 2 to these Regulations and is, therefore, exempted development, and
- (d) none of the restrictions on exemption set out in Section 4(4) of the Planning and Development Act 2000, as amended, or set out in Article 9 of the Planning and Development Regulations, 2001, as amended, apply in this instance:

