



The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
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AN BORD PLEANÁLA

LDG: _____
ABP: _____

29 JAN 2021

Fee: € _____ Type: _____
Time: _____ By: *Reg post*

Thursday, 28th January 2021
[By Registered Post]

Dear Sir/Madam

- Response to Section 5 Referral -

RE: SECTION 5 DECLARATION WHETHER THE UNDERGROUND ELECTRICITY CABLE GRID CONNECTIONS IS OR IS NOT DEVELOPMENT AND IS OR IS NOT EXEMPTED DEVELOPMENT. MAURICETOWN WIND FARM GLENDUFF, DARRERY AND COOLNANOGLASH, BALLAGH, CO. LIMERICK.

Limerick City and County Council Reg. Ref. No.: EC60/20

An Bord Pleanála Reg. Ref. No.: ABP-309231-21

1.0 INTRODUCTION

The Planning Partnership, The Coach House, Dundanion, Blackrock Road, Cork has been retained by Patrick Cremins, Meenganaire, Knocknagoshel, Co. Kerry, to prepare this *Response* to An Bord Pleanála Letter dated 22nd January 2021, as requested under Section 129 of the *Planning and Development Act 2000* (as amended).

It should be noted in this regard that Patrick Cremins, Meenganaire, Knocknagoshel, Co. Kerry, also made a *Section 5 Referral* to An Bord Pleanála under Section 5(3)(b) of the *Planning and Development Act 2000 - 2020* in relation to the above, in response to the Limerick City and County Council's failure to issue declarations on the questions that has arisen as required under section 5(2)(a) of the *Planning and Development Act 2000 - 2020*.

The Section 5 Referral to An Bord Pleanála by Patrick Cremins, Meenganaire, Knocknagoshel, Co. Kerry, was received by the Board on 19th January 2021 by Registered Post, and registered under Reg. Ref. No.: ABP-309283-21, and refers to the same question now posed to the Board by Limerick City and County Council.

Irrespective, a full copy of the Section 5 Referral, including a copy of the Section 5 Declaration Application dated Friday, 13th November 2020, which was received by Limerick City and Council on Wednesday, 18th November 2020, by Registered Post is enclosed with this *Response* and titled:

Section 5 Referral to An Bord Pleanála in relation to the Underground Electricity Cable Grid Connection Links between the Mauricetown Wind Farm 38kv Substation and Tullylease 38kv Substation, between the Tullylease 38kv Substation to the Electricity Cable Grid Connection which runs from the Dromdeeven Wind Farm 38kv Substation to the Glenlara 110kv Substation in County Cork, as far as the Limerick County Border with Cork County.

From a review of the copy of Limerick City and County Council documentation enclosed with An Bord Pleanála Letter dated 22nd January 2021, the following relevant information is provided.

1.1 The Questions Posed is not a matter of Compliance with Conditions, but a matter of development and whether such development is considered exempted development or not

It should be noted that the question posed to the Planning Authority is not whether development is in compliance with any relevant condition or not?

Having regard to the development works undertaken, and in the process of being undertaken as presented in The Planning Partnership's *Section 5 Referral to An Bord Pleanála* (Reg. Ref. No.: ABP-309283-21), as well as the *Section 5 Declaration Application* issued to Limerick City and County Council under Reg. Ref. No.: EC60/20 (copy enclosed), the Grid Connection question is described as follows:

Whether the provision of:

1. The underground electricity cable grid connections and associated works from the Mauricetown Wind Farm 38kV Substation to the Tullylease 38 kV Substation in County Limerick;
2. The underground electricity cable grid connections and associated works from the Tullylease 38 kV Substation to the electricity cable grid connection which runs from the Dromdeeveen Wind Farm 38kV Substation to the Glenlara 110kV Substation in County Cork, as far as the Limerick County / Cork County border at the Glashawee River; and
3. The underground electricity cable grid connections and associated works from the Dromdeeveen Wind Farm 38kV Substation to the Glenlara 110kV Substation in County Cork, as far as the Limerick County / Cork County border at the Glashawee River;

is or is not development, and is or is not exempted development?

It is further our opinion that this question is wholly within the remit of section 5 of the *Planning and Development Act 2000 - 2020* and we request An Bord Pleanála to decide on the Questions as posed.

2.0 RELEVANT PLANNING HISTORY - underground electricity cable grid connection works does not form part of permitted developments

2.1 Relevant Planning History

The following represents the relevant Planning History associated with:

- The Mauricetown Wind Farm and Dromdeeveen Wind Farm;
- The Mauricetown Wind Farm 38kV Substation, Dromdeeveen Wind Farm 38kV Substation and the Tullylease 38kV Substation; and
- The provision of an 38 kV overhead electricity transmission line from Dromdeeveen Wind Farm to Cumberduff townland, west of Meelin village in Co. Cork.

2.1.1 Relevant Mauricetown Wind Farm and Tullylease 38kV Substation Planning History

Planning Authority:	Limerick City and County Council	Development Description : Mauricetown Wind Farm 10 year planning permission for retention and completion for the construction, operation and decommissioning of up to six number wind
File Ref. No.:	12/379	
An Bord Pleanála	PL13.240910	
Applicant:	Mauricetown Wind Farm Ltd.	



Outcome:	Permission Refused by Limerick City and County Council by Order dated 4 th July 2012, with a Grant of Permission issued on Appeal by An Bord Pleanála 17 th April 2013.	turbine generators with a blade tip height of up to 132 metres (hub height of up to 85 metres and rotor diameter of up to 93 metres) and crane hardstandings for each turbine, meteorological mast, electrical substation, underground electrical cabling, access tracks, borrow pit, temporary construction compound, retention and completion of access tracks, and ancillary services. EIS and NIS accompanies application.
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Key Issues to be Noted:

Key wording associated with the Mauricetown Wind Farm is outlined in the Environmental Impact Statement document, *Ashford Wind Farm Environmental Impact Statement May 2012*, detailing:

- Paragraph 4.3 of the *Ashford Wind Farm Environmental Impact Statement Non-Technical Summary May 2012* - "an electrical connection from the site to the 38kV electricity distribution network (Any elements of the connection that require planning consent would be subject to a separate planning application, currently the responsibility of Electricity Supply Board (ESB)"; and
- Paragraph 2.9.4 of the *Ashford Wind Farm Environmental Impact Statement May 2012* - "connection works are currently the responsibility of ESB Networks and any elements of the connection works that require planning permission will be subject to a separate planning application";

is clear and unambiguous in that the Mauricetown Wind Farm requires, in each case, that separate planning permission be obtained for grid connections.

It is further noted that the Mauricetown Wind Farm 38kV Substation forms part of the permitted (An Bord Pleanála Reg. Ref. No.: PL13.240910; Limerick City and County Council Plan. Reg. Ref. No.: 12/379) Mauricetown Wind Farm.

Planning Authority:	Limerick City and County Council	Development Description : Tullylease 38kV Substation The construction of a single storey control building and an electrical switching station compound, including electrical equipment plinths, access track, underground cable works and ancillary infrastructure.
File Ref. No.:	17/338	
Applicant:	Highfield Energy Limited	
Outcome:	Permission Granted by Limerick City and County Council by Order dated 27 th July 2017.	

Key Issues to be Noted:

No underground electricity cable grid connection works between the Mauricetown Wind Farm 38kV Substation and Tullylease 38kV Substation forms party of the Permitted Tullylease 38kV Substation under Limerick City and County Council Plan. Reg. Ref. No.: 17/338.

Neither does the Permitted Tullylease 38kV Substation under Limerick City and County Council Plan. Reg. Ref. No.: 17/338 detail any electricity cable grid connection from the Tullylease 38kV Substation to the electricity cable grid connection which runs from the Dromdeeveen Wind Farm 38kV Substation to the Glenlara 110kV Substation in County Cork, crossing the Limerick County / Cork County border at the at the Glashawee River.

2.1.2 Relevant Dromdeeveen Wind Farm Planning History

Planning Authority:	Limerick City and County Council	Development Description Windfarm comprising increase dimensions for 7 permitted wind turbines and additional 11 wind turbines, anemometer mast and access tracks. EIS accompanies application
File Ref. No.:	04/2722	
Applicant:	John McCarthy	
Outcome:	Permission Granted by Limerick City and County Council by Order dated 16 th February 2005.	

Key Restrictive Condition No.: 17

"No development shall take place until permission has been granted for a transmission line onto the national grid. This grant of permission shall not infer that planning permission shall necessarily be granted for same.

Reason: In the interests of defining the permission and to ensure that the development is not carried out in the absence of a suitable electricity connection."

[Our emphasis]

The wording associated with Condition No.: 17 of Limerick City and County Council Plan. Reg. Ref. No.: 04/2722 (Dromdeeveen Wind Farm with totalling 18 no. turbines) is clear and unambiguous in that it requires that planning permission be obtained for grid connections.

It is further note that that the Developer, Wind Prospect Ireland Limited, on behalf of John McCarthy (Reirk Energy Limited) confirmed in a Compliance Submission to Limerick City and County Council dated 22nd September 2010 (extract enclosed under Appendix C of the Section 5 Declaration Application), the following:

"Reirk Response of 23rd December 2009; Reirk Energy Ltd. confirms that a transmission overhead line connection is not being used for connection to the National Grid. An underground 38kV line has been agreed with ESB Networks from the development.

Additional Response; Drawings of the 38kV underground line as requested in Limerick Co. Co. letter of 28th January 2010 are included in Enclosure no. 5.

[Our emphasis]

It is worthy to note that the 38kV underground line as referenced in the Reirk Energy Ltd. compliance submission which runs from the Dromdeeveen Wind Farm 38kV Substation to the Glenlara 110kV Substation in County Cork, crossing the Limerick County / Cork County border at the at the Glashawee River, does not correspond with the route as permitted by An Bord Pleanála under Ref. No.: PLo4.218821 (Cork County Council Plan. Reg. Ref. No.: 06/7096), which reference a 38kV overhead line (see 2.1.3 below).

2.1.3 Electricity Transmission Lines History - 38 kV overhead electricity transmission line from Dromdeeveen Wind Farm to Cumberduff townland, west of Meelin village in Co. Cork

Planning Authority:		Cork County Council	Planning Application Development Description
File Ref. No.:		06/7096	Erection of 7.4 kilometres of 38 kV overhead line in the townlands of Cumberduff, Commons North, Tooreen Donnell, Meentiny East, Meenkearagh, Rowls Shaddock, Rowls Allen, Cummery Connell, Rowls Langford South, Rowls Langford North and Banane, County Cork. The proposed line will consist of three conductors at two metres apart supported by double woodpoles to a maximum height of 20 metres and approximately 150 metres apart. Angle structures will consist of lattice steel towers to a maximum height of 12 metres.
An Bord Pleanála		PL04.218821	
Applicant:	Electricity Supply Board.		
Outcome:	Permission Granted by Cork County Council by Order dated 5 th July 2006, with the Grant issued on Appeal by An Bord Pleanála 5 th December 2006.		

Key Issue to be Noted:

This 38 kV overhead electricity transmission line from Dromdeeveen Wind Farm to Cumberduff townland, west of Meelin village in Co. Cork line, was to connect to a further proposed section of 110 kV transmission line of some 8Km leading from Cumberduff to the existing Glenlara 110kV Station south west of Newmarket.

An Bord Pleanála recently confirmed by Declaration issued under Reg. Ref. No.: 04.RL.3531:

"... that the provision of a 20kV underground electrical connection, between Glentanemacelligot wind farm at Glennakeel South, Newmarket, County Cork and Knockacummer wind farm at Meentiny West and Meentiny East, Rockchapel, Kanturk, County Cork; a 110kV underground electrical connection between Knockacummer wind farm and Glenlara sub-station at Curraduff, County Cork; and a 110kV underground electrical connection between Glenlara sub-station and Ballynahulla sub-station, Ballynahulla, County Kerry is development and is not exempted development."

[Our emphasis]

The Board further noted that the three sections of the grid connection to which this referral refers were the subject of previous determinations by the planning authority and, in one case, also on appeal by An Bord Pleanála. In all of these cases, the submissions included Appropriate Assessment Screening reports or Natura Impact Statements, which took into account the provision of mitigation measures which were intended to avoid or reduce the impacts of the development on a number of European sites - that is, the *Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (site code 004161), the Lower River Shannon Special Area of Conservation (site code 002165) and the Blackwater River (Cork/Waterford) Special Area of Conservation (site code 002170).*

These determinations were based on, and took into account, the submitted measures. Accordingly, these determinations must be considered to be in breach of the judgement of the European Court of Justice, which judgement is declaratory of the law as it always had been, since the enactment of the Habitats and Birds Directives, and does not solely apply to the period subsequent to the making of that judgement. Accordingly, the Inspector's conclusion that the grid connections did not require Appropriate Assessment, as they were carried out prior to the ECJ judgement in question, is

incorrect. Furthermore, as the previous exempted development declarations were similarly incorrect, the Board is not bound by them in reaching a different conclusion in the current case.

An Bord Pleanála recently confirmed by Declaration issued under Reg. Ref. No.: ABP-300536-18:

*"... that the provision of an underground electricity cable grid connection from the substation within the Raheenleagh Wind Farm to the Arklow 220kV substation at Coolboy, Arklow, County Wicklow **is development and is not exempted development.**"*

[Our emphasis]

The Board concluded that:

- a) The underground electricity cable grid connection constitutes development;
- b) The underground electricity cable grid connection comes within the scope of Class 26 of Part 1 of the Second Schedule to the *Planning and Development Regulations 2001-2020*; and
- c) The provision of the underground electricity cable grid connection would contravene condition of Wicklow County Council Plan. Reg. Ref. No.: 10/2140 and would, therefore, come within the restrictions on exemption, as set out in article 9(1)(a)(i) of the *Planning and Development Regulations 2001-2020* contravening a condition.

2.1.4 Concluding comments on relevant Planning History as outlined

From the above associated Planning History, the authorised status of the underground electricity cable grid connection works between:

- a) the Mauricetown Wind Farm 38kV Substation and Tullylease 38kV Substation;
- b) the Tullylease 38kV Substation to the electricity cable grid connection which runs from the Dromdeeveen Wind Farm 38kV Substation to the Glenlara 110kV Substation in County Cork; and
- c) the Dromdeeveen Wind Farm 38kV Substation to the Glenlara 110kV Substation in County Cork;

are questionable, especially referencing:

1. Key wording associated with the Mauricetown Wind Farm (An Bord Pleanála Reg. Ref. No.: PL13.240910 - Limerick City and County Council Plan. Reg. Ref. No.: 12/379) as outlined in the Environmental Impact Statement document, *Ashford Wind Farm Environmental Impact Statement May 2012*, detailing:
 - Paragraph 4.3 of the *Ashford Wind Farm Environmental Impact Statement Non-Technical Summary May 2012* - "an electrical connection from the site to the 38kV electricity distribution network (Any elements of the connection that require planning consent would be subject to a separate planning application, currently the responsibility of Electricity Supply Board (ESB)); and
 - Paragraph 2.9.4 of the *Ashford Wind Farm Environmental Impact Statement May 2012* - "connection works are currently the responsibility of ESB Networks and any elements of the connection works that require planning permission will be subject to a separate planning application";

which is clear and unambiguous in that the Mauricetown Wind Farm requires, in each case, that separate planning permission be obtained for grid connections.

2. Condition No.: 17 of Limerick City and County Council Plan. Reg. Ref. No.: 04/2722 (Dromdeeveen Wind Farm with totalling 18 no. turbines) which does not facilitate/permit any underground electricity cable grid connection works to the electricity cable grid connection which runs from the Dromdeeveen Wind Farm 38kV Substation to the Glenlara 110kV Substation in County Cork, crossing the Limerick / Cork County border at the Glashawee River;
3. The Mauricetown Wind Farm 38kV Substation which forms part of the permitted (An Bord Pleanála Reg. Ref. No.: PL13.240910; Limerick City and County Council Plan. Reg. Ref. No.: 12/379) Mauricetown Wind Farm which does not facilitate/permit any underground electricity cable grid connection works between the Mauricetown Wind Farm 38kV Substation and Tullylease 38kV Substation;
4. The Tullylease 38kV Substation Permitted under Limerick City and County Council Plan. Reg. Ref. No.: 17/338 which does not facilitate/permit any underground electricity cable grid connection works between the Tullylease 38kV Substation and the Mauricetown Wind Farm 38kV Substation permitted under An Bord Pleanála Reg. Ref. No.: PL13.240910 (Limerick City and County Council Plan. Reg. Ref. No.: 12/379);
5. Tullylease 38kV Substation Permitted under Limerick City and County Council Plan. Reg. Ref. No.: 17/338 which does not facilitate/permit any underground electricity cable grid connection works to the electricity cable grid connection which runs from the Dromdeeveen Wind Farm 38kV Substation to the Glenlara 110kV Substation in County Cork, crossing the Limerick County / Cork County border at the at the Glashawee River; and
6. The 38kV underground line which runs from the Dromdeeveen Wind Farm 38kV Substation to the Glenlara 110kV Substation in County Cork, crossing the Limerick / Cork County border at the at the Glashawee River, which does not correspond with the route as permitted by An Bord Pleanála under Ref. No.: PL04.218821 (Cork County Council Plan. Reg. Ref. No.: 06/7096).

It is clear that any Grid Connection associated with the Mauricetown Wind Farm or Dromdeeveen Wind Farm does not form part of their respective Planning Permissions.

These Planning Permissions, their associated key text presented within the Planning Application Documentation and relevant conditions subject to which permissions have been granted, are not subject to much interpretation as to their meaning. The wording is clear and unambiguous in that they require, in each case, that planning permission be obtained for grid connections.

The following was recently put to An Bord Pleanála as 4 no. separate Referrals in terms of section 5 of the *Planning and Development Act 2000-2015*, and represents a similar scenario to that as found the subject of this *Application for Section 5 Declaration*.

The question put to the Board under Ref. Nos.: 26.RL.3408/09/10/11 was:

"Whether the provision of grid connections from the Crory 110kV/Lodgewood 220kV substation to the Ballycadden, Gibbet Hill, Knocknalour and Ballynancoran wind farms in County Wexford is or is not development and is or is not exempted development".

The windfarms and connections were approved by the Commission for Energy Regulation (CER) through the issuing of Authorisation to Construct Consents and Generating Licenses. As in each of the planning permissions for the windfarms, the grid connections were separated out. As such any assessment of the Grid Connections associated with Environmental Impacts under European Environmental Impact Assessment and Habitats Directives were not undertaken.

It is however noted that the *Wind Energy Development Guidance* indicated the necessity for separate planning applications for grid connections.

It is acknowledged that the practice in the **past** was that grid connections form part of a development which comes within the provisions of Section 4 of the *Planning and Development Act 2000-2020* considered as 'Exempted development'. Such interpretation has now been somewhat clouded with the High Court Judgement on Judicial Review associated with *O'Grianna (and others) v. An Bord Pleanála (and others), Patrick Daly v. Kilronan Wind Farm Limited and, by order, Derrysallagh Wind Farm Limited, and People over Wind v Coillte*.

An Bord Pleanála concluded *inter alia* per An Bord Pleanála Reg. Ref. Nos.: 04.RL.3531 and ABP-300536-18 that 'grid connections' constitutes development and is not 'exempted development' due to the **restriction imposed by associated condition** attached to the Windfarm Planning Permissions, and where the judgement of the European Court of Justice, which judgement is declaratory of the law as it always had been, since the enactment of the Habitats and Birds Directives, and **does not solely apply to the period subsequent to the making of that judgement**. Planning Permission for required Grid Connection is required.

3.0 CONCLUSION

In making its decision, An Bord Pleanála is required to have regard to those matters to which, by virtue of the *Planning and Development Act 2000-2020* and the *Planning and Development Regulations 2001-2020* made thereunder.

Such matters included any submissions and observations received by it in accordance with statutory provisions.

Based on the details presented, it is our Professional Planning Opinion that:

- (a) the said underground electricity cable grid connection works **come within the scope** of Sections 2(1) and 3(1) of the *Planning and Development Act 2000-2020* and constitute development;
- (b) the said underground electricity cable grid connection works **come within the scope** of Section 4(4) of the *Planning and Development Act 2000-2020*, confirming that development requiring an appropriate assessment shall not be exempted development, and in this instance being underground electricity cable grid connection works located in parts within, and adjacent, a European Site, i.e. *Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA Special Protection Area* (Site Code 004161) for which appropriate assessment is required under Section 177U of the *Planning and Development Act 2000-2020*;
- (c) the said underground electricity cable grid connection works **does not come within the scope** of Section 172(1) of the *Planning and Development Act 2000-2020*, being of a class not specified in Part 1 of Schedule 5 of the *Planning and Development Regulations 2001-2020*;
- (d) the said underground electricity cable grid connection works **come within the scope** of Section 177U of the *Planning and Development Act 2000-2020*, and the requirements as specifically outlined under Section 177U(9) of the *Planning and Development Act 2000-2020* requiring the Screening for Appropriate Assessment being located in parts within, and adjacent, a European Site, i.e. *Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA Special Protection Area* (Site Code 004161);

- (e) the said underground electricity cable grid connection works **come within the scope** of Section 182A of the *Planning and Development Act 2000-2020*, constitute development of electricity transmission lines being located in parts within, and adjacent, a European Site, i.e. *Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA Special Protection Area* (Site Code 004161);
- (f) the said underground electricity cable grid connection works **come within the scope** of Article 3 of the *Planning and Development Regulations 2000-2020* as references to relevant definitions and terminologies;
- (g) the said underground electricity cable grid connection works **does not come within the scope** of Article 6(1) of the *Planning and Development Regulations 2000-2020* having regard to the provisions of Article 9(1)(viiB) of the *Planning and Development Regulations 2000-2020*;
- (h) the said underground electricity cable grid connection works **come within the scope** of Article 9(1) of the *Planning and Development Regulations 2000-2020* and specifically (viiB) being development to which a Planning Authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European Site, i.e. *Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA Special Protection Area* (Site Code 004161);
- (i) the said underground electricity cable grid connections and associated works from the Dromdeeveen Wind Farm 38kV Substation to the Glenlara 110kV Substation in County Cork, as far as the Limerick County / Cork County border at the Glashawee River, **come within the scope** of Article 9(1)(a)(i) of the *Planning and Development Regulations 2000-2020* by contravening Condition No.: 17 of Limerick City and County Council Plan. Reg. Ref. No.: 04/2722 (Dromdeeveen Wind Farm with totalling 18 no. turbines);
- (j) the said underground electricity cable grid connection works **does not come within the scope** of Class 26 of Part 1 of Schedule 2 of the *Planning and Development Regulations 2000-2020* having regard to the provisions of Article 9(1)(viiB) of the *Planning and Development Regulations 2000-2020*;
- (k) as the underground electricity cable grid connection works between the Mauricetown Wind Farm 38kV Substation to the Tullylease 38 kV Substation, and from the Tullylease 38 kV Substation to the Glenlara 110kV Substation in County Cork, as far as the Limerick County / Cork County border at the Glashawee River, were constructed after the judgements of the High Court in *O'Granna (and others) v. An Bord Pleanála (and others)* [2014] IEHC 632 and *Patrick Daly v. Kilronan Wind Farm Limited and, by order, Derrysallagh Wind Farm Limited* [2017] IEHC 308, the Planning Authority **can proceed to decide this part** of the underground electricity cable grid connection works subject to the consideration of Environmental Impact Assessment and Appropriate Assessment to the extent that is necessary, in accordance with the relevant legislative provisions;
- (l) underground electricity cable grid connections and associated works from the Dromdeeveen Wind Farm 38kV Substation to the Glenlara 110kV Substation in County Cork, as far as the Limerick County / Cork County border at the Glashawee River, were constructed before the judgements of the High Court in *O'Granna (and others) v. An Bord Pleanála (and others)* [2014] IEHC 632 and *Patrick Daly v. Kilronan Wind Farm Limited and, by order, Derrysallagh Wind Farm Limited* [2017] IEHC 308, and An Bord Pleanála recent Declaration issued under Reg. Ref. No.: 04.RL.3531 referencing that judgements by the European Court of Justice is declaratory of the law as it always had been and does not solely apply to the period subsequent to the making of



that judgement (i.e. since the enactment of the Habitats and Birds Directives) the Planning Authority **can proceed to decide this part** of the underground electricity cable grid connection works subject to the consideration of Environmental Impact Assessment and Appropriate Assessment to the extent that is necessary, in accordance with the relevant legislative provisions.

NOW THEREFORE Limerick City and County Council as relevant Planning Authority, in exercise of the powers conferred on it by section 5 (1) of the *Planning and Development Act 2000-2020*, should declare that the said underground electricity cable grid connection works between the Mauricetown Wind Farm 38kV Substation to the Tullylease 38 kV Substation, the said underground electricity cable grid connections and associated works from the Tullylease 38 kV Substation to the electricity cable grid connection which runs from the Dromdeeveen Wind Farm 38kV Substation to the Glenlara 110kV Substation in County Cork, as far as the Limerick County / Cork County border at the Glashawee River, and the said underground electricity cable grid connections and associated works from the Dromdeeveen Wind Farm 38kV Substation to the Glenlara 110kV Substation in County Cork, as far as the Limerick County / Cork County border at the Glashawee River, **is development and is not exempted development.**

We trust that we have provided adequate information in this regard and should further information be required we are in a position to assist. We look forward to an early determination in respect of those items herein listed.

Yours faithfully



Wessel Vosloo
Principal
The Planning Partnership

Encl.

Appendix

- Copy of the Section 5 Referral Letter to An Bord Pleanála dated Monday, 18th January 2021, prepared by The Planning Partnership.
- Copy of the Section 5 Declaration Application Cover Letter dated Friday, 13th November 2020, prepared by The Planning Partnership.
 - Copy of Completed Limerick City and County Council Planning and Environmental Services *Section 5 Application* Form.
- Copy of comprehensive *Section 5 Declaration Application* document, dated Friday, 13th November 2020, prepared by The Planning Partnership

10