



COMHAIRLE CONTAE
CHEATHARLACH

CARLOW COUNTY COUNCIL

Registered Post

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3rd April 2024

**Garreenleen Solar Farm Ltd.,
C/o HW Planning,
5 Joyce House,
Barrack Square,
Ballincollog,
Cork.**

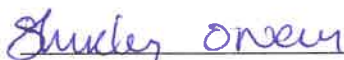
**Re: S5.23.41: Declaration on Development & Exempted Development.
Site Address: Kellistown East, Co. Carlow.
Proposal: Proposed 110kV underground grid connection cabling between the
L30535 public road (to the north of the existing Kellis 220kV
substation) to a line bay in the substation.**

A Chara,

Please find attached original copy of Declaration with respect to above application.

If you have any further query, please contact the undersigned at 059-9170346 or
planningdevman@carlowcoco.ie.

Mise le meas,


**Shirley O'Neill,
Administrative Officer.**





Declaration on Development & Exempted Development
Section 5 of the Planning and Development Act 2000 (as amended)
Reg. Ref: SEC5/23/41

WHEREAS a question has arisen as to whether the proposed 110kV underground grid connection cabling between the L30535 public road (to the north of the existing Kellis 220kV substation) to a line bay in the substation, at Kellistown East, Co. Carlow, is or is not development and is or is not exempted development;

AS INDICATED on the plans and particulars received by the Planning Authority on 01/12/23 and the Further Information response received by the Planning Authority on 14/03/2024;

AND WHEREAS Garreenleen Solar Farm Limited, C/o HW Planning, 5 Joyce House, Barrack Square, Ballincollig, Cork, requested a declaration on the said question from Carlow County Council;

AND WHEREAS Carlow County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- (b) Section 177U of the Planning and Development Act 2000 (as amended);
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended), including Article 9(1)(a)(viiiB) '*comprise development in relation 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*;
- (d) Class 26 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- (e) Planning application register references PL22/163 relating to the site and including approved development which includes a Natura Impact Statement;
- (f) DEHLG "*Guidance for Planning Authorities Appropriate Assessment of Plans and Projects in Ireland*", which states in Section 2.3 that: "*Any plan or project that is not directly connected with or necessary to the management of a site must be subject to AA of its implications for the Natura 2000 site in view of the site's conservation objectives "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects" (EC, 2006). The precautionary principle, derived from the EU Treaty and developed in the case law of the ECJ14, is one of the foundations of the high level of protection pursued by EU Community policy on the environment, and underpins the Habitats Directive. Where doubt exists about the risk of a significant effect, an AA must be carried out*".
- (g) The Appropriate Assessment Screening Report completed by the Planning Authority for the proposal;

AND WHEREAS Carlow County Council has concluded that:

- (a) The proposal is development which comes within the scope of Section 3 of the Planning and Development Act 2000 (as amended);
- (b) The proposal does come within the scope of Class 26 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- (c) Notwithstanding part (i) in the foregoing, it is considered that the restrictions on exemptions in Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001 (as amended) would apply i.e. proposal comprises development which requires Appropriate Assessment;

NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the proposed 110kV underground grid connection cabling between the L30535 public road (to the north of the existing Kellis 220kV substation) to a line bay in the substation at Kellistown East, Co. Carlow, Bagenalstown, County Carlow, **is development and is not exempted development.**

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed:



Date: 3/4/24