

APPENDIX B.6

PLANNING REF. 215/15

Comhairle Contae Chorcaí Cork County Council

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ESB Wind Development
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Stephen Court,
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Dublin 2.

6th May, 2015

REF: D/215/15
LOCATION: Ballyvouskill – Coomataggart 110kV Underground Cable, Co. Cork.

**RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000**

Dear Sir,

On the basis of the information and plans submitted by you on the 9th March & 13th April 2015, the Planning Authority having considered whether the laying of an underground electricity cable in a number of townlands in Co. Cork between Ballyvouskill substation and Coomataggart substation is or is not exempted development, has declared that it is **exempted development**.

Please note that any material departure from the external finish as submitted may remove the development from the Exempted category and require the submission of an application for Permission under the Act.

This exemption does NOT itself empower a person to carry out a development unless that person is legally entitled to do so.

Yours faithfully,

JAMES KEANE,
SENIOR EXECUTIVE OFFICER,
PLANNING DEPARTMENT.

WHEREAS a question has arisen as to whether the laying of an underground electricity cable in a number of townlands in County Cork passing through an area is or is not exempted development:

AND WHEREAS The Planning Authority, in considering this referral, had regard particularly to –

- a. Sections 3 and 4 of the Planning and Development Act, 2000,*
- b. Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,*
- c. Class 26 of Part 1 of Schedule 2 to the said regulations*
- d. The location of part of the underground electricity cable within the Stacks to **Mullaghganish to Musheramore SPA** – and St. Gobnait's Wood SAC –*
- e. The objectives of the Birds Directive (2009/147/EC), and*
- f. The site synopsis for the **Mullaghganish to Musheramore SPA** published by the National Parks and Wildlife Service*
- g. The submissions made in connection with the referral, in particular the Appropriate Assessment Screening report, and the EIA screening report, and associated terrestrial and aquatic ecology reports,*

AND WHEREAS the Planning Authority has concluded that –

- a. the laying of an underground electricity cable is a type of development coming generally within the exempted development provisions of Class 26 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001*
- b. the area to be excavated and backfilled comprises substantially existing road network area of the Special Protection Area,*
- c. the area subject to works will be substantially returned to its pre-existing state after the works have been completed,*
- d. notwithstanding that the carrying out of the proposed development would entail an element of excavation, the laying of the underground electricity cable would have no significant effect, in terms of disturbance of habitats or species, on the ecology of the proposed Special Protection Area or Special Area of Conservation.*
- e. the provisions of Article 9(1)(a)(vii) of the Planning and Development Regulations, 2001, as amended, the laying of the underground electricity cable is not affected by the restrictions on exempted development set out at the said Article 9(1)(a)(vii) of the said Regulations and comes within the exempted development provisions of the said Class 26 of Part 1 of Schedule 2 of the said Regulations*

NOW THEREFORE Cork County Council, in exercise of the powers conferred on it by Section 5 of the 2000 Act, hereby decides that the said laying of an underground electricity cable in a number of townlands passing through an area within the **Mullaghganish to Musheramore SPA – and St. Gobnait's Wood SAC** – is exempted development.