



An
Bord
Pleanála

Board Direction
ABP-307927-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/03/2021.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the provision of a circa. 5.1km underground grid connection within the corridor of public roads and private lands which links a permitted solar farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath to the existing ESB Mullingar 110kV substation at Irishtown townland, Mullingar, Co. Westmeath is or is not development or is or is not exempted development.

AND WHEREAS Harmony Solar Mullingar Limited, requested a declaration on this question from Westmeath County Council, and the Council issued a declaration on the 14th day of July 2020 stating that the matter is development and is not exempted development.

AND WHEREAS Harmony Solar Mullingar Limited referred this declaration for review to An Bord Pleanála, on the 10th day of August 2020.

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) Sections 2, 3, 4, 177U(9) and 254 of the Planning and Development Act, 2000, as amended,
- (b) Class 26 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001 (as amended),,
- (c) Articles 6 and 9(1)(a) of the Planning and Development Regulations, 2001, as amended,
- (d) The submissions on file,
- (e) The report of the Inspector,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the provision of the underground grid connection involves the carrying out of works and, therefore, constitutes development, under sections 2 and 3 of the Planning and Development Act, 2000, as amended, Class 26 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001 (as amended),
- (b) the underground electricity grid connection involves works carried out by an electricity undertaking, and, having regard to the nature of those works, would come within the scope of Class 26 of Part 1 of the Second Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (c) the underground electricity grid connection involves works within the existing public road carriageway structure, including the stretch of existing public road located in the original area of recorded Monument (WM19-087) and as a consequence the proposed development would not comprise the excavation, alteration or demolition of any archaeological features and thus would not fall within the scope of limitation of exemption as set out at article

9(1)(a)(vii) and 9(1)(a)(viiA) of the Planning and Development Regulations 2001, as amended, and,

- (d) there are no other restrictions on exemption, set out in the Act and Regulations, that would apply in this instance.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the provision of a c.5.1 km underground grid connection from the permitted solar farm at Clondardis and Slane More Townlands to the national grid via the existing ESB Mullingar 110kV substation at Irishtown, Mullingar is development and is exempted development.

Board Member:

Date: 30/03/2021

Chris McGarry