

An
Bord
Pleanála

Board Direction ABP-310120-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/09/2021.

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

WHEREAS a question has arisen as to whether the provision of c.3834m of 38kv underground medium voltage grid connection cable between the consented Cleggill Solar Farm (Reg.Ref.17/47 and Board Ref. PL14.248470) to the nearest 38KV Longford substation is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Longford County Council on the 28th day of April 2021:

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

(a) sections 2, 3, 4, 172 (1) and 177U (9) of the Planning and Development Act, 2000, as amended,

(b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,

(c) Class 26 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended,

- (d) the planning history of the solar farm, under planning authority register reference number 17/47 and Board reference number PL14.248470,
- (e) the documentation and submissions on file, including the Outline Construction Environmental Management Plan, the Construction Traffic Management Plan and the Appropriate Assessment Screening Report, submitted to the planning authority on the 7th day of April 2021, and
- (f) the report of the Planning Authority
- (g) the report of the Inspector, including the Appropriate Assessment screening.

AND WHEREAS An Bord Pleanála has concluded that:

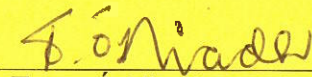
- (a) the provision of the underground electricity connection and associated works involves the carrying out of works and, therefore, constitutes development, under sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) the underground electricity grid connection involves works 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 to the Planning and Development Regulations, 2001, as amended, and would, therefore, constitute exempted development,
- (c) none of the restrictions on exempted development provided for under section 4 (4) of the Planning and Development Act 2000, as amended, apply in this case, and,
- (d) none of the restrictions on exempted development provided for under Article 9 (1)(a) of the Planning and Development Regulations, 2001, as amended, apply in this case, and in particular, having regard to the scope of the works as set out in the Construction Traffic Management Plan submitted by the referrer, the development

in question would not endanger public safety by reason of traffic hazard.

- (e) none of the restrictions on exempted development provided for under Article 9 (1)(a) (viiB) of the Planning and Development Regulations, 2001, as amended, apply in this case, and in particular, having regard to the Appropriate Assessment Screening Report submitted.
- (f) there are no other restrictions on exemption set out in the Planning and Development Act, 2000 and/or the Planning and Development Regulations, 2001 that would apply in this instance.

THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the provision of a c.3834m of 38kv underground medium voltage grid connection cable between Cleggill Solar Farm and the nearest Longford DNO 38kV substation is development and is exempted development.

Board Member:


Terry Ó Niadh

Date: 29/09/2021

