

An
Bord
Pleanála

Board Direction
ABP-319406-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/02/2025.

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. 4.995km underground grid connection, on private lands and within the public road, to connect the permitted Slanemore solar farm to the existing ESB Mullingar 110kV substation at Irishtown, Mullingar, Co. Westmeath is or is not development or is or is not exempted development:

AND WHEREAS Grian PV Ltd. requested a declaration on this question from Westmeath Council and the Council issued a declaration on the 28th day of February, 2024 stating that the matter was development and was not exempted development:

AND WHEREAS referred this declaration for review to An Bord Pleanála on the 25th day of March, 2024:

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) Article 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 site,
- (e) the Inspector's Report,
- (f) the plans and particulars submitted:
- (g) the pattern of development in the area.

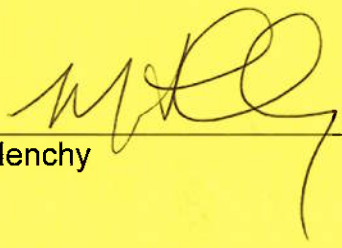
AND WHEREAS An Bord Pleanála has concluded that:

- (a) the provision of the underground grid 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, which is not exempt development having regard to the provisions of Article 9(1)(a)(vii) and (viiA) of the Planning and Development Regulations 2001 as amended.
- (b) There is no evidence on file that a licence has been granted under Section 26 of the National Monuments Act 1930 (No. 2 of 1930, as amended as required by Article 9(1) (a) (viiA) of the Planning and Development Regulations
- (c) Without a licence the proposed development would be contrary to objectives in the Westmeath County Development Plan, Chapter 14 including CPO14.7.

- 1.3. **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 c.4.995 km underground grid connection from the permitted solar farm at Slanemore to the national grid at the existing ESB Mullingar 110kV substation at Irishtown, Mullingar is development and is not exempted development.

In deciding not to accept the Inspector's recommendation the Board concluded that there no evidence on the file that a licence has been granted under Section 26 of the National Monuments Act 1930 (No. 2 of 1930) for the excavation, as amended, as required by Article 9(1) (a) (viiA) of the Planning and Development Regulations to avail of the exemption. In addition, without this licence the excavation works would be contrary to CPO 14.7 of the Westmeath County Development Plan and therefore the restrictions on exemptions in accordance with Article 9(1)(a) (vii) also apply.

Board Member:


Mary Henchy

Date: 07/02/2025