



Planning and Development Acts 2000 to 2020

Planning Authority: Westmeath County Council

Planning Register Reference Number: S5-9-20

WHEREAS a question has arisen as to whether the provision of a circa 5.1 kilometres 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, County Westmeath to the existing ESB Mullingar 110kV substation at Irishtown Townland, Mullingar, County Westmeath is or is not development or is or is not exempted development:

AND WHEREAS Harmony Solar Mullingar Limited care of Fehily Timoney and Company of Core House, Pouladuff Road, Cork requested a declaration on the said question from Westmeath County Council and the said Council issued a declaration on the 14th day of July, 2020 stating that the said matter is development and is not exempted development:

AND WHEREAS Harmony Solar Mullingar Limited care of Fehily Timoney and Company referred the 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, and
- (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, and 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 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, therefore, would not fall within the scope of limitation of exemption, as set out at articles 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 Planning and Development Act, 2000 and/or the Planning and Development Regulations, 2001 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 2000 Act, hereby decides that the provision of a circa 5.1 kilometre underground grid connection from the permitted solar farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, County Westmeath to the national grid via the existing ESB Mullingar 110kV substation at Irishtown Townland, Mullingar, County Westmeath is development and is exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2021.