



An
Bord
Pleanála

Board Order ABP-319406-24

Planning and Development Acts 2000 to 2022

Planning Authority: Westmeath County Council

Planning Register Reference Number: S5-16-23

WHEREAS a question has arisen as to whether the provision of a circa 4.995-kilometre underground connection on private lands and within the public road between the permitted Slanemore Solar Farm (planning register reference numbers 17/6028 and 17/6224) to the existing ESB Mullingar Substation, County Westmeath is or is not development or is or is not exempted development,

AND WHEREAS Grian PV Limited care of Jennings O'Donovan and Partners Limited of Finisklin Business Park, Sligo requested a declaration on this question from Westmeath County Council and the Council issued a declaration on the 28th day of February, 2024 stating that the matter is development and is not exempted development,

AND WHEREAS Grian PV Limited care of Jennings O'Donovan and Partners Limited of Finisklin Business Park, Sligo referred the 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 Article 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 26 of Part 1 of the Second Schedule of 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, and
- (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 exempted 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) and (viiA) of the Planning and Development Regulations 2001, as amended, and

- (c) without a licence the proposed development would be contrary to policy objectives in Chapter 14 of the Westmeath County Development Plan 2021-2027, including Policy Objective CPO 14.7,

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 circa 4.995-kilometre underground connection on private lands and within the public road between the permitted Slanemore Solar Farm (planning register reference numbers 17/6028 and 17/6224) to the existing ESB Mullingar Substation, County Westmeath 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, as amended) for the excavation as required by Article 9(1) (a) (viiA) of the Planning and Development Regulations 2001, as amended, to avail of the exemption. In addition, without this licence the excavation works would be contrary to Policy Objective CPO 14.7 of the Westmeath County Development Plan 2021-2027 and, therefore, the restrictions on exemptions in accordance with Article 9(1)(a)(vii) also apply.



Mary Henchy

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this *6th* day of *February* 2025.