

An
Bord
Pleanála

Board Order
ABP-319600-24

Planning and Development Acts 2000 to 2022

Planning Authority: Carlow County Council

Planning Register Reference Number: S5.23.41

WHEREAS a question has arisen as to whether the proposed 110kV underground grid connection cabling between the L30535 public road (to the North of the existing Kellis 220kV substation) to a line bay in the substation, at Kellistown East, County Carlow, is or is not development or is or is not exempted development:

AND WHEREAS Garreenleen Solar Farm Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork requested a declaration on the said question from Carlow County Council and the said Council issued a declaration on the 3rd day of April 2024 stating that the said matter is development and is not exempted development:

AND WHEREAS Garreenleen Solar Farm Limited referred the declaration for review to An Bord Pleanála on the 25th day of April 2024.

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

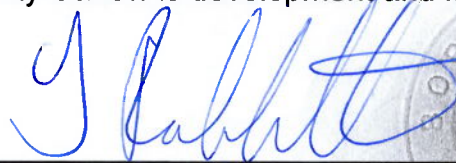
- (a) Sections 2, 3, 4, 177(U)(9) and 254 of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and article 9(1) including 9(1)(a)(viiB) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 26 of Part 1 of the Second Schedule of the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the solar farm, in particular An Bord Pleanála reference numbers ABP-307891-20 and ABP-313139-22,
- (e) the Inspector's Report, including the Inspector's Appropriate Assessment Screening assessment which concluded that no significant effects arising from the proposed development are likely to occur alone or in combination with any other plan or project on the integrity of any European site and, therefore, Appropriate Assessment (with the submission of a Natura Impact Statement) is not required. The Board concurred with, and adopted, the Inspector's Appropriate Assessment Screening assessment and conclusion,
- (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 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,
- (d) the restrictions on exempted development provided for under Article 9 (1)(a) (viiB) of the Planning and Development Regulations, 2001, as amended, does not apply in this case, and
- (e) there are no other restrictions on exemption set out in the Planning and Development Act, 2000, as amended, or in the Planning and Development Regulations, 2001, as amended, 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 proposed 110kV underground grid connection cabling between the L30535 public road (to the north of the existing Kellis 220kV substation) to a line bay in the substation, at Kellistown East, County Carlow is development and is exempted development.



Tom Rabbette

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 7th day of May 2025.