



An
Coimisiún
Pleanála

Inspector's Report ABP-322413-25

Question

Whether a 20kV grid connection route consisting of 0.577km of overhead line and 3.636km of underground cable between the customer substation (X628, 378 Y 772,961) granted planning under REF: 23/60010 and the 38/20kV ESB substation (X 625, 508, Y 772, 744) in Lissanore, Lios an Oir, Co Longford is or is not development or is or is not exempted development

Location

Lissanore, Lios an Oir, Co Longford

Declaration

Planning Authority

Longford County Council

Planning Authority Reg. Ref.

DC25/10

Applicant for Declaration

Natural Forces Renewable Energy Ltd

Planning Authority Decision

No declaration

Referral

Referred by

Longford County Council

Owner/ Occupier

Natural Forces Renewable Energy Ltd

Observer(s)

None.

Date of Site Inspection

14/08/2025

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3.2.2. Other Technical Reports

None

4.0 Planning History

23/60010 and **ACP Ref 317459** Permission granted and granted on appeal to Natural Forces Renewable Energy Ltd. for the construction of one Enercon E138 Wind Energy Converter on an 81m tower with an electrical rating of 4.2MW and an overall tip height of 149.38m. Installation of the hardstanding area for the Wind Energy Converter. Installation of underground circuit cables which will run in underground cable trenches (c.1.2m deep), from the proposed Wind Energy Converter to the proposed substation building on the site. Construction of the proposed substation building which will be located c. 98m from the proposed wind turbine and surrounded by stock proof fencing. It will be a single storey building, measuring 55m² and c.4.8m in height. Construction of proposed internal site access track, constructed from permeable material and which will run from the site entrance to the Wind Energy Converter hardstanding area. All associated ancillary infrastructure and preparatory works such as provision of the site entrance.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The relevant Development Plan is the Longford County Development Plan 2021 – 2027 (LCDP). The site is located in a rural, unzoned area, east of Edgeworthstown.

The Landscape Character identified is Inny Basin, the sensitivity of the landscapes in this unit are stated to be generally “low” as per the Landscape Character Assessment (Annex 7 of the LCDP). Potential areas of “medium” to “high” sensitivity are stated to exist in the vicinity of protected woodlands, riverbanks.

- 5.1.2. Chapter 11 Built and Cultural Heritage

6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

7.0 The Referral

7.1. Referrer's Case

The Referrer is Longford County Council whose assessment/case relates only to the whether the applicant can be considered a statutory undertaker for the purposes of the proposed development.

7.2. Owner/ occupier's response

No response received from Natural Forces Renewable Energy Limited upon circulation of referral. (While the application form does not clearly state their legal interest in the site, no details of any other owner/occupier are provided on the application form.)

Outside the site of the wind turbine, the grid connection route is located within the public road.

7.3. Further Responses

None

8.0 Statutory Provisions

8.1. Planning and Development Act 2000, as amended ('the Act').

Section 2(1)

"works" include act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...

structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Section 177U(9)

In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

8.2. Planning and Development Regulations 2001, as amended ('the Regulations')

8.2.1. Article 6 (1) - Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

8.2.2. The following classes of development are listed:

Class 26 - The carrying out by any undertaker authorised to provide an electricity service of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking.

Class 27 - The carrying out by any undertaker authorised to provide an electricity service of development consisting of the construction of over-head transmission or distribution lines for conducting electricity at a voltage not exceeding a nominal value of 20kV.

8.3. Other

Electricity Regulation Act 1999 Section 2(1) 'electricity undertaking' means any person engaged in generation, transmission, distribution or supply of electricity, including any holder of a licence or authorisation under this Act, or any person who has been granted a permit under section 37 of the Principal Act

8.4. Precedent

I have examined the referrals database and have found the following, which while not relevant to the subject site, have relevance to the subject matter of the current referral case, i.e. the meaning of 'statutory undertaker', and also the matter of works to lay underground cables within the road at the location of a National Monument.

319600 Whether the proposed 110kV underground grid connection cabling between the L30535 public road (to north of the existing Kellis 220kV substation) to a line bay in the substation, at Kellistown East, Co. Carlow, is or is not development and is or is not exempted development.

The Board concluded that (summary)

- the provision of the underground electricity connection and associated works involves the carrying out of works and, therefore, constitutes development,
- the underground electricity grid connection involves works carried out by an electricity undertaking, and would come within the scope of Class 26 of Part 1 of the Second Schedule to the Regulations, as amended
- none of the restrictions on exempted development provided for under section 4 (4) of the Act, as amended, apply in this case, and,
- the restrictions on exempted development provided for under Article 9 (1)(a) (viiB) of the Regulations, 2001, as amended, does not apply
- there are no other restrictions on exemption that would apply in this instance.

- (c) none of the restrictions on exempted development provided for under Article 9(1)(a) of the Regulations apply.

Therefore the Board decided that the said underground grid connection is development and is exempted development

307927: 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.

The Board 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.

this report above and to the definition of 'electricity undertaking' as set out in Section 2(1) of the Electricity Regulation Act set out in section 8.3 of this report above.

- 9.3.4. I consider that the applicant, Natural Forces Renewable Energy Limited falls under the category 'any undertaker authorised' in view of the fact that it currently has planning permission under section 34 of the Act for the development related to the provision of electricity, namely the construction of a wind turbine.
- 9.3.5. In this context I refer the Commission to the precedent cases as summarised in section 8.4 of this report, in which it was determined that the applicants granted permission for an electricity generating development fall within the scope a statutory undertaker, and which is applicable to Class 26 and 27.
- 9.3.6. In view of the above I am satisfied that the development falls within the scope of Class 26 (underground cables) and Class 27 (overhead transmission/distribution lines). I note that the proposal specified a voltage of 20kV which is within the limits of the exemption under Class 27.

9.4. Restrictions on exempted development

I refer to the restrictions on exemptions outlined at 8.2.3 above and I have examined same.

- 9.4.1. I note that the proposed development would not be inconsistent with permission granted under 23/60010 / ACP Ref 317459 and would not contravene any condition of that permission. Furthermore, while there would be some disruption to road users during construction, this can be managed through standard protocols such as a Road Opening Licence and Traffic Management Plan, and the development itself would not cause traffic hazard or obstruction to road users. In addition, the development would not interfere with any protected landscape or views/prospects. I am therefore satisfied in relation to Articles 9(1)(a)(i), 9(1)(a)(iii), and 9(1)(a)(vi) of the Regulations.
- 9.4.2. With reference to Article 9(1)(a)(vii) of the Regulations, there is potential for alteration of a feature of historical/scientific interest, the conservation of which is an objective for protection under the LCDP and which is also a Protected Structure, RPS 279. This is a free-standing cast-iron vent pipe, located on a footpath on Devine Crescent within Edgeworthstown. I note that this feature is positioned at the

- 9.4.6. However, I also note subsequent case 319406, also set out at section 8.4 above, also affecting WM19-087 on the regional road R383 in the same manner. In this case the Board concluded that such works were not exempted development having regard to the provisions of Article 9(1)(a)(vii) and (viiA) of the Act, and noted that there was no evidence a licence had been granted under Section 26 of the National Monuments Act.
- 9.4.7. I note the inconsistency in the above cases. In my opinion, while it is likely that the proposed works would not result in any further excavation, alteration or demolition of the monument, this cannot be definitively concluded. As the route of the cable runs directly within the monument, I conclude that the works would comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places. There is no evidence of any licence under S26 or consent under S14 of the National Monuments Act having been obtained. Therefore, the restriction on exemption under Article 9(1)(a)(viiA) applies.
- 9.4.8. Similarly, as the work involves excavation of a feature of archaeological interest, the protection of which is an objective of the LCDP, the restriction under Article 9(1)(a)(vii) also applies.
- 9.4.9. The works therefore are development, and not exempted development.

10.0 Appropriate Assessment Screening

I have considered the 20kV grid connection route consisting of 0.577km of overhead line and 3.636km of underground cable in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located within and outside Edgeworthstown c. 3km from the nearest European Site.

The proposed development comprises 0.577km of overhead line, supported by 7 No. poles at 12m height and 3.636 km of underground cable within 1m x 450mm trenches under the public road.

No nature conservation concerns were raised in the referral.

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

- (a) Sections 2(1), 3(1), 4 (2)(a)(i), 4 (4), 57 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and article 9(1)(a) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 Class 26 and Class 27 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site in particular ACP Ref 317459

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) the provision of the overhead and underground electricity 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,
- (b) the overhead and underground electricity grid connection involves works carried out by an electricity undertaker, and, having regard to the nature of those works, would come within the scope of Class 26 and Class 27 of Part 1 of Schedule 2 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) or section 57 (1) of the Planning and Development Act 2000, as amended, apply in this case, and,
- (d) restrictions on exempted development provided for under Article 9 (1) (a)(vii) and 9(1) (a)(viiA) of the Planning and Development Regulations, 2001, as amended, apply in this case, and,
- (e) none of the other restrictions on exempted development provided for under Article 9 (1)(a) of the Planning and

Appendix 1: EIA Pre-Screening

Form 1 - EIA Pre-Screening

Case Reference	322413
Proposed Development Summary	A 20kV grid connection route consisting of 0.577km of overhead line and 3.636km of underground cable between the customer substation (X628, 378 Y 772,961) granted planning under REF: 23/60010 and the 38/20kV ESB substation (X 625, 508, Y 772, 744) in Lissanore, Lios an Oir, Co Longford
Development Address	Lissanore, Lios an Oir, Co Longford
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	