Planning Department
Buvinda House
Dublin Road
Navan Co Meath
046 - 9097500

Planning & Development Act 2000- 2023

DECLARATION

To:

Breedon Cement Ltd c/o Grange Solar Ltd Grange Bective Navan

PLANNING REFERENCE NUMBER:

TS525034

APPLICATION RECEIPT DATE:

07/03/2025

FURTHER INFORMATION DATE:

28/04/2025

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2023, Meath County Council has by order dated <u>15\05\2025</u> decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: The proposed development will consist of 'underground cable duct from solar farm granted under application reference 22/958 to existing transformer location' at Killaskillen, Kinnegad, Co Meath

Date: 15/05/2025 TRiona Keaking
On Behalf of Meath County Council

NOTE:

1. Any appeal against a Declaration of a Planning Authority under Section 5, sub-section 3(a) of the Planning and Development Act 2000-2023 may be made to An Bord Pleanala by the applicant WITHIN FOUR WEEKS beginning on the date of issue of

the Declaration.

2. Appeals should be addressed to An Bord Pleanala, 64 Marlborough Street, Dublin 1. An appeal by the applicant should be accompanied by this form. The fee for an appeal against a Declaration of the Planning Authority is € 220.

For more information on Appeals you can contact An Bord Pleanala at:

Tel: 01 - 8588100 or LoCall: 1890 275 175

Fax: 01 - 8722684

E-mail: bord@pleanala.ie Web: www.pleanala.ie

CHIEF EXECUTIVE ORDER

Chief Executive Order Number:	838/25
Reference Number:	TS525034
Subject:	Declaration under Part 1, Section 5, Planning and Development Act 2000-2023
Name of Applicant:	Breedon Cement Ltd
Address:	c/o Grange Solar Ltd Grange Bective Navan
Nature of Application:	Underground cable duct from solar farm granted under application reference 22/958 to existing transformer location
Location of Development:	Breedon Cement, Killaskillen, Kinnegad, Co Meath
DECLARATION:	This development is EXEMPT from Planning Permission.

ORDER:

Being satisfied that all requirements relating to the Application have been complied with and to consider the proper Planning and Development of the County Meath Health District, IT IS HEREBY DECIDED, in pursuance of the above Act to declare that this is **EXEMPTED DEVELOPMENT**.

SIGNED:

On Behalf of Meath County Council

DATE: 15 05 2025

Meath County Council



Planning Report

To: Teresa O'Reilly, Senior Executive Planner

From: Nathan Cooney, Executive Planner

Date: 30/04/2025

File Number: TS525034

Applicant: Breedom Cement Ltd

Development Address: Breedon Cement, Killaskillen, Kinnegad, Co. Meath

Application Type: Section 5 of the Planning & Development Acts 2000 -

2023: Declaration on Development/Exempted

Development.

Development Description: Underground cable duct from solar farm granted under

application reference 22/958 to existing transformer

location.

Date Decision Due: 18/05/2025

1.0 Further Information Response & Assessment

The Further Information Request (R.F.I.) was issued on 31/03/2025. The Further Information Response was received on 28/04/2025. As such, the following should be read in conjunction with the initial Planning Report dated 21/03/2025.

Based on the information submitted and having regard to the initial Planning Report, I consider that the applicant has formally responded to the Request for Further Information and that the proposed development must now be fully assessed. The following provides the items of the Request for Further Information; the applicant's response; and, the assessment of the Planning Authority.

1.1 Further Information Request Item No. 1

 The applicant is required to confirm the kilovoltage of the proposed underground cable duct and whether the proposed development may fall under the remit of section 182A of the Planning and Development Act 2000 as amended.

1.1.1 Applicants Response to Item No. 1

In response to the further information request the applicant has submitted a letter prepared by Grange Solar Ltd which states that the kilovoltage of the proposed cable is 20kV, which is below the 110kV threshold.

Furthermore, the letter states that regarding Section 182A, the original application did not require an environmental impact assessment but an appropriate assessment was submitted with the application, which concluded that there was no requirement for Stage 2 and an NIS was not required.

1.1.2 Further Assessment of Item No. 1

The Planning Officer has reviewed the submitted response and consider this to be acceptable.

2.0 Recommendation

It is therefore recommended that a declaration of Exemption be **GRANTED** for the development set out hereunder.

WHEREAS the question has arisen as to whether the proposal is or is not exempt development.

AND WHEREAS Meath County Council in consideration of this question has had regard particularly to:

- (a) Sections 2(1), 3(1), 4, 177U & 182A of the Planning and Development Act 2000-2023
- (b) Article 6 & 9 of the Planning and Development Regulations, 2001-2025
- (c) Schedule 2, Part 1, Class 26 (Exempted Development General) of the Planning and Development Regulations, 2001-2025 and
- (d) Details submitted.

AND WHEREAS Meath County Council has concluded: -

(a) Underground cable duct from solar farm granted under application reference 22/958 to existing transformer location in the townlands of Killaskillen, Kinnegad, Co. Meath is exempted from the requirement to obtain planning permission under the Planning and Development Act 2000 - 2023 and the Planning and Development Regulations 2001 - 2025 as it does not come within the scope of Section 4 (4) of the Planning and Development Act 2000 - 2023, Article 9 (1)((iii) of the Planning and Development Regulations, 2001 - 2025 or 182A of the Planning and Development Act 2000-2023.

NOW THEREFORE Meath County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000-2023 hereby decides that the said development as detailed on plans and particulars submitted on 07th March 2025 and 28th April 2025 is development and is **EXEMPTED DEVELOPMENT**RECOMMENDATION

ACCEPTED

1 5 MAY 2025 eresa O Reil

Signed:

Executive Planner 30/04/2025

Nethan Come

Teresa O'Reilly Senior Executive Planner 15/05/2025



File reference number: TS5/25034



Exemption application for underground cable duct from solar farm granted under application reference 22/958 to the existing transformer location.

April 28th 2025

Dear sir/madam,

In response to the request for Further information relating to the exemption application TS5/25034 on behalf of Breedon Cement Ltd., I can confirm that the kilovoltage of the proposed cable is 20kV. The threshold is 110 kV so it is well below that limit.

Regarding Section 182A, the original application did not require an environmental impact assessment but an appropriate assessment was submitted with the application. It concluded that there was no requirement to proceed to Stage 2 of the process and that an NIS was not required.

Should you require additional information or clarification, please let me know.

Kind regards,

Martina McGuire Grange Solar Ltd.

Meath County Council



Planning Report

To: Peadar McQuaid, A/Senior Executive Planner

From: Nathan Cooney, Executive Planner

File Number: TS525034

Applicant Name(s): Breedon Cement Ltd

Development Address: Breedon Cement, Killaşkillen, Kinnegad, Co. Meath

Application Type: Section 5 of the Planning & Development Act 2000

(as amended): Declaration on

Development/Exempted Development

Development Description: Underground cable duct from solar farm granted

under application reference 22/958 to existing

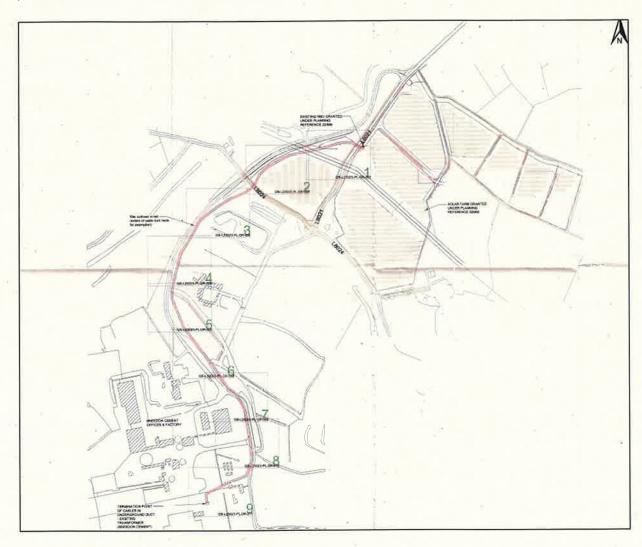
transformer location.

Report Date: 21/03/2025

Decision Due Date: 04/04/2025

1.0 SITE LOCATION & DESCRIPTION

The subject site is located in the townlands of Killaskillen, Kinnegad, Co. Meath. The site relates to the permitted solar farm granted by Meath County Council under reference 22/958. The proposed grid connection route is below.



2.0 PROPOSED DECLARATION

The referrer seeks a declaration as to whether or not, "Underground cable duct from solar farm granted under application reference 22/958 to existing transformer location is development and if so is or is not exempted development.

3.0 PLANNING HISTORY

22/958 – Permission GRANTED for the installation of Solar Photovoltaic (PV) panels on ground mounted frames/support structures within existing field boundaries; 2 No electrical transformer stations; electrical control units; 1 No. customer ring main unit; underground cabling and ducting; internal site access tracks; site perimeter (stock-proof) security fencing; with new vehicular access from L8021 serving eastern parcel; and from unnamed access road off L8021, serving western parcel; and all associated landscaping including screen planting; and site development works.

4.0 REFERRALS

Transportation Department – Proposed development will require a Road Opening Licence and the details of the method of construction, the traffic management details and any diversions required can be assessed at the Road Opening Licence stage.

5.0 LEGISLATIVE CONTEXT

Planning and Development Act 2000-2023;

In this Act, except where the context otherwise requires -

Section 2(1)

"Works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...

"statutory undertaker" means a person, for the time being, authorised by or under any enactment or instrument under an enactment to—

- (a) construct or operate a railway, canal, inland navigation, dock, harbour or airport,
- (b) provide, or carry out works for the provision of, gas, electricity or telecommunications services, or
- (c) provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking;'

Section 3(1)

"Development" in this Act means, except where the context otherwise requires, the carrying out of <u>any works</u> on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4(2)(a)

"The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that –

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

(i) "the development is authorised, or is required to be authorised, by or under any enactment...."

Section 4(2)(b)

"Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations."

Section 4(2)(c)

"Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a) provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purposes being exempted development for the purposes of this Act".

Section 4 (4)

'Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.'

Section 177U(9)

"In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case maybe, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this Section."

Planning and Development Regulations 2001-2024;

Article 3(3)

"Electricity undertaking" means an undertaker authorised to provide an electricity service'.

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".

<u>Schedule 2, Part 1 Exempted Development – General (Planning and Development Regulations 2001 (as amended).</u>

Class 26 relates to:

'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.'

Conditions and Limitations (Column 2)

There are no conditions or limitations relating to this class.

Article 9(1)

"Development to which Article 6 relates shall not be exempted development for the

purposes of the Act - 9(1)(a) – if the carrying out of such development would" conflict with the restriction on exemptions as outlined between (i) – (xii) of the regulations. (Most relevant include)

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,
- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,
- (viiA) comprise of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No 2 of 1930) as amended.
- (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,
- (c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these regulations) to comply with the procedures for the purposes of giving effect to the Council Directive".

Article 132 C

"Where a request is made to a planning authority or a referral is made to the Board, the authority or the Board, as appropriate, shall carry out a preliminary examination of, at the least, the nature, size or location of the relevant development".

6.0 ASSESSMENT

(i) Does the proposal constitute development:

Having regard to the definition of 'development' within the Planning and Development Act 2000-2023, "the carrying out of works on, in, over or under lands or the making of any material change in the use of any structures or other land"; It is considered the works detailed would constitute development for planning purposes. Therefore, the focus, is on whether or not the proposed development constitutes exempted development.

(ii) Does the proposal constitute exempt development:

As regards Section 4(2)(a)(i) of the Act, and the regulations made there under, the relevant class of development is Class 26, Part 1 Schedule 2 of the Planning and Development Regulations 2001-2024. This refers to "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".

It is considered that the proposal is a "development consisting of the laying underground of...cables... for the purposes of the undertaking". The proposal would comprise laying of underground ducting and cabling from a solar farm to an existing substation.

It is further considered that the proposed development is for the purposes of the undertaking.

As stated under Article 3 (3) of the Planning and Development Regulations, 2001-2024, "electricity undertaking", means an undertaker authorised to provide an electricity service". It is considered there is no definition as to what exactly is meant by this although Section 2 (1) of the Electricity Regulation Act, 1999, which provides the following definition:

"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;

The broad definition of "statutory undertaker" within the Planning and Development Act 2000-2023, is, "statutory undertaker" means a person, from the time being, authorised by or under any enactment or instrument under an enactment to —

(b)Provide, or carry out works for the provision of, gas, electricity or telecommunications services,"

In light of these definitions, it is considered the applicant (Breedon Cement Ltd) would fall within the category of a statutory undertaker on foot of its authorisation under the Planning Act to construct a solar farm that is a project for the provision of electricity.

It is noted that the applicant has not stated the kilovoltage of the proposed Underground cable duct whether the proposed development may fall under the remit of section 182A of the Planning and Development Act 2000 as amended. The applicant is to provide clarification on this matter.

7.0 Restrictions on Exemptions:

The proposal is not restricted by virtue of Article 9(1)(a)(i) – (xii) (inclusive).

8.0 Environmental Impact Assessment & Appropriate Assessment:

Section 4(4) of the Act essentially de-exempts any development which attracts a requirement for Environmental Impact Assessment (EIA) or Appropriate Assessment (AA). "development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required".

The proposed development does not fall within a class of development for the purposes of EIA with reference to Schedule 5 of the Planning and Development Regulations, 2001 (as amended). Having regard to the nature and scale of the proposal, it is considered that it would not result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

I am satisfied that the provisions of Part 1, Section 4(4) of the Act with respect to EIA do not apply in this instance.

Article 6(3) of Council Directive 92/43/EEC (as amended) on the conservation of natural habitats and of wild fauna and flora ('the Habitats Directive') requires that any plan or project that is not directly connected with or necessary to the management of the Natura 2000 site concerned but is likely to have a significant effect on it, on its own or in combination with other plans and projects, is to be authorised only if it will not adversely affect the integrity of that site. The application site is not within any designated Natura 2000 site. The nearest sites located within 15km of the subject site are as follows:

- River Boyne And River Blackwater SAC (Site Code 002299)
- River Boyne and River Blackwater SPA (Site Code 004232)
- Mount Hevey Bog SAC (Site Code 002342)
- Wooddown Bog SAC (Site Code 002205)
- Lough Ennell SAC (Site Code 000685)
- Lough Ennell SPA (Site Code 004044)

The Planning Authority's Screening for Appropriate Assessment has considered the potential effects including direct, indirect and in-combination effects of the proposed development, individually or in combination with the permitted developments and cumulatively with other plans or projects on European Sites. The Planning Authority concludes that the proposed development (entire project), by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European Site(s). In light of this, it is considered that a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required in this instance.

9.0 Conclusion

On the basis of the limited information provided, Planning Authority cannot make an informed assessment as to whether the development is or is not exempted development therefore it is recommended that the applicant be requested to submit further information to enable the application to be fully considered.

10.0 RECOMMENDATION

In accordance with section 5(2)(b) of the Planning & Development Acts 2000-2024, it is recommended that the following Request for Further Information be sought from the applicant:

 The applicant is required to confirm the kilovoltage of the proposed underground cable duct and whether the proposed development may fall under the remit of section 182A of the Planning and Development Act 2000 as amended.

> RECOMMENDATION ACCEPTED

() 3 1 MAR 2025

Signed

Executive Planner 21/03/2025

Netter Coare

FURTHER INFORMATION

Peadar McQuaid A/Senior Executive Planner 31/03/2025

Planning Department Buvinda House **Dublin Road** Navan Co.Meath 046 - 9097500

Date: 31/03/2025

File Reference Number: TS5/25034 Chief Executive Order Number: 571/25

Breedon Cement Ltd C/o Martina McGuire **Grange Solar Ltd** Grange **Bective** Navan, Co Meath

DEVELOPMENT:

Underground cable duct from solar farm granted under application reference 22/958 to existing transformer location.

LOCATION:

Breedon Cement, Killaskillen, Kinnegad, Co Meath

Dear Sir/Madam,

In considering this application, it has been found necessary to request further information. This information is essential for a full and proper evaluation of the application and is set out on the attached form.

Meanwhile consideration of the application has been suspended pending submission of this information.

Yours faithfully

On Behalf of Meath County Council

RECOMMENDATION ACCEPTED

Further Information Request

1. The applicant is required to confirm the kilovoltage of the proposed underground cable duct and whether the proposed development may fall under the remit of section 182A of the Planning and Development Act 2000 as amended.

Planning Department
Buvinda House
Dublin Road
Navan
Co.Meath
046 – 9097500

Date: 31/03/2025

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Yours faithfully

On Behalf of Meath County Council

Further Information Request

1. The applicant is required to confirm the kilovoltage of the proposed underground cable duct and whether the proposed development may fall under the remit of section 182A of the Planning and Development Act 2000 as amended.



Letter of Authority

Ref: Breedon Cement Ireland Ltd, Lansdown, Killaskillen, Kinnegad. N91 D510

To whom it may concern,

I Finnian Gorman Projects Manager of Breedon Cement give authority to Grange Solar to act on my behalf in relation to the application for a section 5 exemption for an underground cable pertaining to our solar farm located at Killaskillen, Kinnegad. The solar farm being an authorised development under planning register number 22/958.

Signed: Find John John Position: Projets Managen

Date: 24/2/25.



APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

Section 5 of Planning and Development Act 2000-2023



Part 1

1. Name of	Applicant
------------	-----------

BREEDON CEMENT LTD

Note: Address to be provided in Part 2 of this form.

2. Name of Person/Agent acting on behalf of applicant (if any):

GRANGE SOLAR LTD

Note: Address to be provided in Part 2 of this form.

3. Location of Development and/or Subject Site

BREEDON CEMENT, KILLASKILLEN, KINNEGAD, CO. MEATH

4. Applicant's Interest in Site



Page 1 of 5

Counte **75 5 3 5 0 3 4**R. Circose **No**

reference 22/958 to existing transformer location.			
Floor area of proposed development (sq.m.)(if appli	cable)	N/A	
6. Protected Structure			
Will / does development take place in / on a Protected Structure or within the curtilage of a Protected Structure?	Yes	No	x
If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2022 been requested or issued for the property by the Planning Authority?	Yes	No	N/A
7. Section/Article of Planning and Development Act Development Regulations 2001-2024 under which e known)			_
Development Regulations 2001-2024 under which e known)			_
Development Regulations 2001-2024 under which eknown) B. Development within the curtilage of a house	exemptio	n is claim	_
Development Regulations 2001-2024 under which e known)	exemptio	n is claim	ed (i
Development Regulations 2001-2024 under which e known) B. Development within the curtilage of a house Floor area of any existing extension (where applica	exemptio	n is claim	ed (i

N/A

10. Change of Use Applications

Existing use of structure/land	N/A
Proposed use of structure/land	N/A

11. List of plans, drawings etc submitted with this application

	Tick where submitted
Site location map (must be submitted with all applications)(scale of 1:1000 in urban area, 1:2500 in rural area)	X
Site layout plan (must be submitted with all applications which relate to a structure)(scale not greater than 1:500)	X
Floor plans (must be submitted for all buildings) (scale not greater than 1:200)	
Elevations (must be submitted for all buildings/structures) (scale not greater than 1:200)	
Section drawings (scale not greater than 1:200)	X

Note: All drawings must be to scale.

12. Planning History

Are you aware of any previous planning application/s on this site?	Yes	X	No	
If, yes please provide details				
22/958				

13. Signature

Signed (applicant / agent as appropriate)	Martine Il Couve.
Date:	67/03/2025

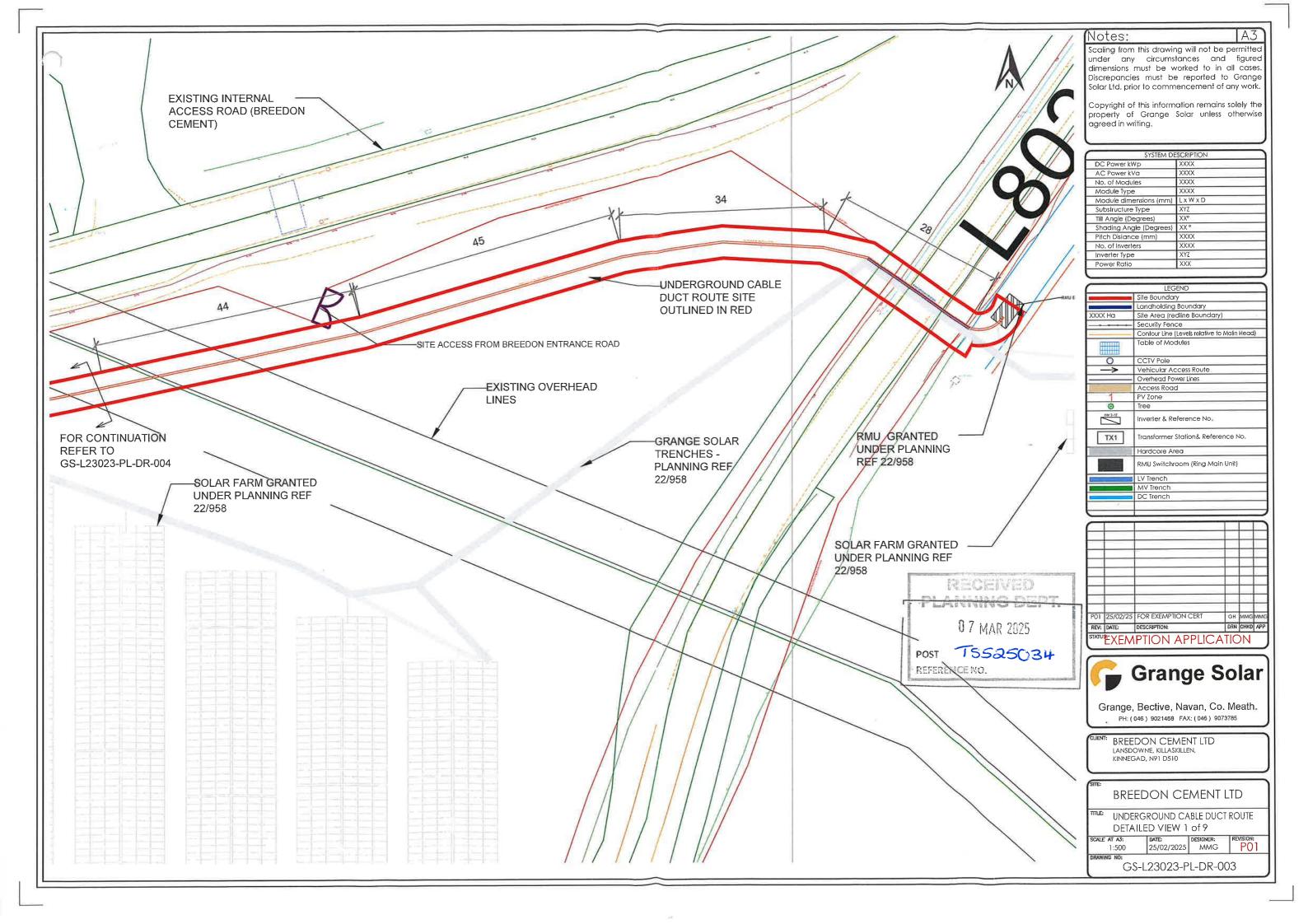
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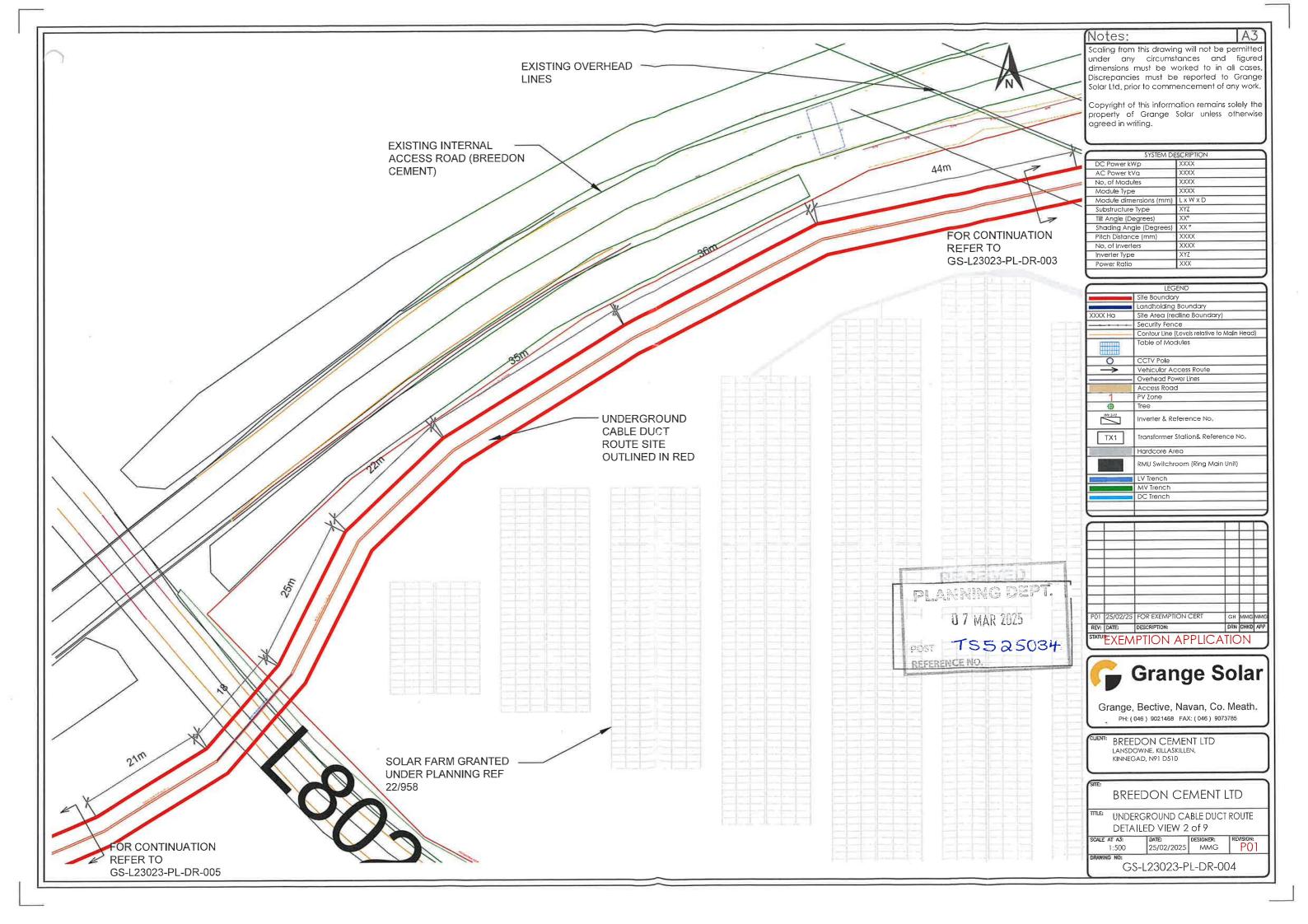
- 1. Application Fee of €80 must accompany all applications.
- 2. Application shall be accompanied by 2 copies of all drawings and documentation.

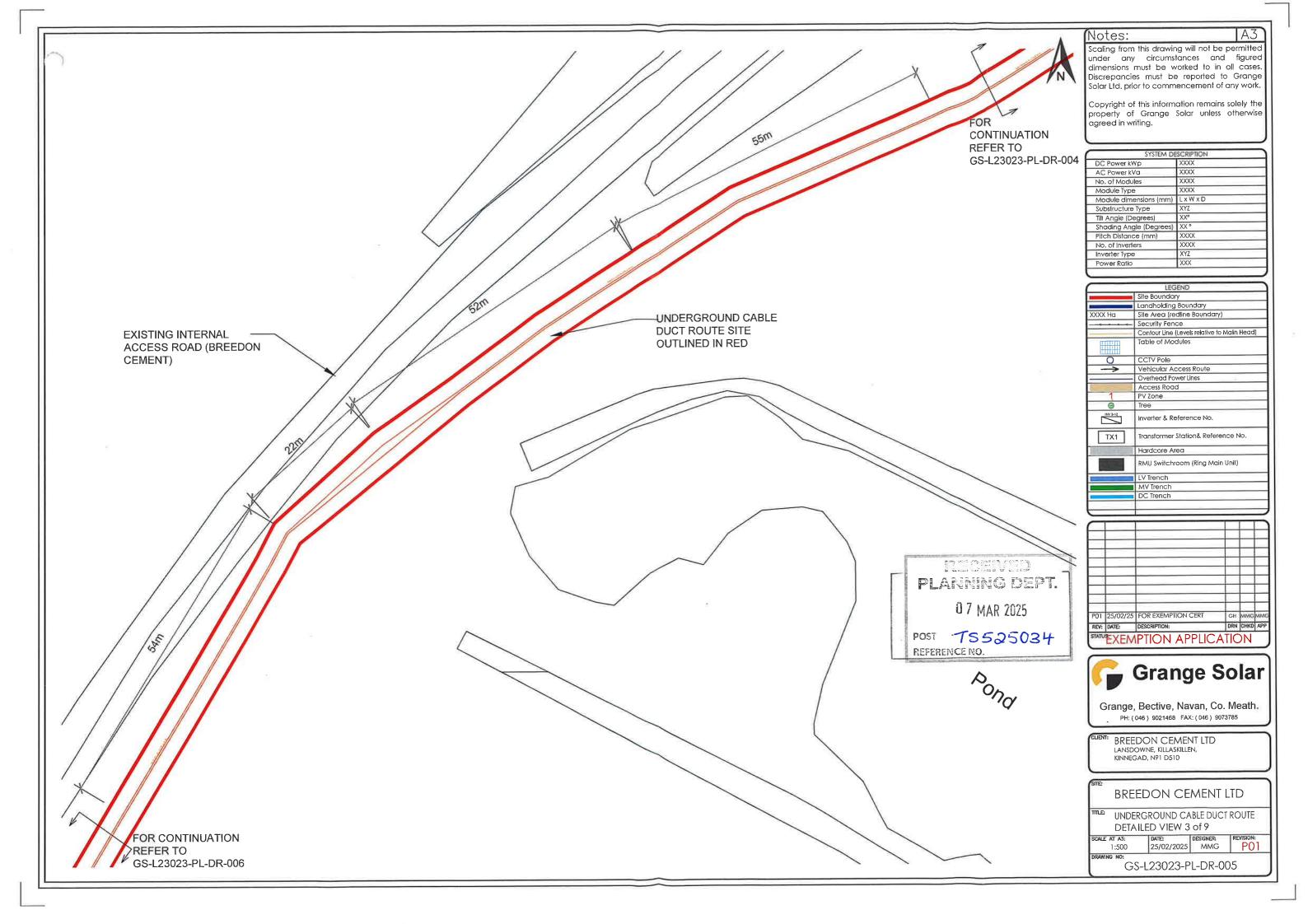
Application to be sent to:
Meath County Council, Planning Department,
Buvinda House,
Dublin Road,
Navan,
Co. Meath.

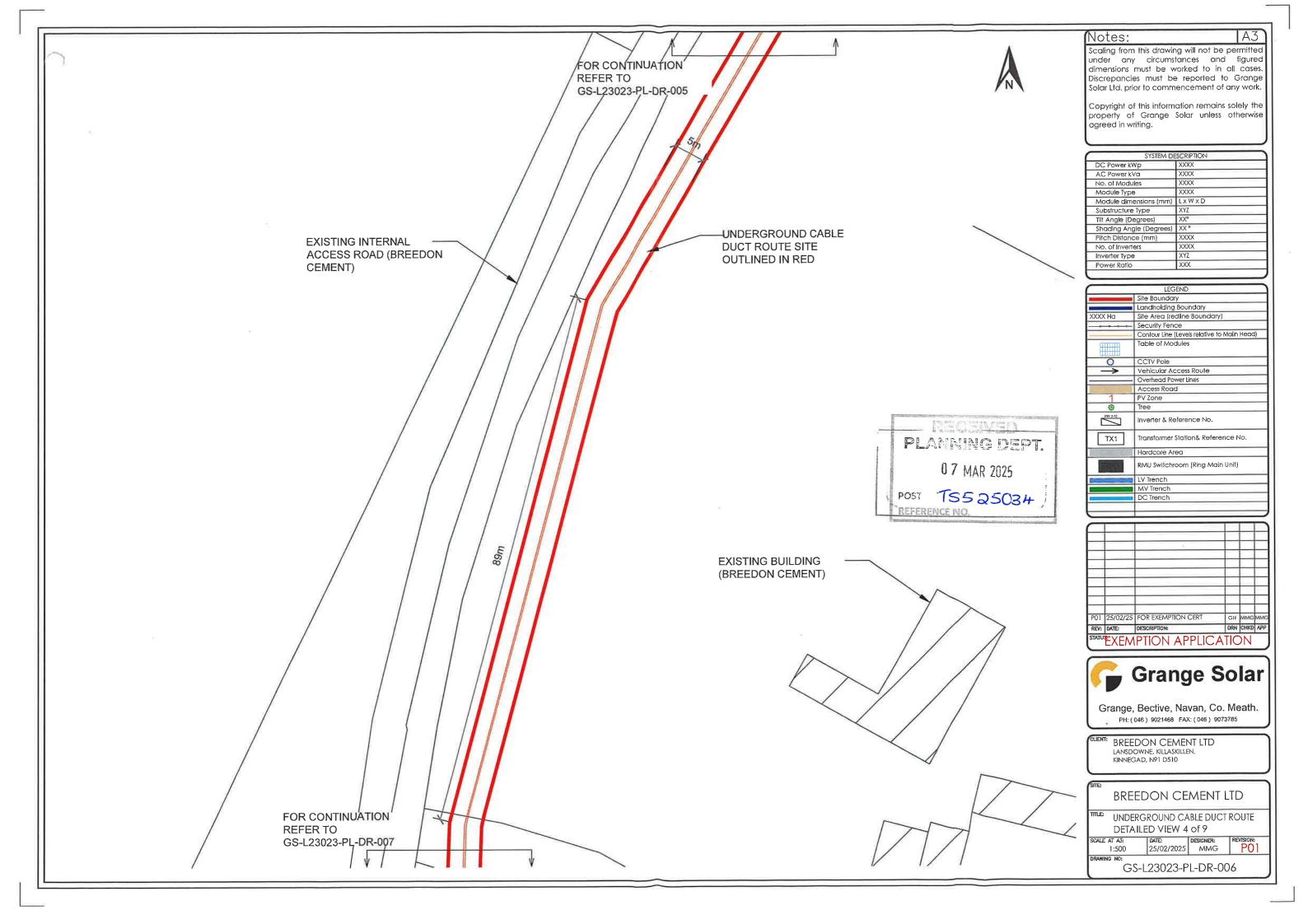
Phone: 046 9097500 Fax: 046 9097001

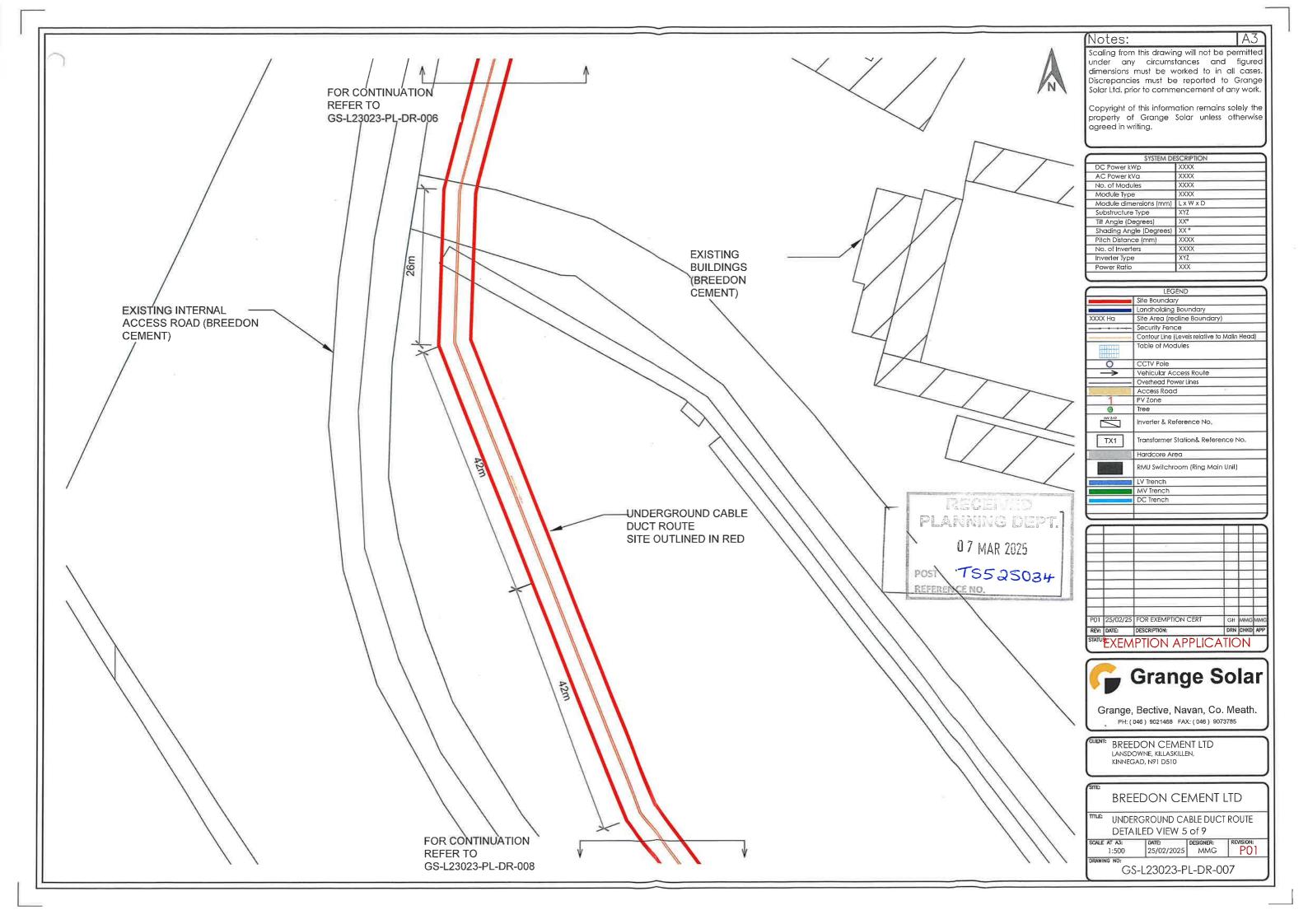
Email: planning@meathcoco.ie

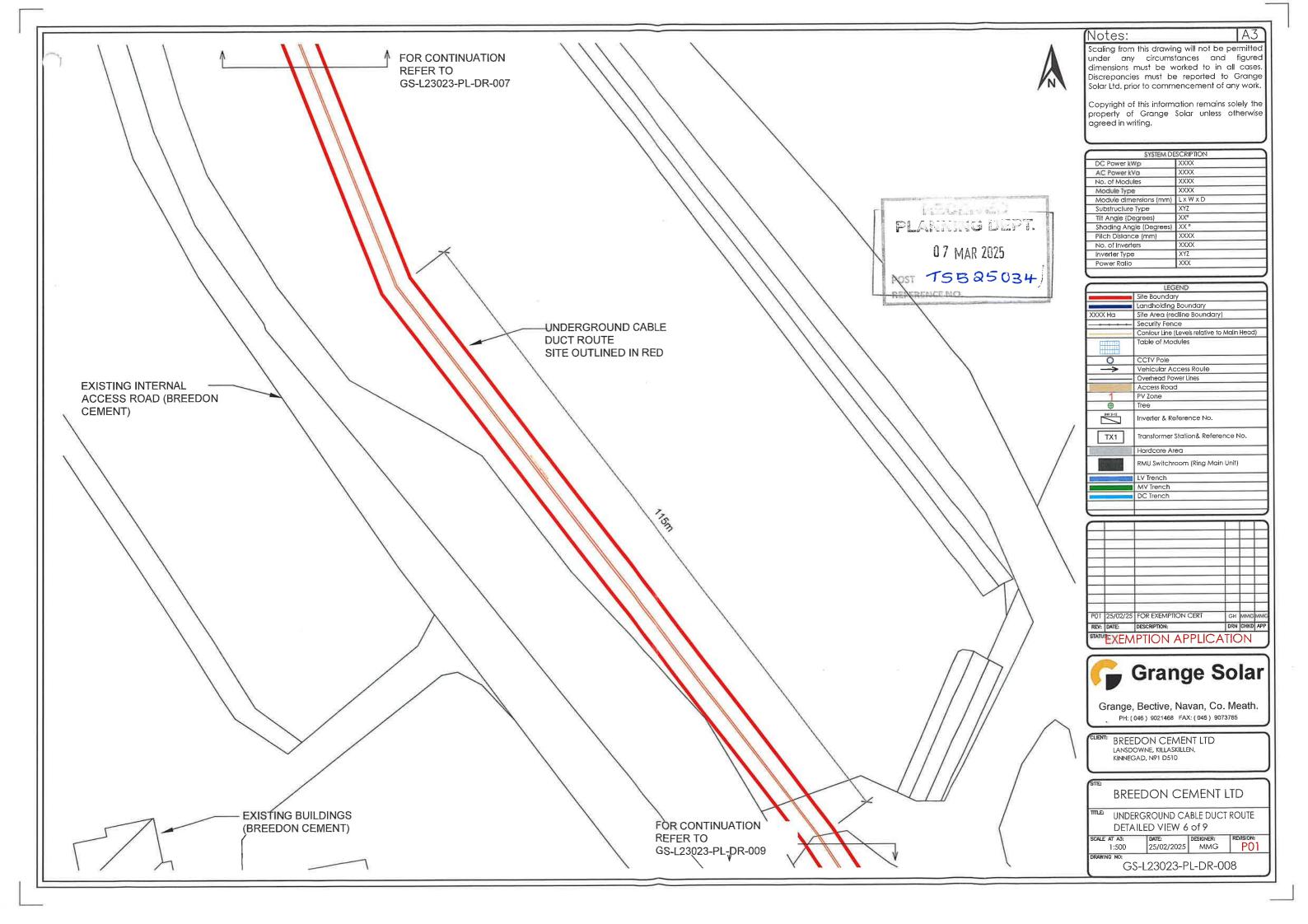


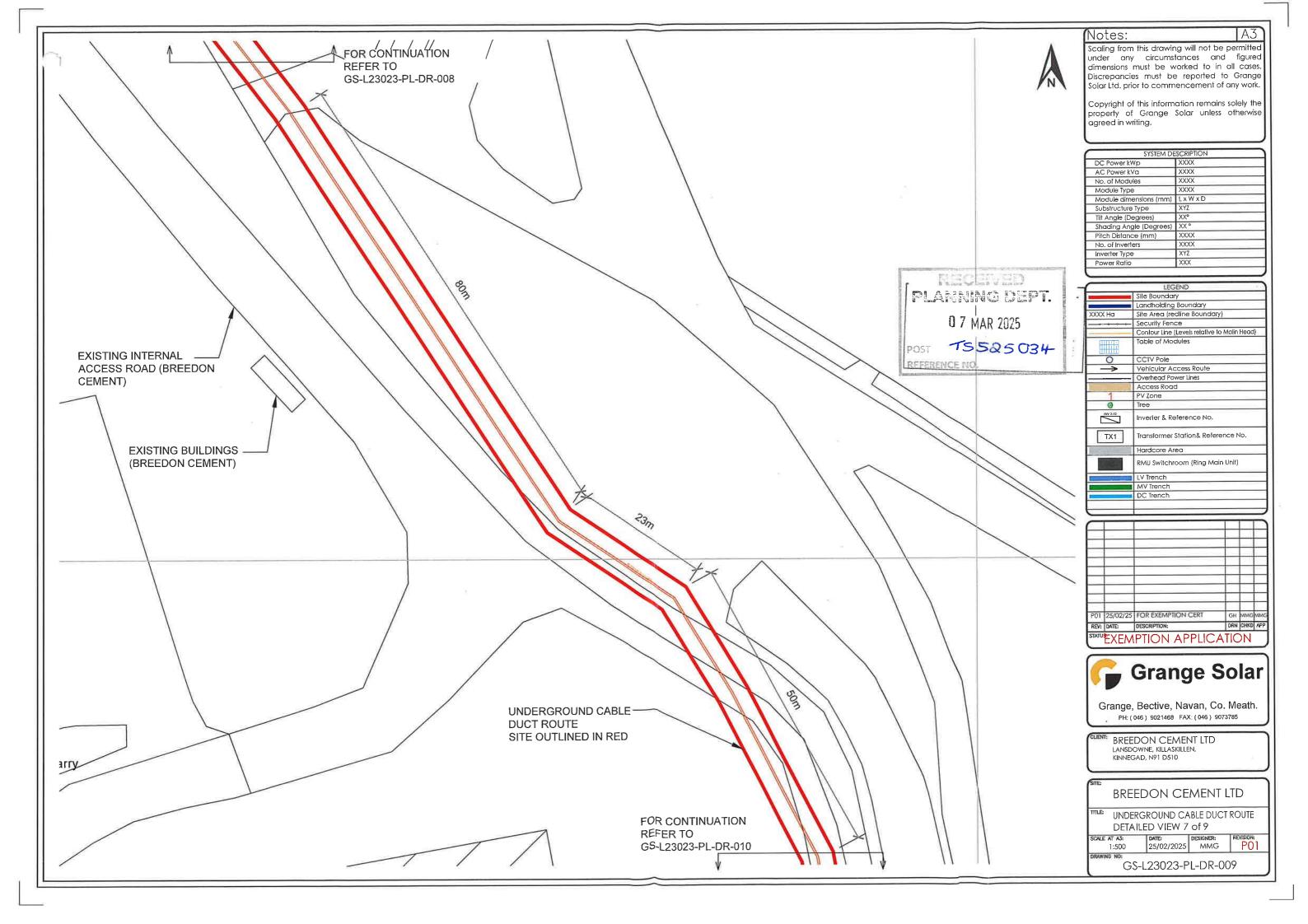


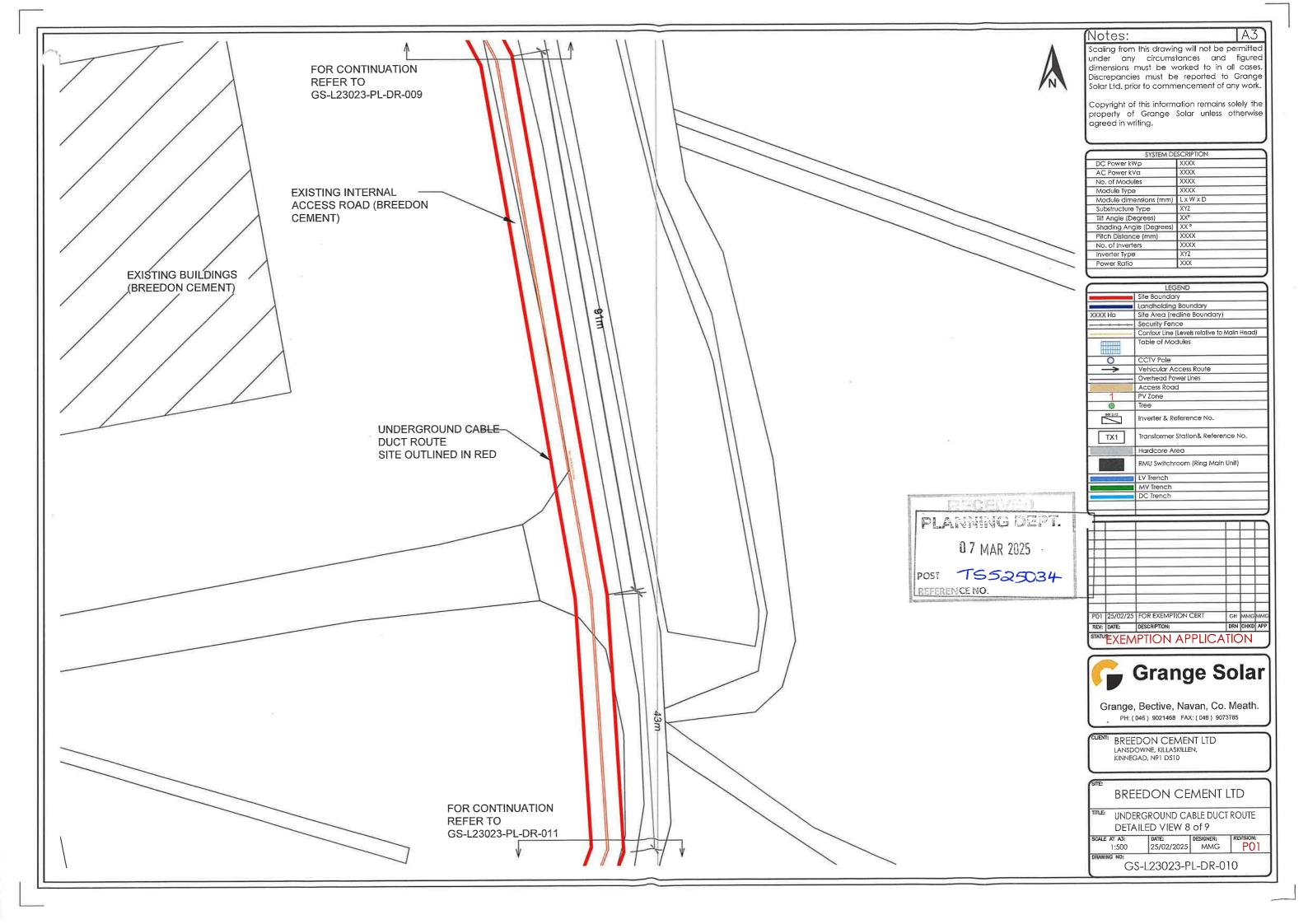


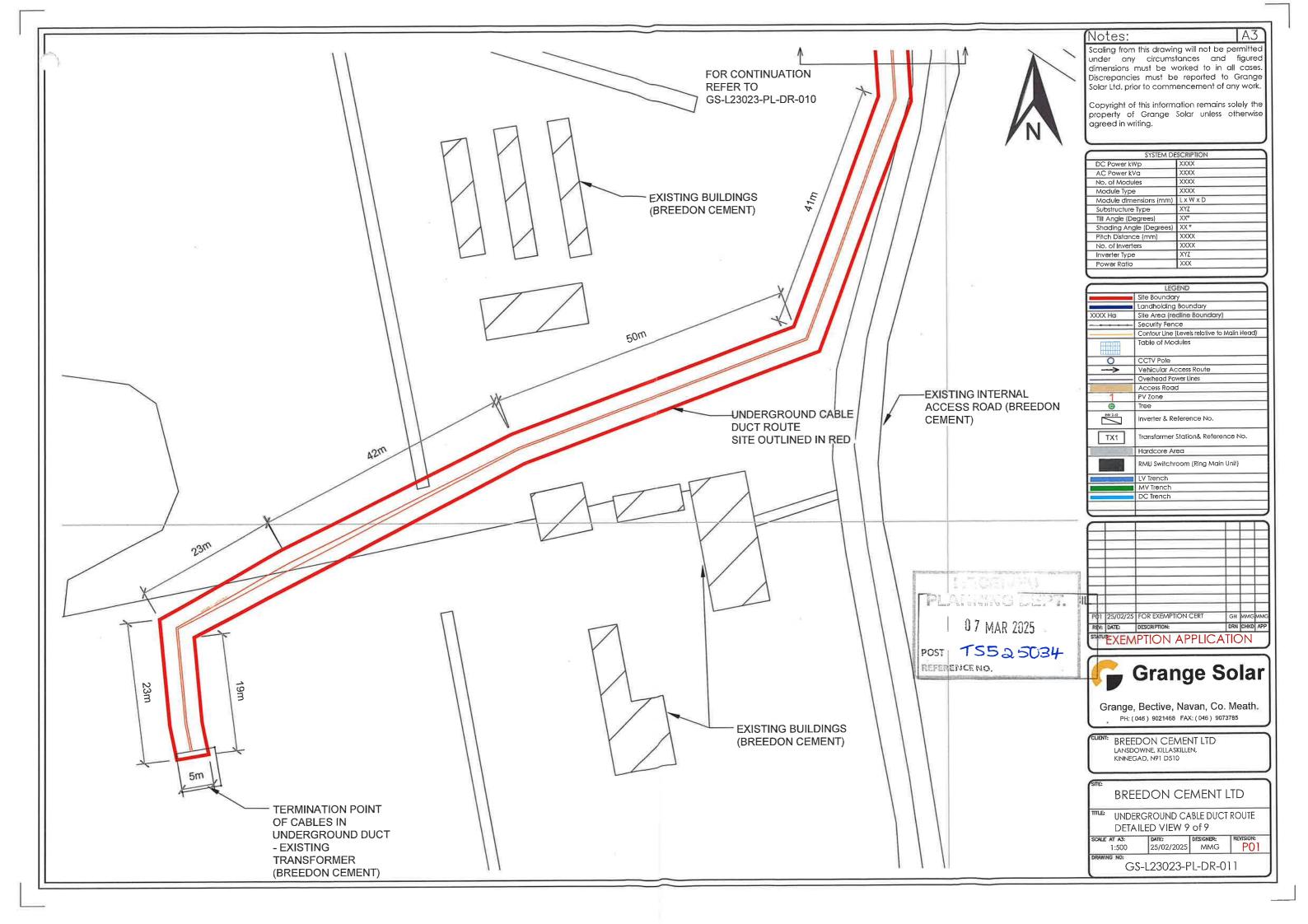


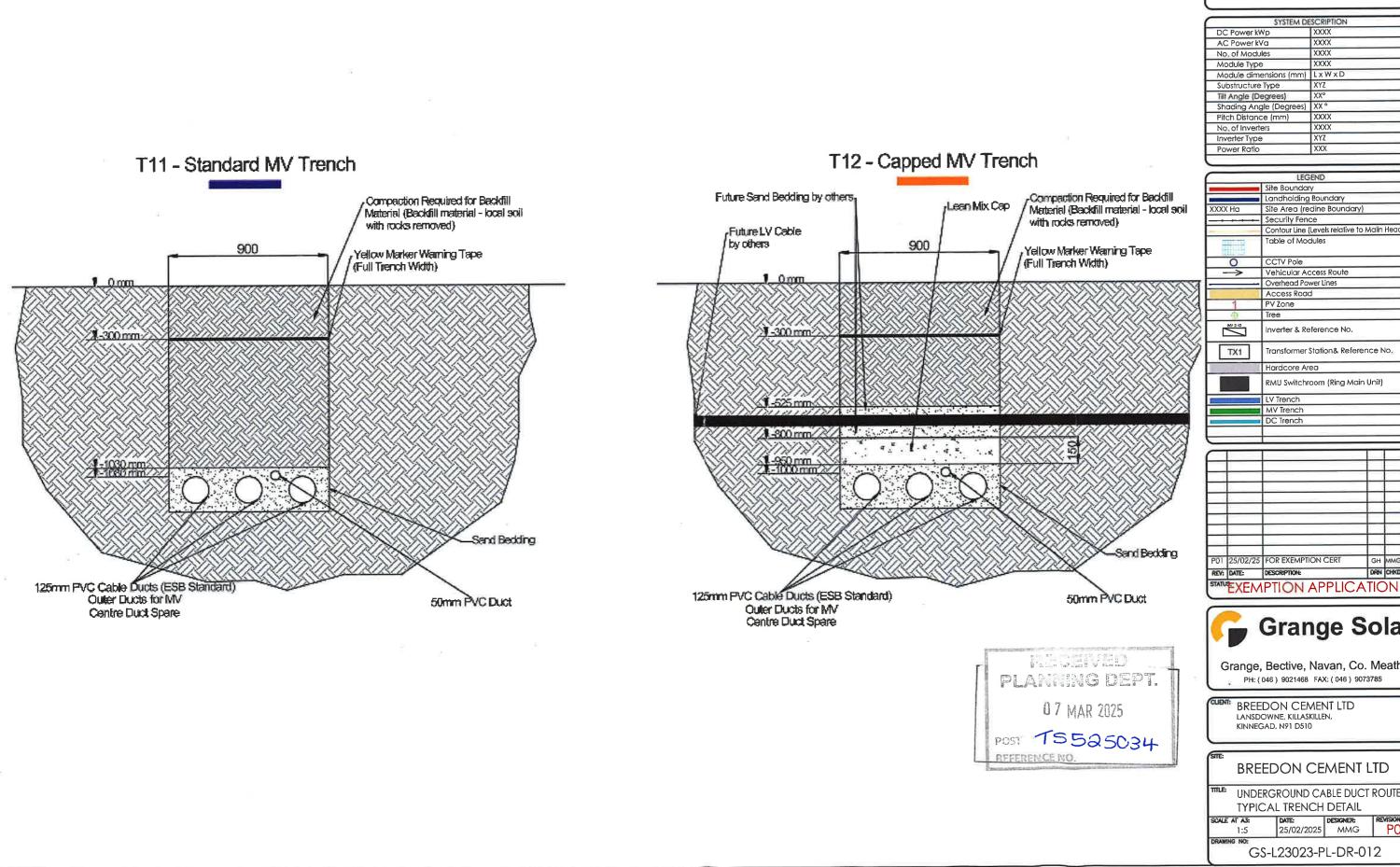










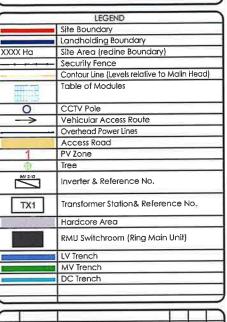


Notes:

Scaling from this drawing will not be permitted under any circumstances and figured dimensions must be worked to in all cases. Discrepancies must be reported to Grange Solar Ltd. prior to commencement of any work.

Copyright of this information remains solely the property of Grange Solar unless otherwise agreed in writing.

SYSTEM DE	SCRIPTION
DC Power kWp	XXXX
AC Power kVa	XXXX
No, of Modules	XXXX
Module Type	XXXX
Module dimensions (mm)	LxWxD
Substructure Type	XYZ
Tilt Angle (Degrees)	XX°
Shading Angle (Degrees)	XX°
Pitch Distance (mm)	XXXX
No. of Inverters	XXXX
Inverter Type	XYZ
Power Ratio	XXX





Grange, Bective, Navan, Co. Meath. PH: (046) 9021468 FAX: (046) 9073785

BREEDON CEMENT LTD

UNDERGROUND CABLE DUCT ROUTE TYPICAL TRENCH DETAIL

25/02/2025 MMG

GS-L23023-PL-DR-012

P01