

**Comhairle Chontae na Mí**

Roinn Pleanáil,  
Teach Buvinda, Bóthar Átha Cliath,  
An Uaimh, Contae na Mí, C15 Y291  
Fón: 046 – 9097500/Fax: 046 – 9097001  
R-phost: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://www.meath.ie)



**Meath County Council**

Planning Department  
Buvinda House, Dublin Road,  
Navan, Co. Meath, C15 Y291  
Tel: 046 – 9097500/Fax: 046 – 9097001  
E-mail: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://www.meath.ie)

**APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT**

**Part 1 Section 5 of Planning and Development Act 2000-2021, as amended**

1. **Name:** Energia Solar Holdings Ltd

**Contact details: to be supplied at the end of this form (Question 13)**

2. **Name of person/ agent acting on behalf of the applicant, if applicable**

Caoimhe O'Connor (MWP)

**Contact details: to be supplied at the end of this form (Question 14)**

3. **Location of Development and/or Subject Site:** Ballaghweary, Greenogue in County Meath and Fieldstown in County Dublin

4. **Description of Development:** The proposed development will consist of a 33kV solar cable connecting the permitted Ballaghweary Solar Farm and the permitted Fieldstown Solar Farm to the 110kV Fieldstown Substation at Ballaghweary, Greenogue in County Meath and Fieldstown in County Dublin

5. **Will the development take place within the curtilage of a dwelling house?**

Please tick as appropriate: YES ☐ NO ☒

6. **Will / does development take place in / on a Protected Structure or within the curtilage of a Protected Structure?**

Please tick as appropriate: YES ☐ NO ☒

6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2014, as amended, been requested or issued for the property by the Planning Authority?

Please tick as appropriate: YES ☐ NO ☐

7. **State overall height of structure if applicable:** N/A

8. **State in square metres the floor area of the proposed development:**

N/A



THE UNIVERSITY OF CHICAGO

OFFICE OF THE DEAN  
540 EAST 58TH STREET  
CHICAGO, ILL. 60637  
(312) 937-1234



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(312) 937-1234

**9. List of plans / drawings etc. submitted:**

Cover Letter, EIA Screening, AA Screening, Drawings

**10. Please state applicants interest in this site**

Applicant has agreements with landowners

**If applicant is not the owner of site, please provide name & address of owner:**

- Padraig McMahon, Fieldstown West, Kilsallaghan, Co Dublin
- Laurence Ward, Lispopple, Swords, Co Dublin
- Clare Sutton, Green Pastures, 16 Hollystown Demesne, Hollystown, Dublin 15
- Una Donnelly, 47 Strand Street, Skeries, Co. Dublin
- Greenogue Estates, Greenogue, Kilsallaghan, Dublin
- Primrose Park Ltd, Leinster Lodge, Maynooth, Kildare
- Marvest Holdings Unlited Company, Food Central. St Margarets, Co. Dublin
- Brendan McMahon, 9963 66th Avenue, Apartment E17, Rego Park, New York, NY11374

**11. Are you aware of any enforcement proceedings connected to this site?**

Please tick as appropriate: YES ☐ NO ☒

**11 (b), If "YES" please supply details:**

**12. Are you aware of any previous planning application/s on this site?**

Please tick as appropriate: YES ☒ NO ☐

**12 (b), If "YES" please supply details:**

Planning Ref- 21/1436 (Meath County Council)  
Planning Ref- F21A/0042 (Fingal County Council)  
ABP-318677-23 (An An Coimisiún Pleanála)

SIGNED: \_\_\_\_\_



DATE: 22/07/2025

**NOTES**

**1. Application Fee of €80**

**2. Application shall be accompanied by:**

- **2 copies of site location map to scale 1:2500** clearly showing the site outlined in red and the extent of the site boundaries, the position of existing structures, etc., and the proposed work.
- **2 drawings to scale (1:200)** of the proposed development (including floor plan and elevations), if appropriate.

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***Comhairle Chontae na Mí***

*Roinn Pleanáil,  
Teach Buvinda, Bóthar Átha Cliath,  
An Uaimh, Contae na Mí, C15 Y291  
Fón: 046 – 9097500/Fax: 046 – 9097001  
R-phost: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://www.meath.ie)*



***Meath County Council***

*Planning Department  
Buvinda House, Dublin Road,  
Navan, Co. Meath, C15 Y291  
Tel: 046 – 9097500/Fax: 046 – 9097001  
E-mail: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://www.meath.ie)*

- **Two site layout plans to scale 1:500 if appropriate. Please submit 2 copies of any additional plans/reports etc. you may wish to include as part of the application.**

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

**Contact Details: Phone: 046 9097500 Fax: 046 9097001**

**Email: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)**



AS525091

Ref: CO/25545

22<sup>nd</sup> July 2025

**Planning Department**

Meath County Council,  
Buvinda House,  
Dublin Road,  
Navan,  
County Meath

**Subject:** Section 5 declaration relating to a 33kV solar cable connecting the permitted Ballaghweary Solar Farm at Ballaghweary, Greenogue County Meath to the permitted Fieldstown Solar Farm and the permitted Fieldstown 110kV Substation at Fieldstown in County Dublin

Dear Sir/Madam,

MWP on behalf of Energia Solar Holdings Ltd wish to seek a Section 5 declaration from Meath County Council for a 33kV medium voltage cable to connect the permitted Ballaghweary Solar Farm in County Meath (Planning Ref- 21/1436), the permitted Fieldstown Solar Farm (Planning Ref- F21A/0042) to the permitted Fieldstown 110kV Substation (ABP-318677-23) in Co. Dublin. The proposed cable route is located within the jurisdiction of two Local Authorities namely, Meath County Council and Fingal County Council within the townlands of Ballaghweary, Greenogue and Fieldstown. This request for a Section 5 declaration has been submitted to both Local Authorities for consideration of the proposed works within each of their administration boundaries.

**Project Description**

The proposed development is a cable route, approximately 5.3km in length and will transmit power from the permitted Ballaghweary Solar Farm substation and the permitted Fieldstown Solar Farm substation to the 110kV Fieldstown substation in order to connect the development to the National Grid. The proposed development extends mostly through greenfield sites in the area, following existing field boundaries. The cable will traverse across the road along the L5023, R125 and the R130. The cable will extend south along the R122 from the Fieldstown Solar Farm to connect to the Fieldstown 110kV Substation. Please refer to attached drawings which outlines the route of the proposed cable.

Directors Peter Fay BSc CEng MIEI MStructE FConSEI | Paul Collins BE CEng MIEI MStructE | John Lee BE HDipSHWW CEng FIEI |  
Brian Sayers BE MSc CEng MIEI | Ian Brosnan BE CEng MIEI MICE MStructE

Technical Directors Ken Fitzgerald BSc Surv Dip CEcon PG Dip Planning EIA CZM | David Aherne BE CEng MIEI MCIBSE

Associate Directors Tim Hurley BEng MEngSc CEng MIEI | Micheál Fenton BE CEng MIEI | Caitríona Fox BA MSc

Registered in Ireland as Malachy Walsh & Company Limited

Company Registration Number 133445 VAT Number 4726135H

Registered Office Park House, Bessboro Road, Blackrock, Cork, Ireland



The route of the proposed development has two water crossings, at the Broad Meadow River in Co. Meath and Co. Dublin. There is also one crossing at a drainage ditch. These will be crossed using Horizontal Directional Drilling (HDD).

## Statutory Provisions

### Planning and Development Act, 2000 (as amended)

**Part 1, Section 2(1)** of the Act states that, "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure".

**Part 1, Section 2(1)** of the Act states that a "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.

**Part 1, Section 4(1)** sets out the various forms and circumstances in which development is exempted development for the purposes of the Act.

**Part 1, Section 4(2)(a)(i)** states that "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, ....

**Part 1, Section 4(4)** states that "notwithstanding.... any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or appropriate assessment of the development is required"

### **Section 172(1)**

States that an environmental impact assessment shall be carried out by a planning authority or the Board, as the case may be in respect of an application for consent for -

- (a) Proposed development of a class specified in Schedule 5 to the Planning and Development Regulations 2001 which exceeds a quantity area, or other limit specified in that Schedule, and
- (b) Proposed development of a class specified in Schedule 5 to the Planning and Development Regulations 2001 which does not exceed a quantity, area or other limit specified in that Schedule but which the planning authority or the Board determines would be likely to have significant effects on the environment.



**Section 177U(9)**

States that 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"

**Planning and Development Regulations 2001, as amended****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."

**Schedule 2, Part 1*****Development by Statutory Undertakers******Class 26***

*The carrying out by any electricity undertaking of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking.*

**Article 9** sets out the following relevant restrictions on exempted development:

(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act –

(a) If the carrying out of such development would –

- (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) consist 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 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 purpose of giving effect to the Council Directive

#### **Requirement for Environmental Impact Assessment (EIA)**

An EIA Screening Report has been undertaken by MWP to assess the likely effects on the environment, and whether the proposed development requires an EIA. The report, which forms part of this submission package, concludes that based on the findings of this EIA screening assessment the proposed development, a 33kV medium voltage underground connector cable connecting two solar farms, is not defined in Schedule 5 of the Planning and Development Regulations 2001 as amended, as a class of development that would require EIA, therefore neither mandatory nor sub-threshold EIA are required.

Furthermore, following a detailed evaluation of the characteristics of the proposed development and its likely impacts, it is concluded that the proposed development will not have any likely significant impacts on the environment and as such an EIA under Schedule 7 is not required. Therefore Article 9(1)(C) does not apply.

#### **Requirement for Appropriate Assessment (AA)**

An Appropriate Assessment (AA) Screening Report has been prepared by MWP to determine whether the proposed underground medium voltage cable route connection connecting granted solar farms at Fieldstown, County Dublin, and Ballaghawearry, County Meath, is likely to result in significant effects on nearby sites with European conservation designations (i.e. Natura 2000 Sites). As part of the screening process the Source-Pathway-Receptor (S-P-R) model was applied to assess the potential pathways through which the proposed development could impact on designated sites.

The report, which forms part of this submission package, concluded through this screening process using the S-P-R model that the proposed development either individually or in combination with other plans or projects, is not likely to result in significant effects on the following Natura 2000 sites in view of those sites' Conservation Objectives and further assessment is deemed unnecessary. Therefore, it is considered that the proposed development does not fall within the scope of Section 4(4) of the Act.

#### **Traffic Impact**

The proposed cable route will transverse the public road and therefore a traffic management plan will be agreed with the Local Authority when applying for the road opening licence prior to any work commencing on site. Given the scale and nature of the proposed development it is considered that there will be no danger to public safety by reason of traffic hazard or obstruction of road user following the approval of the road opening licence. Therefore, it is considered that the proposed development does not fall within the scope of Article 9(1)(A)(iii) does not apply.

**Archaeology**

Using data available from the National Monument Service, a search was conducted around the site of the proposed development which identified no recorded monuments along the route of the cable. There are two ring ditches recorded (ME04138 & ME04139) approximately 50m south from a section of the cable route before it turns to cross the Broad Meadow River in Meath. The route also does not transect the SMR Zone around these features, R186347. It is considered that the proposed development does not fall within the scope of Article 9(1)(a)(vii) and (viiA).

On the basis of the above and the attached specialist reports it is considered that the proposed cable connection from the permitted Ballaghaweary Solar Farm to the permitted Fieldstown Solar Farm, is development and is exempted development under Class 26 Part 1, Schedule 2 of the Planning and Development Regulations (2001) as amended.

**Precedent Referral Cases to An Coimisiún Pleanála****RL3436**

The laying of underground 20kV electricity cables and ancillary works to link Turraheen Windfarm (Planning Ref. 13/24) to Glencarbry Windfarm (Planning Ref. 07/255) is development and is exempted development.

**RL3375**

The laying of 220m of 20kV underground cable forming part of the grid connection between the planned wind farm in the townlands of Raragh, Kingscourt, County Cavan and the existing ESB substation at Kilnalun, County Meath is development and is exempted development.

**RL20.313557**

The laying of 10Kv underground grid connection to connect a permitted onsite solar farm substation to the existing 38Kv Castlrea substation is development and is exempted development

**RL14.310120**

The provision of c3834m of 38kv underground medium voltage grid connection cable between the consented Cleggill Solar Farm (Ref 17/47) to the nearest 38kv Longford substation is development and is exempted development.

**RL20.307454**

The laying of underground 20kV medium voltage cable within public road between permitted solar farm (PD/17/28) and 38kV Roscommon substation is development and is exempted development

**DOCUMENTS ENCLOSED:**


- Section 5 Declaration Form
- Fee €80 (Please call our Tralee Office on +353 (0)66 7123404 for payment)

CONTD.

- EIA Screening
- AA Screening Report
- Drawings:
  - 25545-XX-XXX-DR-MWP-CE-5001 SITE CONTEXT
  - 25545-XX-XXX-DR-MWP-CE-5002 SITE LOCATION- SHEET 1
  - 25545-XX-XXX-DR-MWP-CE-5003 SITE LOCATION- SHEET 2
  - 25545-XX-XXX-DR-MWP-CE-5004 CABLE ROUTE- MASTER SHEET
  - 25545-XX-XXX-DR-MWP-CE-5005 CABLE ROUTE
  - 25545-XX-XXX-DR-MWP-CE-5006 CABLE ROUTE
  - 25545-XX-XXX-DR-MWP-CE-5007 CABLE ROUTE
  - 25545-XX-XXX-DR-MWP-CE-5008 CABLE ROUTE
  - 25545-XX-XXX-DR-MWP-CE-5009 CABLE ROUTE
  - 25545-XX-XXX-DR-MWP-CE-5010 CABLE ROUTE
  - 25545-XX-XXX-DR-MWP-CE-5011 CABLE ROUTE
  - 25545-XX-XXX-DR-MWP-CE-5012 CABLE ROUTE
  - 25545-XX-XXX-DR-MWP-CE-5013 CABLE ROUTE
  - 25545-XX-XXX-DR-MWP-CE-5014 CABLE ROUTE
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  - 25545-XX-XXX-DR-MWP-CE-5017 CABLE ROUTE
  - 25545-XX-XXX-DR-MWP-CE-5018 CABLE ROUTE
  - 25545-XX-XXX-DR-MWP-CE-5401 DETAILS
  - 25545-XX-XXX-DR-MWP-CE-5402 HDD CROSSING- WATERCOURSE
  -

Should you have any questions please do not hesitate to contact the undersigned.

Yours sincerely,



---

Caoimhe O'Connor  
for MWP

ENGINEERING AND ENVIRONMENTAL CONSULTANTS







[illegible]





**MEATH COUNTY COUNCIL**

**CHIEF EXECUTIVE ORDER**

**Chief Executive Order Number:** 1419/58

**Reference Number:** AS525091

**Subject:** Declaration under Part 1, Section 5, Planning and Development Act 2000-2023

**Name of Applicant:** **Energia Solar Holdings Ltd**

**Address:**  
c/o Caomihe O'Connor (MWP)  
Reen Point  
Blennerville  
Tralee  
Co Kerry

**Nature of Application:** The proposed development will consist of a 33kV solar cable connecting the permitted Ballaghweary Solar Farm and the permitted Fieldstown Solar Farm to the 100kV Fieldstown Substation

**Location of Development:** **Ballaghweary, Greenogue in County Meath and Fieldstown in County Dublin**

**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:**

19.08.25



**MEATH COUNTY COUNCIL**

**Planning Department**

**Buvinda House**

**Dublin Road**

**Navan Co Meath**

**046 - 9097500**

**Planning & Development Act 2000- 2022**

**DECLARATION**

**To: Energia Solar Holdings Ltd  
c/o Caomihe O'Connor (MWP)  
Reen Point  
Blennerville  
Tralee  
Co Kerry**

**PLANNING REFERENCE NUMBER:** AS525091

**APPLICATION RECEIPT DATE:** 24/7/2025

**FURTHER INFORMATION DATE:**

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2023, Meath County Council has by order dated 19.08.25 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: The proposed development will consist of a 33kV solar cable connecting the permitted Ballaghweary Solar Farm and the permitted Fieldstown Solar Farm to the 100kV Fieldstown Substation at **Ballaghweary, Greenogue in County Meath and Fieldstown in County Dublin**

Date: 19.08.25

  
On Behalf of Meath County Council

**NOTE:**

1. Any appeal against a Declaration of a Planning Authority under Section 5, subsection 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](mailto:bord@pleanala.ie) Web: [www.pleanala.ie](http://www.pleanala.ie)





**comhairle chontae na mí**  
*meath county council*

**Planners Report**

<b>To:</b>	Wendy Bagnall, Senior Executive Planner
<b>From:</b>	Gerard Kellett, Executive Planner
<b>File Number:</b>	<b>AS525091</b>
<b>Applicant Name(s):</b>	Energia Solar Holdings Ltd
<b>Development Address:</b>	Ballaghweary, Greenogue in County Meath and Fieldstown in County Dublin
<b>Application Type:</b>	Section 5 of the Planning & Development Act 2000 – 2023 : Declaration on Development/Exempted Development
<b>Development Description:</b>	Application for Exempted Development to install 33KV underground cabling between permitted Ballaghweary Solar Farm and the permitted Fieldstown Solar Farm to the 110kV Fieldstown Substation at Ballaghweary, Greenogue in County Meath and Fieldstown in County Dublin
<b>Report Date:</b>	14/8/25



## 1.0 SITE LOCATION & DESCRIPTION

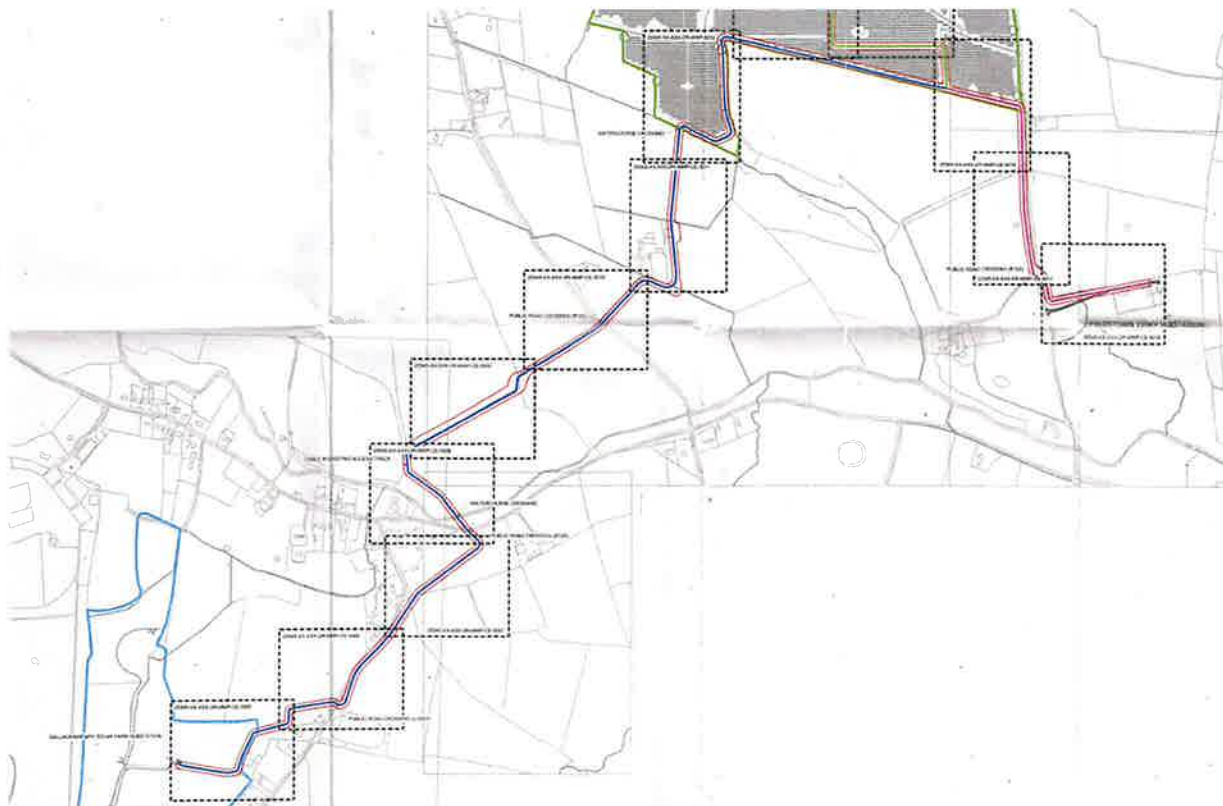
The site description for the proposed development involves a cable route approximately 5.3km in length. The cable will transmit power from the permitted Ballaghweary Solar Farm substation in County Meath and the permitted Fieldstown Solar Farm substation to the 110kV Fieldstown substation in County Dublin, connecting the development to the National Grid.

The route primarily extends through greenfield sites, following existing field boundaries, and traverses public roads including the L5023, R125, R130, and R122. The development includes two water crossings at the Broad Meadow River (in County Meath and County Dublin) and one crossing at a drainage ditch, which will be completed using Horizontal Directional Drilling (HDD).









**Proposed Route**

## 2.0 PROPOSED DECLARATION

The referrer seeks a declaration as to whether or not, ***“To install 33KV underground cabling between permitted Ballaghweary Solar Farm and the permitted Fieldstown Solar Farm to the 110kV Fieldstown Substation at Ballaghweary, Greenogue in County Meath and Fieldstown in County Dublin is or is not exempt development.*”**

## 3.0 PLANNING HISTORY

The planning history related to the Fieldstown to Ballaghweary Solar Farm Cable Route project includes the following:

Ballaghweary Solar Farm: Ref: 211436 (Meath CC). A 34.4-hectare Solar PV Energy Development, including solar panels, cabling, ducting, power stations, a substation, and ancillary works – **CONDITIONAL**

Fieldstown Solar Farm: File Ref. F21A/0042 (Final CC) – Approved with conditions by An Bord Pleanála (Ref. ABP-318677-23) on January 29, 2025, A 105-hectare Solar PV Energy Development, including solar panels, power stations, a substation, battery storage containers, and ancillary infrastructure. A 110kV Air Insulated Switchgear (AIS) tail-fed substation compound combined with a 110kV underground cable connection to Finglas – **CONDITIONAL**



#### **4.0 REFERRALS**

None

#### **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 any works 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 – 2025:**

##### **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”.*

#### **Schedule 2, Part 1 Exempted Development – General** (Planning and Development Regulations 2001 (as amended).

**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) Is or is not development**

Having regard to the definition of ‘development’ within Section 3(1) 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”;





The Planning Authority is of the view the works detailed would constitute development for planning purposes. Therefore, the focus, is on whether or not the proposed development constitutes exempted development.

**(ii) Is or is not exempted development**

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 (as amended).

The Planning Authority is of the view the development falls under the Class 26. Class 26 of Part 1 of Schedule 2 of the Planning and Development Regs 2001 – 2025 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 development involves the installation of a 33kV medium voltage underground connector cable. The cable route is approximately 5.3 kilometres long, primarily traversing greenfield sites and following existing field boundaries. It includes two water crossings at the Broad Meadow River and one crossing at a drainage ditch, all of which will be completed using Horizontal Directional Drilling (HDD).

Class 26 applies to *“any undertaker authorised”*, to *‘an electricity service’* and to *‘the undertaking’*. It is the view of the Planning Authority that the proposal is for the purposes of the undertaking.

As stated under Article 3 (3) of the Planning and Development Regulations, 2001 – 2025, *“electricity undertaking”, means an undertaker authorised to provide an electricity service”*.

The 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 the context of these definitions, the Planning Authority considers the applicant (Energia Solar Holdings 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. On this basis, it is considered that the proposed development falls within the scope of Class 26.

**(iii) 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).



In terms of Environmental Impact Assessment, the applicant has submitted an EIAR screening report which concludes;

#### **4. Conclusion**

It is concluded that based on the findings of this EIA screening assessment the proposed development, a 33kV medium voltage underground connector cable connecting two solar farms, is not defined in Schedule 5 of the Planning and Development Regulations 2001 as amended, as a class of development that would require EIA, therefore neither mandatory nor sub-threshold EIA are required.

Furthermore, following a detailed evaluation of the characteristics of the proposed development and its likely impacts, it is concluded that the proposed development will not have any likely significant impacts on the environment and as such an EIA under Schedule 7 is not required.

An Appropriate Assessment screening was also undertaken, in accordance with Article 6 of the Habitats Directive, which concluded that there will be no significant impact on any Natura 2000 designated sites.

Having regard to the characteristics of the proposed development in consideration of the size, nature, location and characteristic of the potential effects, it is considered that the proposed development would not give rise to effects of a significant or adverse nature such as to have a significant effect on the environment or warrant an EIA.

It is noted that this is a recommendation to support the final determination by the competent authority.

The proposed development is not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations (PDR) 2001 (as amended) nor is it considered a sub-threshold development for the purposes of Schedule 7 PDR. Based on information provided and having considered the nature, size and location of the development, there is no real likelihood of significant effects on the environment and as such an EIAR is not required.

In terms of Appropriate Assessment, this section 5 application includes a stage 1 Appropriate Assessment Screening Report which concludes:

#### **3.7 Conclusion of Screening Stage**

This report for screening for Appropriate Assessment was compiled to assist the competent authority in carrying out the screening for Appropriate Assessment.

In conclusion, to determine any potential impacts of the proposed project on nearby Natura 2000 sites, a screening process for Appropriate Assessment was undertaken. As part of this screening process, the Source-Pathway-Receptor (S-P-R) model was applied to assess the potential pathways through which the proposed development could impact on designated sites.

It has been objectively concluded through this screening process using the S-P-R model that the proposed construction and operation of the proposed development in the townlands of Ballaghaweary and Greenogue (Co. Meath) and Fieldstown (Co. Dublin), either individually or in combination with other plans or projects, is not



likely to result in significant effects on the following Natura 2000 sites in view of those sites' Conservation Objectives and further assessment is deemed unnecessary:

- Malahide Estuary SAC (000205)
- Malahide Estuary SPA (004025)
- Rogerstown Estuary SAC (000208)
- Rogerstown Estuary SPA (004015)
- Baldoyle Bay SAC (000199)
- Baldoyle Bay SPA (004016)

Having regard to conclusions of the stage 1 screening report submitted, the Planning Authority considered the nature, scale and location of the proposed development and other plans and projects (where there could be potential for cumulative or in-combination effects), the conservation objectives/ qualifying interests of European Sites within the vicinity of the site and the distance to European Sites, any protected habitats or species, the WFD catchment location, the underlying aquifer type and vulnerability and the excavation works, emissions, transportation requirements and duration of construction and operation and cumulative impacts associated with the proposal.

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.

On the basis of the foregoing, it is considered that the underground cable development does not fall within the scope of Section 4(4) of the Act.

**(iv) Strategic Infrastructure**

In terms of Section 182A (9) of the Planning and Development Act 2001 – 2023, regarding Strategic Infrastructure, the proposed cable/line is 33KV. Therefore, the proposed underground cable/ line does not qualify as a Strategic Infrastructure Development.

**(v) Restrictions on Exemptions:**

On the issue of Article 9 (1) De-Exemptions as listed above in this report. It is not considered that the development falls within the scope of the de-exemptions.



It is however appropriate to note that works that are to be carried out on the public road would be subject to the applicant obtaining a road opening license and carrying out the construction of the underground cable in line with said road opening license. Therefore, it is not considered that the works on the public road would represent a traffic hazard.

**(vi) Other**

The submitted section 5 lists several precedent cases and the Planning Commission refers to similar developments were determined to be exempted development. These include:

- ABP-307454-20: Construction of an underground 20 kV medium voltage cable within the public road between a permitted solar farm and a 38 kV substation.
- ABP-302895-18: Provision of a medium voltage (20kV) underground grid connection between a permitted solar farm at Dysart, Johnstownbridge, County Kildare, and the Dunfirth ESB substation.
- RL19.RL3503: Connection between the 110kV substation of the Yellow River wind farm and the National Grid at the adjoining Derryiron 110kV substation at Rhode, County Offaly.
- RL3377: Provision of a 20kV electrical connection between Cnoc Wind Farm and Ballybeagh 38Kv substation.
- RL3375: Laying of 220m of 20kV underground cable forming part of the grid connection between a planned wind farm in Raragh, Kingscourt, County Cavan, and the existing ESB substation at Kilnalun, County Meath.
- RL3436: Laying of underground 20kV electricity cables and ancillary works to link Turraheen Windfarm to Glencarbry Windfarm.
- RL3503: Connection between the 110kV substation of the Yellow River wind farm and the National Grid at Derryiron 110kV substation.
- RL3606: Laying of underground MV cables to link a substation in the permitted Drumroe solar farm development to the existing ESB Kilcloher substation.

These cases demonstrate that similar underground cabling projects have been deemed exempted development under Class 26 of the Planning and Development Regulations, 2001 – 2023.





## 7.0 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

- (a) To install 33KV underground cabling between permitted Ballaghweary Solar Farm and the permitted Fieldstown Solar Farm to the 110kV Fieldstown Substation at Ballaghweary, Greenogue in County Meath and Fieldstown in County Dublin 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(2) & 177U of the Planning and Development Act 2000 – 2023,
- (b) Article 3, 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.
- (d) Information provided.

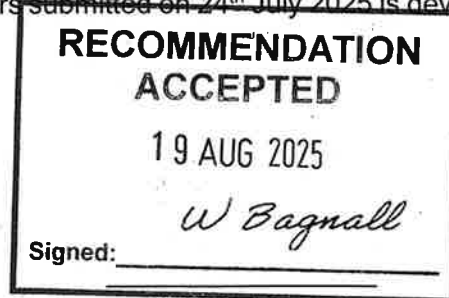
**AND WHEREAS** Meath County Council has concluded: -

- (a) To install a 33KV underground cabling between permitted Ballaghweary Solar Farm and the permitted Fieldstown Solar Farm to the 110kV Fieldstown Substation at Ballaghweary, Greenogue in County Meath and Fieldstown in County Dublin is exempted from the requirement to obtain planning permission as it comes within the scope of Schedule 2, Part 1, Class 26 (Exempted Development – General) of the Planning and Development Regulations, 2001 – 2025.

**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 24<sup>th</sup> July 2025 is development and is exempted development

*Gerard Kellett*

Gerard Kellett  
Executive Planner



Wendy Bagnall  
Senior Executive Planner



### **Advice Notes**

- (i) Before commencement of the works, the applicants shall liaise with Uisce Eireann and mark out the lines for the proposed ducting trenches, ensuring that they are clear of and do not interfere with, existing watermains. The proposed ducting trenches and chambers to be installed on opposite sides of the road to existing watermains, where possible.
- (ii) Before commencement of the works, the applicants shall liaise with Uisce Eireann and arrange for a detailed pre-Condition Survey of existing water boundary boxes, marker posts and marker plates.
- (iii) Before commencement of the works, the applicants shall liaise with Uisce Eireann and arrange for a Water audit to be carried out.
- (iv) The applicants to adhere to recommended separation distances, both horizontally and vertically (in the event of watermains ducting crossing) between watermain and new ducting.
- (v) Any damage caused to watermains, water boundary boxes, service connections, marker posts, or marker plates shall be rectified to the satisfaction of Uisce Eireann.
- (vi) It should be clearly understood that a grant of permission does not relieve the applicant/developer of the responsibility of complying with any requirements under other statutory codes affecting the development.
- (vii) It should be clearly understood that a grant of permission does not relieve the applicant/developer of the responsibility of complying with any requirements under other statutory codes affecting the development.
- (viii) The proposed infrastructure i.e. cables, ducting and joint bays will remain in the ownership of the applicant and will not be taken in charge by Meath County Council. The applicant shall be responsible for any/all ongoing and future maintenance or repair works required as a result of the proposed works.
- (ix) The applicant/developer shall make all necessary arrangements to apply for and obtain a Road Opening License(s) from Meath County Council in respect of all openings in public areas and shall pay Road Opening License fees and Road Restoration costs. The Applicant/Developer shall abide by all of the conditions as set out in said license(s).
- (x) The applicant/developer is responsible for the full cost of repair in respect of any damage caused to any adjoining public roadway arising from the construction work and should make good any such damage forthwith to the satisfaction of Meath County Council.

