# MEATH COUNTY COUNCIL CHIEF EXECUTIVE ORDER

**Chief Executive Order** 

427/25

Number:

Reference Number:

LS525011

Subject:

Declaration under Part 1, Section 5, Planning and Development Act

2000-2023

Name of Applicant:

Highfield Solar Ltd

Address:

c/o Alex Casasayas

Unit 17

The Hyde Building The Park, Carrickmines

Dublin 18 D18 H393

Nature of Application:

Underground MV ducting and cabling linking existing and

proposed substations

**Location of Development:** 

Downestown & Gillinstown, Duleek, Co Meath

**DECLARATION:** 

This development is not exempted development and therefore is

development requiring 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 development is not exempted development and therefore is DEVELOPMENT REQUIRING PLANNING PERMISSION.

**SIGNED:** 

On Behalf of Meath County Council

DATE: 25/02/2025

#### MEATH COUNTY COUNCIL

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

#### Planning & Development Act 2000- 2022

#### **DECLARATION**

To: Highfield Solar Ltd c/o Alex Casasayas
Unit 17
The Hyde Building
The Park, Carrickmines
Dublin 18
D18 H393

PLANNING REFERENCE

**NUMBER:** 

LS525011

**APPLICATION RECEIPT DATE:** 

29/01/2025

FURTHER INFORMATION

DATE:

N/A

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2023, Meath County Council has by order dated 11/02/2025 decided to Declare the proposed development is **development and is NOT EXEMPTED DEVELOPMENT** therefore is **DEVELOPMENT REQUIRING PLANNING PERMISSION**, in accordance with the documents submitted namely: Underground MV ducting and cabling linking existing and proposed substations at **Downestown & Gillinstown**, **Duleek**, **Co Meath** 

Date: 25/02/2025 Triona Kealing
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 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

# **Meath County Council**



# **Planning Report**

To: Peadar McQuaid, Senior Executive Planner

From: Nathan Cooney, Executive Planner

File Number: LS525011

Applicant Name(s): Highfield Solar Ltd

**Development Address:** Downestown & Gillinstown, Duleek, Co. Meath

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

(as amended): Declaration on

Development/Exempted Development

Development Description: Underground MV Ducting and Cabling linking

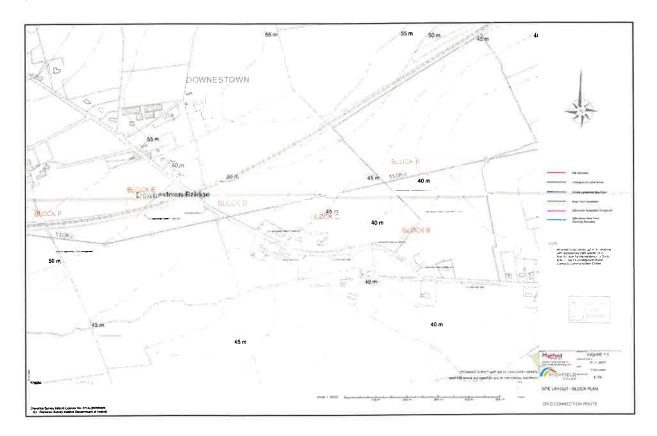
existing and proposed substations.

**Report Date:** 25/02/2025

Decision Due Date: 26/02/2025

#### 1.0 SITE LOCATION & DESCRIPTION

The subject site is located in the townlands of Downestown and Gillinstown, Duleek, Co. Meath. The site relates to the permitted solar farms granted by Meath County Council under reference LB160898 (Gillinstown Solar Farm) and 22972 (Downestown Solar Farm). The proposed grid connection route is below.



#### 2.0 PROPOSED DECLARATION

The referrer seeks a declaration as to whether or not, "Underground MV Ducting and Cabling linking existing and proposed substations' is development and if so is or is not exempted development.

# 3.0 PLANNING HISTORY

22972 – Permission GRANTED for the development will consist of a 10-year permission for the construction of a solar PV energy development within a total site area of approximately 18.92ha, include solar PV panels ground mounted on steel support structures, IPP electrical control building and associated compound, electrical transformer/inverter station modules, battery storage modules, storage containers, CCTV cameras, access tracks, fencing and associated electrical cabling, ducting and ancillary infrastructure.

LB160898 – Permission GRANTED for permission for a period of 10 years to construct and complete the development of a Solar PV Energy development with a total site area of 150.29 hectares, to include two electrical substation buildings and associated compounds, electrical transformer and inverter station modules, storage modules, Solar PV panels ground mounted on support structures, access roads and internal access tracks, spare parts storage container, fencing, electrical cabling and ducting, including undergrounding of existing electrical cabling, CCTV and other ancillary infrastructure, additional landscaping and habitat enhancement as required and associated site development works.

#### 4.0 REFERRALS

Transportation Department - Not Exempted Development

#### 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 MV ducting and cabling linking existing and proposed substations.

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 (Highfield Solar 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.

However, the Transportation Department (MCC) have reviewed the submitted documentation and made the following comments; "The applicant proposes to lay an underground MV connector cable, in the public road, between the substations for approximately 1 km.

It is proposed to provide 3 No. joint bays in the public road. No details of the joint bays or the duct trench have been submitted. It is unclear from the information submitted that the proposed works would not create a traffic hazard."

Based on the limited information submitted with application and having regard to the referral response of the Transportation Department, I am satisfied that the proposal would endanger public safety by reason of a traffic hazard. Therefore, I consider the proposed works to fall within the scope of Article 9 as outlined below.

# (iii) Environmental Impact 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.

## (iv) Appropriate Assessment:

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)
- River Nanny Estuary and Shore SPA (Site Code 004158)
- North-west Irish Sea SPA (Site Code 004236)
- Boyne Coast and Estuary SAC (Site Code 001957)
- Boyne Estuary SPA (Site Code 004080).

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.

#### (iv) Restrictions on Exemptions:

On the issue of Article 9 (1) De-Exemptions as listed above in this report. It is considered that the development falls within the scope of the de-exemptions under Article 9 (1) (viiB) as the proposed development would constitute a traffic hazard.

# 7.0 RECOMMENDATION

It is therefore recommended that a declaration of Exemption be **REFUSED** 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 of the Planning and Development Act 2000-2023
- (b) Article 3, 6 & 9 of the Planning and Development Regulations, 2001-2024
- (c) Schedule 2, Part 1, Class 26 (Exempted Development General) of the Planning and Development Regulations, 2001-2024
- (d) Information provided.

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

- (a) Underground MV Ducting and Cabling linking existing and proposed substations in the townlands of Downestown and Gillinstown, Duleek, Co. Meath is NOT exempted from the requirement to obtain planning permission under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) as it comes within the scope of Section 4 (4) of the Planning and Development Act 2000 (as amended) and Article 9 (1) (iii) of the Planning and Development Regulations, 2001 (as amended).
- (b) Insufficient information has been submitted to the Planning Authority to rule out that the proposed works would endanger public safety by reason of a traffic hazard.

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 subpritted on 29 Lanuary 2025 is development

and is not exempted development.

2 5 FEB 2025

lignod

Executive Planner 25/02/2025

Netter Coure

Peadar McQuaid A/Senior Executive Planner 25/02/2025



PLANNING DEPT.

2 9 JAN 2025

REFERENCE NO.

LS525011

Planning Department
Meath County Council
Buvinda House
Dublin Road
Navan
Co. Meath
C15Y291

27th January 2025

Our ref: HFSL-DN pl023a Downestown

Your ref:

Re: Section 5 Application

Dear Sir or Madam,

Highfield Energy Services Limited act as Agents for Highfield Solar Limited.

This letter accompanies an application for exempted development of underground MV cabling and ducting linking existing and proposed substations at, respectively, Gillinstown and Downestown, Duleek, Co. Meath.

#### Please find attached:

- A completed application form signed by the agent;
- A Site Location drawing (Figure 1.0 @ 1:2500) & Overview Block Plans drawing (Figure 1.1 @ 1:2500);
- Six detailed layout drawings one for each block (Blocks A to F @ 1:500);
- The fee which has been calculated (€80 cheque);

If there are any issues with the information presented or you have any queries while processing this application please contact me as required.

Yours faithfully,

Alex Casasayas

**Highfield Energy Services** 

M: 087 297 1547

Email: alex.casasayas@highfieldenergy.com

# Comhairle Chontae na Mí

Roinn Pleanáil, Teach Buvinda, Bóthar Átha Cliath, An Uaimh, Contae na Mi, C15 Y291 Fón: 046 – 9097500/Fax: 046 – 9097001 R-phost: planning@meathcoco.ie Web: 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
Web: 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:Highfield Solar LTD		
	Contact details: to be supplied at the en	d of this form (Que	estion 13)
2.	Name of person/ agent acting on behalf o	of the applicant, if	applicable
	_ Alex Casasayas (on behalf of Highfield LTD)		
	Contact details: to be supplied at the en	d of this form (Que	estion 14)
3.	Location of Development and/or Subject Site:Downestown & Gillinstown, Duleek, County Meath		
4. and	Description of Development:Underg d proposed substations		and Cabling linking existing
5.	Will the development take place within the	ne curtilage of a d	welling house?
	Please tick as appropriate:	YES	NO _X_
6.	Will / does development take place in / or a Protected Structure?	n a Protected Stru	cture or within the curtilage o
	Please tick as appropriate:	YES	NO _X_
6(b	b) If "YES", has a Declaration under Sectio 2014, as amended, been requested or iss	on 57 of the Planni sued for the prope	ng & Development Act 2000 – rty by the Planning Authority?
	Please tick as appropriate:	YES	NO
7.	State overall height of structure if app	olicable:N/A	
8. State in square metres the floor area of the proposed development:			evelopment:
	N/A		
9.	List of plans / drawings etc. submitted	l:	
	<ul> <li>A site location drawing (Figure 1.0 @ 1</li> <li>An overview block plans drawing (Figure 5)</li> <li>Six detailed layout drawings - one for</li> </ul>	ure 1.1 @ 1:2500)	s A to F @ 1:500)
			RECEIVED

RECEIVED PLANNING DEPT.

2 9 JAN 2025

POST LS525011 REFERENCE NO. If applicant is not the owner of site, please provide name & address of owner:

John Lenehan
Downestown, Duleek, Co. Meath

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

Please tick as appropriate:

YES \_\_\_\_\_ NO \_X\_\_

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 \_\_X\_\_\_ NO \_\_\_\_

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

Gillinstown Solar Farm (LB160898) and Downestown Solar Farm (22972)

SIGNED:

DATE: 27/01/2025

#### **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 etc., and the proposed work.
  - 2 drawings to scale (1:200) of the proposed development (including floor plan and elevations), if appropriate.
  - 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



PLANNING DEPARTMENT
MEATH COUNTY COUNCIL
BUVINDA HOUSE
DUBLIN ROAD
NAVAN
CO. MEATH
29/01/2025 09:59:30

Receipt No.: PLANDEPT/0/89003
\*\*\*\*\* REPRINT \*\*\*\*\*

HIGHFIELD SOLAR LTD UNIT 17, THE HYDE BUILDING THE PARK CARRICKMINES DUBLIN 18 D18 H393

EXEMPTION CERTIFICATES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total: 80.00 EUR

Tendered: CHEQUES 80.00

Change: 0.00

Issued By : ALISON RYAN

From : PLANNING DEPARTMENT

