



An
Bord
Pleanála

Inspector's Report

ABP-306323-20

Development	Construction of 110kV substation
Location	Ballykilleen, County Offaly.
Prospective Applicant	Statkraft Ireland
Planning Authority	Offaly County Council
Date of Site Inspection	5 th February 2020
Inspector	Una Crosse

1.0 Pre-Application Consultation

- 1.1. The Board received a request on 19th December 2017 from Statkraft Ireland to enter pre-application consultations under Section 182E of the Planning and Development Act 2000, as amended, in relation to the proposed development at Ballykilleen County Offaly.
- 1.2. The Board's representatives met with the prospective applicant on the following date:
 - 25th February 2020
- 1.3. The prospective applicant formally requested closure of the pre-application consultation process in a letter received on the 20th April, 2020.

2.0 Site location

- 2.1. The site in question is located in the townland of Ballykilleen in County Offaly approximately 6km south-west of Edenderry. The site which comprises agricultural fields with hedgerows and drainage ditches is flat and is adjoined by the R401. Directly opposite the site is the Bord na Mona Edenderry Power Plant which has a number of access points on this road. There is an existing substation within the Edenderry Power Plant. Kilcumber Bridge traverses the public road to the southeast of the site. The area in the vicinity of the site is rural with bogland close to the site. The site is not within or in the vicinity of a European Site.

3.0 Proposed Development

- 3.1. The proposed development comprises a 110kV substation which comprises a substation building and compound. Additional lands are outlined for a future compound but this is not part of the current proposal. The proposed 110kV substation is to be looped into the existing ESB 110kV substation located within the Edenderry power station across the public road from the site. The existing Edenderry power station is stated to be at capacity. During the pre-application consultation meeting the prospective applicant stated that the proposed development, while facilitating the proposed Cushaling windfarm (under separate permissions), is not intended solely for that purpose and would also facilitate the connection of other developments including other permitted wind farms to the National Grid. It would

therefore become a node on the National Grid and while developed by the prospective applicant would be handed over to and owned by EirGrid.

4.0 Planning History

The most relevant planning history relates to the proposed Cushaling Windfarm which the proposed substation would facilitate. The details are as follows:

- 4.1. **Offaly County Council – Ref. 19/606** - Permission was refused on 21 February 2020 for a 10 year permission with 30 year operational life for a 9 turbine windfarm, 8 turbines of which are located within the OCC administrative area, with a top height of up to 187m. Upgrade works to roads and a bridge, internal roads and recreation trail including footbridge, electrical substation and battery energy storage facility and cabling.

The reasons for refusal were as follows:

- Inadequate information provided in relation to consideration and alternative (sic), biodiversity, ornithology, water, noise, landscape and visual shadow flicker and traffic and transportation in EIAR with PA unable to undertake full assessment of proposal.
- Content of NIS inadequate as Irish Water preferred pipeline corridor not considered in cumulative impact assessment preventing PA carrying out through assessment of proposal.
- Proposal located within the 200 metre wide corridor of the Eastern and Midlands Region proposed Water Supply Project with insufficient information provided to fully determine if proposal would have a negative impact on delivery of the water corridor with proposal prejudicial to the interest of securing a future water supply and increasing overall supply resilience in the region.

The case has been appealed to the Board (received 18 March 2020) Reference – ABP-306924-20.

- 4.2. **Kildare County Council – Ref. 19/1323** – Permission was refused on 31 January 2020 for a 10 year permission with 30 year operational life for a 9 turbine windfarm, 1 turbine of which is located within the KCC administrative area, with a top height of up to 187m. Upgrade works to roads, internal roads and recreation trail.

The reasons for refusal were as follows:

- Proposal located within the 200 metre wide corridor of the Eastern and Midlands Region proposed Water Supply Project with proposal prejudicial to the interest of securing a future water supply and increasing overall supply resilience in the region.
- Local road network serving proposal substandard in terms of condition, capacity, width, surface and alignment. Failure of TIA to adequately assess haul routes.
- Proposal fully depending on outcome of a separate application in County Offaly which has not been decided.

The case has been appealed to the Board (received 27 February 2020) Reference – ABP-306748-20.

5.0 Applicant's Case

The proposed 110kV substation and cable are considered to be Strategic Infrastructure given that:

- They are of strategic or social importance to the state or the region as it will become a node on the National Grid and become an asset of EirGrid.

6.0 Legislative Provisions

- 6.1. Under section 182A (1) of the 2000 Act (inserted by section 4 of the 2006 Act) where a person, (thereafter referred to as the 'undertaker') intends to carry out development comprising or for the purposes of electricity transmission, (hereafter referred to in this section and section 182B as 'proposed development'), the undertaker shall prepare, or cause to be prepared, an application for approval of development under section 182B and shall apply to the Board for such approval accordingly.
- 6.2. Subsection 9 states that in this section 'transmission' in relation to electricity, shall be construed in accordance with section 2(1) of the Electricity Regulation Act 1999 but, for the purposes of this section, the foregoing expression, in relation to electricity, shall also be construed as meaning the transport of electricity by means of
- (a) a high voltage line where the voltage would be 110 kilovolts or more, or

(b) an interconnector, whether ownership of the interconnector will be vested in the undertaker or not.

6.2.1. In section 2(1) of the Electricity Regulation Act, 1999, “transmission” is defined as: “the transport of electricity by means of a transmission system, that is to say a system which consists, wholly or mainly, of high voltage lines and electric plant and which is used for conveying electricity from a generating station to a substation, from one generating station to another, from one substation to another or to or from any interconnector or to final customers but shall not include any such lines which the Board may, from time to time, with the approval of the Commission, specify as being part of the distribution system but shall include any interconnector owned by the Board”.

“Distribution” is defined as *“the transport of electricity by means of a distribution system, that is to say, a system which consists of electric lines, electric plant, transformers and switch gear and which is used for conveying electricity to final customers.”*

“Electric plant” is defined as: *“any plant, apparatus or appliance used for, or for the purposes connected with, the generation, transmission, distribution or supply of electricity other than – (a) An electric line, (b) a meter used for ascertaining the quantity of electricity supplied to any premises, or (c) an electrical applicant under the control of a consumer”.*

7.0 **Assessment**

7.1. The current proposal entails a new 110kV substation and cable connection to the existing sub-station within the Edenderry Power Station directly east of the proposed development. While the proposal would facilitate connection of the proposed Cushaling Windfarm to the grid it would also facilitate the connection of other extant windfarms within the area and therefore is not solely dependent on the delivery of the proposed windfarm. While developed by the prospective applicant, it would become an EirGrid asset and a node on the National Grid. I consider that the substation constitutes electric plant as defined above in that it is plant for the purposes connected with the generation of electricity.

- 7.2. Section 182A (9) of the Act sets a threshold of 110kV in order for a high voltage electricity transmission line to be considered strategic infrastructure. No threshold is set in respect of a substation. The new substation and associated underground cable will form part of the existing transmission grid. It follows, therefore, that the substation, in forming such a node on the 110kV transmission network, constitutes Strategic Infrastructure.
- 7.3. The Board will note previous decisions it has made on strategic infrastructure pre-application consultation requests in relation to electricity transmission infrastructure under Section 182E where the Board determined that the provision of a new 110kV substation and associated overhead/underground cabling (110kV) which is to act as a node on the transmission network constitutes Strategic Infrastructure. These determinations were made on the basis that the proposed development constituted electric plant for the conveying of electricity from a generating station to a substation and/or facilitating connection into the National Transmission grid from a permitted/existing 110kV overhead line. I consider that the subject case is comparable.

8.0 Conclusion

- 8.1. I consider that the proposed development as described in the submissions and drawings constitutes strategic infrastructure coming within the scope of section 182A of the Planning and Development Act 2000, as amended, necessitating an application direct to the Board

9.0 Recommendation

- 9.1. I recommend that Statkraft Ireland be informed that the proposed development consisting of a 110kV substation and associated works in the townland of Ballykilleen, County Offaly as set out in the plans and particular received by An Bord Pleanála on the 19th December, 2019, falls within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should be made directly to the Board.

Una Crosse
Senior Planning Inspector

21 April, 2020