



An
Bord
Pleanála

Record of Meeting ABP-303293-18 1st meeting

Case Reference / Description	ABP-303293-18 21km underground 110kV grid connection to connect a permitted wind farm to the existing 110kV substation. Castlewaller, Co. Tipperary to Killonan, Co. Limerick.		
Case Type	Pre-application consultation		
1st / 2nd / 3rd Meeting	1 st		
Date	16/5/2019	Start Time	11 a.m.
Location	Cathal Brugha Room	End Time	11.45 a.m.

Attendees		
Representing An Bord Pleanála		
Staff Member	Email Address	Phone
Anne Marie O'Connor, Assistant Director of Planning (Chair)		
Ciara Kellett, Senior Planning Inspector		
Ellen Morrin, Senior Administrative Officer		
Fergal Kilmurray, Executive Officer	f.kilmurray@pleanala.ie	01-8737247
Representing the Prospective Applicant		
Aoife O'Keeffe, Project Planner, ABO Wind.		
Emmet Egan, Director, ABO Wind.		

Introduction:

Following introductions, the representatives of the Board referred to the request under section 182E of the Planning and Development Act, 2001, as amended received from the prospective applicant to enter into pre-application consultations. The Board advised the prospective applicant that the instant meeting essentially constituted an information-gathering exercise for the Board; it also invited the prospective applicant to outline the nature of the proposed development and to highlight any matters it wished to receive advice on from the Board. The Board mentioned general procedures in relation to the pre-application consultation process as follows:

- The Board will keep a record of this meeting and any other meetings, if held. Such records will form part of the file which will be made available publicly at the conclusion of the process. The record of the meeting will not be amended by the Board once finalised, but the prospective applicant may submit comments on the record in writing which will form part of the case file. An opportunity would also be given at any subsequent meeting to comment on the record.
- The Board will serve formal notice at the conclusion of the process as to whether or not the proposed development is SID. It may form a preliminary view at an early stage in the process as to whether the proposed development would likely constitute strategic infrastructure.
- A further meeting or meetings may be held in respect of the proposed development.
- Further information may be requested by the Board and public consultations may also be directed by the Board.
- The Board may hold consultations in respect of the proposed development with other bodies.
- The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or any legal proceedings.
- The Board's representatives said that having regard to the documentation already received by the Board, it had been noted that the view of the

prospective applicant was that the proposed development would constitute Strategic Infrastructure Development.

The Prospective Applicant's presentation:

The prospective applicant submitted a hard copy of the submission issued to the Board by email on the 15th April 2019. The prospective applicant stated that:

- Castlewaller wind farm, near Newport, Co. Tipperary was granted consent by North Tipperary County Council in 2012
- Consent was granted for 16 turbines up to 145m in height, access tracks, met mast, control building and substation compound, borrow pits and related site works (Tipperary County Council reg.ref: 11510251)
- Planning permission was subsequently extended in 2017 until April 2022 (Tipperary County Council reg.ref: 16600472)
- Permission was not sought at the time for the grid connection
- Project was not offered a grid connection until late 2018 when it received notification that it would be processed under ECP1
- Discussions with Eirgrid have indicated that the project will connect into Killonan substation in Co. Limerick
- The prospective applicant intends to apply for planning permission for the development of a 110kV underground grid connection from the permitted 110kV substation at Castlewaller wind farm in Co. Tipperary to the existing ESB 110kV/220kV substation at Killonan Co. Limerick
- 21km route predominantly follows public roads apart from a short (<1km) section that passes through agricultural lands and underneath the Mulkear river.

The development will comprise of –

- 21km of underground electrical cabling
- 110mm ducts laid in a trench
- Three phase electrical cables; optical fibre cables
- Draw pits and joint bays
- Communication chambers
- Water crossings by (i) bridge crossings (within road pavement) and (ii) directional drilling

Commented [FK1]:

- Railway crossings by directional drilling
- Works within the consented 110kV Castlewaller substation and the existing Killonan 110kV substation to facilitate connection
- Temporary works along underground grid connection
- All ancillary works
- Environmental and engineering studies are underway
- EIAR and NIS are being prepared
- Target planning submission date – August 2019.

The prospective applicant considers the proposed development to be relevant to the following provisions of Strategic Infrastructure under Section 182A of the Planning and Development Act 2000, as amended-

- 182A (1) Where a person (hereafter referred to in this section 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
- 182A (9) 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.
- As the proposed development consists of a high voltage 110kV electricity line, it is considered to meet the criteria set out above.
- Notwithstanding the above, as the proposed development is situated across the planning authorities of Tipperary and Limerick county councils, an SID application to An Bord Pleanála would be preferable as it would ensure a more consistent and streamlined planning process.

The prospective applicant considers that the proposed development constitutes Strategic Infrastructure Development under S182A.

Discussion:

The following matters were discussed:

- **Clarification:** The Board representatives enquired about the associated Castlewaller wind farm planning application and if any changes were sought in the application and the prospective applicant confirmed that no changes were sought.
- **Grid Connection:** The prospective applicant advised that Eirgrid have given an indication that they would make a grid connection offer in early 2020. They also said that Eirgrid have not given a formal update as to whether the proposed connection would form part of the transmissions network. The Board advised that a key issue as to whether the proposed development would constitute Strategic Infrastructure Development would be if the proposed development was part of the transmission network. The prospective applicant advised that they would not contest ownership of the cable and it would be part of the transmission network. The Board stated that the proposed development would only fall under strategic infrastructure if it was considered that it would comprise part of the transmission network. Consideration will be given to this matter in the context of the information presented at the meeting.
- **River & Rail crossings:** The prospective applicant advised that the route follows the road straight out from the permitted Castlewaller substation and will pass under a number of rivers which will be drilled under with an appropriate setback and would have no impact on the river. A railway line will also be crossed. The prospective applicant has met with C.I.E. in this regard.
- **AA:** No particular issues in relation to AA were identified by the prospective applicant. The effects of the river crossings are being mitigated or avoided by means of directional drilling. The NIS should be thorough and robust in order to support conclusions regarding adverse effects on any European sites. Notwithstanding the proposal to submit a NIS, a screening for AA should also be undertaken to justify the sites taken forward for stage 2 appropriate assessment.
- **EIAR:** The Board recommended that a Schedule of Mitigation Monitoring Measures should be set out in the EIAR. It also reminded the prospective

applicant of its obligation to register the planning application on the Department's EIAR Portal. The Board advised that all approaches and methodologies should be set out as clearly as possible.

- **Consultation:** The Board advised that the two local authorities in which the proposed development is situated should be consulted, especially having regard to the works to the road, and consultation with the NPWS is also recommended. The prospective applicant said that they have requested a meeting with the local authorities, and will look for a meeting with the NPWS. They also noted that the NPWS made comments in relation to the Castlewaller Wind farm application, and added that the hen harrier was not an issue as the location was a not suitable habitat.
- **Drawings:** The drawings submitted with any application should include and clearly show:
 - the connection to the substation in Castlewaller wind farm and to the ESB substation at Kilonan with details of all related infrastructure,
 - under river route of the cable,
 - a scaled drawing of the whole route on one map.
- **Prescribed Bodies:** The Board advised that following the conclusion of the pre-application process a list of prescribed bodies to be served with notice of the application would issue with the Board Direction if the proposed development is considered to constitute strategic infrastructure.

Application procedures:

Procedures in relation to the making of a formal planning application to it were given by the Board as follows:

- An application can only be lodged after formal notice has been received by the prospective applicant from the Board.
- The application must be made by way of full completion of an application form to the Board.
- The Board requires as a minimum that the public notice of the application would be in two newspapers circulating in the area to which the proposed development relates, one of which should be a national newspaper. A site notice in accordance with the protocols set out in the Planning and

Development Regulations, 2001-2018 must also be erected. The date of the erection of the site notice is to be inserted; otherwise it should contain the same information as the newspaper notices and should remain in place for the duration of the period during which the public can make submissions to the Board. The Board recommended that site notices should be placed start and the finish position of the proposed development, and along the route at junctions and crossings.

The documentation relating to the application is to be available for public inspection at the offices of the relevant planning authority and the offices of An Bord Pleanála. In this regard, the requirements in terms of the number of copies of the documentation to be lodged with the relevant planning authority and the Board is as follows:

Planning Authority – 5 hard copies and 2 electronic copies.

An Bord Pleanála – 3 hard copies and 7 electronic copies.

The Board also requires the prospective applicant to provide a stand-alone website containing all of the application documentation. The address of this website is to be included in the public notice.

The public notice of the application is to indicate that the application documentation will be available for public inspection after the elapsment of at least 5 working days from the date of the publication of the notice so as to ensure that the documentation is in place for such inspection.

The time period for the making of submissions by the public is to be at least seven weeks from the date the documents become available for inspection (not from the date of publication of the public notices). The Board requires that the public notice must indicate the deadline time and date for the making of submissions to the Board. It was agreed that the prospective applicant could advise the Board's administrative personnel in advance of the details of its proposed public notice and that any further definitive advice on same including confirmation of dates/times could be communicated at that stage.

The service of notice of the application on any prescribed bodies must include a clear statement that the person served can make submissions to the Board by the same deadline as specified in the public notice.

The service letter on the planning authority with the necessary copies of the documents should be addressed to the Chief Executive and should also alert the authority to the Board's requirement that the application documentation be made available for public inspection/purchase by the planning authority in accordance with the terms of the public notice (copies of any newspaper/site notices should be provided to the planning authority). It is the Board's intention that all of the application documentation will remain available for public inspection during the currency of the application.

The depositing of the application documentation and the making of the application to the Board should take place immediately after the publication of the notice and the completion of the service requirements. It should not await the elapsment of the period for the public to make submissions. The application documentation should include a copy of all letters serving notice of the application on prescribed bodies and the local authority, copies of the actual newspaper notices as published and the site notice.

The fee for lodging an application is €100,000. The fee for making a submission in respect of an application is €50 (except for certain prescribed bodies which are exempt from this fee). There is an existing provision enabling the Board to recover its costs for processing any application from the applicant. In addition, it was pointed out that the legislation also enables the Board to direct payment of costs or a contribution towards same to the planning authority and third parties.

The sequencing of the making of the application was summarised as follows:

- Publish newspaper notices.
- Serve copy of relevant documents on bodies/persons required to be notified of the application. Deposit required number of copies with relevant planning authority.
- Deposit required number of copies of application documentation with An Bord Pleanála and make an application to it.

Conclusion:

The record of the meeting will issue to the prospective applicant and it will then be a matter for the prospective applicant to submit any comments on this if it wishes to do

so. Following this, the prospective applicant should seek a second meeting with the Board or request closure to the pre-application process.

If closure to the pre-application process is requested, the reporting inspector will complete the report and recommendation which will be forwarded to the Board for determination. A decision will then issue to the prospective applicant.

The meeting concluded at 11.45 p.m.

Anne Marie O'Connor
Assistant Director of Planning