



An  
Bord  
Pleanála

## Inspector's Report ABP 300398-17

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**Development**

Solar PV array, substation and associated grid connection.

**Location**

Timahoe North, Ballydermot, Co. Kildare

**Prospective Applicant**

Bord na Mona.

**Planning Authority**

Kildare County Council

**Inspector**

Mairead Kenny

## **1.0 Pre-Application Consultation**

- 1.1. The Board received a request on 27<sup>th</sup> November 2017 to enter pre-application consultations under Section 182A of the Planning and Development Act 2000, as amended, in relation to the proposed development at Timahoe North, Ballydermot, Co. Kildare.
- 1.2. The Board's representatives met with the prospective applicant on 7<sup>th</sup> March 2018. The Board issued a Direction on 27<sup>th</sup> April 2018 indicating a preliminary view that the proposed development is strategic infrastructure.
- The prospective applicant formally requested closure of the pre-application consultation process in a letter received on the 8<sup>th</sup> May 2018.

## **2.0 Site location**

The subject site is located in west county Kildare in an area dominated historically by peat extraction and related uses. The topography is accordingly flat. The site is positioned between a number of villages, all of which are over 3km from the site, apart from the small settlement of Kilshanroe 1.8km to the north-west. The site is partly afforested and appears to drain towards the Clogheraun Stream to the east and on to the River Blackwater. The M4 is about 4km to the north. The site is traversed at the southern end by the Derryiron – Maynooth 110k overhead power line.

The pre-application documentation outlines the location of the main features of interest in the wider area including the positions of European Sites, residential development, villages and road and rail infrastructure. The submission also includes some photomontages.

The site is indicated as being within the same ownership as the site of the proposed Drehid waste development, which is currently before the Board. The location of the previously proposed Maigne Wind Energy proposal is shown on application documentation. One group of the proposed turbines was to be located to the west and north of the site.

### **3.0 Proposed Development**

The proposed development comprises a 110kV substation which is to be looped into the existing Derryiron – Maynooth 110kV line c.500 metres to the south. The proposed development would involve new angle masts, polesets and overhead wires. No detail of the internal layout of the substation is provided.

The development would also include a 20 MW battery storage.

The letter of application refers also to the proposed solar PV array development which is of approximate output of 70MW, which the substation would serve.

Due to the requirement for removal of natural woodland Bord na Mona indicate that any application for the solar development would be accompanied by an EIAR.

### **4.0 Planning History**

PA0041 refers to the application for Maigne Windfarm. The decision to refuse permission was quashed and the case remitted to the Board. Under ABP300746 the Board again considered the case and permission was refused.

ABP-300506-17 refers to a current application before the Board for development at Drehid Waste Management Facility to provide for an increase in waste material at a landfill disposal facility, additional landfill capacity, pre-treatment of waste material.

#### **4.1. Applicant's Case**

The application cover letter addressed the proposed 110kV substation in conjunction with the proposed solar development and battery storage.

The prospective applicant acknowledged that the substation portion of the proposed development may be considered to fall within section 182A(1) as it comprises the construction of high voltage lines and electric plant. The solar energy projects are not a development type identified and would not therefore usually be considered SID.

The applicant further outlined that in terms of the criteria set down as a test for SID:

- The substation and associated connection to the national grid will serve a single solar development and there are no thresholds in the Seventh Schedule for solar developments.
- The substation and the associated grid connection will be within the development site and connecting to a 110kV power line which traverse the site
- The project contribution to the delivery of national targets on renewable and sustainable energy would be in facilitating the connection of the proposed solar array and therefore should not be considered strategic.
- It is appropriate to consider the proposal against the long title of the Planning and Development (Strategic Infrastructure) Act 2007. The purpose of the Act is to consider developments of strategic importance to the State. The proposal would not be considered strategic infrastructure under this definition.

If the Board determines that the substation is SID then Bord na Mona requested that the entirety of the project be directed to undertake the same application process in the interest of clarity and completeness.

The applicant noted the complexities which arise from the separation of the overall development into two consenting processes. Accordingly it is requested that in the event that the Board determine that the construction of the proposed 110kV substation is SID under section 182A then the entirety of the project should also be considered to constitute an electricity generating project.

In that regard the definition of electrical plant is referenced and the provision of a solar array project is considered to be electrical plant.

## **5.0 Eirgrid Correspondence**

The Board requested the comments of Eirgrid on the following matter:

*Clarification as to whether the proposed substation may form part of the national transmission network and any relationship that the proposed substation would have with the existing transmission network having regard to its indicated role as servicing a proposed solar farm.*

Eirgrid in its response noted:

- The applicant has a connection offer to the transmission grid.
- The proposed link into the existing circuit comprises a ‘loop-in / loop out’ meaning that power on the overall existing circuit is entirely diverted into the proposed substation and back out. In effect the proposed substation would comprise a new node along that existing circuit.
- Eirgrid state that the new substation and associated overhead line elements will therefore form part of the existing transmission grid when in operation. Part of the substation infrastructure will be transferred to Eirgrid for operational purposes on completion.

## **Legislative Provisions**

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.

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.

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

## **6.0 Assessment**

The proposal entails a new 110kV substation and overhead cable connection to the Derryiron – Maynooth 110kV overhead line c.500 metres to the south within a larger site on which it is proposed to construct a 70MW solar farm. Electricity generated by the solar farm would be fed into the substation and the substation would facilitate that single development. 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.

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 layout of the substation connection involves a loop in/ loop out line to the existing line. Thus the power of the overall existing circuit will be entirely diverted into the substation and back out again. In effect the proposed substation would comprise a new node along that existing circuit. The submission of Eirgrid is clear in this regard. The new substation and associated overhead line elements will form part of the existing transmission grid when in operation and the circuit will comprise a new node along the existing circuit.

I conclude that the substation, in forming a node on the 110kV transmission network, constitutes Strategic Infrastructure.

Regarding the applicant's case that the solar farm development be considered to fall under the definition of 'electrical plant' and thus under the definition for 'transmission' I consider that there is no reasonable basis for that interpretation. A determination along that line would also be contrary to the Board's approach to other solar farm development cases. I note that the Board has accepted appeals relating to applications made to various planning authorities for major solar developments. To my knowledge the question of such developments falling under the definition of SID has not arisen in those cases and I consider that there are no particular circumstances in this case to alter that approach. I do not consider that the solar farm development can be described reasonably under the definition of 'electrical plant' and accordingly I consider that it should not be determined to be SID.

In terms of matters which might influence the decision of the Board I note that there is considerable potential for indirect effects, interactions and cumulative impacts which would be relevant to consideration under EIA and AA.

## **7.0 Conclusion**

I consider that the proposed substation 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.

## **8.0 Recommendation**

- 8.1. I recommend that Bord na Mona be informed that the proposed development consisting of a 110kV substation, angle masts, cables and related ancillary infrastructure in the townland of Timahoe North, Ballydermot, County Kildare as set out in the plans and particulars received by An Bord Pleanála on the 27<sup>th</sup> November 2017, 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.

- 8.2. The solar farm development and battery storage is not considered to fall within the scope of section 182A of the Planning and Development Act 2000, as amended, and any planning application for said development should be made to the planning authority.

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**Mairead Kenny**

**Senior Planning Inspector**

**18<sup>th</sup> May, 2018**