



An
Bord
Pleanála

Inspector's Report ABP-301394-18

Development

Laying of a 110kV cable and connection to an existing substation and laying of a gas pipeline to connect to the existing gas network from a 100MW Gas-Fired Power Plant

Location

Monksland, Athlone, Co. Roscommon

Prospective Applicant

Bord Gáis Energy

Planning Authority

Roscommon County Council

Type of Application

Pre-Application Consultation under s.182E of the Planning and Development Act 2000, as amended

Date of Site Inspection

25th August 2019

Inspector

Niall Haverty

1.0 Pre-Application Consultation

- 1.1. The Board received a request on 5th April 2018 from Mott MacDonald on behalf of Bord Gáis Energy to enter into pre-application consultation under Section 182E of the Planning and Development Act 2000, as amended, in relation to proposed development in the townland of Monksland, Athlone, Co. Roscommon.
- 1.2. The Board's representatives met with the prospective applicant and their agent on the 28th August 2019. Subsequently, the prospective applicant formally requested closure of the pre-application consultation process in an email received on the 23rd September 2019.

2.0 Site location

- 2.1. The site in question is located in the townland of Monksland, c. 2km west of Athlone Town Centre, in Co. Roscommon. The site is within Monksland Industrial Estate and is bounded by a wastewater treatment plant and industrial facility to the north, undeveloped lands to east and west and the M6 Motorway to the south.
- 2.2. Roscommon County Council recently granted planning permission on the site for a 100MW gas-fired power plant (Reg. Ref. 18/256). Further details of the permitted development are provided in Section 4.0 below.
- 2.3. The existing Athlone 110kV substation is also within the townland of Monksland and is located c. 1.2km north east of the power plant site. The likely gas pipeline connection location is located c. 1.5km north west of the power plant site, within the townland of Bellanamullia.
- 2.4. The prospective applicant has outlined two options for the likely route of the proposed 110kV underground cable. In both cases it would pass in a northward direction through Monksland Industrial Estate, before either passing west along the R362 and back eastward along Mount William Crescent to the existing Athlone 110kV substation, or east along the R362 and R446 to the same substation. In either case, the total length of the proposed 110kV cable would be c. 2km.
- 2.5. With regard to the connection to the gas network, the prospective applicant states that the route is to be confirmed by Gas Networks Ireland, but an indicative route has

been provided, which is northward through Monksland Industrial Estate, westward along the R362, then southward along a local road to connect to the existing gas network at a location in the townland of Bellanamullia. The total length of the proposed underground gas pipeline would be c. 3km.

- 2.6. The permitted power plant site, the existing 110kV substation site, the proposed 110kV electricity cable route and the proposed gas pipeline route are all located outside of European Sites. The closest such sites are the Lough Ree SPA and SAC (Site Codes 004064 and 000440, respectively), the Middle Shannon Callows SPA (Site Code 004096) and the River Shannon Callows SAC (Site Code 000216), all of which are located c. 2.5 – 3km to the east and north east of the power plant site.

3.0 Proposed Development

- 3.1. The purpose of the proposed development is to facilitate the connection of a permitted 100MW gas-fired power plant to the national gas network and to the national electricity transmission grid at the existing Athlone 110kV substation.
- 3.2. The proposed development was briefly described in the prospective applicant's original request for pre-application consultation and was subsequently elaborated upon in the presentation submitted at the meeting held on the 28th August 2019, with further details of the proposed electricity cable and gas pipeline routes and the nature of the proposed development being provided.

3.3. Gas Connection

- 3.3.1. The proposed gas-related development comprises c. 3km of underground gas pipeline between the permitted gas-fired power plant and the existing gas transmission network, at a connection point c. 1.5km west of the power plant site.

3.4. Electricity Connection

- 3.4.1. The proposed electricity-related development comprises c. 2km of 110kV underground cable between the substation that was permitted as part of the gas-fired power plant development and the fenceline of the existing 110kV Athlone substation. The prospective applicant stated that the permitted substation within the

power plant site includes separate 'customer' and 'Eirgrid' compounds, and that correspondence from Eirgrid indicates that a new bay will be required within the existing Athlone substation to facilitate the connection. The Board should note that neither the substation within the power plant site nor the new bay within the existing Athlone substation form part of the proposed development that this request for pre-application consultation relates to.

- 3.4.2. The prospective applicant stated that the connection into the existing 110kV Athlone substation would be a 'tail-fed' connection and not a 'loop-in' connection. They also stated that the proposed cable would solely serve the permitted power plant and that it would not serve any third parties.

4.0 Planning History

- 4.1. **Reg. Ref. 18/256:** Permission granted in June 2019 for a 10 year period for the construction of a 100MW gas fired power plant with associated balance of plant, equipment and buildings, including an Engine Hall Building, an Electrical Annex Building, a 110kV Electrical Substation and Control Building, a Gas AGI including an Instrument House, an Administration Building, a Workshop/storeroom, a Tank Farm, an Engineering Building, a Raw/Fire Water Storage Tank, Treated Water Tank, Cooling Water Run-Down Tank, Surface Water Attenuation Tank, wastewater holding tank, access road, 13 no. car parking spaces, footpath, landscaping, paladin security fence and all other associated site development works.
- 4.2. **Reg. Ref. 08/451:** Permission granted in November 2008 for the construction of a 100MW Open Cycle Gas Turbine Power Station with associated plant, equipment and buildings. The duration of this permission was subsequently extended, however it has now expired.

5.0 Applicant's Case

- 5.1. The prospective applicant's case can be summarised as follows:
- There will be a requirement to install a gas pipeline to supply natural gas to the site.

- The proposed gas pipeline by its nature and purpose is not an upstream gas pipeline, as its function will be to bring natural gas from an AGI on the gas transmission network to a single consumer. No other consumers are anticipated to be provided with gas by the proposed pipeline.
- The gas pipeline will be designed to operate at 16 bar or greater, but it is not anticipated to exceed 3km in length.
- The 100MW power plant development, which is proposed to be constructed and operated on behalf of a private operator is not of a scale to be considered SID as described in the Seventh Schedule of the Act.
- If the function of the gas pipeline is to supply natural gas to a development that is not considered strategic in nature, then the proposed gas pipeline would also not be considered of strategic importance.
- As the sole purpose of the gas pipeline is to provide gas to a single consumer, it is not considered that it is of strategic economic or social importance to the State or Region and nor will it contribute substantially to the fulfilment of any of the objectives in the NSS, NPF or any RSEs.
- The proposed pipeline route is expected to be wholly within the functional area of Roscommon County Council and is not anticipated to have any significant effects within the functional area of any other planning authority.
- The development will require a 110kV underground electricity cable to be laid to facilitate a connection to the national grid. Initial consultations with Eirgrid indicate that the proposed electricity cable will be routed between the substation on site and the existing 110kV Athlone substation.
- The length of underground cable is likely to be c. 2km.
- The proposed development does not constitute SID, as the works do not satisfy any of the criteria set out in Section 37A of the Act.
- The proposed development is to facilitate the connection of a privately developed and operated electricity generator, which is not of a scale to be considered SID as described in the Seventh Schedule of the Act.

- The proposed development is not of strategic economic or social importance to the State or Region.
- The proposed development will have no effect on any area outside of the Roscommon County Council administrative area.

6.0 Eirgrid Correspondence

6.1. The Board requested the prospective applicant to obtain clarification from Eirgrid in relation to the following matters:

- Whether the proposed development may form part of the national transmission network and any relationship that the proposed development might have with the existing transmission network having regard to its indicated function.
- Whether any connection agreement been applied for and/or agreed.

6.2. The prospective applicant submitted a letter from Eirgrid, dated 16th October 2018, which can be summarised as follows:

- The proposed development is not at a stage of design where it is possible to determine whether or not if it becomes operational the development would form part of the transmission network and the project will be subject to future assessment when additional details become known.
- Bord Gáis Energy has applied to Eirgrid for a grid connection agreement.
- A grid connection agreement offer has not yet been made.

7.0 Legislative Provisions

7.1. Planning and Development Act 2000, as Amended

7.1.1. Section 2(1) of the Planning and Development Act 2000, as amended ('the Act'), defines 'strategic infrastructure development' as including, *inter alia*:

(d) "any proposed development referred to in section 182A(1)".

(e) "any proposed strategic gas infrastructure development referred to in section 182C(1)".

7.1.2. Section 2(1) of the Act also includes the following definitions relating to gas infrastructure:

- “**Strategic gas infrastructure development**’ means any proposed development comprising or for the purposes of a strategic downstream gas pipeline or a strategic upstream gas pipeline, and associated terminals, buildings and installations, whether above or below ground, including any associated discharge pipe.”
- “**Strategic downstream gas pipeline**’ means any proposed gas pipeline, other than an upstream gas pipeline, which is designated to operate at 16 bar or greater, and is longer than 20 kilometres in length.”
- “**Strategic upstream gas pipeline**’ means so much of any gas pipeline proposed to be operated or constructed-
 - (a) as part of a gas production project, or
 - (b) for the purpose of conveying unprocessed natural gas from one or more than one such project to a processing plant or terminal or final coastal landing terminal,as will be situate in the functional area or areas of a planning authority or planning authorities.”

7.1.3. Section 37A of the Act states that:

“(1) An application for permission for any development specified in the Seventh Schedule (inserted by the Planning and Development (Strategic Infrastructure) Act 2006) shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.

(2) That condition is that, following consultations under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely—

- (a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,

(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,

(c) the development would have a significant effect on the area of more than one planning authority.”

7.1.4. Under subsection 182A(1) of the Act, where a person (the ‘undertaker’) intends to carry out development comprising or for the purposes of electricity transmission, the undertaker shall prepare, or cause to be prepared, an application for approval of the development under section 182B and shall apply to the Board for such approval accordingly.

7.1.5. Subsection 182A(9) states that:

“...‘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.”

7.1.6. Subsection 182C(1) states that where an undertaker intends to carry out a strategic gas infrastructure development, and where the Board determines following consultations under section 182E that the development comes within paragraph (a), (b) or (c) of section 37A(2), the undertaker shall prepare, or cause to be prepared, an application for approval of the development under Section 182D and shall apply to the Board for such approval accordingly.

7.2. **Electricity Regulation Act 1999, as Amended**

7.2.1. The following definitions, as set out in section 2(1) of the Electricity Regulation Act, 1999, as amended, are noted:

- **‘Transmission’:**

“...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 Board¹ 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’:**

“...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’:**

“...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 appliance under the control of a consumer”

- **‘Electric Line’:**

Section 2(1) of the 1999 Act, as amended, states that ‘electric line’ has the meaning assigned to it by section 4(1) of the ESB (Electronic Communications Networks) Act 2014. The definition set out in s. 4(1) of the 2014 Act is as follows:

“...any line which is used solely or amongst other things for carrying electricity for any purpose and as including—

¹ For clarity, references to the ‘Board’ in this instance relate to the Electricity Supply Board.

- (a) any support for any such line, that is to say, any structure, pole or other thing in, on, by or from which any such line may be supported, carried or suspended,
- (b) any apparatus connected to or associated with any such line for the purpose of carrying electricity or electronic communications services, whether such apparatus is owned by the Board or by any company referred to in section 2 or by a company which has been provided access or services referred to in section 3, or
- (c) any wire, cable, tube, pipe or similar thing (including its casing or coating) which is used for the purpose of carrying electricity or electronic communications services and which surrounds or supports or is surrounded or supported by, or is installed in close proximity to, or is supported, carried or suspended in association with, any such line.”

8.0 Planning Policy

8.1. Project Ireland 2040: National Planning Framework

8.1.1. National Planning Objective 54:

“Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.”

8.1.2. National Policy Objective 55:

“Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.”

8.2. Regional Planning Guidelines for the West Region 2010-2022

8.2.1. Section 5.5 relates to energy and utilities and the following Policies and Objectives are noted:

- **EDP21:** Support the development of the electricity grid network to facilitate the roll out of renewable energy infrastructure.

- **IP40:** Support the additional investment in the West Region as proposed in GRID 25.
- **IP41:** Support the investment required to facilitate renewable energy projects and conventional generating station deployment. All energy generation plans and projects will be subject to Habitats Directive Assessment and/or other relevant environmental assessment.
- **IP42:** Support investment to upgrade the Existing transmission and distribution network and to build new circuits as required.
- **IO49:** Support the construction of new 110kV and higher lines across the region but particularly to the West Galway and North Mayo areas. Such proposals must take account of various EU designations and relevant environmental assessment in its design and construction and significant impacts on Natura 2000 Sites must be avoided through the Habitats Directive 'Appropriate Assessment' process.
- **IO50:** Support the GRID 25 Proposals to upgrade approximately 700km of the existing transmission network and built new circuits across the region (Section 5.1.1 applies).

9.0 Assessment

9.1. Gas Connection

- 9.1.1. The proposed gas infrastructure development comprises a c. 3km underground gas pipeline connecting the permitted gas-fired power plant to the existing gas transmission network.
- 9.1.2. Section 2(1) of the Planning and Development Act 2000, as amended, defines 'strategic gas infrastructure development' as meaning any proposed development comprising or for the purposes of a 'strategic downstream gas pipeline' or a 'strategic upstream gas pipeline', and associated development.
- 9.1.3. The proposed gas pipeline comprises downstream infrastructure, as it is for the purposes of conveying processed gas to a consumer, rather than being required in connection with gas production or conveying of unprocessed gas. In order to meet

the definition of 'strategic downstream gas infrastructure' set out in section 2(1) of the Act, a proposed gas pipeline must comply with two criteria: It must be designed to operate at 16 bar or greater; and it must be longer than 20km in length. The prospective applicant has confirmed that the proposed gas pipeline will be designed to operate at 16 bar or greater, however it will only be c. 3km in length and therefore it does not satisfy both criteria and hence it does not constitute a 'strategic downstream gas pipeline'. Consequently, the proposed gas pipeline does not come within the definition of 'strategic gas infrastructure development'.

- 9.1.4. Section 182C of the Act states that where an undertaker intends to carry out a 'strategic gas infrastructure development', and where the Board determines that the development comes within paragraph (a), (b) or (c) of section 37A(2), the undertaker shall apply directly to the Board for approval.
- 9.1.5. Since the proposed gas pipeline does not meet the necessary criteria to constitute 'strategic gas infrastructure development', it is not necessary to consider whether the development meets any of the section 37A(2) criteria.

9.2. Electricity Connection

- 9.2.1. The proposed electricity development comprises c. 2km of 110kV underground cable intended to facilitate the connection of a permitted 100MW gas-fired power plant to the national grid at the existing Athlone 110kV substation. Neither the power plant nor the additional bay that may be required at the Athlone 110kV substation form part of this consultation, and I note that an on-site substation was permitted as part of the power plant development.
- 9.2.2. The letter provided by Eirgrid to the prospective applicant was non-committal and stated that the proposed development was not at a stage of design where it was possible for Eirgrid to determine whether or not it would form part of the transmission network.
- 9.2.3. Notwithstanding Eirgrid's position, 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. I note that in each of the following cases the Board determined that the provision of 110kV electrical

infrastructure and grid connections associated with various forms of electricity generation and storage projects do not constitute Strategic Infrastructure:

- ABP-301392-18: Purcellsinch, Co. Kilkenny.
- ABP-301705-18: Athenry, Co. Galway.
- ABP-301675-18: Millstreet, Co. Cork.
- ABP-301672-18: Kellistown East, Co. Carlow.
- ABP-301420-18: Laois.
- ABP-301236-18: Poolbeg, Dublin 2.
- ABP-301173-18: Millstreet, Co. Cork.

9.2.4. In other recent cases, where the Board determined that 110kV electrical infrastructure would constitute Strategic Infrastructure, this has typically been in circumstances where a new substation was proposed with a loop in/loop out connection to an existing 110kV transmission line. That connection type entails all power within the circuit being entirely diverted into the substation and back out again with the new substation becoming, in effect, a new node on the 110kV transmission line. That is not the case in this instance, where the prospective applicant has stated that a tail-fed connection to the existing Athlone substation is proposed.

9.2.5. In the cases listed above, the Board, in addition to considering the provisions of section 182A, had regard to the long title of the Planning & Development (Strategic Infrastructure) Act 2006, which states that it provides for “the making directly to An Bord Pleanála of applications for planning permission in respect of certain proposed developments of strategic importance to the state...”. In such cases, the Board has therefore considered the 3 No. criteria contained in section 37A(2) for determining whether development constitutes Strategic Infrastructure, notwithstanding the fact that the s. 37A(2) criteria do not explicitly apply to cases falling within the scope of s. 182A rather than the Seventh Schedule of the Act.

9.2.6. With reference to the s. 37A(2) criteria, the prospective applicant submits that the proposed development is not Strategic infrastructure as: it will facilitate the connection of a privately developed and operated electricity generator that is not of a scale to be considered SID with reference to the thresholds set out in the Seventh

Schedule of the Act; it is not of strategic importance to the State or Region; it would not contribute substantially to the fulfilment of any objectives of the National Planning Framework or the Regional Planning Guidelines; and it would have no effect on any area outside of the Roscommon County Council administrative area.

9.2.7. Having reviewed: the information submitted by the prospective applicant regarding the proposed development and the permitted power plant development; the relevant objectives of the National Planning Framework and the Regional Planning Guidelines (pending adoption of the Regional Spatial and Economic Strategy); and having inspected the site and conducted a meeting, I would agree with the prospective applicant that the proposed development does not satisfy any of the three criteria set out in s. 37A(2) of the Act.

9.2.8. Having regard to the relatively limited scale of the permitted 100MW power plant (relative to the threshold set out in the Seventh Schedule) and the tail-fed nature of the proposed connection to the existing Athlone substation, I do not consider that the proposed development is of strategic economic or social importance to the State or the Region or that it would contribute substantially to the fulfilment of any of the objectives in the NPF or RPGs. Neither do I consider that it would have a significant effect on the area of more than one planning authority, being contained wholly within County Roscommon.

10.0 Recommendation

10.1. I recommend that Bord Gáis Energy be informed that the proposed 110kV underground cable and associated works required to facilitate the connection of a permitted gas-fired power plant on lands at Monksland, Athlone, Co. Roscommon to the national electricity transmission grid at the existing 110kV Athlone substation and the proposed underground gas pipeline and associated works required to facilitate the connection of said power plant to the national gas transmission network at Bellanamullia, Co. Roscommon, as set out in the plans and particulars received by An Bord Pleanála on the 5th April 2018 and at the pre-application consultation meeting held on the 28th August 2019, do not fall within the scope of section 182A or section 182C, respectively, of the Planning and Development Act 2000, as amended,

and that a planning application should be made in the first instance to Roscommon County Council.

Niall Haverty
Senior Planning Inspector

3rd October 2019