



An
Bord
Pleanála

Inspector's Report ABP-302052-18.

Development	Gas oil fired 208MW (electrical output) peaker power generation plant including 110kV transmission sub-station.
Location	Platin, Carranstown, Co. Meath.
Planning Authority	Meath County Council.
Prospective Applicant	SSE Renewables Ireland Ltd.
Type of Application	SID Pre-application – whether project is or is not strategic infrastructure development.
Date of Pre-Application Meetings	21 st August 2018; 13 th November 2018
Date of site inspection	6 th November 2018
Inspector	Deirdre MacGabhann

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1.0 Introduction

- 1.1. This report relates to pre-application discussions held with SSE Renewables regarding whether or not their proposed gas oil fired 208MW peaker power generating plant including 110kV transmission substation, at Platin, Carranstown, Co. Meath constitutes strategic infrastructure, as defined by the Planning and Development Act, 2000 (as amended).
- 1.2. This report describes the location and nature of the proposed development, the applicant's submissions, the consultations held and the legal provisions which are relevant to the proposed development. It recommends that (a) the proposed peaker power plant does not constitute strategic infrastructure, and (b) the 110kV transmission sub-station does constitute strategic infrastructure for the reasons and considerations stated.

2.0 Site Location and Description

- 2.1. The subject site is situated to c.2.4km to the south west of junction 7 of the M1, in the townland of Platin, Co. Meath. It lies immediately east of the R152, which runs between the M1 (junction 7) and the N2 (c. 9km to the south west of Duleek). To the west of the site and R152 is Indaver Ireland's Waste to Energy facility and c.1km to the north lies Irish Cement's quarry and associated cement manufacturing facility. The site itself comprises an existing agricultural field to the east of the R152. It falls to the south east and is bounded by hedgerows/hedgerow trees. To the north of the site are a mix of commercial (car repair, maintenance and tyre workshop) and residential properties. These back onto the subject site. A high voltage overhead line (OHL), 110kV, traverses the site.

3.0 The Proposed Development

- 3.1. The proposed development comprises a gas oil fired 208MW Peaker Power Generating Plant with the following main elements:
 - Four no. containerised units, with each housing a fully enclosed turbo generator (two no. turbines in each) and having 2 no. associated exhaust gas stacks,

- 110kV AIS (Air Insulated Sub-Station) transmission sub-station (comprising 8 no. bays), with associated ancillary development,
- Associated infrastructure including 4,500 cubic metre oil tank(s) with concrete bund, two no. 2,500 cubic metre raw and treated water storage tanks and a raw water treatment plant and piped raw water connection to Duleek WWTP,
- 4 no. site buildings (site office, electrical switchgear, workshop and 110kV control building), 15 no. car parking spaces and miscellaneous site works and landscaping.

3.2. The plant will be used as a peaking plant by EirGrid i.e. it will be used at times of high electricity demand. It is stated that an EIA screening report, Environmental Report, Visual Impact Assessment, Landscaping Plan, Appropriate Assessment Screening Report and NIS (if necessary) would accompany the application for the proposed development and that the operation of the development would be licenced by the EPA under an Industrial Emissions Licence. The Control of Major Accident Hazards Regulations will also apply to the facility.

4.0 Consultations

4.1. Two pre-application meetings were held with the prospective applicant (21st August 2018 and 13th November 2018). Minutes are attached to the file. In summary, at the first meeting the prospective applicant and the Board's representatives explored whether or not the development as a whole (peaker plant and substation), comprised SID. The second meeting focused on the matters to be considered in an application to the Board for the sub-station component (planning, environmental and procedural). See written records of meetings.

5.0 The Applicant's Position

5.1. In their correspondence and meetings with the Board's representatives, the applicant considers the development, as a whole, to be strategic infrastructure on the following grounds:

- It incorporates the development of a 110kV **transmission substation**, the type of development which has been deemed previously by the Board to be strategic

infrastructure under section 182A and 182B of the Planning Act (e.g. VC0046, VC0058, VC0062 and VC0111). The sub-station will be looped into the existing transmission infrastructure running between Corduff, Dublin and Platin, Co. Meath and will ultimately be transferred to ESB and operated as part of the national grid by EirGrid.

- The **peaking plant** and associated substation will assist EirGrid by providing electricity transmission support and contribute to the strengthening of the overall meshed grid providing more secure and reliable supply, especially at times of high electricity demand. It is of strategic importance and necessary to ensure security of supply is maintained to the Greater Dublin Area (GDA).
- The **total energy output** of the proposed gas oil fired peaker plant is 208MW (i.e. it has no associated steam system which would provide an additional thermal/energy output). However, the following provisions support treatment of the peaker power plant as SID and, therefore, the requirement for a single application to the Board.
 - The proposed peaker plant generators constitute 'electric plant' (Electricity Regulation Act, 1999) and is required for electricity 'transmission' (Electricity Regulation Act, 1999 and S182A, Planning and Development Act, 2000, as amended).
 - The peaker plant is an integral part of the sub-station development, without which the sub-station would not be a new 'node' on the transmission system, as it would have no function.
 - In other pre-application cases, the Board has considered new and amendments to sub-stations and ancillary/related development to form part of the transmission system under section 182A e.g. VC0046, VC0058, VC0062 and VC0087.
 - Should the proposed sub-station be considered to comprise strategic infrastructure, it is reasonable to consider the associated and integral peaker plant component under the long title of the Act, as the peaker plant is required to provide electricity generation services to the national grid, at periods of high demand and stress.

- The prospective applicant's view, regarding the urgent and strategic need for the proposed generating plant and treatment of it as SID, is supported by EirGrid (11th July 2018) and the Commission for Regulation of Utilities (31st October 2018).

5.2. In the matter of **environmental impact assessment**, the applicant considers that neither the proposed sub-station or peaker power plant fall within the Classes listed in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations, 2001 (as amended), or having regard to the criteria listed in the 7th Schedule of the Regulations, that the development is likely to give rise to significant effects on the environment.

6.0 Preliminary View of the Board

6.1. On foot of a memoranda from the Assistant Director of Planning (dated 6th September 2018 and 10th October 2018), the Board came to a preliminary view that the proposed sub-station would comprise SID whereas the power generation plant would not (see file).

7.0 Legislative Context

7.1. Strategic Infrastructure Development

7.1.1. Schedule 7 of Section 37A of the Planning and Development Act, 2000 (as amended), under 'Energy Infrastructure' includes 'a thermal power station or other combustion installation with a total energy output of 300MW or more' and 'an industrial installation for the production of electricity, steam or hot water with a heat output of 300 megawatts or more'.

7.1.2. Section 182A(1) of the Planning and Development Act, 2000 (as amended) requires, where a person (referred to as the 'undertaker') intends to carryout development comprising or for the purposes of electricity transmission, the undertaker shall prepare an application for approval of the development to the Board. Section 182A(9) of the Act states that the term 'transmission' shall be construed in accordance with section 2(1) of the Electricity Regulation Act 1999, and for the purposes of section 182A, shall also be construed as meaning the transport of

electricity by means of a high voltage line (equal to or greater than 110kilovolts) or an interconnector (whether ownership of the interconnector will be vested in the undertaker or not).

7.1.3. Section 2(1) of the Electricity Regulation Act, 1999 defines transmission as '*...the transport of electricity by means of a transmission system, ... a system which consists, wholly or mainly, of high voltage lines and electric plant and which is used for conveying of electricity from a generating station to a sub-station, 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, ...specify as being part of the distribution system ...'* [my emphasis added].

7.1.4. Electric plant is defined as '*any plant, apparatus or appliance used for, or for purposes connected with, the generation, transmission, distribution or supply of electricity, other than by (a) an electric line, (b) a meter..., or (c) an electrical appliance..'*

8.0 Relevant Cases

8.1. The applicant refers to the following cases, VC0027, VC0046, VC0049, VC0058, VC0062, VC0087 and VC0111 (see attachments). These cases refer to electricity infrastructure developments in which the Board determined that the sub-station/high voltage OHL referred to comprised strategic infrastructure development.

8.2. In addition, the Board has previously dealt with the following pre-application consultation for an electricity generation facility, which are similar to that proposed in here, VC0064. In this instance, the Board decided that the electricity generating facility (50-60 no. diesel reciprocating engines) did not comprise strategic infrastructure.

9.0 Assessment

9.1. Strategic Infrastructure

9.1.1. The proposed development will comprise two components (a) a new sub-station to connect the generating plant to the transmission network, and (b) a gas oil peaker

power generating plant, to generate electricity to supply into the transmission network.

- 9.1.2. The **sub-station** will be connected to the existing OHL which traverses the site, by 'loop in' connection and the OHL will run underground within the site. On completion ownership of the sub-station will transfer to EirGrid. In effect, the sub-station will comprise part of EirGrid's transmission network. Accordingly, the development clearly falls within the definition of transmission set out in section 2(1) of the Electricity Regulation Act, 1999 and, therefore comprises strategic infrastructure development under Section 182A(1) of the Planning and Development Act, 2000 (as amended). This is similar to other cases deemed to be strategic infrastructure by the Board.
- 9.1.3. **Peaker power plant.** The proposed peaker power plant has an output of 208MV and therefore falls substantially below the threshold for SID under section 37A of the Planning and Development Act (see section 7.0 above).
- 9.1.4. The term 'electric plant', as defined in the Electricity Regulation Act, 1999 (see section 8.0 above), clearly includes any plant used for the generation of electricity. However, the definition of 'transmission' in the same Act, whilst referring to electric plant, is clearly narrowed to the transport or conveyance of electricity i.e. it excludes any reference to generating plant. The Planning and Development Act, 2000 (as amended), in section 182A (Electricity Transmission Lines) specifically refers to the development comprising or for the purpose of electricity transmission as defined in the Electricity Regulation Act 1999. As the proposed peaker plant does not comply with the definition of 'transmission' set out in the Electricity Regulation Act 1999, I do not consider that it falls within the scope of section 182A of the Act.
- 9.1.5. With regard to the long title of the Act and the criteria set out in section 37A(2) of the Act, the applicant has stated that the development is essential infrastructure in the Greater Dublin Area, is urgently required and will contribute to the ability of the Transmission System Operator's ability to provide adequate electricity generation services in the region, especially at periods of high demand and stress. Whilst I do not doubt this argument, as stated the proposed development does not fall within the Classes of development specified in the Seventh Schedule of the Act (Infrastructure for the Purposes of Sections 37A and 37B – Energy Infrastructure) and the Board is

therefore precluded from considering the development as strategic infrastructure under section 37A of the Act.

- 9.1.6. The prospective applicant also argues that the Board could consider the peaker plant to be ancillary to the sub-station. However, the proposed sub-station has a smaller site footprint than the proposed peaker plant, requires fewer inputs and gives rise to fewer emissions. In scale and likely effects, the sub-station therefore appears ancillary to the peaker plant and proposed only due to the presence of the peaker plant. Notwithstanding these arguments, the two components of the development are clearly integrated and dependent on each other and have strategic importance. However, there is no legal basis upon which to require an application for the peaker plant to be made to the Board on the grounds that it constitutes SID, having regard to either the Seventh Schedule or section 182A criteria.

9.2. **Prescribed Bodies**

- 9.2.1. In view of the scale, nature and location of the proposed development, as described in this report, it is recommended that the prospective applicant should notify the prescribed bodies listed in the attached Appendix in respect of any future application for approval.

10.0 **Conclusion and Recommendation**

- 10.1. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant under section 182A of the Planning and Development Act, 2000, as amended, stating that it is of the opinion that (a) the proposed sub-station development constitutes strategic infrastructure development, and (b) the proposed peaker plant does not, for the following reasons and considerations.

11.0 **Reasons and Considerations**

Having regard to the provisions of the Planning and Development Act, 2000, as amended, the nature of the proposed development comprising an electrical sub-station and gas oil fired 208MW peaker power generating plant, it is considered that:

- (i) The proposed sub-station falls within the scope of Section 182A of the Planning and Development Act, 2000 (as amended). Accordingly, the proposed development would be strategic infrastructure within the meaning of the Act and any application for approval must therefore be made directly to the Board, and
- (ii) The proposed peaker power plant does not fall within the scope of Section 37A or 182A of the Planning and Development Act, 2000 (as amended). Accordingly, the proposed development would not be strategic infrastructure, within the meaning of the Act and an application for permission should therefore be made directly to the local planning authority under section 34 of the Planning and Development Act 2000, as amended.

Deirdre MacGabhann
Senior Planning Inspector

12th December 2018

Appendix

Prescribed Bodies

Minister for Housing, Planning and Local Government

Minister for Communications, Climate Action and Environment

Minister for Culture, Heritage and the Gaeltacht

Meath County Council

Transport Infrastructure Ireland

Minister for Transport

An Chomhairle Ealaíon

Fáilte Ireland

An Taisce

The Heritage Council

The Eastern and Midland Regional Assembly

Inland Fisheries Ireland

Commission for Energy Regulation

Irish Water

Environmental Protection Agency

Health Services Executive