



An
Bord
Pleanála

Inspector's Report

ABP-303293-18

Development

21km underground 110kV grid connection to connect a permitted wind farm and substation to the existing 110kV substation.

Location

Castlewaller, Co. Tipperary to Killonan, Co. Limerick.

Planning Authority

Tipperary County Council

Limerick County Council

Applicant(s)

ABO Wind Ireland Ltd.

Type of Application

Request for Pre-Application Consultation under S.182E of Act

Inspector

Ciara Kellett

1.0 Introduction

- 1.1.1. The Board received a request on 21st December 2018 from ABO Wind Ireland Ltd. to enter pre-application consultations under Section 182E of the Planning and Development Act 2000, as amended, in relation to the proposed development at Castlewaller, Co. Tipperary and Killonan, Co. Limerick.
- 1.1.2. The Board's representatives met with the prospective applicant on the 16th May 2019.
- 1.2. The prospective applicant formally requested closure of the pre-application consultation process in an email received by the Board on the 28th May 2019.

2.0 Site Location

- 2.1. The permitted Castlewaller Windfarm and substation (Tipperary County Council Reg. Ref. 11510251) is located c.3km to the east of Newport village in Co. Tipperary. The regional road R503 runs to the south of the area, connecting to the R445 and the M7 Motorway c.14km to the south-west of the site. The Limerick county border is c.3km to the south of the site and Limerick city is c.20km to the south-west. The existing Killonan 220kV substation is located just south of the N24 regional road c.6km south-east of Limerick City.
- 2.2. The permitted Castlewaller windfarm site is located in lands dominated by commercial forestry and at elevations ranging from 180m to 350m above sea level.
- 2.3. There are a number of European Designated sites in the vicinity of the proposed development which the proposed cable will traverse including, the Lower River Shannon SAC (Site Code 002165), the Slievefelim to Silvermines Mountains SPA (Site Code 004165), and the Clare Glen SAC (Site Code 000930).

3.0 Proposed Development

- 3.1. The proposed development consists of a 110kV underground grid connection from the permitted 110kV substation at Castlewaller Windfarm, to the existing 220/110kV substation at Killonan, Co. Limerick.
- 3.2. Permission for the Castlewaller Windfarm was granted by Tipperary County Council in 2012 for development including 16 wind turbines up to 145m in height, access

tracks, met mast, control building and substation compound. Planning permission was extended in 2017 until April 2022. Planning Permission was not sought for the grid connection at the time. The applicant states that a grid connection was not offered by EirGrid until late 2018, when the project received notification that it would be processed under ECP1.

3.3. The 21km route proposed predominantly follows public roads apart from a section that passes through agricultural lands and underneath the Mulkear River. There are a number of bridge crossings over European Designated sites as well as under the Mulkear River.

3.4. In summary the development will comprise of:

- 21km of underground electrical cable
- 110mm ducts laid in a trench
- Three phase electrical cables and optic fibre cables
- Draw pits and joint bays
- Communication chambers
- Water crossings by (i) Bridge crossings within road pavement, and (ii) directional drilling
- Railway crossing by directional drilling
- Works within the consented 110kV Castlewaller substation and the existing Killonan substation to facilitate the connection
- Temporary works along underground grid connection
- All ancillary works.

3.5. The applicant stated that ABO would finance and build out the transmission infrastructure and it will be transferred over to the Transmission Asset Owner (TAO) – in this case ESB Networks – to facilitate the possible connection of other generators to the transmission system in the future. ABO will not be contesting this asset transfer to ESB Networks post commissioning.

3.6. The applicant states that an EIAR and a NIS are being prepared.

4.0 Applicant's Case

4.1. The applicant considers the proposed development to be Strategic Infrastructure on the following grounds:

- With respect to Section 182A of the Act, the development consists of a high voltage 110kV electricity line.
- The proposed development is situated within the administrative Planning Authorities of Tipperary and Limerick County Councils.
- A SID application would be preferable as it would ensure a more consistent and streamlined planning process.

5.0 EirGrid Correspondence

5.1. The prospective applicant submitted correspondence received from EirGrid in relation to the request to provide clarification to the Board. EirGrid responded with the following points (summarised):

- The proposed development is not at a stage of design where it is possible to determine whether or not the proposed development would form part of the transmission network.
- Confirm that ABO Wind Ireland Ltd. has applied to EirGrid for a grid connection agreement.
- A grid connection agreement offer has not yet been made.

6.0 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

7.0 **Assessment**

- 7.1. The applicant entered into pre-application consultations for the purposes of seeking a determination from the Board whether the proposed development of 21km of underground 110kV cable, connecting a permitted 110kV substation at Castlewaller to the existing 110kV/220kV substation at Killonan, Co. Limerick, is or is not strategic development.
- 7.2. Permission has already been obtained for a substation which will form part of the development of the windfarm in Castlewaller. Electricity generated by the windfarm

will be fed into the substation. The windfarm development did not constitute strategic infrastructure and was permitted by Tipperary County Council.

- 7.3. The works to facilitate the connection of the cable, albeit lacking in clarity as to what such works constitute, are described as being proposed within the permitted Castlewaller substation and the existing Killonan substation. The development does not entail associated pylons, end masts, wooden polesets or new substations.
- 7.4. 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, however in reality not all 110kV lines are under the control of EirGrid or form part of the transmission network. In this case, the prospective applicant has indicated their opinion that the proposed development constitutes strategic infrastructure under Section 182A.
- 7.5. EirGrid's submission as forwarded by the applicant is not clear with regard to whether the proposed development would form part of the transmission network, as they state that the proposed development is not at a stage of design where it is possible to determine this. However, I note the fact that the Killonan 220kV substation is identified on the map of the Transmission System shown on the EirGrid website (dated September 2016), which would indicate that Killonan substation is part of the EirGrid transmission system. Moreover, I note that in EirGrid's *Transmission Development Plan 2018 – 2027*, Killonan Station is identified as forming "*the main bulk supply point for the Mid-West region and is an important node on the network*"¹.
- 7.6. In addition, I note the fact that it is stated by the prospective applicant that the proposed development, on completion, would transfer to ESB Networks as the Transmission Asset Owner (TAO) in terms of ownership and operation.
- 7.7. It could be argued that the need for and location of the Castlewaller substation has already been established in a permission for the windfarm, which was not itself strategic infrastructure, and therefore a new cable from this substation should not be considered strategic. However, this proposed development will now facilitate a windfarm connection to what is identified as an important node on the transmission

¹ Transmission Development Plan 2018 – 2027 p.85

network. Furthermore, the applicant has stated that the development may facilitate the possible connection of other generators to the transmission system in the future.

- 7.8. On the basis of the foregoing, I am of the opinion that the development does constitute strategic infrastructure. However having regard to the lack of clarity in the interpretation of Section 182A and its requirements, the Board has exercised some discretion in certain cases and considered the broad definition of the Strategic Infrastructure Act, “developments of strategic importance to the State”, and the criteria contained in Section 37A(2) to determine such matters (although not specifically cited in regard to cases coming forward under Section 182A).
- 7.9. In this case the proposal could be considered to comply with Section 37A(2) criteria. The stated purpose for the proposed works is connection of wind energy generated by the windfarm to the national grid. It could be argued that this of itself is considered of some strategic importance and could go towards fulfilling objectives of national, and regional plans with respect to renewable energy. Likewise, it could be considered that the development would have a significant effect on the area of more than one planning authority.
- 7.10. In view of the above, it is my opinion that the proposed underground cable will form part of the existing transmission network. In terms of matters which might influence the decision of the Board, I note that the proposed route crosses over three European Sites, as well as the nature and scale of the development at 21km. 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 for underground cable only, including case ABP-300793-18.
- 7.11. With respect to EIA and AA, the applicant has indicated that they will be preparing an EIAR and a NIS. At the pre-application consultation meeting, the applicant was advised to submit a screening for AA to justify the sites taken forward for stage 2 AA. The NIS must be thorough and robust in order to support conclusions regarding adverse effects on the European sites. The Board also recommended that a Schedule of Mitigation Measures should be included in the EIAR and that all approaches and methodologies should be set out clearly.
- 7.12. The applicant was also advised to consult the two Local Authorities, Limerick County Council and Tipperary County Council, having regard to the fact that the majority of the proposed works are in the public road. In addition, the applicant was advised to

consult with the NPWS. The applicant stated that they have met with CIE with respect to the railway crossing.

Conclusion

7.13. Having regard to:

- Section 182A of the Act
- 110kV nature of the underground cable
- 21km scale of the development
- Asset ownership not contested – ESB Networks will be the Transmission Asset Owner (TAO) in this instance
- Compliance with criteria as set out under Section 37A(2) of the Planning and Development Act, and
- Connection to a bulk supply point for the Mid-West region

I conclude that the cable connecting the new windfarm to the existing substation, in forming such a node on the transmission network, constitutes Strategic Infrastructure.

8.0 Recommendation

I consider that the proposed development as described in the documentation 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.

Ciara Kellett
Senior Planning Inspector

18th June 2019

Appendix 1

The following is a schedule of prescribed bodies considered relevant in this instance for the purposes of Section 182A(4)(b) of the Act.

Minister of Culture, Heritage and the Gaeltacht

Minister for Communications, Climate Action and Environment

Limerick City and County Council

Tipperary County Council

Transport Infrastructure Ireland (TII)

An Chomhairle Ealaíon

Failte Ireland

An Taisce

Heritage Council

Inland Fisheries Ireland

Iarnród Éireann

Commission for Regulation of Utilities, Water and Energy

Health Service Executive