



An
Bord
Pleanála

Inspector's Report ABP-303412-19.

Development

Proposed 220kV electricity substation, Two 220kV circuits forming a loop-in/loop-out to the existing Maynooth-Woodland 220kV Overhead line and three 220kV circuits connecting the proposed substation to electricity transformers.

Location

Intel Ireland Facility, Leixlip, Co. Kildare

Planning Authority

Kildare County Council & Meath County Council

Prospective Applicant

Eirgrid PLC

Type of Application

SID Pre-application – whether project is or is not strategic infrastructure development.

Date of Pre-Application Meetings

14 March 2019 & 22 May 2019

Date of site inspection

21 May 2019

Inspector

Una Crosse

1.0 Introduction

- 1.1. This report relates to pre-application discussions held with EirGrid Plc regarding whether or not their proposed 220kV GIS sub-station on lands north of the Intel facility in Leixlip Co. Kildare extending via proposed underground cable to connect to the 220kV Maynooth-Woodland overhead line in Bogganstown, Co. Meath and connecting to electricity transformers in the Intel facility, to serve electricity demands at the Intel facility at Leixlip, Co. Kildare constitute 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 submission, the consultations held and the legal provisions which are relevant to the proposed development.
- 1.3. It recommends that the proposed development constitutes strategic infrastructure and it sets out reasons and considerations to support this conclusion.

2.0 Site Location and Description

- 2.1. The site of the proposed development extends from the existing Intel facility northwards to the existing 220kV overhead powerline. The site of the proposed connection to the Intel facility is within the existing Campus north of the current facility. The proposed transition zone between the proposed transformers and the proposed substation includes the Rye Water and substantial areas of planting. There are a number of residential properties to the east of the proposed substation which are owned by Intel and others further west. The site of the proposed substation includes an area of conifer planting and a football pitch within the ownership of Intel. A local road runs east to west to the north of the substation site. The site of the proposal crosses this local road and enters a landholding to the north which is part of the Ravensdale Estate. Ravensdale House is west of the proposed cable route and is a protected structure. The proposed site extends further north to meet the existing Maynooth/Woodland 220kV line which runs in an east west direction and which includes a number of existing towers within the immediate area of the proposed site. This area of the site is flat with field boundaries and ditches, with one ditch running in a north south direction accommodating a stream.

3.0 The Proposed Development

Context

- 3.1. As outlined in the correspondence presented to the Board at the 1st meeting the prospective applicant states that the proposed development between the 220kV electricity network and the Intel manufacturing facility is required in order to comply with, and to implement, its obligations as the statutory Transmission System Operator (TSO) having regard to the statutory obligation to ensure that all reasonable demands for electricity are met. It is stated that the new demand of the Intel facility cannot be accommodated by the existing grid network supporting the manufacturing facility.
- 3.2. The project, it is stated, is proposed to ensure a safe, secure and reliable supply of power to the Intel Manufacturing facility. The Intel facility has an extant permission (Ref. 16/1229 (ABP-PL09.248582)) to extend the facility. As noted by the prospective applicant permission was sought on 1 February 2019 by Intel for an extended and revised manufacturing facility (previously granted under An Bord Pleanála Ref. PL09.248582; Kildare County Council Ref. 16/1229). Permission was granted on 17 May 2019 by Kildare County Council (the last day for appeal of this decision is 13 June 2019). It is noted by the prospective applicant that electricity is currently and will continue to be provided to Intel by 110kV circuits.

The Proposed Development

- 3.3. The proposed development, as outlined in the most recent correspondence to the Board dated 8th May 2019, provides for a number of elements as follows:
- The construction of a new 220kV Gas Insulated Switchgear (GIS) electricity Substation contained within a building with a combined gross floor area of approximately 2,253 sq.m and a maximum height of up to 17m within a compound of approximately 5,768 sq.m located in the townland of Kellystown, Co. Kildare.
 - Two 220kV underground cable circuits (UGC) approximately 2km in length per circuit in trenches through the townlands of Bogganstown, Co. Meath and Ravensdale and Kellystown, Co. Kildare connecting the proposed 220kV GIS electrical substation to the existing Maynooth to Woodland 220kV electricity

transmission overhead line (OHL) at Bogganstown, County Meath. The underground cable from the proposed substation to the OHL is proposed to cross under existing local road (L1014) north of the proposed substation and then traverse through agricultural land in a northerly direction to the existing 220kV Maynooth-Woodland overhead line.

- Two Line Cable Interface Masts (LCIM) up to 26.5m in height both located within 55m of the existing OHL angle tower (referenced in drawings as AM37) and approximately 300m from existing OHL angle tower (referenced in drawings as AM36) of the existing 220kV Maynooth-Woodland overhead line.
- Removal of a 90m section of the existing overhead powerline between the two existing towers in the townland of Bogganstown.
- Refurbishment of existing OHL angle tower (referenced in drawings as AM37) including recapping of shear block and other essential maintenance works including painting, repair and/or replacement of conductors, fittings, insulators and hardware.
- Six 220kV underground cables and one low voltage underground cable, approximately 400m in length connecting the proposed 220kV GIS electrical substation to the transformers at the demand customer site (Intel) in the townland of Kellystown and Blakestown, County Kildare. It is proposed to facilitate the connection of the cables from the substation to the transformers by way of standard trenching and trenchless techniques which include the drilling of 7 bores under the Rye Water and provision of defined work areas including launch/receive pits both north and south of the Rye Water.
- The demand customer connection requires the provision of an electrical compound immediately north of the demand customer transformer compound which include six 220kV cable sealing ends, post insulators, surge arrestors up to 6m in height, site access ways, areas of hardstanding and enclosed by a palisade fence.
- All associated and ancillary site development works.

The prospective applicant has submitted two layout plans with the documentation dated 8th May 2019 which provides layout plans of the project as follows:

- Grid Connection (229100457-MMD-00-XX-DR-E-1150_P2)
- Customer Connection (229100457-MMD-00-XX-DR-E-1300_P1).

4.0 Policy Context

4.1. Regional Planning Guidelines for the Greater Dublin Area 2010 to 2022

4.2. The Regional Planning Guidelines for the Greater Dublin Area 2010 to 2022 recognise that the future development of the electricity transmission network is of vital strategic importance to the GDA, as the primary demand centre in the country. Strategic recommendations of the plan (PIR25) support the provision of new infrastructure to ensure the energy needs of future population and economic expansion across the GDA can be delivered.

4.3. Local Policy Context

4.3.1. The subject site is located within the boundary of the Leixlip Local Area Plan 2017-2023, the Kildare County Development Plan 2017-2023 and the Meath County Development Plan 2013-2019 which I will address in turn.

4.3.2. Leixlip Local Area Plan 2017-2023

Section 6.2 addresses economic development and in particular Intel and Hewlett Packard. It states that the *'LAP supports the on-going operations of these significant industries and also supports further appropriate levels of development and reconfiguration at the Intel and Hewlett Packard business campuses. The Council will work with local and national agencies to seek to ensure the HP campus remains an integral employment hub for Leixlip and the Greater Dublin Area. All proposals will be required to take full account of the sensitivities of the receiving environment including European designated sites' conservation objectives and Intel's designation as a Seveso site'*.

Section 9.4 deals with energy supply and communications and states that *'the transmission lines in the area are double circuit 110 kV lines including associated loops serving Hewlett Packard and Intel. Upgrades to the transmission network to serve these major industrial connections are planned'*.

4.3.3. **Kildare County Development Plan**

The lands north of the Leixlip LAP boundary and the border with County Meath and are located in the Northern lowlands landscape character area which are defined as Class 1 lands – low sensitivity which are described as areas with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area. Ravensdale House and gates are on the record of protected structures (Ref. B06-08).

4.3.4. **Meath County Development Plan 2013 to 2019**

The subject site lies in the Landscape Character Area 11, South East Lowlands. This is described as an area of very high landscape value, medium sensitivity and regional importance (Landscape Character Assessment, Appendix 7). No protected structures, Architectural Conservation Areas, protected views lie within this area of the site.

4.4. **European Sites**

The site is traversed by the Rye River which is part of the Rye Water Valley/Cartron SAC – site code 001398.

5.0 **Planning History**

- 5.1. **Ref. 19/91** – Permission granted on 17 May 2019 for an extended and revised manufacturing facility (granted under An Bord Pleanála Ref. PL09.248582; Kildare County Council Ref. 16/1229) including reconfigured and extended support buildings, water tanks and yards to provide for additional manufacturing capacity. The development will consist of buildings, site infrastructure and ancillary works, for the manufacture of integrated circuits. A 10 year planning permission was sought. (Last date for appeal is 13 June 2019)
- 5.2. **Ref. 16/1229 (ABP-PL09.248582)** – 10 year permission granted for revised design and configuration of previously permitted manufacturing building Planning Ref 12/435 – PL09.241071, over four levels (parapet height of 31m) with a total floor area of 88,740sqm including support areas and roof mounted stacks and equipment ranging in height from 6m to 24m above parapet.

5.3. **Ref. 12/435 (ABP-PL09.241071)** Buildings and ancillary works, alongside existing site infrastructure and buildings, all operating as an integrated campus, for the manufacture of integrated circuits.

6.0 The Applicant's Submission

6.1. In their letter to the Board seeking a determination on whether the 220kV substation is strategic infrastructure (7th January 2018) the applicant sought the Board's view on the following:

- i. Whether or not the development is strategic infrastructure development in accordance with the provisions of Section 182A of the Planning & Development Act 2000, as amended and consequently:
- ii. The procedures involved in making such an application; and
- iii. What considerations, related to proper planning and sustainable development or the environment, may, in the opinion of the Board, have a bearing on its decisions in relation to the application including the need for Environmental Impact Assessment and Appropriate Assessment.

6.2. In response to a request from the Board for additional information on the project, a letter from the prospective applicant dated 13 February 2019 outlines the emerging best performing option for the proposal at that time, outlines the consultation process undertaken and further proposed consultation with stakeholders and landowners. It is noted that the Rye Water which is part of the SAC is located between the Intel plant and the substation site and that the crossing of the Rye River cannot be avoided by any solution that requires the connection of the Intel Ireland facility (south of the River) with the existing Maynooth-Woodland 220kV circuit located to the north of the river.

6.3. Following the first pre-application meeting, correspondence (dated 8th May 2019) from the prospective applicant was received which sought to provide additional detail on the proposal which included a detailed description of the proposed development and relevant drawings illustrating same. The details of the proposal are as per those outlined in section 3 above. It is stated that it is EirGrid's current consideration that the prospective development is not a type that falls within Annex I and Annex II of

the EIA Directive and relevant Irish legislation. It is also stated that it is EirGrid's intention to subject a Natura Impact Statement (NIS) with the application.

7.0 Consultations

- 7.1. Two pre-application meetings were held with the prospective applicant (14th March 2019 & 22nd May 2019). Minutes are attached to the file. Two presentations made to the Board's representatives at the meetings are also attached to the file. The principal matters arising related to: need for the proposal, emerging best performing options for the proposed route and refinement of the project, EIA and AA.

8.0 Legislative Context

8.1. Strategic Infrastructure Development

- 8.1.1. Section 182A(1) of the Planning and Development Act, 2000 (as amended) requires, where a person (referred to as the 'undertaker') intends to carry out 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).
- 8.1.2. 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 ...*'
- 8.1.3. 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..'

8.2. Environmental Impact Assessment

- 8.2.1. Section 182A(2) of the Planning and Development Act, 2000 (as amended) requires that in respect of development referred to in section 182A(1), which belongs to a class of development for the purposes of section 176 (prescribed classes of development requiring environmental impact assessment), the undertaker shall prepare an environmental impact statement or Natura Impact Statement in respect of the proposed development.
- 8.2.2. Schedule 5 of the Planning and Development Regulations, 2001 (as amended) transposes Annex I and II of the EIA Directive and sets out prescribed classes of development, for which an environmental impact assessment is required. Part 1(20) of the Schedule refers to '*Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres*'. Part 2(3)(b) refers to '*Industrial installations for carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more*'. Part 2(13) refers to changes, extensions, development and testing with Part 2(13)(a) referring to any change or extension of development which would (i) result in the development being of a class listed in part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and (ii) result in an increase in size greater than – 25 per cent, or an amount equal to 50 per cent of the appropriate threshold.

9.0 Relevant Cases

Eirgrid

- VA0007 – permission granted for 220kV GIS substation at Tarbert, Co. Kerry on foot of pre-application VC0042 which considered 220/110kV substation to be strategic infrastructure.
- VA0008 - permission granted for 220/110kV substation at Millstreet, Co. Cork on foot of pre-application VC0039 which considered 220/110kV substation to be strategic infrastructure

- VA0011 – permission granted for 220/110kV substation, modifications to existing lines, construction of 110kv line between existing Trien 110kv substation and proposed interface tower at Trien, County Kerry, on foot of pre-application VC0041 which considered proposal to be strategic infrastructure
- VA0012 - permission granted for 220/110kV substation construction of associated access road, localised modifications to existing Clashavoon-Tarbert line, associated underground cables at Ballynahulla, Co. Kerry on foot of pre-application VC0046 which considered proposal to be strategic infrastructure
- VA0014 – permission granted for Dublin North Fringe 220kV Reinforcement Project at Belcamp and Clonshaugh, Co. Dublin on foot of pre-application VC0058 which considered proposal to be strategic infrastructure.
- VA0019 – permission granted for West Dublin 220/110kV substation and associated works in the Grange Castle area on foot of pre-application VC0088 which considered proposal to be strategic infrastructure.

Other Applicants

- VA0018 – permission granted to Runways Information Services Limited for proposed 220kV substation compound and associated loop-in connection to the existing Corduff - Woodland No. 1 overhead 220kV line on foot of pre-application VC0087 which considered proposal to be strategic infrastructure. (EIS prepared for the wider data centre proposal). Ref. 301172 relates to amendment to decision which was approved.
- ABP-301923-18 – permission granted to Runways Information Services Limited for construction of a new 220kV substation compound, associated underground 220kV cables and associated works to facilitate a new data centre campus on foot of pre-application ABP-301188-18 which considered the proposal to be strategic infrastructure (EIS prepared for the wider data centre proposal).

10.0 Assessment

10.1. Strategic Infrastructure

- 10.1.1. The proposed development will comprise a new 220kv sub-station, two 220kV circuits forming a loop-in/loop-out to the existing Maynooth-Woodland 220kV overhead line and six 220kV circuits (and one low voltage UGC) connecting the proposed substation to electricity transformers within the extended Intel facility. It is stated in the documentation that the proposal seeks to provide additional electrical power to the Intel facility via direct connections to the transmission network. Accordingly, the development 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).

10.2. Environmental Impact Assessment

- 10.2.1. The prospective applicant has sought the Board's view on whether or not an application for approval for the proposed development should be accompanied by an environmental impact assessment report. The prospective applicant have stated in their initial correspondence to the Board on 7th January 2019 that it was their preliminary view that there may be a requirement for an EIA and AA in respect of the proposal. The record of the first meeting held states that the prospective applicant's opinion is that the need for an EIAR is unlikely unless overhead lines are required to connect the facility's transformers to the proposed new substation and that it would expect to screen out the need for formal EIA as the connection can be done by way of underground lines. The correspondence submitted to the Board dated 8 May 2019 states that it is EirGrid's current consideration that the prospective development is not a type of development that falls within Annex I and Annex II of the EIA Directive and relevant Irish legislation.
- 10.2.2. The Board received correspondence from EirGrid, dated 31 May 2019 which included advice from their legal representatives. It is stated that the proposal is below the threshold in paragraph 19 of Part 1 of Schedule 5. The diversion of the c.50m of overhead line is below the threshold and therefore does not come within

the requirements of paragraph 21 of Part 1 of Schedule 5. It is stated that the proposal does not involve the transmission of electrical energy by overhead cables as per paragraph 3(b) of Part 2 of Schedule 5. The internal access road is c. 925m in length and therefore below the threshold of 2000m in paragraph 10(dd) of Part 2 of Schedule 5.

- 10.2.3. In relation to paragraph 13(a) of Part 2 of Schedule 5 it is stated that the proposal does involve the undergrounding of a section of the existing Maynooth-Woodland 220 kV overhead line and extending it to the proposed new 220 kV substation at Kellystown. They consider that due to the nature of the change or extension being undergrounding and construction of new 220 kV underground cable infrastructure and associated LCIMs it would not result in it being of a Class requiring environmental impact assessment under subsection (i). It is further stated that the extent of already authorised/executed development (i.e. the existing Maynooth-Woodland 220 kV overhead line) will be reduced in length by 40 metres (90 metres being replaced with a diversion of 50 metres onto one of the proposed LCIMs with the other LCIM being constructed directly under the existing Maynooth-Woodland 220 kV overhead line) and so would not qualify under subsection (ii).
- 10.2.4. In respect of Paragraph 13(c) of Part 2 of Schedule 5 they state that the purpose of the diversion of 50 metres of existing Maynooth-Woodland 220 kV overhead line is to facilitate the undergrounding of the existing 220 kV overhead line infrastructure and connection to a new 220 kV substation at Kellystown. The underground cable infrastructure and the proposed substation and associated infrastructure is not of a type requiring environmental impact assessment under Part 1 or 2. It is stated that they respectfully submit that the Board is not required to carry out an Environmental Impact Assessment in relation to the Proposed Development as it does not constitute a “project” within either Annex I or Annex II to Directive 2011/92/EU as amended by 2014/52/EU or within either Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended. They continue by stating that even if the proposed development does constitute a “project”, and did fall within a threshold set out in Annex II of the Directive or Part 2 of Schedule 5 to the Regulations, or having considered the appropriate criteria set out in Annex III to the EIA Directive and Schedule 7 to the Regulations, the Board, as competent authority, is enabled to determine that the Proposed Development would not be likely to have

significant effects on the environment. In order to demonstrate that there will be no likely significant effects on the environment arising from the proposed development an EIA screening report has been submitted.

10.2.5. An EIA screening report was submitted by EirGrid (received 31 May 2019). While there is no express provision in the legislation to screen for the requirement for EIA for developments made under Section 182A, it is considered that, in keeping with the purpose of the Directive generally and our domestic implementing legislation, that the Board must turn their mind to the matter.

10.2.6. Section 182A (2) of the Planning and Development Act, 2000 as amended states that “in the case of development referred to in *subsection (1)* which belongs to a class of development identified for the purposes of *section 176*, the undertaker shall prepare, or cause to be prepared, an environmental impact assessment report or Natura impact statement or both that report and that statement, as the case may be, in respect of the development. Section 176 sets out the prescribed classes of development requiring assessment. The proposal therefore, does not constitute a “project” within either Annex I or Annex II to Directive 2011/92/EU as amended by 2014/52/EU nor is it a class as set out in either Part 1 or Part 2 of Schedule 5 (Planning and Development Regulations 2001, as amended). Therefore, it would not require EIA.

10.3. **Appropriate Assessment**

10.3.1. The proposed development adjoins and proposes to traverse underneath a European site the Rye Water Valley/Carton SAC – site code 001398. The underground cable route is also located c.10m from a ditch which provides a pathway to the River Rye. The applicant has indicated that it is their intention to include an NIS with the application which is considered to be appropriate.

10.4. **Prescribed Bodies**

10.4.1. 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 consult with

the prescribed bodies listed in the attached Appendix in respect of any future application for approval.

11.0 Conclusion

- 11.1. 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 the proposed development constitutes strategic infrastructure development.

12.0 Recommendation

Having regard to the provisions of the Planning and Development Act, 2000, as amended, and the nature of the development as set out in the plans and particulars submitted, which comprises the construction of a new 220kV substation compound and connection to an existing 220kV overhead power line by underground cable and works proposed at the connection including the construction of two 220kV interface towers, it is considered that the proposed development 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 should be accompanied by a Natura Impact Statement.

Una Crosse
Senior Planning Inspector

June 2019

Appendix

Prescribed Bodies

Minister for the Environment, Heritage and Local Government

Minister for Communications, Marine and Natural Resources

Planning authorities in which the development is situated (Kildare County Council & Meath County Council)

Minister for Transport

Fáilte Ireland

An Taisce

The Heritage Council

The Eastern and Midland Regional Assembly

Health Service Executive (Seveso sites)

Inland Fisheries Ireland

The Minister for Agriculture and Food

Commission for Energy Regulation

Irish Water

Waterways Ireland

OPW