



An
Bord
Pleanála

Inspector's Report

ABP-304789-19

Development	110kV underground cable connecting the consented Moanvane Wind Farm to the national grid.
Location	Moanvane, Co. Offaly.
Planning Authority	Offaly County Council
Type of Application	Pre-Application Consultation under s.182E of the Planning and Development Act 2000, as amended
Date of Site Inspection	24 th August 2018 & 21 st September 2018 (as part of original application for the windfarm)
Inspector	Ciara Kellett

1.0 Pre-Application Consultation

- 1.1. The Board received a request on 25th June 2019 from Fehilly Timoney & Company on behalf of Moanvane Windfarm Ltd. to enter into pre-application consultations under Section 182E of the Planning and Development Act 2000, as amended, in relation to a proposed development in Co. Offaly.
- 1.2. Following the Board's request that the applicants seek input from EirGrid ahead of a meeting, the Board's representatives met with the prospective applicant's agent on the 7th November 2019. Subsequently, the prospective applicant formally requested closure of the pre-application consultation process in a letter received on the 20th November 2019.

2.0 Site Location and Context

- 2.1. The proposed cable route travels through the townlands of Rathfeston, Ballykean, Ballyduff, Raheenbeg, Kilcooney, Ballintogher, Gorteenkeel and Ballynakill from the permitted windfarm and substation in Moanvane to Mountlucas substation in Co. Offaly.
- 2.2. The recently permitted Moanvane Windfarm (**ABP Ref. 301619/** OCC Reg. Ref. 17/335) is located in east Offaly and the closest settlements are Geashill c.4.5km to the north-west, Walsh Island c.2.75km to the north-east, Clonygowan c.4.5km to the south-west and Portarlington c.8km to the south-east. The regional roads in the area are the R420 Tullamore to Portarlington road which lies to the west of the windfarm site, and the R400 Mullingar to Portarlington road which lies to the east of the site. The local road, the L1013, joins the R420 just south of Geashill and off which the permitted entrance to the windfarm is located.
- 2.3. Following third party appeals of the Planning Authority's decision to grant permission, the Board on the 21st November 2018 decided to uphold that decision and granted permission for the development of 12 wind turbines with a tip height of 169m and a capacity of up to 50MW and all associated works. Of note is the fact that the development included a substation and indicated a route for the grid connection, albeit the grid connection was not part of the application. An Environmental Impact

Assessment Report and a Natura Impact Statement accompanied the application which included an assessment of the grid connection route.

- 2.4. The site is not located within any European designated site or nationally designated conservation site. There are five European sites within 15km radius with the closest being the River Barrow and River Nore SAC (Site Code 002142) which is c.3.1km from the site.

3.0 Proposed Development

- 3.1. The developers of the windfarm, Moanvane Windfarm Ltd., wish to apply for planning permission for a 110kV grid connection connecting the consented windfarm at Moanvane to the national grid at Mountlucas substation. A follow up letter from the applicant received by the Board on the 4th July 2019 clarified that the request related to the permitted substation also. That letter stated that there would be no physical alterations to the substation required to accommodate the 110kV cable, but it was being included on procedural grounds. At the pre-application meeting the prospective applicant clarified that changes to the substation are now being proposed.
- 3.2. The proposed 110kV underground cable is c.10km long of which c.7km runs primarily in the public road, c.2km runs within the windfarm site and c.1km runs within Bord Na Mona lands to the Mountlucas substation as indicated on the map which accompanied the request. The cable route initially exits the windfarm site and traverses along the L1013 local road before turning north at Ballykean crossroads towards Ballyduff, turns east on the L5034 road before turning north into the Mountlucas site towards the existing Mountlucas substation. There is one watercourse crossing near the windfarm entrance. It is expected that the cable will be installed using an open cut method. The cable will include joint bays and communication chambers.
- 3.3. As noted above the proposal now seeks amendments to the permitted substation within the windfarm site. The permitted substation compound was indicated as being 60m x 40m originally. The new substation as a result of changes to the technical specifications of ESB will be 120m x 60m but within the same red line boundary as originally identified.

3.4. Upgrades to the Mountlucas substation will also be required but it is unknown if these will be carried out by the applicant at this stage. The upgrade is included as part of the request.

3.5. The application will be accompanied by an EIAR and a NIS.

4.0 **Applicant's Case**

4.1. The applicant is of the opinion that the proposal is NOT strategic infrastructure development for the following reasons:

- Transmission line and substation **tail feeds** electricity from the permitted windfarm to the national grid;
- Windfarm substation will not act as a node on the national transmission network;
- Substation work is an amendment to the permitted substation;
- Proposed 110kV cable will solely facilitate a single private development;
- Development is located within a single jurisdiction (Offaly County Council);
- EirGrid will not confirm whether or not the development will form part of the transmission network until grid connection agreement which is not expected until Q2 2020;
- Likely the grid connection will be contestably built and signed over to EirGrid; and
- Precedent cases listed of tail fed substations which were not considered SID including VC0048, VC0100, VC0103, VC0104, VC0097, VC0112, 301173, 301236, and 301420.

5.0 **EirGrid Correspondence**

5.1. 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 has been applied for and/or agreed.

5.2. The applicant responded in a letter received by the Board on the 29th August 2019. It stated that EirGrid's grid connection agreement process dictates that any asset cannot be determined to constitute 'Transmission' until the connection agreement has been finalised and a final offer made to the customer. A connection offer has not yet been applied for the project. It is anticipated that finalisation of connection agreements and final offers will be in Q4 2021.

5.3. The applicant therefore deems it is not possible to request EirGrid to confirm whether or not the proposed development would form part of the transmission network.

6.0 Legal Provisions

6.1. Under section 182A(1) of the Planning and Development 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.

6.2. Subsection 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.

6.3. In section 2(1) of the Electricity Regulation Act, 1999, "transmission" is defined in relation to electricity as meaning:

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.

6.4. Section 37A of the Planning and Development Act as amended 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.

7.0 **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 c.10km of underground 110kV cable, connecting a permitted 110kV substation at Moanvane to

the existing Mountlucas substation, Co. Offaly, is or is not strategic development. The application includes modifications to both the permitted and existing substations.

- 7.2. Permission has already been obtained for a substation which will form part of the development of the windfarm in Moanvane. Electricity generated by the windfarm will be fed into the substation. The windfarm development did not constitute strategic infrastructure and was permitted by the Board following an appeal of the decision by Offaly County Council to also grant permission.
- 7.3. 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 does not constitute strategic infrastructure under Section 182A.
- 7.4. 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, as well as those listed by the applicant, the Board determined that the provision of 110kV electrical infrastructure and grid connections associated with various forms of electricity generation (more recent being solar farms etc) do not constitute Strategic Infrastructure:
- ABP-301358-18: Kilcommon, More, Co. Tipperary (110kV cable and connection to existing substation – BESS)
 - ABP-301392-18: Purcellsinch, Co. Kilkenny (110kV cable connecting to existing substation from a 100MW Open-cycle Gas Turbine)
 - ABP-301394 -18: Monkstown, Athlone, Co. Roscommon (110kV cable and connection to existing substation from a 100MW Open-cycle Gas Turbine)
 - ABP-301420-18: Loughteog, Co. Laois (110kV substation and cable for solar farm)
 - VC0112: Keereen Upper, Co. Waterford (110kV u/g cable)
 - VC0105: Finnaun, Co. Galway (amendments to layout of windfarm substation)

- VC0104: Dunmanway, Co. Cork (110kV substation & 11km of u/g cable connection to windfarm)
- VC0100: Rosscahil, Co. Galway (110kV substation & u/g connection to existing substation)
- VC0074: Barnadivane, Co. Cork (enlargement & relocation of permitted substation assoc. with windfarm)

- 7.5. 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 Mountlucas substation is proposed.
- 7.6. Furthermore, the need for and location of the new Moanvane substation has already been established in a permission for the windfarm which was not itself strategic infrastructure. In addition, precedent has been established by the Board for determining that upgrading works to permitted or existing substations to enhance capacity to accommodate wind energy generation would not constitute strategic infrastructure, such as the case for the Mountlucas substation works. A need, precedent and role for the presence of substations in the locality has already been established. The stated purpose for the proposed works including connection of wind energy generated by the windfarm to the national grid might itself be considered of some strategic importance however the nature, scale and impact of such is likely to be limited in the context of existing and permitted infrastructure.
- 7.7. In addition to considering the provisions of section 182A, the Board has 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. criteria¹ contained in section 37A(2) for determining whether development constitutes Strategic Infrastructure, notwithstanding the fact that the section 37A(2) criteria do not explicitly apply to cases falling within the scope of section 182A rather than the Seventh Schedule of the Act.

7.8. With respect to each of the 3 no. criteria, I note the following:

Section 37A(2)(a) requires the development to be of strategic economic or social importance to the state or region in which it would be situate. As noted above while the windfarm of itself could be considered to be of strategic importance having regard to the renewable energy resource, it was not deemed to be strategic development having regard to the nature and scale of the development initially. The applicant states that the grid connection will solely facilitate this single private development that will tail feed into the Mountlucas substation.

Section 37A(2)(b) requires the development to contribute substantially to the fulfilment of any objectives in national or regional strategies. The development is located within the functional area of Co. Offaly only and while it contributes to achieving objectives with respect to renewable energy, it is limited with respect to the substantial fulfilment of national or strategic objectives.

Section 37A(2)(c) refers to the development having a significant effect on the area of more than one planning authority – in this case it is only affecting the area of Co. Offaly.

7.9. Having regard to the information supplied by the prospective applicant as well as the relatively limited scale of the development and the tail-fed nature of the proposed connection to the existing Mountlucas 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 Co. Offaly.

7.10. I conclude that the proposed development consisting of a new 110kV cable as well as works to the permitted and existing substations at Moanvane windfarm and

¹ See section 6 of this report

Mountlucas respectively in Co. Offaly does not fall 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 Moanvane Windfarm Ltd. be informed that the proposed development consisting of a new 110kV cable traveling through the townlands of Rathfeston, Ballykean, Ballyduff, Raheenbeg, Kilcooney, Ballintogher, Gorteenkeel and Ballynakill, as well as works to the permitted and existing substations at Moanvane windfarm and Mountlucas respectively in Co. Offaly, as set out in the plans and particulars received by An Bord Pleanála on the 25th June 2019 and the further details received on the 4th July 2019 and at the pre-application consultation meeting held on the 7th November 2019, does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should be made in the first instance to Offaly County Council.

Ciara Kellett
Senior Planning Inspector

28th November 2019