



An
Bord
Pleanála

Inspector's Report ABP 304794-19

Development	110kV substation and underground electricity cable connecting the consented Coole Wind Farm to the national grid at Mullingar substation.
Location	Between Carnagh (Fore By) and Irishtown, Mullingar, Co. Westmeath
Prospective Applicant	Statkraft
Planning Authority	Westmeath County Council
Type of Application	Pre-Application consultation under section 182E of the Planning and Development Act 2000, as amended.
Date of Site Inspection	24/10/19
Inspector	Pauline Fitzpatrick

1.0 Pre – Application Consultation

The Board received a request on the 28th June, 2019 from Statkraft to enter into pre-application consultations under Section 182E of the Planning and Development Act 2000, as amended, in relation to the proposed substation and cable connecting the permitted Coole wind farm site in the townland of Carnagh (Fore By) and the existing Mullingar 110kV substation at Irishtown, Mullingar Co. Westmeath.

The Board's representatives met with the prospective applicant and its agent on the 30th October, 2019. Subsequently the prospective applicant formally requested closure of the pre-application consultation process in correspondence received 18th November, 2019.

2.0 Site Location

The permitted Coole Wind Farm is the townland of Carnagh (Fore By) c. 2.5km to the north-west of Coole village in north County Westmeath. A substation forms part of the permitted development. The proposed cable route is located within the existing public road corridor and extends for a distance of approx. 25.9km.

The cable route travels south from the permitted wind farm site along the R396 turning east along the R395 passing through the village of Coole then southwards along Local Road L1826. It then travels east along local roads L1826 and L1820 through the village of Multyfarnham before joining the N4 national primary road at Bunbrosna. The route then travels southwards along the N4 before joining local roads L1773, L5703-0 and L1801 to the Mullingar 110kV substation.

There will be 16 no. watercourses. All of the crossings are existing bridges and culverts along the public road. The route will cross an Irish Rail level crossing in the townlands of Farranistick and Culleen More.

3.0 Proposed Development

The purpose of the proposed development is to facilitate the connection of the permitted wind farm to the national transmission network.

The proposed development was described in the prospective applicant's original request for pre-application consultation with further details provided in the meeting held on the 30th October 2019.

The wind farm permitted under ref. ABP 300686-18 (17/6292) consists of 13 no. wind turbines to be served by an on-site electrical substation, site access roads, construction compound and borrow pit with road junction improvements.

Whilst the development as permitted provides for a substation it is proposed to include same in the proposed application for completeness. As clarified at the pre-application meeting it is not intended to alter the location of the permitted substation however, to allow for updating of its specification a somewhat larger installation would be required. The voltage of the substation was not specified in the application as permitted allowing for a degree of flexibility. It is now confirmed that the substation would be 110kV.

The cable connection to the existing Mullingar substation at Irishtown is proposed along the existing road network and extends for a distance of approx. 25.9km. The exact location of the cable within the road curtilage will be subject to ESB specifications and agreement with Westmeath County Council and in compliance with a detailed cable installation plan to be prepared by the applicant. The 16 no. water crossings are existing bridges and culverts along the public road. No instream works are required.

The prospective applicant stated that the connection to the permitted substation would be a tail-fed and not a loop-in connection. The 110kV substation will not act as a node on the national transmission network.

4.0 Applicant's Case

The case made by the prospective applicant that the proposal does not constitute SID can be summarised as follows:

- The transmission line tail feeds the onsite substation and would not be of strategic importance to the State or region as it will serve the permitted Coole wind farm only.

- The substation and underground cable will not, of itself ,contribute to the fulfilment of the objectives of the National Planning Framework or any Regional Spatial and Economic Strategy. It is not a critical link for other strategic developments in the area.
- The substation and cable will solely facilitate a single private development. It is not of economic or social importance to the State or region.
- The proposal is located solely within the administrative area of Westmeath County Council and will not a have significant effect on the area of more than one planning authority.
- Precedent has been set by the Board whereby it has determined that a tail fed substation and cable connection is not considered SID (case references given).

5.0 Legislative Provisions

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

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

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 (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.

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.

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.

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—

(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.

6.0 Assessment

This pre-application consultation concerns a 110kV substation and c. 24.9km long underground cable to facilitate connection of the Coole windfarm permitted under ref. ABP 300686-18 to the national grid at the existing Mullingar substation at Irishtown. Whilst a substation formed part of the application for which permission was granted the prospective applicant proposes to include same in a future application as the upgrade in specification would require a larger footprint than previously delineated. Application ref. ABP 300686-18 (which included an indicative grid connection route comparable to that now before the Board) was accompanied by an EIAR and NIS and was subject to EIA and AA.

The Board is aware of a number of decisions it has made on strategic infrastructure pre-application consultation requests in relation to substations and cables in which it determined that the provision of a 110kV tail-fed substation and grid connection do not constitute strategic infrastructure.

I consider the following of relevance to the subject case:

ABP 301420 -18 - 110kV tail fed substation and cable at townlands of Loughteeog, Bigbog, Money Lower, Coolnabacky and Esker, County Laois

VC0104 - 110kv electricity substation and associated underground cable connection at Carrigdandgan, Co. Cork

VC0100 - 110Kv Substation Development and underground cable connection, Letter, Co. Galway

VC0097 - Substation and associated Underground Cable Connection from permitted Drumnahough and Lenalea Wind Farms to Clogher Substation, County Donegal.

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 Mullingar substation is proposed.

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 three criteria 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.

With reference to the said section 37A(2) criteria, I consider that the case as put forward by the applicant as to why the substation and cable connection would not constitute strategic infrastructure has a sound basis as follows:

- it will facilitate the connection of a permitted windfarm, only, which will be privately owned and developed. The permitted windfarm is not, of itself, of a scale that is 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 Eastern and Midland Region, it would not contribute substantially to the fulfilment of any objectives of the National Planning Framework or the current Regional Planning Guidelines;
- it would have no effect on any area outside of the Westmeath administrative area.

On this basis, I consider that the proposed development as described in the submissions and drawings and having regard to the stated purpose of the 2006 Act as set out in the long title and to the general description and scale of strategic infrastructure development set out in section 37A(2) would not constitute strategic infrastructure. I conclude that the proposed development 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.

7.0 Recommendation

I recommend that Statkraft be informed that the 110kV substation and underground electricity cable to facilitate connection of the permitted Coole wind farm to the national grid at the existing Mullingar 110kV substation, Co. Westmeath as set out in the plans and particulars received by An Bord Pleanála on the 28th June 2019 and at the pre-application consultation meeting held on the 30th October 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 Westmeath County Council.

Pauline Fitzpatrick
Senior Planning Inspector

November, 2019