



An  
Bord  
Pleanála

## Inspector's Report ABP 304856-19

---

<b>Development</b>	Proposed line bay extension within existing substation.
<b>Location</b>	Cushaling 110kV substation, Co. Offaly
<b>Planning Authority</b>	Offaly County Council
<b>Prospective Applicant</b>	Bord na Mona
<b>Type of Request</b>	Section 182A request for SID pre-application consultation – whether project is or is not strategic infrastructure development.
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Proposed Development

Bord na Mona proposes a line bay extension to the existing Cushaling 110kV substation consisting of the installation of 110kV AIS switchgear with associated foundations, steelwork, supports and connectors. Associated works comprise of a busbar disconnector, circuit breaker, electrical current transformer, cable sealing ends, line-earth disconnector, voltage transformer, surge arrester, associated bay conductors, approx. 50 metres of 110kV underground cable and block work trench connecting to existing.

The works are entirely within the existing substation compound. The substation is immediately adjoining the Edenderry power station which is approx. 7km to the south of the town of Edenderry and c. 3km to the north of Clonbulloge village.

The proposed works were subject of a previous permission under ref. 09/149. Under that permission a wide range of electrical plant and substation improvements were permitted but not all were provided.

The proposed development will facilitate the connection of consented or proposed electricity generating projects in the wider area.

Following a request for clarification from the Board dated 16/08/19 the prospective applicant advises that the existing substation has not been subject of any grid connection agreements with Eirgrid. It is not possible for any operators to apply for a grid connection agreement until the next round of offers by the Commission for Regulation of Utilities which is estimated to be in Q2 of 2020. Accordingly, the final use of the subject works cannot be confirmed. It could be used to either bring electricity into the existing substation from an electricity generator (in which case it could be considered to be on the transmission network) or it could be used to export electricity from the existing substation (in which case it could form part of the distribution network).

## 2.0 Applicant's Case

The proposed development is not considered to be strategic infrastructure given:

- The proposed works constitute the provision of an additional 110kV bay within an existing substation compound and will not require any works outside the compound.
- The works were subject of a previous permission under ref. 09/140. Not all the works were carried out on foot of the said consent.
- The proposed works will improve and extend the capacity of the existing substation to cater for additional connection to the national grid and will serve to strengthen grid capacity and reliability but will not create a new node or stand alone substation.

## 3.0 Legal 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 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.

#### 4.0 **Assessment**

The Board will note previous decisions it has made on SI pre application consultation requests in relation to electricity transmission infrastructure under section 182E of the Planning and Development Act, 2000, as amended involving amendments, additions and expansion of electricity substation infrastructure. In these cases, due to the lack of clarity in the interpretation of section 182A and its requirements in regard to development of such a nature, the Board has exercised some discretion and used the broad definition of the SI Act, “developments of strategic importance to the State”, and the criteria contained in section 37(A)(2) to determine such matters (noting that these criteria are not specifically cited for cases coming forward under section 182A).

The proposed development is similar to a number of previous proposals in other locations where the Board determined that the development did not fall within the scope of section 182A of the Act. The following recent cases, two of which are referenced by the prospective applicant, are noted:

- ABP 303838-19 – 110kV substation Dunmanway, Co. Cork
- ABP 303148-18 – 400kV substation at Dunstown, Co; Kildare, 400kV substation Moneypoint Co. Clare and 400kV substation at Oldstreet. Co. Galway
- 61.VC0110 - 110kV substation Ballybrit, Galway
- 08.VC0109 – 220kV substation Knockanure, Co. Kerry

I note that the final use of the subject works has not yet been confirmed and cannot be done so until the next round of connection agreement offers by the Connection for Regulation of Utilities.

In this case the prospective applicant has indicated its opinion that the proposed development does not constitute strategic infrastructure under Section 182A given that the proposed works would be entirely within an existing substation and are of a minor nature.

Having regard to the nature and scale of the proposed development relating solely to the provision of additional electrical equipment within the compound of the existing substation which would assist in strengthening grid capacity and reliability, 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), 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 the making of an application directly to the Board.

## **5.0 Recommendation**

I recommend that Bord na Mona be informed that the proposed provision of a line bay extension within the existing Cushaling 110kV substation, Co. Offaly as set out in the plans and particulars received by An Bord Pleanála on the 8<sup>th</sup> day of July, 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.

---

**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**October, 2019**