



An
Bord
Pleanála

Inspector's Report Strategic Infrastructure pre application consultation 305276-19.

Development	Refurbishment works to the existing Great Island-Kellis 220kV line.
Location	Great Island, County Wexford, to Kellis, County Carlow.
Planning Authorities	Wexford County Council and Carlow County Council.
Prospective Applicant(s)	Eirgrid plc.
Type of Request	Section 182E request for SID Pre-application consultation – whether project is or is not strategic infrastructure development.
Inspector	B. Wyse.

1.0 Proposed Development

- 1.1. The existing Great Island – Kellis 220kV overhead line runs for approx. 70kms from the Great Island substation in County Wexford to a substation at Kellis, County Carlow. The circuit has a total of 216 structures. Most of the line was constructed in 1973, with spans 192-216 constructed in 1995.
- 1.2. The proposed development comprises:
 - Refurbishment works to the majority of the structures along the line.
 - 15no. structures require foundation reinforcement. This requires exposing the existing concrete foundations, mainly through local topsoil stripping, and adding new/additional concrete to strengthen the foundation.
 - The majority of the remaining structures require remedial works to the shear blocks. The shear block is used to form a watershed to the top of the concrete foundation at the base of the tower steelwork. As a result of water ingress and corrosion there is a need to replace the shear block with fresh concrete.
 - Other works planned include the replacement of any damaged insulators or steel tower members.
 - The works involve the use of construction machinery of a scale generally equivalent to standard farm machinery or small scale construction projects.
- 1.3. The general scope of the proposed works is illustrated in Photos 1 to 4 included in the applicants' submission.
- 1.4. It is also indicated that the proposal does not involve an uprate and that there is no change to the existing conductors, the voltage or the capacity of the line.

2.0 Applicants' case

- 2.1. Notwithstanding the linear nature of the proposed works spanning two counties, the works are of a modest nature comprising the refurbishment of an existing line and not the construction of a new line. The applicants' are of the opinion, therefore, that the works proposed would not constitute strategic infrastructure development.

2.2. It is further considered that the proposed works would generally constitute exempted development pursuant to section 4(1)(g), Planning and Development Act 2000 (as amended) but for the applicants' appropriate assessment screening that has concluded that Stage 2 Appropriate Assessment is required. As such a planning application, including a Natura Impact Statement, will be submitted to the relevant competent authority as directed by An Bord Pleanála.

3.0 Legal Provisions

3.1. Under section 182A(1) of the 2000 Act (inserted by section 4 of the 2006 Act) where a person (hereafter 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:

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**

- 4.1. While not explicitly stated in the pre-application documentation the Great Island – Kellis 220kV line, by reference to the statutory definition set out at Section 3.1 above, is clearly part of the transmission network for the purposes of the Planning Act.
- 4.2. The Board will note, in making decisions on strategic infrastructure pre-application consultation requests under section 182E in relation to works to electricity transmission infrastructure of a relatively minor nature, and in the context of the lack of clarity in the interpretation of section 182A, that it has exercised some discretion. Specifically, it has referenced the broad definition of the Strategic Infrastructure 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 expressly cited for cases coming forward under s.182A).
- 4.3. The decision in case Ref. 10.VC0108, June 2018, is of particular relevance. The proposed development in this case was the refurbishment of the Great Island (County Wexford) – Kilkenny City 110kV line. It involved both an uprate of the line and extensive works, including largescale replacement of both steel towers and wooden polesets. The Board decided that it did not constitute strategic infrastructure development. The Inspectors Report in the case also documents previous relevant decisions – Refs. VC0071; VC0077; VC0079; VC0080; and VC0086. All of these involved line uprates and more extensive works than in the current proposal. In all cases the Board decided that the proposed development was not strategic infrastructure.
- 4.4. The 2017 decision under case Ref. VC106 is also relevant. In this case no uprate was involved but extensive refurbishment works were to be undertaken. Again, the Board decided that it was not strategic infrastructure.

- 4.5. In the current case the prospective applicants have indicated their opinion that the proposed development does not constitute strategic infrastructure under s.182A given that the proposed works are of a minor nature.
- 4.6. 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), I consider that the proposed development as described would not constitute strategic infrastructure. I conclude, therefore, that it 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**

- 5.1. I recommend that Eirgrid plc be informed that the proposed development, consisting of refurbishment works to the existing Great Island - Kellis 220kV line, as set out in the plans and particulars received by An Bord Pleanala on the 26th August 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 Wexford County Council and Carlow County Council.

Brendan Wyse
Assistant Director of Planning

8th October 2019.