



An
Bord
Pleanála

Inspector's Report

ABP-307022-20

Development

A 110kV underground electricity cable to facilitate connection of the proposed Dernacart Wind Farm to the national grid at the proposed Bracklone 110kV substation

Location

Townlands of Forest Lower, Ballymorris, Coolnavarnoge and Coolaghy, Doolough, Kilbride, Cooltederry, Bracklone and Lea in Co. Laois; and townlands of Annamoe, Garryhinch and Barranaghs in Co. Offaly.

Prospective Applicant

Statkraft

Planning Authority

Laois County Council

Type of Application

Pre-Application Consultation under s.182E of the Planning and Development Act 2000, as amended

Inspector

Sarah Lynch

1.0 Pre-Application Consultation

- 1.1. The Board received a request on 3rd April 2020 from Statkraft Ireland to enter into pre-application consultation under Section 182E of the Planning and Development Act 2000, as amended, in relation to proposed development in the townlands of Coolaghy, Doolough, Kilbride, Cooltederry, Bracklone and Lea County Laois.

2.0 Site Location

- 2.1. The proposed cable will commence at the proposed substation serving the proposed Dernacart Windfarm. It will follow the local road network south of the site and will then travel eastwards along the R423 to south of Portarlinton from where it will travel northwards and eastwards along a local road before joining the R420 as far as the future proposed Bracklone substation (which is the subject of pre-application consultation at present). The cable is to be located within the road verge and is bounded by the carriageway on one side and agricultural lands on the other. It is stated that the exact location of the cable within the road corridor will be subject to ESB specifications.
- 2.2. The cable route will be located within the townlands of Forest Lower, Ballymorris, Coolnacarnoge, Coolaghy, Doolough, Kilbride, Cooltederry, Bracklone and Lea County Laois and Annamoe, Garryhinch and Barranaghs in County Offaly.
- 2.3. The works will require crossings over the following watercourses:
- Culvert over the Forrest lower stream, tributary of the Cottoners Brook Stream
 - Culvert over White Hill stream, tributary River Barrow
 - Culvert/ArchBridge over White Hill stream tributary River Barrow
 - Bridge over Cottoners Brook stream, tributary of the River Barrow
 - Bridge over Clonygowan stream, tributary of the River Barrow
 - Bridge over Rathmore stream, tributary of the River Barrow
 - Bridge over River Barrow.
- 2.4. The site is located adjacent to and traverses the River Barrow and River Nore SAC (002162) and is c. 5km east of the Slieve Bloom Mountain SPA (004160).

3.0 Proposed Development

- 3.1. The purpose of the proposed development is to facilitate the connection of the proposed Dernacart Wind Farm to the national grid at the proposed Bracklone 110kV substation.
- 3.2. The proposed development comprises c. 16km of 110kV underground cable between the substation that will form part of the proposed Dernacart Wind Farm development and the proposed Bracklone 110kV substation. The Board should be aware that a pre-application request has been received in relation to the Bracklone substation ABP ref 307295.
- 3.3. It is proposed to transmit electricity as a three-phase power supply so there will be three individual conductors in each cable circuit. The three conductors will each be laid in separate ducts to a depth of c. 1220mm. Joint bays will be placed at intervals of 500m and communication chambers (manholes) will be installed at these joint bay locations to facilitate connection of fibre optic communication cables.
- 3.4. The prospective applicant has stated that the connection into the proposed Bracklone substation will be 'tail fed' and not a loop in connection. They also state that the proposed cable will only serve the proposed Dernacart Wind Farm and would not act as a node on the national transmission.

4.0 Planning History

20/78 An application for a ten-year permission for the following development is currently under consideration by Laois County Council, an EIAR and NIS accompany this application, further information was requested on the 2nd June 2020 and is currently outstanding:

- Construction of 8 no. wind turbines with a tip height of 185 metres
- 1 no. electrical substation
- 1 no. temporary construction compound
- All associated underground electrical and communications cabling connecting the turbines to the proposed on-site electrical substation.
- Provision of new access tracks

- Erection of 1 no. meteorological mast
- Works to facilitate delivery of turbines adjacent to the N80
- All associated site development works, ancillary works and equipment.

5.0 Applicant's Case

5.1. The prospective applicant's case can be summarised as follows:

- The transmission line tail feeds the proposed on site substation and would not be of strategic importance to the state or region as it will serve only the proposed Dernacart Wind Farm which is not a Seventh Schedule development.
- The permitted substation and proposed cable will not act as a node on the national transmission network and will be privately operated and would therefore not impact the existing distribution network.
- The Development of the underground cable will not contribute to the fulfilment of objectives contained in the National Planning Framework or in any Regional Spatial and Economic Strategy and is not a critical link for other strategic developments in the area.
- The development is not of economic or social importance to the State or the region but is solely of economic importance to the developer.
- The prospective applicant is aware of precedent decisions similar to that proposed whereby An Bord Pleanála determined that the infrastructure was deemed not to be strategic. Maonvane Wind Farm (ABP Ref. 304789) was cited as an example.
- Based on the foregoing the prospective applicant submits that the proposed development does not fall within the definition of Strategic Infrastructure Development.

6.0 Legislative Provisions

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

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

6.2. 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 (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.”

6.3. 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.

6.4. 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.”

6.5. 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’:**

¹ For clarity, references to the ‘Board’ in this instance relate to the Electricity Supply Board.

- 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.”

7.0 Planning Policy

7.1. Project Ireland 2040: National Planning Framework

7.1.1. National Planning Objective 54:

“Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.”

7.1.2. National Policy Objective 55:

“Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.”

7.2. Regional Spatial Economic Strategy for the Southern Region 2040

RPO 96 - Integrating Renewable Energy Sources

It is an objective to support the sustainable development, maintenance and upgrading of electricity and gas network grid infrastructure to integrate a renewable energy sources and ensure our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows.

8.0 Assessment

8.1. This pre-application consultation concerns c.16km of 110kV underground cable intended to facilitate the connection of a proposed wind farm development at Dernacart, Co. Laois to the national grid at the proposed Bracklone 110kV substation. It is of note that the on-site substation is part of a current planning application under consideration by Laois County Council and a pre-application consultation request has been submitted by EirGrid to the Board in relation to the proposed Bracklone substation.

8.2. I note that the prospective applicant has stated within the documents submitted that consultation with EirGrid has occurred and it was indicated by EirGrid during this consultation that the proposed Bracklone substation would be a suitable connection point for the project. It is further stated that there is no connection agreement with EirGrid at present.

8.3. As outlined above the proposed development is to be tail fed from the existing wind farm and it is stated by the applicant that the development will not act as a node on the national transmission line. The development will be privately operated and only utilised to connect the proposed wind farm to the national grid.

8.4. The prospective applicant contends that 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 which include:

- 110kV substation and tail fed cable, Letter, Co. Galway (VC0100)
- 110kV substation, Shelton Abbey, Co. Wicklow (VC0103)
- 110kV substation and cable, Carrigdangan, Co. Cork (VC0104)

- 110kV substation and cable, Carrigarierk, and Sheehy More Wind Farm (VC0104)
- 110kV grid connection for Knocknamona Windfarm (VC0112)
- 110kV grid connection for battery storage in Cork (201173-18)
- 110kV overhead electricity line, Cushaling, Co. Offaly (VC0048)
- Two 110kV towers, Newtownmountkennedy, Co. Wicklow (VC0016) and tail fed 110kV substation, Esker, Co. Laois (301420-18)

- 8.5. 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 3 No. criteria contained in section 37A(2) for determining whether development constitutes Strategic Infrastructure, notwithstanding the fact that the s. 37A(2) criteria do not explicitly apply to cases falling within the scope of s. 182A rather than the Seventh Schedule of the Act.
- 8.6. With reference to the s. 37A(2) criteria, the prospective applicant submits that the proposed development is not Strategic infrastructure as: it will facilitate the connection of a privately developed and operated electricity generator that is not of a scale to be 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 Southern Region; and it would not contribute substantially to the fulfilment of any objectives of the National Planning Framework or the Regional Spatial Economic Strategy.
- 8.7. The applicant within the information submitted has stated that the proposed underground cable will traverse the administrative area of both Laois and Offaly County Councils and as such will affect the lands within two planning authority areas. Notwithstanding this, I am satisfied that the proposed works would not have a significant impact on these lands and as such satisfy part C of the requirements outlined in section 37A (2) for determining whether development constitutes Strategic Infrastructure.

- 8.8. The prospective applicant should note that the proposed development will traverse both the River Barrow and River Nore SAC (002162) and tributaries of this Natura 2000 site and as such whilst Appropriate Assessment is not relevant to this process a Screening Report and if required, a NIS will be required to accompany any future planning application.
- 8.9. Having reviewed: the information submitted by the prospective applicant regarding the proposed development; the proposed Dernacart development; the relevant objectives of the National Planning Framework and the Regional Spatial and Economic Strategy; I would agree with the prospective applicant that the proposed development does not satisfy any of the three criteria set out in s. 37A(2) of the Act.
- 8.10. Having regard to the tail-fed nature of the proposed connection to the proposed Bracklone 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 RSES. Neither do I consider that it would have a significant effect on the area of more than one planning authority, given the nature of the development to be accommodated within the road verge.

9.0 Recommendation

I recommend that Statkraft be informed that the proposed 110kV underground cable and associated works required to facilitate the connection of a proposed wind farm at Dernacart to the national transmission grid at the proposed 110kV substation at Bracklone substation in Portarlinton County Laois, as set out in the plans and particulars received by An Bord Pleanála on the 3rd April 2020 and 10th June 2020, 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 Laois and Offaly County Councils.

Sarah Lynch
Senior Planning Inspector

07th July 2020