



An  
Bord  
Pleanála

# Inspector's Report

## ABP-307295-20

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<b>Development</b>	Proposed new 4 bay 110kV Gas Insulated Switchgear (GIS) substation
<b>Location</b>	Bracklone, Portarlinton, Co. Laois
<b>Prospective Applicant</b>	ESB
<b>Planning Authority</b>	Laois County Council
<b>Type of Application</b>	Pre-Application Consultation under s.182E of the Planning and Development Act 2000, as amended
<b>Inspector</b>	Sarah Lynch

## 1.0 Pre-Application Consultation

- 1.1. The Board received a request on 5<sup>th</sup> June 2020 from ESB 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 Bracklone County Laois.

## 2.0 Site Location and Description

- 2.1. The site is located to the east of Portarlinton town, directly south of the Portarlinton wastewater treatment plant. The site is accessed from a lane to the north of the R420 and is bounded by mature and dense hedgerow along the northern and southern boundaries, and a less dense hedgerow to the east and west. The lands are currently in agricultural use and there is existing low-density residential development to the south of the site along the R420. The topography of the lands is relatively flat with little inter-visibility between the site and the regional road to the south.

## 3.0 Proposed Development

- 3.1. The proposed development will involve the construction of a new 110kV station looped into the existing Newbridge -Portlaoise 110kV circuit via an overhead line. The proposed connection will cater for the transfer of 5 MW from Blake 110kV Station, 3 MW from Newbridge 110KV station and 7 MW from Portlaoise 110kV station. The new Bracklone station will consist of 4 bay C-Type GIS station which will be looped into the Portlaoise-Newbridge station by c. 0.6km of over head line.
- 3.2. The proposed works will include the following:
- 4 bay 110kV GIS substation with
    - Two 110 kV bushbar sections in a C formation with one 110kV wing coupler
    - Two new fully equipped 110kV feeder bays (Portlaoise and Newbridge)
    - Two new fully equipped 110 kV DSO transformer bays
    - Two new 110kV sectionaliser bays with disconnects and circuit breakers.

## 4.0 Planning History

### Development Site

**10/236** Laois County Council granted permission for a new 110kV/medium voltage electrical transformer station to include

- 2 no. 110kV/MV power transformers;
- 2 no. MV interface transformers;
- 110kV outdoor switch gear;
- 2 no. 16.25m high line/cable interface towers to replace 1 no. existing wooden poleset;
- 1 no. single storey control building;
- 2.6m high palisade compound fence and gates and associated entrance and associated site works

**ABP 307022** Pre application was submitted by Statkraft in relation to the connection of a 110kV underground electricity cable to facilitate the connection of the proposed Dernacart Windfarm to the national grid at the proposed Bracklone substation. It was determined by the Board that the proposed development did not fall within the scope of section 182A of the Planning and Development Act 2000.

### Dernacart Windfarm

**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 2<sup>nd</sup> 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:

- Existing 38kV/MV capacity in the Portarlinton area is exhausted and new transformer capacity is required. The proposed works will take 6MVA of the Portarlinton load off Portlaoise 110kV station.
- Portarlinton 38kV station is a 1950's Type C indoor 38kV station. The maximum capacity of this transformer is 2x5MVA, which has an associated planning capacity of 9MVA, allowing for a 180% overload on a single 5MVA transformer.
- The station currently feeds a peak load of 12.3MVA which exceeds the 9MVA maximum. In order to meet this capacity a temporary 38kV/5MVA transformer was installed a number of years ago, this is a non-standard arrangement and needs to be rectified.
- There are capacity and voltage issues on the 38kV networks on the Portlaoise-Mountmellick-Portarlinton-Blake circuit. This network has reached capacity and is in need of replacement and upgrades. There is no capacity to cater for additional growth in the area.
- A 20kV source is required in Portarlinton, the existing 10kV busbar cannot be updated to 20kV operation.
- Portarlinton station is normally fed on 38kV overhead lines from Portlaoise which consists of 24km of copper which needs to be replaced or refurbished and 6.6km of pre 1974 SCA lines which have a limited overload capability.
- There are significant losses associated with feeding all of Portarlinton on long lengths of 38kV lines. The standby feeder for loss of Portlaoise-Mountmellick is

Blake via Portarlinton which is a 30km copper line only adequate for 1% load growth.

- The Bracklone 110kV station will reduce load on both Portlaoise and Blake 110kV stations and will also feed Monasterevin.
- 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 Board<sup>1</sup> 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.”

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

- **‘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.”

## 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.

### 7.3. Laois County Development Plan 2017-2023

- Aim 12 - Support the development of key infrastructure such as telecommunications, electricity, gas to enable economic development;
- Policy ECN10 - Ensure the provision of enabling infrastructure (potable/waste water, electricity, gas) keeps pace with the needs of existing and prospective enterprises and protect lands reserved for enabling infrastructure development;
- ELEC 4 Facilitate the provision of and improvements to energy networks in principle, provided that it can be demonstrated that:
  - I. The development is required in order to facilitate the provision or retention of significant economic or social infrastructure;
  - II. The route proposed has been identified with due consideration for social, environmental and cultural impacts;



III. The design is such that will achieve least environmental impact consistent with not incurring excessive cost;

IV. Where impacts are inevitable mitigation features have been included;

V. Proposals for energy infrastructure should be assessed in accordance with the requirements of Article 6 of the Habitats Directive.

VI. Ensure that the ability of the area to absorb overhead transmission lines is considered with reference to the National Landscape Strategy 2015.

VII. Cognisance will be taken of the Code of Practice between the DoECLG and Eirgrid(2009).

VIII. Ensure that landscape visual assessment of planning application shall focus on the potential to impact upon landscape designations and important designated sites.

## 8.0 Assessment

8.1. This pre-application consultation concerns the development of a 110kV substation which is stated as being an upgrade to the existing circuit. It is stated by the applicant that the proposed works will comprise a 110kV station looped into the existing Newbridge -Portlaoise 110kV circuit via an overhead line. The proposed development will cater for the transfer of a total of 15MVA of power from existing lines for redistribution and will also provide additional capacity to cater for growth in the area, including the distribution of electricity generated from the Dernacart Windfarm.

8.2. It is of note and of particular relevance to the classification of the proposed development, that the Dernacart Winfarm which comprises 8 turbines is a not a SID development. Power generated from this development will be tail fed to the proposed substation via a 110kV underground electricity line which, as outlined in section 4 above, has been the subject of a pre application with the Board (ref 307022). It has been determined by the Board that this proposed 110kV electricity line does not fall within the scope of section 182A of the Planning and Development Act 2000 and, as such, is also not a SID development. The connection of non-SID developments to the

proposed substation are an important indicator to the overall scale and function of the substation.

- 8.3. I note that the information submitted by the ESB makes reference to a loop in loop out arrangement which can, in some instances, indicate a new node on the system, however, the transfer of electricity in this case is in one direction, coming into the substation and being redistributed onwards to the end user. The EBS have categorised the proposed works as being an upgrade to the distribution system, essentially diverting electricity from existing lines via the substation and providing additional capacity to cater for the proposed windfarm.
- 8.4. Given the nature and function of the proposed works, being an upgrade to the distribution system, and based on the supporting information provided I am satisfied that the proposed works fall within the definition of 'Distribution' as per section 2(1) of the Electricity Regulation Act, 1999.
- 8.5. 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:
- 303587 – Lanesboro 110kV substation
  - VC110 – Galway 110kV substation
  - VC101- Inchicore 220kV substation.
- 8.6. 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.
- 8.7. With reference to the s. 37A(2) criteria, the prospective applicant submits that the proposed development is not Strategic infrastructure as it facilitates the redistribution of moderate levels of electricity and was previously approved by Laois County Council

as a non SID development in 2010. The applicant further submits that the proposed development is not of strategic importance to the State as intended by section 182A of the Act which specifically refers to the electricity transmission system.

- 8.8. 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.
- 8.9. Having regard to the modest scale and purpose of the proposed development which will facilitate upgrades to the existing distribution system, 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.

## 9.0 Recommendation

I recommend that ESB Ireland Ltd. be informed that the proposed development consisting of a 110kV substation in the townland of Bracklone Portarlinton, Co. Laois as set out in the plans and particulars received by An Bord Pleanála on the 5<sup>th</sup> 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 County Council.

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Sarah Lynch  
Senior Planning Inspector

14<sup>th</sup> September 2020