



An  
Bord  
Pleanála

## Inspector's Report ABP-308005-20

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<b>Development</b>	Proposed Extension to the Existing 110kV Slievecallan Substation, Knocklassa, Co. Clare – Pre-Application Consultation under Section 182E of the Planning and Development Act 2000, as amended
<b>Location</b>	Knocklassa, County Clare.
<b>Planning Authority</b>	Clare County Council
<b>Applicant(s)</b>	Slieveacurry Ltd.
<b>Type of Application</b>	Pre-application Consultation.
<b>Date of Site Inspection</b>	8 <sup>th</sup> October 2020.
<b>Inspector</b>	Patricia Calleary

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## **1.0 Site Location and Description**

- 1.1. The proposed site comprises a three-bay 110kV substation located on the site of an existing windfarm, known as the Slievecallan Wind Farm, in the townland of Knockalassa, c.8.5km east of Miltown Malbay and 12km south of Ennistymon in County Clare. The site is level and stated to have been previously used as a borrow pit for the construction of the existing Slievecallan windfarm and its associated substation.
- 1.2. Access is off an existing private forestry and windfarm service track, which also serves the existing electricity substation and this access connects with the R474 regional road to the south. In addition to the existing windfarm, the surrounding area is of a rural character and dominated by peat and commercial forestry. Slievecallan Mountain is located c.500m to the north. The closest house is located c.220m to the south of the site.

## **2.0 Proposed Development**

- 2.1. It is proposed to provide additional 110kV infrastructure to extend and expand the existing substation, in order to accommodate the connection of the proposed Slieveacurry wind turbines.
- 2.2. The substation is stated to have been originally granted planning permission under Pl. Ref: P10/9 (Clare County Council) and PL03.237524 (An Bord Pleanála), and subsequently amended and constructed under the provisions of Pl. Ref. 13/558 (Clare County Council). It is stated that the application for the Slieveacurry windfarm comprising of eight turbines is due to be lodged to Clare County Council shortly.

## **3.0 Legislative Provisions**

- 3.1. Under section 182A(1) of the Planning and Development Act 2000, as amended (hereafter referred to as 'the 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 the 'proposed development'), the undertaker shall prepare, or cause to be prepared, an

application for approval of the development under section 182B of the Act and shall apply to the Board for such approval accordingly.

3.2. Subsection (9) of section 182A to the Act 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.*

3.3. 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 Prospective Applicant’s Case**

4.1. The prospective applicant submits that the proposed development does not constitute strategic infrastructure development (SID), within the meaning of Section 182A of the Act, for three reasons as follows:

1. The works constitute the provision of an additional 110kV infrastructure to extend an existing substation compound and would not require any works beyond the general compound area;
2. The works would improve and extend the capacity of the existing substation to cater for the proposed Slieveacurry windfarm;

3. The works proposed would not create a new node or stand-alone substation.
- 4.2. Reference was made by the prospective applicant to previous similar type development cases, which were deemed by the Board to not constitute SID, including ABP-304856-19, ABP-303838-19, VC0104 and VC0097.

## **5.0 Pre-Application Consultations**

- 5.1. One pre-application meeting was held between representatives of the prospective applicant and the Board's representatives on the 5<sup>th</sup> day of October, 2020. The details of the meeting are set out in the record of the meeting, as contained on the Board's file. At the meeting, the applicant provided an overview of the proposed development, the site planning history and their opinion that the proposed development would not constitute SID.

## **6.0 Assessment**

- 6.1. Previous Board Orders have been issued with respect to Strategic Infrastructure pre-application consultation requests regarding the provision of electricity transmission infrastructure under section 182E of the Act, including Orders with respect to new or replacement substations, as well as amendments, replacement, additions and expansion of electricity substations and transmission infrastructures.
- 6.2. In cases of this nature, due to a lack of clarity in the interpretation of section 182A of the Act and its requirements in relation to developments of this nature, the Board has exercised some discretion and used the broad definition of the Strategic Infrastructure Act, *developments of strategic importance to the State*, and the criteria contained in s.37(A)(2) to determine such matters (noting that these criteria are not specifically cited for cases coming forward under s.182A).
- 6.3. The proposed development is similar to numerous recent Pre-Application Consultation proposals, 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 of relevance in this regard: ABP-304856-19, ABP- 303838-19, and ABP-303148-18.

- ABP-304856-19: The Board determined that a two bay extension within an existing substation at Cushaling 110kV substation does not fall within the scope of section 182A of the Act
- ABP- 303838-19: The Board determined that an addition of a new 110kV bay to connect to an existing busbar within an existing substation does not constitute strategic infrastructure.
- ABP-303148-18 The Board determined that the installation of series capacitors at three existing 400 kV electrical substations does not constitute strategic infrastructure.

6.4. In the current case now before the Board, the prospective applicants have indicated their view that the proposed development does not constitute SID under section 182A given that the proposed works would be an extension to an existing substation and would not create a new node or stand-alone substation.

6.5. Having regard to the nature and scale of the proposed development relating solely to the extension of an existing substation, which would assist in strengthening grid capacity and reliability, to the provisions of Section 182A of the Planning and Development Act 2000, as amended and to the assessment above, it can be concluded that the proposed development does not fall within the scope of section 182A of the Act, thereby there would not be a necessity to make an application directly to the Board for this proposed development.

## **7.0 Recommendation**

7.1. I recommend that Slieveacurry Ltd. be informed that the proposed development, consisting of the provision of additional 110kV infrastructure to extend and expand the existing Slievecallan substation to accommodate the connection of the proposed Slieveacurry wind turbines at Knocklassa, Co. Clare, as set out in the plans and particulars received by An Bord Pleanala on the 24<sup>th</sup> day of August, 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 Clare County Council.

*Patricia Calleary.*

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Patricia Calleary  
Senior Planning Inspector

23<sup>rd</sup> October 2020