



An  
Bord  
Pleanála

## Inspector's Report ABP-308099-20

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<b>Development</b>	Refurbishment of Dunstown-Moneypoint 400kV Overhead Line Phase 3
<b>Location</b>	Between the townland of Mountsack, Co. Tipperary and Moneypoint 400kV Electricity Station in the townland of Carrowdotia South, Co. Clare
<b>Prospective Applicant</b>	EirGrid Plc
<b>Planning Authority</b>	Clare County Council and Tipperary 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 4<sup>th</sup> September 2020 from EirGrid to enter into pre-application consultation under Section 182E of the Planning and Development Act 2000, as amended, in relation to proposed development between the townlands of Mountsack, Co. Tipperary and Carrowdotia South, Co.Clare.

## **2.0 Site Location and Description**

- 2.1. The proposed works will occur in the administrative areas of both Clare County Council and Tipperary County Council. The route of the line runs from an area 7km northwest of Silvermines Co. Tipperary and 9km south-west of Nenagh Co. Tipperary in the townland of Mountsack Co. Tipperary to the Moneypoint Electricity Station in the townland of Carrowdotia South, Co. Clare. The line runs mostly through agricultural lands and forested areas. The line crosses the Shannon south of Killaloe and crosses the River Fergus between towers also before proceeding onto Moneypoint Power Station.

## **3.0 Proposed Development**

- 3.1. The proposed development comprises of refurbishment of the Dunstown-Moneypoint 400kV Overhead line which is stated as being commissioned in 1986. Works will be carried out from tower 341 in the townland of Mountsack Co. Tipperary terminating at tower 577 at Moneypoint.
- 3.2. The proposed works will include the following:
  - Tower painting
  - Replacement individual tower members
  - Fit/Repair anti-climbing guards
  - Replacement of line identification and danger notices
  - Replacement of insulator assemblies and hardware
  - Hardware only replacement
  - Replacement of vibration dampers as required

- Replacement of earthwire hardware and vibration dampers as required
- Replacement and repair of bonding straps as required
- Replacement of shieldware hardware and associated connection plates, ancillary and associated development including temporary works
- Foundation strengthening
- Shear blockwork

## 4.0 Planning History

### Relevant Board Decisions

**VC0086** – The Board determined that the uprating of the existing 400 kV electricity line between Moneypoint Substation, Kilrush Co. Clare and Oldstreet Substation Portumna. Co Galway does not fall under the scope of section 182A of the Planning and Development Act, 2000 as amended, and did not constitute strategic infrastructure. The proposal included the following works:

- Repairing of damaged member(s)
- Recapping foundation shear blocks
- Other associated works such as tower painting, replacing line identification notices/danger notices, conductor repair work, fitting anticlimbing guards and fitting strapping to Shieldwire.

**VC0106** - The Board determined that the refurbishment of the existing Cloon to Lanesboro 110kV line does not fall under the scope of section 182A of the Planning and Development Act, 2000 as amended, and did not constitute strategic infrastructure. The proposal included the following works:

- Painting of a total of 21 no. towers.
- The replacement of a total of 204 no. wooden pole sets (out of an existing total of 340 no.).
- The replacement of 1 no. tower.

- The replacement of insulators and / or other equipment on a total of 48 no. structures.
- Undertaking foundation upgrades on 19 no. towers.
- Undertaking of other minor miscellaneous works.

**VC0108** - The Board determined that the refurbishment of the Existing Great Island to Kilkenny 110kV line does not fall under the scope of section 182A of the Planning and Development Act, 2000 as amended, and did not constitute strategic infrastructure.

The proposal included the following works:

- The replacement of the existing conductors with new higher capacity conductors that have the capacity to accommodate a higher current than the existing.
- The replacement of a total of 158 no. out of the current 232 no wooden polesets.
- The replacement of a number of cross arms of existing polesets.
- The replacement of all of the existing 26 no. steel lattice masts along the route (this may be reduced in number following detailed examination of the structures).
- The replacement of insulators and / or other hardware on a total of 44 no. structures.
- Miscellaneous works and replacement of other minor pieces of equipment.
- Painting of a total of 21 no. towers.
- The replacement of a total of 204 no. pole sets (out of an existing total of 340 no.).
- The replacement of 1 no. tower.
- The replacement of insulators and / or other equipment on a total of 48 no. towers.
- Undertaking foundation upgrades on 19 no. towers.
- Undertaking of other minor miscellaneous works.

## 5.0 Applicant's Case

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

- The proposed works are being undertaken on a phased basis.
- The works fall within the definition of exempt development as per the Planning and Development Act 2000, as amended, under section 4(1)(g)- development consisting of the carrying out by any local authority or statutory undertaker of any works for the purpose of inspecting, repairing, renewing, altering or removing any sewers, mains, pipes, cables, overhead wires, or other apparatus, including the excavation of any street or other land for that purpose.
- An Appropriate Assessment is required for the proposed works between towers 341 and 577 due to proximity of a number of Natura 2000 sites along the route.
- It is considered by the applicant that the development is not exempt and requires planning permission.
- The applicant considers that an EIAR is not required in this instance.
- The applicant considers that given the nature, scale and function of the proposed development on the transmission network, it is not Strategic Infrastructure Development as it does not come within the qualifying conditions for such development set out in Section 182A of the Planning and Development Act 2000, as amended.
- The works comprise of typical refurbishment which are part of EirGrid and ESB's routine functions.
- The proposal does not fall within 37(A)(2) of the Planning and Development Act 2000, as amended and the categories of development listed in the Seventh Schedule (Energy Infrastructure) to the Planning and Development Act 2000, as amended.
- The applicant refers to similar cases whereby similar development was not considered to be SID as follows:
  - VC0106 – Galway
  - VC0108 – Kilkenny

- 305276 – Wexford

## 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.”

- **‘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

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

(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. **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.



## **North Tipperary County Development Plan 2010 (as varied 2017)**

**Section 8.5** The appropriate expansion of the national grid is important to ensure adequacy of regional connectivity for sustainable economic growth as well as facilitate the development and connectivity of sustainable renewable energy resources. In this respect, the Council will facilitate the sustainable and appropriate development of additional electricity generation capacity throughout the region/county and support the sustainable expansion of the network.

## **Clare County Development Plan 2017-2023**

- **CDP6.10 Development Plan Objective: Moneypoint Power Plant**

It is an objective of Clare County Council: To facilitate the diversification and expansion of Moneypoint Power Station and to work with all relevant stakeholders to identify and secure alternative future uses for the Strategic Development Location, that complement and are compatible with the existing energy use, in accordance with the findings and recommendations in the SIFP, in order to ensure on-going employment and support economic growth in the West Clare area.

- **CDP8.37 Development Plan Objective: Energy Security**

It is an objective of Development Plan: To promote and facilitate the achievement of secure and efficient energy supply, storage and distribution for County Clare.

- **CDP8.38 Development Plan Objective: Electricity Networks**

It is an objective of Clare County Council:

- (a) To facilitate improvements in energy infrastructure and encourage the expansion of the infrastructure within the County;
- (b) To facilitate future alternative renewable energy developments and associated utility infrastructure throughout the County;
- (c) To collaborate with Eirgrid to facilitate the delivery of quality connection, transmission and market services to electricity generators, suppliers and customers utilising the high voltage electricity system in County Clare;
- (d) To collaborate with Eirgrid over the lifetime of the Plan to ensure that the County's minimum target of 966MW renewable energy generation is

achieved and can be accommodated on the electricity network in County Clare;

- (e) To have regard to environmental and visual considerations in the assessment of developments of this nature.

## 8.0 Assessment

- 8.1. This pre-application consultation concerns the refurbishment of the Dunstown-Moneypoint 400kV Overhead line. It is stated by the applicant that works will be carried out from tower no. 341 in the townland of Mountsack Co. Tipperary terminating at tower no. 577 at Moneypoint Co. Clare. I note that it is stated by the applicant that the Dunstown-Moneypoint 400kV overhead line, which was commissioned in 1986, now requires major refurbishment in order to restore the economic benefit of the asset and extend its operational life. It is further stated that the line in its entirety is approximately 208 km in length and has 578 structures. The works are being undertaken on a phased basis across at least 3 outage seasons. This pre-application relates to the final phase (3) of the works.
- 8.2. EirGrid contend within their submission that works from Section 1-185 and Section 186-340 which comprise phase 1 & 2 of the refurbishment works are exempt development falling under the provisions of Section 4(g) of the Planning and Development Act 2000, as amended, whereby '*development consisting of the carrying out by any local authority or statutory undertaker of any works for the purpose of inspecting, repairing, renewing, altering or removing any sewers, mains, pipes, cables, overhead wires, or other apparatus, including the excavation of any street or other land for that purpose*'.
- 8.3. However, EirGrid further considers that the proposed works, the subject of this pre-application consultation, are development requiring planning permission, by virtue of the requirement of an Appropriate Assessment due to the proximity of a number of European sites to the proposed works.
- 8.4. I note in this regard that Section 4(4) of the Act, restricts such exemptions outlined in Section 4(g) as follows: '*notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an **appropriate assessment***

*of the development is required*'. Given the proximity of the proposed works to the Lower River Shannon SAC and the River Shannon and River Fergus SPA, it is considered by the applicant that an Appropriate Assessment is necessary for the final phase of refurbishment.

8.5. The matter that arises for determination by the Board in this case, therefore, relates solely to a pre-application consultation request by EirGrid seeking the Board's opinion on whether the proposed development would constitute strategic infrastructure.

8.6. The works proposed are clearly for the purposes of electricity transmission. Section 182A does not define strategic infrastructure development. In these circumstances I consider that it is reasonable to refer to the long title of the Planning and Development Act, 2006, which provides for the making directly to An Bord Pleanála of applications for permission for "developments of strategic importance to the State". Although not repeated under Section 182A, Section 37A(2) of the 2000 Act as inserted by the 2006 Act, referring to 7th Schedule development, describes strategic development generally as;

- Development of strategic economic or social importance to the state or the region in which it would be situated.
- Development which would contribute substantially to the fulfilment of any of the objectives of the National Spatial Strategy or in any regional spatial and economic strategy in force in respect of the area in which it would be situated,
- Development which would have a significant effect on the area of more than one planning authority.

This section together with the spirit and purpose of the Act provides a guide to the nature and scale of development that would constitute 'strategic infrastructure development'.

8.7. The current proposal before the Board is for the refurbishment of an existing 400 kV circuit and accordingly the principle and strategic nature of the line has already been established. The works are required to ensure that the existing transmission infrastructure, remains fit for purpose going forward and will not alter the extent of the route. Its voltage, alignment, nature and character will remain unchanged.

8.8. I consider that similarities can be drawn between the current proposal and those recently determined by the Board as outlined by the applicant, VC0106, refurbishment

of the existing Cloon to Lanesboro 110kV overhead line, VC0108, the refurbishment of the Great Island – Kilkenny City 110kV line which included the largescale replacement of both steel towers and wooden polesets. In both cases the Board decided that these developments did not constitute strategic infrastructure development.

- 8.9. Of particular relevance to the proposed development is VC0086, the refurbishment of the 400kV line between Moneypoint Co. Clare and the Oldstreet substation in Co. Galway which comprised the replacement and remedial works to structures, hardware and/or conductor on an existing transmission line. The works also included tower painting, fitting anticlimbing guards, replacing line identification notices and recapping of foundations. These works which are significantly similar to those proposed and were carried out on a similar voltage line. The Board determined that these works did not constitute Strategic Infrastructure development.
- 8.10. It can be argued that the proposed works are significantly similar to the foregoing cases determined by the Board. The nature of the proposed works is to reinforce the existing transmission infrastructure and I consider it would not be unreasonable for the Board to reach a similar conclusion.
- 8.11. While the proposed development could be deemed to be for the purposes of transmission within the meaning of the Planning and Development Act 2000, as amended, having regard to the relatively minor nature of the works, to the stated purpose of the 2006 Act, as set out in the long title, to the general description and scale of strategic infrastructure development set out in section 37A(2), and the recent decisions by the Board in respect to similar uprate works on other transmission lines, I conclude that the proposed development consisting of the refurbishment of the existing 400 kV line between Dunstown in Co. Tipperary and Moneypoint in Co. Clare does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended.

## 9.0 Recommendation

I recommend that EirGrid be informed that the proposed development consisting of refurbishment of the Dunstown-Moneypoint 400kV Overhead line as set out in the plans and particulars received by An Bord Pleanála on the 4<sup>th</sup> September 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 Tipperary County Council and Clare County Council.

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Sarah Lynch  
Senior Planning Inspector

16<sup>th</sup> October 2020