



An
Bord
Pleanála

Inspector's Report

ABP-308422-20

Development	Proposed 110kV substation
Location	Ballyvalode, Co. Limerick
Prospective Applicant	Harmony Solar Limerick, Limited.
Planning Authority	Limerick City and County Council
Type of Application	Pre-Application Consultation under s.182E of the Planning and Development Act 2000, as amended
Site Inspection	6 th November 2020
Pre – application meeting	7 th December 2020
Inspector	Sarah Lynch

1.0 Pre-Application Consultation

- 1.1. The Board received a request on 14th October 2020 from Harmony Solar Limerick Limited 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 Ballyvalode, Co.Limerick.

2.0 Site Location and Description

- 2.1. The site is located within the townland of Ballyvalode in County Limerick, c.2.5km north of the village of Oola. The development site comprises a large agricultural field which is set back from the public road. A corridor via an adjacent field provides access to the R507 to the west. The topography of the site is relatively flat and is bounded to the north, east and west by a mature hedgerow and treeline. The site is largely out of sight from surrounding properties with the closest residence located c. 250 metres to the east of the site.
- 2.2. Development within the surrounding area comprises one off housing and agricultural structures. A linear cluster of 7 no. houses is located c. 700 metres west of the site along the R507.
- 2.3. The proposed development which will cover c.6.5ha will be linked to c. 143.5 ha of solar array located in ten landholdings over five sites.

3.0 Proposed Development

- 3.1. The proposed development will involve the construction of a new 110kV Loop-in, Loop-out (LILO) substation into the existing 110kV circuit via an underground line. The proposed connection will cater for the transfer of an estimated maximum export capacity of c. 160MW and will comprise the substation and compound, access road, underground cabling and end masts.

4.0 Planning History

No recently recorded history on site.

5.0 Applicant's Case

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

- The proposed development is required to transmit a maximum power of 160MW generated by c.150ha of solar array.
- The proposed substation by virtue of the LILO connection will become a node for the 110kV overhead line and will therefore form part of the national transmission network.
- The proposed development will contribute substantially to the fulfilment of the objectives of the National Planning Framework, Climate Action Plan, and the Southern Regional Spatial and Economic Strategy.
- There are a number of precedent decisions for similar developments issued by the Board such as VC0111- 110kV substation at Rosspile Co. Wexford, 300398- 110kV substation at Timahoe North, Ballydermot, County Kildare. 301206 – 110kV substation at Mothel and Curraghduff Co. Waterford.
- These cases are directly comparable to the proposed development.
- The applicant submits that the proposed development constitutes Strategic Infrastructure Development.

6.0 Consultations

6.1. One pre-application meeting was held with the prospective applicant on the 7th December 2020. The Record of the meeting is attached to the file. One presentation was made to the Board's representatives at the meeting which is also attached to the file. The principal matters arising related to the need for the proposal, the planning history of the site, alternatives considered and the issues pertaining to the development in terms of local planning policy, community engagement, potential environmental impacts and the requirement for up-to-date surveys to adequately inform the NIS and EIAR.

7.0 Legislative Provisions

7.1. 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)”

7.2. 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.”

7.3. 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.

7.4. 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.”

7.5. 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”

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

- **‘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.”

8.0 Planning Policy

8.1. Project Ireland 2040: National Planning Framework

8.1.1. 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.”

8.1.2. 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.”

8.2. **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.

8.3. **Limerick County Development Plan 2010-2016**

Section 10.13 Renewable Energy Developments

- All methods of energy production have impacts on the environment. Notwithstanding this, the need to adopt a more sustainable approach to energy production is acknowledged by the Planning Authority. A favourable approach to applications for renewable energy developments provided they are environmentally sustainable will be adopted. The cumulative effect of such developments on the landscape and the environment will be taken into consideration.

Section 10.13.1 Renewable Energy Developments other than wind power

- Projects involving other indigenous sources of energy such as hydroschemes, wave and tidal power, solar, landfill gas, biomass, energy crops, forestry waste, biogas from sewage sludge and farm slurry, will be assessed in a similar manner with the policy of the Planning Authority of permitting developments which are environmentally sustainable. In assessing any application, the advice of the relevant statutory bodies will be sought and considered by the Planning Authority.
- It is advised that applicants consult with the Department of the Environment, Heritage and Local Government as well as the Planning Authority in advance of making a planning application.

9.0 **Assessment**

9.1. **Strategic Infrastructure**

- 9.2. This pre-application consultation concerns the development of a 110kV substation and underground cable which is stated as providing a connection from a large Solar Farm (c. 143.5ha) to the National Grid via a 110kV transmission line that crosses the lands c.30m from the proposed development.
- 9.3. In the interest of clarity, as per the prospective applicant's original submission to the Board which sets out the nature and extent of development on which it sought pre-application consultations, it is important to note that the proposed solar farm is not development specified in the Seventh Schedule of the Planning and Development Act, 2000, as amended. As such Section 37A(1) does not apply to this element of the overall development. Pre-application consultations pertain solely to the development of the 110kV substation and associated infrastructure.
- 9.4. The proposed substation will cater for the transfer of a maximum 160MW of power generated from the solar farm to a 110kV underground cable which will connect to an existing 110kV overhead cable on the development lands as referred to above.
- 9.5. Section 182A (9) of the Act sets a threshold of 110kV in order for a high voltage electricity transmission line to be considered strategic infrastructure. No threshold is set in respect of a substation.
- 9.6. Having regard to the nature and function of the substation, I consider that the substation constitutes electric plant as defined above in section 2(1) of the Electricity Regulation Act, 1999, as amended, in that is it plant for the purposes connected with the generation of electricity.
- 9.7. With regard to the electricity transmission line, I note that the prospective applicant has stated that the proposed substation will be operated on a loop in loop out arrangement. It is stated within the prospective applicant's documentation that the substation will become a node on the national transmission grid, transmitting electricity in both directions. Having regard to the information submitted and that presented during the course of the pre-application meeting I consider that the proposed substation and underground cable will become an integral part of the national grid transmission infrastructure, the prospective applicant's correspondence is clear in this regard.
- 9.8. I conclude that the substation, in forming such a node on the 110kV transmission network, constitutes Strategic Infrastructure. I draw the Board's attention to the

prospective applicant's contentions that the proposed development is similar to a number of previous proposals in other locations where the Board determined that the development fell within the scope of section 182A of the Act which include:

- VC0111- 110kV substation at Rosspile Co. Wexford,
- 300398- 110kV substation at Timahoe North, Ballydermot, County Kildare.
- 301206 – 110kV substation at Mothel and Curraghduff Co. Waterford

9.9. In the foregoing cases the Board determined that the provision of a new 110kV substation to be looped into the existing transmission network constitutes Strategic Infrastructure. I consider that the subject case is comparable with the foregoing and therefore constitutes Strategic Infrastructure.

9.10. **Prescribed Bodies**

9.11. In view of the scale, nature and location of the proposed development, as described in this report, it is recommended that the prospective applicant should consult with the prescribed bodies listed in the attached Appendix in respect of any future application for approval.

10.0 **Recommendation**

I recommend that Harmony Solar Limerick Ltd. be informed that the proposed development consisting of a 110kV substation in the townland of Ballyvalode Co. limerick as set out in the plans and particulars received by An Bord Pleanála on the 14th October 2020, does fall within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should be made directly to the Board.

Sarah Lynch
Senior Planning Inspector

3rd February 2021

Appendix 1

The following is a list of prescribed bodies considered relevant by the Board.

- Minister for Housing, Local Government and Heritage
- Minister for Culture, Heritage and the Gaeltacht (Development Applications Unit)
- Minister for Communications, Climate Action and Environment
- Limerick County Council
- Irish Water
- Inland Fisheries Ireland
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Aviation Authority
- Health & Safety Authority
- Commission for Regulation of Utilities

Further notifications should also be made, where deemed appropriate.

Note : The prospective applicant should be advised to submit a standalone document (which may form part of the EIAR) with the planning application, which outlines the mitigation measures, in the interest of convenience and ease of reference.