



An
Bord
Pleanála

Inspector's Report ABP-308436-20.

Development	Proposed 110 KV substation.
Location	Shantallow, Co. Galway.
Prospective Applicant	Shantallow Solar Farm Limited.
Planning Authority.	Galway County Council.
Type of Application	Pre-Application consultation under section 182E of the Planning and Development Act 2000, as amended.
Date of Site Inspection	13 th November 2020.
Inspector	Mairead Kenny.

1.0 Overview

The Board on the 15th of October received a request to enter into pre-application consultation under section 182E of the Planning and Development Act 2000 as amended in relation to a proposed 110 kV substation with a loop in connection to the 110 kV overhead line on lands at Shantallow, Co. Galway.

The proposed substation would serve a solar farm which was permitted under an application made to Galway County Council.

A virtual meeting was held with the prospective applicant on the 1st of December 2020. The applicant requested closure of the pre-application consultation by email on the 3rd of December 2020.

2.0 Site Location and Description

The site is in a rural area close to the junction of the M6 and M18, which is a few kilometers east of Oranmore, Co. Galway. The main road in the immediate vicinity of the site is the R446, which adjoins the northern site boundary. The site of the proposed development is presently accessed by way of a private farm laneway off the regional road. There is another laneway to the east which would serve as the access for the proposed development. The site is traversed by a 110kV line. The subject lands are used for cattle grazing at present.

3.0 Proposed Development

The details of the proposed development are described in the documentation presented by ESB on behalf of the applicant 'Shantallow Solar Farm Limited', which was received by the Board on the 15th of October 2020.

The application drawings presented include a layout showing the proposed substation in the context of the permitted solar energy development.

The substation would be connected to the grid by way of a loop in connection to the existing overhead power line which traverses the existing farmyard.

The sole purpose of the substation is described as being to transmit the solar energy generated on the site to the 110 kV overhead line.

The location of the proposed substation is the same as previously permitted and the revisions which would be included in the subject substation arise from changes to the Eirgrid Grid Code Standards.

The revisions include increased clearances and re-arrangements as indicated on drawing no. A333-DWG-STW-001-006.

4.0 Planning History

Under planning reg. ref. 17/1544 permission was granted for a solar farm development on a site of 71 hectares and which would result in exporting of up to 35MW of electricity to the national grid.

The permitted development included a 110kV substation facility with loop in to existing 110kV overhead line on site including 2 No. new 110kV end mast towers (approx. 19.5m in height) and optional permission for a 38kV substation in lieu of the 110kV substation.

The proposed development was not subject to SID screening.

5.0 Prospective Applicant's Submission

The subject development would not constitute Strategic Infrastructure for the purposes of electricity transmission, pursuant to section 182A of the Act as the proposed development does not satisfy the criteria set down in section 37A of the Act. The case is that given its nature and function, its modest scale and the fact that it is primarily required to facilitate compliance with the revised standards, the proposed development is not of strategic importance to the state as intended by section 182A of Act.

The prospective applicant refers to precedents where the Board has determined that substations associated with one specific energy generation project, do not fall within the scope of section 182A of the Planning and Development Act 2000, as amended. These include 03.VC0078 (Booltiagh, County Clare), 04.VC0067 (Knockraha, County Cork) and 23.VC0075 (Cappawhite, County Tipperary).

6.0 Relevant Legislation

Section 182A (1) of the 2000 Act (inserted by section 4 of the 2006 Act) provides that where a person, (thereafter 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 ‘proposed development’), the undertaker shall prepare, or cause to be prepared, an application for approval of development under section 182B and shall apply to the Board for such approval accordingly.

Subsection 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.

Section 2(1) of the Electricity Regulation Act, 1999:

“Transmission” is defined as

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.

“Distribution” is defined as

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” is defined as:

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.

7.0 Assessment

- 7.1. I consider that the proposed 110kV substation would be described as electric plant as defined in relevant legislation.
- 7.2. The proposal is for a loop in grid connection and substation where existing overhead 110 kV cables are diverted by way of new underground cables into the proposed 110 kV substation and back again to the transmission network. In effect the current would pass from the OHL to the substation and onwards again back to the OHL.
- 7.3. Having regard to the nature of the proposed development I am satisfied that the substation will comprise a node on the existing transmission network. The proposal therefore meets the definition of electricity transmission under section 2 (1) of the Electricity Regulation Act 1999. As such it would fall under section 182A of the PDA and would be deemed to be strategic infrastructure.
- 7.4. The Board may wish to have regard to the fact that the proposed development constitutes revisions to a previously permitted substation and that for this reason the development would not constitute strategic infrastructure.
- 7.5. Had the prospective applicant entered into pre-application consultations instead of including the substation as an ancillary development in the application to the planning authority, I consider that the evidence is that the Board would have deemed it to be strategic infrastructure.
- 7.6. The development has not commenced. The revisions would provide for further capacity within the permitted compound and thus the nature of the subject development is materially different to the permitted development.
- 7.7. For these reasons, I consider *de novo* consideration is appropriate and that significant weight should not be given to the extant permission in determining this case.

- 7.8. In the circumstances of this case I consider that the proposal falls under section 182A. There is no requirement to refer to the purpose of the 2006 Act or to the criteria under section 37A.
- 7.9. I conclude that the proposed development as described in the submitted documentation constitutes strategic infrastructure within the scope of section 182A of the Planning and Development Act 2000, as amended, necessitating an application direct to the Board.
- 7.10. I attach an Appendix of relevant prescribed bodies.

8.0 Recommendation

- 8.1. I recommend that the prospective applicant Shantallow Solar Farm Ltd be notified that the proposed development consisting of a 110 kV substation at Shantallow Solar Farm, Co. Galway as described in the documents received by the Board on the 15th of October 2020 falls 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.

Mairead Kenny
Senior Planning Inspector

4th November 2020

Appendix – list of prescribed bodies

The following list identifies the prescribed bodies which are considered relevant in this instance for the purposes of Section 182A(4)(b) of the Act.

- Minister for the Environment, Heritage and Local Government
- Minister for Communications, Marine and Natural Resources
- Galway County Council
- Transport Infrastructure Ireland
- Commission for Regulation of Utilities, Water and Energy
- Irish Water