



An
Bord
Pleanála

Inspector's Report

ABP-310830-21

Development

Uprate of the 110kV circuit between Castlebar 110kV substation in Co. Mayo and Cloon 110kv substation in Co. Galway

Location

Between Aghalusky, Castlebar, Co Mayo and Cloonascragh, Tuam. Co. Galway

Planning Authorities

Mayo County Council and Galway County Council

Prospective Applicant

EirGrid plc.

Type of Request

Section 182E request for SID
Preapplication consultation – whether project is or is not strategic infrastructure development.

Inspector

Una Crosse

Date of site inspection:

None Required

1.0 Introduction

- 1.1. EirGrid plc. requested Pre-Application Consultations under Section 182E of the Planning and Development Act, 2000, as amended, for the proposed uprating of the existing 110kV circuit between the Castlebar 110kV substation in Co. Mayo and Cloon 110kv substation in Co. Galway.
- 1.2. Pre-Application Consultations took place virtually between An Bord Pleanála (the Board) and the prospective applicant on 8 September 2021 (see Record).
- 1.3. The primary purpose of the meeting was to address the issue of whether or not the proposed development constitutes strategic infrastructure for the purposes of the 2000 Act, as amended by the Planning and Development (Strategic Infrastructure) Act, 2006, and where necessary to consider matters relating to the proper planning and sustainable development of the area or the environment which may have a bearing on the Board's decision, and procedures involved in making the any future application.
- 1.4. This Report provides an overview of the proposed project, a summary of the meeting and the advice provided by the Board and the legislative provisions.
- 1.5. This report recommends that the proposed development does not constitute strategic infrastructure.

2.0 Site Location

- 2.1. The proposed development is located along the existing 110kV circuit from the Castlebar 110kV substation located to the southwest of the town centre in the townland of Aghalusky to the Cloon substation which is located in the townland of Cloonascragh to the southeast of Tuam in Co. Galway. The existing 110kV circuit traverses farmland for most of its route with peatlands and poor ground conditions along part of the line. The line also crosses a number of major road crossings, in particular the N60, M18 and N83. Rail crossings also occur as does the crossing of the Cashla to Dalton 110kV line.

3.0 Proposed development.

As outlined in the initial submission and the presentation to the meeting, the proposed development would comprise upgrading the existing 110kV circuit between the Castlebar and Cloon 110kV substations over a distance of c.57km. The prospective applicant stated that the current network in the NW region does not have the necessary capacity to accommodate future needs and it is proposed to replace the older apparatus with modern fit for purpose equipment.

The proposed upgrade would include the replacement of the following:

- 57.3 km one phase Optical Phase Conductor (OPPC);
- 39 lattice steel towers;
- 21 Anti-Climbing Guards;
- 53 wooden polesets
- 50 crossarms;
- 6 suspension insulators, all strain insulators 292 No. labels & notices.
- 360m cutting of timber.
- the bay conductor in the Castlebar bay in Cloon 110 kV station,
- the bay conductor in the Cloon bay in Castlebar 110 kV station, and,
- the c.175m cable section at the Castlebar 110 kV section to ensure a busbar – to – busbar summer/winter rating of 935A/1102A on the Castlebar – Cloon 110 kV circuit.

4.0 Prospective applicants' case

- 4.1. The current network in the North West does not have the capacity to accommodate the expected future generation and maintain compliance with the Transmission System Security and Planning Standards (TSSPS) with this project part of a suite of upgrades being progressed in the North West to aid in the delivery of future renewable generation and alleviate some of the constraints on current connected generation.
- 4.2. It is stated that the best performing option is a thermal upgrade to 430 mm² ACSR with an operating temperature of 80°C which will deliver a summer/winter rating of 935A/1102A and telecommunications will be maintained via fibre.

- 4.3. The works are of a relatively routine nature comprising the uprating of an existing line and not the construction of a new line. The applicants are of the opinion, therefore, that the works proposed would not constitute strategic infrastructure development.
- 4.4. It is further considered that the proposed works would generally constitute exempted development pursuant to section 4(1)(g), Planning and Development Act 2000 (as amended) but for the applicants' appropriate assessment screening that has concluded that Stage 2 Appropriate Assessment is required. As such a planning application, including a Natura Impact Statement, will be submitted to the relevant competent authority as directed by An Bord Pleanála.
- 4.5. The general scope of the proposed works is described in the applicants' submission and is outlined above. The proposal comprises typical uprate works as part of the EirGrid and ESB's routine function.
- 4.5.1. EirGrid 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.
- 4.5.2. It is further submitted that neither does the proposal 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.

5.0 Pre-Application Consultations

- 5.1. One Consultation meeting was held virtually via MS Teams on 8 September 2021. The prospective applicant's presentation, identified the need for the proposed development, described the site and surroundings and outlined the main elements of the proposed works. The exempted development provisions applicable were outlined as was the statement on strategic infrastructure as outlined in the case above. Precedents relevant to the Boards consideration of the matter were provided. The Board representatives queried the reasoning behind the screening in for AA.

6.0 Relevant Precedents

The following table outlines the precedents that the prospective applicant consider are relevant:

ABP Ref	PA	Description	ABP Decision	Year
VC0106	Galway	Refurbishment of the existing Cloon to Lanesboro 110kV Overhead Line	Not SID	2017
VC0108	Kilkenny	Uprate and refurbishment of the existing Great Island - Kilkenny 110kV Overhead Line substation in Co. Wexford & Co. Kilkenny	Not SID	2018
305276	Wexford	Refurbishment works to the existing Great Island - Kellis 220 kV Line	Not SID	2019
309446	Donegal	Uprating of 110kV circuit between Binbane 110kV Substation and Cathaleen's Fall 110 kV Station, Co. Donegal.	Not SID	2021

7.0 Legislative provisions

- 7.1. Under section 182A(1) of the 2000 Act (inserted by section 4 of the 2006 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 ‘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:

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 high voltage line where the voltage would be 110 kilovolts or more, or an interconnector, whether ownership of the interconnector will be vested in the undertaker or not.

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.

8.0 Assessment

- 8.1. While not explicitly stated in the pre-application documentation the subject 110kV circuit, by reference to the statutory definition set out at Section 7.1 above, is clearly part of the transmission network for the purposes of the Planning Act.
- 8.2. The Board will note, in making decisions on strategic infrastructure pre-application consultation requests under section 182E in relation to works to electricity transmission infrastructure of a relatively minor nature, and in the context of the lack of clarity in the interpretation of section 182A, that it has exercised some discretion. Specifically, it has referenced the broad definition of the Strategic Infrastructure Act, *developments of strategic importance to the State*, and the criteria contained in section 37(A)(2) to determine such matters (noting that these criteria are not expressly cited for cases coming forward under s.182A).
- 8.3. The decision in case Ref. 10.VC0108, June 2018, is of particular relevance. The proposed development in this case was the refurbishment of the Great Island (County Wexford) – Kilkenny City 110kV line. It involved both an uprate of the line and extensive works, including largescale replacement of both steel towers and wooden pole sets. The Board decided that it did not constitute strategic infrastructure development. The Inspectors Report in the case also documents previous relevant

decisions – Refs. VC0071; VC0077; VC0079; VC0080; and VC0086. All of the aforementioned involved line uprates and were determined by the Board not to constitute strategic infrastructure.

- 8.4. Most recently (June 2021), the Board determined that the uprating of the existing 110kV circuit between Binbane 110kV Substation in Tullinlough, Co. Donegal and Cathaleen's Fall 110 kV Station, Ballyshannon, Co. Donegal over a distance of c.45km with the replacement of existing infrastructure such as towers and pole sets was not strategic infrastructure.
- 8.5. In the current case the prospective applicants have indicated their opinion that the proposed development does not constitute strategic infrastructure under s.182A given that the proposed works are of a minor routine nature and would be exempt other than the screening in for the purposes of AA.
- 8.6. Having regard to the stated purpose of the 2006 Act as set out in the long title and to the general description and scale of strategic infrastructure development set out in section 37A(2), I consider that the proposed development as described would not constitute strategic infrastructure. I conclude, therefore, that it does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended, necessitating the making of an application directly to the board.

9.0 Recommendation

- 9.1. I recommend that EirGrid plc. be informed that the proposed development, consisting of uprating of the existing 110kV circuit between the Castlebar 110kV substation in Co. Mayo and Cloon 110kv substation in Co. Galway, as set out in the particulars received by An Bord Pleanála on the 14 July 2021, 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 Mayo County Council and Galway County Council.

Una Crosse

Senior Planning Inspector

September 2021