



An
Bord
Pleanála

Inspector's Report ABP-311020-21

Development	Proposed 220kV substation and associated grid connection to Maynooth-Gorman 220kV line
Location	Townland of Woodtown, County Meath
Prospective Applicant	Energia Solar Holdings Limited
Planning Authority	Meath County Council
Type of Application	Pre-Application Consultation under s.182E of the Planning and Development Act 2000, as amended
Date of Site Inspection	25 th March 2022
Inspector	Niall Haverty

1.0 Introduction

- 1.1. The Board received a request on 4th August 2021 from AECOM, acting on behalf of Energia Solar Holdings Limited ('the prospective applicant'), to enter into pre-application consultation under section 182E of the Planning and Development Act 2000, as amended ('the Act'), in relation to proposed development consisting of the construction of a 220kV substation and associated grid connection to the Maynooth-Gorman 220kV overhead line in the townland of Woodtown, Co. Meath.
- 1.2. Two consultation meetings were subsequently held between An Bord Pleanála and the prospective applicant on 22nd November 2021 and 27th April 2022, respectively. The prospective applicant formally requested closure of the pre-application consultation process in a letter dated 7th June 2022.
- 1.3. This Report provides an overview of the proposed development, a summary of the meetings and the advice provided by the Board, the legislative provisions, relevant precedents and recommends that the Board determine that the proposed development does fall within the scope of section 182A of the Act. A recommended list of Prescribed Bodies that should be forwarded copies of the application is included in Appendix A.

2.0 Site location

- 2.1. The proposed site, which has a stated area of c. 3.7 ha, is located in the townland of Woodtown, Co. Meath. The R125 regional road is located c. 2km to the east, with the L62051 and L2207 local roads to the west and east, respectively. The nearest settlements are Summerhill which is c. 6km to the west, Dunshaughlin which is 7km to the north east, and Dunboyne, which is c. 13.5km south east.
- 2.2. The site is currently in agricultural use with access via an informal farm track that connects to residential property located c. 500m south west. The land and surrounding area is generally flat or gently rolling, comprising medium to large fields with well-defined hedgerow boundaries. There is limited one-off housing and agricultural development in the surrounding area.

2.3. The Maynooth-Gorman 220kV overhead power line traverses the site in a north to south direction.

3.0 Proposed Development

3.1. The proposed development, which the prospective applicant refers to as the Culmullin Substation, is stated to comprise a 220kV Air Insulated Switchgear (AIS) substation, looped into the Maynooth-Gorman 220kV overhead power line. 4 No. feeder bays are proposed within the substation, 2 No. bays for EirGrid and 2 No. bays for the applicant's transformers.

3.2. The description of the proposed development, as updated at the second meeting, includes:

- MV control and switchgear building.
- 2 No. 220/33kV grid transformers.
- 220kV control building.
- HV AIS busbar/switchgear.
- Lightning protection masts.
- 2 No. new Line Cable Interface Masts to facilitate the removal of c. 60m of existing 220kV overhead lines.
- 120m of new underground cables to connect the substation to the grid.
- Telecoms mast outside of substation compound.
- Palisade fencing and associated development.

3.3. The purpose of the proposed development is to facilitate the connection of 2 No. solar farms to the national grid. These are the Derryclare Solar Farm and the Summerhill Solar Farm, which will be connected via 33kV underground cable to the proposed substation. At the second meeting, the prospective applicant advised that planning permission would be sought for a third solar farm at Bogganstown that would also utilise the proposed substation.

- 3.3.1. It is stated that the substation and grid connection will be constructed to EirGrid specifications and ownership will be transferred to ESB/EirGrid following construction.
- 3.3.2. The request was accompanied by a report, cover letter and drawings prepared by AECOM. An updated drawing and draft EIA screening report were submitted at the second meeting.

4.0 Prospective Applicant's Case

- 4.1. The prospective applicant's case can be summarised as follows:
- No similar proposals have been identified where the Board determined that the development did not constitute SID.
 - Mandatory EIA is not required for the transmission infrastructure, with reference to Schedule 5, Part 1, Paragraph 19 of the Planning and Development Regulations.
 - An EIA Screening Report is being prepared.
 - As the transmission infrastructure is not considered to be 'private' SID, no EIA requirement is triggered.
 - The transmission infrastructure does not form part or is integral to an EIA development. The High Court has found that solar farms do not require EIA.
 - The substation constitutes electric plant as defined in the Act, in that it is plant for the purposes connected with the generation of electricity.
 - The loop-in will comprise 220kV high voltage cables that will divert the existing circuit into the substation and back out again. Consequently, the substation will become a new node along the existing circuit forming an integral part of the transmission grid in the ownership of EirGrid once constructed.
 - The proposed development falls within the meaning of section 182A of the Act. The Board is requested to serve a notice that the proposed development constitutes Strategic Infrastructure Development.

5.0 Planning History

5.1. ABP-312723-22 (Reg. Ref. 21/985): Derryclare Solar Farm

- 5.1.1. Current third party appeal against Meath County Council's decision to grant planning permission for a solar energy plant and ancillary equipment on lands including Derryclare, Cloneymeath, Ballygortagh and Moynalvy, Summerhill, Co. Meath. Decision pending.

5.2. Reg. Ref. 21/2214: Summerhill Solar Farm

- 5.2.1. Current planning application to Meath County Council for solar PV energy development and associated development on lands including Culmullin, Woodtown, Arodstown and Summerhill, Co. Meath. Decision pending.

6.0 Relevant Precedents

- 6.1. Table 6-1 of the prospective applicant's report sets out a list of what they consider to be relevant SID cases. The following table outlines the most recent and relevant precedents for the proposed construction of new 110kV or 220kV substations.

ABP Ref.	Development Description	Decision Date	ABP Decision
311176	Proposed construction of two new 110kV substations and 110kV underground cable connecting both substations	2022	Is SID
311403	Proposed development of 110kV infrastructure	2022	Is SID
311276	Proposed 220kV GIS Substation	2021	Is SID
310846	110kV substation to feed into the existing Athlone 220/110 kV substation at Monksland, Co. Roscommon, including underground cable connection and all associated works	2021	Is SID
310076	110kV substation and provision of electrical connection to the national grid.	2021	Is SID
310033	Proposed development of a 220kV substation and grid connection at existing Dunnstown 400kV substation	2022	Is SID

310026	Proposed development of a 110kV substation at Dennistown Solar Energy Development and a 110kV underground cable connecting it to Wexford substation	2021	Is SID
303412	220kV electricity substation, 2 no. 220KV circuits forming a loop-in/loop out to the existing Maynooth-Woodland 220kV Overhead Line and 3 no. 220kV circuits connecting the proposed substation to electricity transformers.	2019	Is SID
301188	220kV substation and associated works	2018	Is SID

7.0 Pre-Application Consultation Meetings

7.1. Two consultation meetings were held between An Bord Pleanála and the prospective applicant on 22nd November 2021 and 27th April 2022, respectively. Full details of the meetings and matters discussed are contained in the Board's records for the meetings, but can be summarised as follows:

- **First Meeting:**

- EIA: The Board's representatives noted Class 3(b) of Schedule 5, Part 2 of the Regulations which refers to the transmission of electrical energy by overhead cables where the voltage would be 200kV or more, but which does not refer to any minimum length. The prospective applicant undertook to review whether an EIAR would be required.
- Potential impacts: Noise, visual impacts, effects on residential amenity, potential for in-combination effects and cumulative effects, particularly with respect to the construction phase with associated solar farms.
- Further use of substation: The Board's representatives queried the schematic diagram contained in the presentation which refers to 'future' connections to the busbar. The prospective applicant advised that proposals were being developed for a further solar farm in the area.

- **Second Meeting:**

- Revised proposal: The prospective applicant presented an updated proposal including two new line cable interface masts, c. 120 m of new

underground cables to connect into the existing overhead line, an adjacent telecoms mast along with other elements which formed part of the original proposal. The prospective applicant noted that new overhead lines no longer formed part of the proposed development.

- Photomontages: The prospective applicant provided an updated substation layout and photomontage and advised that further photomontages are being prepared to accompany the planning application.
- Cumulative impacts: With respect to the associated solar farms.
- EIA: The prospective applicant also advised that an EIAR will not accompany the subsequent planning application as it has concluded that the proposed development is unlikely to cause significant effects on the environment. An Environmental Considerations Report (ECR) will be submitted and will include any mitigation measures required for the proposed development.
- EIA Screening: The Board's representatives noted the matter of EIA as raised by the prospective applicant and queried whether an EIA screening document would be required if the proposed development is not of a relevant class.
- NIS: The prospective applicant said that an NIS was being prepared.
- Current planning applications: With regard to one of the relevant solar farms, the prospective applicant advised that the further information response is due to be submitted to the local authority within a matter of days and that no issues relevant to the proposed substation were raised.
- Site access: The prospective applicant said that this would be the same as per the solar farm application, that sightlines would be adequate and that access off the main road would not require any upgrade works. The Board's representatives advised that construction traffic and haul routes be addressed in the subsequent planning application.
- Landscape and visual: The Board's representatives noted that the site was sensitive from a landscape and visual perspective and may be visible from

a wide surrounding area. The prospective applicant said that a landscape and visual impact chapter would be provided in the ECR.

- Wastewater: The prospective applicant said that a holding tank for wastewater will be provided for as part of the proposed development.
- Telecoms mast: The prospective applicant said that the proposed telecoms mast was required solely to serve the substation development, due to a lack of fibre on the existing overhead line, and that it would not also operate as a mobile phone mast.

7.2. The Board should note that in their letter of 7th June 2022 requesting closure of the pre-application consultation process, the prospective applicant commented on a number of items in the record of the second meeting.

8.0 Legislative Provisions

8.1. Planning and Development Act 2000, as Amended

8.1.1. Section 2(1) of the Act defines ‘strategic infrastructure’ as including, *inter alia*:

“any proposed development referred to in section 182A(1)”

8.1.2. 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.

8.1.3. 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.”

8.2. Electricity Regulation Act 1999, as Amended

8.2.1. 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.”

- **‘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”

- **‘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—

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

- (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.”

9.0 Assessment

9.1. Strategic Infrastructure Development

- 9.1.1. The proposed development comprises a new 220kV AIS substation intended to facilitate the connection of at least two solar farms to the National Grid via a looped connection to the existing Maynooth-Gorman 220kV overhead power line that traverses the site. One of the solar farms that would utilise the proposed development is the subject of a current third party appeal to the Board (Ref. ABP-312723-22; Reg. Ref. 21/985), while a decision on the second solar farm is pending from Meath County Council (Reg. Ref. 21/2214). At the second meeting, the prospective applicant advised that planning permission would be sought for a third solar farm at Bogganstown that would also utilise the proposed substation.
- 9.1.2. The prospective applicant is seeking a determination from the Board as to whether the proposed 220kV substation and cable connection to the 220kV transmission network is or is not strategic infrastructure development. The prospective applicant contends that it is strategic infrastructure development.
- 9.1.3. Under section 182A of the Planning and Development Act 2000, as amended, an undertaker shall apply to the Board for approval of a development comprising or for

the purposes of energy transmission. Section 182A(9) states that ‘transmission’ shall be construed in accordance with section 2(1) of the Electricity Regulation Act 1999 and shall also be construed as meaning inter alia the transport of electricity by means of a high voltage line where the voltage would be 110kV or more.

- 9.1.4. Section 2(1) of the Electricity Regulation Act defines the transmission system as a system which consists wholly or mainly of high voltage lines and electrical plant for conveying electricity. I consider that the proposed substation constitutes ‘electrical plant’ as it will be used “for purposes connected with [...] the transmission, distribution or supply of electricity”. The associated proposed electricity lines comprise 220kV high voltage cables which are in excess of the 110kV threshold set out in section 182A(9).
- 9.1.5. I am therefore satisfied that the proposed 220kV AIS substation and the 220kV cable connection to the Maynooth-Gorman 220kV overhead power line comes within the definition of transmission, having regard to the definitions set out in section 182A(9) of the Planning and Development Act 2000, as amended and section 2(1) of the Electricity Regulation Act 1999, as amended.
- 9.1.6. Furthermore, the Board will note its recent decisions on pre-application consultation requests in relation to electricity transmission infrastructure under Section 182E, as summarised in Section 6 above, where it has been generally determined that the provision of new 110kV or 220kV substations and associated high voltage cabling constitutes Strategic Infrastructure Development.
- 9.1.7. I conclude that the proposed development falls within the scope of section 182A and therefore constitutes Strategic Infrastructure Development.

9.2. Prescribed Bodies

- 9.2.1. 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 Appendix A in respect of any future application for approval.

10.0 Recommendation

10.1. I recommend that Energia Solar Holdings Limited be informed that the proposed development consisting of a 220kV substation and associated grid connection to the existing Maynooth-Gorman 220kV overhead power line in the townland of Woodtown, Co. Meath, as set out in the plans and particulars received by An Bord Pleanála on the 4th August 2021 and elaborated upon at the meetings of 22nd November 2021 and 27th April 2022, 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.

Niall Haverty

Senior Planning Inspector

10th June 2022

Appendix A: Prescribed Bodies

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

- Minister for Housing, Local Government and Heritage
- Minister for the Environment, Climate and Communications
- Meath County Council
- Transport Infrastructure Ireland
- An Taisce
- Fáilte Ireland
- Heritage Council
- An Chomhairle Ealaíon
- Irish Water
- Commission for Regulation of Utilities
- Inland Fisheries Ireland

Further notifications should also be made, where deemed appropriate.