



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311176-21

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<b>Development</b>	Proposed construction of two new 110kV substations and 110kV underground cable connecting both substations.
<b>Location</b>	Broughal and Mullanafawnia, Co. Offaly.
<b>Prospective Applicant</b>	Summit Solar Limited.
<b>Planning Authority</b>	Offaly County Council
<b>Type of Application</b>	Pre-Application Consultation under s.182E of the Planning and Development Act 2000, as amended
<b>Pre – application meeting</b>	27 <sup>th</sup> November 2021
<b>Inspector</b>	Sarah Lynch

## 1.0 Pre-Application Consultation

1.1. The Board received a request on 16<sup>th</sup> August 2021 from the agent Malone O'Regan Environmental acting on behalf of Summit Solar Limited to enter into pre-application consultation under Section 182E of the Planning and Development Act 2000, as amended, in relation to proposed development of two new 110kV substations and 110kV underground cable connecting both substations at Broughal and Mullanafawnia, Co. Offaly.

### 1.2. Site Location and Description

1.3. The proposed development will be located at two sites within the townlands of Broughal and Mullanafawnia, Co. Offaly and will be connected via and underground cable running predominantly through agricultural lands and within the road verge. Directional drilling will be required for the cable to pass under the N52.

1.4. Both substation locations are located within the rural landscape, both sites are currently under grass. The topography of the lands within the overall development site is relatively flat and, with the exception of individual dwellings and agricultural structures, there is little development present within the surrounding area. Both sites are accessed via local country roads and are largely visible from the public road.

## 2.0 Proposed Development

2.1. It is proposed to develop a 110kV looped in substation on a 5.5ha site which will comprise a large switchyard as per EirGrid specifications and two control buildings. A 100kV extendable substation will be developed on a 0.5ha site and will comprise of an outdoor switchyard housing the high voltage equipment.

2.2. It is proposed that the two sites, north and south will be interconnected via 110kV underground cable.

2.3. The proposed development will connect a permitted solar farm (ref: 20476) to the national grid and will also have capacity to connect any future renewable energy projects in the area.

### 3.0 Planning History

20476 – A 10 year permission was granted for a Solar PV development. Consisting of 105,000 no. photovoltaic panels and the construction of a substation and ancillary development.

### 4.0 Applicant's Case

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

- It is the prospective applicant's opinion that the proposed development would constitute Strategic Infrastructure Development as it consists of 110kV infrastructure and has the ability to serve multiple projects in the area and the counties nearby.

### 5.0 Consultations

- 5.1. One pre-application meeting was held with the prospective applicant on the 27<sup>th</sup> October 2021. 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 and the issues pertaining to the development in terms of local planning policy, community engagement and potential environmental impacts such as traffic.
- 5.2. It was noted that careful consideration has been given to cumulative impacts. An overall cumulative assessment would be undertaken and submitted as part of any future planning application.
- 5.3. The prospective applicant said the other applications in the area have been considered in relation to hydrological connections and said there would be no direct impact on any Natura 2000 sites but are taking a precautionary approach due to in-direct potential hydrological connection impacts and said a Natura Impact Statement would be submitted as part of any future planning application.
- 5.4. An update on the proposed route for has been provided within the closure letter in which it is stated that the section along the N52 will now pass through agricultural lands thus avoiding the need to carry out works along this national route. Direction

drilling under the N52 will also reduce disruption to traffic on this route. The revised route will shorten the cable length to 7.6km from 8.1km.

## 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. 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.

6.3. 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.”

6.4. 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

(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

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

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. Offaly County Development Plan, 2014-2020**

- EP-01 It is Council policy to support national and international initiatives for limiting emissions of greenhouse gases and to encourage the development of renewable energy sources.
- EP-02 It is Council policy to facilitate the continual development of renewable energy sources having regard to the proper planning and sustainable development of the area concerned, the protection of amenities, landscape sensitivities, European Sites, biodiversity, natural heritage, and built heritage, and where such proposals comply with policy contained in the County Development Plan, in the interests of proper planning and sustainable development.
- EO-02 It is an objective of the Council to facilitate the promotion and construction of energy efficient developments throughout the county.
- EP-09 It is Council policy to require any applicant for energy generation facility to provide details of all transmission infrastructure associated with the development and to assess the impact of this infrastructure on both the environment and landscape as a material consideration of the planning decision.
- EO-04 It is an objective of the Council to support and facilitate the generation of electrical power within the county and the provision of high-voltage electricity infrastructure to cater for natural growth, new and existing large customers.

Further, it is an objective of the Council to ensure, insofar as is possible, that the necessary infrastructure is in place to support the existing and future economy in Offaly, to support economic development and to attract investment.

The Offaly Draft County Development Plan is currently under review and the pre-draft issues paper cites the intention of the Council to include policies within the plan that are informed by EU and national energy targets.

## **7.2. Environmental Impact Assessment**

7.3. Schedule 5 of the Planning and Development Regulations, 2001 (as amended) transposes Annex I and II of the EIA Directive and sets out prescribed classes of development, for which an environmental impact assessment is required. The proposed development does not fall within the classes outlined within said schedule. The applicants stated within the pre application meeting that a detailed environmental report will accompany the application.

## **7.4. Natural Heritage Designations & Appropriate Assessment**

7.4.1. There are no Natura 2000 sites within the vicinity of the proposed development site. However, the River Shannon Callows SAC/SPA and the Middle Shannon Callows SPA are connected to the proposed 110kV looped-in site via the River Silver. The applicants stated within the pre application meeting that a precautionary approach will be taken, and a Natura Impact Statement will accompany any future application.

## **8.0 Assessment**

### **8.1. Strategic Infrastructure**

8.2. This pre-application consultation concerns the development a 110kV transmission line, two 110kV substations and the breaking of an existing 110kV overhead line at Mullanafawnia and Broughal Co. Offaly. The proposed 110kV loop in substation that will be located on a site of 5.5ha will have a maximum export capacity of more than 180MW and will connect to the existing overhead 110kV line that traverses the site. It is stated that the loop in loop out substation will facilitate the transmission of energy generated by the permitted Solar development (Offaly County Council planning ref 20476) to the national grid, and also allow energy generated by future renewable

developments to be stepped up to 110kV for direct distribution to the national grid. The permitted solar farm will utilise 14% of the substation capacity. This element of the development is located within the townland of Broughal, Co.Offaly.

- 8.3. It was stated within the presentation provided by the prospective applicant that the Lumcloon substation is located c. 4.5km north of the site and has limited capacity remaining, the provision of a new node on the network will be of significant assistance to EirGrid in dealing with capacity in the area. This substation will become an EirGrid asset upon completion.
- 8.4. The site of the 110kV extendable substation is located in the townland of Mullanafawnia Co. Offaly. This substation will be designed to connect into the granted PV development. The proposed substation will be a node and become part of the transmission system and will be connected as a spur node to the proposed 110kV looped in substation located 6km north and connected via an underground 110kV cable.
- 8.5. The proposed substation will be designed to operate as a mesh node or collector hub for connection of other users and the expansion and reinforcement of the transmission system. This substation will be privately owned but, subject to commercial agreement, will also serve other renewable energy developments in the area.
- 8.6. 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. I note that no threshold is set in respect of a substation.
- 8.7. With regard to the electricity transmission line, I note that the prospective applicant has stated that the substation and connection point will become nodes 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 substations and 110kV transmission cable will become an integral part of the national grid transmission infrastructure, the prospective applicant's correspondence is clear in this regard.
- 8.8. I conclude that the substations and underground cable, in forming such a node and in comprising a high voltage line where the voltage would be 110 kilovolts or more, as per Section 182A(9) of the Planning and Development Act, as amended, constitutes Strategic Infrastructure.



## 8.9. Prescribed Bodies

8.10. 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.

## 9.0 Recommendation

I recommend that Summit Solar Limited be informed that the proposed development consisting of two 110kV substations and underground 110kV transmission line connection between the proposed two substations at Mullanafawnia and Broughal Co. Offaly, as set out in the plans and particulars received by An Bord Pleanála on the 26<sup>th</sup> October 2021, 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.

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Sarah Lynch  
Senior Planning Inspector

24<sup>th</sup> February 2022

## **Appendix 1**

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

- Minister for Housing, Local Government and Heritage
- Minister for Communications, Climate Action and Environment
- Transport Infrastructure Ireland
- Offaly County Council
- Irish Water
- Irish Aviation 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 NIS) with the planning application, which outlines the mitigation measures, in the interest of convenience and ease of reference.