



An
Bord
Pleanála

Inspector's Report ABP-311187-21.

Development

Proposed 110 KV substation ,
underground cable and associated
infrastructure.

Location

Site of permitted Garreenleen Solar
Farm at lands in Bendinstown,
Gilbertstown, Kellistown East,
Kellistown West, Ballycurragh,
Ardbearn and Ballynunnery, Co.
Carlow.

Prospective Applicant

Garreenleen Solar Farm Limited.

Planning Authority.

Carlow County Council.

Type of Application

Pre-Application consultation under
section 182E of the Planning and
Development Act 2000, as amended.

Date of Site Inspection

28 September 2021.

Inspector

Mairead Kenny.

1.0 Overview

The Board on 20 August 2021 received a request to enter into pre-application consultation under section 182E of the Planning and Development Act 2000 as amended in relation to the proposed tail fed AIS 110kV substation and underground cable connection to an existing 220kV substation. The site of the proposed substation would be within the land holding of the permitted Garreenleen Solar Energy Development.

A virtual meeting was held with the prospective applicant on 6 October 2021. Closure of the pre-application consultation was requested by letter dated 10 November 2021.

2.0 Site Location and Description

The 8.85-hectare site is in a rural area in county Carlow where the dominant agricultural use would be tillage. The topography is generally fairly flat with some minor local undulation, including at the subject site. The local road network in the vicinity of the site is made up of narrow county roads. There are some sharp bends including in the immediate vicinity of the site of the substation where there is a t-junction around which is a small cluster of houses.

The site of the proposed substation lies within lands to be developed as Garreenleen Solar Farm. The panels of the permitted solar farm development would be to the south of the proposed substation. The substation site defined comprises a rectangular plot of land and the substation would be positioned in the western side of this plot. The remainder of the site comprises an elongated route which follows the public road before terminating at a private laneway where Kellis 220kV substation is located.

3.0 Proposed Development

The details of the proposed development are described in the documentation presented by HW Planning on behalf of the prospective applicant Garreenleen Solar Farm Limited.

The proposed development is described as follows:

- 110kV AIS tail fed substation to contain two separate compounds
- The 110kV compound will be in the ownership of ESB Networks
- The 33kV compound will be in the ownership of the customer
- There will be a requirement for some ground contouring to create a level area
- The substation would be connected to the grid by way of a tail fed connection and the connection point is Kellis 220kV substation
- The 110kV underground cable will be within a compacted track as it departs the substation site
- The underground cable route then travels northwards along local roads and then along a private laneway
- The substation site will be connected to the public road to the east by way of a new entrance
- There will be a requirement for a crossing of the River Burren which will be undertaken by directional drilling.

4.0 Planning History

Under ABP-307891-20 the Board overturned the decision of the planning authority to refuse permission for Garreenleen Solar Farm. This is a development of solar panels and ancillary development on a 127-hectare site. The majority of the defined site lies to the south of the proposed substation and a small proportion is to the north-east of the substation site. The grid connection option was under consideration at the time and three options were presented. A Natura Impact Statement (NIS) was submitted with the application.

Under ABP – 303821 – 19 the Board upheld the decision of the planning authority to grant permission for a 100 MW battery storage facility at a nearby site to the north-east (south of Kellis substation).

5.0 Prospective Applicant's Submission

The initial submission was that the proposed development would not constitute SID including with reference to some decisions of the Board in relation to tail fed proposals.

During the meeting the prospective applicant noted more recent cases and suggested that the proposed development would constitute a node on the transmission network. The prospective applicant noted that Eirgrid's position is that the proposed development constitutes transmission. Therefore, the prospective applicant accepted that the proposed development could fall within the remit of section 182A.

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. The proposed development comprises a 110 kV substation and underground 110kV cable. The proposed development involves crossing of the Burren River by directional drilling and would be close to features of archaeological interest.
- 7.2. The prospective applicant has indicated that at this time it was not considered that a sub threshold EIAR would be warranted but this would be kept under review. With respect to the matter of Appropriate Assessment the prospective applicant advised that the NIS which accompanied the application for the Garreenleen Solar Farm assessed three grid routes although these were not part of that application. At the pre-application meeting the Board’s representatives noted these submissions and make recommendations relating to the screening stage.
- 7.3. I consider that the proposed 110kV substation would be described as electric plant as defined in relevant legislation. The proposed development includes high voltage lines of 110 kV.

- 7.4. I consider that the proposal 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 development.
- 7.5. 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 directly to the Board.
- 7.6. I attach an Appendix of relevant prescribed bodies.

8.0 Recommendation

- 8.1. I recommend that the prospective applicant Garreenleen Solar Farm Limited be notified that the proposed development consisting of a 110 kV substation , underground grid connection and associated infrastructure in the townlands of Bendinstown, Gilbertstown, Kellistown East, Kellistown West, Ballycurragh, Ardbearn and Ballynunnery, Co. Carlow as described in the documents received by the Board on 20 August 2021 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

16 November 2021

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
- Carlow County Council
- Transport Infrastructure Ireland
- Commission for Regulation of Utilities, Water and Energy
- Irish Water
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Inland Fisheries Ireland