



An
Bord
Pleanála

Inspector's Report ABP 311204-21

Development	110 kV substation to connect into the existing Aughinish-Kilpaddocke 110kV overhead line.
Location	Ballinknockane. Co Limerick.
Planning Authority	Limerick City & County Council.
Applicant(s)	Solas Eireann Development Ltd.
Type of Application	Pre-application consultation under section 182E of the Planning and Development Act, 2000, as amended.
Date of Site Inspection	October 15 th , 2021.
Inspector	Breda Gannon.

1.0 Introduction

- 1.1. On August 24th, 2021, a request was received by An Bord Pleanála to enter into pre-application discussions with respect to the proposed development under Section 182E of the Planning and Development Act, 2000, as amended.
- 1.2. Pre-application consultations took place virtually between the Boards representatives and the prospective applicant on December 1st, 2021.
- 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
- 1.4. This report provides an overview of the proposed project, a summary of the meeting and the advice provided by the Board and legislative provisions.
- 1.5. The prospective applicant formally requested closure of the pre-application consultation process in an email dated December 7th, 2021.

2.0 Site Location and Description

- 2.1. The proposed development is located in the townland of Ballinknockane, Co Limerick. It lies c 5km southeast of Foynes and c 5.6km southwest of Askeaton. The site is part of a larger agricultural holding used primarily for cattle grazing. The lands, which are gently undulating, consist of rectangular fields separated by hedgerows. The Ahacronane River runs along the bottom of an elevated ridge to the east. There is a complex of farm buildings towards the northern end of the land holding.
- 2.2. Access to the site is from a private farm access off the L1222 local road to the west. Views into the site are curtailed by wide band of trees and scrub vegetation located adjacent to the road. The pattern of development is dispersed consisting of isolated dwellings and farm holdings with some ribbon development along the road network.

3.0 Proposed Development

The proposal is to construct a new 110kV 4 bay C-type substation with 2 No. new overhead line (OHL) end towers to connect into the existing Aughinish-Kilpaddoge 110kV overhead line. The connection would be made by way of a looped connection.

The substation is required to transfer energy generated by two permitted solar farms to the national grid.

The substation would consist of 2 no. control buildings, a transformer compound and high voltage (HV) switchgear compound. Substation electrical equipment would be installed in the control buildings once complete. A power transformer, high voltage (HV) electrical equipment, lightning protection masts and structural steelwork would be installed in the transformer compound. High voltage electrical equipment for 4 bays, OHL gantry, lightning protection masts and structural steelwork would be installed in the HV switchgear compound. Palisade and concrete post and rail fencing will be erected around the compound.

4.0 **Planning History**

4.1. **Reg No 17/1220** – Permission granted subject to 24 no. conditions for a solar farm, substation and ancillary infrastructure at Ellaha and Ballinknockane. Co Limerick. The site includes the proposed substation site.

4.2. **Reg No 19/18** – Permission granted subject to 28 no. conditions for a solar farm and ancillary infrastructure at Deelish and Mullagh. Co Limerick.

5.0 **Prospective Applicants Submission to the Board**

5.1. It is contended that the proposed development does not constitute strategic infrastructure for the following reason:

- The proposed method will be a loop-in loop-out connection and is defined as ‘a new 110kV substation to feed into the existing Aughinish-Kilpaddock 110kV overhead line’. This type of connection is not listed within Section 37A of the Planning and Development (Strategic Infrastructure) Act 2006.
- The substation lies within one local authority area and there are no implications for any other planning authority.
- The substation does not lie within any designated area.

- The substation is to facilitate the Ballinknockane/ Ellaha Solar Farm and the Deelish/Mullagh Solar Farm, but once energised will be handed over to Eirgrid, with the potential for future connections.
- The substation and cable are not a critical link for other developments in the area.
- All equipment is standard and meets EirGrid's functional requirements.

6.0 Policy Context

6.1. Development Plan

The operative development plan is the **Limerick City & County Development Plans 2010-2016 (as extended)**.

Section 10.13 is devoted to renewable energy development. It states that a favourable approach to applications for renewable energy development will be adopted provided they are environmentally sustainable. The cumulative effect of such development on the landscape and the environment will be taken into consideration.

The **Draft Limerick Development Plan 2022-2028** has been published and it is the first consolidated plan for the city and county. It supports the development of energy from renewable sources including solar (Policy CAF P6, Objective CAF 027) subject to appropriate levels of environmental assessment and planning considerations.

7.0 Strategic Infrastructure -Legal Provisions

- 7.1. Under section 182A (1) of the 2000 Act (inserted by section 4 of the 2006 Act) 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.
- 7.2. Subsection 9 states that 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) 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.

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, 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’:

“...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 the consumer.

8.0 Assessment

8.1. Strategic Infrastructure

The proposed development comprises the construction of a 110kV substation with 2 no. end towers to connect 2 no. permitted solar farms to the national grid via a loop-in/loop-out connection.

The proposed development comprises 'electrical plant' (as defined above) and the provision of transmission lines between the proposed substation and the national grid. The new substation and associated infrastructure will enable the electricity generated by the permitted solar farms to be stepped up to a voltage of 110kV for direct transmission to the national grid. The electrical power of the overall existing circuit will therefore be entirely diverted into the proposed substation and back out again. The new substation and associated infrastructure will form part of the existing transmission system and form a new node on the existing Aughinish-Kilpaddoge 110kV overhead line and part of the transmission grid.

I note the similarity between this case and other proposals put before the Board for pre-application consultation under section 182E of the Planning and Development Act, 2000, as amended. In these cases, the Board determined that the provision of a new 110kV substation and associated overground/underground cabling which is looped into the existing transmission system constitutes strategic infrastructure. The cases are as follows:

- 310076 - Summerhill. Co.Meath
- 306018 – Newbliss. Co.Monaghan
- 304629 – Harristown, Castlejordan and Clongall. Co. Meath
- 303413 – Leixlip. Co. Kildare.
- 303289 – Clonfad. Co. Westmeath
- 303194 – Knockardugar. Co. Laois.

The proposed development is similar to the aforementioned cases, and I am of the opinion that the proposed development, which will form an operational node on the 110kV electricity transmission network, constitutes Strategic Infrastructure.

8.2. Environmental Impact Assessment

8.2.1. Section 182A(2) of the Planning and Development Act, 2000 as amended states that *'in the case of development referred to in subsection (1) which belongs to a class of development identified for the purposes of section 176, the undertaker shall prepare, or cause to be prepared, an environmental impact assessment report or Natura impact statement or both that report and that statement, as the case may be, in respect of the development'*.

8.2.2. Annex I & Annex II to Directive 2011/92/EU as amended by 2014/52/EU and Part 1 and Part 2 of Schedule 5 (Planning and Development Regulations 2001, as amended) sets out the classes of development for the purposes of EIA.

Section 20 of Part 1 provides that mandatory a EIAR is required for the *'Construction of overhead electrical power lines with a voltage of 220 kilovots or more and a length of more than 15 kilometers'*,

Section 3 (b) of Part 2 provides that a mandatory EIAR is required for *'Industrial installations carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule'*.

8.2.3. The proposed development of a 110kV substation and transmission cables would not come within the projects outlined within either Annex I or Annex II to Directive 2011/92/EU as amended by 2014/52/EU nor is it a class as set out in Part 1 or Part 2 of Schedule 5 (Planning and Development Regulations 200, as amended). The permitted generating element of the proposed development, the solar farm is not of a class for the purposes of EIA and an EIAR did not therefore accompany the application.

8.3. Appropriate Assessment

8.3.1. The site is not located within any European site or nationally designated conservation site. There is a watercourse running along the eastern boundary of the site which discharges into the River Shannon. There is therefore potential for hydrological connectivity between the proposed site and the Lower River Shannon SAC and the River Shannon and River Fergus SPA. The prospective application was advised to undertake a robust screening to determine whether the proposal is likely

to have a significant effect individually or in combination with other plans and projects on the relevant European sites in view of the sites' conservation objectives.

8.4. **Other Planning and environmental considerations**

The following matters were also discussed during the pre-application meeting:

Landscape/Visual Impact – location of the site within the Shannon Coastal Zone LCA and associated sensitivities. Need for assessment including visual impact from designated views and scenic routes.

Cultural heritage – proximity of archaeological features.

Flooding – risk associated with the adjacent watercourse.

Cumulative/In-combination effects.

8.5. **Prescribed bodies**

It is recommended that the prospective applicant should consult with the prescribed bodies listed in the attached Appendix 1 in respect of any future application for approval.

8.6. **Conclusion**

- 8.6.1. I consider that the proposed development as described in the submission and drawings constitutes strategic infrastructure coming within the scope of section 182A of the Planning and Development Act, 2000 as amended, necessitating an application directly to the Board.

8.7. **Recommendation**

- 8.7.1. I recommend that the prospective applicant be informed that the proposed development consisting of a 110kV substation and grid connection in the townland of Ballinknockmore, Co Limerick, as set out in the plans and particulars received by An Bord Pleanála on the 24th day of August, 2021 falls within the scope of section 182A of the Planning and Development Act, as amended and that the application should be made directly to the Board.

Breda Gannon

Breda Gannon
Senior Planning Inspector

7TH December 2021

Appendix 1

The following is a schedule of prescribed bodies considered relevant in this instance for the purposes of Section 182A(4)(b) of the Act.

- Minister for Housing, Local Government and Heritage
- Minister for Environment, Climate and Communications
- Limerick Co Council
- Transport Infrastructure Ireland
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce
- Heritage Council
- Commission of Regulation of Utilities, Water and Energy
- Irish Water.
- Inland Fisheries Ireland
- Irish Aviation Authority