



An  
Bord  
Pleanála

## Inspector's Report

**ABP-311253-21**

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<b>Development</b>	Refurbishment of the 220kV circuit between Cashla 220kV substation in and Flagford 220kv substation
<b>Location</b>	Between the townland of Barretspark, Co. Galway and Culleenatreen (or Flagford) Co. Roscommon
<b>Planning Authorities</b>	Galway County Council and Roscommon County Council
<b>Prospective Applicant</b>	EirGrid plc.
<b>Type of Request</b>	Section 182E request for SID Preapplication consultation – whether project is or is not strategic infrastructure development.
<b>Inspector</b>	Una Crosse
<b>Date of site inspection:</b>	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 refurbishment of the 220kV circuit between the Cashla 220kV substation in Co. Galway and the Flagford 2200kv substation in Co. Roscommon.
- 1.2. Pre-Application Consultations were not considered necessary in this instance.
- 1.3. This Report provides an overview of the proposed project, relevant precedents and the legislative provisions and recommends that the proposed development does not constitute strategic infrastructure.

## **2.0 Site Location**

- 2.1. The proposed development is located along the existing 220kV circuit from the Cashla 220kV substation in County Galway, located approximately 8km east of Galway City and 6km west of Athenry. The route runs in a north/north-easterly direction for approximately 88km crossing the R339, the R347, the Abbert River and the N63 National Secondary Road in the townland of Clashard. It is outlined that the Abbert River is part of the Lough Corrib SAC. The route continues over the R332 before crossing the Grange River at a number of locations. This river is also part of the Lough Corrib SAC. Following a crossing of the R328, the circuit passes west of Glennamaddy over the R362 and R354 before traversing the Lisnageeragh Bod and Ballinastack Turlough SAC. The circuit then crosses the N60 to the east of Ballymoe and the R637 before continuing north-east crossing the N5 north of Tulsk and the N61 to the west of Elphin before terminating at the Flagford 220kV station in County Roscommon which is approximately 3.5km south of Carrick-on-Shannon.

## **3.0 Proposed development.**

As outlined in the submission received the Cashla-Flagford 220kV circuit was constructed in the late 1970's and commissioned in 1981 and is approximately 88.1km in length and contains a total of 250 structures.

The proposed refurbishment includes the following:

- Painting of 201 structures and/or replacement of anti-climbing guards, labels and danger notices;
- Removal and replacement of step bolts, damaged bars/tower members, insulators and related hardware; shield-wire hardware, shield-wire bond steps; vibration dampers and arching horns at several structures.
- Strengthening of foundations at 25 structures including raising/recapping of shear blacks at 150 structures and clearing of the bases of 5 structures.
- Alteration of circuit to remove clearance infringements and completion of open corrective maintenance orders;
- Removal of timber and vegetation, where required.

#### **4.0 Prospective applicants' case**

- 4.1. As set out in their letter dated 30 August 2021, EirGrid state that while of considerable benefit to the transmission network, from a planning perspective, the proposal is a refurbishment or upgrade of existing infrastructure.
- 4.2. Proposed works are a routine function of EirGrid and ESB to maintain assets and fall within the definition of Section 4(1)(g), however it is expected that an NIS will be required for the works de-exempting the development. EirGrid of opinion that an EIAR will not be required for the proposed development.
  - 4.2.1. 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.
  - 4.2.2. 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.
  - 4.2.3. Precedents are set out (see section 5 below).

## 5.0 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

## 6.0 Legislative provisions

- 6.1. 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.*

## **7.0 Assessment**

- 7.1. Section 5 of EirGrid’s report states that ‘*while of considerable benefit to the transmission network*’ it is therefore clear that the subject 220kV circuit, by reference to the statutory definition set out at Section 6.1 above, is clearly part of the transmission network for the purposes of the Planning Act.
- 7.2. 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).
- 7.3. The decision in Ref. ABP-305276-20 is of particular relevance. The development comprised the refurbishment of the existing Great Island – Kellis 220kV overhead circuit which runs for approximately 70kms from the Great Island substation in County Wexford to a substation at Kellis in County Carlow. The circuit has a total of 216 structures with most of the line constructed in 1973 with the remainder in 1995.

The proposed development comprised that refurbishment works to the majority of the structures along the line. In line with the Inspectors recommendation, it was determined by the Board that the proposed development did not constitute strategic infrastructure.

- 7.4. 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.
- 7.5. In the current case the prospective applicants have indicated their opinion that the proposed development does not constitute strategic infrastructure under s.182A.
- 7.6. 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.

## 8.0 Recommendation

- 8.1. I recommend that EirGrid plc. be informed that the proposed development, consisting of the refurbishment of the 220kV circuit between the Cashla 220kV substation in Co. Galway and the Flagford 2200kv substation in Co. Roscommon, as set out in the particulars received by An Bord Pleanála on the 30 August 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 Galway County Council and Roscommon County Council.

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Una Crosse

Senior Planning Inspector

September 2021