



An
Bord
Pleanála

Inspector's Report

ABP-311276-21

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| Development | Proposed 220kV Gas Insulated Switchgear (GIS) Substation |
| Location | Kiltotan & Collinstown, Rochfortbridge, Co. Westmeath |
| Prospective Applicant | Lumcloon Energy Limited. |
| Planning Authority | Westmeath County Council |
| Type of Application | Pre-Application Consultation under s.182E of the Planning and Development Act 2000, as amended |
| Site Inspection | 6 th October 2021 |
| Pre – application meeting | 20 th October 2021 |
| Inspector | Sarah Lynch |

1.0 Pre-Application Consultation

- 1.1. The Board received a request on 2nd September 2021 from Lumcloon Energy Limited to enter into pre-application consultation under Section 182E of the Planning and Development Act 2000, as amended, in relation to proposed development in the townlands of Kiltotan & Collinstown, Rochfortbridge, Co. Westmeath.

2.0 Site Location and Description

- 2.1. The site is located within the townland of Kiltotan & Collinstown, Rochfortbridge, Co. Westmeath, between the R446 and the M6. The M6 defines the southern boundary of the site and the lands are currently used for pasture. The topography of the lands are relatively flat within the site and are traversed by an existing 220kV overhead line. The lands are relatively out of sight from the Motorway by virtue of an existing berm and are located a significant distance from neighbouring dwellings to the northwest and north east.
- 2.2. An existing single lane road provides access to the site to the east and a local farm track is present to the southwest of the lands. An existing farmyard is the closest structure to the proposed site and is located to the northwest of the lands.
- 2.3. Development in the surrounding area comprises of one-off rural housing and agricultural structures.

3.0 Proposed Development

- 3.1. The proposed development will involve the construction of a new GIS substation which will include the following:
 - Two storey (17m) GIS building within a palisade fenced enclosure,
 - Two new single circuit 23m high towers along the existing 220kV overhead lines,
 - Two new mini electrical interface compounds, which will facilitate connection of the overhead 220kV single circuit overhead lines to the GIS substation via two underground circuit transmission lines,
 - Communications tower (36m) and lightening masts,

- Construction of a new entrance to the proposed GIS substation and associated site works.

The new GIS substation will facilitate connection of the new back up generator/energy storage system to the electricity grid.

4.0 **Planning History**

No recently recorded history on site.

5.0 **Applicant's Case**

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

- The proposed development of the GIS substation and its connection to the electricity grid is considered as a loop in – loop out configuration and therefore forms part of the transmission network. For this reason the prospective applicant considers the development to fall within the scope of section 182 A of the Planning and Development Act 2000, as amended.

6.0 **Consultations**

6.1. One pre-application meeting was held with the prospective applicant on the 20th 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.

7.0 **Legislative Provisions**

7.1. 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)”

7.2. Section 37A of the Act states that:

“(1) An application for permission for any development specified in the Seventh Schedule (inserted by the Planning and Development (Strategic Infrastructure) Act 2006) shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.

(2) That condition is that, following consultations under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely—

(a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,

(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,

(c) the development would have a significant effect on the area of more than one planning authority.”

7.3. 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.

7.4. 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.”

7.5. 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.”

- **‘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—

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.”

8.0 Planning Policy

8.1. Project Ireland 2040: National Planning Framework

8.1.1. National Planning Objective 54:

“Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.”

8.1.2. National Policy Objective 55:

“Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.”

8.2. Regional Spatial Economic Strategy for the Eastern & Midland Regional Assembly 2019-2031

Section 10.3 Energy

A secure and resilient supply of energy is critical to a well-functioning region, being relied upon for heating, cooling, and to fuel transport, power industry, and generate

electricity. With projected increases in population and economic growth, the demand for energy is set to increase in the coming years.

- RPO 10.20: Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This Includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.

8.3. **Westmeath County Development Plan 2021-2027**

10.22 Renewable Energy Sources

A secure and resilient supply of energy is critical to a well-functioning economy, being relied upon for heating, cooling, and to fuel transport, power industry, and generate electricity.

10.29.1 Electricity

The upgrading of the transmission network will facilitate power flows from both renewable and conventional sources to maximise the use of existing power corridors. The Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure (July 2012) acknowledges the strategic and economic importance of investment in networks and energy infrastructure. The Government endorses the major investment underway in the high voltage electricity system under EirGrid's Grid 25 Programme. The Planning Authority recognises the need for development and renewal of energy networks, in order to meet both economic and social policy goals and where appropriate, will consider the impact of proposed developments on the electricity grid network.

8.4. **Environmental Impact Assessment & Appropriate Assessment**

- 8.5. 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,

however the prospective applicant stated within the pre-application meeting that an EIAR has been prepared for all works to be carried out both within the development site and surrounding lands, which include proposed works which are currently submitted to the Local Authority for determination. An EIAR will therefore accompany the proposed application to the Board. The applicant was requested to state the class of development for the purpose of EIA within the application to be submitted.

The proposed development site is not located in close proximity to any European designated sites, an Appropriate Assessment Screening document will accompany the application to the Board.

9.0 Assessment

9.1. Strategic Infrastructure

9.2. This pre-application consultation concerns the development of a proposed GIS substation and its connection to the electricity grid that traverses the site. The proposed development of the GIS substation is a loop in loop out configuration and forms part of the transmission network, linking into the 220kV line which traverses over the development site. The transmission link will be provided via a section of underground and overground cable within the site which will connect to the existing overhead 220kV line via two proposed towers.

9.3. In the interest of clarity, additional development on the site relates to the development of two no. LEL (Lumcloon Energy Limited) energy projects. It is stated by the applicant that these developments fall below the thresholds for development prescribed under the Seventh Schedule to the Planning and Development Act 2000, as amended. These elements of the development are not considered to be Strategic Infrastructure Development and consequently planning consents are being sought under Section 34 of the Planning and Development Act 2000, as amended.

9.4. 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. No threshold is set in respect of a substation.

9.5. Having regard to the nature and function of the substation, I consider that the substation constitutes electric plant as defined above in section 2(1) of the Electricity

Regulation Act, 1999, as amended, in that is it plant for the purposes connected with the generation of electricity.

9.6. With regard to the electricity transmission line, I note that the prospective applicant has stated that the proposed substation will be operated on a loop in loop out arrangement. It is stated within the prospective applicant's documentation that the substation will become a node 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 substation and underground and overground cable will become an integral part of the national grid transmission infrastructure, the prospective applicant's correspondence is clear in this regard.

9.7. I conclude that the substation, in forming such a node on the 220kV transmission network, constitutes Strategic Infrastructure.

9.8. **Prescribed Bodies**

9.9. 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.

10.0 **Recommendation**

I recommend that Lumcloon Energy Ltd. be informed that the proposed development consisting of a 220kV GIS substation in the townland of Kiltotan, Collinstown and Rochfortbridge as set out in the plans and particulars received by An Bord Pleanála on the 2nd September 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.

Sarah Lynch
Senior Planning Inspector

2nd November 2021

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
- Westmeath 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 EIAR) with the planning application, which outlines the mitigation measures, in the interest of convenience and ease of reference.