

An  
Bord  
Pleanála

## Inspector's Report ABP-311394-21

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<b>Development</b>	110kV electrical substation, 110kV loop in/ loop out cable connection to the Kinnegad – Rinawade 110kV overhead line and all associated development.
<b>Location</b>	Site in the townlands of Ballynamullagh, Kilmurry, Coolree, Killyon, Mulgeeth and Drehid, Co. Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Type of Application</b>	Pre-application consultation
<b>Prospective Applicant</b>	North Kildare Windfarm Limited
<b>Date of Site Inspection</b>	17 <sup>th</sup> November 2021
<b>Inspector</b>	Donal Donnelly

## 1.0 Introduction

- 1.1. The Board received a request on 15<sup>th</sup> September 2021 from prospective applicant, North Kildare Windfarm Limited to enter into pre-application consultations under Section 182E of the Planning and Development Act, 2000, as amended in relation to a proposed 110kV electrical substation, and loop in cable connection to the Kinnegad – Rinawade 110kV overhead line and all associated development works at Ballynamullagh, Kilmurry, Coolree, Killyon, Mulgeeth and Drehid, Co. Kildare. At the time of the first pre-application meeting, the proposed substation and cable connection was for the purposes of connecting the (then) permitted windfarm of 12 turbines to the national grid.
- 1.2. A consultation meeting was subsequently held between An Bord Pleanála and the prospective applicant on 15<sup>th</sup> December 2021. In the interim period, the wind farm decision was quashed by Order of the High Court. A second meeting with revised substation proposals to connect to a newly proposed windfarm took place on 23<sup>rd</sup> November 2023. The prospective applicant formally requested closure of the pre-application consultation process by written correspondence received by the Board on 21<sup>st</sup> February 2024.
- 1.3. The primary purpose of the pre-application consultation was to address the issue of whether or not the proposed development constitutes strategic infrastructure for the purposes of the 2000 Act, as amended by the Planning and Development (Strategic Infrastructure) Act, 2006. The pre-application consultation also considers matters relating to the proper planning and sustainable development of the area or the environment which may have a bearing on the Board's decision, and the procedures involved in making the application.
- 1.4. This Report provides an overview of the proposed project, a summary of the meeting and the advice provided by the Board, the legislative provisions, and a recommended list of Prescribed Bodies that should be forwarded copies of the application.

## **2.0 Site Location**

- 2.1. The site of the proposed development is within the townlands of Ballynamullagh, Kilmurry, Coolree, Mulgeeth and Drehid in northern Co. Kildare approximately 13km north-west of Clane. The surrounding area is dominated by agricultural lands, forestry plantations and lands that were formerly used for commercial peat harvesting by Bord na Móna. Planning permission was granted on these lands for a solar farm in July 2020 (ABP-305953-19). Immediately to the west of this site are the forestry plantations and agricultural lands that comprised the site of the Drehid Wind Farm (ABP-306500-20) decision that was quashed.
- 2.2. At the time of the first pre-application, it was proposed to locate the proposed substation in the townland of Killyon within the Drehid Wind Farm site. The cable route would have extended north from the substation to the Kinnegad – Rinawade 110kV overhead line.
- 2.3. A revised location for the proposed substation was presented at the second pre-application meeting, which sees the proposed substation located further north in the adjoining townland of Coolrea and connecting into the Kinnegad-Rinawade 110kV overhead line.

## **3.0 Proposed Development**

- 3.1. The proposed development would comprise of the following:
  - 1 no. 110kV onsite substation including control buildings, underground electrical and communications cabling, drainage and sediment controls, temporary site compounds, tree felling and associated works.
  - C. 1,050m of 110kV double circuit underground electricity cable and two single circuit strain towers to facilitate connection to the existing Kinnegad-Rinawade 110kV overhead line.
- 3.2. The purpose of the proposed substation is to connect a newly proposed windfarm of 11 no. turbines to the national grid.

## 4.0 Planning History

Kildare County Council Reg. Ref: 18/1534 (ABP-306500-20)

4.1. Permission granted by the Board in September 2020 for the development of a wind farm comprising 12 no. turbines with tip height of 169m and all associated works, including on-site electricity substation connecting to the existing Dunfierth substation via the L1004 public road.

4.2. This decision was quashed by Order of the High Court.

Kildare County Council Reg. Ref: 18/1514 (ABP-305953-19)

4.3. Permission granted by the Board in July 2020 for a solar farm over an area of 200 hectares.

4.4. The overall project includes a 110kV substation and overhead line grid connection that was subject to a separate Section 182A application to the Board (see below).

An Bord Pleanála Ref: ABP-303249-18

4.5. The Board approved permission at Timahoe East for a 110kV on-site electrical substation, 110kV overhead line grid connection cabling, upgrade of existing tracks and provision of new site access roads with all associated site development and ancillary works.

An Bord Pleanála Ref: ABP-308828-21

4.6. The Board decided in April 2021 that a 110kV substation replacing the permitted 38kV substation at Drehid Wind Farm, and a 110kV underground cable to the existing Timahoe North Solar Farm 110kV substation, County Kildare does not fall within the scope of section 182A of the Planning and Development Act 2000.

## 5.0 Planning Precedent

An Bord Pleanála Ref: ABP-315430-22

5.1. The Board decided that a 110kV substation and its grid connection options to the transmission network at Maganey Solar Farm in the townlands of Johnstown South, Knockroe, Crooket and Newtown Allen, Co. Kildare is Strategic Infrastructure.

An Bord Pleanála Ref: ABP-315476-23

- 5.2. The Board decided that a 110kV substation and associated grid connection works within the townland of Coolshamroge, Ennis, Co. Clare falls within the scope of Section 182A of the Planning and Development Act 2000 (as amended).

An Bord Pleanála Ref: ABP-317988-23

- 5.3. The Board decided that a 110 kV substation and loop-in connection associated with an approved solar farm development at Strokequarter, Painestown, Killary, Ricetown, Castletown K.P., Navan, Co. Meath 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.

An Bord Pleanála Ref: ABP-317824-23

- 5.4. The Board decided that a 110kV substation, and underground grid connection from the proposed Scart Mountain Windfarm to Dungarvan Substation in Co. Waterford falls within the scope of Section 182E of the Planning and Development Act, 2000 (as amended), and that a planning application should be made directly to the Board.

An Bord Pleanála Ref: ABP-318432-23

- 5.5. The Board decided that a proposed 110kV substation to facilitate connection of the permitted solar energy development at Tomsallagh, Ferns, Co.Wexford is Strategic Infrastructure Development.

## **6.0 Prospective applicant's case**

- 6.1. The prospective applicant's case is that the proposed development meets the relevant criteria and constitutes Strategic Infrastructure Development (SID) under Section 182A of the Planning and Development Act, 2000 (as amended).
- 6.2. The key elements of the prospective applicant's submission dated 13<sup>th</sup> September 2021 are summarised as follows:
- Unlike the procedure in respect of Seventh Schedule developments, all development defined as "electricity transmission development" in subsection 182A(9) of the 200 Act is deemed SID in all cases.

- Subsection 182A(9) makes express reference to Section 2(1) of the Electricity Regulation Act, 1999 in defining “transmission” for the purposes of Section 182A. Thus, SID includes high voltage (110kV or more) electricity transmission lines and interconnectors.
- It is clear that the proposed 110kV substation, 110kV loop in cable connection to the Kinnegad-Rinawade 110kV overhead line and associated development is development comprising or for the purposes of electricity transmission by means of a high voltage line, where the voltage would be 110kV or more.

## 7.0 Pre-Application Consultations

- 7.1. The first pre-application consultation meeting was held online on 15<sup>th</sup> December 2021. Full details of the meeting and matters raised are contained in the Board’s Record.
- 7.2. The prospective applicant gave an overview of the case that included details on site location and context; the rationale for the proposed development; details of the (then) permitted wind farm (ABP-316500-20); and details of the proposed development including presentation of pre-application drawings. The following matters were discussed after the presentation:
- Board’s representatives advised that it was their preliminary view that the proposed development would constitute a strategic infrastructure development but that it is ultimately for the Board to make a determination on the matter.
  - Prospective applicant confirmed that no direct application has been made to Kildare County Council for the alternative connection proposed, which was determined by the Board not to be Strategic Infrastructure Development (ABP-310028-21)
  - Board’s representatives advised the prospective applicant to consider the adequacy of the local road network for access during construction, residential amenity of nearby dwellings, and ecology and biodiversity in the surrounding area.
  - The proximity of national monuments was noted by the Board’s representative.

- 7.3. The second pre-application consultation meeting was held online on 23<sup>rd</sup> November 2023. Full details of this meeting and matters raised are contained in the Board's Record. The prospective applicant gave an update on the proposed development and confirmed that the meeting is being held in conjunction with pre-application consultation ABP-314463-22 for Drehid Windfarm. Following the quashing of the previous windfarm decision (ABP-306500-20), the new windfarm proposal includes design alterations and a reduction from 12 to 11 turbines. The location of the proposed substation has been moved approximately 400m to the north due to peat depths at the previously proposed location.
- 7.4. The Board's representatives restated the opinion given at the first pre-application consultation meeting that the proposed substation would be a Strategic Infrastructure Development but the decision will lie solely with the Board.

## 8.0 Legislative provisions

- 8.1. Section 182A(1) of the Planning and Development Act, 2000 (as amended) requires that where a person (referred to as the 'undertaker') intends to carry out development comprising or for the purposes of electricity transmission, the undertaker shall prepare an application for approval of the development to the Board.
- 8.2. Section 182A(9) of the Act 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.
- 8.3. Section 2(1) of the Electricity Regulation Act, 1999 defines transmission as follows:
- “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.”*

8.4. Electric plant is defined as follows:

*“any plant, apparatus or appliance used for, or for 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.*

## 9.0 **Assessment**

### 9.1. **Strategic Infrastructure**

9.2. The proposed development comprises a new 110kV substation including control buildings, underground electrical and communications cabling, drainage and sediment control, temporary site compounds, tree felling and associated works, as well as c. 1,050m of 110kV double circuit underground electricity cable and two single circuit strain towers to facilitate connection to the existing Kinnegad-Rinawade 110kV overhead line.

9.2.1. The purpose of the proposal is to provide a grid connection for the newly proposed Drehid Windfarm, allowing electricity generated by this facility to be fed into the national grid. The concurrent windfarm proposal is an amendment of an earlier windfarm proposal that was quashed by Order of the High Court.

9.2.2. Under Section 182A of the Planning and Development Act, 2000 (as amended), an undertaker shall apply to the Board for approval of a development comprising or for the purposes of energy transmission. Section 182A(9) states that ‘*transmission*’ shall be construed in accordance with Section 2(1) of the Electricity Regulation Act, 1999 and shall also be construed as meaning *inter alia* the transport of electricity by means of a high voltage line where the voltage would be 110kV or more.



- 9.2.3. Section 2(1) of the Electricity Act defines the transmission system as wholly or mainly high voltage lines and electrical plant for conveying electricity. I consider that the proposed substation constitutes 'electrical plant' as "any plant, apparatus or appliance used for, or for purposes connected with, the generation, transmission, distribution or supply of electricity...".
- 9.2.4. The proposed 110kV substation and the provision of a loop-in/ loop-out connection to the Kinnegad-Rinawade 110kV overhead line will form part of the transmission network. Transmission lines between the proposed substation and the existing transmission infrastructure will essentially see power in the transmission lines being diverted into the substation and back out again, thereby forming a node on the transmission system. This, in my opinion, constitutes Strategic Infrastructure Development.
- 9.2.5. The Board will note previous decisions on pre-application consultation requests in relation to electricity transmission infrastructure under Section 182E where it was determined that the provision of a 110kV substation and associated 110kV cabling acting as a node on the transmission system constitutes Strategic Infrastructure Development. Recently, the SID Board reviewed cases with respect to Section 182A (9), and the definition of transmission under Section 2(1) of the Electricity Regulation Act, 1999. The SID Board considered that new 110kV infrastructure comprising electric plant and high voltage lines for transmission must be considered SID notwithstanding whether or not these connections are looped-in or tail-fed.

### 9.3. Prescribed Bodies

- 9.3.1. 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.

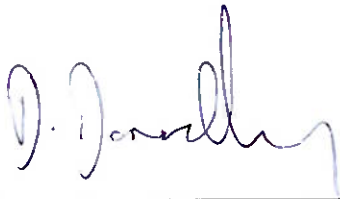
## 10.0 Conclusion

- 10.1. I consider that the proposed development as described in the submissions and drawings constitutes strategic infrastructure coming within the scope of section 182A

of the Planning and Development Act 2000, as amended, necessitating an application to be made directly to the Board.

## 11.0 Recommendation

11.1.1. I recommend that North Kildare Windfarm Limited be informed that the proposed development consisting of a 110kV electrical substation, 110kV loop in/ loop out cable connection to the Kinnegad – Rinawade 110kV overhead line and all associated development at the townlands of Ballynamullagh, Kilmurry, Coolree, Mulgeeth and Drehid, Co. Kildare as set out in the plans and particulars received by An Bord Pleanála on the 22<sup>nd</sup> November 2023, 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.



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Donal Donnelly  
Senior Planning Inspector

3<sup>rd</sup> April 2024

## **Appendix**

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

- Department of Housing, Local Government and Heritage
- Department of Environment, Climate and Communications
- Department of Agriculture, Food and the Marine
- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
- Kildare County Council
- Transport Infrastructure Ireland/ National Transport Association
- Irish Water
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce
- Heritage Council
- Eastern and Midlands Regional Assembly
- Inland Fisheries Ireland
- Commission of Regulation of Utilities
- Irish Aviation Authority
- Health & Safety Authority
- Office of Public Works
- ESB
- EirGrid

Further notifications should also be made where deemed appropriate.