



An
Bord
Pleanála

Inspector's Report ABP-311396-21

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| Development | Upgrading of the 110kV circuit between Glenree 110kV Substation and Moy 110kV Substation |
| Location | Bunnyconnellan East to Gorteen, Co. Mayo |
| Prospective Applicant | EirGrid plc |
| Planning Authority | Mayo County Council |
| Type of Application | Pre-Application Consultation under s.182E of the Planning and Development Act 2000, as amended |
| Date of Site Inspection | None Required |
| Inspector | Niall Haverty |

1.0 Pre-Application Consultation

- 1.1. The Board received a request on 15th September 2021 from EirGrid plc to enter into pre-application consultation under section 182E of the Planning and Development Act 2000, as amended ('the Act'), in relation to proposed development consisting of the uprating of the existing 110kV circuit between Glenree 110kV substation in the townland of Bunnyconnellan East and Moy 110kV substation in the townland of Gorteen, both in Co. Mayo.
- 1.2. A pre-application consultation meeting was not considered necessary in this instance.
- 1.3. This report provides an overview of the proposed development, relevant precedents and legislative provisions and recommends that the proposed development does not constitute strategic infrastructure.

2.0 Site location

- 2.1. The existing Glenree – Moy 110kV line, which has a total length of c.13.86km, commences at Glenree 110kV substation, c. 2.5km east of Bunnyconnellan, accessed from the R294 Regional Road. The line then runs east to west, skirting the north side of Bunnyconnellan village, and traversing the Fiddaun River and several local roads before going into part of the River Moy Special Area of Conservation (Site Code 002298) just south of the confluence of the Brusna and Glenree rivers at Behy More. The Western Way follows local roads in proximity to the line at this location. The line then enters the northern fringes of Ballina town, passing over the River Moy, which has several natural heritage designations at this location including Killala Bay/Moy Estuary SAC and Killala Bay/Moy Estuary pNHA.
- 2.2. On the west bank of the River Moy, the line continues in a westward direction, passing south of Belleek Wood and over the Ballina Town FC Soccer Club, Castle Road and Killala Road before approaching Moy 110kV substation over agricultural land and the L1109 local road.

3.0 Proposed Development

- 3.1. The letter submitted by the prospective applicant states that the current network in the North West of the Country does not have the capacity to accommodate the expected future renewable generation along the western seaboard and maintain compliance with the Transmission System Security and Planning Standards (TSSPS).
- 3.2. The existing Glenree – Moy 110kV circuit is 13.86km long and is constructed with 200mm² Aluminium Conductor Steel Reinforced (ACSR) cabling. The prospective applicant's letter states that system analysis indicates that power flows along the circuit could exceed its thermal rating (e.g. due to an unplanned loss of another circuit), which is in breach of the TSSPS.
 - 3.2.1. The proposed development is stated to be part of a suite of uprates being progressed in the North West to aid in the delivery of future renewable generation and to alleviate some of the constraints on current connected generation.
- 3.3. More particularly, the proposed uprating works would include replacement of:
 - 13.86 km of conductor (from 200mm² ACSR with a summer/winter rating of 550A/643A to 430mm² ACSR with a summer/winter rating of 935A/1102A including provision of a telecommunications fibre);
 - lattice steel towers and wooden polesets, as required;
 - crossarms, anti-climbing guards, insulators, labels and notices, as required;
 - apparatus in associated bays in Moy 110kV and Glenree 110kV substations.
- 3.3.1. The proposed development would also include the cutting of timber, where required.

4.0 Prospective Applicant's Case

- 4.1. The prospective applicant's case can be summarised as follows:
 - The proposed works fall within the definition of exempted development with reference to section 4(1)(g) of the Act. However, it is expected that an Appropriate Assessment is required and therefore planning permission is required for the proposed works.

- EirGrid is of the opinion that an Environmental Impact Assessment Report will not be required to accompany the application.
- Given the nature, scale and function of the proposed development, 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 Act.
- The proposal is for typical uprate works as part of EirGrid and ESB's routine function.
- The proposed development does not fall within section 37A(2) and the categories of development listed in the Seventh Schedule of the Act.
- In forming this opinion, EirGrid is relying on several previous cases of a similar nature relating to uprates and refurbishment of transmission circuits which were deemed by the Board not to be SID: (VC0106, VC0108, 305276, ABP-309446-21).

5.0 Relevant Precedents

5.1. The following table outlines the precedents that the prospective applicant considers to be relevant. I have also included other similar cases, including two recent cases that were determined by the Board subsequent to receipt of the request for pre-application consultation.

| ABP Ref. | County | Development Description | ABP Decision |
|----------|--------------------|---|--------------|
| 311253 | Galway & Roscommon | Refurbishment of the 220kV circuit between Cashla 220kV substation in and Flagford 220kv substation (c. 88km in length) | Not SID |
| 310830 | Mayo & Galway | Uprate of the 110kV circuit between Castlebar 110kV substation in Co. Mayo and Cloon 110kv substation in Co. Galway (c. 57km in length) | Not SID |
| 309446 | Donegal | Uprating of 110kV circuit between Binbane 110kV Substation and Cathaleen's Fall 110 | Not SID |

| | | | |
|--------|----------------|--|---------|
| | | kV Station, Co. Donegal (c. 45km in length) | |
| 305276 | Wexford | Refurbishment works to the existing Great Island - Kellis 220 kV Line (c. 70km in length) | Not SID |
| VC0108 | Kilkenny | Uprate and refurbishment of the existing Great Island - Kilkenny 110kV Overhead Line substation in Co. Wexford & Co. Kilkenny (c. 49km in length) | Not SID |
| VC0106 | Galway | Refurbishment of the existing Cloon to Lanesboro 110kV Overhead Line (c. 65km in length) | Not SID |
| VC0086 | Clare & Galway | Uprating of the existing 400kV line between the Moneypoint power station, Kilrush in Co. Clare and Oldstreet Substation, Portumna, Co. Galway (c. 103km in length) | Not SID |
| VC0080 | Kerry & Cork | Refurbishment and uprating of the existing 220kV line between the Knockanure substation in Co. Kerry and Ballyvouskill in Co. Cork (c. 63km in length) | Not SID |
| VC0079 | Mayo | Refurbishment and uprating of the existing 110kv line between Bellacorick and Moy in County Mayo (c. 27km in length) | Not SID |
| VC0072 | Mayo | Refurbishment and uprating of an existing 110kv circuit that runs from Bellacorrick to Castlebar in County Mayo (c. 20km in length) | Not SID |

6.0 Legislative Provisions

6.1. Planning and Development Act 2000, as Amended

6.1.1. Section 2(1) of the Act defines 'strategic infrastructure' as including, *inter alia*:

“any proposed development referred to in section 182A(1)”

6.1.2. 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.”

6.1.3. 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.

6.1.4. 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.”

6.2. Electricity Regulation Act 1999, as Amended

6.2.1. ‘Transmission’ is defined in section 2(1) of the Electricity Regulation Act, 1999, as amended, 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, 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.”

7.0 Assessment

7.1. Based on the information contained in the prospective applicant’s cover letter and noting the statutory definition set out above, it is clear to me that the existing Glenree – Moy 110kV circuit can be considered to form part of the transmission network for the purposes of the Planning Act. I also note in this regard that the Transmission System map provided on the EirGrid website² includes this circuit.

7.2. The Board will note that, in making decisions on previous strategic infrastructure pre-application consultation requests under s. 182E in relation to works to electricity transmission infrastructure of a relatively minor nature, and in the context of the lack

¹ For clarity, references to the ‘Board’ in this instance relate to the Electricity Supply Board.

² <http://www.eirgridgroup.com/site-files/library/EirGrid/EirGrid-Group-Transmission-Map-January-2020.pdf>

of clarity in the interpretation of s. 182A, it has exercised some discretion. Specifically, the Board has had regard to the long title of the Planning & Development (Strategic Infrastructure) Act 2006, which states that it provides for “the making directly to An Bord Pleanála of applications for planning permission in respect of certain proposed developments of strategic importance to the state...”. In such cases, the Board has therefore had regard to the 3 No. criteria contained in s. 37A(2) for determining whether development constitutes Strategic Infrastructure, notwithstanding the fact that the s. 37A(2) criteria do not explicitly apply to cases falling within the scope of s. 182A rather than the Seventh Schedule of the Act.

- 7.3. I consider the Board’s decisions in cases ABP-310830-21, ABP-309446-21 and VC0108 to be of particular relevance. In each of those cases, uprating works were proposed to existing circuits on the transmission network including, inter alia, the replacement of conductors with higher capacity conductors, replacement of wooden polesets and steel pylons and replacement of insulators, cross arms and other miscellaneous equipment, as required. In each of those cases, which all related to circuits of considerably greater length than the Glenree – Moy circuit, the Board decided that the proposed development did not constitute strategic infrastructure development. Similar decisions were made in earlier cases, including Refs. VC0086, VC0080, VC0079, and VC0072, all of which also involved line uprating and associated works. In each of those cases the Board again decided that the proposed development was not strategic infrastructure development.
- 7.4. Other relevant cases include ABP-311253-21, ABP-305276-19 and VC0106. In those cases, no uprating of the line was involved, but extensive refurbishment works were to be undertaken. Again, the Board decided that these cases did not constitute strategic infrastructure.
- 7.5. In the current case the prospective applicant has indicated their opinion that the proposed development does not constitute strategic infrastructure under s. 182A given that the proposed works comprise typical uprate works undertaken as part of their routine function. The prospective applicant contends that the proposed

development is of a type that would typically comprise exempted development under s. 4(1)(g)³, were an Appropriate Assessment not required.

- 7.6. Having regard to the stated purpose of the 2006 Act as set out in its long title and to the general description and scale of strategic infrastructure development set out in s. 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 s. 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 uprating the existing 110kV circuit between Glenree 110kV substation in the townland of Bunnyconnellan East, Co. Mayo and Moy 110kV substation in the townland of Gorteen, Co. Mayo, as set out in the plans and particulars received by An Bord Pleanála on the 15th September 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 Mayo County Council.

Niall Haverty

Senior Planning Inspector

27th October 2021

³ “development consisting of the carrying out by any local authority or statutory undertaker of any works for the purpose of inspecting, repairing, renewing, altering or removing any sewers, mains, pipes, cables, overhead wires, or other apparatus, including the excavation of any street or other land for that purpose.”