



An  
Bord  
Pleanála

## Inspector's Report ABP-311403-21

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<b>Development</b>	Proposed development of Laurencetown 110kV infrastructure
<b>Location</b>	Townland of Clonin, Rhode, Co. Offaly
<b>Planning Authority</b>	Offaly County Council
<b>Type of Application</b>	Pre-application consultation
<b>Prospective Applicant</b>	Rhothirees 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 16<sup>th</sup> September 2021 from prospective applicant, Rhothirees Limited to enter into a pre-application consultation under Section 182E of the Planning and Development Act, 2000, as amended in relation to proposed 110kV infrastructure in the townland of Clonin, Rhode, Co. Offaly. The proposed development is for the purposes of connecting ground mounted solar PV infrastructure to the national grid at the existing Derryiron 110kV substation.
- 1.2. A consultation meeting was subsequently held between An Bord Pleanála and the prospective applicant on 1<sup>st</sup> December 2021. The prospective applicant formally requested closure of the pre-application consultation process by written correspondence received by the Board on 9<sup>th</sup> December 2021.
- 1.3. The primary purpose of pre-application consultation 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 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 townland of Clonin beside the village of Rhode in north-eastern Co. Offaly. The Derryiron substation adjoins the site to the north. This was also the location of Rhode Power Station, which was decommissioned in 2003.
- 2.2. The site is located on unzoned agricultural land. There is a site-specific objective in the Offaly County Development Plan, 2021-2027 for the Rhode Green Energy Park on "industrial and warehousing" zoned land to the north-east of the site. Objective

SO6 seeks to support and promote the development of Rhode Green Energy Park for green energy as well as other complementary uses.

- 2.3. The area surrounding the subject site comprises arable agricultural land to the south and lands that were formerly used for commercial peat harvesting to the north-west. Clonin Hill is immediately south of the permitted solar farm site. There are 110kV overhead lines traversing the area from the Derryiron substation. There is also a 400kV line to the south of Clonin Hill.

### **3.0 Proposed Development**

- 3.1. The proposed 110kV infrastructure would comprise of the following:
- 110kV Air Insulated Switchgear (AIS) building, transformer, electrical equipment and associated compound.
  - Fenced compound including other electrical plant, energy storage modules, underground ducting and cabling.
  - Cabling and ducting from the Derryiron substation to the proposed substation compound.
- 3.2. Access to the site will from a new track off the access road to Derryiron substation. This road commences further east at a 'T' junction with the R400.

### **4.0 Planning History**

Offaly County Council Reg. Ref: 16/246

- 4.1. Ten year permission granted in January 2017 for solar PV energy infrastructure to include one single storey electrical substation building and associated compound, electrical transformer and inverter station modules, storage modules, solar PV panels ground mounted on support structures, access roads, fencing and all associated electrical cabling, ducting, CCTV and other ancillary infrastructure, additional landscaping as required.
- 4.2. It was a condition of this permission that the development of the solar farm on fields identified as Numbers 1, 2, 3 and 4 shall not be permitted. This reduced the development from 96.6 hectares to 71 hectares.

Offaly County Council Reg. Ref: 19/194 (ABP-304925-19)

- 4.3. The Board overturned the Council's decision and granted permission in March 2021 for a solar PV energy development within a site area of c. 15ha. This is the area that was removed by condition under Reg. Ref: 16/246.

## 5.0 **Planning Precedent**

An Bord Pleanála Ref: ABP-310026-21

- 5.1. The Board decided that a 110kV substation and associated infrastructure at Dennistown, Sallystown, Milltown and Murntown Lower, Co. Wexford falls within the scope of Section 182A of the Planning and Development Act, 2000 (as amended).
- 5.2. The purpose of this development was to feed up to 170MW of renewable energy from a consented solar farm development into the national grid at Wexford substation.

An Bord Pleanála Ref: ABP-310076-21

- 5.3. The Board decided that a 110kV AIS substation and associated loop-in infrastructure to tie into the existing 110kV (Mullingar-Corduff) overhead transmission line falls within the scope of Section 182A of the Planning and Development Act, 2000 (as amended).
- 5.4. The purpose of the substation was to serve a proposed solar farm development on adjacent lands, a separate application for which was to be submitted to Meath County Council.

An Bord Pleanála Ref: ABP-310846-21

- 5.5. The Board decided that a 110kV substation to feed into the existing Athlone 220/110 kV substation at Monksland, Co. Roscommon, including underground tail fed cable connection falls within the scope of Section 182A of the Planning and Development Act, 2000 (as amended).
- 5.6. This proposal was required to serve an extended solar park and would replace a permitted 38kV substation.

## 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 are summarised as follows:

- Location has been chosen due to its position adjacent to the existing Derryiron 110kV station.
- Once constructed, ESNB and EirGrid will be the owner and operator of the 110kV infrastructure respectively.
- Further to a review of separate applications for similar type developments, the applicant acknowledges that the infrastructure indicated with the attached documentation comes within the definition of "transmission" as detailed in Section 2(1) of the Electricity Regulation Act, 1999.
- Proposed development qualifies under this definition for transmission and accordingly should be deemed Strategic Infrastructure Development.

## 7.0 Pre-Application Consultations

7.1. A pre-application consultation meeting was held online on 1<sup>st</sup> December 2021. Full details of the meeting and matters raised are contained in the Board's Record. The prospective applicant set out the policy context and need for the proposed development, together with an introduction and description of the project, the site context and presentation of pre-application drawings. The following matters were discussed after the presentation:

- The Board's representatives gave their preliminary view that the proposed development would constitute a strategic infrastructure development but said the final decision would be a matter for the Board.
- The prospective applicant said it does not foresee an NIS being required but this will be agreed in conjunction with their ecologist.

- The prospective applicant confirmed that the proposed development would become an EirGrid asset once completed.
- The Board's representatives agreed that the 110kV substation and underground cables would not be a class of development for the purposes of EIA.

7.2. The following comments were received from the prospective applicant after the issuing of the meeting record by the Board:

- The offer for a Transmission Connection Agreement received refers to the proposed development as Laurencetown 110kV Station.
- The development will be again reviewed by ecologist and material will be presented to the Board for their consideration in respect of AA/NIS.
- The connection point to the transmission system lies within the proposed development at the proposed 110kV transformer, and all infrastructure from the proposed connection point to Derryiron 110kV station would be an EirGrid asset once completed.

## 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 AIS substation intended to facilitate the connection of ground mounted solar PV infrastructure to the National Grid at the existing Derryiron 110kV substation. Permission was granted for the solar farm by Offaly County Council in January 2017 under Reg. Ref: 16/246. A section of the solar farm originally omitted under Reg. Ref: 16/246 was subsequently granted by the Board in March 2021 under ABP-304925-19.

9.3. The prospective applicant is seeking a determination from the Board as to whether the proposed substation and connection to the 110kV transmission network is or is not strategic infrastructure development. The prospective applicant considers that it is strategic infrastructure development.

- 9.4. 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.
- 9.4.1. 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..."*.
- 9.4.2. There is no threshold under Section 182A (9) of the Planning and Development Act, 2000 (as amended) in respect of a substation. However, the proposal includes 110kV electric plant, transformer, substation buildings and compound, end masts, ducting and cabling. The solar farm will essentially be connected to the National Grid by the proposed 110kV infrastructure from the proposed substation to the existing Derryiron substation via high voltage (110kV) cabling. The proposed 110kV AIS substation and the provision of transmission lines between the proposed substation and the existing Derryiron substation therefore comes within the definition of transmission as lines or electric plant used for conveying electricity from one substation to another as detailed under Section 2(1) of the Electricity Regulation Act, 1999. The connection point to the transmission system lies within the proposed development at the proposed 110kV transformer, and all infrastructure from the proposed connection point to Derryiron 110kV station would be an EirGrid asset once completed.
- 9.4.3. 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.

#### **9.5. Planning and Environmental Considerations**

9.6. The 110kV substation and underground cables would not be a class of development that would require mandatory EIAR.

9.7. The following matters are relevant in terms of planning and environmental considerations:

- Design, layout and cumulative impact on visual amenities of the area.
- Cultural heritage and potential impact on archaeology.
- Appropriate Assessment and impact on ecology.

#### **9.8. Prescribed Bodies**

9.8.1. 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 Rhothirees Limited be informed that the proposed development consisting of 110kV infrastructure for the purposes of connecting a permitted solar farm to the Derryiron 110kV substation within the townland of Clonin, Rhode, Co. Offaly, as set out in the plans and particulars received by An Bord Pleanála on the 16<sup>th</sup> September 2021, 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

16<sup>th</sup> 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 of Housing, Local Government and Heritage
- Minister for Environment, Climate and Communications
- Offaly County Council
- Transport Infrastructure Ireland
- Irish Water
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce
- Heritage Council
- Commission of Regulation of Utilities, Water and Energy
- Health Service Executive
- Irish Aviation Authority
- Health & Safety Authority

Further notifications should also be made where deemed appropriate.