



An
Bord
Pleanála

Inspector's Report ABP-312532-22

Development

Development of a 110kV 'Loop-In/Loop Out' (LILLO) substation to facilitate a planned approx. 187 hectares solar farm

Location

Freagh and Gortnamuck, Kilcormac, Co. Offaly

Planning Authority

Offaly County Council

Prospective Applicant(s)

Harmony Solar Offaly Ltd.

Type of Application

Pre-application consultation under section 182E of the Planning & Development Act, 2000 (as amended)

Date of Site Inspection

26th April 2022

Inspector

Anthony Kelly

1.0 Introduction

- 1.1. Harmony Solar Offaly Ltd. requested pre-application consultation under the Planning & Development Act, 2000 (as amended), for the proposed development of a 110kV 'Loop In/Loop Out' (LILO) substation to facilitate a planned approx. 187 hectares solar farm with a provisional maximum installed capacity of approx. 150MW. Pre-application consultations took place between the Board and the prospective applicant on the 28th April 2022. The prospective applicant formally requested closure of the pre-application consultation process by written correspondence received by the Board on 14th June 2022.
- 1.2. The primary purpose of the meeting was to address the issue of whether or not the proposed development constitutes strategic infrastructure for the purposes of the Planning & Development Act, 2000 (as amended), and to consider 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 procedures involved in making the application.
- 1.3. 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 recommends a list of prescribed bodies that should be forwarded copies of any application.

2.0 Site Location & Description

- 2.1. The site is approx. 1km south west of the town of Kilcormac in Co. Offaly.
- 2.2. Land use in the vicinity of the proposed substation is primarily agricultural with some housing, particularly to the south east. The proposed substation is accessed from a local road (L6042) to the south. The N52 road is approx. 180 metres further to the north of the site. The overall site is relatively flat with some tree and hedgerow field boundaries. A 110kV electricity line (Derrycarney – Portlaoise) runs in a west-east direction through the centre of the site to which it is proposed to connect the planned substation. The proposed substation is to the north of the existing line.

- 2.3. The proposed substation site has an area of 3.75 hectares. The proposed solar farm is to be contained in three separate land parcels: immediately adjoining the proposed substation and two other parcels west of the proposed substation.

3.0 Proposed Development

- 3.1. The nature and scale of the proposed development is set out in section 3.1 of the '110kV Substation Kilcormac Solar Farm' document, prepared by Fehily Timoney and dated January 2022, submitted with the consultation request:

- Substation – Two separate compounds (one for Eirgrid and one for the independent power producer (IPP)) to include a 450sqm Eirgrid substation building and 215sqm IPP switchgear building, hardstanding, fencing, and lightning masts;
- Access road – To be shared with part of the solar farm. Approx. 750 metres long, 5.5 metres wide, and with separate accesses to each compound;
- Underground cabling – These will provide a connection between the proposed substation and existing 110kV line. One cable would be required for the 'loop in' element and one for the 'loop out' element with lengths of approx. 105 metres and 130 metres;
- End Masts – These would be located on the existing line in order to loop the proposed substation into the electricity transmission system. An existing section of line would be removed. Two 16 metres high masts would be installed at the 'loop in' and 'loop out' positions.

4.0 Planning History

- 4.1. There has been no previous planning application on site though the planning authority's Planning GIS Viewer appears to show part of the proposed access road within an area subject of a section 47 agreement.

- 4.2. The planning application for the proposed solar farm does not appear to have been received by the planning authority to date.

5.0 Policy Context

Offaly County Development Plan 2021-2027

- 5.1. Section 3.3.1 (Electricity Transmission and Distribution) is relevant to the proposed development. Policies CAEP-01, CAEP-04, and CAEP-05 are also relevant.

6.0 Prospective Applicant's Submission

- 6.1. In the '110kV Substation Kilcormac Solar Farm' report, the prospective applicant considers, based on legislative provisions and comparable precedent cases, that the proposed substation development would constitute strategic infrastructure development. The applicant considers the proposed development would facilitate electrical connecting of the proposed solar farm which would enhance the national transmission network and make a material contribution to the achievement of national and regional renewable energy and climate change targets. The applicant submits the Board 'should determine that the proposed 110kV substation ... is Strategic Infrastructure Development by reason of its relationship to the national transmission network and contribution to the Irish state in reducing the nation's reliance on fossil fuel in the transition to a low carbon society'.

7.0 Pre-Application Consultations

- 7.1. One online consultation meeting was held on 28th April 2022. Full detail of the meeting and matters raised are contained in the Board's Record.
- 7.2. The meeting's Chair outlined the general procedures in relation to the pre-application consultation process. The prospective applicant provided, inter alia, an overview of the proposed development, a site description, and the policy context supporting the

proposed development. The prospective applicant considered the proposed substation location was outside flood risk zones and there were no concerns in relation to biodiversity. The prospective applicant proposed a single, separate, environmental report and appropriate assessment (AA) screening/Natura Impact Statement for the overall combined project (substation and solar farm). The prospective applicant submitted the proposed 110kV substation qualifies as strategic infrastructure.

7.3. Some matters discussed after the presentation included:

- The prospective applicant stated its intention was to submit the solar farm planning application to Offaly Co. Co. in the coming weeks.
- Screening from the N52. It was also recommended that photomontages from the N52 and from south east of the substation site be included.
- Haulage routes and any alterations required.
- The applicant outlined intended public consultation to be carried out.
- The applicant does not anticipate a Stage 2 AA will be necessary.
- Communication masts are not expected to be provided within the site.

8.0 Legislative Provisions

8.1. Under s182A(1) of the Planning & Development Act, 2000 (as amended) (inserted by s4 of the Planning & Development (Strategic Infrastructure) Act, 2006), where a person, thereafter referred to as the 'undertaker', intends to carry out development comprising or for the purposes of electricity transmission, the 'proposed development', the undertaker shall prepare, or cause to be prepared, an application for approval of the development under s182B and shall apply to the Board for such approval accordingly.

8.2. S189(9) states that 'transmission' shall be construed in accordance with s2(1) of the Electricity Regulation Act 1999 'but, for the purposes of this section ... 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. S2(1) of the Electricity Regulation Act 1999 defines ‘transmission’, in relation to electricity, as ‘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’ (electricity supply board; ESB).

8.4. ‘Distribution’ is defined as ‘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 switchgear and which is used for conveying electricity to final customers’.

8.5. ‘Electric plant’ is defined as ‘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 ...’

8.6. S182E sets out procedures in advance of seeking approval under s182B. Subsection (1) states that a prospective applicant who proposes to apply for approval under s182B ‘shall, before making the application, enter into consultations with the Board in relation to the proposed development’.

9.0 **Assessment**

9.1. **Strategic Infrastructure**

9.1.1. The proposed development comprises the construction of a 110kV electrical substation with two end towers to connect a planned solar farm to the national grid via a LILO connection. 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.

- 9.1.2. In relation to the prospective applicant's submission to the Board which sets out the nature and extent of development on which it sought pre-application consultation, it is important to note that the proposed substation is not development specified in the Seventh Schedule of the Planning and Development Act, 2000 (as amended). As such s37B, as referenced in the applicant's submitted '110kV Substation Kilcormac Solar Farm' report, does not apply.
- 9.1.3. Under s182A(1) of the Planning & 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. S182A(9) states that 'transmission' shall be construed in accordance with s2(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. S2(1) of the Electricity Regulation 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 defined. There is no threshold under s182A(9) of the Planning & Development Act, 2000 (as amended) in respect of a substation.
- 9.1.4. The proposed new substation and associated infrastructure would enable the electricity generated by the planned solar farm to be transformed to a voltage of 110kV for direct transmission to the national grid. The electrical power of the existing circuit would therefore be entirely diverted into the proposed substation and back out again via the proposed two end towers. The proposed new substation and associated infrastructure would form an integral part of the Derrycarney-Portlaoise 110kV overhead line and part of the transmission grid. The prospective applicant's correspondence is clear in this regard.
- 9.1.5. I note the similarity between this case and other proposals put before the Board for pre-application consultation under s182E of the Planning & Development Act, 2000 (as amended). In these cases, the Board determined that the provision of a new 110kV substation and associated 110kV overground/underground cabling which is looped into the existing transmission system constitutes strategic infrastructure e.g. ABP-308018-20 (Milltown, Co. Meath) and ABP-308422-20 (Ballyvalode, Co. Limerick). I

consider that the subject case is comparable, and therefore the undertaker shall submit any application for approval of the proposed development to the Board.

9.2. Environmental Impact Assessment (EIA) & Appropriate Assessment (AA)

- 9.2.1. S182A(2) of the Planning and Development Act, 2000 (as amended) states that 'In the case of development referred to in subsection (1) which belongs to a class of development identified for the purposes of s176, the undertaker shall prepare, or cause to be prepared, an environmental impact assessment report or Natura impact statement or both that report and that statement, as the case may be, in respect of the development'. S176 relates to prescribed classes of development requiring assessment.

EIA

- 9.2.2. Part 1 and Part 2 of Schedule 5 of the Planning & Development Regulations 2001, (as amended) set out the classes of development for the purposes of EIA. Section 20 of Part 1 provides that a mandatory EIAR is required for the 'Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres'. Section 3 (b) of Part 2 provides that a mandatory EIAR is required for 'Industrial installations carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more'.
- 9.2.3. Therefore, the proposed development of a 110kV substation and underground transmission cables would not come within a class set out in Part 1 or Part 2 of Schedule 5 of the Planning & Development Regulations 2001, (as amended).

AA

- 9.2.4. In relation to AA, the substation site is not located within any European site. The prospective applicant stated in the pre-application meeting that Stage 2 AA is not anticipated, however this is to be confirmed. The prospective applicant was advised to undertake robust screening in this regard.

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 application for approval.

9.4. Conclusion

- 9.4.1. I consider that the proposed development as described in the applicant's submission constitutes strategic infrastructure coming within the scope of s182A of the Planning & Development Act 2000, (as amended), therefore necessitating an application to be made directly to the Board.

10.0 Recommendation

- 10.1. I recommend that Harmony Solar Offaly Ltd. be informed that the proposed development consisting of a 110kV electrical substation and associated infrastructure for the purposes of connecting a planned solar farm to the existing Derrycarney-Portlaoise 110kV overhead line network within the townlands of Freagh and Gortnamuck, Co. Offaly, as set out in the plans and particulars received by An Bord Pleanála on the 19th January 2022, falls within the scope of section 182A of the Planning & Development Act 2000, (as amended), and that any planning application should be made directly to the Board.

Anthony Kelly

Planning Inspector

21st June 2022

APPENDIX

The following prescribed bodies are considered relevant for the purpose of s182A(4)(b) of the Planning & Development Act, 2000 (as amended):

1. Minister of Housing, Local Government and Heritage
2. Minister for Environment, Climate and Communications
3. Minister for Agriculture, Food and the Marine
4. Offaly County Council
5. EirGrid
6. ESB (Electric Ireland)
7. Commission for Regulation of Utilities
8. Transport Infrastructure Ireland
9. Irish Water
10. Inland Fisheries Ireland
11. An Chomhairle Ealaíon
12. Fáilte Ireland
13. An Taisce
14. Heritage Council
15. Irish Aviation Authority
16. Health & Safety Authority

Additional notifications should also be made where considered appropriate.