



An
Bord
Pleanála

Inspector's Report ABP-313227-22

Development

Proposed diversion of the existing Maynooth-Ryebrook 110kV circuit, along the eastern edge of the site at Collinstown linking back into the OHL section at Lidl at Intel Campus

Location

Intel Campus, Collinstown Industrial Park, Leixlip, Co. Kildare

Prospective Applicant

Intel Ireland Limited

Type of Request

Section 182E request for SID
Preapplication consultation – whether project is or is not strategic infrastructure development.

Date of Site Inspection

None required

Inspector

Una Crosse

1.0 Introduction

- 1.1. Intel Ireland Limited requested Pre-Application Consultations under Section 182E of the Planning and Development Act, 2000, as amended, for the proposed diversion of the existing Maynooth-Ryebrook 110kV circuit, along the eastern edge of the site at Collinstown linking back into the OHL section at Lidl. The proposed development is located at the Intel Campus, Collinstown, Leixlip, Co. Kildare.
- 1.2. A Pre-Application Consultation meeting was held, virtually, on the 27th April 2022.
- 1.3. This Report provides an overview of the proposed project and the legislative provisions and recommends that the proposed development does not constitute strategic infrastructure.

2.0 Site Location

- 2.1. The proposed development is located within the existing Intel Campus which is a large semiconductor fabrication facility on a site of c.163 hectares. The campus has been the subject of a large number of applications over many years. The existing overhead line traverses the east of the site in a southwest northeast direction for a distance of c.650m.
- 2.2. The eastern boundary/edge of the campus, which is the subject of the proposed development and which is undeveloped, is adjoined by the Royal Canal. Further east of this is the Sligo – Dublin train line with Louisa Bridge station to the southeast. There is existing residential development in the vicinity. The Rye River, which is an SAC, flows in an east west direction to the north of the campus. There are a number of heritage features within the wider area including the Leixlip Spa, Leixlip Waterfall and Louisa Bridge. The southern side of the site is bounded by the R148 regional Leixlip/Maynooth road. The R449 in the vicinity of the site leads to the M4 motorway.

3.0 Proposed development.

As outlined in the submission received the proposal will comprise the following:

- The diversion of the existing overhead line section of the Maynooth-Ryebrook 110 kV circuit by providing c.1km - 1.5km of overhead line along the eastern

edge of the site at Collinstown linking back into the overhead line section at the existing Lidl unit to the south of the site.

- Erection of towers and associated conductors.
- Following the diversion, it is proposed to decommission and remove the existing part of the overhead line that crosses the Intel site.

4.0 Prospective applicants' case

- As set out in their letter dated 5th April 2022, the primary purpose of the proposed development is to ensure the ability of the facility to adapt to any possible future development or expansion requirements, in line with the current zoning for the site.
- The existing transmission network in the vicinity of the site is outlined in detail.
- The proposal does not seek to remove or include any additional electricity transmission. It is simply seeking to divert this section of the transmission line along the eastern edge of the site.
- Proposal is sub-threshold for EIA as per Part 1, 20 and Part 2(3)(b) of Schedule 5 of Planning and Development Regulations 2001, as amended.
- Assessment of environmental impacts ongoing with potential for significant environmental effects with factors currently anticipated as having potential to be significantly affected including landscape, cultural heritage and biodiversity.
- On completion of the general arrangement design stage, the likely significance environmental effects will be reviewed and should it be considered that the effects on any environmental factors are likely to be significant, an EIAR will be prepared.
- Should it be considered that such effects are not likely to be significant, then information specified in Schedule 7A will be provided for the purposes of the Planning Authority's screening determination. In this event, environmental reports will be prepared on individual environmental factors such as landscape, cultural heritage and biodiversity in order to assess effects on these factors and to set out any mitigation measures that may be required to ensure avoidance of significant environmental effects.

- AA screening report being prepared and should the possibility for significant effects on any European sites, either arising from the project alone or in combination with other plans and projects, then a Natura Impact Statement will be prepared and included with the planning application
- Reference made to Section 182A (1) which refers to the intention to **carry out development comprising or for the purposes of electricity transmission** (emphasis of prospective applicant)
- Considered that to **carry out development** can be interpreted as **any** (emphasis of prospective applicant) development, be it the relocation of existing lines or the provision of new lines.
- Reference to Section 182A(9) of the Act which states that the term 'transmission' shall be construed in accordance with section 2(1) of the Electricity Regulation Act 1999, and for the purposes of section 182A, shall also be construed as meaning the transport of electricity by means of a high voltage line (equal to or greater than 110 kilovolts) or an interconnector (whether ownership of the interconnector will be vested in the undertaker or not).
- Definition of transmission in Section 2(1) of the Electricity Regulation Act, 1999 provided.
- Definition of Electric plant the Electricity Regulation Act, 1999 provided.
- Recent Intel related power projects considered to be relevant examples with the most recent substation under construction immediately north of the Intel site in Kellystown considered SID as it was not integral to the functioning of the Intel site and provided electrical transmission to a wider area.
- Whilst the proposed OHL diversion is associated with the potential future expansion of the Intel plant, the transmission line itself is not directly related to the Intel Plant but with the wider regional transmission system and is therefore of a strategic nature.

5.0 Relevant Precedents

5.1. Previous Withdrawn Pre-Application Consultation

Ref. VC0099 - It is noted that there was a previous undetermined pre-application consultation case for the proposed development on the site which was withdrawn on 5th April 2022.

5.2. Recent Pre-Application Consultation

The prospective applicant has not provided any details of precedent cases which may be of relevance to the subject proposed other than the recent substation SID determination at Kellystown which I reference as follows.

Kellystown 220kV substation - Ref. 303412-19 (Pre-Application) and Ref. 304862-19 (Application) determined by the Board to be SID and application approved.

5.3. Other Pre-Application Consultations

The following table outlines a number of "Not SID" determinations made by the Board in relation to works to existing transmission lines.

ABP Ref	PA	Description	ABP Decision	Year
VC0106	Galway	Refurbishment of the existing Cloon to Lanesboro 110kV Overhead Line	Not SID	2017
VC0108	Kilkenny	Uprate and refurbishment of the existing Great Island - Kilkenny 110kV Overhead Line substation in Co. Wexford & Co. Kilkenny	Not SID	2018
305276	Wexford	Refurbishment works to the existing Great Island - Kellis 220 kV Line	Not SID	2019
309446	Donegal	Uprating of 110kV circuit between Binbane 110kV Substation and Cathaleen's Fall 110 kV Station, Co. Donegal.	Not SID	2021
311253	Galway	Refurbishment of a 220kV circuit between Cashla 220kV Station and Flagford 220kV Station	Not SID	2021
310830	Mayo/Galway	Uprate of the 110 kV circuit between Castlebar 110kV Substation in the townland of Aghalusky Co. Mayo and Cloon 110 kV	Not SID	2021

		Substation in the townland of Cloonascragh, Tuam, Co. Galway.		
--	--	--	--	--

6.0 Legislative provisions

6.1. Nature of Development

Under section 182A(1) of the 2000 Act (inserted by section 4 of the 2006 Act) where a person (hereafter referred to as the ‘undertaker’) intends to carry out development comprising or for the purposes of electricity transmission (hereafter referred to in this section and section 182B as ‘proposed development’), the undertaker shall prepare, or cause to be prepared, an application for approval of development under section 182B and shall apply to the Board for such approval accordingly.

Subsection (9) states:

In this section ‘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 high voltage line where the voltage would be 110 kilovolts or more, or an interconnector, whether ownership of the interconnector will be vested in the undertaker or not.

In section 2(1) of the Electricity Regulation Act, 1999, “transmission” is defined in relation to electricity as meaning:

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.

6.2. EIA

Annex I & Annex II to Directive 2011/92/EU as amended by 2014/52/EU and Part 1 & Part 2 of Schedule 5 (Planning and 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 for 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'*.

7.0 Assessment

- 7.1. The main consideration, in my opinion, is the primary purpose of the proposed diversion. It is outlined by the prospective applicant that primary purpose of the proposed development is to ensure the ability of the facility to adapt to any possible future development or expansion requirements. While the proposal will see an increase in the length of the line by between c. 350m-850m and the provision of additional towers and conductors, this is considered ancillary to the primary purpose of the development which is to divert the line to facilitate future expansion of the facility. Furthermore, while the works are related to the transmission network and while there would be a marginal increase in the length of the line the development is not being proposed for reasons related to improving the transmission network.
- 7.2. The Board will note, in making decisions on strategic infrastructure pre-application consultation requests under section 182E in relation to works to electricity transmission infrastructure of a relatively minor nature, and in the context of the lack of clarity in the interpretation of section 182A, that it has exercised some discretion. Specifically, it has referenced the broad definition of the Strategic Infrastructure Act, *developments of strategic importance to the State*, and the criteria contained in section 37(A)(2) to determine such matters (noting that these criteria are not expressly cited for cases coming forward under s.182A). While the Intel facility may be of strategic importance the proposed development in itself would not in my

opinion be strategic as it comprises a minor amendment to the transmission network to divert an existing line with no strategic gain to the network itself.

- 7.3. In the current case the prospective applicants have indicated their opinion that the proposed development may constitute strategic infrastructure under s.182A.
- 7.4. Having regard to the stated purpose of the 2006 Act as set out in the long title and to the general description and scale of strategic infrastructure development set out in section 37A(2), I consider that the proposed development as described, comprising a minor diversion of an existing section of transmission line, would not constitute strategic infrastructure. I conclude, therefore, that it does not fall within the scope of section 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 Intel Ireland Limited be informed that the proposed development, consisting of the proposed diversion of the existing Maynooth-Ryebrook 110kV circuit, along the eastern edge of the site at Collinstown linking back into the OHL section at Lidl at Intel Campus in Leixlip, Co. Kildare as set out in the particulars received by An Bord Pleanála on the 5 April 2022, 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 Kildare County Council.



Una Crosse

Senior Planning Inspector

 27th May 2022