



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313352-22

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<b>Development</b>	110kV substation and grid connection cabling to the existing Thornsberry 110kV substation in County Offaly
<b>Location</b>	County Westmeath and County Offaly
<b>Planning Authority</b>	Westmeath County Council
<b>Prospective Applicant</b>	Umma More Limited
<b>Type of Application</b>	Pre-Application Consultation under Section 182E of the Planning and Development Act as amended
<b>Date of Site Inspection</b>	June 20th 2022
<b>Inspector</b>	Paul Caprani

# Contents

1.0 Introduction.....	3
2.0 Site Location and Description .....	3
3.0 Proposed Development .....	4
4.0 Prospective Applicant’s Case .....	5
5.0 Legislative Provisions .....	6
5.1. Planning and Development Act 2000, as Amended .....	6
5.2. Electricity Regulation Act 1999, as Amended .....	7
6.0 Assessment.....	8
7.0 Recommendation.....	9

## 1.0 Introduction

- 1.1. The Board received a written request on 14<sup>th</sup> April to enter into pre-application consultations under Section 182E of the Planning and Development Act, 2000 as amended ('the Act'), in relation to a proposed 110kV electrical infrastructure which will facilitate the connection of the the proposed Umma More Renewable Energy Development consisting of 9 wind turbines to the existing 100kV Thornsberry substation near Tullamore in County Offaly. The request was submitted by MKO on behalf of the prospective applicant, Umma More Ltd, which is an associated company of Enerco Energy Ltd. This report should be read in conjunction with a separate but related file in respect of a pre-application consultation the provision of 9 wind turbines centred on the townland of Umma More in Co. Westmeath (ABP 313351-22).
- 1.2. A single meeting was held on both pre-application consultations on June 21<sup>st</sup> between An Bord Pleanála and the prospective applicant in relation to both proposals (ie the grid connection and the windfarm development). The primary purpose of the meeting was to outline the details of the proposal and to address the issue of whether or not the proposed development constitutes strategic infrastructure for the purposes of the Act, 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 to outline the procedures involved in making any potential application. The prospective applicant formally requested closure of the pre-application consultation process in a letter dated 22<sup>nd</sup> July 2022.
- 1.3. This report provides an overview of the proposed development, a summary of the meeting that took place and the advice provided by the Board's representatives at that meeting. It provides a recommendation that the Board determine that the proposed development does fall within the definition of development under S182 of the Act. The report should be read in conjunction with the meeting record that is on the Board's file and the information contained in ABP – 313351-22.

## 2.0 Site Location and Description

- 2.1. The site for the proposed windfarm comprises of agricultural land amounting to some 487 ha centred on the townland of Umma More in Co Westmeath. It is located

approximately 7km north of Moate, Co Westmeath and c15 km to the north-east of Athlone. The site of the proposed Windfarm includes the townlands of Ballynafearagh, Baskin High, Lissanode, Umma Beg (Moneynamanagh) and Umma More.

- 2.2. The connection to the national grid is proposed to be via 110kV underground cabling from the 110kV substation to be located on the wind farm site to the existing 110kV Thornsberry substation in County Offaly, approximately 29 km to the south of the proposed wind farm. Two route options are being assessed. Both options are predominantly located within the public road corridor. Both options seek to utilise a series of local 3<sup>rd</sup> class roads to the southeast of the windfarm site prior to following the alignment of the R446 (former N6 National Primary Route) between Moate and Kilbeggan). At Kilbeggan the grid connection route will turn southwards along the N56 National Secondary Route (Kilbeggan to Tullamore) and arriving at the Thornsberry 110kV substation in the northwest environs of Tullamore.
- 2.3. There are two connection route options currently being considered as the proposed cabling runs south along the N52, north of Tullamore:
  - The cable will either run south to the roundabout then east to meet the L1024 Tinnycross road before running north to the Thornsberry substation, or
  - Avoid the roundabout and travel east across agricultural land before meeting the L1024 Tinnycross road and running south to enter the Thornsberry substation.

### **3.0 Proposed Development**

- 3.1. The proposed development will involve linking the proposed 110kV substation to be located on the windfarm site at Umma More with the existing 110kV substation at Thornsberry outside Tullamore approximately 29km to the south. The grid connection cabling will be located primarily within the carriageways referred to above. The cables will be laid approximately 1.2m below ground level.

## 4.0 Prospective Applicant's Case

4.1. The prospective applicant's case can be summarised as follows:

The applicant considers that the construction of 110kV On site substation and associated connection to the National Grid up the existing Thornsberry 110kV substation in Co Offaly falls within the scope of section 182A(1) of the Act based upon the definition of electricity transmission has set out in subsection 9 of 182(A).

*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."*

4.1.1. The following definitions, as set out in section 2(1) of the Electricity Regulation Act, 1999, as amended, are noted:

*'Transmission':*

*"...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<sup>1</sup> 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."*

Distribution is defined as

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<sup>1</sup> For clarity, references to the 'Board' in this instance relate to the Electricity Supply Board.

*“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 switch gear and which is used for conveying electricity to final customers”.*

‘Electric plant is defined as’:

*“...any plant, apparatus or appliance used for, or for the 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 a consumer”*

The prospective applicant concludes therefore that the proposed 110 kV infrastructure falls within section 182(A) of the Act as it will directly facilitate the connection of the proposed development to the national grid.

## **5.0 Legislative Provisions**

### **5.1. Planning and Development Act 2000, as Amended**

5.1.1. Section 2(1) of the Act defines ‘strategic infrastructure’ as including, *inter alia*:

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

5.1.2. 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.

5.1.3. 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—*

*(c) a high voltage line where the voltage would be 110 kilovolts or more, or*

*(d) an interconnector, whether ownership of the interconnector will be vested in the undertaker or not.”*

## 5.2. Electricity Regulation Act 1999, as Amended

5.2.1. The following definitions, as set out in section 2(1) of the Electricity Regulation Act, 1999, as amended, are noted:

- **‘Transmission’:**

*“...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<sup>2</sup> 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.”*

- **‘Electric plant’:**

*“...any plant, apparatus or appliance used for, or for the purposes connected with, the generation, transmission, distribution or supply of electricity other than –*

*(d) An electric line*

*(e) a meter used for ascertaining the quantity of electricity supplied to any premises, or*

*(f) an electrical appliance under the control of a consumer”*

- **‘Electric Line’:**

Section 2(1) of the 1999 Act, as amended, states that ‘electric line’ has the meaning assigned to it by section 4(1) of the ESB (Electronic Communications Networks) Act 2014. The definition set out in s. 4(1) of the 2014 Act is as follows:

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<sup>2</sup> For clarity, references to the ‘Board’ in this instance relate to the Electricity Supply Board.

*“...any line which is used solely or amongst other things for carrying electricity for any purpose and as including—*

*(a) any support for any such line, that is to say, any structure, pole or other thing in, on, by or from which any such line may be supported, carried or suspended,*

*(b) any apparatus connected to or associated with any such line for the purpose of carrying electricity or electronic communications services, whether such apparatus is owned by the Board or by any company referred to in section 2 or by a company which has been provided access or services referred to in section 3, or*

*(c) any wire, cable, tube, pipe or similar thing (including its casing or coating) which is used for the purpose of carrying electricity or electronic communications services and which surrounds or supports or is surrounded or supported by, or is installed in close proximity to, or is supported, carried or suspended in association with, any such line.”*

The letter submitted to the Board on July 22nd seeking closure of the pre-application consultation states that both connection routes referred to above to the Thornsberry substation are still under consideration. It also remains the view of the prospective applicant that the proposed development falls within the scope of section 182A of the Act and that any subsequent application should be directed to An Bord Pleanála for determination.

## **6.0 Assessment**

6.1. As noted above, ‘strategic infrastructure’ is defined as including development comprising or for the purposes of electricity transmission, with ‘transmission’ defined as either:

- The transport of electricity by means of a high voltage line of 110 kV or more, or an interconnector.
- The transport of electricity by means of a transmission system (a system of high voltage lines and electric plant 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, including interconnectors but excluding distribution system lines).

- 6.2. Based on the information contained in the prospective applicant's cover letter and pre-application presentation to the Board, it is clear to me that the proposed substation as part of the windfarm proposal and the construction of a grid connection would constitute the 'transport of electricity by means of a transmission system' as defined in Section 2(1) of the Electricity Regulation Act 1999 as therefore can be considered to form part of the electricity transmission system for the purposes of the Planning Act.
- 6.3. I consider that the proposal meets the definition of electricity transmission under section 2 (1) of the Electricity Regulation Act 1999. As such it would fall under section 182A of the PDA and would be deemed to be strategic infrastructure development.
- 6.4. I conclude that the proposed development as described in the submitted documentation constitutes strategic infrastructure within the scope of section 182A of the Planning and Development Act 2000, as amended, necessitating an application direct to the Board.

## **7.0 Recommendation**

- 7.1. I recommend that the prospective applicant Umma More Limited be notified that the proposed development consisting of a 110 kV substation and the associated grid connection works as described in the documents received by the Board on the 14<sup>th</sup> of April and 21<sup>st</sup> of June 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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**Paul Caprani**

**Senior Planning Inspector**

**July 29<sup>th</sup> 2022**

## **Prescribed Bodies**

### Appendix 1

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

- Minister of Housing, Local Government and Heritage.
- Minister for Environment, Climate and Communications.
- Westmeath County Council
- Offaly County Council
- Transport Infrastructure Ireland
- Failte Ireland
- An Taisce
- Heritage Council
- Inland Fisheries Ireland
- Commission of Regulation of Utilities, Water and Energy
- Health Service Executive
- Irish water