



An
Bord
Pleanála

Inspector's Report ABP-313483-22

Development

Development of 110kV substation and loop-in/loop-out connection to existing 110kV overhead power lines.

Location

Keamsellagh East and Cloghboley,
Co. Galway.

Planning Authority

Galway County Council

Prospective Applicant

Harmony Solar Galway Limited

Inspector

Alaine Clarke

Date of site inspection:

8th June 2022

1.0 Introduction

- 1.1. Harmony Solar Galway Limited requested Pre-Application Consultations under Section 182A of the Planning and Development Act, 2000, as amended, for the proposed development of a 110kV substation and loop-in/loop-out connection to existing 110kV overhead power lines. Pre-Application Consultations took place between An Bord Pleanála (the Board) and the prospective applicant on 14th June 2022 (see appended signed Record).
- 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 2000 Act, as amended by the Planning and Development (Strategic Infrastructure) Act, 2006, 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 project, a summary of the meeting and the advice provided by the Board, the legislative provisions, and it recommends a list of Prescribed Bodies that should be forwarded copies of the application.

2.0 Site Location & Description

- 2.1. The applicant has put forward two sites for consideration both c. 15km to the south of Galway City and c. 3km to the west of Ardrahan in rural County Galway. The sites are within the stated overall project lands of c. 128ha.
- 2.2. The preferred site, measuring c. 4.01ha, is located within the townlands of Keamsellagh East and Parkatleva. The site lies to the west of the M18 Galway – Limerick motorway, can be accessed directly from an existing agricultural entrance off the L4506 local road and is traversed by existing 110 kV overhead lines. The alternative site is located c. 870m to the south-west of the preferred substation location, in the townland of Cloghboley.
- 2.3. There are low levels of dwelling houses and agricultural buildings in the surrounding area, the nearest residential property is located c. 300m to the south-west of the

preferred location. The lands are in agricultural use for cattle grazing, the site boundaries are defined by trees and hedges and the lands are relatively flat.

- 2.4. The preferred site is located c. 510m west of Ardrahan Grassland SAC, c. 670m south of Kiltiernan Turlough SAC and proposed NHA, and c. 980m south-east of Lough Fingall Complex SAC and proposed NHA.
- 2.5. The preferred site is located in an area indicated to be a regionally important aquifer and is adjacent to an Annex 1 habitat. The lands are not covered by any sensitive landscape designations although there are several features of archaeological importance and cultural heritage interest in the vicinity, and in particular to the west and south-west of the preferred site, proximate to the alternative site location.

3.0 Proposed development

- 3.1. The proposed substation and Loop-in/Loop-out (LILO) connection will include the following elements:
 - Electrical substation to Eirgrid standards
 - Security and safety fencing
 - Customer compound with switchgear building (c. 216sq.m)
 - Eirgrid compound with substation building (c. 450sq.m), electrical equipment and lightening mast
 - Site road providing access to the public road network (L4506) to the east
 - 2 no. end masts (c. 16m) linked to the substation by underground cabling
 - Associated site works and drainage
- 3.2. The prospective applicant indicated that the proposed substation would facilitate a proposed solar farm on the adjacent lands of c. 128 ha., providing for solar generation capacity in excess of 100MW.

4.0 Prospective applicants' case

- 4.1. Harmony Solar Galway Limited is proposing to construct a 110kV substation and loop-in/loop-out connection to existing 110kV overhead power lines. It is envisaged that the proposed substation would be a transmission node on the national grid.
- 4.2. Harmony Solar Galway Limited proposes to develop a solar farm on the adjacent lands (c. 128ha) which would be connected to the proposed 110kV substation via underground cables along the public roads to the east (L4506) and north (L8560). If the preferred location is used, this underground cabling will be 33kV and will be included under the planning application for the solar farm to Galway County Council. If the alternative location is used, this cabling will be 110kV and qualify as transmission infrastructure and will be included in the planning application for the substation made to An Bord Pleanála.
- 4.3. The key elements of the Applicant's submission in support of the case being designated as strategic infrastructure are summarised as follows:
 - The proposed substation constitutes 'electric plant'
 - The proposed substation and 'Loop-In/Loop-Out' connection will form part of the transmission system when in operation
 - The proposed development will constitute a new 'node' on the 110 kV transmission network.

5.0 Pre-Application Consultations

- 5.1. One consultation meeting was held in the Board offices on 14th June 2022.
- 5.2. During this meeting the prospective applicant described the site and surroundings, outlined the main elements of the proposed development and provided an update on the status of the project and related solar farm project. The policy context for the project was explained, the major constraints and options considered were identified, timelines for delivery and the consultations planned to be undertaken were outlined. The prospective applicant stated that an EIA is not required and that an AA

screening has not yet been completed, noting that a NIS may be required based on proximity to Natura Sites.

- 5.3. The Board representatives identified the following issues, which in relation to the preferred site concerned landscape and visual impact and proximity to Annex I habitat and associated ecological impact. In relation to the alternative site, potential areas of concerns related to archaeological impacts, historic flood event and groundwater impacts. Referencing the draft Galway County Development Plan, the prospective applicant was advised to pay particular regard to the 'solar potential' and solar sensitivity' maps included as an Appendix to the draft plan in the Renewable Energy Strategy for the County, and which may indicate that the site is in an area not suitable for solar energy.
- 5.4. The prospective applicant, in a letter received by the Board on 21st October 2022, wishes to formally request the closure of the pre-application process.
- 5.5. The Board's advice to the prospective applicant during the pre-application consultation meetings is summarised below:
 - (a) A preliminary view was formed that the development would constitute SID.
 - (b) The 'solar potential' and 'solar sensitivity' maps included in the draft Galway County Development Plan 2022-2028 may not support solar development at the location chosen for the project.
 - (c) The preferred location for the proposed development is adjacent to an Annex 1 habitat and that any ecological assessment should have regard to that. There is a regionally important aquifer at this location.
 - (d) Regarding the alternative site, it was noted that there are a number of archaeological monuments in the area, a turlough to the north-west of the site and the underground cable route as presented is close to an historic groundwater flooding site.
 - (e) The landscape and visual impact would be important to consider to the proximity of the M18 and associated overpass.
 - (f) It was questioned if the applicant considered that the proposed development was one which would require EIA. The prospective applicant was advised that if it is not a class of development, then it cannot be 'sub-threshold'.

Post-meeting

- 5.6. The Galway Development Plan 2022-2028 has come into effect since the pre-application meeting for the proposed SID development.
- 5.7. A submission/unsolicited information was received from the prospective applicant on 19th October 2022 seeking to clarify an issue raised during the pre-planning meeting in relation to the suitability of the site for solar energy development. I note that officers from Galway County Council are stated to have agreed with the prospective applicant in a meeting that the site would be within an area designated either a “More Likely Viability” or “Less Likely Viability” where proposals for solar energy are “likely to be favourably considered”. The acceptability of a solar energy development is a matter for the local planning authority.

6.0 Legislative provisions

- 6.1. Under **section 182A (1)** of the 2000 Act (inserted by section 4 of the 2006 Act) where a person, (thereafter 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.
- 6.2. **Subsection 9** states that 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) 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.
- 6.3. In **section 2(1) of the Electricity Regulation Act, 1999**, “transmission” is defined 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.

“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 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...”

7.0 Assessment

- 7.1. The proposed development comprises a new 110kV substation and loop-in/loop-out connection to existing 110kV overhead power lines. It is envisaged that electricity generated by a proposed renewable energy project (solar farm) would be fed into the national grid via the proposed substation.
- 7.2. I am satisfied that the proposed 110kV substation constitutes electric plant as defined in section 6.0 above in that it is ‘plant’ for the purposes connected with the generation of electricity. I am also satisfied that the proposed loop-in/loop-out connection to the existing 110kV overhead power lines is ‘transmission’ as defined in section 6.0 above in that it is a high voltage line of 110kV.
- 7.3. Section 182A (9) of the Act sets a threshold of 110kV in order for a high voltage electricity transmission line to be considered strategic infrastructure. No threshold is set in respect of a substation.
- 7.4. The proposed development of a 110kV substation and underground cables would not come within the projects outlined within either Annex I or Annex II to Directive

2011/92/EU as amended by 2014/52/EU nor is it a class as set out in either Part 1 or Part 2 of Schedule 5 (Planning and Development Regulations 2001, as amended) and therefore a EIAR is not required.

- 7.5. The site is not located within any European designated site or nationally designated conservation site. Having regard to the proximity of Natura 2000 sites, the prospective applicant is advised to undertake a robust screening to determine whether the proposal is likely to have a significant effect individually or in-combination with other plans or projects on the relevant European sites in view of the sites conservation objectives.
- 7.6. Since the pre-planning meeting, I note that the Galway County Development Plan 2022-2028 has come into effect and includes Appendix 1: Renewable Energy Strategy. The CDP is a relevant consideration in relation to the proper planning and sustainable development of the environment and which would have a bearing on the decision of the Board in relation to the proposed development.
- 7.7. In terms of matters which might influence the decision of the Board I note that there is potential for indirect effects, interactions and cumulative impacts which would be relevant to consideration in an Environmental Report and under AA Screening and/or NIS reports.
- 7.8. In conclusion, I consider that the proposed substation and loop-in/loop-out connection to existing 110kV overhead power lines constitutes Strategic Infrastructure coming within the scope of section 182A of the Planning and Development Act 2000, as amended, necessitating an application direct to the Board.

8.0 Recommendation

- 8.1. I recommend that Harmony Solar Galway Limited be informed that the proposed development consisting of a 110kV substation, and loop-in/loop-out connection to existing 110kV overhead power lines at Keamsellagh East and Cloghboley, Co. Galway as set out in the plans, particulars and correspondence received by An Bord Pleanála on 03rd May 2022, 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.

9.0 Prescribed Bodies

The following is a schedule of prescribed bodies considered relevant for the purposes of Section 37E (3) (c) of the Principal Act.

- i. Minister for Housing, Local Government and Heritage
- ii. Minister for Environment, Climate and Communications
- iii. Galway County Council
- iv. Commission for Regulation of Utilities, Water and Energy
- v. Inland Fisheries Ireland
- vi. Transport Infrastructure Ireland
- vii. The Heritage Council
- viii. An Taisce
- ix. An Chomhairle Ealaíon
- x. Fáilte Ireland
- xi. Health & Safety Authority
- xii. GSI

Further notifications should also be made where deemed appropriate.

Alaine Clarke

Planning Inspector

7th November 2022