



An
Bord
Pleanála

Inspector's Report ABP-313693-22

Development

Proposed 110kV substation with connection to the national grid via an existing 110kV overhead line and associated works.

Location

Chancellorstown townland, Co. Tipperary.

Planning Authority

Tipperary County Council

Prospective Applicant

Chancellorstown Solar Ltd. (the prospective applicant was originally named BayWa r.e. Ireland Ltd. but was subsequently changed)

Type of Application

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

Date of Site Inspection

11th August 2022

Inspector

Anthony Kelly

1.0 Introduction

- 1.1. The prospective applicant requested a pre-application consultation under the Planning & Development Act, 2000 (as amended), for the proposed development of a 110kV loop-in substation to facilitate a planned approx. 70 hectares solar farm with a maximum export capacity of approx. 60MW-70MW. A pre-application consultation took place between the Board and the prospective applicant on the 23rd August 2022. The prospective applicant formally requested closure of the pre-application consultation process by written correspondence received by the Board on 15th February 2023.
- 1.2. The primary purpose of the pre-application consultation 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's representatives at that meeting, and the legislative provisions. The report recommends that the Board determine that the proposed development does fall within the definition of development under s182 of the Act. It also recommends a list of prescribed bodies that should be forwarded copies of any application.

2.0 Proposed Development

- 2.1. The proposed substation development would comprise:
 - a 110kV loop-in substation connecting to the national grid via the existing Cahir-Doon 110kV overhead transmission line.
 - ancillary equipment and other site development works and services includes transformers, CCTV, lighting, internal access tracks, underground electrical cable and ducting, electrical masts, fencing, landscaping, and drainage infrastructure.

3.0 Site Location and Description

- 3.1. The proposed site is located approx. 4.5km north west of Clonmel in south Co. Tipperary.
- 3.2. The substation site would form part of a proposed approx. 70 hectares solar farm located to both east and west sides of the R687 and just to the north of the N24. The field in which it is proposed to locate the substation is landlocked. The proposed vehicular access point to the substation is from the R687 and would also serve that part of the solar farm that is located on the west side of the R687. The proposed towers to connect into the electricity lines/national grid are to be located approx. 200 metres south east of the substation. The overhead electricity lines run parallel to the north of the N24 at this location.
- 3.3. The substation site is currently an agricultural field. Agriculture is the dominant land use in the vicinity though there are also houses, farm buildings, and other commercial structures in the area in proximity to both the solar farm and substation. There are tree and hedge lined field boundaries. Ground levels in the area are undulating. For example, the proposed towers are at a ground level of approx. 83 metres whereas the proposed substation is an area where ground levels are approx. 105 metres.

4.0 Legislative Provisions

- 4.1. 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.
- 4.2. S182A(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 ... 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’.

- 4.3. 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’ (Commission – Commission for Energy Regulation, Board – Electricity Supply Board; ESB).
- 4.4. ‘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’.
- 4.5. ‘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 ...’
- 4.6. 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’.

5.0 Prospective Applicant’s Submission

- 5.1. The prospective applicant notes that, as the project includes a loop-in 110kV substation, this element of the overall solar farm project could represent strategic infrastructure development (SID) under the definition in the Act, though acknowledging the Board will consider each case on its merits. The prospective applicant considers

that the proposed development could be considered to fall within s182A(1) of the Act based on the definition of electricity transmission as set out in subsection 9, particularly the inclusion of 'a high voltage line where the voltage would be 110 kilovolts or more'. The applicant is seeking to formally determine whether the proposed substation and grid connection fall within the scope of s182A of the Act.

6.0 Pre-Application Consultation

- 6.1. One online consultation meeting was held on 23rd August 2022. Full detail of the meeting and matters raised are contained in the Board's Record.
- 6.2. The meeting's Chair outlined the general procedures in relation to the pre-application consultation process. The prospective applicant provided, inter alia, an introduction to the applicant, a description of the site location, brief detail of consultation with the planning authority, and a summary of environmental studies carried out. It was noted that buffer zones for badger setts and bats would be provided. There would be a 100 metres buffer zone from other properties. Works would be carried out to ensure the development would not further contribute to flooding on the N24. There would be no noise issues to adjacent properties and screening would be provided for landscape mitigation.
- 6.3. Some matters discussed after the prospective applicant's presentation included:
 - The potential for visual impact of the proposed substation.
 - Whether a Stage 2 AA/NIS would be required. The applicant indicated it would likely be required.
 - The use of adjacent properties and whether those landowners would be involved in the proposed development.
 - The prospective applicant stated it is not intended to include any telecommunications mast.
 - The prospective applicant was advised to engage with Transport Infrastructure Ireland prior to submission given the proximity to the N24.

- It should be clear in the assessments what is being sought from what planning authority.
- The prospective applicant noted that they would be submitting a planning application in advance of any substantial route proposals or other upgrade works commencing on the N24.

7.0 Assessment

7.1. Strategic Infrastructure

- 7.1.1. 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. 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.
- 7.1.2. 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.
- 7.1.3. 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 Cahir-Doon 110kV overhead line and

part of the transmission grid. The prospective applicant's correspondence is clear in this regard.

- 7.1.4. 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-312532-22 (Kilcormac, Co. Offaly). I consider that the subject case is comparable, and therefore recommend that the undertaker shall submit any application for approval of the proposed development to the Board.

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

- 7.2.1. 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 section 176, 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

- 7.2.2. 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'.

7.2.3. 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).

7.2.4. I also note that a solar farm itself is not of a class in Schedule 5.

AA

7.2.5. In relation to AA, the substation site is not located within or adjacent to any European site. Notwithstanding, the prospective applicant stated in the pre-application consultation that Stage 2 AA/NIS was likely given that the watercourse through the site is a tributary of the River Suir (Lower River Suir SAC).

7.3. Prescribed Bodies

7.3.1. 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.

7.4. Conclusion

7.4.1. I consider that the proposed development as described in the prospective 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.

8.0 Recommendation

8.1. I recommend that Chancellorstown Solar 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 Cahir-Doon 110kV overhead line network within the townland of Chancellorstown, Co. Tipperary, as set out in the plans and particulars received by An Bord Pleanála, 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

2nd March 2023

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. Tipperary County Council
5. EirGrid
6. ESB
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. Health & Safety Authority

Additional notifications should also be made where considered appropriate.