An Bord Pleanála

Inspector's Report
ABP-313767-22

Development	Proposed development of a 110kV substation and associated 110kV underground cabling to Ardnacrusha 110kV substation
Location	Within the townland of Coolderry, Co. Clare
Planning Authority	Clare County Council
Prospective Applicant(s)	Reeve Wave Ltd.
Type of Application	SID Pre-Application Consultation under S.182E of the Planning and Development Act 2000, as amended
Date of Consultation Meeting	25/08/2022 & 02/05/2024
Date of Site Inspection	05/07/2022
Reporting Inspector	Conor McGrath

1.0 Introduction

The Board received a request on 8th June 2022 from Reeve Wave Limited to enter into a pre-application consultation under Section 182E of the Planning and Development Act 2000, as amended, in respect of the proposed development of a 110kV substation in the townlands of Coolderry, Co. Clare and provision of a 110kV underground cable to Ardnacrusha 110kV substation.

This report provides an overview of the proposed development, relevant considerations and legislative provisions and recommends that the proposed development does constitute strategic infrastructure. A pre-application consultation meeting was held on 25/08/2022 in respect of this case.

2.0 Site Location and Description

The proposed development comprises the construction of a 110kV substation and grid connection associated with a permitted solar energy development at Ballyglass, Coolderry, Dromintobin North, Reanabrone and Oakfield (townlands), Ardnacrusha, Co. Clare.

During preapplication consultations two alternative sites for the substation were described. At the second meeting and in subsequent correspondence, it was confirmed that the eastern substation option, to the east of the permitted solar farm comprises the development site. This site of c.0.8ha is located on agricultural lands, which fall to the south and which are bounded by mature hedgerow to the south. Access is via a local access road / lane (L70382) to the west. The substation site is located approx. 2.7km northeast of Ardnacrusha and approx. 1km west of Cloonlara. Limerick City is approx. 8km south of the site.

3.0 Proposed Development

The subject development generally comprises the following works:

- New entrance and access track to the proposed 110kV substation.
- New 110kV substation, including 2 no. substation buildings, electrical infrastructure and associated development.

- Site restoration and landscaping. Some cut and fill across the site will be required (+/-4m)
- Underground 110kV cable connection to Ardnacrusha 110-kV substation. It is intended that the grid connection will follow the L70382 south to the R463, along which it will run along to the R465 (Barry's Cross), before travelling west along the L3056 to the 110kV substation at Ardnacrusha.

4.0 Relevant Planning Cases

PA ref. 22/591 ABP-316043-23: Permission granted to Reeve Wave Limited for a 10-year planning permission for the development of a solar array on 74.5ha of lands at Ballyglass, Coolderry, Dromintobin North, Reanabrone and Oakfield (townlands), Ardnacrusha, Co. Clare. The development includes c265,000 m2 of solar panels, 8 no. single storey control cabins, underground cabling within the solar array site and within the L70382 public road to connect solar array field parcels, security fencing, CCTV, access tracks (upgrade of existing and new), upgrades to four existing agricultural field entrances and creation of new entrance on L70382. The solar array will connect to the national grid and will have an operational lifespan of 35 years. A Natura Impact Statement (NIS) was prepared in respect of the application.

5.0 Planning Policy Context

5.1. National Planning Framework 2018

National Strategic Outcome 8 refers to the Transition to a Low Carbon and Climate Resilient Society. Chapter 9 is titled Realising our Sustainable Future.

NPO 52: The planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital.

Ireland's national energy policy is focused on three pillars: (1) sustainability, (2) security of supply and (3) competitiveness. Ireland must reduce greenhouse gas

emissions from the energy sector by at least 80% by 2050, compared to 1990 levels, while ensuring security of supply of competitive energy sources.

A transition to a low carbon energy future is noted to include a requirement to shift from predominantly fossil fuels to predominantly renewable energy.

NPO 55 promotes renewable energy use and generation.

5.2. National Development Plan 2021-2030

The National Development Plan sets out investment priorities underpinning the implementation of the National Planning Framework.

Section 3.7 refers to Investing for low-carbon, resilient electricity systems and identifies a commitment to increasing the share of renewable electricity up to 80% by 2030.

Chapter 13 deals with NSO 8: Transition to a Climate-Neutral and Climate-Resilient Society. Strategic Investment Priorities include the Renewable Energy Regular Renewable Electricity Support Scheme (RESS) auctions will deliver competitive levels of onshore wind and solar electricity generation which indicatively could be up to 2.5 GW of grid-scale solar and up to 8 GW of onshore wind by 2030.

5.3. The Climate Action and Low Carbon Development (Amendment) Act 2021

The Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050 and of reducing emissions by 51% by the end of the decade. It amends the principle act such that Section 15(1) and requires that

"(1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

(a) the most recent approved climate action plan,

(b) the most recent approved national long term climate action strategy,

(c) the most recent approved national adaptation framework and approved sectoral adaptation plans,

(d) the furtherance of the national climate objective, and

(e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

"Relevant body" means a prescribed body or a public body.

5.4. Climate Action Plan 2024

The electricity sector requires a 75% reduction in emissions based on 2018 levels by 2030. This sector will play a critical role in decarbonising other sectors, including transport, heading, and industry. Central to achieving these goals is the strategic increase in the share of renewable electricity to 80% by 2030. This includes ambitious targets of deploying 8 GW of solar power. These measures are vital for slashing electricity sector emissions and enabling the broader electrification of other sectors, thus multiplying the impact on overall emissions reductions.

5.5. National Energy Security Framework (April 2022)

Theme 3: Reducing our Dependency on Imported Fossil Fuels

7.2 Replacing Fossil Fuels with Renewables. The replacement of fossil with renewable energy (such as onshore wind, offshore and solar power) is a key method of reducing Ireland's reliance on imported fossil fuels. The Climate Action Plan commits to increasing the share of electricity demand generated from renewable sources in Ireland to up to 80%, without compromising security of electricity supply, reflecting the national target to reduce emissions by 51% by 2030, and to achieve climate neutrality by 2050 at the latest.

5.6. Southern Regional Assembly RSES

RPO 95 Sustainable Renewable Energy Generation: To support implementation of the National Renewable Energy Action Plan (NREAP), and the Offshore Renewable Energy Plan and the implementation of mitigation measures outlined in their respective SEA and AA, and leverage the Region as a leader and innovator in sustainable renewable energy generation.

RPO 100 Indigenous Renewable Energy Production and Grid Injection: To support the integration of indigenous renewable energy production and grid injection

RPO 221 Renewable Energy Generation and Transmission Network:

a. Development Plans shall support the sustainable development of renewable energy generation and demand centres such as data centres which can be serviced with a renewable energy source .....to spatially suitable locations to ensure efficient use of the existing transmission network;

b. The RSES supports strengthened and sustainable local/community renewable energy networks, micro renewable generation, climate smart countryside projects and connections from such initiatives to the grid.....

c. The RSES supports the Southern Region as a Carbon Neutral Energy Region.

5.7. Clare County Development Plan 2023-2029

2.4 Climate Change – Targets for renewable energy targets for the county include 300MW of solar energy.

CDP2.1 It is an objective:

a) To support the implementation of the National Climate Action Plan 2023 and the National Climate Change Adaptation Framework and to work with the Regional Climate Action Offices to enable County Clare to transition to a low carbon and climate resilient county.

Development Plan Objective: Solar Energy CDP2.18 It is an objective:

a) To facilitate and support the development of solar farms in appropriate locations throughout the county including on agricultural lands and brownfield sites subject to normal planning considerations; and

Development Plan Objective: Renewable Energy CDP 11.47 It is an objective of:

a) To encourage and to favourably consider proposals for renewable energy developments, including community owned developments, and ancillary facilities in order to meet National, Regional and County renewable energy targets, and to facilitate a reduction in CO2 emissions and the promotion of a low carbon economy;

b) To assess future renewable energy-related development proposals having regard to the Clare Renewable Energy Strategy 2023-2029 and associated SEA and AA;

g) To support the integration of indigenous renewable energy production and grid injection;

Development Plan Objective: Renewable Energy Strategy CDP 11.48 It is an objective:

b) To support the implementation of the Clare Renewable Energy Strategy 2023-2029 in Volume 5 of this plan; and,

Volume 5 sets out the Clare Renewable Energy Strategy. Chapter 7 deals with Solar Energy. Map 7.2 shows Opportunity Areas for solar, which appear to include the subject lands.

RES 7.1 It is an objective of Clare County Council:

A. To increase the penetration of utility scale solar energy development in appropriate locations.

1C. To favourably consider the development of solar farms on agricultural lands which allow for farm diversification and multipurpose land use.

6.0 Case made by Prospective Applicant

The prospective applicants note the following points in respect of the proposed development:

- Regard is had to the provisions of NSO 8 of the National Planning Framework, *Transition to a Low Carbon a Climate Resilient Society,* and the support for renewable energy development, including solar.
- Reference is also made to the support for decarbonisation and renewable energy generation set out in the RSES.
- County Development Plan policies support renewable energy development, and the subject lands are located in an area "Open for Consideration" for renewable energy (**note**: this refers to the previous Clare CDP).

- The land were (previously) designated as a working landscape described, as intensively settled and developed areas within settled landscapes or areas with a unique natural resource.
- The Renewable Energy Strategy encourages large scale solar projects on suitable agricultural lands.
- The substation and cable connection meet the definition of "electrical plant" set out in the Electricity Regulation Act 1999.
- The development constitutes high voltage lines in accordance with Subsection 9 and meets the definition of "electricity transmission" under section 2(1).
- The development therefore falls under s.182A of the Planning and Development Act, as amended, and is Strategic Infrastructure.
- The development does not meet or exceed the thresholds of Schedule 5 for the preparation of an EIAR. Screening for AA will be undertaken.

The prospective applicants identified two relevant precedent cases, as follows:

ABP-310024-21: In September 2021 the Board determined that a proposed 110kV substation and cabling to facilitate connection of the permitted Ballinclea Lower Solar Farm to the transmission network, fell 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.

ABP-311187-21: In November 2021 the Board determined that a proposed tail fed AIS 110kV substation and underground cable connection to an existing 220kV substation, within the land holding of the permitted Garreenleen Solar Energy Development, fell within the scope of s.182A and that that a planning application should be made directly to the Board.

7.0 Legislative Provisions

Section 2(1) of the Planning and Development Act 2000, as amended defines 'strategic infrastructure' as including, inter alia: "(d) *any proposed development referred to in section 182A(1)*"

Section 182A(1) of the Act provides that, 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.

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."

Section 182E(1) provides that a prospective applicant who proposes to apply for approval under section 182B or 182D shall, before making the application, enter into consultations with the Board in relation to the proposed development.

Section 2(1) of the Electricity Regulation Act 1999, as amended sets out the following definitions:

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 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 –*

(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*"

"electric line" means *any line which is used solely or among other things for carrying electricity for any purpose and includes—*

(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 any such line for the purpose of carrying electricity or other services, and

(c) any wire, cable, tube, pipe or similar thing (including its casing or coating) 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.

8.0 Consultations

Two pre-application consultation meeting was held with the prospective applicants on 25/08/2022 and 02/05/2024. In advance of the meeting, the prospective applicants circulated copies of their presentations which are attached to this file. A record of each of the meetings are also attached herewith.

At the consultation meetings the prospective applicant gave an overview of the development, including details of an alternative substation sites and grid connection routes. The principle matters discussed after the presentations related to the alternative options described, the definition of strategic infrastructure under s.182A(9) and the status of the current solar energy planning application. Potential impacts in during the construction phase, including traffic and access implications were also discussed. The need for a full assessment of the environmental effects of the development was identified, including effects on and interactions with watercourses and potential connections to European Sites. The prospective applicant queried likely timelines for the pre-application process.

Following the second pre-application consultation meeting, correspondence was received from the prospective applicant confirming the final scope of the consultation request, and in particular confirming the substation location and grid connection. The closure of the consultations was requested in that correspondence received on 20th June 2024.

9.0 Assessment

9.1. Strategic infrastructure

The proposed development comprises a 110kV substation and underground 110kV cable connection to an existing 110kV substation at Ardnacrusha. As noted above, the definition of 'strategic infrastructure' includes 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).

The proposed development includes high voltage lines of 110kV, while the proposed 110kV substation would comprise electric plant as defined in relevant legislation. 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 2000 act, as amended, and would be deemed to constitute strategic infrastructure development. I note the recent precedent cases cited by the prospective applicants, and other determinations by the Board in respect of similar cases, which support this conclusion. These include:

ABP Ref.	Development Description	Decision Date	ABP Decision
313352	110kV substation and grid connection cabling	2022	Is SID
313001	110kV substation and underground grid connection.	2022	Is SID
312860	110kV electrical substation and its grid connection options to the existing transmission network	2022	Is SID
312700	Proposed 110kV loop-in substation, overhead lines to connect to transmission network and underground grid connection to solar farm	2022	Is SID
312249	Development of a 110kV substation and provision of electrical connection to the national grid	2022	Is SID

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 directly to the Board.

9.2. Environmental Impact Assessment / Appropriate Assessment

The prospective applicants state that initial screening indicates that the requirement for EIA can be screened out. An Ecological Impact Assessment and AA Screening / NIS prepared in respect of the associated solar array planning development permitted under ABP-31643-23. The site is described as being of local importance for some semi-natural habitats and regularly occurring species, protected under the Wildlife Acts. It is indicated that the requirement for AA will be determined by the project ecologist based on a full assessment of the final grid connection route.

9.3. Prescribed Bodies

In view of the scale, nature and location of the proposed development, as set out in this report, it is recommended that the prospective applicant consult with the prescribed bodies listed in Appendix 1, in respect of any future application for approval.

10.0 Conclusion

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 directly to the Board.

1..0 Recommendation

I recommend that the prospective applicants, Reeve Wave Limited, be notified that the proposed development consisting of a 110 kV substation, underground grid connection and associated infrastructure in the townlands of Coolderry, Co. Clare as described in the documents received by the Board on 08/06/2022 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.

17/7/24

Conor McGrath
Senior Planning Inspector / ADP

17/07/2024

Appendix 1 – Prescribed bodies

The following list identifies the prescribed bodies which are considered relevant in this instance for the purposes of Section 182A(4)(b) of the Act.

- Clare County Council
- Minister for the Environment, Heritage and Local Government – DAU for Archaeology and Nature Conservation.
- The Heritage Council
- An Taisce
- Inland Fisheries Ireland
- Minister for Communications, Marine and Natural Resources
- Irish Water
- Commission for Regulation of Utilities