



**An
Bord
Pleanála**

Inspector's Report ABP-314625-22

Development

Replace and upgrade 110kV transformer infrastructure within the existing Booltiagh substation, located to the south of the existing wind farm adjacent to the wind farm access road.

Location

Booltiagh, Co. Clare

Planning Authority

Clare County Council

Prospective Applicant(s)

Ørsted Onshore Ireland Midco Limited
(Ørsted)

Type of Application

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

Inspector

Máire Daly

1.0 Introduction

- 1.1. The prospective applicant requested pre-application consultation on 15th September 2022 under section 182E of the Planning & Development Act, 2000 (as amended). The request was submitted by MKO on behalf of the prospective applicant. Pre-application consultation took place between the Board and the prospective applicant on 08th December 2022.
- 1.2. 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 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 to outline the procedures involved in making any application.
- 1.3. The prospective applicant formally requested closure of the pre-application process by written correspondence received by the Board on 12th January 2023.
- 1.4. 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. It provides a recommendation that the Board determine that the proposed development does not fall within the definition of development under section 182 of the Act.

2.0 Site Location and Description

- 2.1. The subject site is located in the remote rural townland of Booltiagh, situated c. 16km southwest of Ennis town and c.5km north of the N68 National Secondary Road which links Kilrush with Ennis.
- 2.2. The proposed development relates to the existing Booltiagh 110kV sub-station which serves the existing Booltiagh windfarm, which is located to the north of the site. From Booltiagh substation the Booltiagh I Wind Farm is connected to the national grid via a loop in to the 110kv overhead line which runs from Moneypoint to Ennis to the south of the subject site, running in a west to east direction. The subject substation site is immediately adjoined by other electricity network infrastructure on its southern and eastern sides. The subject site is screened to the south, west and north by

existing conifer plantations, with the area to the east comprised of upland blanket bog. The Lough Naminna Bog Natural Heritage Area (NHA) is located c. 0.8km to the east of the substation site.

3.0 Proposed Development

3.1. A review of the upgrades required to the on-site grid infrastructure was undertaken by the prospective applicant in light of the potential repowering of the Booltiagh I Wind Farm in due course. It was established that the existing 110kV transformer within the substation would have to be replaced to allow the repowering to take place. A new disconnect/earth and plinth is required also, along with replacement of the 20kV switchgear plant within the substation. The new equipment which would be required to facilitate this repowering is located completely within the existing footprint of the substation and enclosed within the site fencing. No offsite grid infrastructure upgrades are required.

3.2. Details of the proposed 110kV works, subject of this request comprise:

- Replacement of 110kV transformer within the confines of the existing substation compound.
- Installation of a harmonic filter and capacitor bank within the confines of the existing substation compound.
- Associated minor plant works within the confines of the existing substation compound.

4.0 Planning History

Development Site:

- **An Bord Pleanála (ABP) Ref. 03.120616** – Permission granted in March 2001 for 12 no. operational turbines at the Booltiagh I wind farm of 1.5MW capacity each, outputting a total of approximately 18MW. The existing 110kV substation was constructed as part of the 2001 consented wind farm development.

- **Clare County Council (CCC) Ref. 07/2900** - Permission granted for extension to existing windfarm comprising of 6 no. turbines (Booltiagh II) in 2007.
- **CCC Ref: 11/340** – Permission granted in July 2011 to construct an extension to the substation and to grant it permanent permission.
- **ABP. Ref 245273** (CCC. Ref 14/761) - Permission granted in December 2015 to alter and extend the substation (extend existing busbar, install transformers, bays etc).
- **CCC Ref. 18/555** – Permission granted in September 2018 to install battery arrays within container units to the west and transformer to the east of the existing substation.

5.0 Legislative Provisions

- 5.1. 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)"
- 5.2. 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.
- 5.3. S182A(9) states that '.....transmission' shall be construed in accordance with section 2(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'.
- 5.4. Section 2(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).

- 5.5. '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'.
- 5.6. '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. This is defined as 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'.
- 5.7. '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 ...'
- 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'

5.8. Section 182E sets out procedures in advance of seeking approval under section 182B. Subsection (1) states that a prospective applicant who proposes to apply for approval under section 182B 'shall, before making the application, enter into consultations with the Board in relation to the proposed development'.

6.0 Prospective Applicant's Case

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

- Proposed upgrades are required to the existing Booltiagh substation which comprise electric plant within the substation itself, to directly facilitate the proposed repowering of the Booltiagh Wind Farm.
- The prospective applicant notes that in similar cases (See Section 7.0 below) the Board have previously taken into account the long title of the Planning and Development (Strategic Infrastructure) which states that it provides for "*...the making directly to An Bord Pleanála of applications for planning permission in respect of certain proposed development of strategic importance to the state...*" and determined that certain projects should in fact be progressed to consent via a standard application procedure with the relevant Planning Authority despite their inclusion of 110 kV infrastructure.
- It is the prospective applicant's opinion that the proposed 110kV works do not constitute Strategic Infrastructure Development (SID) under the definition of the Act having particular reference to the provisions of Section 182A and the criteria of Section 37A(2) of the Act.
- The proposed works will serve only the Booltiagh development. It is the intention of the prospective applicant to progress a planning application under Section 34 of the Planning and Development Act, 2000 (as amended) to repower the existing wind farm in due course; the proposed works under consideration here will support the repowering application in due course.

7.0 Relevant Precedent Cases

7.1. The following cases are cited by the prospective applicant wherein the Board determined that the proposed developments did not comprise strategic infrastructure:

- **ABP Ref. 304856** – Cuashaling substation Co. Offaly – installation of 50m of 110kV underground cabling within the existing compound. The Inspector in that case cited the nature and scale of the project, and the long title of the Act, concluding the works did not fall within Section 182A of the Act. The Board accepted the Inspectors recommendation.
- **ABP Ref. 303838** – Dunmanway substation Co. Cork – new bay at substation. The Inspector in that case cited the long title of the Act and concluded that the works did not fall within Section 182A of the Act. The Board accepted the Inspectors recommendation.

7.2. Notwithstanding the above, the prospective applicant acknowledges that An Bord Pleanála will consider each case on its merits and that a range of factors must be considered.

8.0 Pre-application Consultation

8.1. One pre-application meeting was held with the prospective applicant on the 8th December 2022. Minutes are attached to the file. A presentation was made to the Board's representatives at the meeting, which is also attached to the file.

8.2. The meeting's Chair outlined the general procedures in relation to the pre-application consultation process. The prospective applicant outlined the background to the project and provided a description of the proposed development. The prospective applicant does not consider the proposed development comprises strategic infrastructure and referred, inter alia, to previous decisions by the Board relating to proposed improvement/refurbishment/upgrade works to existing electrical infrastructure and the limited nature and scale of the proposed development.

8.3. Some matters discussed after the presentation included:

- The Board's representatives stated that their preliminary opinion is that the proposed development would not constitute strategic infrastructure development but noted that the ultimate decision is a matter for the board.
- The prospective applicant outlined that the repowering of Booltiagh I wind farm is at an early stage but stated that site constraint studies and assessments are underway. They also stated that it is their current intention to replace the existing 12 no. 1.5MW turbines with 5 no. c. 5MW wind turbines. The prospective applicant said the upgrades proposed within this development are necessary to facilitate the repowering project and to optimise the capacity of the site.
- The Board's representatives made reference to a 10-turbine wind farm application which is currently on appeal, in which it is mentioned of a potential connection to the existing subject 110kV substation on this site (ABP Ref. 311044-21). In response the prospective applicant said they are aware of this application and said the applicant for this development is currently assessing several connection options in the area, one of which is the 100kV Booltiagh substation.

9.0 Assessment

9.1. 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).

- 9.2. Based on the information accompanying the request, I consider that the existing Booltiagh 110kV substation comprises part of the electricity transmission system for the purposes of the Act.
- 9.3. The proposed development is of a relatively minor nature, comprising the replacement of 110kV transformer, installation of a harmonic filter and capacitor bank and associated minor plant works, all within the confines of the existing substation compound. The works occur at a low level relative to existing substation infrastructure and are all to be located within the existing compound. There will be no significant landscape or visual impacts arising, or changes in the character of the site. Existing transmission operations or function of the substation will not change materially as a result of the proposed development.
- 9.4. The Board has previously determined a considerable number of requests for pre-application consultation in relation to proposed improvement / refurbishment / upgrade works at existing substations. Generally, the Board has determined that such development does not fall within the scope of section 182A of the 2000 Act, as amended, and consequently that planning applications should be made in the first instance to the local planning authority. The current request similarly relates to the upgrade and enhancement of an existing substation. I consider that the proposed works involving the replacement and upgrading of the 110kV transformer infrastructure within the existing Booltiagh substation are of a type and scale that would not constitute strategic development. The proposed development would not give rise to any fundamental change in the function of existing infrastructure at this location, nor would there be any material deviation to the routes of established circuits.
- 9.5. Having regard to the limited nature, scale and purpose of the proposed development, the fact that it relates to works to an existing substation and noting previous determinations by the Board in respect of similar requests for pre-application consultation requests, I do not consider that it would constitute strategic infrastructure development as defined in the Planning and Development Act of 2000, as amended. 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.

10.0 Conclusion

10.1. I conclude that the proposed development would 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.

11.0 Recommendation

11.1. I recommend that the prospective applicant, Ørsted Onshore Ireland Midco Limited (Ørsted), be informed that the proposed development, consisting of the replacement and upgrading of the 110kV transformer infrastructure within the existing Booltiagh substation, in the townland of Booltiagh, Co. Clare as set out in the plans and particulars received by An Bord Pleanála on the 15/09/2022, does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended, and that planning applications should be made in the first instance to the relevant planning authorities.



Máire Daly

Planning Inspector

20th January 2023