



An
Bord
Pleanála

Inspector's Report ABP-314799-22.

Development	Upgrade to existing 110 KV Coomagearlahy substation and associated works.
Location	Coomagearlahy, Inchee, Co. Kerry.
Prospective Applicant	Ørsted Onshore Ireland Midco Ltd.
Planning Authority.	Kerry County Council.
Type of Application	Pre-Application consultation under section 182E of the Planning and Development Act 2000, as amended.
Date of Site Inspection	2 December 2022.
Inspector	Mairead Kenny.

1.0 Overview

- 1.1. The Board on 11 October 2022 received a request to enter into pre-application consultation under section 182E of the Planning and Development Act 2000 as amended in relation to the upgrade of an existing 110kV substation and associated works.
- 1.2. The existing 110 KV Coomagearlahy substation connects the existing Kilgarvan Wind Farm to the national grid. The repowering of the existing wind farm is subject of a separate pre-application consultation under ABP-314798-22. The works as described envisage decommissioning of the existing 28 no. turbines and replacing them with 11 no. turbines.
- 1.3. The substation upgrade works will be entirely within the existing substation site and are deemed necessary to facilitate the wind farm repowering.
- 1.4. A virtual meeting was held with the prospective applicant on 7 December 2022. Closure of the pre-application consultation was requested by letter dated 20 February 2023.

2.0 Site Location and Description

- 2.1. Kilgarvan wind farm is approximately 5.5 km north-east of Kilgarvan town in County Kerry and is located south of the N22 from which it gains access. It presently comprises 28 no. turbines with two different turbine types installed.
- 2.2. Within the wind farm is the existing Coomagearlahy 110 KV substation. This is accessed by way of the private roadway which was originally a forest track and which serves the overall wind farm.

3.0 Proposed Development

- 3.1. The details of the proposed development are described in the documentation presented by MKO, agents for the prospective applicant Ørsted Onshore Ireland Midco Ltd (Ørsted).

3.2. The proposed development comprises works to the existing substation infrastructure to comprise upgrades of existing busbars and transformers within the existing substation footprint.

3.3. In addition the proposed development will include:

- replacement of existing MV switch gear, control and protection equipment
- replacement of existing MV/110 KV 50 MVA grid transformer
- installation of a 110 KV line/earth disconnector
- installation of a capacitor bank and harmonic filter

all within in Coomagearlahy 3 control building and/or within Coomagearlahy 3 compound.

The upgraded substation will serve the repowered Kilgarvan substation which is subject of the separate pre-application consultation under ABP-314798-22.

4.0 **Planning History**

4.1. The planning history associated with Kilgarvan Wind Farm is complex and is set out in detail in the applicant's written submission of 7 October 2022.

5.0 **Applicant's submission**

5.1. The applicant's case is that the proposed development does not constitute strategic infrastructure development. The stated reasons may be summarised as follows:

- the proposed works comprise additional 110kV infrastructure within the footprint of the existing substation compound and will not require works beyond the general compound area
- the proposed works will improve and reconfigure the existing substation to cater for the repowering of the existing wind farm
- the proposed works will not create a new node or stand-alone substation.

5.2. Precedent cases are referenced including ABP – 304856 and ABP – 303838.

6.0 Relevant Legislation

Section 37(A)(2) of the 2000 Act provides criteria relevant to the determination of whether development which is specified in the Seventh Schedule and in relation to which consultations have been undertaken under section 37B shall be subject to an application to the Board in the first instance.

Section 182A (1) of the 2000 Act provides that 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.

Subsection 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 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.

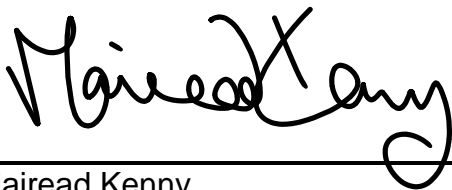
7.0 Assessment

- 7.1. Regarding the nature of the proposed substation development it is clear that the proposed works are solely required in order to extend the capacity of the existing substation to cater for the future planned repowering of the existing wind farm. There is no requirement for any alteration to the national grid and all works will be within the existing compound.
- 7.2. In the carrying out of its functions the Board has exercised a degree of judgement while determining cases of this type and has had regard to the stated purpose of the 2006 Act as set out in the long title and to the general description and scale of strategic infrastructure development set out in Section 37A(2) of the Act. The relevant criteria listed relate to whether the development would be of strategic importance to the state or region, contribute substantially to the fulfilment of any of the objectives in the NPF or in RSES or have a significant effect on the area of more than one planning authority.
- 7.3. The proposed development is similar to a number of pre-application cases which have been determined by the Board not to be SID having regard to the nature of the proposed development which comprises only alterations and amendments to existing infrastructure. I refer to the submission of the prospective applicant which references case numbers ABP-304856-19 (provision of additional 110kV bay within existing substation compound) and ABP-303838 (provision of 110kV bay to connect to existing busbar within existing substation). I am in agreement that the nature of the proposals are similar to that before the Board.

- 7.4. I agree with the prospective applicant submission that the proposed development is not of strategic importance to the state and essentially comprises an upgrade to an existing substation by providing additional electrical infrastructure within the existing compound area.
- 7.5. Having regard to the stated purpose of the 2006 Act as set out in the long title and to the general description and scale of strategic infrastructure development set out in section 37A(2), I conclude that the proposed development consisting of upgrades to Coomagearlahy substation, does not fall within the scope of section 182A of the Planning and Development Act, 2000, as amended.

8.0 Recommendation

I recommend that the prospective applicant Ørsted Onshore Ireland Midco Ltd. be notified that the proposed development consisting of upgrades to the existing 110kV Coomagearlahy Substation at the Kilgarvan Wind Farm, Coomagearlahy, Inchee, Co. Kerry as described in the documents received by the Board on 11 October 2022 does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended and that an application should be made to Kerry County Council in the first instance.



Mairead Kenny
Senior Planning Inspector

13 March 2023