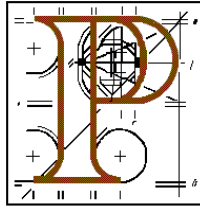


## An Bord Pleanála



### Inspector's Report.

<b>Case Ref. No:</b>	<b>ABP-315045-22</b>
<b>Issue:</b>	S.182E Pre-application Consultation – whether proposed development is or is not strategic infrastructure development.
<b>Proposed Development:</b>	Proposed Farranrory Wind Farm Grid Connection - 38kV Electrical Connection to the National Grid and all associated works
<b>Location:</b>	Farranrory, Co. Tipperary and Ballyragget, Co. Kilkenny
<b>Applicants:</b>	Gromane Ltd
<b>Planning Authority:</b>	Kilkenny County Council Tipperary County Council
<b>Consultation Meeting:</b>	19/01/2023
<b>Inspector:</b>	Conor McGrath

## **1.0 Introduction**

The Board received a request on 28<sup>th</sup> October 2022 from Gromane Ltd., to enter into pre-application consultations under section 182E of the Planning and Development Act 2000, as amended, in relation to the proposed Farranrory Wind Farm 38kV Electrical Connection to the National Grid and all associated works.

This report provides an overview of the proposed development and legislative provisions and recommends that the proposed development does not constitute strategic infrastructure development. A pre-application consultation meeting was held on 19/01/2023.

## **2.0 Proposed Development**

Planning permission was granted by Tipperary County Council for the Farranrory Windfarm in February 2021 under PA ref. 20/972, comprising 9 no. turbines, 38kV substation and associated development. The subject development comprises an underground cable connection from the 38kV windfarm substation to Ballyragget 110kV substation, in Co. Kilkenny, over a distance of 33.4km. The cable will be provided predominately in public roads and will be operated as a 38kV grid connection.

## **3.0 The Nature of the Request**

The Board is requested under S.182E to advise as to whether the proposed development constitutes Strategic Infrastructure Development in accordance with the provisions of section 182A of the Planning and Development Act 2000, as amended, or whether an application for permission should be made to the local authorities for their respective areas in accordance with the provisions of s.34 of the Planning and Development Act, 2000, as amended.

#### **4.0 The Prospective Applicant's Case**

It is stated that permission was previously granted in 2022 by Tipperary Co. Co. and Kilkenny Co. Co. for a 38kV cable connection from the windfarm to the 110kV substation at Ballyragget. Following discussions with ESB and Eirgrid, the prospective applicants state that it was confirmed that the windfarm will receive a 38kV grid connection offer. While the cable connection will therefore operate at 38kV, ESB and Eirgrid require that the grid connection be constructed to 110kV cable design standards. The difference in design standards from the permitted 38kV grid connection has given rise to the need for a revised planning application and a requirement to enter into pre-application consultations under S.182E.

The request clarifies that the permitted windfarm substation will be a standard 38kV substation design and that all elements of the grid connection will operate at 38kV.

#### **5.0 Relevant planning history**

**PA ref. 20/972:** In March 2021, Tipperary County Council granted a ten-year permission for the Farranrory Windfarm comprising 9 no. turbines, 38kV substation and associated development at Farranrory Upper, Farranrory Lower, Coolnashinnagh and Gortnasmuttaun, Co. Tipperary.

**PA ref. 21/1620:** In October 2022, Tipperary Co. Co. granted permission for the installation of a 2.25km 38kV cable grid connection and associated works from Farranroy Windfarm. This follows the same route as the subject development. The application was accompanied by an EIAR.

**PA ref. 21/627:** In September 2022, Kilkenny Co. Co. granted permission for the installation of a c.31.5km 38kV cable grid connection to Ballyragget substation and associated works. This follows the same route as the subject development. The application was accompanied by an EIAR.

#### **4.0 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.

Section 182E(1) provides 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.

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 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"*

## **6.0 Pre-Application Consultations**

A pre-application consultation meeting was held on 19th January 2023. Full details of the meeting and matters raised are contained in the Board's Record.

At the pre-application consultation meeting the prospective applicants advised of the following:

- The upgrading from 38kV to 110kV design specification is driven by Eirgrid / ESB as the System Operators. This is referred to as the "System Operator Preferred Connection Method".
- The grid connection offer to the windfarm will be for a 38kV connection to Ballyragget substation. No change to the permitted 38kV substation is proposed.
- The cable route corridor will remain the same as the previously permitted 38kV cable.
- The 38kV connection contract will be with ESB, rather than with Eirgrid, as this will comprise a distribution line.
- The upgrade requirement is understood to arise in order to future proof the network rather than facilitating any known plan or project. It is independent of the Laois – Kilkenny Reinforcement Project, which included a new 110kV substation at Ballyragget.

- Any future use of the cable to transmit electricity at 110kV would require appropriate substation infrastructure, which would be subject to a separate planning application process.

## **7.0 Assessment**

As noted above, the definition of 'strategic infrastructure' includes development comprising or for the purposes of electricity transmission, with 'transmission' defined under section 182A(9) as either:

- The transport of electricity by means of a high voltage line where the voltage would be 110 kilovolts 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 submitted documentation indicates that the proposed development comprises a cable for the transport of electricity from a wind energy development to the 110kV substation at Ballyragget. The cable will be constructed to 110kV design specifications, in accordance with the TSO requirements, however, the line will operate at a voltage of 38kV. The permitted substation serving the windfarm is designed to 38kV standards.

Having regard to the documentation submitted and the discussions at the pre-application consultation meeting, I am of the view that notwithstanding the design specification of the cable connection, it will operate at a voltage of 38kV serving the permitted windfarm only and will therefore not constitute a high voltage line (where the voltage would be 110kV or more). The development is not therefore considered to meet the definition of electricity transmission set out in s.182A(9), or the Electricity Regulation Act 1999.

Having regard to the nature and scale of the proposed development, 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. Any future use of the line for 110kV or more would give rise to separate requirements under the Planning Acts.

## **8.0 Recommendation**

I recommend that the prospective applicant, Gromane Ltd., be informed that the proposed development, consisting of the proposed Farranrory Wind Farm 38kV Electrical Connection to the National Grid and all associated works as set out in the plans and particulars received by An Bord Pleanála on the 28/10/2022, 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.

---

Conor McGrath  
Senior Planning Inspector  
23/02/2023