

An
Bord
Pleanála

Inspector's Report ABP-315383-22.

Development	Proposed 110 KV substation and electrical cable connection and 2 no. cable end masts.
Location	Lands in Castlegarden and Cloghscregg, Co. Kilkenny.
Prospective Applicant	Lighthouse Renewable Energy Ireland Ltd.
Planning Authority.	Kilkenny County Council.
Type of Application	Pre-Application consultation under section 182E of the Planning and Development Act 2000, as amended.
Date of Site Inspection	27 January 2023.
Inspector	Mairead Kenny.

1.0 Overview

The Board on 20 December 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 proposed 110kV substation, cable and 2 no. cable end masts.

The proposed development is for the purpose of providing a loop-in loop-out substation and associated 110kV cabling for the development of a solar energy facility Castlegarden solar farm and associated battery storage compound. The solar energy facility and associated battery storage is subject of an application to Kilkenny County Council. T

A virtual meeting was held with the prospective applicant on 10 March 2023. Closure of the pre-application consultation was requested by email dated 17 April 2023.

2.0 Site Location, Description and Proposed Development

The subject site is in the heart of a rural area in Kilkenny County. The site of the proposed substation is 18 km south-east of Kilkenny city and is roughly equidistant to Gowran to the north and Graiguenamanagh to the south-east. The closest settlement is Thomastown which is approximately 5 km to the south-west.

There is a planned solar PV energy development with associated battery storage compound is intended to have a capacity of 70 MW MEC. At the time of the pre-application consultation meeting with the board's representatives the application for the solar farm had been lodged with the planning authority under reference 2360069. The prospective applicant stated in relation to the solar energy facility that the application to the planning authority has been subject of 3 no. pre-application consultation meetings and that the grid connection infrastructure had been highlighted by the first party during those meetings.

The overall area is close to the R703 (Graiguenamanagh to Thomastown road) but the access is from a local road, the L4205. The overall lands comprise a plot of agricultural land of irregular shape and of stated area of 256 acres. The Kilkenny to Great Island 110 kV overhead line traverses this area in a north-south direction and

effectively bisects the overall landholding including the site of the solar energy facility. The 110 kV substation would be positioned to the west of the 110 KV overhead line. The subject lands comprise flat agricultural lands bounded with hedgerows.

The details of the proposed development are described in the documentation presented by the in-house planning team of Lightsource bp, on behalf of Lightsource Renewable Energy Ireland Ltd. the prospective applicant.

The proposed development subject of this application is described as follows:

- 110 KV electrical grid connection solar farm and associated battery storage.
- The 110 KV overhead line will be looped into a new substation.
- 30 m of 110 KV overhead line from the substation site to the existing overhead line is required.
- 2 no. lattice towers will be required to be inserted into the existing line to facilitate the looping of the new substation.
- The drawings show an indicative layout for the substation which includes room for potential future expansion in line with Eirgrid's standard requirements.
- The prospective applicant provided indicative drawings for the mast structures.
- The prospective applicant confirmed that the substation access road would be 5.5 m in width in accordance with Eirgrid specifications.

3.0 Planning History

Under planning reg. ref. 2360069 an application was lodged for Castlegarden Solar Energy development. Further information was requested on 20 April 2023.

4.0 Prospective Applicant's Submission

The submission is that the proposed development would constitute SID having regard to the provisions of s182A and decisions of the Board in relation to loop-in

loop-out 110 kV proposals. The proposed development would constitute strategic infrastructure as defined by section 37A (2). Under this legislation the determining weight in the decision is whether the proposed development would be of strategic economic or social importance, contributes substantially to the fulfilment of policy objectives or would have a significant effect on the area of more than one planning authority.

The applicant further contends that the project is Strategic Infrastructure Development as:

- The loop-in loop-out substation is of such a scale and employs a methodology of grid connection that means it is of strategic importance to the electricity network in the region. It would constitute a regional node in the network.
- The proposed development of a 110 kV substation and associated cable does involve the development of high-voltage electricity infrastructure related to section 182B of the Act. The proposed development would constitute strategic infrastructure under section 182.
- The substation design is 110 KV infrastructure. The proposed substation is of such a scale that would be considered part of the Eirgrid network and therefore Strategic Infrastructure.

5.0 Relevant Legislation

Section 182A (1) of the 2000 Act (inserted by section 4 of the 2006 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.

6.0 Assessment

This assessment concerns whether the proposed substation, 110kV cable development and associated masts is SID. Secondly, I list the relevant prescribed bodies to which the future application should be referred.

6.1. Substation, 110 kV cable and masts

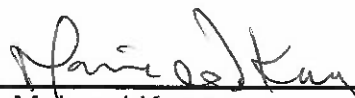
- 6.1.1. The proposed development comprises a 110 kV substation and 30m of 110kV cable to connect to two masts which will be inserted in the existing 110kV overhead line.
- 6.1.2. I consider that the proposed 110kV substation is electric plant as defined in relevant legislation. The proposed development includes high voltage lines of 110 kV.
- 6.1.3. 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 PDA and would be deemed to be SID.
- 6.1.4. 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.

6.2. Prescribed Bodies

- 6.2.1. I attach an Appendix of relevant prescribed bodies.

7.0 Recommendation

I recommend that the prospective applicant Lightsource Renewable Energy Ltd be notified that the proposed development consisting of a 110 kV substation, 110 kV cable and 2 no. cable end masts in the townlands of Castlegarden and Cloghscregg, Co. Kilkenny as described in the documents received by the Board on 20 December 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.


Mairead Kenny
Senior Planning Inspector
8 May 2023

Appendix – list of 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.

- Minister for the Environment, Heritage and Local Government
- Minister for Communications, Marine and Natural Resources
- Kilkenny County Council
- Transport Infrastructure Ireland
- Commission for Regulation of Utilities, Water and Energy
- Irish Water
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Inland Fisheries Ireland

Further notifications should be made where deemed appropriate.

