



An
Bord
Pleanála

Inspector's Report

ABP-315480-23

Development	Proposed development of a 110kV substation and associated works
Location	Barnhall Road, Leixlip, Co. Kildare
Planning Authority	Kildare County Council
Prospective Applicant	Davy Platform ICAV
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. Davy Platform ICAV (the prospective applicant) requested pre-application consultation on 03rd January 2023 under section 182E of the Planning & Development Act, 2000 (as amended). The request was submitted by Tom Philips and Associates on behalf of the prospective applicant. Pre-application consultation took place between the Board and the prospective applicant on 26th January 2023.
- 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 10th March 2023.
- 1.4. This report provides an overview of the proposed development, any relevant precedent, and 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 within the existing Kildare Innovation Campus (former Hewlett Packard campus) which is located to the immediate south of the M4 motorway, accessed off interchange no.6, c. 2km southwest of Leixlip town centre. The historic Castletown House is located c. 760m southwest of the subject site.
- 2.2. The proposed substation site is to be located to the immediate north of the existing Rinawade 110kV substation which is at the end of its life and as such is to be replaced with the proposed new substation. The site is located c. 200m south of the access road to the campus and to the northwest of the main campus buildings.
- 2.3. The site is well screened and flanked on the western side by a thick treeline. Another narrower band of trees exist to both the north and south and an avenue of trees run along the south-eastern side of the subject site. Same avenue provides a direct view

between Castletown House and the Wonderful Barn north of the M4 (protected view corridor).

3.0 Proposed Development

- 3.1. The existing Rinawade 110kV substation on site has reached end of life and Eirgrid have advised that the connection agreement will not be extended unless upgraded. Increased power supply will also be required to facilitate the future KIC Masterplan (not subject to this SID). The proposed 110kV substation is to replace this existing substation. The new replacement 110kV substation would be sufficient to cater for the first two phases of KIC development upon its completion.
- 3.2. The current Rinawade 110kV sub is fed by 2 x 110kV Overhead lines. The new substation will connect to these Overhead lines via short runs of underground cable. The proposal will include:
- 4 No. transformers, with client control buildings.
 - A 2 storey GIS substation building (with a gross floor area of c. 1051 sq m) within a 2.4 m high fenced compound.
 - Existing Rinawade – Dunfirth/Kinnegad underground cable to be retained and diverted to new substation.
 - Existing Maynooth – Rinawade 110kV overhead line circuit to be retained and diverted to new substation.
 - The existing Rinawade 110kV substation is to be decommissioned and removed.
- 3.3. The proposed 110kV substation application will be accompanied by an AA Screening and the KIC Masterplan EIAR will be included for information purposes only. The proposed 110kV will be built for purposes of providing power to the existing Campus and initial phases of the future development plans.

The Board should note that the prospective applicant has confirmed that any line upgrades are to be completed by Eirgrid not by the prospective applicant, and do not form part of the prospective application. The existing lines will be diverted into the new substation.

4.0 Planning History

- 4.1. **ABP-312371-22** - Whether the use of building no. 7 as a Data Centre and physical works proposed is or is not development or is or is not exempted development – Case awaiting decision.
- 4.2. **ABP-307312-20** - Change of use of building no. 3 and part of building no. 4 – Development Contributions Appeal - AMEND condition number 6.
- 4.3. **Kildare County Council (KCC) Ref. 20873** - Permission granted in April 2021 for the construction of a logistics warehouse with ancillary office accommodation (total c. 25,268 sqm) to an overall height of 14.86 metres. The warehouse element of the development principally single storey including an ancillary mezzanine level (554 sqm). The ancillary offices, comprising c. 1,737 sqm, provided over three storeys and include toilets, change rooms, showers, cafeteria, gym, plant areas and circulation spaces. The development also included: the provision of a new vehicular access from Barnhall Road roundabout with ancillary associated entry/exit gates, access road and footpath; 179 no. surface car parking spaces including electric vehicle charging stations and 18 no. bicycle parking; solar pv panels on the warehouse roof; hard and soft landscaping; signage; sprinkler storage tanks and pump house; an electrical substation (c. 54 sqm); and all ancillary works including boundary treatments, street lighting, site excavation and development works above and below ground.

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'.
- 5.3.1. 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.
- 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:

- In outlining the rationale behind the development the prospective applicant stated that the 110kV substation would replace the existing Rinawade 110kV substation which has reached end of life. Eirgrid has advised that the current

connection agreement will not be extended unless substantial upgrade works are carried out. It is proposed to replace the existing Rinawade substation with a new substation immediately adjacent to same and that the Rinawade substation will be decommissioned and removed upon completion of the proposed development.

- The prospective applicant also stated that an increase in power supply will be required to facilitate the future Kildare Innovation Campus (KIC) masterplan and noted that this is being prepared for submission to Kildare County Council in March 2023. The master plan is intended to be delivered over 3 phases. In relation to this the prospective applicant stated that following detailed design analysis the future power demands for the KIC development will be provided for solely by the proposed development of the 110kV substation replacement.
- In relation to EIAR and AA screening, the prospective applicant stated that the development is not of a type listed in Schedule 5, Parts 1 or 2 of the Planning and Development Regulations 2001 (as amended) and that the proposal is not an infrastructure development for the purposes of sections 37A and 37B of the P&D Act 2000 (as amended). It is therefore considered that no mandatory or sub threshold EIAR is required for the proposed development.
- In conclusion the prospective applicant stated that they consider that the proposed development would not constitute SID given the following:
 - The proposed replacement 110kV substation will not form a new node on the network and will replace the existing Rinawade 110kV substation.
 - As stated above the proposed development is not listed in Schedule 7 of the P&D Act 2000, this and therefore is not considered to be strategic infrastructure.
 - The characteristics of the proposed development further indicate that it is not strategic infrastructure:
 - The proposal lies within one local authority and there are no applications for any other planning authority.
 - It does not lie within any designated areas.

- It is intended to maintain the existing connections solely to the KIC.
- While of considerable benefit to the network from a technical perspective, from planning perspective the development is essentially an enhancement of existing substation infrastructure by way of replacement.
- It contains a relatively small footprint and all equipment proposed will be standard and meet Eirgrid's functional requirements.

7.0 Assessment

7.1. 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).

7.2. Based on this statutory definition and the information contained in the prospective applicant's request, I am satisfied that the existing Rinawade 110kV electrical substation can be regarded as part of the electricity transmission system for the purposes of the 2000 Act.

7.3. The details provided with the request are somewhat limited, not including detailed drawings or plans in respect of the proposed development, other than a draft site plan. However, the written description in the accompanying cover letter and the subsequent presentation and discussion at the consultation meeting (refer to record of meeting) is considered to have adequately described the nature, scope and purpose of the proposed development. Having regard to the description and the nature of the proposed works which relate to the replacement of an existing 110kV

substation (Rinawade) and removal of the existing substation which has been determined to be at the end of its life by Eirgrid, I consider that there is adequate information available to the Board to make a determination on this request.

- 7.4. The existing substation is a strategic site on the transmission system in this particular area of Kildare, however the proposed development would not give rise to any fundamental change in the function, operation or purpose of the existing substation infrastructure at this location, nor would there be any material deviation to the routes of established electrical circuits. The current Rinawade substation is fed by two 110kV overhead lines and it is proposed that the new substation will connect to these overhead lines. The existing Rinawade Dunfirth/Kinnegad underground cable is to be retained and simply diverted to the proposed new substation. While the existing compound will be extended to the north, it is not considered that any significant visual or landscape impacts will arise given the site location and characteristics, the established vegetational screening surrounding the site and also the distances from any sensitive receptors e.g. Castletown House or the Wonderful Barn.
- 7.5. The Board has previously determined a considerable number of requests for pre-application consultation in relation to proposed improvement / refurbishment / upgrade works to existing electrical infrastructure. In particular, I note the recent cases ABP 314505-22, ABP-314111-22 and ABP-313964-22, which related to similar forms of development. The Board concluded in these, and other similar cases, that the development did not fall within the scope of section 182A of the P&D Act 2000, as amended, and consequently that planning applications should be made in the first instance to the local planning authority.
- 7.6. Having regard to the nature and scale of the proposed development, the fact that it relates to the upgrade of an existing substation and transmission infrastructure, and noting previous determinations by the Board in respect of similar requests for pre-application consultation, 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

8.0 Recommendation

- 8.1. I recommend that the prospective applicant, Davy Platform ICAV, be informed that the proposed development, consisting of the replacement of the existing 110kV substation (and removal of same) with a proposed new 110kV substation immediately adjacent to the existing site on the Kildare Innovation Campus, Barnhall Road, Leixlip, Co. Kildare, as set out in the plans and particulars received by An Bord Pleanála on the 03rd January 2023 and the particulars as detailed in the pre-application meeting held on 26th January 2023, does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended, and that any planning application(s) should be made in the first instance to the relevant planning authority.



Máire Daly
Senior Planning Inspector

20th March 2023