



**An
Bord
Pleanála**

Inspector's Report ABP-315972-23



Development	Proposed 2 no. 110kV substations and grid connections in lieu of two 37kV substations and grid connections granted by Louth Co. Co. (P.A. Reg. Ref. 21/61) to facilitate permitted solar farm and battery storage system developments
Location	Toomes and Monvallet, Co. Louth
Planning Authority	Louth County Council
Prospective Applicant	Strategic Power Projects Ltd.
Type of Application	Pre-application consultation under s. 182E of the Planning & Development Act, 2000 (as amended)
Date of Site Inspection	20 th April 2023
Inspector	Anthony Kelly

1.0 Introduction

- 1.1. Strategic Power Projects Ltd. requested pre-application consultation on 3rd March 2023 under the Planning & Development Act, 2000 (as amended). The request was submitted by Peter Thomson Planning Solutions on behalf of the prospective applicant. On foot of a specific request by the prospective applicant, no meeting between the prospective applicant and the Board has taken place. I am satisfied that the determination as to whether or not the proposed development comprises a strategic infrastructure development (SID) can be made without a pre-application consultation meeting.
- 1.2. The primary purpose of the consultation is to ascertain whether or not the proposed development constitutes strategic infrastructure for the purposes of the Planning & Development Act, 2000 (as amended).
- 1.3. This report provides an overview of the proposed project and the legislative provisions. It recommends that the Board determine that the proposed development does fall within the definition of development under s.182A of the Act. It also recommends a list of prescribed bodies that should be forwarded copies of any application.

2.0 Proposed Development

- 2.1. The proposed development comprises two 110kV substations and grid connections in lieu of two permitted 37kV substations to facilitate permitted solar farm and battery storage system developments.

3.0 Site Location and Description

- 3.1. The site is approx. 2km north west of Louth village and immediately west of and on the opposite side of the local road from Louth 220kV electrical substation in west Co. Louth.
- 3.2. The site currently comprises an agricultural field with a roadside hedgerow boundary running along its eastern side.

4.0 Planning History

4.1. The relevant planning history is as follows:

P.A. Reg. Ref. 21/631 – In 2021 a ten-year permission was granted for a solar farm and battery energy storage system on an approx. 42.23 hectares site including 48 no. battery storage units, two 37kV substations (one serving the solar farm and the other serving the battery energy storage system development), and two grid connections to the Louth (Monvallet) substation. The development would have a 35 year operational life. (Phase 1)

P.A. Reg. Ref. 21/1478 – In 2022 a ten-year permission was granted for alterations and an extension to the solar farm and battery energy storage system permitted under 21/631 including an additional 54 no. battery storage units. The extension area is approx. 32.93 hectares, and the development would have a 35 year operational life. (Phase 2).

P.A. Reg. Ref. 22/534 – In 2023 a ten-year permission was granted for a solar farm development as an extension to that permitted under 21/631 with an area of approx. 81.37 hectares. The development would have a 35 year operational life. (Phase 3).

ABP Reg. Ref. ABP-314006-22 – A request was received by the Board for pre-application consultation for a 220kV substation and grid connection in lieu of two permitted 37kV substations to facilitate solar and battery storage system development and proposed extensions. The Board decided that the development falls within the scope of s.182A of the Planning & Development Act, 2000 (as amended).

ABP Reg. Ref. ABP-315456-23 – A SID application was received by the Board for a proposed 220kV substation, associated 220kV underground grid connection, cabling, and associated works. A decision is due on 5th July 2023.

5.0 Legislative Provisions

5.1. Under s.182A(1) of the Planning & Development Act, 2000 (as amended) (inserted by s.4 of the Planning & Development (Strategic Infrastructure) Act, 2006), where a person, thereafter referred to as the 'undertaker', intends to carry out development

comprising or for the purposes of electricity transmission, the 'proposed development', the undertaker shall prepare, or cause to be prepared, an application for approval of the development under s.182B and shall apply to the Board for such approval accordingly.

5.2. S.182A(9) of the 2000 Act, (as amended), states that 'transmission' shall be construed in accordance with s.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. S.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, in the State or offshore, or both, 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).

5.4. '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'.

5.5. '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 ...'

5.6. S.182E sets out procedures in advance of seeking approval under s.182B. Subsection (1) states that a prospective applicant who proposes to apply for approval under s.182B

'shall, before making the application, enter into consultations with the Board in relation to the proposed development'.

6.0 Prospective Applicant's Submission

- 6.1. The prospective applicant has provided a background to the proposed development. Subject to grid connection consents from EirGrid the proposed substations would form the connection point to the national grid for the three phases of the permitted solar energy and battery storage facility developments permitted by the local authority. The Board previously decided that a 220kV substation in lieu of the two 37kV substations fell within the scope of s.182A of the Planning & Development Act, 2000 (as amended). A subsequent SID application is currently awaiting a decision from the Board (ABP-315456-23) and a decision is still required on that application.
- 6.2. The applicant originally considered that the two 37kV substations would facilitate connection of the first two phases to the grid. However, after the third phase was permitted the 37kV substations were no longer deemed adequate to connect all phases to the grid. A 220kV substation and grid connection was designed to cater for all phases, and a decision on this is awaited.
- 6.3. However, EirGrid dictates the connection design. In September 2021 the applicant entered the enduring connection policy (ECP) process seeking a connection for phase 1. A connection offer was made in January 2023 for phase 1 proposing a 110kV connection. Though EirGrid is revising the offer, once received, the applicant has the option to accept the offer and proceed with the construction of phase 1. EirGrid considers a 220kV substation is oversized for phase 1 in isolation and its policy is not to take future phases into consideration until they have gone through the ECP process. Phases 2 and 3 will take part in the ECP process scheduled for September 2023, though there is a significant time lag between application and offer. The potential connection methods are:
 1. The 220kV substation, or,
 - 2 (a) 1 no. 110kV substation to connect phase 1 as soon as possible, and,
 - 2 (b) 1 no. 110kV substation to connect phases 2 and 3 at a future date.

- 6.4. 2 (a) gives the applicant flexibility of proceeding with connecting phase 1 in the short-term, subject to receiving planning permission, and in time connecting phases 2 and 3. The applicant considers the 220kV option to be the optimum solution from a cost perspective however it is dependent on the future ECP process 'and as such needs to pursue this alternative option ... Permission for both options is essential until the ECP and connection offer processes are complete with EirGrid'.
- 6.5. The prospective applicant is of the opinion that the proposed 110kV substations are SID. Recent Board decisions have deemed 110kV substations and greater and their associated grid connections to be SID, with particular regard being given to s.182A (9) of the 2000 Act (as amended), including proposals for 'tail-fed' developments.
- 6.6. The prospective applicant states that 'We do not believe that a meeting with the Board is required to clarify this' (that the proposed development is SID), and 'it is respectfully requested that the Board determine that a meeting with the applicant is **not** required in this instance' (emphasis not added).

7.0 **Assessment**

7.1. **Strategic Infrastructure**

- 7.1.1. The proposed development comprises two 110kV substations and grid connections in lieu of two permitted 37kV substations to facilitate permitted solar farm and battery storage system developments. The prospective applicant is seeking a determination from the Board as to whether the proposed development is or is not SID. The prospective applicant considers that it is SID.
- 7.1.2. Under s.182A(1) of the Planning & Development Act, 2000 (as amended), an undertaker shall apply to the Board for approval of a development comprising or for the purposes of energy transmission. S.182A(9) states that 'transmission' shall be construed in accordance with s.2(1) of the Electricity Regulation Act, 1999 and shall also be construed as meaning, inter alia, the transport of electricity by means of a high voltage line where the voltage would be 110kV or more. S.2(1) of the Electricity Regulation Act defines the transmission system as wholly or mainly high voltage lines and electrical plant for conveying electricity. I consider that the proposed substation

constitutes 'electrical plant', as defined. There is no threshold under s.182A(9) of the Planning & Development Act, 2000 (as amended) in respect of a substation.

7.1.3. The proposed substations and associated infrastructure would enable the electricity generated by the permitted developments to be transformed to a voltage of 110kV for transmission to the national grid. The 220kV Louth transmission station is immediately adjacent to the subject site. I note that the proposed substations would be a 'tail-fed' development, as opposed to being a 'loop-in' system. Under the planning legislation i.e. the 2000 Act (as amended), the definition of electricity transmission for SID purposes is 110kV or greater, as per s.182A(9). Whether a substation is a 'tail-fed' or 'loop-in' system is not relevant to whether or not it is SID.

7.1.4. I note the similarity between this case and other proposals put before the Board for pre-application consultation under s.182E. In these cases, the Board determined that the provision of a new 110kV substation and associated infrastructure constitutes strategic infrastructure e.g. ABP-308018-20 (Milltown, Co. Meath) and ABP-312532-22 (Kilcormac, Co. Offaly). I consider that the subject case is comparable, and therefore recommend that the undertaker shall submit any application for approval of the proposed development to the Board.

7.2. **Environmental Impact Assessment (EIA) & Appropriate Assessment (AA)**

7.2.1. S.182A(2) of the Planning and Development Act, 2000 (as amended) states that 'In the case of development referred to in subsection (1) which belongs to a class of development identified for the purposes of section 176, the undertaker shall prepare, or cause to be prepared, an environmental impact assessment report or Natura impact statement or both that report and that statement, as the case may be, in respect of the development'. S.176 relates to prescribed classes of development requiring assessment.

EIA

7.2.2. Part 1 and Part 2 of Schedule 5 of the Planning & Development Regulations, 2001 (as amended) set out the classes of development for the purposes of EIA. Section 20 of Part 1 provides that a mandatory EIAR is required for the 'Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres'. Section 3 (b) of Part 2 provides that a mandatory EIAR is required for

'Industrial installations carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more'.

- 7.2.3. Therefore, the proposed development of two 110kV substation and underground transmission cables would not come within a class set out in Part 1 or Part 2 of Schedule 5 of the Planning & Development Regulations 2001, (as amended).

AA

- 7.2.4. The subject site is not located within any European site. I note that a Natura impact statement (NIS) was submitted with ABP-315456-23.

7.3. Prescribed Bodies

- 7.3.1. In view of the scale, nature, and location of the proposed development, as described in this report, it is recommended that the prospective applicant should consult with the prescribed bodies listed in the attached appendix in respect of any application for approval.

7.4. Conclusion

- 7.4.1. I consider that the proposed development as described in the prospective applicant's submission constitutes strategic infrastructure coming within the scope of s.182A of the Planning & Development Act, 2000 (as amended), therefore necessitating an application to be made directly to the Board.

8.0 Recommendation

- 8.1. I recommend that Strategic Power Projects Ltd. be informed that the proposed development consisting of two 110kV substations and grid connections in lieu of two permitted 37kV substations to facilitate permitted solar farm and battery storage system developments within the townlands of Toomes and Monvallet, Co. Louth as set out in the plans and particulars received by An Bord Pleanála, falls within the scope

of section 182A of the Planning & Development Act, 2000 (as amended), and that any planning application should be made directly to the Board.

I confirm that this report represents my professional planning assessment, judgement, and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



Anthony Kelly

Planning Inspector

4th May 2023

APPENDIX

The following prescribed bodies are considered relevant for the purpose of s182A(4)(b) of the Planning & Development Act, 2000 (as amended):

1. Minister of Housing, Local Government and Heritage
2. Minister for Environment, Climate and Communications
3. Minister for Agriculture, Food and the Marine
4. Louth County Council
5. EirGrid
6. ESB
7. Commission for Regulation of Utilities
8. Irish Water
9. An Chomhairle Ealaíon
10. Fáilte Ireland
11. An Taisce
12. Heritage Council

Additional notifications should also be made where considered appropriate.