



An
Bord
Pleanála

Inspector's Report ABP-317395-23

| | |
|--------------------------------|---|
| Development | Proposed development of 110kV substation and 110kV underground electricity cable to facilitate the connection of the proposed Dernacart Windfarm to the national grid at the consented Bracklone 110kV substation |
| Location | Located within a rural area in North County Laois c.3km northwest of Mountmellick town. |
| Planning Authority | Laois County Council |
| Applicant(s) | Statkraft Ireland |
| Type of Application | Pre-application consultation under section 182E of the Planning & Development Act, 2000 (as amended) |
| Date of Site Inspection | 17 th July 2023 |
| Inspector | Liam Bowe |

1.0 Introduction

- 1.1. It is proposed to construct a 110kV substation to transmit the generated electricity from the proposed Dernacart Windfarm (ABP-310312-21 refers) to the national grid at the permitted 110kV Bracklone substation at Portarlinton, Co. Laois. The connection will be via a 10.5km underground cable. The location for the substation is being proposed approximately 2.7km to the east/ southeast of the windfarm site which will require the provision of an underground collector cable from the windfarm to the substation through agricultural and forestry lands.
- 1.2. The primary purpose of the pre-application consultation was 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 procedures involved in making the application.
- 1.3. This report provides an overview of the proposed project, a summary of the meeting and the advice provided by the Board's representatives at that meeting, and legislative provisions. The report recommends that the Board determine that the proposed development does fall within the definition of development under section 182 of the Act. It also recommends a list of prescribed bodies that should be forwarded copies of any application.

2.0 Site Location and Description

- 2.1. The proposed site is located approximately 3km to the northwest of Mountmellick town, Co. Laois. The site is located off the R423 regional road that connects the towns of Mountmellick and Portarlinton in Co. Laois. The part of this road where the site is located is in Co. Offaly. The upper course of the River Barrow is located approximately 320m to the south of the site.
- 2.2. The proposed site is comprised of a small agricultural field under grass and part of a conifer forest that has been partially cleared and appears to be unmanaged at present. The field has an established vehicular access from the south side off the R423 regional road. The forested area is accessed from a forest road to the east of

the site, which has a junction with the regional road to the south. The primary land use in the immediate vicinity is agriculture. There is an overhead electricity line running along the roadside/ southern boundary of the site and a 38kv line traverses the site. The site has mature boundaries on all sides. The proposed underground collector cable from the windfarm to the substation will run through agricultural and forestry lands. The route of the proposed 10.5km underground cable is located on public roads from the substation site to the permitted Bracklone substation.

3.0 Proposed Development

- 3.1. The proposed 110kV substation is to replace the 110kV windfarm substation currently under consideration as part of a planning application currently under appeal (ABP-310312-21 refers). Initially, the proposed underground 110kV grid connection cable presented was located within a series of local and regional road networks extending approximately 15.4km West to East from the site of the proposed Dernacart windfarm to the consented Bracklone 110kV substation in Portarlington, Co. Laois.
- 3.2. Owing to the inability to secure landowner consent, the prospective applicant has proposed an alternative location for the proposed substation and, consequently, the overall length of the proposed underground 110kV electrical cable from the Dernacart Windfarm substation to the permitted Bracklone substation in Portarlington, Co. Laois has been reduced in length from approx. 15.4km to approx. 10.5km.
- 3.3. The proposed development comprises an electricity grid substation compound, a c.2.7km underground collector cable from the proposed windfarm to the proposed substation, and a c.10.5km underground 110kV grid connection cable within a series of regional and local roads to the consented Bracklone 110kV substation.

4.0 Pre-Application Consultation Meetings

- 4.1. 2 pre-application consultation meetings were held in relation to the proposal.
- 4.2. The 1st meeting was held on the 20th of July 2023. Full details of the meeting and matters raised are contained in the Board's Record. The meeting's Chair outlined the

general procedures in relation to the pre-application consultation process. The prospective applicant provided, inter alia, an overview of the site location, a description of the overall development and the relevant legislation. It is the opinion of the prospective applicant that the proposed electrical substation and grid connection cable qualifies as strategic development.

4.3. The 2nd meeting was held on the 23rd of October 2023. Full details of the meeting and matters raised are also contained in the Board's Record. The prospective applicant presented changes since the first pre-application meeting and stated that due to the inability to secure landowner consent, the prospective applicant has proposed an alternative location for the proposed substation and, consequently, the overall length of the proposed underground 110kV electrical cable from the Dernacart Windfarm substation to the permitted Bracklone substation in Portarlington, Co. Laois has been reduced in length from approx. 15.4km to approx. 10.5km. This alternative location requires the provision of a collector cable from the proposed windfarm to the proposed substation. The Board's representatives advised the prospective applicant that the proposed development as amended should not be subdivided. It remained the opinion of the prospective applicant that the proposed electrical substation and grid connection cable qualifies as strategic development.

5.0 Precedent Decisions

There are a large number of precedent decisions in relation to developments of this nature, there are summarised in the table below:

| ABP Ref. | Development Description | Decision Date | ABP Decision |
|----------|--|---------------|--------------|
| 313680 | 110kV substation and grid connection | 2023 | Is SID |
| 313352 | 110kV substation and grid connection cabling | 2022 | Is SID |
| 313001 | 110kV substation and underground grid connection | 2022 | Is SID |
| 312860 | Proposed development of 110kV electrical substation and its grid connection options to the existing transmission network | 2022 | Is SID |

| | | | |
|--------|--|------|--------|
| 312700 | Proposed 110kV loop-in substation, overhead lines to connect to transmission network and underground grid connection to consented solar farm | 2022 | Is SID |
| 312532 | Proposed development of a 110kV on-site 'Loop-In/Loop Out' substation. | 2022 | Is SID |
| 312249 | Development of a 110kV substation and provision of electrical connection to the national grid | 2022 | Is SID |
| 311904 | Proposed new tail-fed 110kV substation and associated works. | 2022 | Is SID |
| 311778 | Provision of a 110kV GIS substation and associated development | 2022 | Is SID |
| 311204 | Proposed 110kV substation | 2022 | Is SID |
| 311176 | Proposed construction of two new 110kV substations and 110kV underground cable connecting both substations | 2022 | Is SID |
| 311403 | Proposed development of 110kV infrastructure | 2022 | Is SID |
| 311032 | Proposed new tail fed 110kV substation and 110kV underground cables | 2022 | Is SID |
| 312226 | Construction of a 110kV substation and underground grid connection | 2022 | Is SID |

6.0 Prospective Applicant's Submission

- 6.1. The prospective applicant submitted a cover letter with the pre-application consultation request. The reasons why it is considered that section 182 of the Act is the appropriate consent route for the proposed 110kV electrical grid substation and underground cable are set out in the pre-planning presentations. The proposed substation and grid connection are consistent with the relevant definitions of electric plant and transmission, and it is accordingly considered to be development for the purpose of electricity transmission.

7.0 Legislative Provisions

7.1. Planning and Development Act 2000, as Amended

- 7.1.1. Section 2(1) of the Planning and Development Act 2000, as amended ('PDA'), defines 'strategic infrastructure' as including, *inter alia*:

"any proposed development referred to in section 182A(1)"

- 7.1.2. Under subsection 182A(1) of the PDA, 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.

- 7.1.3. 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."

7.2. Electricity Regulation Act 1999, as Amended

- 7.2.1. The following definitions, as set out in section 2(1) of the Electricity Regulation Act, 1999, as amended ('ERA'), are noted:

- **'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 Board¹ 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”

8.0 Assessment

8.1. Strategic Infrastructure

- 8.1.1. Under section 182A of the PDA an undertaker shall apply to the Board for approval of a development comprising or for the purposes of ‘energy transmission’. Section 182A(9) states that ‘transmission’ shall be construed in accordance with section 2(1) of the ERA 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.
- 8.1.2. Section 2(1) of the ERA defines the transmission system as a system which consists wholly or mainly of high voltage lines and electrical plant 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.
- 8.1.3. Based on the information contained in the prospective applicant’s cover letter and elaborated upon at the pre-application consultation meeting, it is clear to me that the proposed 110kV substation and 110kV underground cable development which will connect a proposed windfarm to the national grid would constitute the ‘transport of

¹ For clarity, references to the ‘Board’ in this instance relate to the Electricity Supply Board.

electricity by means of a transmission system' as defined in Section 2(1) of the ERA. It would also constitute 'a *high voltage line where the voltage would be 110kV kilovolts or more*' and therefore can be considered to form part of the electricity transmission system for the purposes of the PDA.

- 8.1.4. I consider that the proposal meets the definition of electricity transmission under section 2(1) of the ERA. As such it would fall under section 182A of the PDA and would be deemed to be strategic infrastructure development.
- 8.1.5. I am therefore satisfied that the proposed 110kV substation, underground collector cable and 110kV underground electricity cable to facilitate the connection of the proposed Dernacart Windfarm to the national grid at the consented Bracklone 110kV substation, constitutes strategic infrastructure development.

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

- 8.2.1. Section 182A(2) of the Planning & Development Act, 2000 (as amended) states that 'In the case of development ... 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'. Section 176 relates to prescribed classes of development requiring assessment.

EIA

- 8.2.2. 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'.
- 8.2.3. Therefore, the proposed development of a 110kV substation and 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).

8.2.4. However, the prospective applicant stated that it was their intention to prepare an EIAR to accompany an application for the proposed development as they were not satisfied that the EIAR submitted with the windfarm covered the revised substation location. Therefore, they needed to consider an EIAR that would address the likely significant environmental impacts arising from the proposed substation and grid connection in-combination with the proposed windfarm.

AA

8.2.5. In relation to AA, the substation site or the route of the underground cabling is not located within any European site. The prospective applicant did not know at the pre-application consultation whether significant adverse impact on a European site could be screened out and work in relation to this was ongoing.

8.3. Prescribed Bodies

8.3.1. 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.

8.4. Conclusion

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

9.0 Recommendation

9.1. I recommend that Statkraft Ireland be informed that the proposed development consisting of 110kV substation, underground collector cable and 110kV underground electricity cable to facilitate the connection of the proposed Dernacart Windfarm to the national grid at the consented Bracklone 110kV substation in Portarlinton, Co. Laois, 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.



Liam Bowe
Senior Planning Inspector

5th December 2023

Appendix A: Prescribed Bodies

The following is a list of prescribed bodies considered relevant by the Board:

- Minister for Housing, Local Government and Heritage
- Minister for the Environment, Climate and Communications
- Offaly County Council
- Laois County Council
- Transport Infrastructure Ireland
- An Taisce
- Fáilte Ireland
- Heritage Council
- An Chomhairle Ealaíon
- Irish Water
- Commission for Regulation of Utilities
- Inland Fisheries Ireland
- Health Service Executive
- Office of Public Works

Further notifications should also be made, where deemed appropriate.