



An
Bord
Pleanála

Inspector's Report ABP-317654-23

Development	Proposed development of 110kV/20kV distribution station.
Location	Fosterstown, approximately 3 km south of Trim, County Meath.
Prospective Applicant	Electricity Supply Board
Planning Authority	Meath County Council
Type of Application	Pre-Application consultation under Section 182E of the Planning and Development Act 2000, as amended.
Date of Site Inspection	12 th September 2023.
Inspector	Barry O'Donnell

1.0 Introduction

- 1.1. The Board received a request on 26th July 2023 from the Electricity Supply Board (ESB) to enter into pre-application consultations under Section 182E of the Planning and Development Act 2000, as amended, in relation to a proposed 110kV/20kV distribution station in the townland of Fosterstown, approx. 3km south of Trim, in County Meath.
- 1.2. A pre-application meeting was held between the Board's representatives and the prospective applicant on 14th September 2023, the purpose of which was outline details of the proposed development and address whether the proposed development constitutes strategic infrastructure in accordance with the meaning provided by the Planning and Development Act, 2000, as amended. Consideration was also given to issues relating to the proper planning and sustainable development of the area that may have a bearing on the Board's decision. Following this meeting, the prospective applicant formally requested closure of the pre-application process in correspondence received by the Board on 10th October 2023.
- 1.3. This report provides an overview of the proposed development and a summary of the pre-application meeting, including advice provided by the Board's representatives, and relevant legislative provisions. A list of recommended Prescribed Bodies that the application should be circulated to is provided at Appendix 1.

2.0 Site Location and Description

- 2.1. The subject site is located in the townland of Fosterstown, approx. 3km south of Trim in County Meath. The site is greenfield in nature, comprising of a number of separate parcels of improved grassland. It is accessed from the R160 Trim-Longwood Road, via a number of existing agricultural access points.
- 2.2. The main part of the site, where the proposed distribution station is located, is set back from the R160 by c.140m and is visually screened from it by mature hedgerows that line the various field boundaries.
- 2.3. The 110kV Corduff-Mullingar overhead line traverses the site, in an east-west direction.

3.0 Proposed Development

- 3.1. The proposed development comprises a 110kV/20kV distribution station. Based on the drawings provided as part of the pre-application submission, proposed development works can be summarised as follows: -
- Construction of distribution station compound, enclosed by a palisade fence.
 - Construction of 2 No. 110kV overhead line interface masts and associated breaking of the 110kV overhead line to connect to the distribution station.
 - Provision of access track from site entrance to distribution station location.
- 3.2. The prospective applicant states that the proposed distribution station will be looped into the Corduff-Mullingar 110kV overhead line. They further state that the development is intended to relieve pressure on the Trim 38kV substation, to relieve pressure on the 38kV network and to provide for future demand growth in the wider area.

4.0 Planning History

- 4.1. I am not aware of any previous planning records pertaining to the site.

Relevant Precedent Cases

- 4.2. I did not encounter any previous pre-application requests regarding proposed distribution infrastructure, but there are a large number of pre-application directions for substation infrastructure that are relevant to this pre-application. Examples include: -

ABP-315476-23: Pre-application regarding a Proposed 110kV substation to feed into the existing Drumline-Ennis 110kV overhead line (OHL) circuit. The Board directed that the development falls within the scope of Section 182A of the Act.

ABP-312249-21: Pre-application regarding a proposed 110 KV substation and electrical cable connection from the permitted Knocknamork Renewable Energy Development to the existing 220kV Ballyvouskil substation. The Board directed that the development falls within the scope of Section 182A of the Act.

ABP-311204-21: Pre-application regarding a proposed 110 kV substation to connect into the existing Aughinish-Kilpaddoge 110kV overhead line. The Board directed that the development falls within the scope of Section 182A of the Act.

ABP-311403-21: Pre-application regarding a proposed 110kV substation. The Board directed that the development falls within the scope of Section 182A of the Act.

5.0 Legislative Provisions

Planning and Development Act, 2000, as amended

5.1. Section 2(1) provides the following definition of Strategic Infrastructure: -

"Strategic infrastructure development" means—

...

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

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

5.3. Section 182A (9) defines 'transmission' as follows: -

'In this section "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.'

Electricity Regulation Act, 1999

5.4. Section 2(1) provides 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.'*

Distribution: *'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: *'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.'

Electric Line: *'any line which is used solely or among other things for carrying electricity for any purpose and includes—*

(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 any such line for the purpose of carrying electricity or other services, and

(c) any wire, cable, tube, pipe or similar thing (including its casing or coating) 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.'

6.0 Prospective Applicant's Case

- 6.1. The prospective applicant's submission is that the proposed development does not fall within the scope of Section 182A of the Act and should not be deemed to be strategic infrastructure development.
- 6.2. This is on the basis that the distribution station would form part of the distribution network rather than the transmission network, as it is intended to take power in a

one-way direction from the 110kV overhead line and divert it into the lower 20kV network, for distribution to customers.

7.0 Pre-application Consultation

- 7.1. One pre-application meeting was held with the prospective applicant, on 14th September 2023, minutes of which are attached to the file. A presentation was made to the Board's representatives at this meeting, which is also attached to the file.
- 7.2. The meeting's Chair outlined the general procedures in relation to the pre-application consultation process, following which the prospective applicant outlined the background to the project and provided a description of the proposed development. In particular it was highlighted that it is the prospective applicant's intention to divert the overhead line through the distribution station, with power going through the station retained at 110kV and with a spur transformed down to 20kV going northward from the station to Trim. The prospective applicant also confirmed that the overhead line will be connected to the distribution station by underground cable and that the line remains otherwise unaffected.
- 7.3. Matters discussed at the meeting included: -
- Given the archaeological heritage of the area, the Board's representatives advised that an archaeological assessment would be required as part of the application.
 - Given the presence of an open drain on the site, which drains into the River Boyne, the Board's representatives advised of the requirement to address potential impacts on the River Boyne and River Blackwater Special Area of Conservation during construction, within an Appropriate Assessment Screening Report/Natura Impact Statement.
 - The Board's representatives advised the prospective applicant to engage with the local roads authority in relation to required sightlines from the proposed site access along the R160.
 - The prospective applicant was requested to quantify the amount of hedgerow removal that will be required and the Board's representatives promoted the idea

of retaining hedgerow where possible, in particular in relation to the location of the proposed site access.

- In view of the presence of unoccupied/derelict buildings and structures in the vicinity of the site, the Board's representatives advised that a walkover ecological survey of the site, with particular emphasis on bats, would be required as part of the application.
- The Board's representatives advised that a landscape and visual assessment, including CGIs, would be required as part of the application.
- The prospective applicant stated that as the proposed development is not taking in any power from a generated source it believes it would not constitute strategic infrastructure development.

8.0 Assessment

8.1. The proposed development is described within the pre-application as a 110kV/20kV distribution station. The prospective applicant confirmed at the pre-application meeting with the Board's representatives that the description of the development as a distribution station relates to its 110kV incoming/20kV outgoing characteristics, which it will control and operate. It was further clarified that all substations above 110kV are owned and controlled by Eirgrid and are deemed to comprise part of the transmission network, with substations below this threshold deemed to comprise part of the distribution network.

8.2. From a review of the pre-application documents, I would highlight to the Board the following key elements of the project: -

- Construction of distribution station compound, enclosed by palisade fence. The distribution station contains:
 - 2 x 20 MVA 110/20kV transformers
 - 110kV GIS busbar (c-type)
 - 20kV GIS busbar
- Construction of 2 No. 110kV overhead line interface masts and associated breaking of the 110kV overhead line to connect to the distribution station.

- Provision of access track from site entrance to distribution station location.
- 8.3. The prospective applicant stated at the pre-application meeting that it is their intention to divert the overhead line through the distribution station, with power going through the station retained at 110kV and with a spur transformed down to 20kV going northward to Trim. In this respect the prospective applicant stated that the development is intended to relieve pressure on the Trim 38kV distribution station and to provide for future demand growth in the wider area.
- 8.4. The prospective applicant's submission is that as the proposed development is not taking in any power from a generated source, it does not constitute strategic infrastructure development.
- 8.5. Section 182A (9) of the Act sets a threshold of 110kV, in order for a high-voltage transmission line to be considered strategic infrastructure, for its purposes. I note that the Act does not provide a threshold for a substation. I consider the proposed distribution station and related infrastructure are 'electrical plant' as defined by the Electricity Regulation Act 1990 in that they are plant used for, or for the purposes connected with, the generation, transmission, distribution or supply of electricity.
- 8.6. The development requires short sections of 110kV cabling, to loop in and loop out of the distribution station and to connect to the existing 110kV overhead line network. I consider it questionable whether these connecting cables are themselves sufficient to constitute strategic infrastructure (I estimate the length of underground cable required is c.60m in total), however; consideration must also be given to the loop-in/loop-out nature of the distribution station arrangement, whereby the overhead line is intercepted and the transmission network is diverted into the distribution station from the west, via underground cable, and is reconnected to the overhead line to the east, again via underground cable. In view of these characteristics, it is my view that the distribution station will form a node on the transmission network and that it would thus, taken together with aforementioned 110kV cabling, constitute strategic infrastructure.

Environmental Impact Assessment

- 8.7. Section 182A(2) of the Act requires 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, in respect of the development.'

- 8.8. Parts 1 and 2 of Schedule 5 of the Planning and Development Regulations 2001-2023 set out prescribed classes of development for the purposes of Environmental Impact Assessment and the following are of relevance to the subject development: -

Part 1, Class 20

'Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres.'

Part 2, Class 3 (b)

'Industrial installations for 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.'

- 8.9. The proposed development of a 110kV/20kV distribution station does not fall within the definitions contained within either Part 1, Class 20 or Part 2, Class 3(b) and is thus not of a class for the purposes of EIA.

Conclusion

- 8.10. In conclusion, I consider the proposed 110kV/20kV distribution station, which has the characteristics of a loop-in/loop-out system and which includes the use of short sections of 110kV cable to connect the existing overhead line system to the distribution station, constitutes strategic infrastructure coming within the scope of Section 182A of the Act, which in accordance with the legislation necessitates the submission of an application directly to the Board.

9.0 Recommendation

- 9.1. I recommend the prospective applicant the Electricity Supply Board be notified that the proposed development of a 110kV/20kV distribution station, as described in the plans and particular received by the Board on 26th July 2023 and as described in detail at a pre-application meeting with the Board's representatives on 14th September 2023 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.

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.



Barry O'Donnell
Planning Inspector

18th October 2023.

Appendix 1 – Prescribed Bodies

The following is a list of prescribed bodies considered by the Board to be relevant to the proposed development: -

- Minister for Housing, Local Government and Heritage.
- Minister for Environment, Climate and Communications.
- Commission for Regulation of Utilities.
- Meath County Council
- Transport Infrastructure Ireland
- The Heritage Council
- An Taisce
- Inland Fisheries Ireland
- Health and Safety Authority

Further notifications should be made where deemed appropriate.