



An
Bord
Pleanála

Inspector's Report

ABP-317763-23

Development	Proposed development of 110kV grid connection to facilitate the connection of a proposed windfarm to the national grid
Location	Knockshanvo and adjacent townlands, Co. Clare
Planning Authority	Clare County Council
Prospective Applicant	FuturEnergy Knockshanvo Designated Activity Company
Type of Application	Pre-application consultation under s. 182E of the Planning & Development Act, 2000 (as amended)
Date of Site Inspection	4 th October 2023
Inspector	Anthony Kelly

1.0 Introduction

- 1.1. The prospective applicant requested a pre-application consultation under the Planning & Development Act, 2000 (as amended), for the proposed development of a 110kV grid connection facilitating the connection of a proposed wind farm in Co. Clare to the national grid. A pre-application consultation took place between the Board's representatives and the prospective applicant on the 6th October 2023. The prospective applicant formally requested closure of the pre-application consultation process by written correspondence received by the Board on 14th December 2023.
- 1.2. The primary purpose of the consultation was to ascertain whether or not the proposed development constitutes strategic infrastructure development (SID) for the purposes of the Act, 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 an 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 the legislative provisions. The report recommends that the Board determine that the proposed development does fall within the definition of development under s.182 of the Act. It also recommends a list of prescribed bodies that should be forwarded copies of any application. This report should be read in conjunction with the meeting record that is on the Board's file.

2.0 Proposed Development

- 2.1. The proposed development comprises the connection of a proposed wind farm to the national grid from an on-site 110kV substation to Ardnacrusha 110kV substation via underground cable grid connection.

3.0 Site Location and Description

- 3.1. The proposed wind farm and substation are in relatively upland locations in south east Co. Clare.
- 3.2. The proposed substation would be located in a forested area approx. 200 metres down a forest track from a public road. The grid connection would follow local roads (bar a very short distance of approx. 150 metres along the R471) in a southerly direction to Ardnacrusha 110kV substation, including along a residential road in the west area of Ardnacrusha village. The standard and condition of the public roads vary. The overall grid connection length is approx. 8.7km.

4.0 Planning History

- 4.1. ABP Reg. Ref. ABP-315797-23 – The Board decided in November 2023 that the development of nine-turbine windfarm with an overall output of over 50MW with associated infrastructure on a site at Knockshanvo and adjacent townlands in Co. Clare would comprise SID.

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) 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's pre-application consultation request initially outlined two options for the grid connection. However, only the underground connection to Ardnacrusha 110kV substation option was presented at the pre-application consultation meeting and is referenced in the closure letter. The planning framework

including provisions of the Clare County Development Plan 2023-2029 which support the proposed development were set out. The relevant legislation was outlined. An overview of scoping and public consultation was provided. The prospective applicant is of the view that the proposed 110kV grid connection falls within s.182A of the Planning & Development Act, 2000 (as amended) based on the definition of electricity transmission.

7.0 Pre-Application Consultation

- 7.1. One online consultation meeting was held on 6th October 2023. Full detail of the meeting and matters raised are contained in the Board's Record.
- 7.2. The meeting's Chair outlined the general procedures in relation to the pre-application consultation process. The prospective applicant provided, inter alia, a description of the site location, the wider policy context, other grid connection options considered, the location of European and nationally designated sites, scoping that has been carried out, and public consultation that has taken place. The applicant stated that two separate applications would be made to the Board; one for the proposed wind farm and 110kV substation under section 37A of the Planning & Development Act, 2000 (as amended) and one for the proposed grid connection under section 182A of the Act. A single EIAR and NIS would be prepared covering all elements of the project.
- 7.3. Some matters discussed after the prospective applicant's presentation included:
- the need to be clear in what is being specifically applied for in each planning application.
 - the Board's representatives drew the prospective applicant's attention to S.I. 383 of 2023 and the need to screen the proposed development against its provisions in terms of EIA (projects for the restructuring of rural land holdings).
 - the requirement or necessity for any road closure during construction.
 - the need for a robust in-combination assessment with other projects given the number of similar applications being applied for in Co. Clare.

8.0 Assessment

8.1. Strategic Infrastructure

- 8.1.1. The proposed development is a 110kV underground cable grid connection from a proposed 110kV substation serving a proposed wind farm to Ardnacrusha 110kV substation. The prospective applicant is seeking a determination from the Board as to whether this would or would not comprise electricity transmission for the purpose of the Planning & Development Act, 2000 (as amended).
- 8.1.2. Under s.182A (1) of the Act, an undertaker shall apply to the Board for approval of a development comprising or for the purposes of electricity 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.
- 8.1.3. The proposed 110kV electricity transmission line would enable the electricity generated by the planned wind farm to be fed into to the national grid. The proposed connection is a tail-fed connection into the existing Ardnacrusha substation. Under the 2000 Act the definition of electricity transmission for SID purposes is 110kV or greater, as per s.182A (9). Whether the line is 'loop-in' or 'tail-fed' is not relevant to whether or not it is SID.
- 8.1.4. Having regard to the foregoing, I consider that the proposed development would comprise development comprising or for the purposes of electricity transmission and therefore recommend that the prospective applicant shall submit any application for approval of the proposed development to the Board.

8.2. Environmental Impact Assessment (EIA) and Appropriate Assessment (AA)

- 8.2.1. S.182A (2) of the Planning & 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

- 8.2.2. Parts 1 and 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'. The proposed development does not meet this threshold.
- 8.2.3. Part 2 Section 3 (i) refers to 'Installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts'. Though the development subject of this pre-application consultation is not for the proposed wind farm (ABP-315797-23), as the proposed grid connection would facilitate it, it would be included in the EIA for the wind farm development as per legal judgements.
- 8.2.4. Notwithstanding, the proposed underground grid connection may nonetheless require EIA on its own merits having regard to S.I. 383 of 2023 which inserted the following into Schedule 5 Part 2 Section 1 of the Regulations,
- (a) Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.
- 8.2.5. It is possible that the proposed works would remove in excess of 4km of existing field boundaries along the road network.

AA

- 8.2.6. In relation to AA, the substation site is not located within or adjacent to any European site. Notwithstanding, the prospective applicant indicated in the presentation that an NIS was to be prepared. I note that watercourses crossed by the grid connection route discharge to the Lower River Shannon SAC.

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 s.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 FuturEnergy Knockshanvo Designated Activity Company be informed that the proposed development consisting of a 110kV underground cable grid connection for the purposes of connecting a planned wind farm to the 110kV electrical substation at Ardnacrusha, Co. Clare, 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

9th January 2024

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. Southern Regional Assembly
4. Clare County Council
5. EirGrid
6. ESB
7. Commission for Regulation of Utilities
9. Irish Water
10. Inland Fisheries Ireland
11. An Chomhairle Ealaíon
12. Fáilte Ireland
13. An Taisce
14. Heritage Council

Additional notifications should also be made where considered appropriate.