

An
Bord
Pleanála

Inspector's Report ABP-319140-24

Development

Proposed C-Type AIS 110 kV substation and grid connection which is comprised of an underground cable looping into the existing Derryiron - Timahoe 110 kV circuit and all associated site works.

Location

Located at Oldcourt Solar Farm, Co. Kildare.

Prospective Applicant

Oldcourt Energy Ltd.

Planning Authority

Kildare County Council.

Type of Application

Pre-Application consultation under Section 182E of the Planning and Development Act 2000, as amended.

Date of Site Inspection

3rd April 2024

Inspector

Susan Clarke



1.0 Introduction

- 1.1. The Board received a request on the 26th of February 2024 from Jennings O'Donovan & Partners Ltd. on behalf Oldcourt Energy Ltd to enter into pre-application consultations under Section 182E of the Planning and Development Act 2000, as amended, in relation to a proposed substation and grid connection and associated works at Oldcourt Solar Farm, Co. Kildare.
- 1.2. The Board's representative met with the prospective applicant and agent on the 12th April 2024. The meeting was held virtually.
- 1.3. The prospective applicant formally requested closure of the pre-application consultation process in a letter received via email on the 12th July 2024.

2.0 Site Location and Description

- 2.1. The proposed 110kV substation will be located within the Oldcourt Solar site (121.55ha) which is c. 1.2km northeast of Edenderry and 2.5km west of Carbury village. The site and surrounding landscape is agricultural in nature. The site has a flat topography and is screened with mature hedgerows. A 110kV overhead line runs in an east/west direction approximately 160m north of the proposed substation.
- 2.2. The site is accessed from the north via Windmill Road. The nearest development, Oldcourt House (a designated Protected Structure: RPS B08-14), accessed from Windmill Road, is the closest house being c.530m from the proposed site.

3.0 Proposed Development

- 3.1. The proposed development consists of:
 - A new on-site Air Insulated (AIS) loop in 100kV substation;
 - A grid connection consisting of underground cabling; and,
 - All associated site development works.

Three grid connection routes are proposed with varying lengths. The routes were illustrated by the Prospective Applicant to the Board's representatives during the meeting of 12th April 2024.

4. Planning History

- KCC Reg. Ref. 22/327: Planning permission was granted on 11th November 2022 for the construction of a Solar PV Energy Development with a total site area of 121.55 hectares and an export capacity of 100MW, to include: Inverter/Transformer Substations, modules, 2,697 solar arrays ground mounted on support structures, temporary construction compounds, internal access tracks, security fencing, electrical cabling and ducting CCTV and other ancillary infrastructure, drainage, additional landscaping and habitat enhancement as required and associated site development works relating to the access of the site.

5.0 Prospective applicant's case

5.1. The prospective applicant's case can be summarised as follows:

- It is the prospective applicant's opinion that the proposed development would constitute Strategic Infrastructure Development as it consists of 110kV infrastructure.

6.0 Legislative Provisions

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.

Subsection 9 states that 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.

In section 2(1) of the Electricity Regulation Act, 1999, **“transmission”** is defined 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.”

“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 switch gear and which is used for conveying electricity to final customers.”

“Electric plant” is defined as:

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.

6.1. Environmental Impact Assessment and Appropriate Assessment

- 6.1.1. 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.

6. Environmental Impact Assessment

The prescribed classes of development and thresholds that trigger a mandatory EIAR are set out in Schedule 5 of the Regulations. The only classes that I consider to be of potential relevance to the proposed development are as follows:

- **Schedule 5, Part 1, Class 19:** Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometers.
- **Schedule 5, 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.

I note that an electrical substation is not a class of development contained in Parts 1 or 2 of Schedule 5 of the Regulations, and I further note that the proposed development does not entail the construction of any overhead power lines, regardless of voltage or length. The proposed connection between the solar farm and national grid would be by way of an underground 110kV cable, and therefore would not come within either of the classes listed above (the class being overhead powerlines, and the threshold being the voltage/length).

As no element of the proposed development falls into a class of development contained in Schedule 5, Parts 1 or 2, I am satisfied that the proposed development does not therefore constitute sub-threshold development and neither a mandatory EIA, nor screening for EIA, is required.

6.1.3. Appropriate Assessment

The subject is not located within any European Site. The closest such site is Long Derries Edenderry SAC (site code: 000925), situated c3.75km south of the subject site. I note that a Natura Impact Assessment was prepared in respect of the solar farm.

7.0 Assessment

- 7.1. The proposed development comprises a 110kV substation which would connect to the overhead transmission line which traverse the Oldcourt Solar Farm site by way of a loop in connection. The transmission link will be provided via an underground cable.

- 7.2. The prospective applicant's agent notes that section 182A (9) of the Act sets a threshold of 110 kV for a high-voltage electricity transmission line to be considered strategic infrastructure and that no threshold is set in respect of a substation. It is stated that as the proposed 110 kV substation will be connected to the 110kV overhead transmission line it follows that the substation constitutes SID.
- 7.3. Having regard to the information submitted and that presented during the course of the pre-application meeting, I am satisfied that the proposed 110kV substation is electric plant as defined in relevant legislation. The proposed development includes 110 kV lines. I consider that the proposal meets the definition of electricity transmission under section 2 (1) of the Electricity Regulation Act 1999. As such it would fall under section 182A of the PDA and would be deemed to be SID.
- 7.4. Therefore, I conclude that the proposed development as described in the submitted documentation constitutes strategic infrastructure within the scope of section 182A of the Planning and Development Act 2000, as amended, necessitating an application directly to the Board.

8.0 Prescribed Bodies

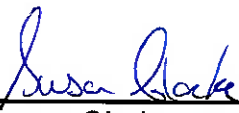
- 8.1. In view of the scale, nature and location of the proposed development, as described in this report, it is recommended that the prospective applicant should consult with the prescribed bodies listed in the attached Appendix in respect of any future application for approval.

9.0 Recommendation

- 9.1. I recommend that Oldcourt Energy Ltd be informed that the proposed development consisting of a 110kV substation and underground 110kV transmission line as set out in the plans and particulars received by An Bord Pleanála on the 26th February 2024, does fall 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 attach an Appendix listing relevant prescribed bodies.

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.



Susan Clarke
Senior Planning Inspector
15th July 2024

Appendix – list of prescribed bodies

The following list identifies the prescribed bodies which are considered relevant in this instance for the purposes of Section 182A(4)(b) of the Act.

- Minister for Housing, Planning and Local Government
- Minister for Environment Climate and Communications
- Kildare County Council
- Transport Infrastructure Ireland
- An Taisce
- Heritage Council
- Commission for Regulation of Utilities, Water and Energy
- Failte Ireland
- Uisce Eireann
- An Chomhairle Ealaíon
- Inland Fisheries Ireland.

Further notifications should be made where deemed appropriate.