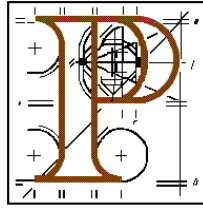


An Bord Pleanála



Inspector's Report.

Case Ref. No:	09. VC0095.
Issue:	SID Pre-application – whether project is or is not strategic infrastructure development.
Proposed Development:	Replacement of existing triple circuit branch mast with three no. replacement masts.
Location:	Confey, Co Kildare
Applicants:	EirGrid.
Planning Authority:	Kildare County Council.
Inspector:	Philip Green.

1.0 Proposed Development

EirGrid plc are proposing to replace an existing single triple circuit branch mast at Confey County Kildare supporting the Corduff to Ryebrook, Maynooth to Tyebrook and Dunfirth to Kinnegad Rinawade 110kV overhead lines. This single 34m. high mast will be replaced by three no. smaller replacement masts consisting of one no. 15m high lattice structure tower and two no. 20 to 33m. high lattice structure double circuit towers (photographs, plans and drawings provided).

2.0 Applicants submissions

- Analysis of the transmission network has identified potential for thermal overload on the Corduff to Ryebrook 110Kv circuit. In order to alleviate overload risk there is a need to upgrade the conductor on this circuit.
- Presently the single mast is used to support the three circuits. This mast carries the only two energy supplies to one major demand customer. It also serves to provide one of two 110kV power connections to another major demand customer in the area. It is therefore necessary that at least one supply is maintained at all times;
- Current triple circuit mast does not allow for upgrading of a section of the Corduff to Ryebrook line whilst maintaining power to two major industrial demand centres;
- To resolve this three masts proposed;
- Works will facilitate potential future increase in demand from large industrial customers and ensure an improved standard of supply;

3.0 Applicant's opinion.

- Proposed development does not constitute strategic infrastructure as does not satisfy s. 37A criteria;
- Proposed development will facilitate local distribution only and does not qualify as being of social or economic importance to the State or the Mid East region;
- Whilst NSS and Regional Planning Guidelines for Greater Dublin Area (2010-2022) support the reinforcement of the electrical network and security of supply to promote economic growth the proposed development in itself does not contribute substantially to the fulfilment of these broad objectives;
- Development will not have an effect on any area outside the Kildare County Council administrative boundary;

4.0 Legal Provisions.

Under section 182A(1) of the 2000 Act (inserted by section 4 of the 2006 Act) where an 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 in relation to electricity as meaning

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.

5.0 Assessment.

I consider that it is not entirely clear from the above whether the proposed development falls within section 182A of the 2000 Act. In these circumstances I consider that it is reasonable to refer to the long title of the 2006 Act, which provides for the making directly to An Bord Pleanála of applications for permission for "developments of strategic importance to the State". Section 37A(2), while referring to 7th Schedule development, generally describes strategic infrastructure development as:

- development of strategic economic or social importance to the State or the region in which it would be situate,
- development which would contribute substantially to the fulfilment of any of the objectives of the National Spatial Strategy or in any regional spatial and economic strategy in force in respect of the area or areas in which the development would be situate,
- development which would have a significant effect on the area of more than one planning authority

The Board should note that this general description of strategic infrastructure development is not repeated under section 182A.

I would draw the Board's attention to the prospective applicants' submissions. It would appear that this is a not insignificant point on the network and that the circuits provide energy to major commercial energy users in the vicinity. This might be considered to be a justification for consideration of the proposed development as strategic infrastructure. Notwithstanding this and albeit proposing a net two additional masts these are proposed to existing circuits. Whilst therefore proliferating such tower structures this is an area in which such infrastructure is already established. I draw the Board's attention to a somewhat similar case 21 VC0077 (file attached) for additional (wooden) polesets to an existing 110kV line which the Board determined not to constitute strategic infrastructure.

Having regard to the nature and scale of the proposed development as described, to the stated purpose of the 2006 Act as set out in the long title and to the general description and scale of strategic infrastructure development set out in section 37A(2), I conclude that the proposed development consisting of replacement of existing triple circuit branch mast with three no. replacement masts at Confey Co. Kildare does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended.

6.0 Recommendation.

I recommend that ESB International on behalf of EirGrid plc be informed that the proposed development consisting of replacement of existing triple circuit branch mast with three no. replacement masts at Confey Co. Kildare does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should be made in the first instance to Kildare County Council.

Philip Green,
Assistant Director of Planning.

6th April 2016.