



An
Bord
Pleanála

Inspector's Report 07.VC0100

Development	Proposed 110Kv Substation Development
Location	Letter, Co. Galway.
Planning Authority	Galway County Council.
Prospective Applicant(s)	Ardderroo Windfarm Limited.
Type of Application	Pre application Consultation under s.182E of the Planning and Development Act (as amended).
Date of Site Inspection	9 th August, 2016
Inspector	Stephen Kay.

1.0 Site Location and Description

- 1.1. The site of the proposed development is located in the townland of Letter c. 5km to the south west of the village of Rosscahill on the N59. The site is accessed via a local road (Doon Road) that connects with the N59 c.4km to the north east of the site. The access road has been significantly altered in the vicinity of the site being widened and having an unsurfaced finish. These works have been undertaken on foot of the construction of a large sub station in close proximity to the current site, the 110kv power line constructed to the east of the site and also windfarm development works being undertaken further to the west of the site and accessed via the Doon Road.
- 1.2. The lands in the general vicinity of the site are covered with coniferous planting and the lands on the northern side of the road in the vicinity of the site are elevated in the general Knocknalee area. The general area of the site is also characterised by peat.
- 1.3. There is an existing 110kv Eirgrid sub station located c. 300 metres to the east of the appeal site. The design of this sub station is enclosed and the structure is of a significant scale. The existing Eirgrid sub station connects via underground cable to the Salthill – Screebe 110kv overhead line that north west to south east approximately 2 km to the east of the existing Eirgrid site.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a new 110kv sub station and underground connection to the existing Eirgrid sub station located 300 metres to the east. The sub station design proposed is relatively standard with an open compound surrounded by palisade fence, a control building transformer, switchgear and two on site lightening masts.
- 2.2. The information submitted by the prospective applicant also indicates that the proposed development comprises underground cabling along the Galway Wind Park access road. It is noted that the Planning Authority (Galway County Council) have issued a section 5 declaration that the connection of a permitted 11 no. turbine windfarm at Knockalough, c.5km to the south of the proposed sub station site to the

existing Eirgrid sub station at letter is exempted development for the purposes of the Act.

- 2.3. It is noted that the location of the proposed sub station is the same as that submitted as further information during the course of the Ardderroo wind farm application (ABP ref. 07.PA0036). The basis for the relocation of the sub station site in that application was that the original site proposed contained a shed which was observed to be used as a bat roost.

3.0 Planning History

The following planning history is referred to by the prospective applicant and / or is considered relevant to the assessment in this case:

Galway County Council Ref. ED16/11 – declaration issued by Galway County Council that the connection of the permitted Knockalough windfarm to the existing Eirgrid sub station at Letter via underground connection on existing local roads and forest tracks comprised exempted development.

Galway County Council ref. 14/1273 – Permission granted by the Planning Authority for the development of an 11 no. turbine windfarm plus on site sub station at Knockalough, c. 5km to the south of the proposed new sub station location.

An Bord Pleanala Ref. 07.VA0016 – Permission granted by An Bord Pleanala under s.182A of the Acts for the construction of a sub station compound and switchgear accommodated in a building of floor area 495 sq metres and having an overall height of 13 metres. Permission was also granted for the construction of two 110kv underground circuits to connect the sub station to the Salthill to Screebe 110kv line located c.2km to the east of the sub station site and also for minor modifications to the existing 110kv line. It is noted that this application was accompanied by an Environmental report, an appropriate assessment (Stage 2) and a Peat Stability Risk Assessment Report.

An Bord Pleanala Ref. 07.PA0036 – Permission Refused by An Bord Pleanala for the construction of a windfarm development at Ardderroo close to the south of the currently proposed sub station location. This application provided for the locating of a sub station on the local road in the general vicinity of the position now proposed. It

is noted that the location of this sub station was revised on foot of a request for further information and relocated to a position approximately the same as that now proposed. The basis for the refusal of permission was the potential impact of the development on SAC sites and bird and bat species which comprise the species of conservation interest in these sites. It would appear from the reason for refusal issued that the potential for the integrity of these sites to be impacted relates primarily to the windfarm site rather than the relocated substation site proposed.

4.0 Policy and Legislative Context

4.1. Legislative Context

Under subsection 1 of section 182A of the Planning and Development Act 2000 Act [inserted by section 4 of the Planning and Development (Strategic Infrastructure) Act 2006] 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 the development under section 182B and shall apply to the Board for such approval accordingly.

Subsection 9 of section 182A 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.

“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,*
- (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.*

4.2. Development Plan

The site is located in an area that is designated as a strategic area in the Galway County Wind Energy Strategy, 2015-2021.

There are a number of policies and objectives contained in the Galway County Development Plan that are referenced by the prospective applicant. These are as follows:

Policy ER3 relating to security of supply.

Objective ER1 relating to support for the development and expansion of electricity and renewable energy infrastructure in suitable locations.

Objective ER2 relating to the facilitation of works to improve the electricity transmission system in accordance with Eirgrid's Grid 25 strategy.

4.3. **Natural Heritage Designations**

There are a significant number of Natura 2000 sites located in the general vicinity of the site. The sites located within 5km of the proposed site are as follows:

- Connemara Bog Complex SAC (002034) which is located c. 2km to the south of the proposed site at the closest point.
- Lough Corrib SAC (site code 000297) which is located c. 5 km to the north at the closest point.
- Ross Lake and Woods SAC (site code 001312) which is located c.5km to the north east of the proposed site at the closest point.

In terms of pathways and potential risk factors, it is noted that the site is located in an area of peat and that the construction would likely involve the removal of peat off site and the control of peat material during and post construction. The River Abhainn na nArd Doiriu runs approximately 700 metres to the east of the proposed site and connects with Loch na nArd Doiriu 3km to the south of the site and within the Connemara Bog Complex SAC.

5.0 **Submissions**

5.1. **The Case Made by the Prospective Applicant**

The prospective applicant submitted a brief outline of the location, context and nature of the proposed development and how this may be considered by the Board to come within the scope of s.182A of the Planning and Development Act, 2000 (as amended). This was augmented by the presentation made at the first pre application meeting, a copy of which is on file. The following are the main points raised relating

to the determination of whether the proposed development constitutes strategic infrastructure development.

- That s.182A(1) of the Planning and Development Act states that where an ‘undertaker’ intends to carry out development comprising or for the purposes of electricity transmission then the application shall be made to An Bord Pleanala.
- That s.182A(9) of the Planning and Development Act contains a definition of what constitutes electricity transmission for the purposes of the Act. This definition makes reference to the definition being construed in accordance with section 2(1) of the Electricity Regulation Act, 1999 and shall also be construed as meaning the transport of electricity by means of a high voltage line of 110kv or more or an interconnector.
- Section 2(1) of the Electricity Regulation Act, 1999 defines transmission as *‘...a system that consists wholly or mainly of high voltage lines and which is used for conveying electricityfrom one sub station to another.... But shall not include such lines which the Board may, from time to time, with the approval of the commission, specify as being part of the distribution system...’*
- The prospective applicants highlight a number of cases where the Board determined that developments involving electricity sub stations constituted SID including VC0062 (letter substation) and VC0049 (Dulla sub station, Co. Tipperary). A number of other examples are cited of cases where the Board determined that sub station developments did not constitute SID. It is inferred that these cases relate to situations where the development involves the replacement, refurbishment, extension or other modification to existing or permitted sub station developments.
- The prospective applicant has not put forward a conclusive position on the issue of whether the proposed development would or would not constitute SID and the Board is requested to make a determination on this issue.

5.2. Request for Information to Eirgrid

In order to clarify the relationship between the proposed sub station and the existing Eirgrid facility at Letter the Board requested comments from Eirgrid on two issues as follows:

- Clarification of the relationship between the two sub stations (existing Eirgrid facility and proposed sub station).
- Clarification as to whether the proposed new sub station is required to provide a backup role to the existing Eirgrid sub station.

The following is a summary of the main points made in the response received from Eirgrid dated 9th December, 2016.

- That the permitted Knockalough windfarm that was granted to the prospective applicant has a connection agreement with Eirgrid to connect to the existing Eirgrid sub station at Letter.
- That Eirgrid has no input into the means by which the power generated by the wind farm is carried to the Letter sub station.
- That it is assumed that the purpose of the proposed sub station is facilitate power being brought to the Eirgrid transmission sub station at Letter by way of a single circuit.
- That the proposed sub station would not function as part of the national grid.
- That the proposed sub station would not serve any back up or support function to the existing Eirgrid sub station.

6.0 Assessment

6.1. The proposed development comprises the construction of a 110kv sub station and a connection into the existing grid via the existing 110kv sub station at Letter. The first issue at question relates to whether the proposed development forms part of the transmission network as, under section 182A(1) of the Planning and Development Act 2000 Act, where an undertaker intends to carry out development comprising or for the purposes of electricity transmission the application for approval shall be made to the Board.

6.2. I note the reference in s.182A(9) to section 2(1) of the Electricity Regulation Act, 1999 and to the '*transmission*' being construed in the context of the definition given in s.2(1) of this Act. The definition of transmission given in s.2(1) is as follows:

'transmission' in relation to electricity means 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 electrical plant and which is used for conveying electricity from one generating station to a sub station, from one generating station to another, from one sub station to another 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'.

In the above definition '*the Board*' means the Electricity Supply Board and '*the Commission*' means the Commission for Electricity Regulation.

6.3. The proposed sub station infrastructure would in my opinion come within the scope of what is referred to as '*electrical plant*' in the above definition, and the development also incorporates a connection from one sub station to another, in this case from the proposed new sub station to the existing Eirgrid Letter substation. In terms of voltage, the development as proposed comprises a sub station that has a stated capacity of 110 KV and it is therefore assumed that the connection between the proposed sub station and the existing letter sub station also has a voltage of at least 110KV. There is no reference in the definition of '*transmission*' given in s.2(1) of Electricity Regulation Act 1999 to a threshold voltage, however s.182A(9) specifically refers to the transport of electricity by means of a high voltage line which is defined as a line where the voltage would be 110 kilovolts or more. The proposed development would therefore appear to meet the requirement of comprising high voltage lines and equipment.

6.4. I note the fact that the submission received from Eirgrid identifies the existing Eirgrid Letter sub station as being '*a transmission substation*' and also that Eirgrid state that the proposed sub station would not function as part of the national electricity grid. This would imply that the proposed development would not form part of the national transmission system and would operate beyond the Eirgrid Letter sub station which

is the last node in the transmission network. The wording of s.2(1) however refers to *'the transport of electricity by means of a transmission system'* (emphasis added). In my opinion *'a transmission system'* is not necessarily the same as the national transmission network as operated by Eirgrid and it is possible that a line beyond the last node on the Eirgrid network could be a transmission system. The fact that Eirgrid have stated that the proposed development would not function as part of the national electricity grid does not therefore in my opinion mean that it cannot meet the definition of distribution as set out in s.2(1). On the basis of its capacity (110kv) and the fact that it provides for a connection between two sub stations, it is my opinion that that the proposed development accords with the definitions provided for in s.182A(9) of the Planning and Development Act and s.2(1) of the Electricity Regulation Act.

6.5. I note the fact that part of the development outlined by the prospective applicant related to a connection between the permitted Knockalough wind farm and the site of the proposed sub station. This connection is stated by the prospective applicant to have been the subject of a declaration from Galway County Council that it constituted exempted development (Ref. ED16/11). Notwithstanding this declaration, given the nature of this connection being a single connection from a private wind energy development to a sub station I do not consider that this connection forms part of the transmission network. I also note the fact that the Knockalough wind farm was granted permission by Galway County Council and was not determined by An Bord Pleanála under the strategic infrastructure provisions of the Act.

6.6. Notwithstanding the conclusion of paragraph 6.4 above that the proposed development accords with the definitions provided for in s.182A(9) of the Planning and Development Act and s.2(1) of the Electricity Regulation Act, given the fact that it constitutes a private development to facilitate a private windfarm development and that Eirgrid have stated that the development will not form part of the national grid, it is not in my opinion clear that the proposed development would comprise development that is of strategic national importance. In these circumstances I therefore 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.

With regard to the role of the proposed development and its 'strategic' nature I would note the following:

- 6.7. On the basis of the information as presented by the applicant and the submission of Eirgrid dated 9th December, 2016 it would appear that the proposed sub station is not required in order to connect the permitted Knockalough wind farm or the proposed Ardderroo Wind Farm to connect into the transmission system as a direct connection is feasible via the existing Eirgrid Letter facility. Similarly, it does not appear that the proposed sub station is required in order that other permitted and proposed wind farm developments that form part of the wider Galway Wind Park cluster in this general area would be connected to the grid. In the case of these developments, and the permitted Knockalough windfarm, it would appear that connection to the grid could be made via the existing Eirgrid sub station at Letter.
- 6.8. As discussed during the course of the pre application consultation meeting held on 13th September, 2016, the proposed sub station would facilitate the construction of the Knockalough wind farm and avoid the potential future shut down of the wind farm if other development comes on stream, notably the proposed development at Ardderroo. The proposed sub station would therefore appear to be for the purposes of operational / technical efficiencies created by a single connection to the grid at the existing Letter sib station. This view would appear to be supported by Eirgrid where it is stated that '*...it is assumed that it (the proposed development) to be requiredin order that electricity can be carried to Eirgrid's transmission substation by means of a single circuit.*' Secondly, I note that Eirgrid have clarified that the

proposed sub station would not provide any back up role and would not function as part of the national transmission grid.

- 6.9. The fact that the proposed sub station and connection to the Eirgrid Letter sub station is not necessary to provide for connection to the grid and that the proposed development has no back up or support function indicates to me that the proposed development is not clearly strategic in nature in terms of connection to the grid.
- 6.10. I also note the fact that the permitted Knockalough wind farm which it is proposed to connect to the transmission system via the proposed new sub station was assessed and granted permission by Galway County Council and did not constitute strategic infrastructure. The development is not necessary for the implementation of this extant permission and it my opinion that it is not therefore of strategic importance to the State or to the Region. From my review of the relevant Regional Planning Guidelines (RPG for the West Region, 2010-2022) and the National Spatial Strategy I do not consider that there are any objectives that would be met by the form of development proposed and the spatial extent of the proposed development and the wind energy infrastructure served by that development is such that there would not be any significant effects arising outside of the Galway County Council area.
- 6.11. 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 proposed 110Kv sub station and underground connection to existing Eirgrid sub station at Letter, Rosscahill Co. Galway does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended.

7.0 Recommendation

- 7.1. I recommend that Ardderroo Windfarm Limited be informed that the proposed development consisting of proposed 110Kv sub station and underground connection to existing Eirgrid sub station at Letter, Rosscahill Co. Galway 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 Galway County Council.

Stephen Kay
Planning Inspector

13th January 2017