



An  
Bord  
Pleanála

## Inspector's Report Strategic Infrastructure pre application consultation 07. VC0105.

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<b>Development</b>	Amendment to layout of the Cloosh windfarm 110kV electrical substation.
<b>Location</b>	Finnaun Townland Co. Galway.
<b>Planning Authority</b>	Galway County Council.
<b>Prospective Applicant(s)</b>	SSE Renewables (Ireland) Ltd.
<b>Type of Request</b>	Section 182E request for SID Pre-application consultation – whether project is or is not strategic infrastructure development.

**Inspector** Philip Green.

## 1.0 Proposed Development

- 1.1. SSE Renewables (Ireland) Ltd. are currently in the process of constructing the Galway Wind Park located to the west of the N59 between Moycullen and Oughterard. The applicants state that the wind park comprises of a number of previously granted windfarms including Uggool, Cloosh, Seecon and Lettercraffroe and consists of some 69 wind turbines and related substations. Phase 1 includes main infrastructure, 58 turbines and 2 sub stations and will be operational in August 2017. Phase 2 will see the next set of turbines completed along with the final substation. The second phase is to be completed in 2020.
- 1.2. The development subject of this current pre application consultation request relates to this final substation and seeks to provide for a revised substation design. The original permission for the substation was granted by Galway County Council (ref 10/303) as part of the Cloosh windfarm for 22 wind turbines (decision notice and associated drawings submitted with request). The substation appears to be in a similar location to that previously permitted within the boundary of the consented windfarm and accessed by windfarm access tracks, joining to the local road L53453 which joins to the N59. It is stated that the proposal site has been partially felled and cleared of forestry with the area levelled with hardcore.
- 1.3. Also included with the request are details of the revised sub station layout (layout plans, plans and elevations) and an appropriate assessment screening report. The drawings and appropriate assessment screening report indicate the following:
  - Original sub station design included three control buildings and compound for electrical equipment, overall area of 10,521 sq.m. Permitted control building included four rooms (switch room, communications room, store room workshop and control room) as well as a toilet. The substation compound also included connection points, grid transformer, switchgear and other equipment;
  - Amendments proposed are to facilitate Eirgrid requirements and current electrical standards. Number of buildings will be reduced to two and result in reduction in overall footprint area and excavation requirements. External

equipment configuration is amended while building finishes remain essentially unaltered;

- Overall site footprint reduced by 2,655 sq.m.
- Eirgrid control building footprint slightly increased;
- SSE substation no change to floor area;
- Building 3 and adjacent equipment replaced by reactor compound;
- Other external equipment footprint reduced by approx. 430 sq.m;

## 2.0 Applicant's case

2.1. Development not considered to be strategic infrastructure given:

- Substation originally granted by Galway County Council;
- New layout is an improvement over existing with smaller footprint, reduced number of buildings and optimisation of site layout and final design levels which will reduce level of excavation and soil movement;
- Amendments mean development is less visually intrusive;
- No new or further EIA issues arise. AA screening indicates no risks to Natura sites;
- Noting Board decision in respect of the 110kV sub station at Letter (07 VC0100) which Board deemed not to be SI;
- Consider that amendment application should be made to Galway County Council.

## 3.0 Legal Provisions

3.1. 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 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.

#### 4.0 **Assessment**

- 4.1. Whilst related to a proposed and permitted (by Galway County Council) wind farm development I consider that the Board's determination in this request relates solely to whether the (revised) electricity sub substation itself and as described on the submitted drawings is or is not SI.

- 4.2. As a proposed 110kV substation I consider that the provisions of s.182A of the Act would be the directly relevant legislative provisions relating to this case. I note that the revisions from the permitted form of development have arisen as a result of Eirgrid's specifications and requirements. The Board will recall that it has in the past concluded that such development has constituted SI and dealt with cases for new 110kV substations made directly to it under s.182A (including for example under reference 07VA0016 (West Galway 110kV substation). In these circumstances and in this case it appears to me that it is an option for the Board to conclude that the proposed development is SI and that the prospective applicants should be invited to attend a pre application consultation meeting prior to the lodgement of any such application direct to the Board.
- 4.3. Notwithstanding the above the Board will also note previous decisions it has made on pre application consultation requests in relation to electricity transmission infrastructure under S.182E and involving amendments, additions and expansion of electricity substation infrastructure) In these cases due to lack of clarity in the interpretation of s.182A and its requirements in regard to such proposed developments the Board has exercised some discretion and used the broad definition of the SI Act, "developments of strategic importance to the State", and the criteria contained in s.37(A)(2) to determine such matters although not specifically cited in regard to cases coming forward under s. 182A.
- 4.4. Whilst in this case still a proposed development in the form of an entirely new 110kV substation I consider that there are material considerations as argued by the prospective applicant as to why the revised substation would not constitute SI. I consider such arguments to have some basis. In particular, a substation has previously been permitted by the planning authority on the site now under consideration and the drawings and submissions indicate a rationalisation of that permitted scheme. A need, precedent and decision for the presence of a substation in the location has already been established. In my opinion any further critical detailed and specific issues arising in terms of the amended design and associated environmental implications and whether this would be in accordance with the proper planning and sustainable development of the area are matters that could be addressed in a subsequent application to Galway County Council rather than

necessitating reconsideration of whether the revised substation would be of strategic importance to the State and thus requiring an application direct to the Board.

- 4.5. Having regard to the above and noting the particular circumstances of this case, including the previous permission for a substation on the site as part of a windfarm development permitted by the planning authority under register ref 10/303 and the nature of amendments sought, I consider that the proposed revised 110kV substation as described in the submissions and drawings, and having regard 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) would not constitute strategic infrastructure. I conclude that the proposed development consisting of amendments to the layout of the Cloosh windfarm 110kV electrical substation at Finnaun Townland, County Galway does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended necessitating an application direct to the Board.
- 4.6. I would note that the Board has similarly considered at pre application consultation stage that a number of other proposals for 110kV substations including pre application consultations 03. PC0161 (Slievecallan, Co Clare), 07 VC0100 (Letter Co Galway), 04. VC0074 (Barnadivane, Co. Cork), 07. VC0103 (Shelton Abbey Co Wicklow) and 04. VC0104 (Carrigdandgan, Co. Cork) do not constitute strategic infrastructure development.

## 5.0 Recommendation

- 5.1. I recommend that SSE Renewables (Ireland) Ltd be informed that having regard to the particular circumstances of this case that the proposed development consisting of amendments to the layout of the Cloosh windfarm 110kV electricity sub station at Finnaun Townland, Co. Galway as set out in the plans and particulars received by An Bord Pleanala on the 24<sup>th</sup> April 2017 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.

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Philip Green  
Assistant Director of Planning

18<sup>th</sup> July 2017