



An
Bord
Pleanála

Inspector's Report 07.VC0106

Development

Refurbishment of the Existing Cloon to Lanesboro 110Kv line

Location

Tuam, County Galway to Lanesboro Co. Longford.

Planning Authority

Galway County Council.

Prospective Applicant(s)

Eirgrid PLC.

Type of Application

Pre application Consultation under s.182E of the Planning and Development Act (as amended).

Inspector

Stephen Kay.

1.0 Site Location and Description

- 1.1. The site of the proposed development is primarily located in County Galway and extends over a distance of c.65km from the existing Cloon substation which is located to the south of Tuam in County Galway to the existing Lanesboro substation which is located on the outskirts of Lanesboro close to the existing power station. The line extends across three counties, these being Galway, Roscommon and Longford.
- 1.2. The line is a 110kv connection which, it is stated in the application documentation, was constructed in 1957. The existing layout of the circuit has a total of 365 no. structures, comprising 340 no. twin wooden pole sets and 25 no. lattice steel masts.

2.0 Proposed Development

- 2.1. The proposed development comprises the refurbishment of the existing line which dates from 1957. The refurbishment comprises a number of separate elements that can be summarised as follows:
 - Painting of a total of 21 no. towers.
 - The replacement of a total of 204 no. wooden pole sets (out of an existing total of 340 no.).
 - The replacement of 1 no. tower.
 - The replacement of insulators and / or other equipment on a total of 48 no. structures.
 - Undertaking foundation upgrades on 19 no. towers.
 - Undertaking of other minor miscellaneous works.
- 2.2. The rationale for the proposed development relates to the age of the existing infrastructure and to the fact that the line has been the subject of an increasing number of faults and outages. It is stated by the applicant that these faults and outages triggered a line condition assessment to be undertaken and that this led to the above refurbishment works being identified as required.

2.3. The application documentation also indicates that the condition of the line has led to it having to be de rated and that this de rating will remain in place until such time as the refurbishment of the line is undertaken. It is stated by the prospective applicant that the condition of the line, and resulting de rating, is impacting on the operation of the transmission system in this part of the country. Reference is also made by the prospective applicant to a recently published Grid Development strategy document which replaces the previous policy document Grid 25. It is noted that one of the main elements of this new strategy is the optimisation of the existing grid so as to minimise the need for new infrastructure.

3.0 Policy, Legislative Context and Planning History

3.1. 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.

3.2. Natural Heritage Designations

The site is located within or adjacent to a number of Natura 2000 sites as follows:

- Camderry Bog SAC
- River Suck Callows SPA
- Corbo Bog SAC
- Lough Corrib SAC

The location of the existing alignment of the line relative to the above Natura 2000 sites is indicated in Figure 1 of the Appropriate Assessment Screening Report submitted by the prospective applicant with the request.

The conclusion of the screening assessment is that the potential for significant effects on the River Suck Callows SPA site, the Corbo Bog SAC site and the Lough Corrib SAC site can be ruled out having regard to the conservation objectives of these sites. The potential for significant effects on the Camderry Bog SAC could not however be ruled out and it was therefore considered that a Stage 2 Appropriate

Assessment of the impacts of the proposed development on the integrity of this site was required.

The information submitted by the prospective applicant indicates that the conclusion that there may be significant effects on a Natura 2000 site (Camderry Bog SAC) and the requirement to undertake a Stage 2 Appropriate Assessment means that the proposed works are not exempted development and that an application for permission is therefore required, either from the relevant Planning Authorities or from An Bord Pleanála.

3.3. Planning History

There is no record of any recent planning history relating to the existing line. There are a number of previous board Pleanála decisions on pre application consultation requests for similar forms of development to the current proposal that are considered of relevance.

- An Bord Pleanála Ref. VC0072 – Proposed development comprised the refurbishment and uprating of an existing 110kv circuit that runs from Bellacorick to Castlebar in County Mayo. The development relates to Phase 2 of this project and covers a line of c.20km in length. The project proposed the replacement of 6 no. angle masts and 16 no. twin pole sets out of an existing total of 100 support structures. Uprating of the line with new conductors was proposed. ***The decision of the Board was that the proposed works did not constitute SID.***
- An Bord Pleanála Ref. VC0077 – Proposed development comprised the erection of an additional 3 no. wooden pole sets on an existing 110kv circuit that runs from Cunghill to Sligo. The application also states that it is proposed that the line would be uprated and that these uprating works are considered to constitute exempted development under s.4(1)(g) of the Planning and Development Act. The development the subject of the pre application request relates solely to the additional 3 no. pole sets. ***The decision of the Board was that the proposed works did not constitute SID.***

- An Bord Pleanála Ref. VC0079 – Proposed development comprised the refurbishment and uprating of the existing 110kv line between Bellacorick and Moy in County Mayo. The proposed works (worst case) comprised the replacement of 11 no masts and 50 no. timber pole sets out of the total of 129 no. support structures that existed along the 27km line. The uprating of the line is proposed and this is stated to be supported by the Grid 25 Strategy which promoted the utilisation of the existing network where possible rather than the construction of new lines. The works are stated to be required to reinforce the overall transmission network in the north Mayo area. ***The decision of the Board was that the proposed works did not constitute SID.***
- An Bord Pleanála Ref. VC0080 – Proposed development comprised the refurbishment and uprating of the existing 220kv line between the Knockanure substation in Co. Kerry and Ballyvouskill in Co. Cork. The proposed works comprised the relocation of 3 no. tower structures on the 63 km route, the reinforcement of foundations and minor works to notices. The uprating of the line was proposed with the addition of new conductors, insulators and hardware to the line. ***The decision of the Board was that the proposed works did not constitute SID.***
- An Bord Pleanála Ref. VC0086 – Proposed development comprised the uprating of the existing 400kv line between the Moneypoint power station, Kilrush in Co. Clare and Oldstreet Substation, Portumna, Co. Galway. The proposed works comprised the undertaking of repairs to 281 no. structures on the 103 km route including the reinforcement of foundations and other minor works including tower repainting and replacement of notices and safety measures. The uprating of the line is considered to be a key element in Eirgrid's Grid 25 Strategy. ***The decision of the Board was that the proposed works did not constitute SID.***

4.0 Submissions

4.1. The Case Made by the Prospective Applicant

The prospective applicant submitted a brief outline of the location, context and nature of the proposed development. The following are the main points raised relating to the determination of whether the proposed development constitutes strategic infrastructure development.

- That the proposed works constitute refurbishment of an existing line that has been in place for a significant period of time (since 1957). The proposed works would be exempted development but for the fact that there is a potential for significant effects on Natura 2000 sites.
- That the principle, need and general nature of the development is long established.
- Acknowledged by the prospective applicant that the proposed development does relate to existing transmission infrastructure.
- A direction from the Board as to whether or not the planned development comprises Strategic Infrastructure Development (SID) for the purposes of the Acts. Stated that it is the opinion of Eirgrid that the proposed development does not constitute SID.

5.0 Assessment

5.1. The proposed development comprises the refurbishment of the existing 110kv line between Cloon and Lanesboro. As set out by the applicant in their written request to the Board dated 26th April, 2017, the circuit which is the subject of this request for a determination is shown on the Eirgrid map of the national transmission system.

5.2. 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.

- 5.3. 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 Cloon to Lanesboro line would in my opinion come within the scope of what is referred to as 'high voltage line' in the above definition. In terms of voltage, the development as proposed comprises the refurbishment of an existing overhead line that has a stated capacity of 110 Kv.
- 5.4. The works proposed are clearly for the purposes of electricity transmission and it would therefore appear that in accordance with s.182A(1) that an application could be made to the Board in the first instance. Such an interpretation does not however have regard to the specific strategic nature of the proposed development. Section 182A does not make specific reference to strategic infrastructure development, however, it is noted that the long title of the Planning and Development Act, 2006, refers to development which is of '*strategic importance to the state*'. Section 37A(2) of the 2000 Act as inserted by the 2006 Act, referring to 7th Schedule development, describes strategic development as;
- (a) Development of strategic economic or social importance to the state or the region in which it would be situated.
 - (b) Development which would contribute substantially to the fulfilment of any of the objectives of the NSS or any regional planning guidelines in

respect of the area or areas in which the development would be situated.

(c) Development which would have a significant effect on the area of more than one planning authority.

- 5.5. The Board should note that this general description of strategic infrastructure development is not repeated under section 182A. This section together with the spirit and purpose of the Act does, however, give some guidance as to the nature and scale of development that would constitute '*strategic infrastructure development*'.
- 5.6. The current proposal before the Board is for refurbishment of an existing 110kV line. The principle and strategic nature of the line has already been established. The works proposed will not alter the route of the line and its voltage and capacity will remain unchanged. No uprating of the line is proposed and while reference is made in the prospective applicants submission to the maximisation of use of existing infrastructure and that such an approach is consistent with the provisions of the Grid 25 strategy, there is no specific reference in Eirgrid's Policy documents to the necessity of undertaking works to this line. Similarly, from the information presented, it does not appear to be the case that the proposed works are required in order to facilitate any specific project or development that could be said to be of a strategic nature. Having regard to the above and to previous decisions made by the Board, notably cases Refs. VC0072 and VC0077 which also made general reference to compatibility with the Grid 25 Strategy, I do not consider that the proposed works are strategic in nature.
- 5.7. The extent of development involving works to in excess of 200 structures over the length of 65 km of line is noted. In terms of such a scale of works being 'strategic' in nature I note the fact that the proposed works would constitute exempted development were it not for the fact that a Stage 2 Appropriate Assessment was considered necessary. I also note the fact that in the cases of VC0080 and VC0086, the Board determined that works to the foundations of tower structures on 220 and 400KV lines involving similar or greater numbers of structures to the current proposal did not constitute Strategic Infrastructure Development. It is however acknowledged

that the current proposal is for the full replacement of a significantly greater number of support structures than is the case with previous cases determined by the Board.

- 5.8. The proposed works are clearly required to ensure that the existing transmission infrastructure remains fit for purpose going forward. While the proposed development could be deemed to be for the purposes of transmission within the meaning of the Planning and Development Act 2000, as amended, it is my opinion that having regard to the nature and extent of the works, to the fact that they would constitute exempted development had they not had potentially significant effects on a European site, 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), that the proposed development should not be regarded as strategic infrastructure.

6.0 Recommendation

- 6.1. I recommend that Eirgrid PLC be informed that the proposed development consisting of proposed refurbishment of the existing Cloon to Lanesboro 110kv overhead line, running between Tuam, Co. Galway and Lanesboro, Co. Longford 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 Councils.

Stephen Kay
Planning Inspector

17th October 2017