



An
Bord
Pleanála

Inspector's Report 10.VC0108

Development	Refurbishment of the Existing Great Island to Kilkenny 110Kv line
Location	Great Island, County Wexford to Kilkenny, Co. Kilkenny.
Planning Authority	Kilkenny 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 extends over a distance of approximately 49km from the Great Island sub station located in County Wexford north to connect with the existing Kilkenny sub station on the outskirts of Kilkenny City.
- 1.2. The line is a 110kv connection which, it is stated in the application documentation, was constructed in 1978/79. The existing layout of the circuit has a total of 258 no. structures, comprising 232 no. twin wooden pole sets and 26 no. lattice steel masts.

2.0 Proposed Development

- 2.1. The proposed development comprises the refurbishment and uprating of the existing line. The stated rationale for the proposed works is the security of the network. Specifically, the application documentation states that the existing 220Kv line running from Great Island (Co. Wexford) to Kellis substation (located SE of Carlow) experiences significant loading during periods where there is significant generation from wind in the south and west of the country. In the event of an outage of this line power would be diverted to the Great Island to Kilkenny 110Kv line resulting in thermal overloading of this line. To ensure the reliability of the 110Kv circuit it is stated that it is necessary to uprate the line, that is to change the conductors so that a higher current can be accommodated on the line. The new conductors require the strengthening of support structures in a number of locations. It is also stated that the age of the line is such that some structures require replacement.
- 2.2. The main element of the proposed works can be summarised as follows:
 - The replacement of the existing conductors with new higher capacity conductors that have the capacity to accommodate a higher current than the existing.
 - The replacement of a total of 158 no. out of the current 232 no wooden polesets.
 - The replacement of a number of cross arms of existing polesets.

- The replacement of all of the existing 26 no. steel lattice masts along the route (this may be reduced in number following detailed examination of the structures).
- The replacement of insulators and / or other hardware on a total of 44 no. structures.
- Miscellaneous works and replacement of other minor pieces of equipment.
- Painting of a total of 21 no. towers.
- The replacement of a total of 204 no. 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. towers.
- Undertaking foundation upgrades on 19 no. towers.
- Undertaking of other minor miscellaneous works.

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:

- River Barrow / River Nore SAC
- River Nore SPA.

The location of the existing alignment of the line relative to the above Natura 2000 sites is indicated in the Line Route Map submitted by the prospective applicant with the request for determination.

The conclusion of the screening assessment is that the potential for significant effects on the River Barrow SPA site can be ruled out having regard to the conservation objectives of these sites. The potential for significant effects on the River Barrow and River Nore 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 (River Barrow / River Nore 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 1979). 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.
- 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 uprating and refurbishment of the existing 110kv line between Great Island in County Wexford and the existing sub station at Kilkenny. As set out by the applicant in their written request to the Board dated 11th July, 2017, the circuit which is the subject of this request for a determination is indicated 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. The Great Island to Kilkenny 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 and uprating of a line that has a stated capacity of 110 KV. 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 a high voltage line.

5.4. The works proposed are for the purposes of electricity transmission and are indicated on Eirgrid's map of the national transmission system. 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*'.

Strategic Context of Proposed Works

5.6. The current proposal before the Board is for the uprating and refurbishment of an existing 110kV line. The principle of the line has therefore already been established and the works proposed will not alter the route of the line. The proposal will however involve the uprating of the existing line with the addition of new conductors that will facilitate an increased current to be accommodated on the line. Justification for the proposed uprating in terms of the Great Island to Kilkenny line being able to operate as a back up to the existing Great Island to Kellis 220Kv line is set out in the pre application consultation request submitted by the prospective applicant. The

uprating of a line, and the fact that the uprating is identified as necessary to support other parts of the network in the event of outages, has arising in other cases determined by the Board, and the decision of the Board in these cases has been that the proposed development did not constitute SID. Similarly, in other cases determined by the Board (note ABP Refs. VC0079 and VC0086 as summarised above), the fact that the proposed uprating of an existing line would be consistent with Eirgrid's Grid 25 Strategy in terms of making the optimal use of the existing grid infrastructure was not considered to be such as to categorise the development as strategic infrastructure.

- 5.7. The circumstances of the current proposal are however, in my opinion, slightly different to those as assessed previously by the Board under s.182E. Specifically, in the case of the current proposal, in addition to being consistent with Eirgrid policy to maximise the use of existing grid infrastructure, the proposed uprating of the line is specifically referred to in the January 2017 Eirgrid publication *'Ireland's Grid Development Strategy Your Grid, Your Tomorrow'*. This document sets out the grid development strategy for coming years and replaces the previous Grid 25 Strategy first published in 2008. The document sets out the updated position with regard to Eirgrid's main grid development projects, namely the North South interconnector, Grid Link and Grid West taking into account recent developments in public opinion, government energy and employment / regional development policy and economic trends. Of particular note in the strategy document is that in Chapter 6 *'Our Strategy for Grid Development'*, under the heading of Regional Solution (formerly Grid Link), the document identifies a number of independent projects that make up the regional solution. The list of projects includes specific reference to *'Uprating the Great Island to Wexford and Great Island to Kilkenny 110Kv circuits'*. The proposed development therefore comprises one of a finite number of projects specifically identified in one of the main national grid development strategies by the national grid operator Eirgrid. As such, it is my opinion that a strong case can be made that the proposed development is of a strategic nature in that it has been identified as one of a limited number of projects necessary to implement the Regional Solution.
- 5.8. Against the above interpretation, on the basis of 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. In

addition, a determination that the proposed development would constitute Strategic Infrastructure would be at variance with previous Board determinations on similar pre application requests relating to upgrading and / or uprating of existing high voltage lines. To date, the general rule of thumb that works or repair and /or refurbishment (including uprating) of existing high voltage lines did not constitute strategic infrastructure has been followed, and a determination in this case that the proposal was strategic infrastructure would run contrary to this general trend.

- 5.9. On balance, having regard to the above and to previous decisions made by the Board, notably previous cases where projects were only consistent in a general sense with the Eirgrid policy (notably the requirement under Grid 25 that the most efficient use of the existing network be sought) and to the fact that the current project is specifically identified as one of a finite number of projects to be pursued by the national transmission operator under the Regional Solution (formerly Grid Link), I consider that the proposed works are strategic in nature and that it is appropriate that an application would be made to An Bord Pleanála.

Scale and Extent of Proposed Works

- 5.10. The extent of development involving the replacement of up to 184 no. structures over the 49 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.
- 5.11. 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 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 scale of the proposed development is such that it is not appropriate that the proposed development be considered to constitute strategic infrastructure on this basis.

6.0 Recommendation

- 6.1. I recommend that Eirgrid PLC be informed that the proposed development consisting of proposed uprating and refurbishment of the existing Great Island to Kilkenny 110kv overhead line, running between Great Island, Co. Wexford and Kilkenny, Co. Kilkenny does fall within the scope of section 182A of the Planning and Development Act 2000, as amended, and that an application for approval should be made to An Bord Pleanala. The prospective applicant should therefore be requested to continue with consultations with the Board under s.182E of the Planning and Development Act 2000, as amended.

Stephen Kay
Planning Inspector

17th October 2017