



An
Bord
Pleanála

Inspector's Report Strategic Infrastructure pre application consultation 24.VC0112.

Development

Underground 110kV cabling and ancillary works to connect the permitted Knocknamona windfarm substation to the existing Woodhouse Transmission system 110kV substation.

Location

Knocknamona and Keereen Upper Td, County Waterford.

Planning Authority

Waterford City and County Council.

Prospective Applicant(s)

Ecopower Development Limited.

Type of Request

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. The prospective applicants propose

- to construct a 110kV underground cabling grid connection of approx. 1.6km. and ancillary works between two substations and ultimately to the 110kV transmission system (associated with a permitted windfarm).
- 1.6km. of 110kV underground cabling between Knocknamona windfarm sub station and the existing Woodhouse 110kV sub station to facilitate the connection of the Knocknamona windfarm to the national grid.
- Cables will be placed in ducting underground in trenches at a depth of 1.25m.
- Grid connection mainly along existing forestry road and farm track except for 200m. where it passes through farmed grassland. It is proposed to construct a new road at this point to facilitate deliveries for the construction works and as an access for the windfarm project as a whole.
- Extension to the permitted Knocknamona windfarm substation to accommodate 110kV equipment and possibility of including a new line bay at the existing Woodhouse 110kV sub station if required (no details of these works included with request).

1.2. It is stated that the proposed location is in the uphill of the Drum Hills approx. 9km west of Dungarvan in County Waterford. Site is a mixture of agricultural grassland, commercial forestry and forestry and farm road. The topography of the site reflects the surrounding area which is moderately undulating upland supporting commercial forestry agricultural grassland and an existing windfarm and electrical infrastructure. The area is rural with dispersed and low population.

2.0 Applicant's case

2.1. Development considered to be strategic infrastructure as it falls within definition of Section 182A(9)(a) of the Act being a high voltage line of 110kV.

2.2.

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. The Board will note previous decisions it has made on SI pre application consultation requests in relation to provision of electricity transmission infrastructure under S.182E and also involving new or replacement substations and amendments, additions and expansion of electricity substation and transmission infrastructure. In these cases due to lack of clarity in the interpretation of s.182A and its requirements in regard to developments of such a nature 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).
- 4.2. In this case the prospective applicant has indicated their opinion that the proposed development constitutes strategic infrastructure under s. 182A. This is not an unreasonable interpretation having regard to the specific wording of the relevant legislation as set out above. However also as indicated above some discretion has been exercised by the Board in such cases particularly where alterations to existing infrastructure is concerned or where replacement infrastructure (permitted by the Board or a planning authority but not yet built or otherwise existing) is involved. I include for example in this respect cases 04, VC0074 Barnadivane, Co. Cork for relocation and enlargement of a permitted substation associated with a windfarm and 07 VC0100 for proposed 110Kv sub station and underground connection to existing Eirgrid sub station at Letter, Rosscahill Co. Galway both of which were deemed not to constitute strategic infrastructure by the Board. Those files are attached to the current file for the Board’s information. The current case has similarities in my opinion to those previous determinations.
- 4.3. I am not convinced that the proposed alterations to the permitted and existing substations (albeit lacking in clarity as to what such works constitute) could reasonably be construed as strategic infrastructure having regard to the wider interpretation of the Act set out above. The need for and location of the new substation has already been established in a permission for the windfarm which was

not itself strategic infrastructure. In addition, precedent has been established by the Board for determining that upgrading works to permitted or existing substations to enhance capacity to accommodate wind energy generation would not constitute strategic infrastructure and I see no compelling justification to reach a different conclusion in this case. A need, precedent and role for the presence of substations in the locality has already been established. The stated purpose for the proposed works including connection of wind energy generated by the windfarm to the national grid might itself be considered of some strategic importance however the nature, scale and impact of such is likely to be limited in the context of existing and permitted infrastructure.

- 4.4. New infrastructure in the form of underground cabling and a short section of road is also proposed. The cabling appears to be a relatively short stretch of single connection from a sub station serving a private wind energy development to a sub station on the transmission network (1.6km). In these circumstances I do not consider that this connection is of such scale, significance or importance to constitute strategic infrastructure as a key part of the transmission network. 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”.
- 4.5. I consider that the proposed development 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 underground 110kV cabling and ancillary works including new roadway and alterations to permitted and existing substations to connect the permitted Knocknamona windfarm substation to the existing Woodhouse Transmission system 110kV substation at Knocknamona and Keereen Upper Td, County Waterford 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.

5.0 Recommendation

- 5.1. I recommend that Ecopower Development Limited be informed that the proposed development consisting of underground 110kV cabling and ancillary works including new roadway and alterations to permitted and existing substations to connect the permitted Knocknamona windfarm substation to the existing Woodhouse Transmission system 110kV substation at Knocknamona and Keereen Upper Td, County Waterford as set out in the plans and particulars received by An Bord Pleanala on the 2nd October 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 Waterford City and County Council.

Philip Green
Assistant Director of Planning

2nd November 2017