

## **Appendix to Chapter 3: The Scoping Consultations**

### **Appendix 3.1: Consultation with An Bord Pleanála**

The data and descriptions in this appendix have informed the cumulative evaluations in the EIA Main Report.



## Appendix 3.1 Consultation with An Bord Pleanála



Ecopower Developments Ltd.  
Sion Road • Kilkenny • Ireland  
Tel: 056 775 0140 • E-mail: office@ecopower.ie

The Secretary  
An Bord Pleanála  
(Strategic Infrastructure Division)  
64 Marlborough Street  
Dublin 1

4<sup>th</sup> January, 2019

**Re: Development (Upperchurch Windfarm Grid Connection) consisting of a new 110kV substation at Mountphilips, underground 110kV cabling, c.30km in length, and ancillary works to connect the already consented Upperchurch Windfarm substation at Knockcurraghbola Crownlands to the exiting 110kV overhead line at Mountphilips.**

A Chara,

In the context of the recent refusal of Upperchurch Windfarm Grid Connection (Ref: PL92.301959), and following an examination of the Boards decision and the Inspectors report, Ecopower Developments seeks confirmation from the Board that a revised Upperchurch Windfarm Grid Connection development which comprises the same new 110kV substation at Mountphilips but with a different route for the c.30km of 110kV underground cabling equally constitutes Strategic Infrastructure Development.

I provide the following information to assist;

Alteration of the PL92.301959 Upperchurch Windfarm Grid Connection: The Upperchurch Windfarm Grid Connection development comprised a new 110kV substation at Mountphilips and c.30km of 110kV underground cabling to connect the permitted but not constructed Upperchurch Windfarm substation to a new 110kV substation at Mountphilips. The route of the underground cabling under PL92.301959 was a predominately cross country route along farm and forestry roads, and across farm and forestry lands. Following an examination of the Boards Inspectors Report, the route of the 110kV underground cabling is now being re-designed, and the revised Upperchurch Windfarm Grid Connection will consist of an underground cabling route predominately routed along the public road corridor, otherwise the development is essentially and technically the same as the Upperchurch Windfarm Grid Connection previously proposed under PL92.301959.

Site Location Map: **Figure 1: Location of the proposed Development including indicative route options for underground cabling (appended).** Two preliminary route options are illustrated on Figure 1 - the final route will result from an examination of the effects of reasonable alternatives using the public road network. The previous (refused) cross country route is also delineated on Figure 1 to provide context for the revised cabling route.

Relevant Planning Authority: Tipperary County Council.



## Appendix 3.1 Consultation with An Bord Pleanála

Name, Address and Contact Details of Applicant:

Ecopower Developments Limited (EDL), Zetec House, IDA Purcellsinch Business Park, Kilkenny.  
Contact Pat Brett, 086 8241542 and [pbrett@ecopower.ie](mailto:pbrett@ecopower.ie)

Class of Development: Transport electricity at a voltage of 110kV, thereby satisfying the criteria of Section 182A (9) (a) of the Planning and Development Act 2000 (as amended), quoted below

*182A (9) 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...*

Statement of Applicants Opinion: EDL is of the opinion that the Development does constitute Strategic Infrastructure Development for the following reasons:

- The revised Upperchurch Windfarm Grid Connection is technically the same development as the 2018 Upperchurch Windfarm Grid Connection (PL92.301959) which the Board decided constituted SID under 22.VC0098.
- The revised Upperchurch Windfarm Grid Connection development comes within the definition of Section 182A (9) (a) of the Planning and Development Act 2000 (as amended), being a high voltage line of 110kilovolts, and will form part of the transmission network (as confirmed by CER for the previous Upperchurch Windfarm Grid Connection application 22.VC0098).

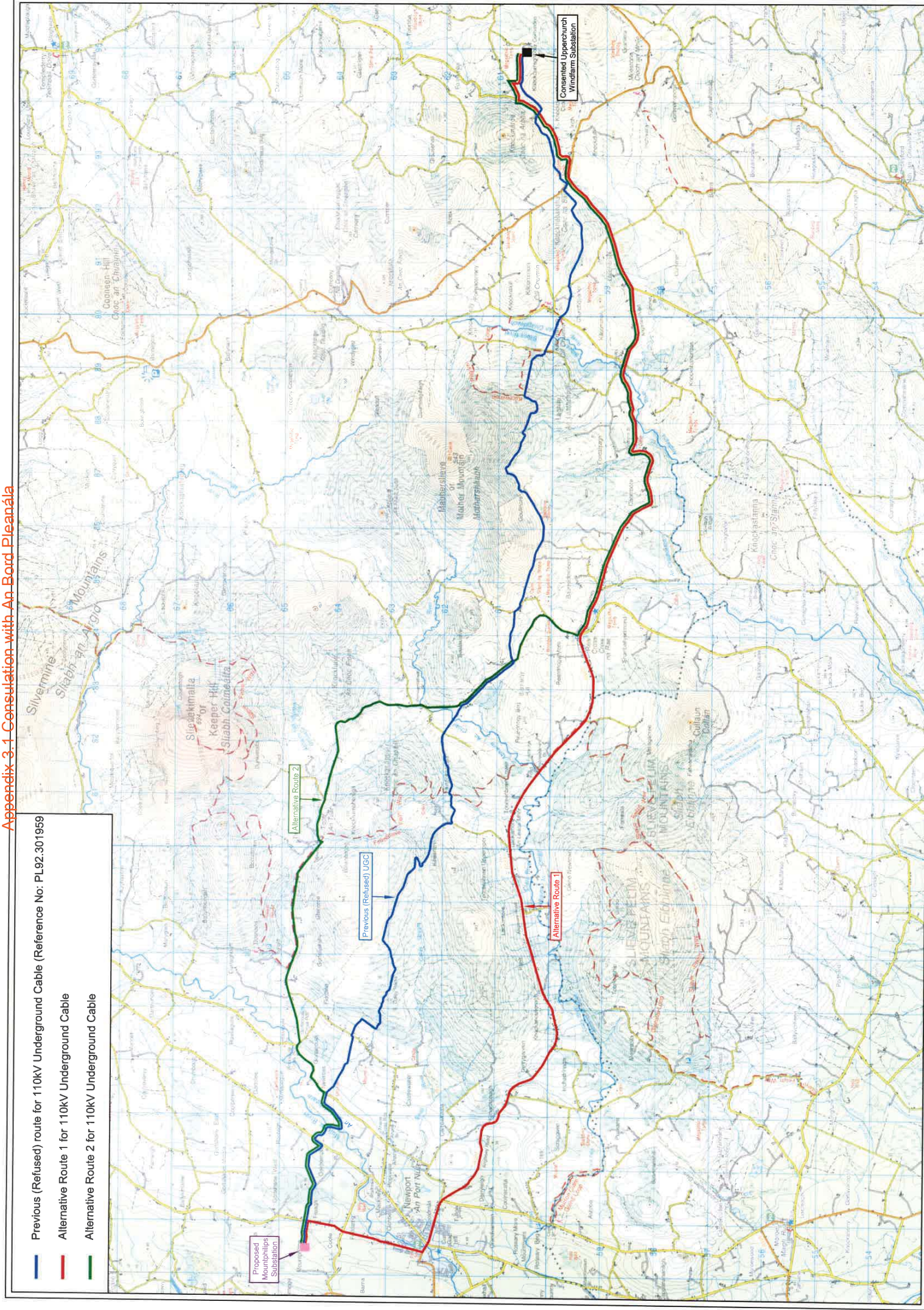
I enclose a pre-application fee cheque €4,500.

Yours Sincerely

Pat Brett

Tel: 086-8241542



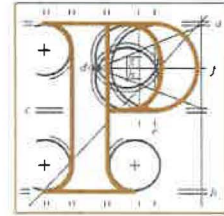






## Appendix 3.1 Consultation with An Bord Pleanála

Our Ref: ABP-303385-19



An  
Bord  
Pleanála

Pat Brett  
Ecopower Developments  
Zetec House  
Purcellsich IDA Busniess Park  
Dublin Road  
Killkenny

Date: 6th March 2019

Re:

Development consisting of a new 110kV substation, underground 110kV cabling and ancillary works to connect the already consented Upperchurch Wind Farm substation to the existing 110kV overhead line.

Mountphilips, Co. Tipperary

Dear Sir

I have been asked by An Bord Pleanála to refer further to the above-mentioned pre-application consultation request.

Please find enclosed a copy of the written record of the first meeting of the 27<sup>th</sup> February, 2019.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Kieran Somers  
Executive Officer  
Direct Line: 01-873 7107

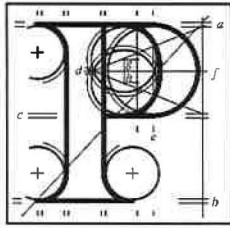
Teil  
Glao Áitiúil  
Facs  
Láithreán Gréasáin  
Ríomhphost

Tel  
LoCall  
Fax  
Website  
Email

(01) 858 8100  
1890 275 175  
(01) 872 2684  
www.pleanala.ie  
bord@pleanala.ie

64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902



An  
Bord  
Pleanála

## Record of Meeting ABP-303385-19 1<sup>st</sup> meeting

<b>Case Reference / Description</b>	ABP-30385-19  Development consisting of a new 110kV substation, underground 110kV cabling and ancillary works to connect the already consented Upperchurch Wind Farm substation to the existing overhead line at Mountphillips, Co. Tipperary.		
<b>Case Type</b>	Pre-application consultation		
<b>1<sup>st</sup> / 2<sup>nd</sup> / 3<sup>rd</sup> Meeting</b>	1 <sup>st</sup>		
<b>Date</b>	27/02/19	<b>Start Time</b>	11 a.m.
<b>Location</b>	Parnell Room	<b>End Time</b>	12.05 p.m.
<b>Chairperson</b>	Brendan Wyse	<b>Executive Officer</b>	Kieran Somers

Attendees		
Representing An Bord Pleanála		
Staff Member	Email Address	Phone
Brendan Wyse, Assistant Director of Planning		
Erika Casey, Senior Planning Inspector		
Ellen Morrin, Senior Administrative Officer		
Kieran Somers, Executive Officer		



Representing the Prospective Applicant		
Julie Brett, Ecopower Ltd.		
Pat Brett, Ecopower Ltd.		

The meeting commenced at 11 a.m.

The Board referred to the letter received from the prospective applicant requesting pre-application consultations and advised the prospective applicant that the instant meeting essentially constituted an information-gathering exercise for the Board; it also invited the prospective applicant to outline the nature of the proposed development and to highlight any matters it wished to receive advice on from the Board.

The Board mentioned general procedures in relation to the pre-application consultation process as follows:

- The Board will keep a record of this meeting and any other meetings, if held. Such records will form part of the file which will be made available publicly at the conclusion of the process. The record of the meeting will not be amended by the Board once finalised, but the prospective applicant may submit comments on the record which will form part of the case file.
- The Board will serve notice at the conclusion of the process as to the strategic infrastructure status of the proposed development. It may form a preliminary view at an early stage in the process on the matter.
- A further meeting or meetings may be held in respect of the proposed development.
- Further information may be requested by the Board and public consultations may also be directed by the Board.

- The Board may hold consultations in respect of the proposed development with other bodies.
- The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or any legal proceedings.

The prospective applicant set out the background to the project and referred to the history of the proposed development. It noted for the record the fact that there is a current planning appeal before the Board which relates to associated works for the previously approved Upperchurch Wind Farm (case reference number ABP-303634-19).

With regard to the instant proposal, the prospective applicant noted that this comprises two elements, namely, the new 110kV electricity substation at Mountphilips and 30 kilometres of underground 110kV cabling between the proposed Mountphilips substation and the permitted Upperchurch Wind Farm substation. Noting that the previous application to the Board was refused permission under case reference number ABP-301959-18, the prospective applicant said that the new proposal involves a modification to the location of the underground cabling which is now proposed to follow the existing road network to the south of the previous proposed route. With respect to the proposed new substation, the prospective applicant said that this will be largely the same as per the previous application. Noting this, the Board said that any revisions to this – no matter how minor – should be clearly set out in the planning application.

The other element of the proposed development is in respect of the underground cabling which will be approximately 30 kilometres in length and will comprise the standard trefoil duct arrangement. The prospective applicant said that the nature and proposed route for this has been discussed with the roads engineer for the relevant local authority. The Board enquired as to whether the cabling would run completely within the confines of the existing road network. The prospective applicant replied that this predominantly would be the case. Noting this response, and with regard to the SPA, the Board advised that if the proposed route were to

diverge off the road carriageway at any point(s), this should be addressed in the accompanying EIAR and NIS.

Referring to the Board's previous refusal under case reference number ABP-301959-18, the prospective applicant said that it had used this as a starting point for the instant proposal. It said that two alternative public road routes were considered by it, namely, the Newport Route and the Toor Route. The prospective applicant said that, whilst other alternatives were also considered, the main reasons for it considering these two public road routes related to matters of biodiversity and water and the implications for the two European Sites in the vicinity (the Slievefelim to Silvermines Mountain SPA and the Lower River Shannon SAC). It noted, in particular, the fact that the Toor Route, for example, runs in very close proximity to the Lower River Shannon SAC for 12 kilometres approximately.

The prospective applicant said that the Newport Route had emerged as the preferred option as it would involve less disturbance to biodiversity and the hen harrier in particular. Noting that works along this route will involve road lane closures, the prospective applicant said that these would be mitigated by way of appropriate traffic management measures. It added that the EIAR to accompany the planning application will examine cumulative effects to matters such as implications for road users and traffic in general. The Board advised that a detailed Outline Traffic Management Plan for the construction phase should be submitted with the application.

With respect to the proposed grid connection at Mountphilips, the Board advised that all alternatives to this should be robustly addressed within the planning application given the sensitive environment and the constraints in relation to matters such as biodiversity and European Sites. In particular, the EIAR should consider alternative grid connection technologies such as overhead lines and alternative connection routes to the national grid, including any that might avoid the SPA altogether. When considering the matter of alternatives, consideration should be given to the weighting system used in the EIAR with an emphasis on environmental impacts.



In relation to the route for cabling which is now being favoured (the Newport Route), the prospective applicant said that the local authority is now generally accepting of this. It reported that a meeting has taken place with the local authority on this matter and that a subsequent meeting will take place prior to the lodging of the planning application.

The Board enquired as to whether any meetings have taken place between the prospective applicant and the National Parks and Wildlife Service (NPWS). The prospective applicant replied that it has met with the local ranger and that, generally, the NPWS is of the view that the preferred route for the cabling poses less risk of disturbance to the hen harrier. In relation to Inland Fisheries Ireland, the prospective applicant said that IFI has expressed its wish to see a full suite of measures to protect watercourses in the planning application.

The Board said that its preliminary view would be that the proposed development constitutes strategic infrastructure. It provided the prospective applicant with the procedures for making a planning applications as follows:

An application can only be lodged after formal notice has been received by the prospective applicant from the Board.

The application must be made by way of full completion of an application form to the Board.

The Board requires as a minimum that the public notice of the application would be in two newspapers circulating in the area to which the proposed development relates, one of which should be a national newspaper. A site notice in accordance with the protocols set out in the Planning and Development Regulations, 2001-2018 must also be erected. The date of the erection of the site notice is to be inserted; otherwise it should contain the same information as the newspaper notices and should remain in place for the duration of the period during which the public can make submissions to the Board. As regards the positioning of site notices, the



Board said that the prospective applicant's proposal to do so at every road junction along the cabling corridor would seem to be a reasonable approach.

The documentation relating to the application is to be available for public inspection at the offices of the relevant planning authority and the offices of An Bord Pleanála. In this regard, the requirements in terms of the number of copies of the documentation to be lodged with the relevant planning authority and the Board is as follows:

Planning Authority – 5 hard copies and 2 electronic copies.

An Bord Pleanála – 3 hard copies and 7 electronic copies.

The Board also requires the prospective applicant to provide a stand-alone website containing all of the application documentation. The address of this website is to be included in the public notice.

The public notice of the application is to indicate that the application documentation will be available for public inspection after the elapsment of at least 5 working days from the date of the publication of the notice so as to ensure that the documentation is in place for such inspection.

The time period for the making of submissions by the public is to be at least seven weeks from the date the documents become available for inspection (not from the date of publication of the public notices). The Board requires that the public notice must indicate the deadline time and date for the making of submissions to the Board. It was agreed that the prospective applicant could advise the Board's administrative personnel in advance of the details of its proposed public notice and that any further definitive advice on same including confirmation of dates/times could be communicated at that stage.

The service of notice of the application on any prescribed bodies must include a clear statement that the person served can make submissions to the Board by the same deadline as specified in the public notice.

The service letter on the planning authority with the necessary copies of the documents should be addressed to the Chief Executive and should also alert the authority to the Board's requirement that the application documentation be made available for public inspection/purchase by the planning authority in accordance with the terms of the public notice (copies of any newspaper/site notices should be provided to the planning authority). It is the Board's intention that all of the application documentation will remain available for public inspection during the currency of the application.

The depositing of the application documentation and the making of the application to the Board should take place immediately after the publication of the notice and the completion of the service requirements. It should not await the elapsment of the period for the public to make submissions. The application documentation should include a copy of all letters serving notice of the application on prescribed bodies and the local authority, copies of the actual newspaper notices as published and the site notice.

The fee for lodging an application is €100,000. The fee for making a submission in respect of an application is €50 (except for certain prescribed bodies which are exempt from this fee). There is an existing provision enabling the Board to recover its costs for processing any application from the applicant. In addition, it was pointed out that the legislation also enables the Board direct payment of costs or a contribution towards same to the planning authority and third parties.

**The sequencing of the making of the application was summarised as follows:**


- Publish newspaper notices.
- Serve copy of relevant documents on bodies/persons required to be notified of the application. Deposit required number of copies with relevant planning authority.

- Deposit required number of copies of application documentation with An Bord Pleanála and make an application to it.

### Conclusion:

The Board said that it is a matter for the prospective applicant to decide if it wishes to have a further meeting in the pre-application process. The record of the instant meeting will issue in the meantime and the prospective applicant can then revert to the Board as to whether it wishes to close the process or have a further meeting.

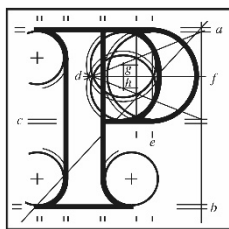
The meeting concluded at 12.05 p.m.



**Brendan Wyse**

**Assistant Director of Planning**

*6 Mar. 2019*



An  
Bord  
Pleanála

## **Inspector's Report Strategic Infrastructure Pre Application Consultation ABP – 303385-19**

### **Development**

Development consisting of a new 110kV substation, underground 110kV cabling and ancillary works to connect the already consented Upperchurch Wind Farm substation to the existing 110kV overhead line.

### **Location**

Mountphillips, Newport, Co. Tipperary

### **Planning Authority**

Tipperary County Council.

### **Prospective Applicant(s)**

Eco Power Development Ltd.

### **Type of Request**

Section 182E request for SID Pre-application consultation – whether project is or is not strategic infrastructure development.

### **Inspector**

Erika Casey.



### 1.0 Introduction

- 1.1. EcoPower Developments submitted a request to An Bord Pleanála, seeking a determination as to whether or not development that they propose to undertake would constitute strategic infrastructure within the meaning of 182A of the Planning and Development Act 2000.
- 1.2. EcoPower Developments propose to construct a 110kV electrical substation along with an associated underground cable connection to the national grid at Mountphilips to serve a permitted windfarm development at Upperchurch, Co. Tipperary. The windfarm was granted planning permission by the Board in August 2014 (PL22.243040), and was accompanied by an EIS and a Natura Impact Statement. The permitted windfarm consists of 22 no. turbines, 1 no. electrical substation and compound, site access roads and 2 no. meteorological masts.
- 1.3. A similar proposal for a 110kV substation and associated underground cable to serve the permitted windfarm was refused permission by the Board in December 2018 under ABP 301959-18. The reason for refusal related to the fact the Board were not satisfied that adequate weight had been given to biodiversity matters in the consideration of potential alternative route options. Furthermore, the Board were not satisfied that, following mitigation, no significant residual negative impacts on the environment would remain as a result of the proposed development with respect to the hen harrier species. It was considered that the development may, therefore, have an unacceptable indirect effect on the environment, in particular the integrity of the Slievefelim to Silvermines Mountains Special Protection Area (site code: 004165).
- 1.4. In the current proposal, the applicant proposes to overcome the previous refusal by the Board by routing the underground cable in the public road along the R503 between the Upperchurch Windfarm Substation via Newport to the proposed substation at Mountphilips as well as local roads to the north of Newport, in order to avoid works in Newport town. The Applicant is seeking confirmation from the Board that this revised grid connection which comprises the same new 100kV substation at Mountphilips (as previously proposed) but with a different route for the 30km of underground cabling constitutes Strategic Infrastructure Development.

- 1.5. It is detailed by the Applicant that the revised grid connection is technically the same as the previous proposal under ABP301959-19 which the Board confirmed constitutes Strategic Infrastructure Development under 22.VC0098.
- 1.6. A Pre application meeting with the Prospective Applicant was held on the 27<sup>th</sup> of February 2019. A record of this meetings is on file. The applicant detailed that two alternative routes for the proposed underground cable have been examined and that the preferred route is to locate it along the R503 route. This option has been determined to be the optimal route due to the fact that it is likely to have less impacts on biodiversity. It was confirmed that the selected route has been discussed with and agreed in principle with Tipperary County Council.

## 2.0 Background

- 2.1. Under the previous application for the substation and grid connection the Inspector' Report (VC0098), as to whether the development constituted SID noted that an issue arose during the pre-application meetings regarding as to whether or not the proposed connection to the windfarm development would form part of the electricity transmission or distribution networks. The prospective applicant had expressed a view that the existing 110kV Nenagh-Killonan overhead line was part of the distribution network. It is detailed in the report that representatives of the Board met with representatives of the Commission for Energy Regulation on 26<sup>th</sup> September 2016 regarding the criteria for determining the distribution/transmission status of a local transmission network. A specific query relating to the Nenagh-Killonan line was subsequently put to the CER. A written response was received by the Board on 2/12/16 (refer to file VC0098 for further detail).
- 2.2. The advice from CER was that the classification of 110kV assets as DSO or TSO (and hence the control of the assets) can change over the lifetime of the asset, but that it is generally the feeder arrangements (i.e. tail fed or multiple feeds) that determine whether a station (node) is DSO or TSO. Thus, it is not the station itself that determines this matter, but the connection arrangement of the customer into the station as determined by the Systems Operator. In respect of Mountphilips, it was stated that if a new substation is constructed along this (overhead) line, and is

looped in, this new station will be a TSO station as it will have two 110kV feeds, i.e. one from Killonan to Mountphilips and one from Mountphilips to Nenagh.

2.3 On foot of this advice and subsequent meetings with the applicant, the Inspector concluded that the proposed substation would act as a node on the transmission system whereby the electricity generated by the wind farm would be fed into the substation at 110kV, the existing 110kV line would also feed into the substation and there would be a further feed back into the Killonan to Nenagh overhead line. It was considered that the proposal constitutes SID on the basis that it relates to the “transmission” of electricity by means of a high voltage line (110kV) and that the proposed substation, although not necessarily SID in itself, forms part of the overall grid connection (conveying electricity at 110kV).

2.4 With regard to the underground cabling, the report noted that this could be considered to be exempted development under Class 26, Schedule 1, Part 2 of the P&D Regulations 2001, as amended. This Class provides an exemption for:

*“the carrying out by any undertaker authorised to provide an electricity service of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking”*

2.5 It was noted however, that there is no exemption where either Environmental Impact Assessment or Appropriate Assessment is required in accordance with Article 9(1)(a) of the P & D Regulations, 2001 as amended. As the cable route runs through the following European sites:

- Slievefelim to Silvermines Mountains SPA (004165)
- Lower River Shannon SAC (002165).

the issue of Appropriate Assessment would, therefore, arise in relation to this element of the proposed development, which would remove any exemption under Class 26 of the Regulations, and as such, planning permission would be required. The Inspector concluded that the proposed 110kV cable route, in conjunction with the proposed 110kV substation, constitutes Strategic Infrastructure Development in accordance with S182A of the Act.

### 3.0 Proposed Development

3.1. EcoPower Developments proposal comprises:

- **Substation** - Construct a new 110kV substation (and compound) to facilitate the connection of the permitted Upperchurch Windfarm to the national grid. The site of the proposed substation is located at Mountphilips, near Newport, Co. Tipperary, which is approx. 30km to the west of the permitted substation for the windfarm.
- **Underground cable** - Provide a 110kV underground cable connection between the permitted Upperchurch WF substation and the proposed Mountphilips substation. The cable route is stated to be approx. 30km. It was clarified at the pre Application meeting that the preferred route for the cable will be along the R503 Road. A subsequent email from the applicant also confirmed that it is proposed to use local roads to the north of Newport, in order to avoid works in Newport town.

### 4.0 Applicant's case

4.1. The prospective applicant is seeking a SID determination regarding the proposal.

4.2. The proposed substation and associated underground cable are considered to be strategic infrastructure development given that:

- The class of development comprises transport of electricity at a voltage of 110kV, thereby satisfying the criteria of Section 182A (9) (a) of the Planning and development Act 2000 (as amended).
- The revised Upperchurch Windfarm Grid Connection is technically the same development as the 2019 Upperchurch Windfarm Connection (301959-18) which the Board decided constituted SID under 22.VC0098
- The revised Upperchurch Windfarm Connection development comes within the definition of Section 182A (9) (a) of the Planning and Development Act 2000 (as amended), being a high voltage line of 110kilovolts, and will form part of the transmission network (as confirmed by CER for the previous Upperchurch Windfarm Grid Connection application 22.VC0098).



### 5.0 Legal Provisions

5.1 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.

5.2 In section 2(1) of the Electricity Regulation Act, 1999, “**transmission**” is defined as 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.

5.3 “**Distribution**” is defined as:

*“The transport of electricity by means of a distribution system, that is to say, a system which consists of electric lines, electric plant, transformers and switch gear and which is used for conveying electricity to final customers.”*

5.4 “**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 quality of electricity supplied to any premises, or*
- (c) An electrical appliance under the control of a consumer.”*

### 6.0 Pre Application Meeting

6.1 A Pre application meeting with the prospective applicants was held on the 27<sup>th</sup> February 2019. The main issues that were advised during the pre-application meeting included:

- Any revisions to the development from that previously proposed – no matter how minor – should be clearly set out in the planning application.
- If the proposed route of the underground cable were to diverge off the road carriageway at any point(s), this should be addressed in the accompanying EIAR and NIS.
- Outline Traffic Management Plan for the construction phase should be submitted with the application.
- All alternatives for the grid connection should be robustly addressed within the planning application given the sensitive environment and the constraints in relation to matters such as biodiversity and European Sites. In particular, the EIAR should consider alternative grid connection technologies such as overhead lines and alternative connection routes to the national grid, including any that might avoid the SPA altogether. When considering the matter of alternatives, consideration should be given to the weighting system used in the EIAR with an emphasis on environmental impacts.

### 7.0 Assessment

- 7.1. As highlighted under the previous Inspectors report (VC0098), the Board has made a number of decisions in relation to electricity transmission infrastructure under S.182E and these are set out in detail in that report.
- 7.2. In the subject case that is currently before the Board, a new substation and ancillary works are being proposed which are remote from the permitted substation infrastructure on the wind farm site and are outside the site boundary for the windfarm. The stated purpose for the proposed works, including connection of significant amounts of wind energy generated in the region to the national grid and to serve the local area securely, is considered of some strategic importance. The proposed substation would act as a node on the transmission system whereby the electricity generated by the wind farm would be fed into the substation at 110kV, the existing 110kV line would also feed into the substation and there would be a further feed back into the Killonan to Nenagh overhead line.
- 7.3. The previous Inspector's report regarding the Mountphilips substation and associated underground cable (VC0098) concluded that the proposal constituted SID on the basis that it relates to the "transmission" of electricity by means of a high voltage line (110kV) and that the proposed substation, although not necessarily SID in itself, forms part of the overall grid connection (conveying electricity at 110kV). It was considered that the cable did not constitute exempted development as it was routed through Slievefelim to Silvermines Mountains SPA (004165) and Lower River Shannon SAC (002165) and in this context the issue of Appropriate Assessment would arise in relation to this element of the proposed development, which would remove any exemption under Class 26 of the Regulations, and as such, planning permission would be required.
- 7.4. I am satisfied in this instance that whilst the route of the underground cable has been amended, that the overall purpose and function of the substation and grid connection is the same. The route of the cable, whilst within the public road also runs through Slievefelim to Silvermines Mountains SPA (004165) and Lower River Shannon SAC (002165), thus removing any exemptions that may apply as an Appropriate Assessment will be required. In this regard, I conclude that the proposed development as described in the submission constitutes strategic infrastructure and

falls within the scope of section 182A of the Planning and Development Act 2000, as amended necessitating an application direct to the Board.

### 8.0 Recommendation

- 8.1 I recommend that EcoPower be informed that the proposed development consisting of a new 110kV substation, 110kV underground cable and associated ancillary works at Mountphilips, Co. Tipperary as set out in the particulars received by An Bord Pleanála on the 7<sup>th</sup> January 2019 falls within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should be made directly to the Board.

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**Erika Casey**  
**Senior Inspector**

**6<sup>th</sup> of June 2019**



**Appendix 1**

### List of Prescribed Bodies

- Minister for Culture, Heritage and the Gaeltacht.
- Minister for Communication, Climate Action and Environment.
- Transport Infrastructure Ireland.
- An Taisce.
- The Heritage Council.
- Inland Fisheries Ireland.
- The Commission for Energy Regulation.
- Health Service Executive.
- Environmental Protection Agency.
- IDA Ireland.
- Irish Water.
- Waterways Ireland.
- Coillte.
- Office of Public Works.



ECOPOWER  
DEVELOPMENTS

Ecopower Developments Limited  
Zetec House, Purcellsinch IDA Business Park, Kilkenny, Ireland  
Tel: 056 775 0140 • E-mail: office@ecopower.ie

Attn: Kieran Somers  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1

29<sup>th</sup> May 2019

**Re: Formal Request to Issue SID Determination ABP-303385-19**

Dear Mr Somers,

I refer to the Board's correspondence dated 6<sup>th</sup> March 2019 which circulated the minutes of our pre-application consultation meeting of the 27<sup>th</sup> February 2019.

In relation to the meeting minutes, we can confirm that consultation with Tipperary County Council roads department has been concluded (please find enclosed map of the proposed route) and we now formally request that the pre-application consultation phase of the SID process for ABP-303385-19 be closed and that the Board proceed to carry out its Determination.

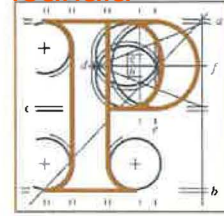
We trust the above is in order and look forward to hearing from the Board further in due course.

Yours Sincerely

Pat Brett

## Appendix 3.1 Consultation with An Bord Pleanála

Our Ref: ABP-303385-19



An  
Bord  
Pleanála

Pat Brett  
Ecopower Developments  
Zetec House  
Purcellsich IDA Busniess Park  
Dublin Road  
Killkenny

Date: 12th June 2019

Re:

Development consisting of a new 110kV substation, underground 110kV cabling and ancillary works to connect the already consented Upperchurch Wind Farm substation to the existing 110kV overhead line.

Mountphilips, Co. Tipperary

Dear Sir,

Please be advised that following consultations under section 182E of the Planning and Development Act, 2000, as amended, the Board hereby serves notice that it is of the opinion that the proposed development falls within the scope of section 182A of the Planning and Development Act, 2000 as amended. Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 182A of the Planning and Development Act, 2000, as amended. Any application for approval for the proposed development must therefore be made directly to An Bord Pleanála under section 182A(1) of the Act.

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed.

A list of prescribed bodies considered relevant by the Board is attached for your information.

In accordance with section 146(5) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

As only one meeting took place in relation to this pre-application consultation case, a refund in the amount of €3,500 will issue to you shortly under separate cover.

Teil  
Glao Áitiúil  
Facs  
Láithreán Gréasáin  
Ríomhphost

Tel  
LoCall  
Fax  
Website  
Email

(01) 858 8100  
1890 275 175  
(01) 872 2684  
[www.pleanala.ie](http://www.pleanala.ie)  
[bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

### Appendix 3.1 Consulation with An Bord Pleanála

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,



Kieran Somers  
Executive Officer  
Direct Line: 01-8737107

Encls. VC11



### **ABP-303385-19**

The following is a schedule of prescribed bodies considered relevant by the Board:

- Tipperary County Council
- Minister of Culture, Heritage and the Gaeltacht
- Minister of Communications, Climate Action and the Environment
- Transport Infrastructure Ireland
- An Taisce
- The Heritage Council
- Inland Fisheries Ireland
- Commission for Regulation of Utilities
- Health Service Executive
- Environmental Protection Agency
- IDA Ireland
- Irish Water
- Waterways Ireland
- Coillte
- Office of Public Works