



An  
Bord  
Pleanála

## Inspector's Report ABP 301206-18

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<b>Development</b>	Solar farm and battery energy storage system with associated 110kV substation.
<b>Location</b>	Mothel and Curraghduff, Co. Waterford.
<b>Prospective Applicant</b>	BNRG Renewables
<b>Planning Authority</b>	Waterford County Council
<b>Inspector</b>	Pauline Fitzpatrick

## **1.0 Pre-Application Consultation**

- 1.1. The Board received a request on the 22<sup>nd</sup> February 2018 from BNRG Renewables to enter pre-application consultations under Sections 37B and 182E of the Planning and Development Act 2000, as amended, in relation to the proposed development at Mothel and Curraghduff, Co. Waterford.
- 1.2. Following a request from the Board further details comprising a site plan with the proposed development delineated thereon and details of the battery storage system were submitted on the 27<sup>th</sup> April, 2018. Further correspondence was received on 5<sup>th</sup> September 2018 with a letter from Eirgrid attached.
- 1.3. The Board's representatives met with the prospective applicant on the 23<sup>rd</sup> May 2018 and 2<sup>nd</sup> October 2018.
- 1.4. The prospective applicant formally requested closure of the pre-application consultation process in an email received on the 29<sup>th</sup> November 2018.

## **2.0 Site location**

The site in question is located in the townlands of Curraghduff and Mothel approx. 6km to the south of Carrick on Suir in County Waterford. It comprises of two separate parcels of land equating to in the region of 70 hectares on which it is proposed to seek permission for a solar farm, battery energy storage system and 110kV substation.

The lands are in agricultural use with hedgerows delineating field boundaries. One off housing along the local road network is evident in the vicinity.

The northern parcel in which it is proposed to locate the 110kV substation slopes down from north to south/south-west. It is bounded by the R676 to the north-west from which access is proposed. A cul-de-sac lane delineates the boundary to the north-east. A stream delineates the south/southwestern boundary. The substation is to be positioned in the southern most section of the site c. 800m from the regional c. 400 metres from the cul-de-sac and c. 400 metres from the local road to the south from which views of the site are available.

The southern parcel is located to the east of the local road in the townland of Mothel.

The distance between the two parcels is approx. 3km.

The Ballydine-Cullenagh 110kV overhead line traverses both parcels.

The northern and southern parcels are approx. 3km and 2km to the north of the Lower River Suir SAC respectively.

### **3.0 Proposed Development**

The proposed development comprises a solar farm on the two parcels with an output of up to 40MW. A 60MW battery storage facility is also proposed to be located in the northern parcel of land.

One substation to serve both parcels is proposed in the northern most site. As per the details provided at the meeting on 2<sup>nd</sup> October 2018 it is to consist of four bays with a loop-in loop-out overhead connection to the 110kV overhead line c. 50-70 metres to the south and will require 4 no. 110kV end masts, 2 no. to be inserted in the existing overhead line and 2no. outside the substation fence. A buffer is to be provided allowing for the possibility of future expansion to an 8 bay arrangement in line with Eirgrid's requirements. A 35 metre high radio mast may be included for communications purposes. A 33kV underground connection between the two parcels of land is proposed.

### **4.0 Planning History**

I am not aware of any previous planning applications on the site.

### **5.0 Applicant's Case**

As per the prospective applicant's submission to the Board on the 22<sup>nd</sup> February:

- The 7<sup>th</sup> Schedule of the Planning and Development Act 2000, as amended, does not refer to solar farm or energy storage developments and therefore do not constitute strategic infrastructure.
- The Board has determined that some 110kV substations did not constitute strategic infrastructure eg. VC0069. The substation is solely for the purposes and function of the proposed solar/storage development. It comprises a small

part of the solar farm development rather than a SID addition to the electricity transmission grid.

## 6.0 Eirgrid Correspondence

The Board requested the comments of Eirgrid on the following matter:

*Clarification as to whether the proposed substation may form part of the national transmission network and any relationship that the proposed substation would have with the existing transmission network having regard to its indicated role as servicing a proposed solar farm.*

Eirgrid in its response stated that the plans provided did not clearly indicate how it is proposed to connect to the national transmission network.

Subsequent correspondence from Eirgrid forwarded to the Board by the prospective applicant states that the proposed 110kV substation, when it becomes operational, would form part of the transmission network and that the prospective applicant has applied for a grid connection agreement.

## 7.0 Legislative Provisions

Section 37A(1) of the Planning and Development Act 2000, as amended, states that application for development specified in the Seventh Schedule shall, if the following condition is satisfied, be made to the Board under Section 37E and not to a planning authority. Section 37A (2) says

That condition is that, following consultation under Section 37B, the Board served on the prospective applicant a notice in writing that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely –

- (a) The development would be of strategic economic or social importance to the State or the region in which it would be situate,
- (b) The development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,

- (c) The development would have a significant effect on the area of more than one planning authority.

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 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.

“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.”

“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

## 8.0 Assessment

In the interests of clarity and as per the prospective applicant's original written submission to the Board which sets out the nature and extent of development on which it sought pre-application consultations, I submit that the proposed solar farm and energy battery storage are not development specified in the Seventh Schedule of the Planning and Development Act, 2000, as amended. As such Section 37A(1) does not apply. The said elements of the proposed development, therefore, do not constitute strategic infrastructure.

The proposal also entails a new 110kV substation and overhead connection to the Ballydine-Cullenagh 110kV overhead line c. 50-70 metres to the south-west of the northern most of two parcels of land subject of the pre-application consultation. Electricity generated by the solar farm would be fed into the substation. I consider that the substation constitutes electric plant as defined above in that it is plant for the purposes connected with the generation of electricity.

Section 182A (9) of the Act sets a threshold of 110kV in order for a high voltage electricity transmission line to be considered strategic infrastructure. No threshold is set in respect of a substation.

By reason of the loop in-loop out link to the existing circuit via the overhead line the power of the existing circuit will be entirely diverted into the substation and back out again. In effect the substation will form a new node along that circuit. Therefore, the new substation and associated overhead line will form part of the existing transmission network. Eirgrid's correspondence is clear in this regard.

I conclude that the substation, in forming such a node on the 110kV transmission network, constitutes Strategic Infrastructure.

The Board will note previous decisions it has made on strategic infrastructure pre-application consultation requests in relation to electricity transmission infrastructure under Section 182E. In cases VC0098, VC0111, 300167, 301601 and 301646 the Board determined that the provision of a new 110kV substation to be looped into the existing transmission network constitutes Strategic Infrastructure.

I consider that the subject case is comparable.

## **9.0 Recommendation**

I recommend that BNRG Renewables be informed of the following:

- That the proposed development consisting of a solar farm and energy battery storage in the townlands of Mothel and Curraghduff Co. Waterford is not strategic infrastructure as it does not comprise a development as set out in the Seventh Schedule of the Planning and Development Act, 2000, as amended. An application should be made to Waterford County Council.
- That the proposed development consisting of a 110kV substation, cable end masts and overhead line in the townland of Curraghduff as set out in the plans and particulars received by An Bord Pleanala on the 22<sup>nd</sup> February 2018, as amended by the plans and particulars received on the 23<sup>rd</sup> May 2018 and 2<sup>nd</sup> October 2018, 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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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**December, 2018**

## **Appendix 1**

The following is a schedule of prescribed bodies considered relevant in this instance for the purposes of Section 182A(4)(b) of the Act.

Minister of Culture, Heritage and the Gaeltacht

Minister for Communications, Climate Action and Environment

Waterford County Council

Transport Infrastructure Ireland

An Chomhairle Ealaíon

Failte Ireland

An Taisce

Heritage Council

Commission for Regulation of Utilities, Water and Energy

Health Service Executive

Office of Public Works

Inland Fisheries Ireland