



An  
Bord  
Pleanála

## Inspector's Report ABP 302247-18

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<b>Development</b>	110kV gas insulated switch gear station and IPP control building with associated compounds.
<b>Location</b>	Rathnaskilloge, Ballylaneen, Co. Waterford
<b>Prospective Applicant</b>	Highfield Solar Ltd.
<b>Planning Authority</b>	Waterford City and County Council
<b>Case Type</b>	Request for pre application consultation under s.182E of Act
<b>Inspector</b>	Stephen Kay

## **1.0 Pre-Application Consultation**

The Board received a request on 2<sup>nd</sup> August, 2018 from Highfield Solar Ltd. to enter pre-application consultations under Section 182E of the Planning and Development Act 2000, as amended, in relation to the proposed development at Rathnaskilloge, Ballylaneen, Co. Waterford.

The Board's representatives met with the prospective applicant on the 22<sup>nd</sup> November, 2018.

The prospective applicant commented on the Draft record of the above meeting and formally requested closure of the pre-application consultation process in an email received by the Board on the 14<sup>th</sup> December, 2018.

## **2.0 Site location**

The site is located c.3km to the north east of Stradbally, Co. Waterford and c. 5.5km to the south west of Kilmacthomas in County Waterford. The site comprises unzoned agricultural lands that are proposed to house a sub station to serve a solar farm development with the site of the proposed solar farm located to the south and north east of the proposed sub station site. The site of the proposed solar farm covers an area of approximately 400 acres. As of the date of the request for pre application consultation, no application for the solar farm had been made to the Planning Authority.

The lands to the immediate north and west of the proposed sub station site are currently in use for commercial forestry.

The site adjoins the Dungarvan to Butlerstown 110kv overhead line that runs in a north east to south west line immediately to the north of the sub station site.

Access to the site is via an existing laneway of c.1km in length off the R765 road to the south.

The site is not within or adjacent to any designated site, the nearest sites being the Comeragh Mountains SPA site which is located c.7km to the north west and the Mid Waterford Coast SPA which is located approximately 2km to the south.

### **3.0 Proposed Development**

The proposed development comprises a 110kV Gas Insulated Switchgear substation to serve the development of a ground mounted solar PV farm. The capacity of the solar farm is stated in the initial s.182 pre application consultation documentation to be 95MW however this was clarified as being c.70MW during the course of the meeting held with the prospective applicants. An IPP control building is also proposed housing an electrical transformer and plant.

The stated footprint of the sub station building is 516 sq. metres and the building is proposed to be located within a fenced compound.

The sub station is proposed to be connected to the existing adjoining 110Kv Dungarvan to Butlerstown line via underground cabling connecting to the line at two new lattice towers. The 2 no. new towers and underground connections also form part of the proposed sub station development the subject of this request.

It is stated in the submitted documentation that once constructed, Eirgrid would be the owner and operator of the proposed sub station and associated 110Kv infrastructure. It is also stated that the substation will not service any other development.

Access to the compound will be via a new access track from the public road to the south. This access will serve the proposed solar farm and the sub station.

### **4.0 Applicant's Case**

The proposed 110kV substation and cable are considered to be Strategic Infrastructure on the following grounds:

- The development involves the development of high voltage electricity infrastructure related to Section 182B of the Act and comes within the definition of transmission as set out in Section 2(1) of the Electricity Regulations Act 1999.
- The infrastructure would be connected directly to the Dungarvan to Butlerstown.110kV line by way of a looped connection.
- Regard is had to recent applications for similar type applications. The following specific cases where the Board have determined that a looped connection of a new sub station to an existing 110KV line is strategic infrastructure development are specifically referenced by the prospective applicant; PL26.VC0111 and PL17.300167.

## 5.0 Eirgrid Correspondence

The prospective applicant requested the comments of Eirgrid on the following matter:

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

*Has any connection agreement been applied for and/or agreed with the prospective applicant?*

Eirgrid in its response stated that the proposed development is not at a stage of design where it is possible to determine whether or not the proposed development would form part of the transmission network. It is confirmed that Highfield Solar Ltd. has applied to Eirgrid for a grid connection and that a grid connection offer has not been made to date.

## 6.0 Legislative Provisions

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

## 7.0 Assessment

The current proposal entails a new 110kV GIS substation and cable connection to the Dungarvan to Butlerstown 110kV overhead line and comprises a site that is part of an overall development of a solar farm. Electricity generated by the solar farm would be fed into the substation. I consider that the substation constitutes electric plant as defined in section 6.0 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, however in reality not all 110kV lines are under the control of Eirgrid and form part of the transmission system. No voltage threshold is set in respect of a substation.

By reason of the loop in-loop out link to the existing circuit via the underground cable the power of the overall existing circuit will be entirely diverted into the substation and back out again. In effect, therefore the substation will form a new node along that existing circuit. Eirgrid's submission is not clear with regard to whether the proposed development would form part of the transmission network, however I note the fact that the Dungarvan to Butlerstown line is shown on the map of the Transmission System shown on the Eirgrid website (dated September, 2016) which would indicate that this 110kV line is part of the Eirgrid transmission system. I also note the fact that it is stated by the prospective applicant that the proposed substation would, on completion transfer to Eirgrid in terms of ownership and operation.

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 at Mountphillips, Co. Tipperary, VC0111 at Rosspile Co. Wexford, 300167 at Vesingstown and Harlockstown Dunboyne, Co Meath, and 301601-18 at Gillinstown, Duleek, Co. Meath, the Board determined that the provision of a new 110kV substation which is to be looped into the existing transmission network constitutes Strategic Infrastructure. I consider that the subject case is comparable.

In view of the above, it is my opinion that the proposed new substation and associated underground cable will form part of the existing transmission network. I therefore conclude that the substation, in forming such a node on the 110kV transmission network, constitutes Strategic Infrastructure.

## **8.0 Conclusion**

I consider that the proposed development as described in the submissions and drawings constitutes strategic infrastructure coming within the scope of section 182A of the Planning and Development Act 2000, as amended, necessitating an application direct to the Board.

## **9.0 Recommendation**

I recommend that Highfield Solar Limited be informed that the proposed development consisting of a 110kV infrastructure within the townland of Rathnaskilloge, Co. Waterford as set out in the plans and particular received by An Bord Pleanála on the 2<sup>nd</sup> day of August, 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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**Stephen Kay**  
**Senior Planning Inspector**

**January, 2019**

## **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 City and County Council

An Chomhairle Ealaíon

Failte Ireland

An Taisce

Heritage Council

Commission for Regulation of Utilities, Water and Energy

Health Service Executive

Office of Public Works