



An
Bord
Pleanála

Inspector's Report ABP-307970-20.

Development	Proposed substation.
Location	Lysaghtstown, Co. Cork.
Prospective Applicant	Terra Solar II Limited.
Planning Authority	Cork County Council.
Type of Application	Pre-Application consultation under Section 182E of the Planning and Development Act 2000, as amended.
Date of Site Inspection	14 th October 2020.
Inspector	Mairead Kenny.

1.0 Introduction

The Board received a request on the 18th of August 2020 from HW Planning Consultants on behalf of Terra Solar II Limited to enter into pre-application consultations under Section 182E of the Planning and Development Act 2000, as amended, in relation to a proposed substation and associated works at Lysaghtstown, Co. Cork.

The Board's representative met with the prospective applicant and agent on the 21st of October 2020. The meeting was held virtually. The prospective applicant requested closure of the pre-application process on the 27th of October 2020.

2.0 Site Location and Description

The elevated site is situated approximately 3km north-west of Midleton. It comprises a plot of land which is under tillage and which is of stated area of 4.08 hectares. The site is served by the L-7634 local road and an existing field entrance. An existing 110 kV overhead line traverses the south of the site in an east – west direction.

The subject site is described as being part of a permitted solar farm. A permitted 38 kV substation associated with the permitted solar farm was to be positioned on the opposite side of the local road and to the south of an existing farmyard. There are no residential properties in the immediate vicinity of the site.

3.0 Proposed Development

The proposed development comprises a 110 kV 4-bay C-type substation.

The proposed development works are summarised as follows:

- construction of new 110 kV substation comprising separate 110 kV Eirgrid compound and 33 KV customer compound
- breaking of existing 110 KV overhead lines and loop in/out to same to facilitate connection to national grid
- provision of access track from site entrance to substation location

- site restoration and landscaping - the proposed substation location was selected based on visibility analysis undertaken from strategic vantage points.

The need for the development is described as resulting from discussions with Eirgrid in relation to the connection of the solar farm to the Midleton 110 kV substation. Eirgrid expressed a view that there was a lack of physical space at the site of the permitted substation and a preference for a loop in connection to the 110 kV line.

4.0 Planning History

There are three permissions related to the associated solar farm development.

Under planning reg ref 18/06769 permission for a solar farm development was granted and this included a 38 KV substation. The intention was that the substation would connect the subject phase and other phases of the planned solar farm to the national grid at the existing Midleton 110 kV substation, about 2 km to the east.

Under reg ref 19/05729 and 19/06882 permission was granted for two further phases to the previously permitted solar farm development.

It is proposed that an application for modifications to the permitted solar farm and associated ancillary development works will be made to the planning authority. This will address the layout changes arising from the re-positioning of the substation.

5.0 Prospective applicant's case

The prospective applicant's submission is that the development constitutes electrical plant and meets the definition of transmission and will constitute a new node on the transmission network. The applicant considers that the subject development constitutes strategic infrastructure.

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 proposed substation and loop-in infrastructure will allow energy generated by the permitted solar farm to be stepped up to 110 kV for direct distribution to the

national grid. The primary purpose of the substation is to serve the solar farm, but it may also serve other purposes in the future consistent with Eirgrid requirements. The proposed 110kV compound and the loop-in infrastructure will be transferred to ESBN. The 33kV compound will be retained in the prospective applicant's ownership.

I consider that the development of the proposed 110 kV substation and related loop in infrastructure is 'electrical plant' as defined by the Electricity Regulation Act 1990. The proposal is for a loop in grid connection and substation where existing 110 kV overhead cables are diverted by way of new cables into the proposed 110 kV substation and back again to the transmission network. The connection method proposed involves the complete diversion of power into and out of the substation. I am satisfied that the substation will comprise a new node on the existing transmission network. The proposal therefore meets the definition of 'electricity transmission' under section 2 (1) of the Electricity Regulation Act 1999.

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

I attach an Appendix listing relevant prescribed bodies.

8.0 Recommendation

I recommend that Terra Solar Limited II be informed that the proposed development consisting of a 110kV substation and associated 'loop-in' infrastructure to tie into the existing 110Kv overhead transmission line at Lysaghtstown, Co. Cork as set out in the plans and particulars received by An Bord Pleanála on 18th of August 2020 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.

Mairead Kenny
Senior Planning Inspector
2nd of November 2020

Appendix – list of prescribed bodies

The following list identifies the prescribed bodies which are considered relevant in this instance for the purposes of Section 182A(4)(b) of the Act.

- Minister for Housing, Planning and Local Government
- Minister for Communications, Climate Action and Environment
- Cork County Council
- Transport Infrastructure Ireland
- An Taisce
- Heritage Council
- Commission for Regulation of Utilities, Water and Energy
- An Chomhairle Ealaíon
- Fáilte Ireland