



An  
Bord  
Pleanála

## Inspector's Report ABP-310024-21.

---

<b>Development</b>	Proposed 110 KV substation and associated infrastructure.
<b>Location</b>	Coolboy, Ballymoney and Killiniskyduff, Arklow, Co. Wicklow.
<b>Prospective Applicant</b>	Highfield Solar Limited.
<b>Planning Authority.</b>	Wicklow County Council.
<b>Type of Application</b>	Pre-Application consultation under section 182E of the Planning and Development Act 2000, as amended.
<b>Date of Site Inspection</b>	18 June 2021.
<b>Inspector</b>	Mairead Kenny.

## 1.0 Overview

The Board on the 21<sup>st</sup> of April received a request to enter into pre-application consultation under section 182E of the Planning and Development Act 2000 as amended in relation to a proposed 110 kV substation and cabling to facilitate connection of the permitted Ballinlea Lower Solar Farm to the transmission network at Arklow 100kV substation. The substation is to be known as Coolboy substation.

A virtual meeting was held with the prospective applicant on the 22<sup>nd</sup> June 2021. The applicant requested closure of the pre-application consultation by letter dated 9<sup>th</sup> August 2021.

## 2.0 Site Location and Description

The site is in a rural area close to a motorway junction of the M11, a few kilometers west of Arklow, Co. Wicklow. The defined site includes the entire lands associated with the permitted Ballinlea solar farm, which is about 58 hectares. The substation site would be at the southern end of this holding and close to the entrance to the permitted solar farm. The lands are in agricultural use at present.

Following the pre-application consultation meeting the applicant has clarified the preferred route for the cable between the proposed substation and the existing Arklow substation. An alternative option is also set out.

Arklow substation is approximately 1km to the south of the proposed substation site. The preferred alternative for the cable route between the Coolboy substation and Arklow substation traverses the M11 overpass. The alternative route would follow a laneway and an M11 underpass.

## 3.0 Proposed Development

The details of the proposed development are described in the documentation presented by Highfield Energy Services Limited on behalf of the prospective applicant Highfield Solar Limited, which was received by the Board on the 20<sup>th</sup> April 2021.

The application drawings presented include a layout showing the proposed substation in the context of the site of the permitted solar energy development.

The substation would be connected to the grid by way of a tail fed connection. It would cross the motorway to the south of the solar farm site by an overpass or underpass.

On completion, ESN and EirGrid will be the owner and operator of the 110kV infrastructure.

#### 4.0 Planning History

Ballinclea Lower Solar Farm was granted permission by the Board under ABP-302037-18 on 21 February 2019.

ABP-305289-19 relates to a similar development of smaller scale on lands to the east of the M11. Permission was granted on 12 August 2020.

#### 5.0 Prospective Applicant's Submission

The subject development would constitute Strategic Infrastructure for the purposes of electricity transmission, pursuant to section 182A of the Act. The basis for that conclusion includes section 182A(9) of the Act and the definition of 'transmission'.

The prospective applicant also noted that the Board and the High Court have determined that large scale ground mounted solar PV development does not require EIA and that the 110kV substation would not fall under Schedule 5.

#### 6.0 Relevant Legislation

**Section 182A (1) of the 2000 Act** (inserted by section 4 of the 2006 Act) provides that 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 ‘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.

**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**

7.1. The proposed development comprises a 110 kV substation and a tail fed grid connection.

- 7.2. I consider that the proposed 110kV substation would be described as electric plant as defined in relevant legislation. The proposed development includes high voltage lines of 110 kV. The ownership will be transferred to ESNB on completion.
- 7.3. The proposal therefore meets the definition of electricity transmission under section 2 (1) of the Electricity Regulation Act 1999. As such it would fall under section 182A of the PDA and would be deemed to be strategic infrastructure development.
- 7.4. The prospective applicant has acknowledged that the proposed development falls under the definition for transmission and would accordingly be deemed to be strategic infrastructure development,
- 7.5. 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.
- 7.6. I attach an Appendix of relevant prescribed bodies.

## 8.0 Recommendation

- 8.1. I recommend that the prospective applicant Highfield Solar Limited be notified that the proposed development consisting of a 110 kV substation and associated infrastructure in Coolboy, Ballymoney and Killiniskyduff, Arklow, Co. Wicklow as described in the documents received by the Board on the 21 April 2021 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

30 August 2021

## **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 the Environment, Heritage and Local Government
- Minister for Communications, Marine and Natural Resources
- Wicklow County Council
- Transport Infrastructure Ireland
- Commission for Regulation of Utilities, Water and Energy
- Irish Water