



An
Bord
Pleanála

Inspector's Report ABP-310026-21.

Development

Proposed 110 KV substation ,
underground cable and associated
infrastructure.

Location

Site of permitted Dennistown Solar
Energy Development in townlands of
Dennistown, Sallystown, Milltown and
Murntown Lower, Co. Wexford.

Prospective Applicant

ESB Solar (Ireland) Limited and
Harmony Solar Dennistown Limited.

Planning Authority.

Wexford County Council.

Type of Application

Pre-Application consultation under
section 182E of the Planning and
Development Act 2000, as amended.

Date of Site Inspection

18 June 2021.

Inspector

Mairead Kenny.

1.0 Overview

The Board on the 22 April 2021 received a request to enter into pre-application consultation under section 182E of the Planning and Development Act 2000 as amended in relation to the proposed Dennistown 110kV substation and underground cable connection to Wexford substation. The site of the proposed substation would be within the site of the permitted Dennistown Solar Energy Development.

Virtual meetings were held with the prospective applicant on 30 June 2021 and 14 September 2021. Closure of the pre-application consultation was requested by letter dated 3 November.

2.0 Site Location and Description

The site is in a rural area in South County Wexford, approximately 7 km from the town of Wexford and under 1 km from the villages of Piercetown and Murntown. The site of the proposed substation lies within lands of the permitted solar farm development which are accessed by way of an agricultural lane and are currently in agricultural use. There are some agricultural buildings adjacent the access lane and in the general vicinity of the site. The nearest residential house would be the main farmhouse to the north-west of the site. Field boundaries are defined by relatively mature hedgerows.

3.0 Proposed Development

The details of the proposed development are described in the documentation presented by Fehily Timoney and Company on behalf of the prospective applicant ESB Solar (Ireland) Limited and Harmony Solar Dennistown Limited.

The proposed development is described as follows:

- Dennistown 110kV substation – to feed up to 170 MW of renewable energy from consented solar energy developments into the national grid at Wexford substation.
- Substation to be located in the general vicinity of the previously permitted 38kV substation and within the permitted Dennistown solar farm.

- The two options for the site layout are identified.
- 110kV underground cable connection to Wexford substation. Emerging preferred route corridor is identified.
- Route corridor to be primarily within the public road and final route to be subject to detailed surveys.

The substation would be connected to the grid by way of a tail fed connection.

The intention is to undertake screening for EIA based on Schedule 7A information and to undertake screening for AA and if necessary, prepare a NIS.

4.0 Planning History

Two planning applicants relates to the permitted solar farm development.

Under reg. ref. 20161110 / ABP 247801 permission was granted for a solar energy development including a 38kW electricity substation compound and associated development.

Under reg. ref. 20200441 an amendment was made to the permitted development for the purposes of optimising the solar PV panel configuration.

5.0 Prospective Applicant's Submission

The initial submission was that the proposed development would not constitute SID including with reference to some decisions of the Board in relation to tail fed proposals.

Subsequently it was confirmed that the proposed development would constitute a node on the transmission network and the prospective applicant accepted that it could fall within the remit of section 182A.

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 underground 110kV cables. The prospective applicant has indicated that formal EIA screening and screening for AA and submission of an EIAR and / or NIS, if appropriate, will be undertaken with respect to any future application. During the pre-application consultation meetings, the Board's representatives indicated support for this approach.
- 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.
- 7.3. I consider that the proposal 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. 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.
- 7.5. I attach an Appendix of relevant prescribed bodies.

8.0 Recommendation

- 8.1. I recommend that the prospective applicant ESB Solar (Ireland) Limited and Harmony Solar Dennistown Limited be notified that the proposed development consisting of a 110 kV substation and associated infrastructure in the townlands of Dennistown, Sallystown, Milltown and Murntown Lower, Co. Wexford as described in the documents received by the Board on 22 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

15 November 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
- Wexford County Council
- Transport Infrastructure Ireland
- Commission for Regulation of Utilities, Water and Energy
- Irish Water