



An
Bord
Pleanála

Inspector's Report ABP-312013-21

Development	Transformer compound adjacent to the former Lough Ree Power Plant
Location	Within the townland of Aghamore, Lanesborough, County Longford
Prospective Applicant	Harmony Solar Longford Limited
Planning Authority	Longford County Council
Type of Application	Pre-Application Consultation under s.182E of the Planning and Development Act 2000, as amended
Date of Site Inspection	None Required
Inspector	Niall Haverty

1.0 Pre-Application Consultation

- 1.1. The Board received a request on 22nd November 2021 from Fehily Timoney, acting on behalf of Harmony Solar Longford Limited, to enter into pre-application consultation in relation to development consisting of a proposed transformer compound adjacent to the former Lough Ree Power Plant in the townland of Aghamore, Lanesborough, Co. Longford.
- 1.2. My assessment of this request for pre-application consultation is considered under section 182E of the Planning and Development Act 2000, as amended ('the Act'), rather than section 37B, as referred to in the agent's cover letter. Section 37B relates to proposed Seventh Schedule development rather than proposed/potential electricity transmission development as outlined under section 182A. In this regard I note that, notwithstanding the agent's reference to s.37B, their cover letter goes on to refer to s.182A.
- 1.3. A pre-application consultation meeting was not considered necessary in this instance.
- 1.4. This report provides an overview of the proposed development, relevant precedents and legislative provisions and recommends that the proposed development does not constitute strategic infrastructure.

2.0 Site location

- 2.1. The proposed site, which has a stated area of c. 1,110 sq m, is located within the townland of Aghamore, c. 0.5km north of Lanesborough Town Centre in County Longford. The site is located on lands adjacent to the former Lough Ree Power Plant and is stated to comprise a parcel of land formerly used as the social club for the Power Plant, toward the southern border of the complex. Existing prefabricated structures on the site will be removed as part of the proposed development.
- 2.2. The site is level and slightly elevated from adjoining lands to the west. A number of houses and Lanesborough Primary School are located to the south of the site, while the former power plant is located within a fenced compound to the east of the site. The existing Lanesborough 110kV Substation is located c. 170m to the west of the

site, while the River Shannon is located c. 300m to the west. The river forms the boundary with County Roscommon to the west.

- 2.3. The subject site is accessed from the N63, which passes through Lanesborough Town Centre, via an existing access road that runs along the southern boundary of the power plant's security fence.

3.0 Proposed Development

- 3.1. The proposed development is stated to comprise a transformer compound, consisting of the following elements:

- Control room structure (c. 7.6m x 3.5m) and associated 33kV underground cabling.
- Installation of a 110:33kV transformer, with associated equipment including cable sealing end, surge arrestor, earth disconnect, current/voltage transformer, house transformer, circuit breaker and lightning mast.
- Link to the existing 110kV underground cable (decommissioned but functional cable between the power plant and Lanesborough Substation).
- Diesel generator for emergency lighting.
- 2m high palisade security fence.
- Use of the existing access road.

- 3.1.1. The purpose of the proposed development is to facilitate the connection of the permitted Middleton House Solar Farm (Reg. Refs. 18135 and 21225) to the national electricity grid. The permitted solar farm is located on two sites of c. 51.4 ha and 34.5 ha, respectively, located c. 5.4km to the north east of the site. It is intended to link the solar farm to the proposed transformer compound via an underground 33kV cable to run along the alignment of the existing Bord na Mona rail line which previously transported peat to Lough Ree Power Plant. The total length of the cable route is stated to be c. 6.5km.

- 3.1.2. It is stated that the proposed transformer compound will not affect any future uses of the Power Plant lands.

3.1.3. The request was accompanied by a report and cover letter prepared by Fehily Timoney, a number of drawings and a letter of consent from ESB.

4.0 Prospective Applicant's Case

4.1. The prospective applicant's case can be summarised as follows:

- The transformer compound will operate as an Independent Power Producer (IPP) facility linked by underground cable to the permitted Middleton House Solar Farm.
- The term 'transformer compound' is used to distinguish the proposed development from larger scale electrical infrastructure in the form of 110kV substations that act as nodes within the grid.
- The request relates solely to the proposed transformer compound. The underground cable connection to the permitted solar farm will be subject to a separate planning procedure.
- Transformer compound provides an 'under the fence' connection, via an existing 110kV underground cable, to provide a tail feed electrical connection to the existing EirGrid Lanesborough Substation located c. 170m to the west of the proposed compound.
- The connection will only facilitate grid connection for the permitted solar farm.
- The proposed transformer compound is c. 10m from the security fence of the former Lough Ree Power Plant. No interaction between any future role for the power plant is envisaged and the existing portion of underground cable adjacent to the proposed transformer area to the power plant will be decommissioned.
- The proposed transformer compound is not strategic infrastructure under the terms of s.182A, on the basis that it will be functionally unrelated to any future uses of lands at Lough Ree Power Plant and it will not interact with the transmission network at Lanesborough 110kV substation.
- Unlike high voltage lines, planning legislation is not specific in terms of defining high voltage for substations or electrical plant.

- Neither the proposed transformer compound development nor the associated solar farm development would satisfy the SID criteria set out in 37A(2) of the Act.
- Broadly comparable cases determined not to be SID include: ABP-307080 (transformer compound, cable connection and associated development relating to proposed 75MW Flexible Thermal Generator Facility and BESS); ABP-304794 ('tail feed' 110kV substation associated with a wind farm).
- Proposed development does not constitute SID.

5.0 Planning History

5.1. ABP-311992-21: Pre-Application Consultation

- 5.1.1. The ESB made a request, in November 2021, for pre-application consultation for development consisting of electrical development associated with a proposed battery energy storage system and synchronous condenser on lands within Lough Ree Power Station.
- 5.1.2. The Inspector's Report for that case states that the relevant aspects of the proposed development that formed the basis for the consultation comprised:
- BESS grid connection to include a new 10/33kV grid transformer, surge arresters, current transformers, voltage transformers and a HV circuit breaker bay - all to be located within the BESS substation compound.
 - Sync Con grid connection to include a new 10/33kV grid transformer within the Sync Con compound.
 - 110 kV underground cables between the proposed BESS units and the proposed Sync Con units and bays within the nearby permitted 110 kV GIS substation compound
- 5.1.3. The Board decided, on 17th January 2022, that the proposed development did not fall within the scope of s182A and that an application should be made in the first instance to Longford County Council.

5.2. Longford County Council Reg. Ref. 19201; ABP-303587-19

- 5.2.1. Permission was granted to EirGrid plc in July 2020 for development at Lanesborough substation, consisting of: the redevelopment of the existing 110kV AIS substation with a new 110 kV Gas Insulated Switchgear (GIS) substation; the modification of 8 No. existing 110 kV underground circuits which will be re-routed into the new 110 kV GIS substation; the construction of a Landowner access road; and associated development. The Board had previously determined, in March 2019, that the development did not come within the scope of section 182A (ABP-303587-19 refers).
- 5.2.2. The prospective applicant states that the proposed transformer compound site adjoins, but is not located within, the planning boundary for this permitted development.

5.3. ABP-302597-18

- 5.3.1. The Board granted permission in March 2019, following a third party appeal, for development consisting of the refurbishment of the existing Cloon to Lanesborough 110 kV overhead line which terminates at Lanesborough substation.

6.0 Relevant Precedents

- 6.1. The following table outlines the precedents that the prospective applicant considers to be relevant. I have also included a number of other similar cases for proposed development of transformers and associated infrastructure.

ABP Ref.	Development Description	Decision Date	ABP Decision
311993	Electrical development associated with a proposed BESS and Sync Con adjacent to West Offaly Power Station, Shannonbridge, Co. Offaly (BESS grid connection: 10/33kV grid transformer, surge arresters, current transformers, voltage transformers, HV circuit breaker bay; Sync Con grid connection: new 220/33kV grid transformer; 220 kV underground cables between the proposed	2022	Not SID

	Sync Con development and a new bay at Shannonbridge 220kV compound)		
311992	Electrical development associated with a proposed BESS and Sync Con adjacent to Lough Ree Power Station, Lanesborough (BESS grid connection: 10/33kV grid transformer, surge arresters, current transformers, voltage transformers, HV circuit breaker bay; Sync Con grid connection: new 110/33kV grid transformer; 110 kV underground cables between the proposed BESS and Sync Con development and bays within the 110kV substation)	2022	Not SID
307080	Electrical development (transformer compound, cable connection and associated development) associated with a proposed Flexible Thermal Generation Facility (FlexGen) and Battery Energy Storage System (BESS), Dublin 4	2020	Not SID
304794	110kV tail-feed substation and underground electricity cable connecting the consented Coole Wind Farm to the national grid at Mullingar substation	2020	Not SID
301672	110kV transformer and connection to the national grid which will serve as a proposed battery storage facility with a capacity of up to 100MW, Kellistown East, Co. Carlow	2018	Not SID
302647	110kV/220kV cable and transformer required to facilitate the operation of four proposed rotating stabilisers, Glencloosagh, Co. Kerry	2019	Not SID

7.0 Legislative Provisions

7.1. Planning and Development Act 2000, as Amended

7.1.1. Section 2(1) of the Act defines 'strategic infrastructure' as including, *inter alia*:

“any proposed development referred to in section 182A(1)”

7.1.2. Under subsection 182A(1) of the Act, where a person (the 'undertaker') intends to carry out development comprising or for the purposes of electricity transmission, the

undertaker shall prepare, or cause to be prepared, an application for approval of the development under section 182B and shall apply to the Board for such approval accordingly.

7.1.3. Subsection 182A(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.”

7.2. Electricity Regulation Act 1999, as Amended

7.2.1. The following definitions, as set out in section 2(1) of the Electricity Regulation Act, 1999, as amended, are noted:

- **‘Transmission’:**

“...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 Board¹ 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.”

- **‘Electric plant’:**

“...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

¹ For clarity, references to the ‘Board’ in this instance relate to the Electricity Supply Board.

(b) a meter used for ascertaining the quantity of electricity supplied to any premises, or

(c) an electrical appliance under the control of a consumer”

- **‘Electric Line’:**

Section 2(1) of the 1999 Act, as amended, states that ‘electric line’ has the meaning assigned to it by section 4(1) of the ESB (Electronic Communications Networks) Act 2014. The definition set out in s. 4(1) of the 2014 Act is as follows:

“...any line which is used solely or amongst other things for carrying electricity for any purpose and as including—

(a) any support for any such line, that is to say, any structure, pole or other thing in, on, by or from which any such line may be supported, carried or suspended,

(b) any apparatus connected to or associated with any such line for the purpose of carrying electricity or electronic communications services, whether such apparatus is owned by the Board or by any company referred to in section 2 or by a company which has been provided access or services referred to in section 3, or

(c) any wire, cable, tube, pipe or similar thing (including its casing or coating) which is used for the purpose of carrying electricity or electronic communications services and which surrounds or supports or is surrounded or supported by, or is installed in close proximity to, or is supported, carried or suspended in association with, any such line.”

8.0 Assessment

8.1. The proposed development consists of the construction of a transformer compound associated with a permitted solar farm development, which will increase the voltage of electricity generated by the solar farm from 33kV to 110kV, with a connection to an existing disused 110kV cable feed to Lanesborough 110kV substation, which is associated with the former Lanesborough Power Plant, in order to connect to the grid.

- 8.2. Based on the information contained in the prospective applicant's cover letter, it is clear to me that Lanesborough 110kV substation can be considered to form part of the electricity transmission system for the purposes of the Planning Act. I also note in this regard that the Lanesborough substation is included on EirGrid's Transmission System map².
- 8.3. The proposed development is relatively minor in scale and extent. It does not comprise a substation in its own right, nor does it alter the nature or function of Lanesborough substation. Rather, the proposed transformer compound comprises what is referred to as an Independent Power Producer (IPP) facility.
- 8.4. Such IPP facilities typically adjoin EirGrid-operated transmission infrastructure when new substations are proposed as part of a solar farm or wind energy development. The proposed development will only serve the permitted solar farm and it will serve no function with regard to the operation of the transmission network.
- 8.5. While the proposed transformer compound is located c. 170m from the existing Lanesborough substation, I note that permission has been granted to redevelop the substation (Reg. Ref. 19201), and that the transformer compound adjoins the site boundary of the redeveloped substation. As noted above, the development will divert and make use of an existing disused 110kV cable between the substation and the defunct power station.
- 8.6. As outlined in Section 6 above, the Board has previously determined a number of requests for pre-application consultation in relation to proposed transformers, typically related to BESS facilities. In particular, I note the Board's recent determination in case ABP-311992-21 which also related to the Lough Ree Power Station lands. Generally, the Board has determined that such development does not fall within the scope of section 182A of the Planning Act and consequently that a planning application should be made in the first instance to the local planning authority.
- 8.7. What is proposed in this instance is a transformer compound, or IPP facility, associated with a solar farm to step up the voltage of the power generated by the solar farm to 110kV for export to the grid via Lanesborough substation.

² <http://smartgriddashboard.eirgrid.com/assets/All-IslandTransmissionMap.pdf>

- 8.8. I consider that the proposed development does not satisfy the criteria to constitute 'transmission'. It does not constitute a substation and the incoming voltage will be 33kV (i.e. not high voltage). The proposed development will step this up to 110kV by means of a transformer and utilise an existing 110kV cable connection to provide an 'under the fence' connection to the transmission system substation. In my opinion, that is the point at which the power generated by the solar farm will enter the transmission system. Such an interpretation would be consistent with recent Board determinations, such as ABP-307080-20 and ABP-311992-21 which were deemed not to fall within the scope of s.182A of the Act.
- 8.9. Having regard to: the limited nature, scale and purpose of the proposed development, which comprises a transformer compound to facilitate the connection of a permitted solar farm to the Lanesborough 110kV substation; the failure to satisfy the relevant criteria to constitute transmission; the lack of wider impact on the operation of the transmission system in the area; and noting previous determinations by the Board in respect of similar requests for pre-application consultation, I consider that it would not constitute strategic infrastructure. I conclude, therefore, that it does not fall within the scope of s.182A of the Planning and Development Act 2000, as amended, necessitating the making of an application directly to the Board.

9.0 Recommendation

- 9.1. I recommend that Harmony Solar Longford Limited be informed that the proposed development, consisting of a proposed transformer compound and associated ancillary development, as set out in the plans and particulars received by An Bord Pleanála on the 22nd November 2021, does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should be made in the first instance to Longford County Council.

Niall Haverty

Senior Planning Inspector

10th February 2022