



An
Bord
Pleanála

Inspector's Report ABP 313676-22

Development	110 kV tail-fed substation to connect into the existing 220/110 kV Lodgewood substation.
Location	Tincurry, Crory and Ballylough Td's near Ferns, Co Wexford.
Planning Authority	Wexford Co. Council.
Applicant(s)	Lodgewood Solar Farm Ltd.
Type of Application	Pre application consultation under section 182E of the Planning and Development Act, 2000, as amended.
Date of Site Inspection	August 4 th , 2022.
Inspector	Breda Gannon

1.0 Introduction

- 1.1. On 27th May, 2022, a request was received by An Bord Pleanála to enter into pre-application discussions with respect to the proposed development under Section 182E of the Planning and Development Act, 2000, as amended.
- 1.2. Pre-application consultations took place virtually between the Boards representatives and the prospective applicant on August 11th, 2022
- 1.3. The prospective applicant formally requested closure of the pre-application consultation process in an email dated 20th October, 2022

2.0 Proposed Development

- 2.1. The proposed development comprises a 110kV Air Insulated Switchgear (AIS) single bay tail-fed substation with associated grid connection comprising underground cabling that will connect into the existing 220/110kV Lodgewood substation. The purpose of the substation and grid connection is to transport the electricity generated by the proposed Tincurry Solar Farm which will be the subject of a future planning application to Wexford Co. Council. The substation will be located c 100m from the proposed solar farm.
- 2.2. The substation will comprise two separate compounds including an EirGrid compound with substation and electrical infrastructure and an Independent Power Producer (IPP) or customer owned compound including a switchgear building, a 110 kV transformer and other electrical infrastructure.
- 2.3. An indicative layout of the proposed substation is provided in Fig 2 of the prospective applicant's submission. The operational lifetime of the solar farm is assumed to be 35 years. Following the decommissioning of the solar farm, it is envisaged that the substation and underground grid connection will remain in place as a valuable functioning and operational part of the electricity network managed by EirGrid.

3.0 Site Location and Description

- 3.1. The site is located c 2.5km southwest of Ferns in Co. Wexford on unzoned agricultural land that is mainly used for arable farming. The site has an area of c 4.35

hectares and lies to the east of the existing Lodgewood substation. The wider area is agricultural and residential development is in the form of one-off single dwellings with ribbon development along the local road network. A network of local roads connects the site with the N80 to the west and the R R772 and M11 to the east.

- 3.2. The proposed substation will be connected to the Lodgewood substation via an underground cable. The cable will be laid in an area of forestry located to the west of the site (Fig 1). There is a stream on the boundary of the proposed substation which the underground cable grid connection will be required to cross. There are other streams in close proximity to the proposed access track and these are hydrologically connected to the Slaney River Valley SAC (Site code 000781) which is located c 200m downstream of the proposed site access and over 1200m from the proposed substation.

4.0 Planning History

There are no details provided of any planning history relating to the subject site. The submission refers to a pending application for a solar farm to be made to Wexford Co. Council. It also refers to other solar farms permitted but not yet constructed in the locality at Tincurry and Ballycarney.

5.0 Prospective Applicants Submission to the Board

- 5.1. Under the provisions of Section 182A of the Planning Act provision is made for an undertaker to apply to An Bord Pleanala for approval for a development comprising or for the purposes of *'transmission'*. The proposed development comprises a *'high voltage line where the voltage would be 110kV or more'* and *'electrical plant which is used for conveying electricity fromone substation to another'*. As such, it is considered that the proposed development falls within the definition of *'transmission'* as set out in section 182A (9) of the Planning Act.
- 5.2. It is considered that this opinion is consistent with recent determinations by An Bord Pleanala on similar section 182E proposals including:
- ABP-311187-21 - Bendinstown
 - ABP-311403-2 - Rhotirees

- ABP - 310846-21 TDC Community Solar park
- ABP - 310024-21 Highfield
- ABP - 310033-21 Dunnstown

6.0 Strategic Infrastructure -Legal Provisions

- 6.1. Section 182A(1) of the Planning and Development Act 2000 2000 Act (as amended) requires that where a person, (referred to as the ‘undertaker’) intends to carry out development comprising or for the purposes of electricity transmission, the undertaker shall prepare an application for approval to the Board.
- 6.2. Section 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.

Section 2(1) of the Electricity Regulation Act, 1999, as amended defines transmission as follows::

“...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, 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”.

‘Electric plant’ is defined as follows:

“...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

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

(c) An electrical appliance under the control of the consumer.

7.0 Assessment

7.1. Strategic Infrastructure

7.1.1. The proposed development comprises a new 110kV substation intended to facilitate the connection of a proposed windfarm to the national grid via a tail-fed connection. The new substation would be connected to the existing Lodgewood 220/110 kV substation via a 110kV underground cable.

7.1.2. The prospective applicant is seeking a determination from the Board as to whether the proposed substation and connection to the 110kV transmission network is or is not strategic infrastructure development. The prospective applicant is of the opinion that it is strategic infrastructure development and refers to the following recent precedent cases_

- 311187-21 – The Board determined that a proposed 110kV AIS single bay tail- fed substation in Co. Carlow with underground connection to an existing 220kV substation to transport electricity generated by a solar farm is strategic infrastructure.
- 311403-21 – The Board determined that a 110 kV substation and underground cable to connect a solar farm to the national grid in Rhode Co Offaly is strategic infrastructure.
- 310846-21 – The Board determined that the provision of a tail-fed 110kV substation and associated grid transmission infrastructure to connect an extended solar farm in Co. Roscommon is strategic infrastructure
- 310024-21 – The Board determined that a proposed 110kV substation in Co Wicklow which would be connected to the national grid via a tail-fed connection would constitute strategic infrastructure.

- 310033-21 – The Board determined that a 220kV substation in Co Kildare with an underground cable to the existing 440kV substation by means of a tail-fed arrangement would be strategic infrastructure.

7.1.3. Under Section 182A of the 2000 Act (as amended), an undertaker shall apply to the Board for approval of a development comprising or for the purposes of electricity transmission. Section 182A (9) of the 2000 Act states that *‘transmission’ shall be construed in accordance with section 2(1) of the 1999 Act but, for the purpose of the section shall also be construed as meaning the transport of electricity by means of a high voltage line which would be 110kV or more’*.

7.1.4. Section 2 (1) of the Electricity Act defines the transmission system as wholly or mainly high voltage lines and electrical plant for conveying electricity. The proposed development comprises ‘electrical plant’ (as defined above) and the provision of ‘transmission’ lines between the proposed substation and the national grid. It involves the transport of electricity by means of 110kV high voltage lines and I am therefore satisfied that the proposed 110kV substation and 110kV underground cable connection to the existing Lodgewood substation is development comprising or for the purposes of electricity transmission, having regard to the definition set out in Section 182(9) of the 2000 Act (as amended).

7.1.5. I would conclude therefore that the proposed development falls within the scope of Section 182A of the 2000 Act (as amended) and constitutes strategic infrastructure development. I note the similarity between this case and precedent cases referred to above where the Board determined that the provision of a new 110kV substation and associated overground/underground cabling which is tail fed to the existing transmission system constitutes strategic infrastructure development.

7.2. Environmental Impact Assessment

7.2.1. Section 182A(2) of the Planning and Development Act, 2000 as amended states that *‘in the case of development referred to in subsection (1) which belongs to a class of development identified for the purposes of section 176, the undertaker shall prepare, or cause to be prepared, an environmental impact assessment report or Natura impact statement or both that report and that statement, as the case may be, in respect of the development’*.

- 7.2.2. Annex I & Annex II to Directive 2011/92/EU as amended by 2014/52/EU and Part 1 and Part 2 of Schedule 5 (Planning and Development Regulations 2001, as amended) sets out the classes of development for the purposes of EIA.

Section 20 of Part 1 provides that mandatory a EIAR is required for the *'Construction of overhead electrical power lines with a voltage of 220 kilovots or more and a length of more than 15 kilometers'*,

Section 3 (b) of Part 2 provides that a mandatory EIAR is required for *'Industrial installations carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule'*.

- 7.2.3. The proposed development of a 110kV substation and underground cables would not come within the projects outlined within either Annex I or Annex II to Directive 2011/92/EU as amended by 2014/52/EU nor is it a class as set out in Part 1 or Part 2 of Schedule 5 (Planning and Development Regulations 200, as amended). The proposed generating element of the proposed development, the solar farm is not of a class for the purposes of EIA.

7.3. **Appropriate Assessment**

- 7.3.1. The site is not located within any European site or nationally designated conservation site. There is a stream running along the boundary of the site and there are other streams in close proximity to the proposed access track. These streams are hydrologically linked to the Slaney River Valley SAC. The prospective application was advised to undertake a robust screening assessment to determine whether the proposal is likely to have a significant effect individually or in combination with other plans and projects on relevant European sites in view of the sites' conservation objectives.

7.4. **Conclusion**

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

7.5. Recommendation

- 7.5.1. I recommend that the prospective applicant Lodgewood Solar Farm Limited be informed that the proposed development consisting of a 110kV substation and grid connection in the townland of Tincurry, Crory and Ballylough Co. Wexford , Co Limerick, as set out in the plans and particulars received by An Bord Pleanala on the 27th day of May, 2022 falls within the scope of section 182A of the Planning and Development Act 2000 (as amended) and that the application should be made directly to the Board.

Note: A list of relevant prescribed bodies is provided in Appendix 1

Breda Gannon
Senior Planning Inspector

26th October 2022

Appendix 1

Prescribed Bodies

The following is a schedule of prescribed bodies considered relevant in this instance for the purposes of Section 182 A(4)(b) of the Act.

- Minister for Housing, Local Government and Heritage
- Inland Fisheries Ireland
- Commission of Regulation of Utilities, Water and Energy
- Wexford Co. Council
- Transport Infrastructure Ireland
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Water
- Health & Safety Authority

Further notifications should be made where deemed appropriate