

**An  
Bord  
Pleanála**

## **Inspector's Report ABP-315433-22.**

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<b>Development</b>	Proposed 220 kV AIS tail fed substation and associated grid connection comprising 220 kV underground cabling to connect into the existing 400/220 kV Dunnstown substation.
<b>Location</b>	Lands in the townlands of Delamain and Dunnstown, Co. Kildare.
<b>Prospective Applicant</b>	Delamain Solar Farm Limited.
<b>Planning Authority.</b>	Kildare 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>	27 January 2023.
<b>Inspector</b>	Mairead Kenny.

## **1.0 Overview**

- 1.1. The Board on 21 December 2022 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 220 kV substation and associated underground cable connection to an existing 400/ 220kV substation.
- 1.2. The substation and underground cable are for the purpose of providing a grid connection for Delamain solar farm which will be subject of a future application to Kildare County Council.
- 1.3. A virtual meeting was held with the prospective applicant on 16 February 2023. Closure of the pre-application consultation was requested by email on 2 March 2023.

## **2.0 Site Location and Description**

- 2.1. The site is located in a rural area 3 km from the settlement of Kilcullen. The dominant land uses are agricultural and there is some one-off residential development as well as small plots of forestry. The relevant lands subject of this pre-application consultation request are located to the east of the R412.
- 2.2. The area is traversed by the 220 KV overhead powerline which runs from the north-east to the south-west and connects with the existing 400 kV Dunnstown substation. The proposed Delamain 220kV substation site is positioned close to the regional road and south of the location of the existing 400 kV substation. The existing and proposed substations are separated by plots of forestry and agricultural lands.
- 2.3. The documentation presented with the application shows two options for the grid connection which would either pass through existing forestry to the north of the planned substation or would take the longer route by way of the regional road and existing access to Dunnstown substation.

## **3.0 Proposed Development**

- 3.1. The details of the proposed development are described in the documentation presented by Delamain Solar Farm Limited.
- 3.2. The proposed development is described as follows:

- 220kV AIS substation - the applicant has clarified that this is tail fed and is not a loop in substation as originally described in the submitted documentation.
- Associated grid connection comprising 220 kV underground cabling to connect to the existing Dunnstown substation.
- The substation will consist of both Eirgrid and Independent Power Producer infrastructure including IPP control room buildings, HV electrical equipment and associated infrastructure including palisade fencing and concrete post and rail fences.
- The electrical installations are described in further detail in section 2.3.2 of the submitted documentation. An indicative substation layout is shown in figure 4.
- The two grid connection options are described in section 2.3.3. Option A which traverses the regional road and private substation lane is approximately 2000 m in length. Option B which traverses forestry land for 500 m is of stated overall length of 1200 m.

#### **4.0 Prospective Applicant's Submission**

- 4.1. The submission is that the proposed development would constitute SID.
- 4.2. It is considered that the proposed 220 KV substation and underground grid connection is 'transmission' and does constitute strategic infrastructure under the provisions of section 182A.
- 4.3. The applicant references relevant legislation and precedent cases.
- 4.4. I agree that the cases cited are amongst those which may be deemed to be relevant precedent cases and I provide a summary in the next section of this report.

#### **5.0 Planning History and Precedent Cases**

There is no recent relevant planning history. The proposed development will serve a solar farm which will be subject of a future application.

Relevant precedent cases include the following:



- Under 310033-21 the Board determined that a 220kV substation with an underground cable to the existing 440kV substation by a tail-fed arrangement is strategic infrastructure. (Dunnstown Co Kildare).
- Under 311187-21 the Board determined that a proposed 110kV AIS single bay tail- fed substation with underground connection to an existing 220kV substation to serve a solar farm is strategic infrastructure. (Bendinstown Co Carlow).
- Under 311403-21 the Board determined that a proposed tail-fed 110 kV substation and underground cable to serve a solar farm is strategic infrastructure. (Rhode, Co Offaly).
- Under 310846-21 the Board determined that a proposed tail-fed 110kV substation and associated grid transmission infrastructure to serve a solar farm is strategic infrastructure. (Monksland Co Roscommon).

## 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. This assessment addresses:

- Whether the proposed substation and underground 220kV cable development is SID.
- The prescribed bodies to which any future application should be referred.

### **7.2. Substation and Underground Cable**

7.2.1. The proposed development comprises a 220 kV AIS substation and underground 220kV cable. The prospective applicant emphasises the correction in the description of the development noting that it is not ‘loop in’ but is ‘tail fed’.

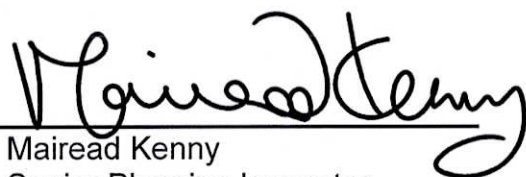
- 7.2.2. I consider that the proposed 220kV substation would be described as electric plant as defined in relevant legislation. The proposed development includes high voltage lines of 220 kV.
- 7.2.3. I consider that the proposal meets the definition of electricity transmission under section 2(1) of 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.
- 7.2.4. I note the precedent cases which are set out in the submission of the prospective applicants. I am satisfied that these are relevant cases and I note that the list includes a proposed substation and grid connection in the same townland to connect to the same 400/220kV Dunnstown substation and also with a tail fed arrangement.
- 7.2.5. I conclude that the proposed development of a substation and grid connection 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 directly to the Board.

### 7.3. Prescribed Bodies

- 7.3.1. I attach an Appendix of relevant prescribed bodies.

## 8.0 Recommendation

- 8.1. I recommend that the prospective applicant Delamain Solar Farm Limited be notified that the proposed development consisting of a 220 kV substation and underground grid connection in the townlands of Delamain and Dunnstown Co. Kildare as described in the documents received by the Board on 21 December 2022 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

14 March 2023



## **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
- Kildare County Council
- Transport Infrastructure Ireland
- Commission for Regulation of Utilities, Water and Energy
- Irish Water
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Inland Fisheries Ireland.

Further notifications should be made where deemed appropriate.