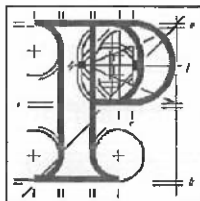


An Bord Pleanála



Inspector's Report.

Case Ref. No: ABP-316369-23

Issue: SID Pre-application

Proposed Development: Construction of a Generator Transformer Compound

Location: Ardgoulbeg, Rathkeale, County Limerick

Applicants: Harmony Solar Rathkeale Limited

Planning Authority: Limerick City & County Council

Inspector: Kevin Moore

1.0 Introduction

- 1.1. The Board received a request on 18th April, 2023 from Harmony Solar Rathkeale Limited to enter into pre-application consultation under section 182A of the Planning and Development Act 2000, as amended, in relation to a proposed development consisting of the construction of a generator transformer compound adjacent to the existing Rathkeale 110kV substation at Ardgoulbeg, County Limerick.
- 1.2. A Pre-Application Consultation meeting between An Bord Pleanála (the Board) and the prospective applicant is not considered necessary in this instance.
- 1.3. This Report provides an overview of the proposed project, details of the legislative provisions and reference to relevant precedents, and recommends that the proposed development does not constitute strategic infrastructure development.

2.0 The Proposed Site

- 2.1. The site of the proposed development is located on lands immediately north and west of Rathkeale 110kV substation in a rural area approximately 3.5km north-west of Rathkeale in County Limerick. The site and adjacent lands proposed to be used for the solar farm consist of agricultural lands, made up of fields enclosed by hedgerow. Development in the vicinity other than agricultural land and associated uses consists primarily of one-off houses along the public road network. The established substation is enclosed by hedgerow and security fencing.

3.0 Proposed Development

- 3.1. The proposed development would comprise the construction of a transformer compound and “over-the-fence” (OTF/UTF) connection to the adjacent Rathkeale 110kV substation at Ardgoulbeg, County Limerick. The compound would operate as an Independent Power Producer (IPP) facility which would be linked by bus bar or underground cable to a proposed solar farm development for which consent will be sought from Limerick County Council. The medium voltage (MV) power generated by the solar farm would be ‘stepped up’ to 110kV in order to connect to the adjacent substation. The connection would remove the requirement to construct a new 110kV customer substation for connection of the solar farm to the national grid. The solar farm lands would adjoin the existing substation in Ardgoulbeg. The solar farm and the underground links between it and the transformer compound would not form part of the development the subject of this pre-application consultation. The site would have a shared access with the proposed solar farm development off the local road to the south onto which the lands and the existing substation have frontage.
- 3.2. The transformer compound would include a control module cabin (38m² in area) and associated MV underground cabling, a 110kV transformer with associated equipment, and security fencing. The cabin would house the switch gear and other electrical control equipment.

4.0. Legislative Provisions.

4.1. Planning and Development Act 2000, as Amended

Section 2(1) of the Act defines ‘strategic infrastructure’ as including, *inter alia*:

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

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.

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.”*

4.2. **Electricity Regulation Act 1999, as Amended**

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 Board (i.e. ESB) 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*
- (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."*

5.0. The Prospective Applicant's Submission

- 5.1. The prospective applicant submits that the proposed development does not constitute strategic infrastructure under section 182A of the Planning and Development Act 2000, as amended, because it would not form part of the transmission network at Rathkeale substation. It is submitted that the proposed transformer compound would facilitate connection of Ardgoulbeg Solar Farm to the transmission grid but it would not function as part of the grid or become a new node in the transmission grid. It is stated that the term 'Transformer Compound' is used to distinguish it from larger scale electrical infrastructure deployed in substations which do act as nodes in the national grid. It is the prospective applicant's intention to lodge an application with Limerick City & County Council under section 34 of the Planning and Development Act 2000, as amended.

- 5.2. It is further submitted that the proposed development would not be of a scale to justify being considered of strategic economic or social importance to the State or Region and, though it would be consistent with the objectives of the National Planning Framework, Climate Action Plan, and the Southern Regional Spatial & Economic Strategy, it would not be critical to the fulfilment of those objectives. Being located in County Limerick, it is submitted that it would not have any significant effect on adjacent planning authorities.

- 5.3. It is stated that, having regard to the 300MW threshold set out in the Seventh Schedule of the Planning and Development Act for 'generators' to constitute SIDs, the proposed development does not link to a generator that would exceed this mandatory threshold.

- 5.4. Precedents of electrical infrastructure are alluded to, which it is stated that the Board has determined they did not comprise strategic infrastructure. These are An Bord Pleanála References ABP-312013-21 and ABP-311993-21.

6.0 Assessment

- 6.1. The proposed development consists of the construction of a transformer compound associated with a proposed solar farm development, which would seek a connection to an existing 110kV substation in order to connect to the national grid. It is apparent that Rathkeale 110kV substation forms part of the electricity transmission system for the purposes of the Planning Act. It is also noted that Rathkeale substation is included on EirGrid's Transmission System map.
- 6.2. The proposed development is minor in scale and extent. It is not a substation and it does not alter the function of Rathkeale substation. The proposed compound comprises an Independent Power Producer (IPP) facility. These facilities frequently adjoin EirGrid-operated transmission infrastructure when new substations are proposed as part of a solar farm or wind energy development. I acknowledge that the proposed development would only serve the proposed Ardgoulbeg solar farm development. Furthermore, it would have no function relating to the operation of the transmission network.
- 6.3. I note that the Board has previously determined requests for pre-application consultation in relation to proposed transformers. I particularly note a request relating to Board Reference ABP-312013-21. This proposed development consisted of a transformer compound to facilitate the connection of a permitted solar farm in County Longford to the national electricity grid at Lanesborough 110kV substation in County Longford. In that instance, the Board determined that such development does not fall within the scope of section 182A of the Planning

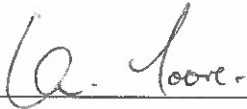
Act and consequently that a planning application should be made in the first instance to the local planning authority.

- 6.4. 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 Rathkeale substation.
- 6.5. I submit that the proposed development does not satisfy the criteria to constitute 'transmission'. It does not constitute a substation and the incoming voltage would not be high voltage, with the proposed development required to step up the voltage to 110kV by means of the transformer and to utilise a cable connection to provide an 'under or over the fence' connection to the transmission system substation. This is the point at which the power generated by the proposed solar farm would enter the transmission system.
- 6.6. Having regard to:
- the limited nature and scale of the proposed development,
 - its intended purpose, comprising a transformer compound to facilitate the connection of a proposed solar farm to the Rathkeale 110kV substation,
 - the observation that it does not satisfy the relevant criteria to constitute transmission,
 - the lack of any wider impact on the operation of the transmission system in the area, and
 - previous Board decisions in respect of similar requests for pre-application consultation, and in particular a similar proposed development under reference ABP-312013-21,

I consider that the proposed development would not constitute strategic infrastructure. I, thus, conclude that it does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended, necessitating the making of an application directly to the Board.

7.0. Recommendation

7.1. I recommend that Harmony Solar Rathkeale 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 18th April, 2023, 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 Limerick City & County Council.



Kevin Moore


Senior Planning Inspector.

7th June, 2023.

Inspector - Declaration

Having reviewed the case assigned to me, I hereby declare that to the best of my knowledge I am satisfied that I do not have a conflict of interest in relation to this case and I am in compliance with the Board's Code of Conduct.

Name KEVIN MOORE

Signature 

Date 7/6/23

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