



An  
Bord  
Pleanála

## Inspector's Report ABP-318432-23

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<b>Development</b>	Proposed 110kV substation to facilitate connection of the permitted Solar Energy Development on the lands of Tomsallagh, Ferns, Co.Wexford to the National Grid.
<b>Location</b>	Tomsallagh, Ferns, Co.Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	Not applicable
<b>Applicant(s)</b>	Statkraft Ireland
<b>Type of Application</b>	Pre-application consultation under S182E of the 2000 Act
<b>Planning Authority Decision</b>	Not applicable
<b>Date of Site Inspection</b>	29 December 2023
<b>Inspector</b>	David Ryan



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## **1.0 Introduction and Background**

- 1.1. A pre-application consultation meeting was held in respect of a proposed development which involves the development of a substation and grid connection to serve a permitted solar farm at Tomsallagh, Ferns, Co. Wexford. In the meeting (9/1/24) the applicant proposed a 110kV substation and overhead loop-in connection to the existing 110kV overhead line located to the northern area of the proposed substation site, to facilitate the connection of the permitted Tomsallagh Solar Energy Development (PA Reg. Ref. 20171275 & ABP PL26.300427) to the national grid.
- 1.2. The primary purpose of the consultation is to ascertain whether or not the proposed development constitutes strategic infrastructure for the purposes of the Planning and Development Act 2000, as amended. In its letter requesting closure of the pre-application consultation process, dated 17<sup>th</sup> January 2024, the applicant has requested a determination on whether the project is considered to constitute strategic infrastructure development and that an application under S.182A would be appropriate.

## **2.0 Site Location and Description**

- 2.1. The proposed 110kV substation is located within and to the southern area of the permitted solar farm site in a rural area located c.5km south of Ferns and c.4.5km northeast of Enniscorthy. The proposed substation is located in an agricultural field which is served by a farm access lane to its north. An existing 110kV overhead line running southeast-northwest is located to the northern area of the proposed substation site. The proposed overhead loop-in 110kV electrical cable runs from the proposed 110kV substation to the north for c.20 metres and breaks into the existing 110kV overhead line at this location. The western area of the site partially entailing 2 no. fields and the site of the proposed entrance and access road serving the substation adjoins a local rural road with a mature hedgerow along this roadside boundary. 3 no. dwellings are located to the southwest adjacent the site with dwellings also located on the opposite side of the public road. A river is located to the east of the site with the Slaney River Valley SAC (Site Code 000781) c.0.9km southwest of the site. The M11 corridor is situated to the east of the site.

### 3.0 Development

3.1. The proposed development relates to the provision of 110kV substation and the provision of a 110kV overhead loop-in electrical cable connecting the permitted solar farm (PA Reg. Ref. 20171275 & ABP PL26.300427) to the national grid by breaking into the existing 110kV overhead line at the northern area of the proposed substation site. The indicative drawing submitted details a roadside entrance and a 4.5m wide substation access road.

### 4.0 Planning History

4.1. The only relevant planning decision relates to PA Reg. Ref. 20171275 & ABP PL26.300427 – In 2018 a 10-year permission for the construction of a solar farm was granted on a site of 44.56 ha.

### 5.0 Precedent Decisions

5.1. I note the similarities between this project and other examples put before the Board where it has been determined as to whether or not they constitute SID. Precedent cases that are relevant to the current application before the Board are set out in the Table below.

ABP Ref.	Development Description	Decision Date	ABP Decision
313680	Development of 100kV substation and grid connection	2023	Is SID
313352	110kV substation and grid connection cabling	2022	Is SID
313001	110kV substation and underground grid connection.	2022	Is SID
312860	Proposed development of 110kV electrical substation and its grid connection options to the existing transmission network	2022	Is SID
312700	Proposed 110kV loop-in substation, overhead lines to connect to transmission network and underground grid connection to consented solar farm	2022	Is SID

312532	Proposed development of a 110kV on-site 'Loop-In/Loop Out' substation.	2022	Is SID
312249	Development of a 110kV substation and provision of electrical connection to the national grid	2022	Is SID
311904	Proposed new tail-fed 110kV substation and associated works.	2022	Is SID
311778	Provision of a 110kV GIS substation and associated development	2022	Is SID
311403	Proposed development of 110kV infrastructure	2022	Is SID
311204	Proposed 110kV substation	2022	Is SID
311176	Proposed construction of two new 110kV substations and 110kV underground cable connecting both substations	2022	Is SID
311403	Proposed development of 110kV infrastructure	2022	Is SID
311032	Proposed new tail fed 110kV substation and 110kV underground cables	2022	Is SID
312226	Construction of a 110kV substation and underground grid connection.	2022	Is SID

## 6.0 Pre-application Consultation Meeting

- 6.1. A meeting took place on the 9<sup>th</sup> of January 2024. The consultation proposed a 110kV substation and 110kV overhead loop-in electrical cable grid connection to the existing 110kV overhead line at this site location. The purpose of the meeting was to discuss the proposed development and legislative requirements under Section 182A of the P&D Act 2000, as amended.
- 6.2. The applicant contended that the construction of a 110kV substation and 110kV overhead electrical connection linking to an existing 110kV line falls within the scope of Section 182A(1) of the Act, based upon the definition of electricity transmission as set out in Subsection 9 of Section 182A.

## 7.0 Legislative Provisions

### 7.1. Planning and Development Act 2000, as amended

#### Section 2

*Section 2(1) of the Act defines 'strategic infrastructure' as including, inter alia: "any proposed development referred to in section 182A(1)"*

#### Section 182A

*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:

*"... '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

'Transmission' is defined in section 2(1) of the Electricity Regulation Act, 1999, as amended, 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, 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<sup>1</sup>.”

‘Electric plant’ is defined as ‘any plant, apparatus or appliance used for, or for purposes connected with, the generation, transmission, distribution or supply of electricity, other than-

(a) An electric line....’

## 8.0 Assessment

### 8.1. Strategic Infrastructure Development

- 8.1.1. The proposed development comprises of a new 110kV substation and 110kV overhead loop-in electrical cable intended to facilitate the connection of a permitted solar farm development at Tomsallagh to a 110kV overhead line in order to feed into the national grid.
- 8.1.2. The prospective applicant is seeking a determination from the Board as to whether the proposed development is or is not Strategic Infrastructure Development. The prospective applicant contends that it is Strategic Infrastructure Development on the basis that it involves construction of a high voltage line for the purposes of transmitting electricity where the voltage in the cable would be 110 kilovolts or more. In this case the voltage in the cable would be 110 kilovolts.
- 8.1.3. Under section 182A of the PDA an undertaker shall apply to the Board for approval of a development comprising or for the purposes of energy transmission. Section 182A(9) states that ‘transmission’ shall be construed in accordance with section 2(1) of the Electricity Regulation Act 1999 and shall also be construed as meaning inter alia ‘the transport of electricity by means of a high voltage line where the voltage would be 110kV or more’.
- 8.1.4. Section 2(1) of the Electricity Regulation Act defines the transmission system as a system which consists wholly or mainly of high voltage lines and electrical plant for conveying electricity from a generating station to a substation, from one generating

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<sup>1</sup> The Electricity Supply Board

station to another, from one substation to another or to or from any interconnector or to final customers. I consider that the proposed substation constitutes 'electric plant' as defined in relevant legislation.

8.1.5. The proposed substation and overhead loop-in electrical cable would enable the electricity generated by the permitted development to be transformed to a voltage of 110kV for transmission to the national grid. On the basis of the information submitted and discussions held at the pre-application consultation meeting, it is considered that the proposed 110kV substation and 110kV overhead loop-in electrical cable development which will connect into an existing 110kV overhead line constitutes the 'transport of electricity by means of a transmission system' as defined in Section 2(1) of the ERA. The construction of a 110kV substation, breaking into an existing 110kV OHL c.20 metres away by means of a 110kV overhead loop-in cable meets the definition of transmission as set out S182A(9) of the Act and Section 2(1) of the ERA. Under the P&DA 2000 the definition of electricity transmission for SID purposes is a high voltage line of 110kV or greater, as per S.182A(9). Accordingly, I consider the proposed 110kV infrastructure would fall under S182A (1) of the Act and would be deemed to be SID.

8.1.6. I conclude that the proposed development constitutes strategic infrastructure coming within the scope of s.182A of the P&DA 2000 (as amended), therefore necessitating an application to be made directly to the Board.

## 8.2. Prescribed Bodies

8.2.1. In view of the scale, nature and location of the proposed development, as described in this report, it is recommended that the prospective applicant should consult with the prescribed bodies listed in Appendix A in respect of any future application for approval.

## 9.0 Recommendation

I recommend that Statkraft Ireland be informed that the proposed development consisting of a 110kV substation and 110kV overhead loop-in electrical cable to facilitate the connection of the permitted Solar Energy Development at Tomsallagh, Ferns, Co. Wexford as set out in the plans and particulars received by An Bord Pleanála, falls within the scope of section 182A of the Planning and Development



Act, 2000 (as amended), and that any planning application should be made directly to the Board.

## **Appendix A: Prescribed Bodies**

The following is a list of prescribed bodies considered relevant by the Board:

- Minister for Housing, Local Government and Heritage
- Minister for the Environment, Climate and Communications
- Minister of Agriculture Food and the Marine
- Wexford County Council
- An Taisce
- Fáilte Ireland
- Heritage Council
- An Chomhairle Ealaíon
- Irish Water
- Commission for Regulation of Utilities
- Inland Fisheries Ireland
- Health Service Executive
- Office of Public Works
- ESB
- Eirgrid

Further notifications should also be made, where deemed appropriate.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

*David Ryan*

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David Ryan  
Planning Inspector

18th January 2024