



An  
Bord  
Pleanála

## Inspector's Report ABP-318491-23.

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<b>Development</b>	Proposed development of a transformer compound adjacent to the 220kV substation..
<b>Location</b>	Trien Co. Kerry.
<b>Prospective Applicant</b>	Harmony Solar Kilmorna Limited.
<b>Planning Authority</b>	Kerry 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>	3 <sup>rd</sup> January 2024.
<b>Inspector</b>	Sarah Lynch

## **1.0 Introduction**

- 1.1. The Board received a request on the 17<sup>th</sup> November 2023 from Fehily Timoney Consultants on behalf of Harmony Solar Kilmorna Limited to enter into pre-application consultations under Section 182E of the Planning and Development Act 2000, as amended, in relation to a proposed transformer compound and associated works at Trien Co. Kerry.
- 1.2. It is important to note at the outset that the proposed development is associated with a proposed solar photovoltaic (PV) arrays on lands at Knocknacaheragh, Lacka East, Rea, Trien, Pilgrimhill and Shronebeirne Southeast of Listowel Co. Kerry.
- 1.3. The Board's representative met with the prospective applicant and agent on the 18<sup>th</sup> January 2024. The meeting was held virtually. The details of the proposed connection were discussed by the applicant in which it was stated that the permitted solar array will be connected via a 33kV line under/over fence connection into the proposed transformer which will step up the voltage to 110kV which will then feed into the 110kV side of the existing 220kV substation at Trien Co. Kerry.
- 1.4. The prospective applicant requested closure of the pre-application process on the 21<sup>st</sup> April 2023.

## **2.0 Site Location and Description**

- 2.1. The proposed transformer compound will be located adjacent to the existing 220kV substation at Trien Co. Kerry which is set back significantly via a private access from the adjacent public road. The surrounding landscape is agricultural in nature and is currently utilised for tillage and improved grassland. The topography of the lands is rolling and the existing substation is largely out of sight from the surrounding public roads.
- 2.2. The site is accessed from the west via a local road from the R523. The nearest dwelling to the site is c. 341 to the southwest. The site is enclosed by a dense bank of trees and is out of sight from these properties.
- 2.3. Works to this site will approach the existing substation via a local road to the south east and will be significantly removed from the nearest dwellings at this location.

### **3.0 Proposed Development**

3.1. The proposed development consists of:

3.2. 33kV/110kV Transformer compound and over/under fence connection to the adjacent 220kV substation in the townland of Trien Co. Kerry.

- Control module cabin (38m<sup>2</sup>) and associated under ground cabling
- Installation of a 33kV/110kV transformer with associated equipment including:
  - Cable sealing end
  - Surge arrestor
  - Earth disconnect
  - Interface Kiosk
  - Grid Code compliance equipment
  - Current/voltage transformer
  - Circuit breaker
  - Lightening mast
  - Security fencing.

### **4.0 Planning History**

- There is no recently recorded history for the proposed site.

### **5.0 Prospective applicant's case**

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

- It is the prospective applicant's opinion that the proposed development would not constitute Strategic Infrastructure Development as it does not consist of 110kV infrastructure it is merely a transformer to connect a 33kV line to a 110kV side of a 220kV substation.

## 6.0 Legislative Provisions

Under section 182A (1) of the 2000 Act (inserted by section 4 of the 2006 Act) 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 in this section ‘**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.

In 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.

## 6.1. Environmental Impact Assessment

6.1. The proposed development is not of a class specified within Schedule 5 of the Regulations. It does not entail the construction of any overhead power lines, regardless of voltage or length. The proposed connection to the existing Trien 220kV substation would be by way of an underground 33kV cable, and therefore would not come within either of the classes listed below (the class being overhead powerlines, and the threshold being the voltage/length).

- **Schedule 5, Part 1, Class 19:** Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometers.
- **Schedule 5, Part 2, Class 3(b):** Industrial installations for 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, where the voltage would be 200 kilovolts or more.

6.2. As no element of the proposed development falls into a class of development contained in Schedule 5, Parts 1 or 2, I am satisfied that the proposed development does not therefore constitute sub-threshold development and neither a mandatory EIA, nor screening for EIA, is required.

## 7.0 Assessment

7.1. This pre-application consultation concerns the development of a transformer compound adjacent to an existing substation within the townland of Trien. The transformer will enable the connection of a 33kV underground line from the proposed solar farm to the existing 220kV substation by stepping up the 33kV cable to a 110kV cable and directly connect the transformer into the 110kV side of the existing 220kV substation at Trien.

7.2. Section 182A (9) of the Act sets a threshold of 110kV in order for a high voltage electricity transmission line to be considered strategic infrastructure. I note that no threshold is set in respect of a transformer.

7.3. With regard to the electricity transmission line, as mentioned above it is 33kV stepped up to 110kV via the transformer. Transmission via a 33kV line which is less than the

specified 110kV does not fall within the definition of Strategic Infrastructure Development as per Section 182A(9) of the Planning and Development Act, as amended. The proposed development does not therefore constitute Strategic Infrastructure Development.

## 8.0 Recommendation

- 8.1. I recommend that Harmony Solar Kilmorna Limited be informed that the proposed development consisting of a transformer compound connecting a permitted solar farm to the 220kV substation at Trien as set out in the plans and particulars received by An Bord Pleanála on the 17<sup>th</sup> November 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 directly to Kerry County Council.



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Sarah Lynch  
Senior Planning Inspector  
14<sup>th</sup> March 2024