

An  
Bord  
Pleanála

## Inspector's Report ABP-319157-24

<b>Development</b>	Proposed development of an 'under the fence' (UTF) transformer compound associated with a proposed energy storage facility.
<b>Location</b>	Site in the townlands of Ballynahone and Trillick near Buncrana, Co.Donegal.
<b>Planning Authority</b>	Donegal County Council
<b>Type of Application</b>	Pre-application consultation
<b>Prospective Applicant</b>	FuturEnergy Ireland Development DAC
<b>Date of Site Inspection</b>	26 <sup>th</sup> April 2024
<b>Inspector</b>	Donal Donnelly

## **1.0 Introduction**

- 1.1. The Board received a request on 26<sup>th</sup> February 2024 from prospective applicant, FuturEnergy Ireland Development DAC to enter into pre-application consultations under Section 182E of the Planning and Development Act, 2000, as amended in relation to a proposed 'under the fence' (UTF) transformer compound associated with a proposed energy storage facility within the townlands of Ballynahone and Trillick near Buncrana, Co. Donegal.
- 1.2. The primary purpose of the pre-application consultation was to address the issue of whether or not the proposed development constitutes strategic infrastructure for the purposes of the 2000 Act, as amended by the Planning and Development (Strategic Infrastructure) Act, 2006. A pre-application meeting between the Board and the prospective applicant is not considered necessary in this case.
- 1.3. This report provides an overview of the proposed project, as well as details of legislative provisions, and relative precedent. My recommendation is that proposed development does not constitute strategic infrastructure development.

## **2.0 Site Location**

- 2.1. The site of the proposed development is within the townlands of Ballynahone and Trillick in northern Co. Donegal at the south-western side of the Inishowen Peninsula. Buncrana is approximately 2.8km north-west of the subject site.
- 2.2. The surrounding area on the southern slopes of the Owenkillew River valley is upland in character and comprises of agricultural pastures, forestry plantations and peat bogs. Access to the site is via a local road which continues south-west from Buncrana.
- 2.3. The site of the proposed development is within a coniferous forestry plantation. The Trillick 110kV substation is immediately to the west of the subject site. The stated area of the proposed UTF compound is 0.34 hectare.

### **3.0 Proposed Development**

- 3.1. The proposed development comprises the development of an 'under the fence' (UTF) transformer compound for the purposes of enabling the connection of a Long Duration Energy Storage (LDES) facility to the national grid. The pre-application consultation relates to the UTF transformer compound only, as this is the only part of the overall project that includes 110kV electrical infrastructure.
- 3.2. The proposed UTF transformer compound includes power transformers, modular control buildings and all ancillary equipment consisting of the following elements:
- UTF cabling: two 33kV/ 110kV power transformer units with associated electrical primary plant components, which include Cable Sealing End (CSE), Surge Arrestor (SA), Traffic Disconnect / Earth Switch Disconnect (DT/DEM), Combined Current /Voltage Transformer (CT/VT), Circuit Breaker (CB), Lightning Mast (LM), Post Insulator and Busbar.
  - Modular control buildings housing switchgear and control panels and finished in high grade steel (buildings will be 7.63 m (length) x 4.04m (wide) x 4.04m (high) amounting to a total area of 125m<sup>3</sup>).
  - Additional grid code compliance equipment components including back up diesel generators, natural earthing resistor, auxiliary house transformer, interface kiosk and marshalling kiosks.
  - Ancillary details such as lamp standards, fencing, gates, access tracks and drainage.
- 3.3. A single circuit 110 kV underground cable will be fed from the transformer compound to the existing Trillick substation facility, for renewable export onto the grid network.

### **4.0 Planning History**

Donegal County Council Reg. Ref: 18/1230 (ABP-305861-19)

- 4.1. A 10-year permission was granted for a wind energy and grid connection project with a 30-year operational life from the date of commissioning. The proposed wind energy site will be located within the townlands of Carrowmore or Glentogher,

Quigley's Point, Inishowen, Co Donegal and will consist of 6 no. wind turbines with a maximum base to blade tip height of up to 124.9 metres.

- 4.2. The proposed undergrounded grid connection route will facilitate connection to the national grid and will consist of the laying of a 38kv underground electrical cable extending circa. 17,620 metres in length, from the wind energy site control building/electrical compound to the existing ESB owned 110kv Trillick substation, in Ballynahone townland, Buncrana.

An Bord Pleanála Ref: ABP-312659-22

- 4.3. Permission sought for a windfarm development including 15 no. wind turbines, 1 no. 110kV electrical substation, 110kV connection line to Trillick substation and all associated and ancillary works.

## **5.0 Planning Precedent**

An Bord Pleanála Ref: ABP-310672-18

- 5.1. The Board decided that the provision of a 110kV substation and grid connection in Kellistown East, Co. Carlow does not fall within the scope of Section 182A of the Planning and Development Act 2000 (as amended).

- 5.2. The substation and connection to the national grid in this case was to serve a battery storage facility.

An Bord Pleanála Ref: ABP-301675-18

- 5.3. The Board decided that a 110kV substation, grid connection and ancillary development associated with a battery energy storage facility at Millstreet, Co. Cork is not strategic infrastructure.

An Bord Pleanála Ref: ABP-301705-18

- 5.4. The Board decided that a 110 kV substation and grid connection at Cashla, Co. Galway to serve a proposed battery storage facility is not strategic infrastructure.

An Bord Pleanála Ref: ABP-311993-21

- 5.5. The Board decided that an electrical development associated with a proposed Battery Energy Storage System (BESS) and Synchronous Condenser (Sync Con) at

the existing West Offaly Power Station, Shannonbridge, Co. Offaly is not strategic infrastructure development.

An Bord Pleanála Ref: ABP-312013-21

- 5.6. The Board decided that a proposed transformer compound adjacent to the former Lough Ree Power Plant is not strategic infrastructure development.

An Bord Pleanála Ref: ABP-316369-23

- 5.7. The Board decided that a proposed transformer compound adjacent to the existing Rathkeale 110kV substation including 'over the fence' connection was not strategic infrastructure development. The compound would operate as an independent power producer facility which would be linked by underground cable to a proposed solar farm development.

An Bord Pleanála Ref: ABP-318491

- 5.8. The Board decided that the proposed development of a transformer compound adjacent to a 220kV substation at Trien, Co. Kerry is not strategic infrastructure development.

## **6.0 Prospective Applicant's Case**

- 6.1. The prospective applicant's case is that the proposed UTF transformer compound does not constitute Strategic Infrastructure Development (SID) under Section 37A(2) and Section 182A of the Planning and Development Act, 2000 (as amended).

- 6.2. The key elements of the prospective applicant's submission of February 2024 are summarised as follows:

- The transformer compound is a small scale Independent Power Producer facility intended to facilitate an 'under the fence' electrical connection to EirGrid's Trillick substation. It will not form part of the national transmission grid and will not act as a node in the grid. It will connect to an existing node on the grid and will not itself be a node on the grid.
- The proposed development will only serve a single private development and will not serve wider local or regional developments.

- The 110 kV UTF connection to the adjacent 110 kV Trillick substation is only required to step up the 33 kV supply from the LDES Facility.
- Comparable precedent cases considered by An Bord Pleanála involving proposals for 110 kV transformers and other associated infrastructure have been determined not to constitute strategic infrastructure development.
- The proposed UTF Transformer Compound together with the associated generating capacity of the prospective LDES Facility are entirely located within the functional area of Donegal County Council.

## 7.0 Legislative provisions

- 7.1. Section 182A(1) of the Planning and Development Act, 2000 (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 of the development to the Board.
- 7.2. Section 182A(9) of the Act 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.
- 7.3. Section 2(1) of the Electricity Regulation Act, 1999 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."*

7.4. Electric plant is defined as follows:

*“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,*

*(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.*

7.5. 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.”

## 8.0 Assessment

8.1. The proposed development comprises the development of an ‘under the fence’ (UTF) transformer compound, including power transformers, modular control

buildings and all ancillary equipment. The purpose of the proposal is to enable the connection of a proposed Long Duration Energy Storage (LDES) facility to the national grid. The LDES facility is proposed to the east of the 110kV Trillick substation and a single circuit 110kV underground cable will be fed from the transformer compound to the adjacent Trillick substation for the purposes of supporting renewable export to the grid network.

- 8.2. The prospective applicant intends to apply directly to Donegal County Council for permission for the LDES facility and transformer compound in its entirety subject to the Board determining that the proposed development is not classified as strategic infrastructure development. The prospective applicant considers that the proposed transformer compound is not strategic infrastructure development.
- 8.3. In deciding whether or not the proposed transformer compound is or is not strategic infrastructure development, it should be noted that Section 2 of the Planning and Development Act, 2000 (as amended) provides interpretations except where the context requires otherwise. Strategic infrastructure development means *inter alia* (d) any proposed development referred to in Section 182A(1). Under this Section, 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.
- 8.4. Transmission shall also be construed in accordance with Section 2(1) of the Electricity Regulation Act, 1999 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, 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.”* The Board refers to the Electricity Supply Board and the Commission refers to the Commission for Electricity Regulation. EirGrid took over the operation and development of the national grid in 2006.

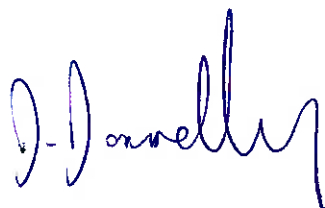


- 8.5. I consider that the proposed transformer compound does not come within the definition of transmission, not being a system which consists, wholly or mainly, of high voltage lines and electrical plant used for the conveying of electricity from a generating station to a substation, from one generating station to another, from one substation to another or from any interconnector or to final customers. The proposed transformer compound is minor in scale and extent and is referred to as an Independent Power Producer (IPP) facility that will only serve a single private development. It does not comprise a substation in its own right and will not alter the nature or function of Trillick substation. The transformer compound will facilitate an 'under the fence' connection to the substation to step up the 33kV supply from the LDES facility. It will therefore connect to an existing node on the grid and will not in itself be a node on the grid.
- 8.5.1. The Board will note previous decisions on pre-application consultation requests in relation to electricity transmission infrastructure under Section 182E where it was determined that transformer compounds, typically related to battery energy storage systems (BESS), are not strategic infrastructure developments. In particular, I note the Board's decision under ABP-311992-21 that electrical development associated with a proposed BESS and synchronous condenser, does not fall within the scope of Section 182A of the Planning and Development Act, 2000 (as amended).
- 8.5.2. Having regard to the nature and scale of the proposed development as described, and to the general description and scale of strategic infrastructure development set out in Section 182A(9) of the Act, I conclude that the proposed development consisting of an 'under the fence' (UTF) transformer compound for the purposes of enabling the connection of a Long Duration Energy Storage (LDES) facility to the national grid does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended.

## **9.0 Recommendation**

- 9.1.1. I recommend that FuturEnergy Ireland Development DAC 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 26<sup>th</sup> February 2024, 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 Donegal County Council.



---

Donal Donnelly  
Senior Planning Inspector

16<sup>th</sup> May 2024