



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319395-24

#### Development

Proposed development of a Transformer Compound enclosing a 110kV electricity transformer and an electrical control building, and approximately 30m of underground cables.

#### Location

In the townland of Moatpark, Ballyragget, County Kilkenny

#### Prospective Applicant(s)

Neoen Renewables Ireland Limited

#### Type of Application

Pre-Application Consultation under S.182E of the Planning and Development Act 2000 (as amended)

#### Planning Authority

Kilkenny County Council

#### Date of Site Inspection

17<sup>th</sup> May 2024

#### Inspector

Laura Finn

## **1. Introduction**

The Board received a request on 25<sup>th</sup> March 2024 from Galetch Energy Services acting on behalf of Neoen Renewables Ireland Limited, to enter into pre-application consultation in relation to a development consisting of a Transformer Compound enclosing a 110kV electricity transformer and an electrical control building and c. 30m of underground electricity cables adjacent to the existing Ballyragget 110kV Electricity Substation in the townland of Moatpark, County Kilkenny.

My assessment of this request for pre-application consultation is considered under Section 182E of the Planning and Development Act 2000, as amended.

A Pre-Application consultation meeting between An Bord Pleanála (the Board) and the prospective applicant was held on 24<sup>th</sup> May 2024.

This report provides an overview of the proposed development, relevant precedents and legislative provisions and recommends that the proposed development does not constitute strategic infrastructure development.

## **2. Site Location**

The proposed Transformer Compound is located in the townland of Moatpark, c. 1km to the northwest of the town of Ballyragget, in the north of County Kilkenny.

The subject site is located on an adjacent site to the west of the existing Ballyragget 110kV electricity substation. The site is described as the Ballyragget Power Reserve Compound in the preliminary site plans which accompanied the request. The River Nore is located c. 300m to the west of the site and St Finnans Cemetery is located to the northeast.

The 110KV electricity substation site is accessed to the west off the R432 road, which is a regional road which runs north-south from the R430 in Abbeylax, County Laois to the N77 in Ballyragget. The proposed Transformer Compound is accessed from an entrance to the west of the site.

The site is located c. 180m from the River Barrow and River Nore SAC, the River Nore SPA and the River Nore/Abbeylax Woods Complex pNHA.

### **3. Description of Proposal**

The proposed development is stated to comprise a Transformer Compound and 'under-the-fence' connection to the existing 110kV substation at Ballyragget. The proposed development consists of the following elements;

- Installation of an electrical transformer to uprate and de-rate electricity being imported/exported to/from the Battery Energy Storage System (BESS). The request documentation states that the BESS is to be applied for in a separate future planning application to Kilkenny County Council (KCC). Since the lodgement of this pre-application consultation request, the applicants have lodged a planning application with KCC for the development of the BESS (Ref 24/60221).
- The construction of a compound (measuring c. 45.1m x 24m) with a hardcore surface enclosed by securing fencing and gates containing a 110kV electricity transformer and associated electrical plant and equipment.
- An electrical control building (GFA, c. 30sqm and a ridge height of up to 4m) containing electrical plant and equipment.
- Approximately 30m of underground electrical cabling to connect the electricity transformer to the existing Ballyragget 110kV electricity substation.

The purpose of the proposed development is to facilitate the planning application to Kilkenny County Council to construct and operate a BESS on lands adjacent to the existing Ballyragget 110kV electricity substation, which will connect to the national electricity grid. The applicant notes that following a technical evaluation, it is determined that the most likely point of connection of the BESS to the grid will be via the existing 110kV substation and that EirGrid will instruct that the BESS connect at a voltage rating of 110kV. As the BESS operates at a medium-voltage, it will be necessary to install an electrical transformer to uprate and derate electricity being imported/exported to/from the BESS.

### **4. Prospective Applicant's Case**

The prospective applicant submits that the proposed development does not constitute strategic infrastructure under section 182A of the Planning and Development Act, as amended because it would not form part of the transmission network at Ballyragget substation.

The Prospective applicant's case can be summarised as follows;

- The prospective development will be for the sole purpose of serving the proposed BESS, will not form part of the transmission network and will not become a node of the transmission network;
- The prospective development is not assessed as being of strategic economic importance to the State or fulfilling objectives of the Southern Regional Assembly *Regional Spatial & Economic Strategy for the Southern Region*, and
- Being located entirely within County Kilkenny, the prospective development will have no effect on adjoining local authorities.
- Proposed development does not constitute SID.

The applicant notes comparable recent cases in relation to similar transformer compounds, electrical apparatus and grid connection infrastructure. These are ABP References ABP-316369-23 & ABP-312013-21.

## **5. Relevant Planning History**

### **5.1 Adjacent Site**

#### **5.1.2 Proposed Battery Energy Storage System (BESS)**

- **Kilkenny File Ref 24/60221** - Submitted to KCC on 17/05/2024. Planning Permission sought for a 10-year planning permission and a 35-year operational life for an energy storage facility comprising (i) energy storage containers installed on concrete plinth foundations; (ii) electrical transformers; (iii) underground electrical and communications cabling; (iv) provision of a new access point from the R432; (v) on-site access track; (vi) security fencing and security gates; (vii) pole-mounted security cameras; (viii) ancillary electrical equipment and storage containers including a staging area; and, (ix) all associated and ancillary site development, drainage, landscaping and reinstatement works. This planning application is accompanied by a Natura Impact Statement. Decision due on 11/07/2024.

## 5.2 Surrounding Area

### 5.2.1 Proposed Farranrory Wind Farm Grid Connection

- **ABP-315045-22 – S182E Pre-Application Consultation** - Submitted to ABP on 28/10/22 for a Proposed Farranrory Wind Farm Grid Connection – 38kV Electrical Connection to the National Grid and all associated works. The development provides an underground cable connection from the 38kV windfarm substation at Farranrory, Co Tipperary to Ballyragget 110kV substation, in Co. Kilkenny, over a distance of 33.4km. ABP confirmed the proposed development does not fall within the scope of S182A of the Planning and Development Act 2000, as amended, and the planning application should be made in the first instance to the relevant planning authorities.
- **Kilkenny County Council Planning File Ref. 21/627 & amendment application 23/60248 (approved 17/01/2024) and Tipperary County Council Planning File Ref. 21/1620 & and amendment application 23/60402 (approved 03/08/2023)** – Planning permission approved for the installation of 33.8km of 38kV underground electrical cabling to connect a 9-Turbine Windfarm at Farranrory in County Tipperary (Consented in Tipperary County Council on the 30<sup>th</sup> March 2021 under planning File Ref. 20/972) to the national grid at Ballyragget substation in County Kilkenny. The applications were accompanied by an EIAR.

### 5.2.2 Ballyragget & Parksgrove Solar PV Farm - Network Connection

- **Kilkenny File Ref. 23/60330** - Planning Permission was approved on 29/02/2024 for the proposed installation of a 33 kV network connection and grid connection to Ballyragget 38kV substation and minor amendments to solar farms comprising c. 57ha in total, previously approved under Planning File Ref 17/669 and 22/126. The solar farms and underground network cable connection is located on lands to the south and southwest of Ballyragget substation.

### 5.2.3 Laois – Kilkenny Reinforcement Project

I note that substantial upgrade works have taken place based on the Eirgrid Transmission Development Plan 2019 – 2021 (TDP). The TDP contains a list of the committed projects as at 01/01/2019. The TDP includes the Ballyragget substation, which is included in the Laois – Kilkenny Reinforcement Project (CP0585) for the reinforcement of the transmission network in the Midlands and South-East Regions including Kildare. The project addresses the regional concerns on the grid to ensure the power system can meet the grids technical standards. In relation to Ballyragget Substation, the projects included in the Laois Kilkenny Reinforcement Project comprise the following;

- A new 110/38 kV substation located next to the existing 38 kV electricity substation at Ballyragget, Co Kilkenny.
- A new 110 kV line between these two new stations at Coolnabacky and Ballyragget.
- An upgrade for the existing Ballyragget-Kilkenny overhead line to become a 110 kV line.

The Ballyragget 110kV Station is fully operational since 2023 and the Ballyragget-Kilkenny Line Uprate was completed in 2023. The Ballyragget-Coolnabacky line is substantially completed<sup>2</sup>. I note that the proposed development does not form part of the Laois Kilkenny Reinforcement Project or any other wider infrastructure development.

## 6. Precedent Decisions

The following table outlines the precedents that the prospective applicant considers to be relevant. I have also included a number of other similar cases for proposed development of transformers and associated infrastructure.

ABP Ref.	Location	Development Description	Decision Date	ABP Decision
316369	Rathkeale, Co. Limerick	Generator Transformer Compound to the adjacent 110kV substation	2023	Not SID
312013	Lanesborough, Co. Longford	Transformer compound adjacent to the former Lough Ree Power Plant	2022	Not SID

<sup>1</sup> [Transmission Development Plan 2019-2028 | Eirgrid](#)

<sup>2</sup> [Laois Kilkenny Reinforcement | Projects | EirGrid](#)

307080	Ringsend, Dublin 4	Electrical development (transformer compound, cable connection and associated development) associated with a proposed Flexible Thermal Generation Facility (FlexGen) and Battery Energy Storage System (BESS), Dublin 4	2020	Not SID
311992	Lough Ree Power Station, Lanesborough, Co. Longford	Electrical development associated with a proposed BESS and Sync Con adjacent to Lough Ree Power Station, Lanesborough (BESS grid connection: 10/33kV grid transformer, surge arresters, current transformers, voltage transformers, HV circuit breaker bay; Sync Con grid connection: new 110/33kV grid transformer; 110 kV underground cables between the proposed BESS and Sync Con development and bays within the 110kV substation)	2022	Not SID
311993	Shannonbridge, Co. Offaly	Electrical development associated with a proposed BESS and Sync Con adjacent to West Offaly Power Station, Shannonbridge, Co. Offaly (BESS grid connection: 10/33kV grid transformer, surge arresters, current transformers, voltage transformers, HV circuit breaker bay; Sync Con grid connection: new 220/33kV grid transformer; 220 kV underground cables between the proposed Sync Con development and a new bay at Shannonbridge 220kV compound)	2022	Not SID
304794	Mullingar, Co. Westmeath	110kV tail-feed substation and underground electricity cable connecting the consented Coole Wind Farm to the national grid at Mullingar substation	2020	Not SID
302647	Glencloosagh, Co. Kerry	110kV/220kV cable and transformer required to facilitate the operation of four proposed rotating stabilisers, Glencloosagh, Co. Kerry	2019	Not SID
301672	Kellistown East, Co. Carlow	10kV transformer and connection to the national grid which will serve as a proposed battery storage facility with a capacity of up to 100MW, Kellistown East, Co. Carlow	2018	Not SID

## 7. Pre-Application Consultation Meetings Held

A pre-application consultation meeting was held on 24<sup>th</sup> May 2024. Full details of the meeting and matters raised are contained in the Board's Record.

At the pre-application consultation meeting the prospective applicants advised of the following:

- The applicants have recently lodged a planning application with Kilkenny County Council for the development of an energy storage facility and ancillary infrastructure (Ref 24/60221). The proposed transformer compound will contain electrical equipment to connect the energy storage system to the existing 110kV electricity substation.
- The applicants clarified that the proposed development is not connected to any project and its main function is to store any excess electricity that's coming off the national grid.
- The applicants provided reference numbers for similar developments which were not deemed by the Board to fall within the scope of Section 182A including ABP Ref – ABP-316369-23.

## **8. Legislation**

### **8.1 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.”*

## **8.2 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.”*

## **9. Assessment**

The proposed development consists of the construction of a transformer compound, electrical control building and underground cabling.

The prospective applicant has applied for planning permission from Kilkenny County Council to construct and operate a Battery Energy Storage System (BESS) on lands adjacent to the existing Ballyragget 110kV electricity substation.

Based on the applicant's technical advice, it is determined that the BESS will connect to the national electricity network through the Ballyragget 110kV substation and that Eirgrid will likely instruct that the BESS connect at a voltage rating of 110kV.

A 110kV electricity transformer is required to uprate and de-rate electricity being imported/exported to/from the future BESS, which will operate at medium-voltage.

Based on the information contained in the prospective applicants cover letter, it is clear to me that Ballyragget 110kV substation can be considered to form part of the electricity transmission system for the purposes of the Planning Act.

As detailed in Section 5.2.3 of this report, I note that the proposed development of the transformer compound does not form part of the Laois Kilkenny Reinforcement Project or any other wider infrastructure development.

The proposed development is minor in scale and extent. It is not a substation and does not alter the function or nature of Ballyragget substation. Rather, the proposed transformer compound comprises what is referred to as an Independent Power Producer (IPP) facility. These facilities typically adjoin EirGrid-operated transmission infrastructure when new substations are proposed as part of a solar farm or wind energy development. I acknowledge the proposed development would only serve to facilitate a future planning application to Kilkenny County Council to construct and operate a BESS on lands adjacent to the existing Ballyragget 110kV electricity substation, which will connect to the national electricity grid. Furthermore, the proposed development would have no function relating to the operation of the transmission network.

I note the Board has previously determined requests for pre-application consultation in relation to proposed transformers related to BESS facilities. In particular, I note the Board's determination in case ABP-311992-21 at Lough Ree Power Station lands, which relates to this type of project. I also note Board Reference ABP-312013-21, which relates to a proposed development consisting 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 and Development Act and consequently that a planning application should be made in the first instance to the local planning authority.

What is proposed in this instance is a transformer compound, or IPP facility, to facilitate an application to Kilkenny County Council for a BESS to step up the voltage of the power generated by the BESS to 110kV for export to the grid via Ballyragget substation.

I consider that the proposed development does not satisfy the criteria to constitute 'transmission' as defined in the Planning and Development Act 2000 (as amended) and Electricity Regulation Act 1999. It does not constitute a substation and the incoming voltage from the BESS will be a medium voltage (i.e. not high voltage). The proposed development will step this up to 110kV by means of a transformer and will utilise a cable connection to provide an 'under the fence' connection to the transmission system substation. In my opinion, this is the point at which the power generated by the BESS would enter the transmission system. Such an interpretation

would be consistent with recent Board determinations, such as ABP-316369-23<sup>3</sup>, ABP-312013-21<sup>4</sup>, ABP-311992-21<sup>5</sup> and ABP-307080-20<sup>6</sup>, which were deemed not to fall within the scope of s.182A of the Act.

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 BESS to the Ballyragget 110kV substation;
- The failure to satisfy the relevant criteria to constitute transmission as specified under the relevant legislation;
- The lack of wider impact on the operation of the transmission system in the area;
- Previous Board decisions in respect of similar requests for pre-application consultation, particularly references ABP-316369-23 and ABP-312013-21.

I consider that the proposed development would not constitute strategic infrastructure. I conclude, therefore that the proposed development does not fall within the scope of s. 182A of the Planning and Development Act 2000, as amended, and that a planning application should be made in the first instance to Kilkenny County Council.

## **10. Recommendation**

I recommend that Neoen Renewables Ireland 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 25<sup>th</sup> March 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 Kilkenny County Council.

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<sup>3</sup> [316369](#) | An Bord Pleanála ([pleanala.ie](#))

<sup>4</sup> [312013](#) | An Bord Pleanála ([pleanala.ie](#))

<sup>5</sup> [311992](#) | An Bord Pleanála ([pleanala.ie](#))

<sup>6</sup> [307080](#) | An Bord Pleanála ([pleanala.ie](#))

### **Professional Declaration**

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.



Laura Finn

Planning Inspector

3<sup>rd</sup> July 2024