



An
Bord
Pleanála

Inspector's Report ABP-319546-24

Development

Proposed development of a Battery Energy Storage System and associated 110kV/220kV grid connection

Location

Within the townland of Logdewood, Co. Wexford.

Prospective Applicant

Carney Stability Ltd

Planning Authority

Wexford County Council

Type of Application

Pre-Application consultation under Section 182E of the Planning and Development Act 2000, as amended.

Date of Site Inspection

20th June 2024.

Inspector

Barry O'Donnell

1.0 Introduction

- 1.1. The Board received a request on 18th April 2024 from Carney Stability Ltd to enter into pre-application consultations under Section 182E of the Planning and Development Act 2000, as amended, in relation to a proposed Battery Energy Storage Facility (BESS) and associated 110kV electrical cable connection to the existing ESB Lodgewood 220kV/110kV substation. The site is located in the townland of Lodgewood, approx. 5km south of Ferns, in County Wexford.
- 1.2. A pre-application meeting was held between the Board's representatives and the prospective applicant on 11th July 2024, the purpose of which was outline details of the proposed development and address whether the proposed development constitutes Strategic Infrastructure in accordance with the meaning provided by the Planning and Development Act, 2000, as amended. Consideration was also given to issues relating to the proper planning and sustainable development of the area that may have a bearing on the Board's decision on any future application. Following this meeting, the prospective applicant formally requested closure of the pre-application process in correspondence received by the Board on 1st September 2024.
- 1.3. This report provides an overview of the proposed development and a summary of the pre-application meeting, including advice provided by the Board's representatives, and relevant legislative provisions.

2.0 Site Location and Description

- 2.1. The subject site is located in the townland of Lodgewood, approx. 2km west of Ferns, in County Wexford. The site is greenfield in nature and forms part of the patchwork of agricultural lands that form the local landscape. It is not directly accessible from a public road currently but, is accessible via a farm track to the east that is itself accessed from the L5130 local road.
- 2.2. The site is enclosed on all sides by established vegetation. The shared boundary with the Lodgewood 220kV/110kV substation site in particular comprises a thick band of mature trees and hedgerow that provides a strong visual barrier between the sites.

3.0 Proposed Development

- 3.1. The proposed development comprises a BESS, associated operations and electrical compound and underground cable connection to the existing ESB Lodgewood 220kV/110kV substation. The prospective applicant advised at the pre-application meeting that the BESS facility will be contained within 7-9 main block groupings that will have potential storage capacity of between c.120-200MW. The layout drawing provided with the pre-application submission identifies that the BESS will occupy the majority of the site and that a substation compound will be provided in the south-west corner. A substation layout drawing provided following the pre-application meeting identifies that it will contain an operations compound, which will house a switch gear room; control and meeting room and other offices and facilities, and a high-voltage electrical compound.
- 3.2. The initial pre-application submission documents outlined that the BESS would be connected to the grid by a 110kV underground cable between the Lodgewood substation and a new 33kV IPP substation and transformer, however; the applicant clarified at the pre-application meeting that the grid connection will be made via either 220kV or 110kV cable and an indicative layout drawing was provided to demonstrate the potential cable routes.
- 3.3. The prospective applicant advised the Board's representatives at the pre-application meeting that they intend to seek design flexibility in relation to the exact layout, the number of battery units to be provided and the export/import voltage level.

4.0 Planning History

20221309: Permission granted to Lodgewood Solar Farm Limited for a solar farm development on a site of c.108ha on lands in the townlands of Ballycarney, Ballylough, Coolbaun, Crory, Lodgewood, Scarawalsh, Tincurry and Tombrackwood.

Other recent permissions in the area include:

20231025: Permission granted to Lodgewood Solar Farm Limited for a solar farm development on a site of c.55ha on lands in the townlands of Ballylough, Coolbaun, Crory, Lodgewood, Scarawalsh and Tincurry.

ABP-318528-23: The Board granted permission on 4th June 2024 for a 110kV AIS Single Bay Tail-Fed electricity substation (with 33kV customer compound) and associated grid connection and site works, on lands immediately south of the pre-application site.

4.1. **Relevant Precedent Cases**

- 4.1.1. There are a number of historic S182(A) pre-application submissions concerning proposed BESS facilities. Examples include:

ABP Ref. No.	Location	Development Description	Decision Date	Decision
ABP-319771-24	Co. Roscommon	Proposed BESS, 110kV substation and associated grid connection	2024	Substation and grid connection are SID. The BESS is not SID.
ABP-319241-24	Co. Cork	Proposed BESS and associated grid connection	2024	Not SID
ABP-319395-24	Co. Kilkenny	Proposed development of a Transformer Compound enclosing a 110kV electricity transformer and an electrical control building, and approximately 30m of underground cables.	2024	Not SID
ABP-319398-24	Co. Galway	Proposed development of a transformer compound associated with permitted Tuam Energy Park (Solar Farm), adjacent to the existing Cloon 110kv Substation.	2024	Not SID
ABP-319157-24	Co. Donegal	Proposed development of an 'under the fence' (UTF) transformer compound associated with a proposed Energy Storage Facility	2024	Not SID
ABP-318491-23	Co. Kerry	Proposed development of a transformer compound adjacent to the 220kV substation.	2024	Not SID
ABP-318011-23	Co. Wexford	BESS, 110kV substation and 110kV Underground Grid Connection to existing Great Island Eirgrid Substation and all associated site works	2023	Substation and grid connection are SID. The BESS is not SID.
ABP-316011-23	Co. Mayo	Proposed synchronous condenser development and connection to the	2023	Not SID

		Srahnakilly 110 kV substation, via a 110kV underground cable.		
ABP-315859-23	Co. Cork	Proposed grid stability service development comprising synchronous condenser compound and 110kV underground electricity connection cabling to Clashavoon 220kV substation.	2023	Not SID
ABP-311993-21	Co. Offaly	Electrical development associated with a proposed BESS and Synchronous Condenser	2022	Not SID
ABP-311992-21	Co. Longford	Electrical development associated with a proposed BESS and Synchronous Condenser	2022	Not SID
ABP-307081-20	Dublin 4	An electrical development associated with a proposed flexible thermal generation facility (FlexGen) and BESS.	2020	Not SID
ABP-307080-20	Dublin 4	Electrical development associated with a proposed Flexible Thermal Generation Facility (FlexGen) and BESS.	2020	Not SID
ABP-302647-18	Co. Kerry	110kV/220kV cable and transformer required to facilitate the operation of four proposed rotating stabilisers on a site of approximately 0.25 hectares.	2019	Not SID
ABP-301705-18	Co. Galway	100MW BESS.	2018	Not SID
ABP-301675-18	Co. Cork	BESS, 110kV substation and associated development.	2018	Not SID
ABP-301672-18	Co. Carlow	110kV transformer and connection to the national grid which will serve as a proposed BESS with a capacity of up to 100MW.	2018	Not SID
ABP-301236-18	Dublin 2	Provision of a BESS.	2018	Not SID
ABP-301206-18	Co. Waterford	Solar farm and BESS with an associated 110kV substation	2019	Substation and cables are SID. Solar farm and BESS are not SID.
ABP-301173-18	Co. Cork	Proposed BESS and 110kV electrical substation	2018	Not SID

5.0 Prospective Applicant's Case

- 5.1. The pre-application submission describes the proposal, outlining that the BESS comprises support system services to the grid operator, by acting as a power reserve in circumstances where there is either too little or too much power on the system, by facilitating the transfer of energy to/from the grid. The transfer of energy will be facilitated by an underground cable with an operating voltage of either 110kV or 220kV, which runs between the Lodgewood 220/110kV substation and the new substation to be provided as part of the development.
- 5.2. The initial supporting letter dated 18th April 2024 did not offer an opinion as to whether the prospective applicant considers the development to fall within the scope of S182A of the Act, however; the presentation document discussed at the pre-application meeting offers the view that the proposed substation and underground cable connection fall within the scope of S182A. The issue was discussed at length at the pre-application meeting.

6.0 Pre-application Consultation

- 6.1. One pre-application meeting was held with the prospective applicant, on 11th July 2024, minutes of which are attached to the file. A presentation was made to the Board's representatives at this meeting, which is also attached to the file.
- 6.2. The meeting's Chair outlined the general procedures in relation to the pre-application consultation process, following which the prospective applicant outlined the background to the project and provided a description of the proposed development.
- 6.3. Matters discussed at the meeting included: -
 - Strategic Infrastructure
 - The Board's representatives advised the prospective applicant that the Board has determined on a number of occasions that BESS facilities do not fall within the scope of S182A of the Act and that the question of whether a proposed substation element falls within the scope of S182A will likely fall to be determined on whether the substation becomes part of the transmission network.

- The prospective applicant clarified the nature of substation compound, advising that it is not a typical substation layout, with all electrical equipment up to the point at which the cable leaves the compound being retained in the prospective applicant's ownership. The Board's representatives acknowledged the novel nature of the electrical compound and further acknowledged that such arrangements present a degree of uncertainty as to the Strategic Infrastructure status, as they are not directly addressed under the legislation.
- Environmental Impact Assessment
 - The applicant was advised to clarify the linear length of farm track to be updated and its proposed composition, in the context of the applicable EIA threshold set out in Class 10(dd) of Part 2, Schedule 5 of the Regulations.
 - The applicant was advised to clarify the extent of hedgerow clearance required and whether land recontouring is required, in the context of the applicable EIA 'Rural Restructuring' class contained within S.I. 383/22. The Board's representatives promoted the retention of hedgerow where possible, in particular in relation to the location of the proposed site access.
- Appropriate Assessment
 - The applicant was advised of the likely requirement for a Natura Impact Statement to accompany any application, as there is a direct hydrological connection between the subject site and the Slaney River Valley SAC, which the proposed underground cable route crosses.
- Given the archaeological heritage of the area, the Board's representatives advised that an archaeological assessment would be required as part of the application.
- The Board's representatives advised that a landscape and visual assessment, including a detailed cumulative impact assessment and CGIs, would be required as part of any application.
- The Board's representatives advised the prospective applicant to engage with the local roads authority in relation to required sightlines from the proposed site access along the L5130.

7.0 Legislative Provisions

7.1. Planning and Development Act, 2000, as amended

7.1.1. Under section 182A (1) of the Planning and Development Act (the Act) where a person, (hereafter 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.

7.1.2. Section 182A (9) defines 'transmission' as follows: -

'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.'

7.2. Electricity Regulation Act, 1999

7.2.1. Section 2(1) provides the following definitions: -

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 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: '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: ‘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.’

Electric Line: ‘any line which is used solely or among other things for carrying electricity for any purpose and includes—

(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 any such line for the purpose of carrying electricity or other services, and

(c) any wire, cable, tube, pipe or similar thing (including its casing or coating) 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. As I have set out already, the definition of ‘strategic infrastructure’ includes development comprising or for the purposes of electricity ‘transmission’, with transmission defined as either:

- The transport of electricity by means of a high voltage line of 110 kV or more, or an interconnector.
- The transport of electricity by means of a transmission system (a system of high voltage lines and electric plant 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, including interconnectors but excluding distribution system lines).

8.2. From the information before me, I am satisfied that the existing Lodgewood 220kV/110kV substation comprises part of the electricity transmission system for the purposes of the 2000 Act.

8.3. Regarding the primary element of the development, the BESS, I am satisfied that this does not fall within the definition of ‘transmission’, within the meaning provided at

Section 182A (9) of the Act, which is to say it is not a system 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. Further, a BESS is not a class of development set out at Schedule 7 of the Act, for the purposes of Section 37A of the Act. This position is consistent with recent Board determinations on similar cases.

- 8.4. The proposed means of connecting the BESS facility to the Lodgewood substation is via a transformer compound and under-the-fence cable connection. The pre-application cover letter states that the substation will operate at a voltage of 33kV, with an associated 110kV/33kV transformer used to step up or down power as it comes from or is transferred to the Lodgewood substation. This position was, however, updated at the pre-planning meeting, where the prospective applicant outlined that the substation would operate at a voltage of 110kV and that the underground cable will incorporate an operational voltage of either 110kV or 220kV.
- 8.5. The Board will note that Section 182A (9) of the Act sets a threshold of 110kV, in order for a high-voltage transmission line to be considered strategic infrastructure, for its purposes. The Act provides no such threshold for a proposed substation.
- 8.6. The issue of the grid connection was discussed at length at the pre-application meeting, where the prospective applicant outlined that the proposed substation does not have a typical substation layout, in that all electrical equipment up to the point at which the cable leaves the compound will be retained in Independent Power Producer (IPP) ownership. A further drawing was provided, after the pre-application meeting, which further clarifies the layout of the compound and which shows that only the final section of the compound, where the cables leave the compound, will be vested in the control of the Transmission Services Operator (TSO).
- 8.7. Having considered the issue, in particular the additional drawing provided, I note that there is no separate Eirgrid compound within the proposed BESS electrical compound, as would normally be the case with a substation. I am satisfied that the BESS facility and its associated electrical compound and cabling will essentially operate as an ancillary element to the adjacent existing substation, absorbing, storing and releasing electricity to the national grid. I do not consider that electricity will be transported in any meaningful sense and, as such, I consider that the

proposed electrical compound and associated cabling do not come within the definition of transmission, which I have previously outlined above. Further, the proposed electrical compound is relatively minor in scale and extent and is an IPP facility that will only serve the proposed BESS facility. It does not comprise a substation in its own right and will not alter the nature or function of Lodgewood substation. It will simply facilitate an under the fence connection to the existing substation to step up/down the voltage between the BESS facility and the substation.

8.8. As outlined above, the Board has determined a considerable number of requests for pre-application consultation in relation to the installation of BESS facilities, electrical/transformer compounds and other ancillary grid support services at or in the vicinity of existing substations. In particular, I note the recent cases ABP-319395-24, ABP-319398-24 and ABP-319157-24, which related to transformer compounds, and ABP-319241-24, which related to a proposed BESS and associated transformer compound. The Board has consistently concluded in these, and other similar cases, that the proposed development did not fall within the scope of section 182A of the 2000 Act, as amended, and consequently that planning applications should be made in the first instance to the local planning authority.

8.9. Having regard to the purpose, nature and scale of the proposed development, the failure to satisfy the relevant criteria to constitute transmission as defined in the 1999 Act and the 2000 Act, and noting previous determinations by the Board in respect of similar requests for pre-application consultation, I conclude that the proposed development would 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 to Wexford County Council in the first instance.

9.0 Recommendation

9.1. I recommend that the prospective applicant, Carney Stability Ltd, be informed that the proposed development, consisting of the development of a Battery Energy Storage System, electrical compound and connection to the adjacent Lodgewood 220kV/110kV substation and associated development, in the townland of Lodgewood, Co. Wexford, as set out in the plans and particulars received by An Bord Pleanála on the 18th April 2024, does not fall within the scope of section 182A

of the Planning and Development Act 2000, as amended, and that the planning application should be made to Wexford County Council in the first instance.

- 9.2. 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.



Barry O'Donnell
Senior Planning Inspector

1st October 2024.