



An  
Bord  
Pleanála

## Inspector's Report ABP 319735-24

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<b>Development</b>	110kV/38kV/MV Electrical substation and associated development.
<b>Location</b>	Donore Road, Drogheda, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Prospective Applicant</b>	ESB
<b>Type of Application</b>	Pre-Application Consultation under Section 182E of the Planning & Development Act 2000, as amended.
<b>Inspector</b>	Pauline Fitzpatrick
<b>Date of Site Inspection</b>	03/07/24

## **1.0 Introduction**

- 1.1. The Board received a request on 16<sup>th</sup> May 2024 from ESB to enter into pre-application consultations under section 182E of the Planning and Development Act 2000, as amended, in relation to a 110kV/38kV/MV electrical substation and associated development at Donore Road, Drogheda, Co. Meath.

## **2.0 Site Location**

The site, which has an approx. area of 1.6 hectares, is accessed via the IDA Business and Technology Park off Donore Road to the west of Drogheda. The site is immediately north of Drogheda College. An Amazon data centre is also within the technology park. The site slopes down from south to north with housing estates c. 250 metres to the north and east. The lands to the west are undeveloped. The Oldbridge 110kV substation which serves the data centre is approx. 80 metres to the south-west. The M1 is located approx. 400 metres to the west with the Meath/Louth county border approx. 300 metres to the east.

## **3.0 Proposed development**

The proposed development entails a new 110kV/38kV/MV substation within a compound of approx. 5625 sq.m. It is to consist of:

- 110kV indoor GIS C-type busbar
- 2 x 63MVA transformers
- 3 x 125ASCs
- 38kV GIS indoor busbar
- 2 x 15 MVA 38kV/MV transformers
- MV GIS busbar

It is to be connected to the Oldbridge substation by a c.150 metre underground cable and is to be tail fed from same.

## 4.0 Relevant Planning History

**ABP 308628 – 20** 110kV substation and associated development approved by the Board on 28/04/21. The substation is completed and connects into the overhead 110kV transmission line. It is known as the Oldbridge 110kV substation and currently serves the adjoining Amazon data centre.

**22/162** – permission granted August 2022 for lighting and an external access ladder within the substation compound.

## 5.0 Prospective applicant's case

- The purpose of the proposed substation is to add capacity and improve the distribution security of supply for the greater Drogheda area. At present Drybridge 110kV substation is the main source of supply to all 38kV stations. There is no available capacity for future growth on the 110kV station transformers to meet an increase of load growth in the greater Drogheda area.
- The substation will transform power down from 110kV to 38kV so that it can be distributed to customers at this lower voltage. The proposal would form part of the distribution rather than the transmission infrastructure. The purpose of the substation is not to divert power in and out of the substation but to take power in a one-way direction from the passing 110kV transmission line indirectly via the Oldbridge 110kV substation and divert it into the lower voltage 38kV network so it can be distributed to customers. It will not function as part of the national grid or act as a new node on the system. It will be the primary distribution substation for the urban and suburban areas of Drogheda Town.
- It is also essential that load is taken off the 38kV town loop. The proposed 110kV/38kV station would provide this solution.
- Eirgrid has provided advice to An Bord Pleanala on previous occasions that tail fed development would not function as part of the national grid despite the voltage of such being 110kV.

- Having regard to the nature and scale of the proposed development, to the stated purpose of the 2006 Act as set out in the long title and to the general description and scale of strategic infrastructure development as set out in section 37A(2), it is considered that the proposed development does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended, and is not strategic infrastructure.

## **6.0 Pre-Application Consultations**

6.1. Pre-Application Consultations took place between the Board and the prospective applicant on 4<sup>th</sup> July, 2024. The issues discussed pertained to:

- Customer connection between existing and proposed substations,
- Type of connection between existing and proposed substations,
- Layout and purpose of equipment within the substation,
- Responsibility for operation of the substation,
- Definitions of transmission and distribution with reference to the Planning and Development Act 2000, as amended, and Electricity Regulation Act, 1999, as amended,
- Issues to be addressed should an application be made including access and traffic, proximity to residential development, visual impact and appropriate assessment considerations.

6.2. The applicant requested closure of the pre-application consultations in a letter dated 24<sup>th</sup> July, 2024.

## **7.0 Legislative Provisions**

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

**Section 2 (1)** defines strategic infrastructure as including inter alia:

“any proposed development referred to in section 182A(1)”

**Section 182A (1)** 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.

**Section 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.

**Section 182E(1)** provides that a prospective applicant who proposes to apply for approval under section 182B or 182D shall, before making the application, enter into consultations with the Board in relation to the proposed development.

## **7.2 Electricity Regulation Act, 1999,**

### **Section 2(1) - definitions**

**"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

## **8.0 Assessment**

The proposed development comprises a new 110kV/38kV/MV substation which is to connect to the nearby Oldbridge 110kV substation via an underground 110kV cable c. 150 metres in length. The applicant is of the opinion that the proposal does not constitute strategic infrastructure in that it would form part of the distribution rather than the transmission infrastructure and is required to add capacity and improve distribution of supply to the surrounding area. It states that the purpose of the substation is not to divert power in and out of the substation but to take power in a one-way direction from the passing 110kV transmission line indirectly via the Oldbridge 110kV substation and divert it into the lower voltage 38kV network so it can be distributed to customers. It will not function as part of the national grid or act as a new node on the system. The prospective applicant refers to the differentiation made between transmission and distribution in the Electricity Regulations Act, 1999. It also confirmed at the pre-application consultation meeting that it will be the substation operator.

Whilst the Board has determined a considerable number of requests for pre-application consultation in relation to proposed electrical infrastructure both with respect to power lines and substations I have not been able to identify a comparable development to that proposed and the prospective applicant was not able to advise of same.

Section 2(1) of the 1999 Electricity Act defines transmission 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” [emphasis added].

I consider that the definition of transmission in the Planning Act is broader than that contained in the Electricity Act. Section 182A (9) of the Planning Act states that ‘transmission’ shall be construed in accordance with section 2(1) of the Electricity Act but, for the purposes of the section, shall also be construed as meaning the transport of electricity by means of a high voltage line where the voltage would be 110kV or more.

Since the planning definition of ‘transmission’ incorporates both the electricity regulation definition and the transport of electricity by means of a high voltage line, it is possible, therefore, for a proposed development to comprise ‘transmission’ under the provisions of the Planning Act but not comprise ‘transmission’ under the provisions of the Electricity Act.

I submit that the categorisation and definition of the proposed development in the context of the provisions of section 182A of the Planning Act, is the key determinant in this case, notwithstanding the definitions in the Electricity Act. In this context I consider that the reference in section 182A of the Planning Act to ‘development comprising or for the purposes of electricity transmission’ relates to the broader planning definition of transmission. On this basis I am satisfied that the proposed development entails the transport of electricity by means of 110kV high voltage lines (underground cables in this instance).

I note that the applicant makes reference to the fact that the Board has previously concluded that tail-fed substations did not constitute SID. While the conclusions and determinations reached by the Board in these cases are fully acknowledged the Board should note that these are relatively older cases. In more recent cases determined by the Board, there appears to be unanimity and consistency that both tail-fed and loop in/loop out substations fall within the scope of transmission and therefore fall within the scope of section 182A of the Planning Act.

I am therefore satisfied that the proposed 110kV/38kV/MV substation and 110kV cable connection to the Oldbridge 110kV substation is development comprising or for the purposes of electricity transmission, having regard to the definition set out in section 182 (9) of the Planning and Development Act, 2000, as amended, that the

proposed development falls within the scope of section 182A and, therefore, constitutes Strategic Infrastructure Development.

Whilst I note that the substation is to contain 38kV and MV apparatus to allow for a step down to allow for distribution to customers I consider it to be interconnected with the 110kV infrastructure and, accordingly, should also be considered within any future planning application.

The prospective applicant in its submission noted that in previous cases the Board has also given consideration as to whether or not a development in question is of strategic national importance with reference made to section 37A(2) of the Planning Act. It considers that having regard to the nature and scale of the proposed development as described, to the stated purpose of the 2006 Act as set out in the long title, and to the general description and scale of strategic infrastructure set out in section 37A(2) the proposed development does not fall within the scope of section 182A of the Planning and Development Act, 2000, as amended.

In relation to considerations of the scale and strategic importance of works, section 182A differs from section 37A of the Planning and Development Act, 2000, as amended. Section 37A requires that qualifying works must be of a certain scheduled size/scale<sup>1</sup> as well as being at least one of the following:

- Strategic/social importance to the state,
- Make a substantial contribution to the fulfilment of NPF/RSES objectives, or
- Have a significant effect on the area of more than one local authority.

Section 182A relating to electrical works expressly does not provide any reference to size/scale threshold of works (beyond stating the works must relate to transmission, transport of energy at 110kV or more). Beyond this criteria no other thresholds are set out in terms of size, scale or extent of impacts of the works. Therefore I am of the view that the scale/extent of works does not have any relevance to the determination of what are qualifying works under Section 182A once the works constitute high voltage (110kV or above) in terms of electricity transport.

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<sup>1</sup> Section 37A(1) of the Planning and Development Act, 2000, as amended refers, i.e. 7<sup>th</sup> Schedule development.



## **Prescribed Bodies**

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 the attached appendix in respect of any future application for approval.

## **9.0 Recommendation**

I recommend that Electricity Supply Board be informed that the proposed development consisting of a 110kV/38kV/MV Electrical substation and associated development at Donore Road, Drogheda, Co. Meath, to connect to Oldbridge 110kV substation via 110kV underground cables, 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 a planning application should be made directly to the Board.

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.



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**Pauline Fitzpatrick**

**Senior Planning Inspector**



**August, 2024**

## **Prescribed Bodies**

The following is a schedule of prescribed bodies considered relevant for the purposes of Section 37E (3) (c) of the Principal Act.

- Minister for Housing, Local Government and Heritage.
- Minister for the Environment, Climate and Communications.
- Meath County Council
- Louth County Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- The Heritage Council
- Uisce Éireann
- Health Service Executive
- Commission for the Regulation of Utilities
- Eirgrid

Further notifications should also be made, where deemed appropriate.