

An
Bord
Pleanála

Inspector's Report ABP-319771-24

Development	Battery Energy Storage System & 110KV Substation and Associated Grid Connection to the Adjacent 220KV Flagford Substation
Location	Lands at Culleenatreen or Flagford, Co. Roscommon
Planning Authority	Roscommon County Council
Type of Application	Pre-application consultation under section 182E of the Planning and Development Act 2000, as amended
Prospective Applicant	Kinbrace Limited
Inspector	Niall Haverty

1.0 Introduction

- 1.1. The Board received a request on 17th May 2024 from the prospective applicant, Kinbrace Limited, to enter into pre-application consultations under Section 182E of the Planning and Development Act, 2000, as amended ('2000 Act'), in relation to the proposed development of a Battery Energy Storage System (BESS) and 110kV substation and associated grid connection to the adjacent 220kV Flagford substation on lands at Culleenatreen or Flagford, Co. Roscommon.
- 1.2. The primary purpose of the pre-application consultation is to address the issue of whether or not the proposed development constitutes strategic infrastructure for the purposes of the 2000 Act.
- 1.3. One pre-application consultation meeting was held with the prospective applicant on 25th July 2024¹. A letter requesting closure of the consultation process was received on the 30th August 2024.
- 1.4. This report provides an overview of the proposed development, as well as details of legislative provisions, and relevant precedent. My recommendation is that the BESS element does not constitute strategic infrastructure development but that the 110kV substation and associated 110kV cable connection to the Flagford substation does constitute strategic infrastructure development.

2.0 Site Location

- 2.1. The site of the proposed development is within the townland of Culleenatreen or Flagford in Co. Roscommon, to the north of the existing Flagford 220kV substation.
- 2.2. The site comprises agricultural grassland and is bounded by a local road to the south and a watercourse to the north, with a small number of one-off dwellings in the surrounding area. The nearest large settlement is Carrick-on-Shannon, located c. 5km to the north east via the R368 Regional Road.

¹ As the prospective applicant had submitted a separate request for pre-application consultation in respect of a similar form of development at Caherdowney, Ballyvouskill, Co. Cork (Ref. ABP-319241-24), where their opinion regarding the SID status varied, a joint meeting was held to discuss the two projects. Separate meeting records and Inspector's Reports have been prepared for each case.

3.0 Proposed Development

3.1. The proposed development is stated to provide grid stability services to the national grid. The overall development, which it is stated can be regarded as an Independent Power Producer (IPP) facility, comprises a transformer compound with all associated infrastructure and works, 18 No. rechargeable battery (BESS) units contained within 20ft containers and associated development, including the provision of unit transformers, a transformer compound and all associated infrastructure and works, security fencing and new vehicular access. The IPP facility would be connected to the adjacent Flagford 220kv ESB Substation via underground cable.

3.2. More particularly, the proposed development as described in the cover letter comprises:

- A transformer compound and all associated infrastructure and works, comprising a 110kV 'tail-fed' substation and associated electrical cabling and ducting works facilitating the connection of the transformer compound to the adjacent existing 220kV Flagford substation.
- Up to 18 No. BESS units comprising of battery cells within modules and ancillary equipment (there are 4 No. 20ft BESS containers within each 'BESS unit').
- Individual unit transformer at each BESS unit with additional associated equipment.
- Control room building housing switch gear and other electrical control equipment and associated works.
- New vehicular entrance, internal access tracks and hardstanding areas.
- Temporary site welfare compound and all associated works.
- All associated site development, lighting, landscaping, security fencing, boundary treatment works and ancillary infrastructure.

4.0 Prospective Applicant's Case

4.1. The prospective applicant's case, as outlined in the cover letter submitted on their behalf by Tom Phillips + Associates, can be summarised as follows:

- Proposed IPP facility will comprise a new 110kV substation, 18 No. BESS units and associated electrical infrastructure to connect to the grid by 110kV underground cable. In effect, the proposed development, including the 110kV substation, will comprise part of EirGrid's 110kV transmission network and represents a node on the national grid.
- There is substantial planning precedence that new developments, including 110kV tail-fed substations, fall within the scope of SID (315972, 313676, 311403, 313680. See details below).
- As the proposed 110kV substation and BESS units are inherently linked to form one single project, the development falls within the definition of transmission set out in section 2(1) of the 1999 Act and does comprise SID under section 182A(1) of the 2000 Act.
- Applicant requests that this pre-planning consultation request result in an early written response from ABP to determine whether or not the proposal would constitute SID.

5.0 Relevant Precedents

5.1. The prospective applicant cites a number of cases where the Board determined that similar development comprised SID under s182A. Those cases, and others that I consider to be of relevance, include:

ABP Ref. No.	Location	Development Description	Decision Date	Decision
ABP-319155-24	Co. Cork	Proposed development of a 110kV substation and grid connection to the adjacent 220kV Knockraha Substation.	2024	Is SID
ABP-318011-23	Co. Wexford	Battery Energy Storage System (BESS), 110kV substation and 110kV Underground Grid Connection to existing Great Island Eirgrid Substation and all associated site works	2023	Substation and cables are SID. The BESS is not SID.
ABP-315972-23	Co. Louth	Proposed 2 number 110kV substations and grid connection in lieu of 2 number 37kV substations and grid connection granted by Louth County Council to facilitate permitted solar and battery storage system development and proposed extensions	2023	Is SID

ABP-315433-22	Co. Kildare	Proposed development of a 220kV Air Insulated (AIS) tail fed substation with the associated grid connection comprising 220kV underground cabling to connect into the existing 400/220kV Dunnstown substation	2023	Is SID
ABP-313680-22	Co. Offaly	Development of a 110kV substation and grid connection serving a proposed solar PV farm.	2023	Is SID
ABP-313676-22		Development of a substation and associated grid connection	2022	Is SID
ABP-313613	Co. Cork	Construction of a 110kV substation and grid connection along with associated infrastructure in respect of a permitted solar development.	2023	Is SID
ABP-311403-21	Co. Offaly	Proposed development of 110kV infrastructure	2022	Is SID
ABP-301705-18	Co. Galway	100MW Battery Storage Facility.	2018	Not SID
ABP-301675-18	Co. Cork	Battery energy storage facility, 110kV substation and associated development.	2018	Not SID
ABP-301236-18	Dublin 2	Provision of a battery energy storage system.	2018	Not SID
ABP-301206-18	Co. Waterford	Solar farm and battery energy storage system with an associated 110kV substation	2019	Substation and cables are SID. Solar farm and BESS are not SID.

6.0 Legislative provisions

6.1. Planning and Development Act 2000, as Amended

- 6.1.1. Section 2(1) of the Planning and Development Act 2000, as amended ('2000 Act'), defines 'strategic infrastructure' as including, *inter alia*:

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

- 6.1.2. Under subsection 182A(1) of the 2000 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.

- 6.1.3. 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.”

- 6.1.4. 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.

6.2. Electricity Regulation Act 1999, as Amended

- 6.2.1. Section 2(1) of the Electricity Regulation Act 1999, as amended (‘1999 Act’), sets out 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.”

- **‘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*

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."

- **'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"

- **'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 switchgear and which is used for conveying electricity to final customers".

7.0 Consultation Meeting

7.1. One pre-application consultation meeting was held with the prospective applicant on the 25th July 2024. As noted above, since the prospective applicant had submitted a separate request for pre-application consultation in respect of a similar form of

development at Caherdowney, Ballyvouskill, Co. Cork (Ref. ABP-319241-24), where their opinion regarding the SID status varied, a joint meeting was held to discuss the two projects. Separate meeting records were prepared for each case and they are the subject of separate Inspector's Reports. The meeting record relating to this development proposal and the presentation made by the applicant to the Board's representatives are attached to the file.

- 7.2. The principal matters discussed at the pre-application consultation meeting related to: the purpose of the proposal; the design of the proposal; the SID status of BESS systems; the nature of the electrical plant and equipment required to connect to the national grid; the differences between 'substations' and 'transformer compounds' with reference to definitions of 'transmission'; and forthcoming policy and legislative changes with regard to energy storage. Other planning and environmental issues discussed included water management, proximity to watercourse on site boundary, potential water pollution and flood risk, drainage and hydrological connection to the Killukin River and potential AA Screening issues, roadworks for cable installation and requirements of LA roads department for same, landscaping, EIA screening and that the 'red line' boundary does not incorporate the cable route. The planning history under ABP-301965-18 was noted.

8.0 Assessment

- 8.1. As noted above, 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. Based on this statutory definition and the information contained in the prospective applicant's request, I am satisfied that the existing Flagford 220kV substation can be

regarded as part of the electricity transmission system for the purposes of the 2000 Act.

- 8.3. The proposed Battery Energy Storage System (BESS) is not a form of development that is listed in the Seventh Schedule of the 2000 Act. Such BESS facilities do not operate at high voltage (i.e. 110kV or greater) and rather than generating electricity, they store and release electricity, and as such have an energy demand. While BESS facilities support the stable operation of the transmission network through this storage and release of electricity, I do not consider that they comprise 'transmission' within the definitions set out in the 2000 Act and the 1999 Act. This position would be consistent with a number of recent Board determinations on similar cases, as outlined in the table above.
- 8.4. The proposed means of connecting the BESS facility to the adjacent existing Flagford 220kV substation is via a 110kV substation and cable connection. As with the prospective applicant's concurrent Ballyvouskill, Co. Cork SID pre-application consultation request (ABP-319241-24), the submitted documentation confusingly uses the terms 'transformer compound' and 'substation' interchangeably.
- 8.5. This matter was raised at the consultation meeting and the prospective applicant confirmed that what is proposed is a new substation, comprising an Independent Power Producer (IPP) compound and an EirGrid compound. That is to say, it is an entirely new substation, rather than a more limited transformer compound.
- 8.6. There is extensive precedent for new substations being deemed to comprise SID, regardless of whether they are tail-fed or not. I consider that the proposed 110kV substation and 110kV cabling connecting to the existing 220kV Flagford substation would satisfy the definition of 'transmission', being a system which consists, wholly or mainly, of high voltage lines and electrical plant used for the conveying of electricity from one substation to another.
- 8.7. With regard to the prospective applicant's contention that the BESS facility and substation are inherently linked to form one single project and that the entire development should be 'holistically' considered to be SID, I note that this position is not supported by the precedent cases referenced in their cover letter.
- 8.8. There is precedent for similar cases, such as ABP-318011-23 and ABP-301206-18, where the Board made a split determination and found that the BESS element did

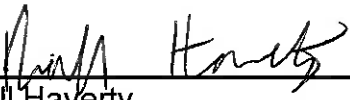
not comprise SID but that the associated substation and cable connection did comprise SID. I consider that those cases are more directly comparable to the subject proposal than those referenced by the prospective applicant.

- 8.9. While there would clearly be efficiencies for both the prospective applicant and the planning system in dealing with the entire development in one SID application, this is not provided for under current legislation and I note that this a situation that commonly arises in respect of solar farm developments and their associated substations, which necessitate separate applications to the Local Planning Authority and the Board, respectively, for the same reason.
- 8.10. In conclusion, therefore, I recommend that the Board issue a split determination. Firstly, I consider that the BESS element of the proposed development does not fall within the scope of section 182A of the 2000 Act, as amended, and consequently that a planning application for that element should be made to Roscommon County Council, in the first instance. Secondly, I consider that the 110kV substation and 110kV cable elements of the proposed development would fall within the scope of section 182A of the 2000 Act, and that a planning application should be made directly to the Board.
- 8.11. A list of prescribed bodies is set out in Appendix 1.

9.0 Recommendation

- 9.1. I recommend that the prospective applicant, Kinbrace Limited, be informed that:
- (i) the proposed 110kV substation and 110kV underground cabling on lands at Culleenatreen or Flagford, Co. Roscommon, as set out in the plans and particulars received by An Bord Pleanála on the 17th May 2024 falls within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should therefore be made directly to the Board; and
 - (ii) the proposed Battery Energy Storage System (BESS) 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 Roscommon County Council.

- 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.



Niall Haverty

Senior Planning Inspector

5th September 2024

Appendix 1: Prescribed Bodies

The following is a list of prescribed bodies considered relevant by the Board:

- Minister for Housing, Local Government and Heritage
- Minister for the Environment, Climate and Communications
- Roscommon County Council
- Commission for the Regulation of Utilities
- Transport Infrastructure Ireland
- Uisce Éireann
- Inland Fisheries Ireland
- Office of Public Works
- An Taisce
- Heritage Council
- An Chomhairle Ealaíon
- Fáilte Ireland

Further notifications should also be made, where deemed appropriate.