



An
Bord
Pleanála

Inspector's Report ABP-320197-24

Development	Transformer compound and 110kV over the fence connection to the adjacent Drumline 110kV substation.
Location	Mogullaun, County Clare
Planning Authority	Clare County Council
Type of Application	Pre-application consultation under section 182E of the Planning and Development Act 2000, as amended
Prospective Applicant	GP Joule Ireland Ltd.
Inspector	Pauline Fitzpatrick

1. Introduction

The Board received a request on 16th July 2024 from the prospective applicant, GP Joule Ireland Ltd., 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, comprising the construction of a transformer compound and 110kV 'over the fence' connection to the adjacent Drumline 110kV substation on lands at Drumline, Co. Clare.

Plans of the proposed development were provided on 25th September 2024, to assist the Board in its assessment.

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.

A pre-application consultation meeting was not deemed necessary. A record of the written consultations undertaken is on file.

This report provides an overview of the proposed development, details of legislative provisions, and relevant precedent. My recommendation is that the proposed transformer compound and 110kV 'over the fence' connection does not constitute strategic infrastructure development

2. Site Location & Description

The proposed Mogullaun solar farm is to be located approx. 2.5km east of Shannon airport and 2.3km west of Sixmilebridge in County Clare. It surrounds the Drumline 110kV substation to the north and north-east. Consent for the solar farm is to be sought from Clare County Council. The lands are currently in agricultural use.

Drumline 110kv substation is accessed via a local road off the R458 which runs parallel to the N18.

3. Proposed Development

Construction of a transformer compound and 'over the fence' (OTF) connection to the adjacent Drumline 110kV substation. The compound would operate as an

Independent Power Producer (IPP) facility which would be linked by bus bar or underground cable to a proposed solar farm. The medium voltage (MV) power generated by the solar farm would be 'stepped up' to 110kV in order to connect to the adjacent substation.

The site would have a shared access with the solar farm off the local road to which the land and existing substation have frontage.

The connection would remove the requirement to construct a new 110kV customer substation for connection of the solar farm to the national grid.

The underground link between the solar farm and the transformer compound does not form part of this development subject of the pre-application consultation.

4. Prospective Applicant's Case

The prospective applicant's case that the proposed development does not constitute SID, as outlined in the cover letter submitted, can be summarised as follows:

- It would not form part of the transmission network at Drumline substation. The compound would facilitate connection of the solar farm to the transmission grid, but it not would function as part of the grid or become a new node in the transmission grid.
- The terms 'transformer compound' is used to distinguish it from larger scale electrical infrastructure deployed in substations which do act as nodes in the national grid.
- The proposed development is minor in scale and extent. It is not a substation and it does not alter the function of Drumline substation.
- It would only serve the proposed Mogullaun solar farm development
- It is not of a scale to justify being considered of strategic economic or social importance to the state or region. Whilst it would be consistent with the objectives of the National Planning Framework, Climate Action Plan and the Southern Regional Spatial and Economic Strategy, it would not be critical to the fulfilment of those objectives. Being located in County Clare it would not have any significant effect on adjacent planning authorities.

- As per the 7th Schedule of the Planning and Development Act, 2000, as amended, a power generator with a 300MW of greater capacity constitutes SID. The proposed development does not link to a generator that would exceed this threshold.
- Precedent set by the Board that such development is not SID in case refs. ABP 312013-21, ABP 311993-21 and ABP 316369-23.

5. Relevant Precedents

The prospective applicant cites a number of cases where the Board determined that similar development was not SID under s182A. Those cases, and others that I consider to be of relevance, include:

ABP Ref. No.	Location	Development Description	Decision Date	Decision
319398-24	Galway	Transformer Compound	22/07/24	Not SID
319395-24	Kilkenny	Transformer Compound	16/07/24	Not SID
319157-24	Donegal	Transformer Compound	28/05/24	Not SID
318491-23	Kerry	Transformer Compound	27/03/24	Not SID
316369-23	Limerick	Generator Transformer Compound	14/06/23	Not SID
315827-23	Galway	Step Up Transformer & Grid Connection	01/06/23	Not SID
314400-22	Sligo	38kV to 110kV Step Up Transformer	01/11/22	Not SID
312013 -21	Longford	Transformer Compound	15/02/22	Not SID

6. Legislative provisions

6.1 Planning and Development Act 2000, as amended

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)"

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.

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."*

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

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. Consultation Meeting

No meeting held.

8. Assessment

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).

The proposed development consists of the construction of a transformer compound associated with a proposed solar farm development which would facilitate connection to the existing Drumline 110kV substation in order to connect to the national grid. Drumline 110kV substation forms part of the electricity transmission system for the purposes of the Planning Act. It is also noted that the substation is included on EirGrid's Transmission map.

The proposed compound, immediately adjacent to the Drumline 110kV substation, comprises an Independent Power Producer (IPP) facility to step up the voltage of the power generated by the solar farm to 110kV for export to the grid via the substation.

Such facilities frequently adjoin EirGrid operated transmission infrastructure where new energy production sites, such as solar farms, require integration into the existing transmission infrastructure.

I consider that the proposed development does not satisfy the criteria to constitute 'transmission' on the following grounds:

- The proposed development is limited in scale and extent. The proposed development would serve the proposed Mogullaun solar farm, only, and would have no function relating to the operation of the transmission network.
- It does not constitute a substation and the incoming voltage would not be high voltage, with the proposed development required to step up the voltage to 110kV by means of the transformer and to utilise a cable connection to provide an 'over the fence' connection to the transmission system substation. This is the point at which the power generated by the proposed solar farm would enter the transmission system.
- It does not alter the function of Drumline substation.

I note that the Board has previously determined requests for pre-application consultations for comparable transformer developments. I refer the Board to the table of recent cases as set out in section 5 above in which it determined that such type development was not SID, most recently its determination in July 2024 under ref ABP 319398-24 on a proposed transformer compound associated with the permitted Tuam Energy Park (Solar Farm) adjacent to the existing Cloon 110kv substation.

In conclusion, therefore, I recommend that the Board issue a determination that the proposed transformer compound and 110kV 'over the fence' connection to Drumline 110kV substation in County Clare does not fall within the scope of section 182A of the 2000 Act, as amended, and that a planning application should be made to Clare County Council, in the first instance.

9. Recommendation

I recommend that the prospective applicant, GP Joule Ireland Ltd., be informed that:

The proposed transformer compound and 110kV 'over the fence' connection to Drumline 110kV substation 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 Clare County Council.

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.



Pauline Fitzpatrick
Senior Planning Inspector

31st October, 2024