

An
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Inspector's Report ABP-321030-24

Development

Proposed Development of 110kV
'Under the Fence' Transformer
Compound and approximately 60m of
Underground Cable.

Location

Lands at Killadangan, Co Waterford

Planning Authority

Waterford City and County Council

Type of Application

Pre-application consultation under
section 182E of the Planning and
Development Act 2000, as amended

Prospective Applicant

Power Capital Developments Ltd

Date of Site Inspection

02nd December 2024

Inspector

Donogh O' Donoghue

1. Introduction

The Board received a request on 08th October 2024 from the prospective applicant, Power Capital Developments 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 of a 110kV 'Under the Fence' Transformer Compound and approximately 60m of Underground Cable on lands at Killadangan, Co Waterford.

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 Planning and Development Act 2000, as amended.

A record of the written consultations undertaken is on file.

This report provides an overview of the proposed development, as well as details of legislative provisions, and relevant precedent. My recommendation is that the proposed development does not constitute Strategic Infrastructure Development.

2. Site Location & Description

The proposed development is located at Killadangan, Dungarvan, Co. Waterford, circa 3km north of Dungarvan.

The subject site is located to the northwest of the existing Dungarvan 110kV electricity substation. The Dungarvan electricity substation site is accessed off the N72 which is a national secondary road and runs west-east from Fermoy in Co Cork to the N25 in Dungarvan, Co Waterford. The proposed Transformer Compound is to be accessed off a local road to the west of the subject site.

Lands to the west and north of the site are currently in agricultural use but have the benefit of an extant planning permission for a solar PV farm. This is a 10-year planning permission, permitted by Waterford City and County Council in 2017. There is a farmyard and business known as David Kiely Monumental Works to the west and a business known as Radleys Engineering to the south of the site.

3. Proposed Development

The proposed development is for:

- the construction of a 110kV Under the Fence (UTF) transformer compound, associated Air Insulated Switchgear (AIS) equipment and approx. 60 meters of underground cabling to connect with the existing Dungarvan substation.

The proposal compromise of the following main elements:

- Installation of an electrical transformer to uprate and de-rate electricity being imported/exported to/from the Battery Energy Storage Systems (BESS).
- 110 kV switchgear.
- Approximately 60m of underground electrical cabling to connect the electricity transformer to the existing Dungarvan 110kV electricity substation.
- Other 110Kv AIS Protection Equipment.

4. Prospective Applicant's Case

The prospective applicant's case, as outlined in the cover letter submitted can be summarised as follows:

- The proposed 110kV infrastructure equipment will not become a connection point to the National Grid but will act as an interface connecting point for the associated proposed Battery Energy Storage (BESS) and Solar PV hybrid development only, as opposed to a node on the national grid.
- The proposed BESS development is part of an overarching renewable energy project, which also includes an approved Solar PV farm, covering approx. 8ha in total.
- The aim of the project is to facilitate the connection of the BESS to the national grid which will be achieved via the existing 110Kv substation. Due to the medium-voltage operation of the BESS, an electrical transformer will be installed to appropriately adjust the voltage for import and export of electricity between the BESS and grid.

- The Consultation Document includes reference to similar transformer compounds, electrical apparatus and grid connection infrastructure. These are ABP-319395-24, ABP-316369-23, ABP-312013-21, ABP-307080-20 and ABP-311992-21.
- The applicant considers that this project does not fall within the requirements of the Planning Development (Strategic Infrastructure Act 2006).

The following documents and drawings are stated as submitted in support of this pre-consultation application:

- A Pre-Application Consultation Document prepared by Power Capital Renewable Energy Ltd.
- An Environmental Report prepared by Malone O'Regan Environmental.
- Overall Site Layout Plan, Substation Compound, 110kV Cabling location.

5. Relevant Precedents

The prospective applicant cites a number of cases where the Board determined that similar development comprised 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
ABP-319395-24	Kilkenny	Proposed development of a Transformer Compound enclosing a 110kV electricity transformer and an electrical control building, and approximately 30m of underground cables.	16/07/2024	Is not SID
ABP-316369-23	Limerick	Proposed development of a Generator Transformer Compound to the adjacent 110 kV substation	14/06/2023	Is not SID
ABP-312013-21	Longford	Transformer compound adjacent to the former Lough Ree Power Plant.	15/02/2022	Is not SID
ABP-307080-20	Dublin	Electrical development associated with a proposed Flexible Thermal Generation Facility (FlexGen) and Battery Energy Storage System (BESS).	16/09/2020	Is not SID

ABP-311992-21	Longford	Electrical development associated with a proposed battery energy storage system and synchronous condenser.	17/01/2022	Is not SID
ABP-319241-24	Cork	Proposed development of a Battery Energy Storage System (BESS) and connection to the adjacent 220kv Ballyvouskill Substation (This also included an IPP and UTF connection)	11/09/2024	Is not SID
ABP-319157-24	Donegal	Proposed development of an 'under the fence' (UTF) transformer compound associated with a proposed Energy Storage Facility	28/05/2024	Is not SID
ABP-315859-23	Cork	proposed grid stability service development comprising synchronous condenser compound and 110kV underground electricity connection cabling to Clashavoon 220kV substation	19/06/2023	Is 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. Assessment

As noted in section 6 above, the definition of ‘strategic infrastructure’ includes development comprising or for the purposes of electricity transmission, with transmission described 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 prospective applicant indicates the proposal is for the purpose of enabling the connection of a permitted solar PV farm and a proposed battery energy storage system ('BESS') development to the national grid. It is apparent that the Dungarvan 110kV substation forms part of the electricity transmission system for the purposes of the Planning Act.

The location of the 'permitted solar farm and proposed battery energy storage system ('BESS') development' is shown on the drawings submitted and is directly to the north and west of the subject site.

The proposed development is minor in scale and extent. It does not alter the function or nature of the Dungarvan substation nor is it proposed to form part of the national transmission grid. Rather, the proposed transformer compound comprises what is referred to as an Independent Power Producer (IPP) facility. These facilities typically adjoin transmission infrastructure e.g. as part of or to facilitate electricity generated from a new solar or wind development.

Having regard to the information on file it is clear the proposed small scale Independent Power Producer (IPP) is intended to simply facilitate an 'under the fence' electrical connection to the Dungarvan substation for the purposes of supporting renewable export to the grid network. It will not transmit electricity in a sense consistent with the legislative meaning of 'transmission' as set out in in section 6 of this report.

The Board will note previous decisions on 182E pre-application consultation requests in relation to electricity transmission infrastructure where it determined that transformer compounds, typically related to battery energy storage systems (BESS) are not strategic infrastructure developments. In particular, I note ABP-319395-24 near Ballyraggett in County Kilkenny. This consultation was for a Transformer Compound enclosing a 110kV electricity transformer and an electrical control building, and approximately 30m of underground cables. The Board determined that such development does not fall within the scope of section 182A and consequently 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 with a 60m underground cable connection to the existing Dungarvan substation. This will then

facilitate a permitted solar PV development and a separate planning application to Waterford City and County Council for a BESS facility for export of generated electricity to the grid via the existing Dungarvan substation. It is at this point the medium voltage power generated by the solar farm and/or stored within the BESS would step up to 110kV and enter the transmission network from the Dungarvan substation.

This interpretation is consistent with recent Board determinations, such as ABP-319395-24, ABP-316369-23, ABP-319241-24 and ABP-319157-24 and which the Board deemed did not fall within the scope of section 182A of the Act.

I submit the subject proposal therefore does not satisfy the criteria to constitute 'transmission' as defined in the Planning and Development Act 2000 (as amended) and Electricity Regulation Act 1999.

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 solar PV and battery energy storage system ('BESS') development to the existing Dungarvan 110 kV substation;
- The meaning of 'transmission' as specified under the relevant legislation which the proposed development does not come within;
- 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-319395-24, ABP-316369-23, ABP-319241-24 and ABP-319157-24;

I consider that the proposed development does not constitute Strategic Infrastructure Development.

In conclusion, therefore, I recommend that the Board issue a determination that the proposed development consisting of an 'Under the Fence' ('UTF') Transformer Compound does not fall within the scope of section 182A of the 2000 Act, as amended

and a planning application should be made to Waterford City and County Council, in the first instance

8. Recommendation

I recommend that the prospective applicant, Power Capital Developments Ltd, be informed that:

the proposed development consisting of an 'Under the Fence' ('UTF') Transformer Compound 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 Waterford City and 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.



Donogh O' Donoghue

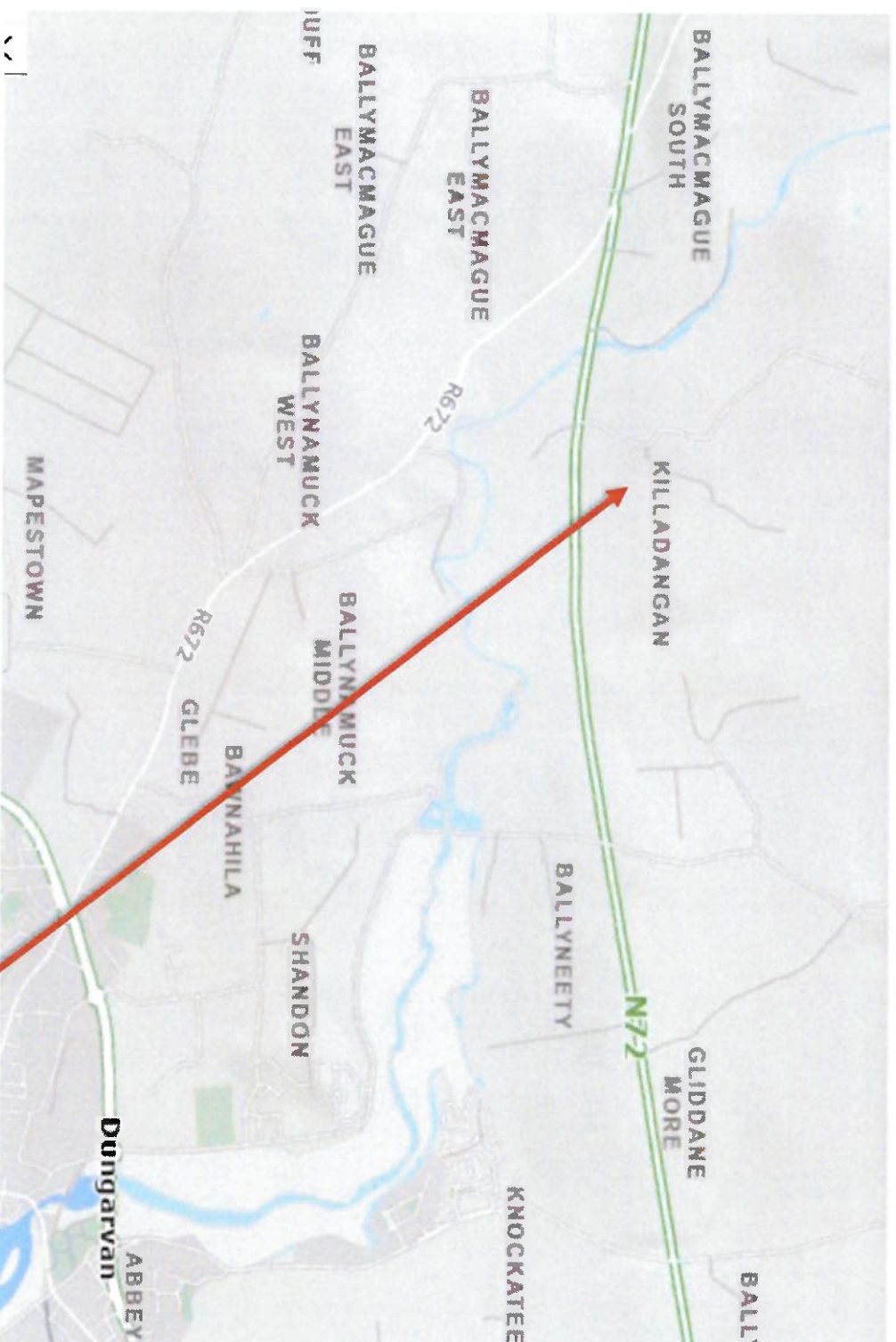
Planning Inspector

Date: 09th December 2024

Site Context Map



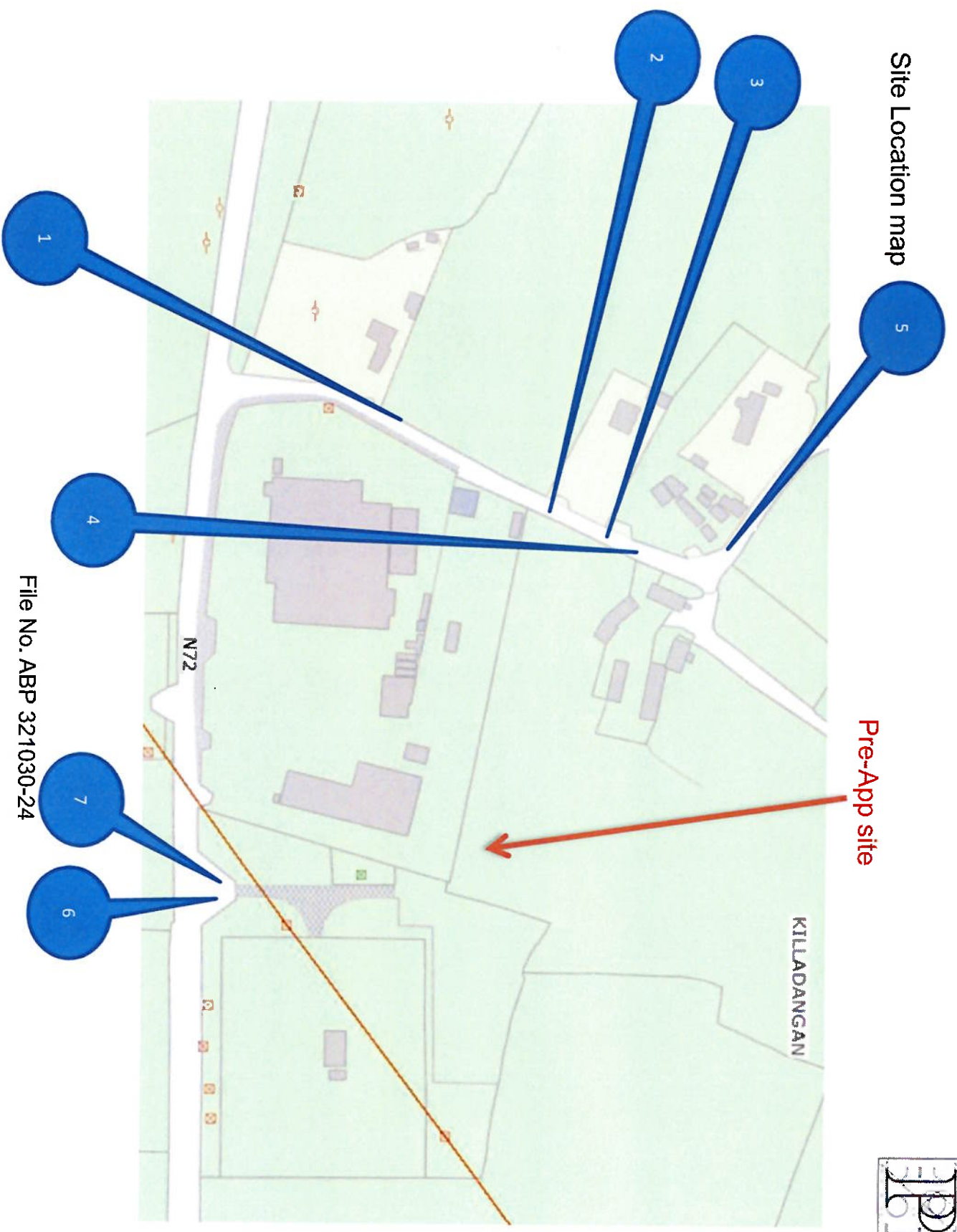
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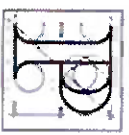
File No. ABP 321030-24

Pre-App site

Site Location map



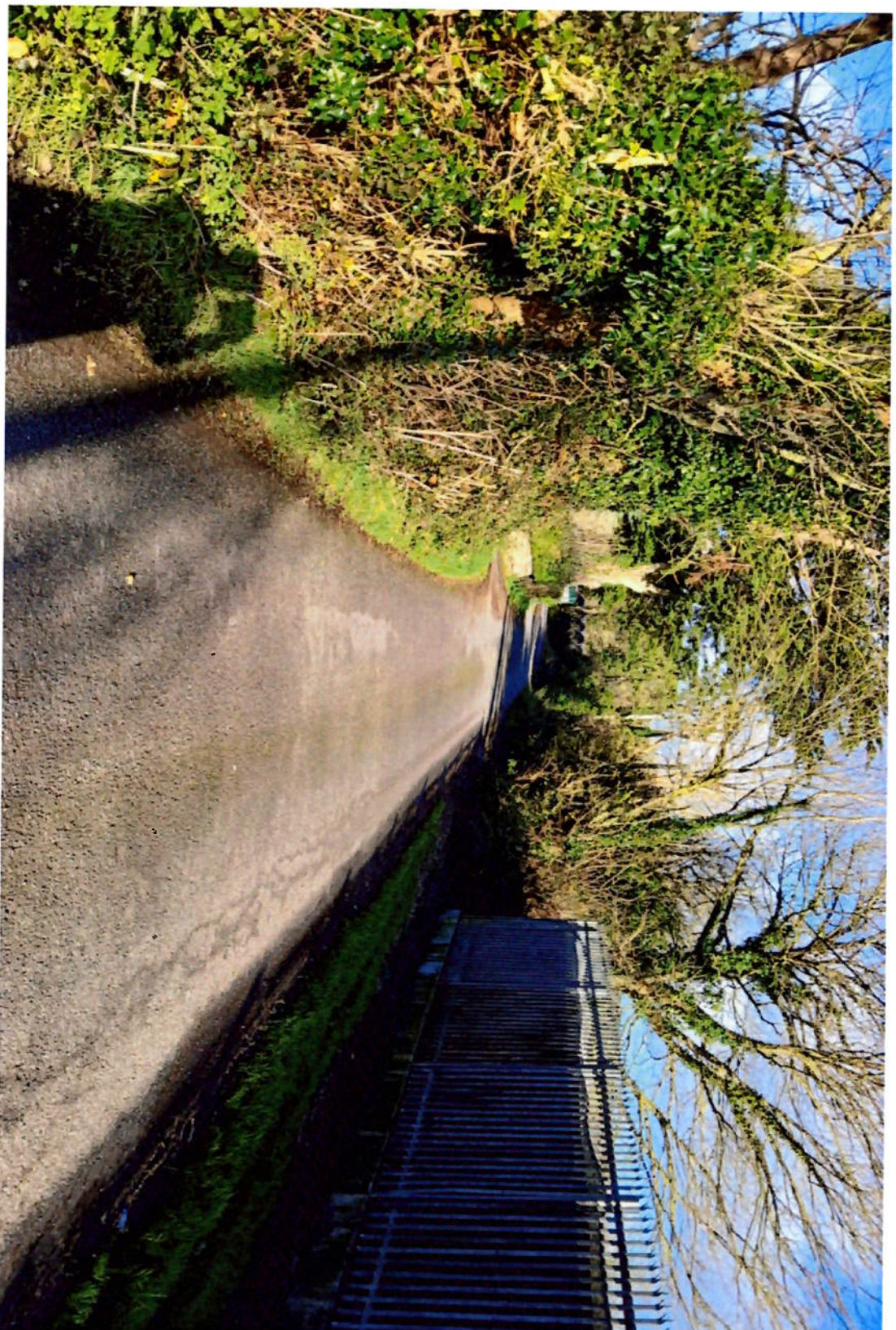
Pre-App site



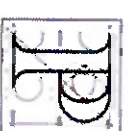
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File No. ABP 321030-24

Photo 1 – View north on local road



File No. ABP 321030-24



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Photo 2 – View east of site (from local road)



File No. ABP 321030-24

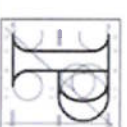


Photo 3 – View east of site (from local road)



Photo 4 – View north on local road

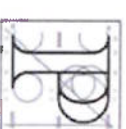
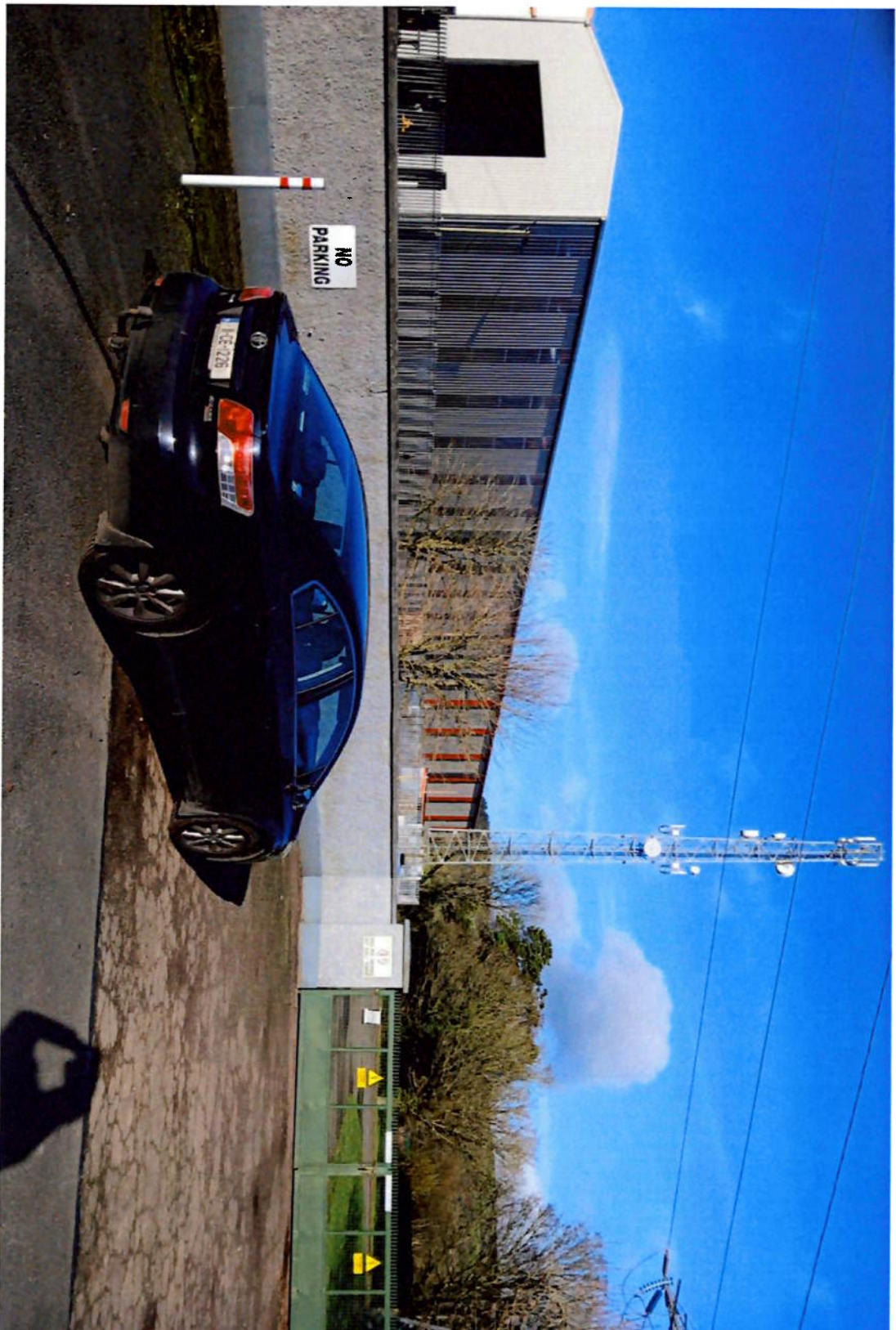


File No. ABP 321030-24

Photo 5 – View east of adjacent farmyard



Photo 6 – View north from entrance to Dungarvan substation



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Photo 7 – View north from entrance to Dungarvan substation

