

An
Bord
Pleanála

Inspector's Report ABP-321210-24

Development	IPP Compound, Including 110kV Transformer.
Location	Located within the townland of Rathnaskilloge, Ballylaneen, Co Waterford.
Planning Authority	Waterford City and County Council
Prospective applicant(s)	Highfield Solar Limited
Type of Application	Pre-Application Consultation under S.182E of the Planning and Development Act 2000 (as amended).
Date of Site Inspection	29/11/2024.
Inspector	Hugh O'Neill

1.0 Introduction

- 1.1. The Board received a request on 06 November 2024 from Highfield Energy Services Limited acting on behalf of Highfield Solar 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 an Independent Power Producer (IPP) Compound including 110kV Transformer adjacent to the recently completed Rathnaskilloge 110kV Substation. The Rathnaskilloge 110kV substation was developed within the context of a 109 Ha solar farm and IPP compound consented under section 37.
- 1.2. The applicant is of the view that the proposal is not Strategic Infrastructure Development and proposes that a consultation meeting between An Bord Pleanála and the prospective applicant may not be necessary. I am of the opinion that a meeting is not necessary in this instance. A record of the written consultations undertaken is on file.
- 1.3. This report provides an overview of the proposed development, as well as details of legislative provisions, and relevant precedent. My recommendation is that the IPP compound including 110kV Transformer does not constitute strategic infrastructure.

2.0 Site Location

- 2.1. The subject site is located in the townland of Rathnaskilloge in Co. Waterford approximately 3km north of Stradbally and 5.5km south of Kilmacthomas on unzoned land. The proposed site is in use as part of the construction area associated with the recently completed substation with a storage container and site hut in place at the time of the site visit. The subject site was formerly in agricultural use consisting of wet improved grassland.
- 2.2. The proposed compound is located immediately adjacent and shares a boundary fence with both the recently constructed Rathnaskilloge 110KV Substation and associated Solar IPP Compound.
- 2.3. The Dungarvan-Cullenagh/ Butlerstown 110kV overhead line runs to the north of the substation from south-west to north-east.

- 2.4. Access to the site is via an agricultural/forestry laneway with an unbound surface off the R675 Regional Route. There is a vacant dwelling to the south-west of the proposal accessed from the lane.
- 2.5. The wider area comprises mostly solar farm, agricultural pastureland and forestry. With forestry approaching maturity immediately to the north and west.

3.0 Description of Proposed Development

- 3.1. The proposed Independent Power Producer (IPP) compound which includes a 110kV Transformer is intended to facilitate connection of a proposed Battery Energy Storage System (BESS) to the National Grid. The prospective applicant states the BESS will be the subject of a future planning application. An application for the BESS had not been made at the time of writing.
- 3.2. The proposed 34m x 25m (850sqm) compound will contain a containerized substation, transformer electrical equipment mounted on concrete plinths, various cables and ducting surrounded by perimeter fencing accessed via a new circa 630m access track from the R675 to the South.
- 3.3. Notwithstanding the use of the term IPP it is important to note that the proposed compound involves no production of electricity nor any connection of electricity generation to the transmission network.

4.0 Prospective Applicant's Case

- 4.1. It is the applicant's view based on precedent decisions on development of a similar nature that the proposed compound infrastructure does not satisfy the criteria to constitute "transmission".
- 4.2. The applicant states the IPP compound serves the BESS project only, connects to the 110kV substation via 'under the fence' connection, is of minor scale and incoming voltage will be 33kV. The applicant is of the opinion that the proposal does not constitute Strategic Infrastructure Development.

5.0 Relevant precedents

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

ABP Ref.	Location	Development Description	Decision Date	ABP Decision
319241	Cork	BESS connection to the adjacent 220kv Ballyvouskill Substation including a new 110kv transformer	Sept 2024	Not SID
320118	Galway	Synchronous Condenser and associated 110kV Underground Electricity Cabling and Connection Infrastructure to Buffy 110kV Substation	August 2024	Not SID
319395	Ballyragget, Co. Kilkenny	Proposed development of a Transformer Compound enclosing a 110kV electricity transformer and an electrical control building, and underground cables	May 2024	Not SID
312013	Lanesborough, Co. Longford	Transformer compound adjacent to the former Lough Ree Power Plant	2022	Not SID
307080	Ringsend, Dublin 4	Transformer compound, cable connection and associated development associated with a proposed Flexible Thermal Generation Facility (FlexGen) and Battery Energy Storage System (BESS), Dublin 4	2020	Not SID
311992	Lough Ree Power Station, Lanesborough, Co. Longford	Electrical development associated with a proposed BESS and Sync Con including a new 110/33kV grid transformer and 110 kV underground cable connections to bays within the 110kV substation)	2022	Not SID
311993	Shannonbridge, Co. Offaly	Electrical development associated with a proposed BESS and Sync Con including a new 220/33kV grid transformer and 220 kV underground cable connections with a new bay at Shannonbridge 220kV compound)	2022	Not SID

6.0 Legislative provisions

6.1. Planning and Development Act 2000, as Amended

Section 2(1) of the Act defines '*strategic infrastructure*' as including, inter alia:

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

Under subsection 182A(1) of the 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."

6.2. Electricity Regulation Act 1999, as Amended

The following definitions, as set out in section 2(1) of the Electricity Regulation Act, 1999, as amended, are noted:

'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 (i.e. ESB) 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 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”

‘Electric Line’:

Section 2(1) of the 1999 Act, as amended, states that ‘*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

(c) 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.”

‘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 Pre-Application Consultations

7.1. No meeting was held. A record of written consultation is on the file.

8.0 Assessment

8.1. The recently constructed Rathnaskilloge 110kV substation was proposed, consented and constructed as part of the electricity transmission system.

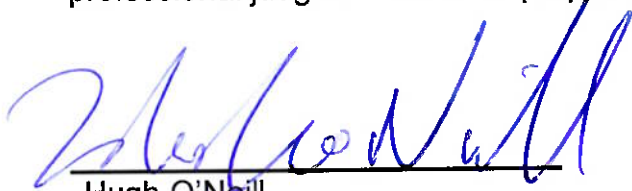
- 8.2. The IPP compound subject of this report, although contiguous and connected to, is functionally separate and distinct from the Rathnaskilloge substation. The function of the proposed IPP compound is to facilitate a future connection of BESS infrastructure to the National Grid. The proposed IPP compound will only serve a future BESS development.
- 8.3. The proposed compound and its constituent elements do not connect:
- *a generating station to a substation*
 - *one generating station to another*
 - *one substation to another*
 - *from any interconnector*
 - *to final customers*
- 8.4. The proposed compound does not alter the nature or function of the Rathnaskilloge substation.
- 8.5. For the above referenced reasons I consider that the proposed development does not satisfy the criteria to constitute 'transmission' as defined in the Planning and Development Act 2000 (as amended) and Electricity Regulation Act 1999 (as amended). The incoming voltage from the BESS will be 33kV (i.e. not high voltage). The proposed development will step the voltage up and down as required by means of a transformer and will utilise a cable connection to provide an 'under the fence' connection to the 110kV transmission system substation. In my opinion, it is within the Rathnaskilloge substation that power directed to and from the BESS would enter/leave the transmission system. Such an interpretation would be consistent with recent Board determinations set out in section 5 of this report which were deemed not to fall within the scope of s.182A of the Act and that a planning application should be made in the first instance to Waterford City and County Council

9.0 Recommendation

I recommend that Highfield Energy Services Limited acting on behalf of the prospective applicant, Highfield Solar Limited, be informed that:

The proposed IPP compound, including 110kV Transformer 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.



Hugh O'Neill
Planning Inspector

02 December 2024