

An
Bord
Pleanála

Inspector's Report

ABP-321824-25

Development

A 110 kilovolt (kV) electricity transformer, ancillary electrical equipment and underground electricity cables.

Location

Scart, Co. Kilkenny.

Planning Authority

Kilkenny County Council.

Type of Application

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

Prospective Applicant

Clara Energy Storage Limited.

Inspector

Enda Duignan.

1.0 Introduction

- 1.1. The Board received a request on 7th February 2025 from Clara Energy Storage Limited to enter into pre-application consultations under Section 182E of the Planning and Development Act, 2000 (as amended), in relation to the proposed development of a 110 kilovolt (kV) electricity transformer, ancillary electrical equipment and underground electricity cables in the townland of Scart, Co. Kilkenny.
- 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 Planning and Development Act, 2000 (as amended).
- 1.3. A record of the written consultations undertaken is on file.
- 1.4. This report provides an overview of the proposed development, as well as details of legislative provisions, and relevant precedents. My recommendation is that the proposed development **does not** constitute Strategic Infrastructure Development.

2.0 Site Location & Description

- 2.1. The proposed development is located in the townland of Scart, Co. Kilkenny, c. 5km to the south-west of Kilkenny City. The site is located on the northern side of the R712 regional road, c. 250m to the south-west of the N19 flyover connecting the M9 Motorway to Kilkenny. The site has a direct abuttal with the Kilkenny 110 KV substation.
- 2.2. The subject comprises an existing agricultural field and gently slopes downwards from a south-east to north-west direction. A local watercourse flows to the rear of the application site and is a tributary of the River Nore c 1.5km to the west of the site.
- 2.3. Lands within the surrounds of the site are typically in agricultural use. There are also a number of one-off houses within the surrounding area, which includes a number of detached properties on the southern side of the R712, opposite the site.

3.0 Proposed Development

- 3.1. Details of the prospective development include:

- A 110kV electricity transformer and associated electrical plant and equipment,
- Approximately 15m of 110kV underground electricity cabling to connect the electricity transformer to the existing Kilkenny 110kV electricity substation compound (known as an 'under-the-fence' connection); and,
- Approximately 10m of medium-voltage electricity cables to connect the electricity transformer to the on-site control building.

3.2. By way of background, planning permission was granted by the Board (Ref. ABP-320609-24 & 23/60419) for the development of an energy storage system (ESS) and all associated works. The ESS will take electricity from the national network (i.e. charging of the ESS) during times when supply exceeds demand, for example, when there are high levels of renewable electricity generation or when there are low levels of demand (for example, during night-time hours) and then discharge the stored electricity to the national network during times when demand exceeds supply.

3.3. It is noted that the permitted development does not provide for the connection of the ESS to the national electricity network. It is confirmed by the Applicant that the permitted development will connect to the national electricity network via the adjacent Kilkenny 110kV electricity substation and will connect at an electrical rating of 110kV. As the ESS will operate at medium-voltage, it will be necessary to install an electricity transformer to uprate and de-rate electricity being imported/exported to/from the ESS.

3.4. The proposed electricity transformer will be installed within an enclosed compound that has been consented as part of the permitted development and is located proximate to the existing 110kV electricity substation. It is indicated that ancillary electrical equipment will also be installed together with 110kV underground electricity cables connecting the electricity transformer to the Kilkenny 110kV electricity substation compound.

4.0 Prospective Applicant's Case

- 4.1. Within the prospective applicant's cover letter, they have noted that they have had regard to:
- i. the limited nature and scale of the prospective development,

- ii. the prospective development is solely for the purposes of connecting the permitted development to the national electricity network; and,
- iii. the prospective development will not result in a material or fundamental change to the function, operation or purpose of the electricity substation which will continue to operate at a voltage of 110kV.

For these reasons, it is their view that the prospective development does not come within the scope of Section 182A of the Act and is therefore not a SID

- 4.2. The Applicant also notes that the Board has determined similar electricity transformers (and electricity transformer compounds) not to be SID and have referred to comparable cases which are outlined in Table 4.1 below:

Table 4.1.

ABP Ref. No.	Location	Development Description	Decision Date	Decision
ABP-321210-24	Kildare	Proposed development of a 'Under the Fence' ('UTF') Transformer Compound.	10/12/2024	Is not SID
ABP-321201-24	Waterford	IPP Compound, Including 110kV Transformer.	06/12/2024	Is not SID
ABP-319398-24	Galway	Proposed development of a transformer compound associated with permitted Tuam Energy Park (Solar Farm), adjacent to the existing Cloon 110kv Substation.	22/07/2024	Is not SID
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

- 4.3. A set of site plans and drawings have been included as Annex 1 of the Applicant's submission.

5.0 Relevant Precedents

- 5.1. As noted in the foregoing, the prospective applicant has cited cases where the Board determined that similar development did not comprise SID under Section 182 of the

Act. Other cases considered to be of relevance, include:

Table 5.1.

ABP Ref. No.	Location	Development Description	Decision Date	Decision
ABP-319241-24	Cork	Proposed development of a Battery Energy Storage System (BESS) and connection to the adjacent 220kv Ballyvouskill Substation.	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-316369-23	Limerick	Proposed development of a Generator Transformer Compound to the adjacent 110 kV substation.	14/06/2023	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
ABP-312013-21	Longford	Transformer compound adjacent to the former Lough Ree Power Plant.	15/02/2022	Is not SID
ABP-309420-21	Galway	Development of a 110kV substation to feed into existing Cashla 220/110kV substation	02/06/2021	Is not SID

6.0 Legislative Provisions

6.1. Planning and Development Act, 2000 (as amended)

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

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

- Section 182A states-

"....where] a person (hereafter referred to in this section 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 the development under section

182B and shall apply to the Board for such approval accordingly.”

- Section 182A(9) states-

“In this section ‘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) states-

“A person (“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) sets out the following definitions:

- o **‘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.”

- o **‘Electric line’:**

“...has the meaning assigned to it by section 4(1) of the ESB (Electronic Communications Networks) Act 2014.”¹

¹ See section 6.3 of this report

- **‘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”.

6.3. ESB (Electronic Communications Networks) Act 2014

- Section 4(1) states:

- *“...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.”

7.0 Consultation Meeting

7.1. No meeting held.

8.0 Assessment

8.1.1. 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).

8.2. Based on the information on file, it is evident that the existing Kilkenny 110kV Substation does form part of the electricity transmission system for the purposes of the Planning and Development Act, 2000 (as amended).

8.3. However, from the same information, it is clear that the proposed 110kV electricity transformer simply intends to facilitate an 'under-the-fence' electrical connection from the permitted ESS to the existing Kilkenny 110kV electricity substation. It does not propose altering the function or nature of the Kilkenny substation nor is it proposed to form part of the national transmission grid.

8.4. The prospective applicant has indicated that as the ESS will operate at medium-voltage. Therefore, it is necessary to install the electricity transformer to uprate and de-rate electricity being imported/exported to/from the ESS. The proposed transformer compound and under the fence connection will operate as an ancillary element to the nearby existing substation. It will not transmit electricity in a sense consistent with the legislative meaning of 'transmission' as defined in the Planning and Development Act, 2000 (as amended) and Electricity Regulation Act 1999.

8.5. Therefore, 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 permitted energy storage system (ESS) development to the existing Kilkenny 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, and,
- Previous Board decisions in respect of similar requests for pre-application consultation, including reference nos. ABP-321210-24, ABP-321201-24, ABP-319398-24 ABP-319395-24, ABP-319241-24, ABP-319157-24, ABP-316369-23, ABP-315859-23, ABP-312013-21 and ABP-309420-21,

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

8.6. In conclusion, therefore, I recommend that the Board issue a determination that the proposed development consisting of a 110 kilovolt (kV) electricity transformer, ancillary electrical equipment and underground electricity cables does not fall within the scope of section 182A of the Planning and Development Act, 2000 (as amended). A planning application should be made to Kilkenny County Council, in the first instance.

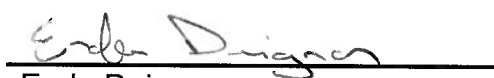
9.0 Recommendation

9.1. I recommend that Clara Energy Storage Limited be informed that:

the proposed development consisting of a 110 kilovolt (kV) electricity transformer, ancillary electrical equipment and underground electricity cables 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 Kilkenny 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.

A handwritten signature in dark ink, appearing to read 'Enda Duignan', is written over a solid horizontal line.

Enda Duignan

Planning Inspector

17th April 2025