

An
Bord
Pleanála

Inspector's Report

ABP-321909-25

Development

Extension of the existing Derryiron 110kV electricity substation and installation of 110kV electrical equipment associated works.

Location

Clonin, Rhode, Co. Offaly.

Planning Authority

Offaly County Council.

Type of Application

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

Prospective Applicant

OBM Solar Limited

Inspector

Heidi Thorsdalen

1.0 Introduction

- 1.1. The Board received a request on 18th February 2025 from the prospective applicant, OBM 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 extension of the existing Derryiron 110kV electricity substation and installation of 110kV electrical equipment associated works on lands located at Clonin, Rhode, Co. Offaly.
- 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. A pre-application meeting was not held and 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 precedent. My recommendation is that the proposed extension of the existing Derryiron 110kV electricity substation and installation of 110kV electrical equipment associated works do not constitute strategic infrastructure development.

2.0 Site Location & Description

- 2.1. The proposed development relates to the existing Derryiron 110kV substation located in the townland of Clonin, approximately 1.2km northwest of Rhode, Co. Offaly. The site is accessed from the R400 to the east via a shared roadway.
- 2.2. The site is adjacent to Rhode gas/oil-fired Power Station. Lands to the west have been subject to extensive peat extraction in the past. Lands to the south and east comprises agricultural lands and mature hedgerow / trees. The nearest residential dwelling is c. 700m to the southeast.
- 2.3. The nearest European site is the Raheenmore Bog Special Area of Conservation (SAC) located c. 7.8km to the west.

3.0 Proposed Development

3.1. The proposed development comprises an extension and modifications to the existing Derryiron electricity substation including:

- An increase in the footprint of the electricity substation compound from c. 6,100m² to 6,600m².
- The construction of c. 75m of access track
- The installation of 110kV air-insulated electrical equipment within the electricity substation compound including cable sealing ends, surge arrestors, earthing switches, voltage transformers, current transformers, circuit breakers and busbar disconnectors.
- The installation of c. 25m of 110kV underground electrical line.
- Associated site development works including excavations, installation of drainage infrastructure, installation of palisade fencing and gates, and site reinstatement.

4.0 Planning History

4.1. The following planning history relates the proposed development:

- Reg. ref. 25/60082: Proposed amendments to the development permitted under Offaly County Council Planning Register Reference 20/494 at Srah, Wood and Greenhills, Rhode, Co. Offaly. Current application at the time of writing.
- ABP-309491-21: Permission granted in October 2021 for a 110kV substation, associated 110kV underground grid connection, cabling and associated works at Srah, Coolcar and Clonin, Rhode, Co. Offaly.
- Reg. ref. 21/488: Permission granted in January 2022 for an extension to the solar PV and Battery Storage development permitted under planning permission re. ref. 20/494 at Srah, Greenhills and Wood, Rhode, Co. Offaly.
- Reg. ref. 20/494: Permission granted in June 2021 for the construction of a solar PV development, battery energy storage system (BESS) compound and

all associated ancillary development at Srah, Wood and Greenhills, Rhode, Co. Offaly.

4.2. The following planning history is noted for the immediate surrounding area:

- Reg. Ref. 25/60129: Proposed Operations Building with a floor area of approximately 285m² at Coolcor, Rhode, Co. Offaly.
- ABP-319023-24: Proposed combined Cycle Gas Turbine and Open Cycle Gas Turbine Thermal Power Plant, Electricity Grid Connection including 2 no. substations, and associated buildings, plant, site works, service and ancillary development on land within the townlands Knockdrin, Derrygreenagh, Derryarkin, Derryiron, Ballybeg, Coolcor, Barrysbrook, Clonin, Togher and Coole, Co. Offaly.
- Reg. ref. 24/60289: Proposed development of two air dome structures for the storage of carbon dioxide at atmospheric pressure development and associated development on a 22-hectare site at Clonin and Coolcor, Rhode, Co. Offaly. At Further Information.
- ABP-315436-22: Withdrawn application by Bord na Mona for leave to Apply for Substitute consent in relation to peat extraction at bogs in the Derrygreenagh Bog Group.
- Reg. Ref. 20/238: Permission granted in June 2021 for an energy storage facility designed to provide system support services to the electricity grid on a 2.7ha site at Clonin and Coolcor, Rhode, Co. Offaly.
- Reg. Ref. 20/237: Permission granted in June 2021 for development of a combined heat and power generating biomass gasification plant with integrated carbon capture and utilisation technology to provide renewable energy and electrical grid support services on a 2.45 ha site at Coolcor, Rhode, Co. Offaly.
- ABP-304925-19 (Reg. Ref. 19/194): Permission granted in March 2021, following a first party appeal against refusal by Highfield Solar Ltd., for a solar PV development on a site of 15ha, which was removed by way of condition from a previous grant of planning permission (Reg. Ref. 16/246).

- Reg. Ref. 19/161: Permission granted in July 2019 for development of an energy storage facility designed to provide 20MW of system support services to the electricity grid on a 0.95 ha site at Coolcor, Rhode, Co. Offaly.
- Reg. Ref. 16/246: Permission granted in March 2017 for a period of 10 years to complete the development of a solar PV energy development with a total site area of c. 96.6 ha at Clonin, Rhode, Co. Offaly.
- RL3503: The Board determined that the provision of a connection between the 110kV substation of the Yellow River Wind farm granted under 19.PA0032 and the National Grid at Derryiron 110kV substation is development and is exempted development.
- Lands to the west of the site were subject of applications for leave to apply for Substitute Consent and for Substitute Consent in respect of Peat Extraction in the Derrygreenagh Bog. The application for consent was withdrawn following a decision of the High Court in relation to the decision to grant leave to apply.

5.0 Prospective Applicant's Case

5.1. The prospective applicant's case, as outlined in the cover letter, is that the proposed development does not come within the scope of Section 182A of the 2000 Act, as amended and is not SID for the following reasons:

- The existing electricity substation forms part of the national transmission network.
- The proposed 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.
- The proposed development is small scale and located within and immediately adjacent to the existing electricity substation.
- The proposed development is solely for the purposes of connecting the Garr (Rhode) Solar Farm to the national electricity network and is not considered, of itself, to be of strategic importance to the state.

6.0 Relevant Precedents

- 6.1. 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
320634-24	Lumcloon, Cloghan, Co. Offaly	Extension of 110kV AIS Electrical Substation	04/10/24	Not SID
320205-24	Grange Castle Business Park, West of Dublin City	Extension at the existing Grange Castle 110kV Substation	04/09/24	Not SID
316205-23	Kellistown East, Co. Carlow	new line bay and associated underground cabling to be located within the existing Kellis 220kV substation	24/07/23	Not SID
314767-22	Pigeon House, Dublin 4	Upgrading of the existing Poolbeg 220kV Electrical Substation.	04/04/23	Not SID
314505-22	Belcamp and Clonshagh, Fingal, Co. Dublin	Upgrade of the existing Belcamp 200 kV Electrical Substation	24/01/23	Not SID
314111-22	Woodland Batterstown, Co. Meath	Upgrading of the existing Woodland 400/200 kV electrical substation.	25/08/22	Not SID
313931-22	Clonin and Coolcur, Co. Offaly	Upgrading of the existing Derryiron 110 kV electrical substation	18/07/22	Not SID
311950-21	Clare (Claremorris), Co. Mayo	Modification and upgrade of the Dalton 110kV Substation	21/12/21	Not SID
306908-20	Trienearagh, Co. Kerry	Development of a 110kV control room at the existing Trien 220/110 kV electricity substation and associated works	18/06/20	Not SID

7.0 Legislative Provisions

7.1. Planning and Development Act 2000, as amended

- 7.1.1. Section 2(1) of the 2000 Act, as amended, defines 'strategic infrastructure' as including, inter alia:

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

- 7.1.2. Under subsection 182A(1) of the 2000 Act, as amended, 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.

- 7.1.3. 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."

- 7.1.4. 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.

7.2. Electricity Regulation Act 1999, as amended

- 7.2.1. 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
 - (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."
- **'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".

8.0 Consultation Meeting

- 8.1. A meeting was not held in respect of this case. A written record of the consultations undertaken have been attached to the file.

9.0 Assessment

- 9.1. 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).
- 9.2. Based on this statutory definition and the information contained in the prospective applicant's request, I consider that the existing Derryiron 110kV substation comprises part of the electricity transmission system for the purposes of the 2000 Act, as amended.
- 9.3. The proposed development entails an extension to the existing Derryiron 110kV electricity substation and installation of 110kV electrical equipment in order to complete the connection of the permitted solar and battery storage development (reg. refs. 20/949 and 21/488) to the national grid. The grid connection, comprising of a 110kV substation and 3km underground electrical cables connecting the permitted solar and battery storage development to the existing Derryiron 110kV substation, was permitted under ABP-309491-21.


- 9.4. The proposed development comprises an extension to and provision of additional infrastructure to an established and operational 110kV substation. The nature and the extent of the proposed development is small scale. The proposed development will not give rise to any fundamental or material change in the function, operation or purpose of the existing substation which will remain a 110kV substation.
- 9.5. As outlined above, the Board has previously determined a considerable number of requests for pre-application consultation in relation to proposed amendments, additions and expansion of electricity infrastructure, including extensions to existing substations not within the footprint of the existing substation. In particular, I note references ABP-320634-24 and ABP-316205-23 which provide extensions to existing substations to facilitate the connection of consented renewable energy and energy storage developments to the grid network. Generally, the Board has determined that, notwithstanding the fact that the works represents infrastructural improvement to existing 110kV rated substations on the transmission system, that such development does not fall within the scope of section 182A of the 2000 Act, as amended.
- 9.6. Having regard to the purpose, the limited nature and scale of the proposed development, the fact that it relates to an extension to an existing substation and noting previous determinations by the Board in respect of similar requests for pre-application consultation, I consider that the proposed development would not constitute strategic infrastructure. In conclusion, therefore, I recommend that the Board issue a determination that the proposed development does not fall within the scope of section 182A of the 2000 Act, as amended, and that a planning application should be made to Offaly County Council, in the first instance.

10.0 Recommendation

- 10.1. I recommend that the prospective applicant, OBM Solar Limited, be informed that the proposed development, consisting of an extension of the existing Derryiron 110kV electricity substation and installation of 110kV electrical equipment associated works, located at Clonin, Rhode, Co. Offaly as set out in the plans and particulars received by An Board Pleanála on the 18th February 2025, 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 to Laois County Council, in the first instance.

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 black ink, appearing to read 'Heidi Thorsdalen', written over a horizontal line.

Heidi Thorsdalen

Senior Planning Inspector

Date: 12th May 2025