

An
Bord
Pleanála

Inspector's Report

ABP-322112-25

Development

Construction of a new under the fence (UTF) transformer compound.

Location

Lands at Bracklone, Portarlinton, Co. Laois.

Planning Authority

Laois County Council.

Type of Application

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

Prospective Applicant

Neoen Renewables Ireland Ltd.

Inspector

Heidi Thorsdalen

1.0 Introduction

- 1.1. The Board received a request on 18th March 2025 from the prospective applicant, Neoen Renewables 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 of a under the fence (UTF) transformer compound on lands located at Bracklone, Portarlinton, Co. Laois.
- 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. An updated consultation cover letter and documentation were received on 19th May 2025 incorporating, as requested, a site layout drawing.
- 1.4. A pre-application meeting was held with the prospective applicant on 3rd June 2025. Correspondence requesting closure of the consultation process was received on the 15 July 2025.
- 1.5. This report provides an overview of the proposed development, as well as details of legislative provisions, and relevant precedent.

2.0 Site Location & Description

- 2.1. The subject site (grid reference 656056 711722) is located in the townland of Bracklone, in Co. Laois, immediately west of Portarlinton Wastewater Treatment Plant (WWTP) and northwest of Bracklone 110kV substation (under construction). The administrative boundary with Co. Offaly is c. 460m north of the site.
- 2.2. The site area is approximately 0.9ha and comprises agricultural grassland. The site is located at the outskirts of Portarlinton, c. 1.7km to Main Street. The nearest residential dwelling is c. 110m to the south along the R420. Access to the site is via the R420 and the existing Portarlinton WWTP access road.
- 2.3. River Barrow is located c. 420m to the north of the site and the River Barrow and the River Nore Special Area of Conservation (SAC) is located c. 360 m to the north.

3.0 Proposed Development

- 3.1. The proposed development comprises the construction of an under the fence (UTF) transformer compound with a connection to EirGrid's Bracklone 110kV substation (under construction). The proposed development will serve as an Independent Power Producer (IPP) facility comprising the following elements:
- A compound with a hardcore surface enclosed by security fencing and gates.
 - A 110kV electricity transformer and associated electrical plant and equipment.
 - An electrical control building containing electrical plant and equipment.
 - C. 80m of underground electrical cabling to connect the electricity transformer to the Bracklone 110kV electricity substation (UTF connection).
- 3.2. The purpose of the development is to enable the connection of a permitted battery energy storage system (BESS) facility at Bracklone (reg. ref. 23/60261) to the national grid and power to be exported onto the grid network. The medium-voltage power generated by the permitted BESS development will be stepped up to 110kV to connect to the transmission system via Bracklone 110kV substation (under construction).
- 3.3. **UTF grid connection:** A single circuit 110kV underground cable will be fed from the transformer compound to Bracklone 110kV substation (under construction). A cable trench as per industry standards including ducting, fibre optic conductor, insulated earthing conductor where required.
- 3.4. **Earthworks:** Minimal earthworks and localised levelling works will be required. Topsoil removal for foundation, underground cable trenches and ground works for access track.
- 3.5. **Drainage:** Majority of surfaces to be permeable and small area of site will comprise of hardstanding. Rainwater to percolate directly to the ground, and no specific drainage infrastructure proposed. Holding tank proposed for welfare facilities.
- 3.6. **Site access:** Proposed to utilise the same site access off the R420 as permitted for BESS facility (reg. ref. 23/60261) for both construction and operation. Upgrade works of access required to facilitate the delivery of the transformer. Access track will have

a hardcore stone finish and will join onto existing lane way serving the existing public wastewater treatment plant.

4.0 Planning History

4.1. The following planning history is noted for the site and/or immediately adjacent to the site:

- ABP-321064-24: Proposed 110kV substation and underground grid connection. Status: Current application at the time of writing.
- ABP-318799-24: Permission granted for works associated with the proposed uprate of the existing 110 kV line between structure AM106 in the townland of Bishopswood, County Offaly and the existing EM215 located at Portlaoise 110 kV substation in the townland of Clonminam, County Laois.
- Reg. ref. 23/60261: Permission granted for 136 no. battery storage units, 17 no. MV skids (PCS + MV/LV Transformer solution) and associated works.
- Reg. ref. 20/638: Permission granted for the construction of a 110kv/MV electricity station. Status: Under construction.

5.0 Prospective Applicant's Case

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

- The purpose of the UTF transformer compound is to enable the connection of a permitted BESS development (reg. ref. 2360261) to the national grid via Bracklone 110kV substation (under construction). The UTF transformer compound will allow power to be exported to the grid network.
- The proposed development will be a small-scale Independent Power Producer (IPP) facility intended to facilitate a UTF electrical connection.
- It will not form part of the national transmission grid, it will connect to an existing node on the grid and will not itself be a node on the grid.
- The proposed development does not meet the definition of electricity transmission under Section 2(1) of the Electricity Regulation Act 1999.

- The proposed development does not fall within Section 182A of the Planning and Development Act 2000, as amended.
- The proposed development is not of a scale or of such importance that it would contribute substantially to the fulfilment of national or regional objectives, and it is fully contained within Co. Laois.
- Having regard to this, it is considered that the proposed development does not fall within the definition of strategic development as set out in Section 37A(2) of the Planning and Development Act 2000, as amended.

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
321201-24	Windgates and Taghadoe, Co. Kildare	UTF transformer compound.	10/12/24	Not SID
319241-24	Caherdowney, Ballyvouskill, Co. Cork	Battery energy storage system (BESS) and connection to the adjacent 220kV Ballyvouskill substation.	11/09/24	Not SID
320118-24	Letter, Moycullen, Co. Galway	Synchronous condenser and associated 110kV underground cabling and connection infrastructure to Buffy 110kV substation.	16/08/24	Not SID
319395	Moatpark, Ballyraggat, Co. Kilkenny	Transformer compound enclosing a 110kV electricity transformer and an electrical control building, and approximately 30m of underground cables.	16/07/24	Not SID
319157-24	Ballynahone and Trillick, near Buncrana, Co. Donegal	UTF transformer compound and 110kV underground with a proposed energy storage facility.	28/05/24	Not SID

321030-24	Killadangan, Co. Waterford	110kV UTF transformer compound and approximately 60m underground cable.	10/12/24	Not SID
316369-23	Ardgoulbeg, Rathkeale, Co. Limerick	Transformer compound connecting proposed solar farm to Rathkeale 110kV substation.	14/06/23	Not SID
312013-21	Aghamore, Lanesborough, Co. Longford	Transformer compound adjacent to the former Lough Ree Power Plant.	15/02/22	Not SID
315859-23	Aughinida, Co. Cork	Grid stability service comprising a synchronous compensator compound.	19/06/23	Not SID
309420-21	Grange East, Co. Galway	110kV substation to feed into existing Cashla 220/110kV substation.	02/06/21	Not SID
311992-21	Lough Ree Power Station, Lanesborough, Co. Longford	Electrical development associated with a proposed Battery Energy Storage System (BESS) and Synchronous Condenser.	17/01/22	Not SID
311031-21	Killeena, Knockraha, Co. Cork	Underground cable and on-site GIS Building to facilitate the operation of a Synchronous Compensator Compound and associated ancillary equipment	21/10/21	Not SID
310256-21	Windgates, Maynooth, Co. Kildare	Underground cable and on-site 220kV substation to facilitate the operation of a Synchronous condenser compound.	10/09/21	Not SID
302647-18	Glencloosagh, Co. Kerry	110/220kV cable and transformers required to facilitate the operation of four rotating stabilisers.	20/03/19	Not SID
301236-18	South Bank road, Poolbeg, D2	Development associated with the provision of a battery storage system.	30/05/18	Not SID
310828-21	South of Belcamp 220kV Substation, Belcamp, D17	Synchronous compensator compound and associated ancillary development.	21/10/21	Not SID
301420-18	Loughteeog, Bigbog, Money Lower, Coolnabacky and Esker, Co. Laois	110kV tail-fed substation and cable.	02/11/18	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 held on 3rd June 2025 in respect of this case. The principal matters discussed at the pre-application consultation meeting related to the purpose of the proposals and the nature of the electrical plant and equipment proposed including the differences between 'substation' and 'transformer compound'. The relevant meeting record and presentation made by the prospective applicant to the Board's representative are 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 am satisfied that Bracklone 110kV substation, when operational, can be regarded as part of the electricity transmission system for the purposes of the 2000 Act (as amended).
- 9.3. The prospective applicant has planning permission to construct and operate a BESS facility (reg. ref. 23/60261) on lands c. 140m west of Bracklone 110kV substation (under construction). I note the permitted BESS facility will store electricity from the

national grid and feed it back in to meet demand. The BESS facility will operate in medium voltage. There is no separate EirGrid compound permitted as part of the BESS facility. The stated purpose of the proposed development is to connect the permitted BESS facility to Bracklone 110kV substation and the national electricity network via a 110kV transformer compound, or an Independent Power Producer (IPP), and under-the-fence cable connection. The 110kV transformer is required to step-up electricity being exported from the permitted BESS facility to the national grid. Whilst not specifically outlined by the prospective applicant, the permitted BESS facility will receive and store electricity from the grid and as such, the proposed transformer compound would also step down electricity voltage.

- 9.4. The proposed transformer will only serve the permitted BESS facility. It will be an IPP facility and does not comprise a substation in its own right. Furthermore, it will not alter the nature or function of the Bracklone 110kV substation. As above, the transformer compound will only facilitate the connection between the permitted BESS facility and the existing substation and the stepping-up/down of the voltage and releasing/receiving electricity to/from the national grid. In regard to the reference to proposed "substation" on the submitted site layout drawing, the prospective applicant confirmed at the consultation meeting that the proposal is as described in the consultation cover letter and that the proposed transformer compound is not designed to act as a node or hub on the transmission/distribution system.
- 9.5. As outlined above, the Board has previously determined a considerable number of requests for pre-application consultation in relation to the installation of transformer compounds at or in the vicinity of existing substations. In particular, I note references ABP-319395-24 and ABP-319241-24 which relate to transformer compounds to facilitate the connection of BESS facilities to the national grid. The Board has consistently concluded in these, and other similar cases, that the proposed development did not fall within the scope of Section 182A of the 2000 Act, as amended, and consequently that planning applications should be made in the first instance to the local planning authority.
- 9.6. Having regard to:

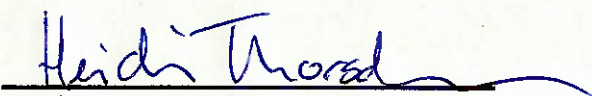
- The intended purpose of the proposed development, comprising an under-the-fence transformer compound to facilitate the connection of a BESS to the Bracklone 110kV Substation.
- Previous determinations by the Board in respect of similar requests for pre-application consultation, as referenced above.

9.7. 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 Laois County Council, in the first instance.

10.0 Recommendation

10.1. I recommend that the prospective applicant, Neoen Renewables Ireland Ltd, be informed that the proposed development, consisting of an under-the-fence transformer compound and 110kV underground cabling connection to the Bracklone 110kV substation and associated development, located at Bracklone, Portarlinton, Co. Laois as set out in the plans and particulars received by An Bord Pleanála on the 18th March 2025 and 19th May 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.



Heidi Thorsdalen

Senior Planning Inspector

Date: 16th July 2025