



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-324001-26

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<b>Development</b>	Proposed Grid Connection for the development of a Battery Energy Storage System (BESS)
<b>Location</b>	Derrinlough Wind Farm and Surrounding Townlands, County Offaly.
<b>Planning Authority</b>	Offaly County Council
<b>Type of Application</b>	Pre-application consultation under section 182E of the Planning and Development Act 2000, as amended
<b>Prospective Applicant</b>	Bord na Móna Powergen Limited
<b>Inspector</b>	Sarah Lynch

## **1. Introduction**

The Commission received a request on 19<sup>th</sup> December 2025 from the prospective applicant, Bord na Móna Powergen 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 Grid Connection for the development of a Battery Energy Storage System (BESS) at Derrinlough Wind Farm and Surrounding Townlands, County Offaly.

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.

A record of the meeting consultation undertaken is on file.

This report provides an overview of the proposed development, as well as details of legislative provisions, and relevant precedent.

## **2. Site Location & Description**

The proposed development will be located within the Derrinlough Wind Farm adjacent to the Derrinlough 110kV substation in the townlands of Cortullagh, or Grove, Lumcloon, and Stonestown Co. Offaly. The site is located in an area of cut over peat and contains an existing substation and windfarm facility. The surrounding lands are predominantly flat in terms of topography and heavily vegetated. The Commission should note that the proposed BESS will connect directly to the existing substation and while in close proximity to the windfarm is not connected to this windfarm and as an independent development, loop in and out of the existing substation.

## **3. Proposed Development**

It is proposed to construct the following:

- BESS facility – battery containers with HVAC units, transformers, inverters, underground cabling, associated control room, internal access routes, lighting, CCTV, masts and fences.
- Electrical compound,

- High voltage electrical yard
- Under ground high voltage cable
- Landscaping
- Temporary construction compound
- Forestry felling

#### 4. Prospective Applicant's Case

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

- The proposed development is required to enhance the electricity grid infrastructure and counterbalance the intermittent renewable generation capacity.
- Long duration energy storage will be essential to the country's energy systems and ensure increased levels of renewable penetration.

#### 5. Relevant Precedents

The following recent decisions I consider to be relevant to the consideration of this case:

ABP Ref. No.	Location	Development Description	Decision Date	Decision
319241	Lands at Ballyvouskill, County Cork	Proposed development of a Battery Energy Storage System (BESS) and connection to the adjacent 220kv Ballyvouskill Substation	21/09/24	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 Commission 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 Commission 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 Commission 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 Commission.”*

- **‘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 Commission 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. Consultation Meeting**

A meeting was held in respect of this case on the 18<sup>th</sup> March. A written record of the consultations undertaken have been attached to the file. The prospective applicant outlined the proposed development and clarified the location and use of the proposed BESS development.

## **8. Assessment**

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).

The proposed development comprises a BESS facility which will be directly connected into an existing substation adjacent to the proposed development site. For the purposes of this pre application determination, the Commission should note that the proposed BESS is can be considered as 'electrical plant' within the meaning of the Electricity Regulation Act 1999, as outlined above. Of particular relevance to the determination as to whether the proposed development falls within the scope of the section 182 A of the Planning and Development Act is that the substation to which the proposed development will be connected is existing and operational. The addition of the proposed development is therefore ancillary to this existing infrastructure and whilst it facilitates efficiency improvements to grid infrastructure in terms of the storage of electricity it merely transmits the stored electricity back to the substation from where it originated.

Thus, having regard to the foregoing and based on the statutory definition and the information contained in the prospective applicant's request, I am satisfied that the

proposed development does not fall within the scope of transmission. I note that this is consistent with previous determinations by the Commission.

In conclusion therefore I recommend that the Commission issue a determination that the proposed BESS development and grid connection does not fall within the scope of section 182 A of the 2000 Act, as amended, and that a planning application should be made directly to Offaly County Council.

## 9. Recommendation

I recommend that the prospective applicant, ESB, be informed that:

- (i) Proposed development of Proposed Grid Connection for the development of a Battery Energy Storage System (BESS) at a site adjacent to Derrinlough Wind Farm and Surrounding Townlands, County Offaly 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 directly to the Offaly 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.



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Sarah Lynch

**Assistant Director of Planning**

Date: 19/03/2026

