



An
Coimisiún
Pleanála

Inspector's Report ABP-321557-24

Development

Proposed Development of a Solar PV Farm, 110kV Substation, an Associated 110kV Grid Connection and all associated ancillary site works.

Location

Located in Drumroe East, Cappoquinn, Kilcannon and adjacent townlands, Cappoquinn, Co. Waterford.

Planning Authority

Waterford County Council

Type of Application

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

Prospective Applicant

Amarenco Solar Modelligo Ltd

Inspector

Paul Kelly

1. Introduction

The Board received a request on 20th December 2024 from McCutcheon Halley Planning Consultants, acting on behalf of Amarenco Solar Modelligo 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 solar PV farm, 110kV on-site substation and associated 110kV grid connection route on lands at Drumroe East, Clashnagoneen, Kilcannon and adjacent townlands, Co. Waterford.

The primary purpose of 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.

The Boards representatives met with the prospective applicant on 6th February 2025. The meeting was held virtually. A record of the meeting is on file. Following this meeting the prospective applicant sought closure of the pre-application consultation on 2nd April, 2026. However, it was noted on review of the closure request that it contained significantly different information from that originally received on 20th December 2024. Accordingly, the prospective applicant was advised on 23rd April, 2026 that if they wished to incorporate the new information, a further meeting would be required to outline the revised rationale and establish clarity on considerations related to proper planning and sustainable development or the environment.

A second consultation meeting was held between the Commission and the prospective application on 30th April, 2026 and at which the new information was considered. A record of the meeting is on file. The prospective applicant subsequently sought closure of the pre-application consultation by correspondence dated 3rd June, 2026.

This report provides an overview of the proposed development based on the new information submitted on 2nd April, 2026, as well as details of legislative provisions, relevant precedent(s) and an opinion as to whether or not the proposal falls within the scope of Section 182A of the Act.

2. Site Location & Description

The applicant proposes the development of a Renewable Energy Park located within three separate parcels of land, two to the north and one to the south of the N72 national secondary road approx. 12km west of Dungarvan, Co. Waterford. The area is rural and the site consists of agricultural lands. The nearest settlements are Cappoquin (approx. 5km) and Lismore (approx. 10km) further to the west via the N72.

The proposed 110kV on-site substation is located to the north of the N72. A single 110kV grid connection route is proposed from site to the existing 110kV substation at Dungarvan travelling east along the N72 for 6.2km. The N72 at this location is single carriageway and with an intermittent Hard shoulder.

3. Proposed Development

The overall Renewable Energy Park comprises three separate parcels of land consisting of a new proposed solar array to the south of the N72, a new proposed solar array to the north of the N72 and an expansion of the permitted (as yet unbuilt) solar PV Farm to the north of the N72 on lands at Kilcannon, Co. Waterford (Plan.RegNo. 15/614 & 23/60433 refer). A new 110KV substation is proposed to the north of the N72 on the lands at Kilcannon, and a 110kV Grid Connection is proposed to the existing 110kV substation at Dungarvan. In the interests of clarity the pre-application consultation was modified on 2nd April, 2026¹ to: (i) incorporate and expand the permitted (unbuilt) solar PV farm on the lands at Kilcannon, (ii) to relocate the proposed 110kV substation from the south to the north of the N72 and adjoining the permitted solar PV farm at Kilcannon, and (ii) to confirm a single grid connection route to the 110kV substation at Dungarvan.

Specifically, the proposed development the subject of this pre-application consultation consists of:

- The construction of a solar PV farm (three parcels) consisting of solar photovoltaic panels (pv) on ground mounted frames with a total area of 147ha

¹ A hard copy of the drawings were submitted on 20th April, 2026 further to a request from ACP.

incorporating expansion of a permitted solar PV farm (Plan.Reg.No. 15/614 & 23/60433 refers);

- c.16 single storey transformer stations, and c.16 single storey spare parts storage containers;
- underground electrical ducting and cabling, internal access tracks, security fencing, CCTV, landscaping and associated site development works;
- Access, comprising a new entrance to the southern site (including the substation) from the N72 and upgrades to the existing entrance to the northern site;
- A 110kV on-site AIS electricity substation, including 3 control buildings (MV Switchgear Room, Trafo building and Control Building including welfare facilities);
- A 110kV underground grid connection comprising of electrical ducting, cabling and joint bays within the public road.

A single grid connection option was confirmed at the meeting of 30th April, 2026 connecting to the existing 110kV Dungarvan substation at Killadangan, Dungarvan, Co. Waterford via the N72. The overall distance of the grid connection is 8km with 6.2km in the N72 national road.

The applicant confirmed during the said meeting that an 85MW grid connection to the 110kV Dungarvan substation had been secured.

4. Prospective Applicant's Case

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

- Section 182A of the 2000 Act sets out that where a person intends to carry out development comprising of, or for the purposes of, electricity transmission, they shall prepare or cause to be prepared, an application for approval under Section 182B to the Board. Section 182A(9) states that 'transmission' in relation to electricity shall be construed in accordance with Section 2(1) of the Electricity Regulation Act, 1999 ('1999 Act') and shall 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”. The definition of ‘transmission’, ‘distribution’ and ‘electric plant’ as defined in Section 2(1) of the 1999 Act is set out. (In order to avoid unnecessary duplication of content, please refer to Section 6 of this report in respect of same).

- The proposed development can be broken down into two main elements: 110kV Substation & 110kV Grid Connection, and the Solar PV Farm and the applicability of the legislative provisions is set out relative to each heading.

110kV Substation & 110kV Grid Connection

- The proposed development consists of 110kV on-site substation and an associated 110kV grid connection to the national grid via the N72 and connecting to the 110 kV Dungarvan Substation. A “Reduced Criteria for Generation Facilities Connection Application for connection to the Transmission System” was submitted to Eirgrid in 2023. An 85MW grid connection has recently been secured. Section 182A(9) of the 2000 Act sets a threshold of 110kV in order for a high voltage electricity transmission line to be considered strategic infrastructure. No threshold has been set in respect of a substation. As such, it can be concluded that the grid connection route and the associated on-site substation fall within the scope of Section 182A(9) of the 2000 Act and this element of the proposed development constitutes strategic infrastructure.

Solar PV Farm

- At the time of writing the legislative provisions set under S182A of the 2000 Act are still in force.
- Although the Solar PV Farm, as a standalone development, does not fall within the scope of the definition for electricity transmission set out under S.182A(9) of the 2000 Act, it is noted that neither element of the project can function without the other. It is therefore considered that the Solar PV Farm, substation and grid connection function as integrated and interdependent infrastructure.

- The proposed development forms part of the electricity transmission network, transporting electricity from the proposed on-site 110kV substation, via a proposed 110kV transmission line, to the 110kV Dungarvan Substation. The Solar PV Farm is an integral component of the proposed development as it allows the on-site substation and grid connection to function as electricity transmission infrastructure within the definition set out in section 2(1) of the Electricity Regulation Act, 1999. As such, it is considered appropriate to submit a combined application to the Commission for both elements of the proposed development given the interdependent relationship.

The Commission may wish to note that the prospective applicant also raised procedural and transitional considerations relative to the provisions of the Planning & Development Act, 2024. These considerations are addressed in the record of the first meeting.

5. Relevant Precedents

In terms of similar, recent precedent cases, I refer the Board to the following:

ABP Ref. No.	Location	Development Description	Decision Date	Decision
ABP -300398-17	Timahoe North, Ballydermot, Co. Kildare.	Development of a solar photovoltaic array, substation and associated grid connection.	30/05/2018.	SID (substation & grid connection only) <i>* The Board agreed with the Inspector that the solar farm and BESS was not SID and a S.34 application should be made to Kildare Co. Co in the first instance.</i>
ABP-301206-18	Mothel and Curraghduff, Co. Waterford	Solar Farm and battery storage system with an associated 110kV Substation.	11/01/2019	Split Decision 1. The Solar Farm and BESS is not strategic infrastructure as it does not comprise a development set out in the Seventh Schedule of the PDA, 2000.

				2. The 110kV substation, cable end masts and overhead line falls within the scope of S.182A of the PDA, 2000.
ABP -304101-19	Trascan and Clondoolusk, Portarlinton, Co. Offaly.	Solar Farm Development with associated 110kV Substation.	11/01/2021	SID <i>(Substation only)</i> <i>* Solar Farm subject to a separate S.34 application to Offaly Co.Co.</i>
ABP-315430-22	Johnstown South, Knockroe, Crooket and Newtown Allen, Co. Kildare	110kV electrical substation and its grid connection options to the transmission network at Maganey Solar Farm.	01/06/2023	SID <i>(substation & grid connection only)</i>
ABP-315972-23	Toomes and Monvallet, Co. Louth.	Proposed 2 number 110kV substations and grid connection in lieu of 2 number 37kV substations and grid connection granted by Louth County Council (Planning Reference: 21/61) to facilitate permitted solar and battery storage system development and proposed extensions	01/06/2023	SID <i>* The inspectors report notes that the Solar Energy and Battery storage developments were permitted by the local authority.</i>
ABP-320154-24	Co. Cork	Proposed 220kV Air Insulated Switchgear (AIS) tail fed substation with associated grid connection comprising 220kV underground cabling connecting to the existing 220kV Knockraha substation.	23/09/2024	SID <i>* The inspectors report confirms that the Ballysallagh Solar Farm was the subject of a separate application to Cork County Council under S.34 of the 2000 Act.</i>
ABP-319470-24	Grangeford, Co. Carlow.	Proposed 110kV substation and 110kV underground cable connecting the substation to existing ESB 220kV Kellistown substation, located at Grangeford Co.Carlow	05/02/2025	SID <i>* The inspectors report notes that the purpose of the substation and underground cable is to connect a Solar PV</i>

				development permitted by the local authority to the national grid.
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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 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."*

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.

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 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

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 Meetings

Two pre-application consultation meetings were held with the prospective applicant on the 6th February 2025 and 30th April, 2026. The meeting records relating to this development proposal and the presentations made by the applicant to the Commission’s representatives are attached to the file.

8. Assessment

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).

Section 182A(9) of the 2000 Act sets a threshold of 110kV in order for a high voltage electricity transmission line to be considered strategic infrastructure (SID). No threshold is set in respect of a substation. The substation will transport electricity at 110kV to the existing 110kV Dungarvan Substation via the proposed underground/overhead cable. It is considered that the substation therefore

constitutes 'electric plant' in accordance with the definition set out in Section 2(1) of the 1999 Act which refers to "*any plant, apparatus or appliance used for, or for purposes connected with, the generation, transmission, distribution or supply of electricity....*". In addition, it is also considered that the 110kV substation and grid connection is part of a transmission system as defined in Section 2(1) of the 1999, Act which "*consists wholly or mainly, of high voltage lines and electric plant and which is used for conveying electricity fromone substation to another*". As such I consider that the proposed 110kV substation constitutes 'electric plant' as defined under Section 6.2 of this report in that it is plant for connecting the proposed solar PV farm to the national grid, and that the substation and the 110kV cabling connecting to the existing 110kV Dungarvan fall within the definition of 'transmission' as set out in Section 182A(9).

On completion it is stated that the substation and grid connection will be taken in charge by EirGrid as a functioning and operational part of the electricity transmission network. There is extensive precedent for new substations and grid connections being deemed to comprise Strategic Infrastructure (SID) and I note the similarity between this case and other proposals put before the Commission for pre-application consultation under Section 182E of the 2000, Act. In these cases, the Commission determined that the provision of a new 110kV substation and associated overground/underground cabling which is to be connected into the existing transmission system constitutes SID.

The proposed Solar PV Farm is not a form of development that is listed in the Seventh Schedule of the 2000 Act, and I do not consider that it comprises 'transmission', or that it can be reasonably described as 'electric plant', within the definitions set out in the 2000 Act and the 1999 Act. I consider that that there is no reasonable basis for such an interpretation which would be contrary to the Commissions established approach to other solar farm development cases. In this regard I note that applications for solar PV farms are routinely made to Local Authorities as separate planning applications under S.34 of the 2000 Act, that the Commission has accepted appeals relating to such applications, and to my knowledge the question of such developments falling under the definition of SID has not arisen. I consider that there are no particular circumstances in this case to alter that approach.

I note the prospective applicant's contention that the Solar PV Farm is an integral component of the proposed development on the basis that it allows the on-site substation and grid connection to function as electricity transmission infrastructure and that this 'interdependent' relationship brings the entire development within the scope of Section 2(1) of the 1999 Act. The applicant has not cited precedents which support this position and accepts that solar farms do not come within the scope of electricity transmission as set out in the 2000 Act. There is however precedent for similar cases such as those set out in Section 5 above and where the Board made a split determination that a Solar PV Farm did not compromise SID but that the associated substation and grid connection did compromise SID, or where the Inspectors recommendation otherwise made it clear that solar farms were a separate consideration to be brought forward as an application under Section 34 of the 2000 Act. I consider that these cases are directly relevant to consideration of the subject proposal and establish a clear precedent for determining that a Solar PV Farm is not SID and sustain the basis for a split determination.

Whilst there would clearly be efficiencies for both the prospective applicant and the planning system in dealing with the entire development in one SID application, this is not provided for under current legislation and it is considered that this is firmly evidenced by the established practice of solar farm developments necessitating separate applications to the Local Authority under S.34 of the 2000 Act for the reason that they are not SID. I note that the provisions of the Planning and Development Act, 2024 are clearly different in this regard, and that the prospective applicant has the option of recourse to same in due course once they are commenced.

In conclusion, therefore, I recommend that the Commission issue a split determination. Firstly, I consider that the Solar PV Farm element of the proposed development does not fall within the scope of section 182A of the 2000 Act, as amended, and consequently that a planning application for that element should be made to Waterford County Council, in the first instance. Secondly, I consider that the 110kV Substation and 110kV grid connection cable elements of the proposed development would fall within the scope of Section 182A of the 2000 Act, and that a planning application should be made directly to the Board.

A list of prescribed bodies is set out in Appendix 1.

9. Recommendation

I recommend that the prospective applicant, Amarenco Solar Modelligo Ltd, be informed that:

- (i) the proposed 110kV Substation and 110kV grid connection on lands at Drumroe East, Cappoquinn, Kilcannon and adjacent townlands, Co. Waterford, as set out in the plans and particulars received by An Coimisiún Pleanála on the 2nd & 20th April, 2026 falls within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should therefore be made directly to the Commission; and
- (ii) the proposed Solar PV Farm 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 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.



Paul Kelly
Senior Planning Inspector
Date: 22nd June 2026

Appendix 1: Prescribed Bodies

The following is a list of prescribed bodies considered relevant by the Board:

- *Minister for Housing, Local Government and Heritage*
- *Minister for the Environment, Climate and Communications*
- *Waterford County Council*
- *Commission for the Regulation of Utilities*
- *ESB*
- *Transport Infrastructure Ireland*
- *Uisce Éireann*
- *Inland Fisheries Ireland*
- *Office of Public Works*
- *HSE*
- *An Taisce*
- *Heritage Council*
- *An Chomhairle Ealaíon*
- *Fáilte Ireland*
- *Health & Safety Authority*

Further notifications should also be made, where deemed appropriate.