

Commission for Regulation of Utilities,
The Grain House,
The Exchange,
Belgard Square North,
Tallaght,
Dublin 24,
D24 PXW0.

15/01/2024

Re: Strategic Infrastructure Development (SID) Planning Application submitted under Section 182A of the Planning & Development Regulations 2001-2023 (as amended) “the Regulations” for the development described generally as the installation of a 110kV substation and 110kV underground grid connection to an existing Eirgrid 110kV substation in the Townland of Great Island, Kilmokea, Co. Wexford. ABP Pre-Application Consultation Case Number: ABP-318011-23

Dear Sir/Madam,

We, Entrust Limited “the Agent” are writing on behalf of the Applicant, Kilmannock Battery Storage Limited to you as a prescribed body defined under Section 182A(4)b and 182C(4)b of the Planning & Development Act 2000 and Section 213 of the Regulations on the above full planning application for an electrical installation comprising a 110kV system with the following validation description:

Construction of an electrical infrastructure installation and associated underground grid connection (UGC) on lands within the townland of Great Island measuring approximately 2.58Ha./25812 square metres in overall area. The installation would consist of a 110kV tail-fed substation and underground grid connection measuring approximately 838m in overall length. The 110kV substation would consist of a 110kV transformer; house transformer; disconnect, individual current and voltage transformers, combined current/voltage transformer, surge arrestors; circuit breakers and cable sealing end; a blastwall measuring 8.00m in overall height; 4no. lightning masts measuring 18.00m in overall height; palisade fencing measuring 2.60m in overall height; pole-mounted security cameras and lamp posts. An Eirgrid substation building with an overall footprint of approximately 180.00sqm and overall height of 8.21m would be located at the western end of the substation area. An IPP substation with an overall footprint of 132sqm and height of overall 7.33m would be located at the eastern end. The typical UGC installation would consist of standard ESB ducting details of the following 1no. trench (0.82m wide; 1.31m deep) measuring approximately 838m in overall length to carry 3no. 160mm power ducts and 2no. communication ducts and an ECC duct, connecting the proposed substation to an existing 110kV Eirgrid substation at Great Island. The typical trefoil trench will need to be adapted to a flat formation to accommodate for any service crossings encountered along the route. A typical width of trench for a flat formation trench would be approx 1.60m with varying depths. A temporary construction compound would be constructed within the site boundary for construction phase of the development, after which it would be removed.

This application is being made directly to An Bord Pleanála as 'Strategic Infrastructure Development' (SID) under the provisions of Section 182A of the Planning and Development Act 2000 as amended and associated planning regulations. As part of the SID planning process a statutory pre-application consultation occurred between the Agent, Applicant and An Bord Pleanála on November 6th, 2023. A copy of the Board's determination is enclosed with this letter.

Please find enclosed both a hard and a soft copy (USB) application of the proposed application.

Planning Application Documentation

The following documents are included in the application pack:

- Copy of the completed An Bord Pleanála SID Application Form;
- Copy of the Site Notice;
- Copy of 2no. Newspaper Notices;
- Copy of Record of Payment (Electronic Funds Transfer Payment);
- Copy of the Letters of Consent from the landholders –
 - Liam Strain – Folio Ref. WX55138F
 - SSE Generation Ireland Limited – Folio Ref. WX51685F
 - Greenlink Interconnector Limited – Folio Ref. WX66238F
- Copy of Planning Application Notification Letter to Wexford County Council;
- Copy of Planning Application Notification Letter to each Prescribed Body;
- Copy Schedule of Drawings (attached to this Cover Letter);

Also attached are a copy of each of the following Appendices:

- Planning Drawings – prepared by TLI Engineering – See Appendix I
- Planning Statement – prepared by Entrust Limited – See Appendix II
- Archaeology & Cultural Heritage – prepared by Courtney-Deery See Appendix III
- Screening Report for EIA – prepared by Entrust Limited – See Appendix IV
- Ecology (AA Screening; EclA) – prepared by Moore Associates Ltd. - See Appendix V
- Flood Risk Assessment – prepared by IE Consulting Ltd. - See Appendix VI
- Environmental Noise Assessment – prepared by PDA Acoustics Ltd. - See Appendix VII
- Landscape & Visual Impact Assessment – prepared by Entrust Ltd. - See Appendix VIII
- Landscaping Plan and Report – prepared by Cathal O' Meara Ltd. - See Appendix IX
- Construction Methodology Statement – prepared by TLI Engineering Ltd. – See Appendix X
- CEMP – prepared by IE Consulting Ltd. - See Appendix XI
- Transport Management Plan – prepared by Local Transport Solutions Ltd. – See Appendix XII
- Air Quality Report and Climate Report – prepared by AWN Consulting Ltd. - See Appendix XIII
- Population and Human Health – prepared by AWN Consulting Ltd. - See Appendix XIV

- COMAH (Seveso 2022 Site Screening) Report – prepared by AWN Consulting Ltd.
- See Appendix XV
- Site Specific Soils and Geology Report – prepared by Ciaran Reilly Associates – See Appendix XVI

Site Notices

Site notices have been erected at the entrances to the proposed development. The notices will be monitored on a regular basis by the Applicant to ensure, to the best possible extent, that they remain in-situ. In the event that any notice is removed or tampered with, the applicant will ensure that it is replaced as quickly as possible.

Landowner Consent

The relevant landowners, upon whose land the proposed development will be located, have confirmed their consent for the making of a planning application by the Applicant and letters of consent are enclosed.

The planning application may be inspected free of charge or purchased on payment of a specified fee (which fee shall not exceed the reasonable cost of making such copy) during public opening hours for a period of seven weeks and nine days (to account for Christmas holiday period) **commencing on January 25th 2024** at the following locations:

- The Offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902;
- Wexford County Council, County Hall, Carricklawn, Wexford, Y35 WY93.

The application may also be viewed/downloaded on the following website: kilmokeagreatislandsubstation.ie

You are advised that the Board may in respect of an application for permission decide to:

- (a) i. grant the permission/approval, or
 - ii. make such modifications to the proposed development as it specifies in its decision an grant permission/approval in respect of the proposed development as so modified, or
 - iii. grant permission/approval in respect of part of the proposed development (with or without specified modifications of the foregoing kind), and any of the above decisions may be subject to or without conditions, or
- (b) Refuse permission to grant the permission/approval.

Submission or observations may be made only to An Bord Pleanála (“the Board”), 64 Marlborough Street, Dublin 1, D01 V902 (and may also be made online at www.pleanala.ie) during the above mentioned period of seven weeks relating to:

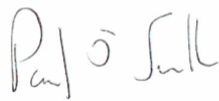
- i. The implications of the proposed development for proper planning and sustainable development, and
- ii. The likely effects on the environment of the proposed development, and

iii. The likely significant effects of the proposed development on a European site, if carried out.

Any enquiries relating to the application process should be directed to the Strategic Infrastructure Development Section of An Bord Pleanála (Telephone: 01 8588100).

Any submissions/observations must be received by the Board not later than **5.30 p.m. on the 14th March 2024.**

Yours faithfully,

A handwritten signature in blue ink that reads "Paul O' Sullivan". The signature is written in a cursive style with a large initial 'P' and 'S'.

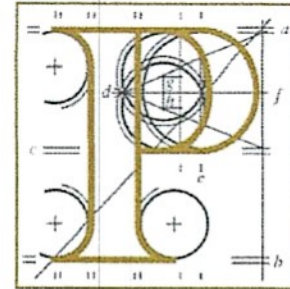
PAUL O' SULLIVAN (LICENTIATE MEMBER OF THE RTPI),
Entrust Ltd,
Unit 1D Deerpark Business Centre,
Oranmore,
Co. Galway.
H91 X599
(Tel: +353 (0) 91 342 511)

Appendix 1 -

**An Bord Pleanála Notification Letter – SID pre-application and
Inspector’s Report (ABP Ref. 318011-23)**

Our Case Number: ABP-318011-23

Your Reference: Kilmannock Battery Energy Storage Limited



An
Bord
Pleanála

Entrust Limited
Unit 1D
Deerpark Business Centre
Oranmore
Co. Galway
H91 X599

Date: 19 December 2023

Re: Battery Energy Storage System (BESS), 110kV substation and 110kV Underground Grid Connection to existing Great Island Eirgrid Substation and all associated site works located at lands at Great Island, Kilmokea, Co. Wexford.

Dear Sir / Madam,

Please be advised that following consultations under section 182E of the Planning and Development Act 2000, as amended, the Board hereby serves notice that it is of the opinion that the proposed development falls within the scope of section 182A of the Planning and Development Act 2000, as amended. Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 182A of the Planning and Development Act 2000, as amended. Any application for approval for the proposed development must therefore be made directly to An Bord Pleanála under section 182A(1) of the Act.

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed.

The following is a list of prescribed bodies to be notified of the application for the proposed development.

- Minister of Housing, Local Government and Heritage
- Minister for Environment, Climate and Communications
- Wexford County Council
- Transport Infrastructure Ireland

Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

- Failte Ireland
- An Taisce
- Heritage Council
- Inland Fisheries Ireland
- Commission of Regulation of Utilities, Water and Energy
- Eirgrid
- Health Service Executive
- Uisce Eireann

Further notifications should also be made where deemed appropriate.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

In accordance with the fees payable to the Board and where not more than one pre-application meeting is held in the determination of a case, a refund of €3,500 is payable to the person who submitted the pre-application consultation fee. As a meeting was not required / only one meeting was required in this case, a refund of 3,500 will be sent to you in due course.

The following contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(7) of the Planning and Development Act 2000 requires that subject to any

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D01 V902	D01 V902

extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

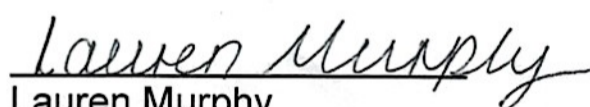
Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

~~Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.~~

If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,

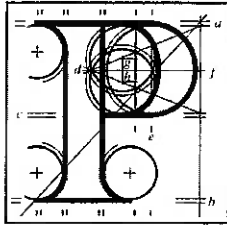


Lauren Murphy
Executive Officer
Direct Line: 01-8737275

VC11A

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D01 V902	D01 V902



An
Bord
Pleanála

Inspector's Report

ABP-318011-23

Development	Battery Energy Storage System (BESS), 110kV substation and 110kV Underground Grid Connection to existing Great Island Eirgrid Substation and all associated site works
Location	Located at lands at Great Island, Kilmokea, Co. Wexford.
Prospective Applicant(s)	Kilmannock Battery Energy Storage Limited
Planning Authority	Wexford County Council
Type of Application	Pre-Application Consultation under s.182E of the Planning and Development Act 2000, as amended
Date of Site Inspection	3 rd December 2023
Inspector	Susan Clarke

1.0 Pre-Application Consultation

- 1.1. The Board received a request on 13th September 2023 from Entrust Limited on behalf of Kilmannock Battery Energy Storage Limited to enter into pre-application consultation under Section 182E of the Planning and Development Act 2000, (As Amended), in relation to proposed development at lands at Great Island, Kilmokea, Co. Wexford.
- 1.2. The Board's representatives met with the prospective applicant and their agent on the 6th November 2023. Subsequently, the prospective applicant formally requested closure of the pre-application consultation process on the 21st November 2023.

2.0 Site Location

- 2.1. The site, with a stated area of 2.5ha, is located at Great Island, Kilmokea, approx. 12.5km south of New Ross Town, in Co. Wexford. It is positioned northeast of Great Island Power Station and north of the Greenlink UK-Ireland Interconnector converter station, which is currently undergoing construction. The Waterford to Wexford railway line runs parallel with the northern boundary of the site. The greenfield site slopes from south to north. Access to the site is from the L4033 (entrance road to the Great Island Power Station) and is shared with the Greenlink Interconnector Station.
- 2.2. The nearest area of settlement is at Cheekpoint, County Waterford, located approximately 1km to the south of the site. In County Wexford, the nearest significant area of settlement is Campile, located approximately 3km to the east. The closest dwelling located to the site is at a distance of approx. 470m. The surrounding area is predominantly characterised by agricultural lands.
- 2.3. Planning permission was granted in June 2018 for a similar type of development on the site (Reg. Ref. 20180506). Further details of this permitted development are provided in Section 4.0 below.
- 2.4. The proposed 110kV cable route would extend from the site and run parallel to the railway line before turning in a southerly direction and connecting with the Great Island 110kV substation.

2.5. The site is located adjacent to the confluence of the River Suir and River Barrow, on the shores of Waterford Harbour. The River Barrow, the River Suir, and the neighbouring Estuary, are designated as Special Areas of Conservation (SAC). The Barrow River Estuary is a proposed Natural Heritage Area (pNHA).

3.0 Proposed Development

3.1. The proposed development comprises of approx. 838m of 110kV underground cable, a 110kV tail-fed substation, and a 44 No. battery energy storage system unit (BESS).

110kV Substation:

- IPP Substation Control Building – 132sq m (4.3m overall height)
- Eirgrid Substation Control Building – 179 sq m (8.5 in overall height)
- 110kV Transformer
- Blastwall (located on the eastern side of the 110kV transformer) 8m in height
- 18m Lighting Mast
- Diesel Generator
- Associated works

BESS

- 44 No. units with an overall area of 3,612 sq m, overall height 3.5m
- 90MW storage capacity

Underground Grid Connection

- Overall length 838m, to be contained on private lands.
- One trench to accommodate three 160mm power ducts, two 125mm communication ducts, and one 63mm ECC duct.
- No point bays proposed.

3.2. The proposed development will connect to the existing 110KV Eirgrid Substation at Great Island. The prospective applicant outlines in their submission for pre-application consultations that the purpose of the proposed development is to facilitate the storage of any excess energy which is generated within the national grid. The 110kV

substation is required to connect the Great Island 90MW BESS compound to the existing transmission network to support both the import and export of the required power to and from the national grid.

4.0 Planning History

4.1. Subject Site

Reg. Ref. 20180506: Planning permission was granted by Wexford County Council in June 2018 for a similar, but smaller scaled development than that which is the subject of this case: a grid system services facility within a total site area of up to 1.15 hectares, to include one TSO compound including 1 no. single storey TSO electrical substation building and 1 no. single storey customer substation, electrical inverter/ transformer station modules, containerised battery storage modules on concrete support structures, heating, ventilation and air conditioning units (hvac units), access tracks and upgraded site entrance, associated electrical cabling and ducting, security gates, perimeter security fencing, cctv security monitoring system, landscaping works and all associated ancillary infrastructure on land.

The prospective application highlighted that the site is subject to a separate development for electrical infrastructure system that would consist of a 38kV substation, a 38kV underground grid connection to connect the proposed 38kV ESB substation to an existing 38kV ESB substation at Great Island and a BESS consisting of 16 No. units and associated ancillary development. The proposed development would be located immediately to the north of the proposed 110kV substation and to the west of the proposed 110 kV BESS development. At the time of writing this Report, there were no records on Wexford County Council's planning search system of the subject application.

4.2. Great Island Power Station

There is an extensive planning history relating to the Great Island Power Station site. However, I do not consider that these cases are pertinent to the subject determination.

4.3. Greenlink

Reg. Ref. 308906: Planning permission granted in June 2021 for the Greenlink Interconnector, which will comprise subsea and underground high-voltage electrical

cables and associated converter stations to connect to Eirgrid's Great Island 220 kV substation in County Wexford in Ireland and National Grid's Pembroke transmission substation in Pembrokeshire in Wales.

5.0 Applicant's Case

5.1. The prospective applicant's case can be summarised as follows:

- Seventh Schedule as set out in Section 37A of the Acts states *inter alia*:

"An industrial installation for carrying gas, steam or hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables, where the voltage would be 220 kilovolts or more, but excluding any proposed development referred to in section 182A(1)."

Section 182A(9) of the Act 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. (Underline: Prospective Applicant's emphasis.)

Having regard to the above, it is the prospective applicant's view that the development is SID.

6.0 Legislative Provisions

6.1. Section 2(1) of the Planning and Development Act 2000, (As Amended) ('the Act'), defines 'strategic infrastructure' as including, *inter alia*:

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

Section 37A of the Act states that:

"(1) An application for permission for any development specified in the Seventh Schedule (inserted by the Planning and Development (Strategic Infrastructure)

Act 2006) shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.

(2) That condition is that, following consultations under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely—

(a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,

(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,

(c) the development would have a significant effect on the area of more than one planning authority.”

6.2. Under subsection 182A(1) of the 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.

6.3. 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.”

6.4. The following definitions, as set out in section 2(1) of the Electricity Regulation Act, 1999, as amended, are noted:

- **'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 Board¹ 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."

- **'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 switch gear and which is used for conveying electricity to final customers."

- **'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".

- **'Electric Line':**

Section 2(1) of the 1999 Act, as amended, states that '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:

¹ For clarity, references to the 'Board' in this instance relate to the Electricity Supply Board.

“...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 Planning Policy

7.1. Project Ireland 2040: National Planning Framework

7.1.1. National Planning Objective 54:

“Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.”

7.1.2. National Policy Objective 55:

“Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050”.

7.2. Regional Spatial & Economic Strategy (RSES) for the Southern Region

7.2.1. Section 8.2 relates to ‘Strategic Energy Grid’.

7.2.2. RPO 219 New Energy Infrastructure

“It is an objective to support the sustainable reinforcement and provision of new energy infrastructure by infrastructure providers (subject to appropriate environmental assessment and the planning process) to ensure the energy needs of future population and economic expansion within designated growth areas and across the Region can be delivered in a sustainable and timely manner and that capacity is available at local and regional scale to meet future needs.”

7.2.3. RPO 222 Electrical Infrastructure

“It is an objective to support the development of a safe, secure and reliable supply of electricity and to support and facilitate the development of enhanced electricity networks and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this plan under EirGrid’s (2017) Grid Development Strategy (subject to appropriate environmental assessment and the planning process) to serve the existing and future needs of the Region and strengthen all-island energy infrastructure and interconnection capacity.”

8.0 **Assessment**

- 8.1. This pre-application consultation concerns a 110KV tail-fed substation, BESS (44 No. units) and 110kV underground cabling (858m in length) on lands at Great Island, Kilmokea, Co. Wexford.
- 8.2. The Board will note previous decisions it has made on SI pre-application consultation requests in relation to electricity transmission infrastructure under S.182E involving amendments, additions and expansion of electricity infrastructure. Due to lack of clarity in the interpretation of s.182A and its requirements regarding such type development, the Board has exercised some discretion and used the broad definition of the SI Act, “developments of strategic importance to the State”, and the criteria contained in s.37(A)(2) to determine such matters (although not specifically cited in regard to cases coming forward under s. 182A).

Battery Energy Storage System

- 8.3. In terms of the Battery Energy Storage System, it is proposed that it will operate by charging batteries using electricity imported from the national grid, which can then be released to provide grid system services.
- 8.4. Whilst the BESS may be considered to be of some strategic importance in terms of providing grid services such as stabilising the frequency network or providing energy during periods of electricity shortage, it does not come within the definition of transmission as set out above, that is to say it is not 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 from any interconnector or to final customers. Furthermore, it is not a class of development as set out in Schedule 7 of the Planning and Development Act, 2000, (As amended), for the purposes of section 37A. This view is consistent with a number of Board determinations including *inter alia*:
- ABP-301705-18: Athenry, Co. Galway.
 - ABP-301675-18: Millstreet, Co. Cork.
 - ABP-301672-18: Kellistown East, Co. Carlow.
 - ABP-301236-18: Poolbeg, Dublin 2.
 - ABP-301173-18: Millstreet, Co. Cork.
 - ABP-301392-18: Purcellsinch, Co. Kilkenny.
 - ABP-307080-20: Pigeon House Road, Dublin 4.
 - ABP 307081-20: Pigeon House Road, Dublin 4.
 - ABP 311992-21: Lanesborough, Co Longford.
 - ABP 311993-21: Shannonbridge, Co. Offaly.

Accordingly, should the Board concur with the above, I recommend that this element of the planned works be the subject of an application to the planning authority in the first instance.

Substation and Underground Cabling

- 8.5. Based on the information contained in the prospective applicant's cover letter and elaborated upon at the pre planning consultation meeting, I consider that the proposed 110kV substation would be described as electric plant as defined in relevant legislation. In addition, the underground cabling will facilitate a voltage of 110kV. The Applicant advised during the Board's pre-application consultation that a grid connection offer is pending from EirGrid. I consider that this element of the proposal meets the definition of electricity transmission under section 2 (1) of the Electricity Regulation Act 1999. As such it would fall under section 182A of the PDA and would be deemed to be strategic infrastructure development. This opinion is consistent with many similar determinations recently made by the Board including *inter alia*: 313680-22, 313352-22, 313001-22, 312860-22, and 312700-22.
- 8.6. I conclude that the proposed development of a substation and grid connection as described in the submitted documentation constitutes strategic infrastructure within the scope of section 182A of the Planning and Development Act 2000, (As Amended), necessitating an application directly to the Board.
- 8.7. I attach an Appendix which contains a list of relevant prescribed bodies.
- 8.8. **Planning and environmental considerations**

The following matters were discussed during the pre-application meeting.

- EIA – Robust screening assessment including consideration of the criteria set out Schedule 7A where it is concluded that EIA is not required.
- AA – Proximity of European sites including River Barrow and River Nore SAC (site code 002162), in addition to Great Island Power Station, the future Greenlink and potential application for 38kV substation and associated works on site. Consultation with the DAU advised.
- Cumulative Impacts, particularly with regard to traffic and transportation during the construction phase, and landscape and visual impacts, to be robustly assessed.

9.0 Conclusion

- 9.1. I consider that the proposed BESS does not constitute strategic infrastructure coming within the scope of section 182A of the Planning and Development Act, 2000, (As amended), and as such, it is recommended that an application for same is made to the planning authority in this instance.
- 9.2. However, I consider that the substation and underground cabling do come within the scope of section 182A necessitating an application directly to the Board.

10.0 Recommendation

Having regard to the above, I recommend that Kilmannock Battery Energy Storage Limited be informed that the proposed 110KV tail-fed substation and 110kV underground cabling on lands at Great Island, Kilmokea, Co. Wexford, as set out in the plans and particulars received by An Bord Pleanála on the 13th September 2023 and at the pre-application consultation meeting held on the 6th November 2023 falls within the scope of section 182A of the Planning and Development Act 2000, (As amended), and that an application should be made directly to the Board, and that the BESS does not fall within the scope of 182A and as such a planning application should be made in the first instance to Wexford 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.



Susan Clarke

Senior Planning Inspector

11th December 2023

11.0 Appendix A: Prescribed Bodies

The following is a schedule of prescribed bodies considered relevant in this instance for the purpose of section 182(A) (b)(4) of the Act.

- Minister of Housing, Local Government and Heritage
- Minister for Environment, Climate and Communications
- Wexford County Council
- Transport Infrastructure Ireland
- Failte Ireland
- An Taisce
- Heritage Council
- Inland Fisheries Ireland
- Commission of Regulation of Utilities, Water and Energy
- Eirgrid
- Health Service Executive
- Uisce Eireann

Further notifications should also be made, where deemed appropriate.