

An Bord Pleanála
64 Marlborough Street
Dublin 1
DOI V902

16/01/2024

Re: Planning application for Strategic Infrastructure Development (SID) under Section 182A of the Planning & Development Act 2000-2023 (as amended) “the Act” for development comprising of a 110kV substation and 110kV underground grid connection (UGC) in the townland of Great Island, Kilmokea, Co. Wexford

Dear Sir/Madam,

On behalf of the Applicant, Kilmannock Battery Storage Limited and further to a pre-application consultation with An Bord Pleanála (Ref. ABP-318011-23), please find enclosed an application for approval of the proposed construction of an electrical installation consisting of a 110kV substation and 110kV underground grid connection in the townland of Great Island, Kilmokea, Co Wexford.

This application is being made directly to An Bord Pleanála as Strategic Infrastructure Development, hereafter referred to as “SID”, under the provisions of Section 182A of the Planning and Development Act 2000 (as amended) and associated planning regulations.

This position was confirmed by An Bord Pleanála to the applicant on November 6th, 2023 following statutory pre-application consultations with the Board (Reference: ABP-318011-23). A copy of the Board's record of the meeting and associated Inspector's report is enclosed with this letter (**See Appendix 1**). The Board has deemed that the proposed development would form a node on the transmission network and therefore constitutes Strategic Infrastructure Development as defined under and in associated legislation, i.e. Section 2(1) of the Electricity Regulation Act, 1999. Development consisting of a battery energy storage system (BESS) has been considered by the Board to not form part of SID, therefore subject to a different consent regime.

Description of the Proposed Development

The proposed development consists of a 110kV tail-fed substation and a 110kV underground grid connection that would connect the proposed substation to an existing 110kV Eirgrid substation at SSE Great Island Power Station. A description of development for validation purposes reads as:

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.

The purpose of the proposed development is to create infrastructure whereby electricity could be supplied by a battery energy storage system to the transmission system, i.e. the National Grid “the Grid”, during times of fluctuation on the grid, thereby enabling a reduction in Irelands carbon emissions, an increase in national energy security, and promotion of sustainable use of renewable resources.

As set out in the pre-app consultation meeting on November 6th, the proposed development submitted under this application constitutes a part of overall development on the Site. A separate full planning application has been made to Wexford County Council (Local Authority reference: 20231294) for electrical infrastructure consisting of a 38kV electrical system comprised of a battery energy storage system (BESS), 38kV substation and underground grid connection to an existing 38kV ESB substation. The application was validated on 27/10/2023 and is currently being determined. A Request for Further Information was received by the Agent from Wexford County Council on December 21st, 2023 (**See Appendix 2**). Submitted drawings, plans, elevations and supporting report documentation clearly outline the proposed development under this application, in the context of development that is subject to a separate application regime.

As discussed during the pre-planning consultation meeting, the Applicant has received a grid connection offer from Eirgrid for the proposed development (**See Appendix 3 of this Cover Letter**).

Planning Application Documentation

The following documents are included in the application pack:

- 2 no. copies of the completed An Bord Pleanala SID application form;
- 2 no. copies of the Site Notice (printed on yellow background – erected January 16th);
- 2 no. copies of each Newspaper Notice (Irish Daily Star and Wexford People);
- 2 no. copies of Record of Payment (Electronic Funds Transfer Payment);
- 2 no. copies of the landowner letters of consent –
 - Liam Strain – Folio Ref. WX55138F
 - SSE Generation Ireland Limited – Folio Ref. WX51685F
 - Greenlink Interconnector Limited – Folio Ref. WX66238F
- 2 no. copies of Planning Application Notification Letter to each Prescribed Body –
 - 1. the Minister for the Environment, Heritage and Local Government (NPWS);

- 2. the Minister for Communications, Marine and Natural Resources;
 - 3. Wexford County Council;
 - 4. Transport Infrastructure Ireland;
 - 5. Córas Iompair Éireann and the Railway Procurement Agency (Iarnród Éireann Infrastructure);
 - 6. the Commission for Regulation of Utilities;
 - 7. Irish Water;
 - 8. Health & Safety Authority (HSA);
 - 9. Inland Fisheries Ireland;
 - 10. Fáilte Ireland
 - 11. An Taisce
 - 12. Heritage Council
- 2 no. copies Schedule of Drawings (**see Appendix 4 of this Cover Letter**);
 - 8 no. copies of the Electronic Version of the Planning Application (USB).

Also attached are 2 no. copies of each of the following documents that comprise the application supporting information:

- Planning Drawings – prepared by TLI Engineering – See Appendix I
- Planning Statement – prepared by Entrust Limited – See Appendix II
- Archeology & 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 – prepared by Cathal O’ Meara Ltd. - See Appendix IX
- 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 (including ground investigation report) – prepared by Ciaran Reilly Associates – See Appendix XVI

In accordance with 182A (4)(b) of the Act Wexford County Council has received 2no. hard copies of the application pack. Other Prescribed Bodies have received copies of the application pack according to their specific request for information.

In accordance with Regulation 210 (4) of the Planning & Development Regulations 2001-2023 (as amended) and Section 182A (4)(a) of the Act, public notice is given to the application in the form of:

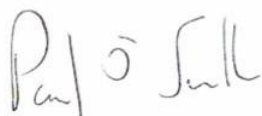
- Newspaper notices (Irish Daily Star and Wexford People – published on January 16th, 2024)
- Site notices - The notices will be monitored on a regular basis by the Applicant to ensure, to the best possible extent, that they remain in situ. In the event that any notice is removed or tampered with, the applicant will ensure that it is replaced as quickly as possible.
- A dedicated project website: www.kilmokeagreatislandsubstationsid.ie.

All prescribed bodies considered relevant by the Board are being provided with application documentation in the format which they have requested. Where a response has not been received, each body has been advised of the URL of the project website where all planning application documentation can be viewed.

Summary

This planning application is being lodged with An Bord Pleanála following a determination that the proposed development constitutes SID in statutory pre-application consultation with the Applicant. We trust that the planning application is in order and the documentation provided sufficient for your consideration of this proposed development. Should you have any queries in relation to any of the information enclosed, please do not hesitate to contact this office.

Yours faithfully,



Paul O' Sullivan (Licentiate Member of the RTPI)

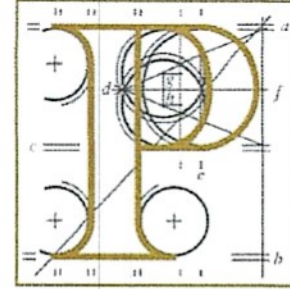
Entrust Ltd,
Unit 1D Deerpark Business Centre, Oranmore,
Co. Galway.
H91 X599
Tel: +353 (0)91 342 511
Email: paul@entrust-services.com

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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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.

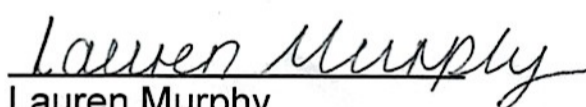
Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice 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,

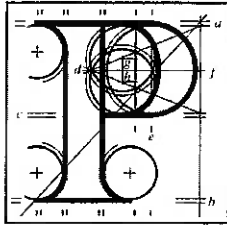


Lauren Murphy
Executive Officer
Direct Line: 01-8737275

VC11A

Teil	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

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Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



An
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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.

Appendix 2 – Planning Application to Wexford County Council (Local Authority reference: 20231294) – Request for Further Information

20 December 2023

REGISTERED POST

Kilmannock Battery Storage Limited
c/o Paul O'Sullivan
Entrust Limited, Unit 1D
Deerpark Business Centre
Deerpark Industrial Estate
Galway
H91X599

PLANNING AND DEVELOPMENT ACTS 2000 (as amended)

Planning Reg No: 20231294

Applicant: Kilmannock Battery Storage Limited

Proposed: Permission for development, consisting of: Construction of an electrical infrastructure installation and associated underground grid connection (UGC) on lands within the townland of Great Island measuring approximately 2.6Ha. in overall area. The installation will consist of a Battery Energy Storage System (BESS), a 38kV tail-fed substation, underground grid connection (UGC) to connect to the proposed substation to an existing ESB substation at Campile and associated ancillary development. The BESS would comprise 16no. individual battery storage units on concrete foundations, each unit measuring 2.60m in overall height, 2.4m in width and 6.00m in overall length with heating, ventilation and air-conditioning (HVAC) units; The 38kV substation compound would consist of a 38kV transformer; diesel generator; house transformer; disconnect; individual current and voltage transformers; combined current/voltage transformer; surge arrestors; circuit breakers; cable sealing end; substation building with an overall footprint of 95.00sqm; a blastwall measuring 8.00m in overall height; 2no. lightning masts measuring 18.00m in overall height; palisade fencing measuring 2.60m in overall height; pole-mounted security cameras and lamp posts.

The UGC installation would consist of 1 no. trench (0.6m wide; 1.22m deep) measuring approximately 724m in overall length to carry 3 no. 110mm power ducts and 2 no. communication ducts, connecting the proposed substation to an existing 38kv ESB substation at Campile. 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 1.15m with varying depths. Ancillary development consists of a 5.00m wide access road off an existing access road to the Greenlink convertor station; levelling of site to create 2 no. platforms at +16.00m and +12.00m ASL; retaining wall to facilitate reduction of site levels along southern and south-western boundaries; an earthen bund on the north and eastern boundaries and all other associated works, including landscaping proposals. A temporary construction compound would be constructed within the site boundary for construction phase of the development, after which it would be removed.

Location Great Island, Kilmokea

A Chara

I wish to refer to the above application for Permission under the above Acts. To enable your application to be considered, it will be necessary for you to submit the following:

1. It is noted that the construction project is estimated to span a time period of 20 weeks and estimated to commence upon completion of the adjacent interconnector project, with an estimated maximum of 50 staff and 20 two-way heavy commercial vehicles movements per day. Please provide further detail on the size and load of each vehicle accessing the site during construction period and provide details of when the plant is proposed to be operational.
2. The applicant is invited to assess the submissions received from Uisce Eireann and Iarnrod Eireann. Provide details as appropriate per the issues raised in the submissions so as to ensure adequate protection of important national infrastructure.

Note: The applicant is advised that this request for further information does not necessarily indicate that permission would be subsequently granted.

NOTE: 6 no. copies of all documentation must be submitted. All plans/maps/drawings/ specifications must bear the full name and address of the person by whom they were prepared. In accordance with Article 33(4) of the Planning and Development Regulations 2001 (as amended), please note that where there is failure to reply to a request for further information within 6 months of the date of the request, the application shall be declared withdrawn.

Please note that, **David Wall** Case Officer, is dealing with this matter and can be contacted at the Planning Department, Tel **(053) 9196101** if you have any queries.

Mise le meas

A handwritten signature in black ink, appearing to read 'M Long', is written over a horizontal line.

Staff Officer
Planning and Development

Appendix 3 – Eirgrid gird connection offer to Kilmannock Battery Storage Ltd.



EirGrid
An tUbhchruth,
160 Bóthar Shíol Bhroin,
Droichead na Dothra,
Baile Átha Cliath 4,
D04 FW28
Éire

EirGrid
The Oval,
160 Shelbourne Road,
Ballsbridge,
Dublin 4,
D04 FW28
Ireland
T +353 1 677 1700
E info@EirGrid.com
EirGrid.com

Niall McCoy
Kilmannock Battery storage Limited
38/39 Fitzwilliam Square West
Dublin 2

8th March 2023

Our ref. P449-PH-OL

**Re: Connection of a Facility with a Maximum Export Capacity (MEC) of 90 MW and
Maximum Import Capacity (MIC) of 90 MVA at Kilmannock, Great island,
Co Wexford**

Dear Niall,

Please find enclosed EirGrid's (the "Company") connection offer (the "Offer") with reference P449 issued to Kilmannock Battery storage Limited (the "Customer") for a 90 MW battery storage facility, known as Kilmannock Battery Storage Facility Phase2, Kilmannock, Great island, Co Wexford.

The Offer is issued by the Company to the Customer for connection of the Facility to the Transmission System

The Offer consists of a connection agreement to be entered into by the Company and the Customer (the "Connection Agreement") which, for the avoidance of doubt, includes the Offer as one of its schedules (Schedule 1). Furthermore, any defined terms used in the Offer, shall have the same meaning when used in this Offer as in the Connection Agreement and reference should be made to the Connection Agreement for the definition of such terms.

To accept the Offer the Customer must comply with, and satisfy the Conditions Precedent (as set out in the Offer Letter outlined below) before close of business 7th June 2023 unless there is an approved extension by the Company. The Conditions Precedent are as follows:

Stiúrthóirí: Brendan Tuohy Cathaoirleach, Mark Foley Príomhfheidhmeannach, an Dr Theresa Donaldson Leaschathaoirleach, Shane Brennan, Tom Coughlan, Michael Hand, Rosa M Sanz García (An Spáinn), Martin Corrigan Rúnaí na Cuideachta

Directors: Brendan Tuohy Chair, Mark Foley Chief Executive, Dr Theresa Donaldson Deputy Chair, Shane Brennan, Tom Coughlan, Michael Hand, Rosa M Sanz García (Spain), James Nyhan, Martin Corrigan Company Secretary

Uimhir Chláraithe na Cuideachta No. | Company Reg No. 338552 ~



- The Company has received an electronic copy of the Connection Agreement signed by an authorised signatory of the Customer using DocuSign (see cover letter to the Offer Letter for further details);
- The Customer has signed the Interface Undertaking with the Transmission Asset Owner which is set out in Schedule 11 of the Connection Agreement using DocuSign;
- The Customer has signed the Interface Undertaking with the DSO which is set out in Schedule 13 of the Connection Agreement using DocuSign; and
- The Customer has made a payment of €900,000 (exclusive of VAT) to the Company which has been received by the Company.

After this deadline of 7th June 2023, this Offer, including the terms of the Connection Agreement, cannot be accepted by the Customer without approved extension by the Company.

Please note that the Customer is required to sign the execution page of the Connection Agreement and the two Interface Undertakings at Schedules 11 and 13 of the Connection Agreement. The Company requires that the signatory be an authorised signatory of the Customer. As evidence of the signatory's authority, the Company requires the Customer to provide the following (by uploading the relevant documents to DocuSign):

- (i) a certified copy of the current Articles of Association of the Customer's company demonstrating that the signatory has the necessary authority to enter into contracts for and on behalf of the Customer; and
- (ii) a certified copy of the relevant board minute or written resolution demonstrating that the signatory has the necessary authority to enter into the Connection Agreement and Interface Undertakings for and on behalf of the Customer.

In some circumstances the document listed at (i) may in itself be sufficient to demonstrate the signatory's authority to the Company, but generally documents (i) and (ii) will be required.



If we can be of any further assistance in relation to any of the above, please contact me at pritha.hajra@eirgrid.com.

Yours sincerely,

Pritha Hajra

Customers and Connections,

EirGrid plc

Appendix 4 – Schedule of Drawings

Drawing Ref.	Drawing Description	Scale	Paper Size
05951-DR-600	Site Location Map	1:10560	A3
05951-DR-601	Site Location Map (including wayleave and landownership boundaries)	1:2500	A3
05951-DR-602	Landownership Plan	1:2500	A3
05951-DR-603	Site Notice Location	1:2500	A3
05951-DR-604	Overall Site Layout Plan	1:2500	A3
05951-DR-605	Site Layout Plan – Grid Connection	1:200	A3
05951-DR-606	Site Layout Plan – Grid Connection Sheet 1/4	1:500	A1
05951-DR-607	Site Layout Plan – Grid Connection Sheet 2/4	1:500 (Plan) and 1:50 (Sections)	A1
05951-DR-608	Site Layout Plan – Grid Connection Sheet ¾	1:500	A1
05951-DR-609	Site Layout Plan – Grid Connection Sheet 4/4	1:500	A3
05951-DR-610	110kV Ducting in Access Track with ECC Duct	1:10	A3
05951-DR-611	110kV Ducting in Flat Formation with ECC Duct	1:10	A3
05951-DR-613	Trench Sections for Crossing Existing Culverts / Services Overcrossing	1:50 and 1:20	A1
05951-DR-615	110kV Joint Bay General Arrangement	1:100 and 1:50	A1
05951-DR-616	C2 Chamber Details	1:20	A3
05951-DR-617	Typical Link Box Chamber Details	1:20	A3
	SUBSTATION DWGS.		
05951-DR-700	Site Layout Plan 110kV Substation	1:500	A1
05951-DR-701	Substation Compound Layout Pla	1:500	A1
05951-DR-702	Proposed 110kV Substation Compound Elevations & Section	1:250 (and 1:2000)	A1
05951-DR-703	EirGrid Building Layout Plan, Elevations & Section	1:100	A1
05951-DR-704	IPP Building Layout Plan, Elevations & Section	1:100	A1
05951-DR-705	Drainage Layout Plan	1:500	A1
05951-DR-706	Drainage Details Sheet 1/5	1:10	A3
05951-DR-707	Drainage Details Sheet 2/5	1:10	A3
05951-DR-708	Drainage Details Sheet 3/5	1:10	A3
05951-DR-709	Drainage Details Sheet 4/5	1:10	A3
05951-DR-710	Drainage Details Sheet 5/5	1:10	A3
05951-DR-711	Compound Details	1:10; 1:20; 1:25	A1
05951-DR-712	Lightning Monopole Detail	1:100	A3
05951-DR-713	Block Duct Details	1:20	A3

05951-DR-714	Palisade Fence Detail	1:20	A1
05951-DR-715	Palisade Gate Detail	1:20	A1