



An  
Bord  
Pleanála

## Inspector's Report ABP 31173-18

---

<b>Development</b>	Proposed battery storage facility comprising of a 110kV electrical substation.
<b>Location</b>	Caherdowney, Millstreet, Co. Cork
<b>Prospective Applicant</b>	Redfaze Ltd.
<b>Planning Authority</b>	Cork County Council
<b>Type of Application</b>	Pre-Application Consultation under Section 182A and Section 37B of the Planning and Development Act, 2000, as amended.
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Pre-Application Consultation

The Board received a request on the 8<sup>th</sup> March 2018 from Redfaze Ltd. to enter into pre- application consultations in relation to the proposed development at Caherdowney, Millstreet, Co. Cork.

Further details were provided in response to correspondence issued from the Board on the 17<sup>th</sup> April 2018.

The Board's representatives met with the prospective applicant on the 14<sup>th</sup> May, 2018.

## 2.0 Site Location and Proposed Development

The site is located c.100 metres to the east of the existing Ballyvouskill 110kV substation compound c. 6 km to the south of Millstreet and c. 14km to the north-west of Macroom in County Cork.

The proposed development comprises of:

- Up to 40 no. battery container units.
- 110kV substation to Eirgrid specification
- Associated electrical equipment
- Underground grid connection to Ballyvouskill substation.

An alternative layout is being considered whereby the battery storage would be provided within a single building.

The battery system is to provide ancillary services to the national grid. It will operate by charging batteries using electricity imported from the national grid. When the stored energy is required such as during periods of electricity shortages it can be released to the grid so as to provide consistency of supply. These types of services are being sought in the electricity market under the Eirgrid DS3 Programme.

The substation is required so as to allow for a step up to the Ballyvouskill 110kV substation and provides for a 'stand alone' development not reliant on additional infrastructure being provided in the existing substation. One cable is proposed to connect the two substations.

In response to a request from the Board dated 17<sup>th</sup> April 2018 the prospective applicant states that the proposed development is not related in any way to either the existing Ballyvouskill substation granted approval under ref. 04.VA0008 or the proposed STATCOM devices subject of another pre-application consultation under file ref. ABP 301174-18. It is intended to operate as a standalone entity in the DS3 scheme.

### **3.0 Prospective Applicant's Case**

Subsection 9 of 182A sets a threshold of 110kV in order for a high voltage electricity transmission line to be considered Strategic Infrastructure. No threshold is set in respect of a substation. It is therefore reasonable to refer directly to Section 37A(2) of the Act.

- The development will not make a significant contribution to the delivery of the regional planning guidelines or the National Spatial Strategy.
- The development is entirely within the catchment of a single planning authority.
- Precedent has been set by the Board. File refs. VC0061, VC0063, VC0069, VC0067, VC0104 and PC0161 cited. The Board decided that the proposed grid connection works did not fall within the meaning of Section 182A of the Act.

### **4.0 Legal Provisions**

Under section 182A(1) of the 2000 Act (inserted by section 4 of the 2006 Act) where a person (thereafter referred to as the 'undertaker') intends to carry out development comprising or for the purposes of electricity transmission (hereafter referred to in this section and section 182B as 'proposed development'), the undertaker shall prepare, or cause to be prepared, an application for approval of development under section 182B and shall apply to the Board for such approval accordingly.

Subsection 9 states that

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.

In section 2(1) of the Electricity Regulation Act, 1999, “transmission” is defined in relation to electricity as meaning

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 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.

“Distribution” is defined as

“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” is defined as:

“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

## 5.0 Assessment

From the details on this file and on pre-consultation request ABP 301174-18 the proposed development constitutes one of three prospective developments within or in the vicinity of Ballyvouskill substation which, itself, was subject of approval by the Board under ref. VA0008. The 1<sup>st</sup> relates to STATCOM devices at the said substation under ref. ABP 301174-18 which the Board decided does not fall within

the scope of section 182A of the Planning and Development Act, 2000, as amended. The 2<sup>nd</sup> is for a battery storage unit and 110kV substation which is the subject of a planning application to Cork County Council under ref. 18/4182. A decision has not yet been made on the application.

I consider that the proposed development comprises two elements for consideration. The first is the battery storage facility and the second is the 110kV substation and cable connecting to the Ballyvouskill substation.

### **5.1. Battery Storage Facility**

The battery storage system is to provide ancillary services to the national grid. To ensure that Eirgrid as the Transmission System Operator can continue to operate a secure electricity system with an increased level of power from renewable sources they have the need for new system tools to ensure that there are sufficient system services available. The system will operate by charging batteries using electricity imported from the national grid. Electricity is not generated on site. When the stored energy is required it can be released to provide grid system services such as providing energy during periods of electricity shortages allowing for a consistency in supply. These types of services are being sought in the electricity market under the Eirgrid DS3 Programme.

Whilst the battery storage facility may be considered to be of some strategic importance in terms of ensuring consistency in supply, I submit that 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.

I would also bring to the Board's attention the details on file ref. ABP 301174-18, specifically Eirgrid's (prospective applicant) response to the Board's request seeking clarification regarding the proposal. Eirgrid stated that it was not aware of the development subject of this consultation but it was aware of a separate planning

application to Cork County Council (file ref. 8/4182) for a further battery storage facility including a 110kV substation to the west of the existing substation and connection to same via an underground cable. The development in that regard is comparable in size to that which is subject of this request and will provide for up to 39 battery units, each in 40-foot containers. Eirgrid, which is the Transmission System Operator, stated that the said development does not constitute transmission grid development and that a battery storage facility is similar to other demand customers (eg. large scale energy users such as data centres) or generators (eg. windfarm or solar farm) wishing to connect to the grid.

## **5.2. 110kV substation and Cable Connection**

Section 182A (9) of the Act sets a threshold of 110kV in order for a high voltage electricity transmission line to be considered strategic infrastructure. No threshold is set in respect of a substation.

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 both new and amendments/addition to substations. 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).

In this instance the substation is required to step up to 110kV so as to allow connection to the existing Ballyvouskill 110kV substation and the flow of power back and forth. It is to serve a development, namely the battery storage facility which, itself, does not generate electricity. A new substation is proposed rather than seeking additional infrastructure in the existing substation thereby allowing the development to be self-contained and stand alone. One cable is proposed to connect the proposed and existing substations.

Whilst the substation would be considered to be electric plant I submit that it would be appropriately described as plant associated with distribution, namely the conveying electricity to a final customer. I would refer back to the comments from

Eirgrid as set out above that a battery storage facility is similar to other demand customers (eg. large scale energy users such as data centres) or generators (eg. Windfarm or solar farm) wishing to connect to the grid. As such the substation will not be a node on the transmission network.

However, should the Board conclude that the works come within the specified parameters of transmission I submit that it would be reasonable to consider the long title of the Planning & Development (Strategic Infrastructure) Act 2006 in order to understand the intended purpose of the Act. This provides for the making applications directly to An Bord Pleanála for “developments of strategic importance to the State.”

Section 37(A)(2) of the P & D Act 2000-2010 lists 3 requirements of which one or more must be met to constitute strategic infrastructure. It should be noted that the criteria listed under section 37(A)(2) are not repeated under section 182(A), however they do provide a useful reference regarding the nature, importance and extent of a proposed development which is to be regarded as Strategic Infrastructure Development. In this context I note the scale of the works located within a larger site on which a battery storage facility is proposed in proximity to an existing 110kV substation

Having regard to the 3 requirements I do not consider that the 110kV substation and underground cable constitute strategic infrastructure in that they are to serve the battery storage facility only. They are not of strategic economic importance to the State, would not contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or the current Regional Planning Guidelines for the South West region and are within the catchment of a single planning authority.

In conclusion having regard to the stated purpose, nature and scale of the proposed development, to the stated purpose of the 2006 Act as set out in the long title and to the general description and scale of strategic infrastructure development set out in section 37A(2), I conclude that the proposed development consisting of the construction of a proposed battery storage facility comprising a 110kV electrical substation at Caherdowney, Millstreet, Co. Cork, does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended.

## **6.0 Recommendation**

Having regard to the above I recommend that Redfaze be informed that the proposed battery storage comprising a 110kV electrical substation unit does not fall within the scope of sections 37A or 182A of the Planning and Development Act, as amended, and that a planning application should be made in the first instance to Cork County Council.

---

**Pauline Fitzpatrick**  
**Planning Inspector**

**May, 2018**