



An  
Bord  
Pleanála

## Inspector's Report ABP-312249-21.

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<b>Development</b>	Proposed 110 KV substation and electrical cable connection from permitted Knocknamork Renewable Energy Development to existing 220kV Ballyvouskil substation.
<b>Location</b>	Lands in Cummeennabuddoge, Co. Kerry and lands in Caherdowney, Co. Cork.
<b>Prospective Applicant</b>	Knocknamork Ltd.
<b>Planning Authority.</b>	Cork County Council and Kerry County Council.
<b>Type of Application</b>	Pre-Application consultation under section 182E of the Planning and Development Act 2000, as amended.
<b>Date of Site Inspection</b>	17 February 2022.
<b>Inspector</b>	Mairead Kenny.

## 1.0 Overview

The Board on 16 December 2021 received a request to enter into pre-application consultation under section 182E of the Planning and Development Act 2000 as amended in relation to the proposed 110kV substation and 3.5km of underground cable connection to an existing 220kV substation.

The substation and underground cable are for the purpose of providing a grid connection for the permitted Knocknamork Renewable Energy Development. This development permitted by Cork County Council included an option to connect to Garrow substation – subsequently the Eirgrid connection offer received requires a connection to Ballyvouskil substation.

The site of the proposed substation and 270m of the cable would be within the administrative jurisdiction of Kerry County Council. The remainder of the underground cable would be within the administrative jurisdiction of Cork County Council.

A virtual meeting was held with the prospective applicant on 10 March 2022. Closure of the pre-application consultation was requested by letter dated 13 April 2022.

## 2.0 Site Location and Description

The site is located in an upland area to the south-west of Millstreet and north-east of Ballyvourey Co. Cork. This mountainous area contains a number of wind farm developments and commercial forestry. Access to the site can be gained by a forestry track and county road connecting with a junction on the R582 approximately 5km south of Millstreet.

The subject development straddles the border of two counties with the substation being sited in county Kerry. The permitted renewable energy development to be served is located to the south-west of the planned substation and within Cork county. Ballyvouskil substation is to the east of the defined site.

### 3.0 Proposed Development

The details of the proposed development are described in the documentation presented by MKO on behalf of the prospective applicant Knocknamork Ltd.

The proposed development is described as follows:

- 110kV substation to be constructed in Cummeennabuddoge Co. Kerry – to replace the 38 kV substation which was permitted as part of Knocknamork Renewable Energy Development.
- 3.5km underground cabling from the proposed substation to the existing Ballyvouskil substation.
- 5.5km of 33kV cabling connecting Knocknamork Renewable Energy Development to the proposed substation.
- Ancillary works including road upgrades.

The grid connection option being promoted is as shown on Fig 1 received by the Board on 19 April – two options were initially under consideration.

Subsequent to the pre-application meeting held the prospective applicant advised that it will be necessary to deepen the borrow pit which was permitted as part of Knocknamork Renewable Energy Development.

The future planning application would be accompanied by an EIAR and NIS.

### 4.0 Planning History

Under planning reg. ref. 19/4972 permission was granted by Cork County Council for Knocknamork Renewable Energy Development which is stated to comprise:

- 7 no. wind turbines
- Up to 70,000m<sup>2</sup> of solar panels on ground mounted steel frames
- 38kV electricity substations
- Up to 4 no. battery storage units
- All associated site works.

The application was accompanied by an EIAR. This assessed two underground grid connection options and the intention was to connect to Garrow substation.

ABP-311198 relates to a request for pre application consultations regarding Cummeennabuddoge Wind Designated Activity – including a grid connection to Ballyvouskil substation. The Board’s website indicates that this case is undecided at the time of writing.

#### 4.1. **Prospective Applicant’s Submission**

The submission is that the proposed development would constitute SID having regard to the provisions of s182A and some decisions of the Board.

The applicant also raised queries relating to whether the necessary upgrades to the turbine delivery route and the planned deepening of the permitted borrow pit would be considered under the SID or would require an application to the planning authorities.

#### 5.0 **Relevant Legislation**

**Section 182A (1) of the 2000 Act** (inserted by section 4 of the 2006 Act) provides that 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 ‘transmission’** in relation to electricity, shall be construed in accordance with section 2(1) of the Electricity Regulation Act 1999 but, for the purposes of this section, the foregoing expression, in relation to electricity, shall also be construed as meaning the transport of electricity by means of

- (a) a high voltage line where the voltage would be 110 kilovolts or more, or
- (b) an interconnector, whether ownership of the interconnector will be vested in the undertaker or not.

**Section 2(1) of the Electricity Regulation Act, 1999:**

**“Transmission” is defined as**

The transport of electricity by means of a transmission system, that is to say a system which consists, wholly or mainly, of high voltage lines and electric plant and which is used for conveying electricity from a generating station to a substation, from one generating station to another, from one substation to another or to or from any interconnector or to final customers but shall not include any such lines which the Board may, from time to time, with the approval of the Commission, specify as being part of the distribution system but shall include any interconnector owned by the Board.

**“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.

## **6.0 Assessment**

### **6.1. This assessment addresses:**

- Whether the proposed substation and underground 110kV cable development is SID
- Whether the planned 33kV IPP cabling, road upgrades and deepening of the borrow pit is SID
- The prescribed bodies to which the future application should be referred.

## **6.2. Substation and Underground Cable**

- 6.2.1. The proposed development comprises a 110 kV substation and underground 110kV cable. The prospective applicant has indicated that the future application to the Board would be accompanied by an EIAR and NIS.
- 6.2.2. I consider that the proposed 110kV substation would be described as electric plant as defined in relevant legislation. The proposed development includes high voltage lines of 110 kV.
- 6.2.3. I consider that 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.
- 6.2.4. 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.

## **6.3. 33kV cabling, road upgrades and borrow pit extension**

- 6.3.1. For clarity it is necessary to refer to the above elements of infrastructure which are also planned to be developed and to which reference has been made during the pre-application consultation.
- 6.3.2. The development as described in the pre-application submission received includes 5.5km of 33kV cabling connecting Knocknamork Renewable Energy Development to the proposed substation. As this falls below 110 kilovolts, it does not meet the definition of 'transmission and does not fall under s182A. This element of the planned works is not SID and should be subject of an application to the planning authority in the first instance.
- 6.3.3. The requirement for road upgrades is outlined in the pre-application request. This would involve an upgrade to the existing forestry tracks from the N22 to the west, includes a section of new access road. It was indicated to the prospective applicant during the pre-application consultation meeting that this would not fall under the SID application.

6.3.4. Subsequent to the pre-application consultation meeting the prospective applicant notified the Board of the proposed deepening of the permitted borrow pit within the Knocknamork Renewable Energy Development, which is necessary in connection with the substation. This application will be made to the planning authority in the first instance.

#### 6.4. **Prescribed Bodies**

6.4.1. I note that the development is proximate to the Gaeltacht.

6.4.2. I attach an Appendix of relevant prescribed bodies.

### 7.0 **Recommendation**

7.1. I recommend that the prospective applicant Knocknamork Limited be notified that the proposed development consisting of a 110 kV substation and underground grid connection in the townlands of Cummeennabuddoge Co. Kerry and Caherdowney Co. Cork as described in the documents received by the Board on 17 December 2022 falls within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should be made directly to the Board.

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Mairead Kenny  
Senior Planning Inspector

27 May 2022

## **Appendix – list of prescribed bodies**

The following list identifies the prescribed bodies which are considered relevant in this instance for the purposes of Section 182A(4)(b) of the Act.

- Minister for the Environment, Heritage and Local Government
- Minister for Communications, Marine and Natural Resources
- Carlow County Council
- Transport Infrastructure Ireland
- Commission for Regulation of Utilities, Water and Energy
- Irish Water
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Inland Fisheries Ireland