



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.