

An  
Bord  
Pleanála

## Inspector's Report ABP-319241-24

---

<b>Development</b>	Proposed development of a Battery Energy Storage System (BESS) and connection to the adjacent 220kV Ballyvouskill substation
<b>Location</b>	Townland of Caherdowney, Ballyvouskill, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Type of Application</b>	Pre-application consultation under section 182E of the Planning and Development Act 2000, as amended
<b>Prospective Applicant</b>	Kinbrace Limited
<b>Inspector</b>	Niall Haverty

## 1.0 Introduction

- 1.1. The Board received a request on 8<sup>th</sup> March 2024 from the prospective applicant, Kinbrace Limited, to enter into pre-application consultations under Section 182E of the Planning and Development Act, 2000, as amended ('2000 Act'), in relation to the proposed development of a Battery Energy Storage System (BESS), connection to the adjacent 220kV Ballyvouskill substation and associated development within the townland of Caherdowney, Ballyvouskill, Co. Cork.
- 1.2. The primary purpose of the pre-application consultation is to address the issue of whether or not the proposed development constitutes strategic infrastructure for the purposes of the 2000 Act.
- 1.3. One pre-application consultation meeting was held with the prospective applicant on 25<sup>th</sup> July 2024<sup>1</sup>. A letter requesting closure of the consultation process was received on the 30<sup>th</sup> August 2024.
- 1.4. This report provides an overview of the proposed development, as well as details of legislative provisions, and relevant precedent. My recommendation is that the proposed development does not constitute strategic infrastructure development.

## 2.0 Site Location

- 2.1. The site of the proposed development is within the townland of Caherdowney in Co. Cork, immediately to the west of the existing Ballyvouskill 220kV substation.
- 2.2. The site comprises agricultural grassland, with an agricultural shed located to the south and the nearest dwelling c. 600m to the south west. The nearest settlement is Millstreet, located c. 7km to the north east along the R582 Regional Road. Access to the site is via a farm access track off the L5226 local road to the south.

---

<sup>1</sup> As the prospective applicant had submitted a separate request for pre-application consultation in respect of a similar form of development at Flagford, Co. Roscommon (Ref. ABP-319771-24), where their opinion regarding the SID status varied, a joint meeting was held to discuss the two projects. Separate meeting records and Inspector's Reports have been prepared for each case.

### **3.0 Proposed Development**

3.1. The proposed BESS facility comprises a number of rechargeable battery units contained within 20ft containers and associated development, including the provision of unit transformers, a transformer compound and all associated infrastructure and works, security fencing and upgrade to vehicular access. The BESS facility would be connected to the adjoining Ballyvouskill 220kv ESB Substation via underground cable. The cover letter notes that electricity would not be generated on site, just stored in the batteries, which would be recharged from power provided from the adjoining Ballyvouskill 220kv substation.

3.2. More particularly, the proposed development as described in the cover letter comprises:

- Up to 16 No. BESS units comprising of battery cells within modules and ancillary equipment (there are 4 No. 20ft BESS containers within each 'BESS unit').
- Individual unit transformer at each unit with additional associated equipment.
- Transformer compound, including 110kV transformer and all associated infrastructure and works.
- Associated 'Under-the-fence' (UTF) electrical cabling and ducting works facilitating the connection of the proposed transformer compound to the adjacent existing 220kv Ballyvouskill substation.
- Control room building housing switch gear and other electrical control equipment and associated works.
- New vehicular entrance, internal access tracks and hardstanding.
- Temporary site welfare compound and all associated works.
- All associated site development, lighting, landscaping, security fencing, boundary treatment works and ancillary infrastructure.

### **4.0 Prospective Applicant's Case**

4.1. The prospective applicant's case, as outlined in the cover letter submitted on their behalf by Tom Phillips + Associates, can be summarised as follows:

- Proposed development will comprise a BESS compound to store electricity and will not comprise part of EirGrid's 110 kV transmission network. It cannot be deemed to fall under the definition of 'transmission' as the proposal does not generate electricity but rather has an energy demand.
- Proposed development would not fall under the definition of transmission as per s.182A of the 2000 Act and would therefore not comprise SID for the following reasons:
  - Proposed development would not act as a 'node' on the national grid system.
  - Proposed development is an Independent Power Producer (IPP) facility which is deemed to have no function relating to the operation of the transmission network and is therefore considered to be ancillary to the grid.
  - Proposed development does not supply electricity but rather has an electricity demand.
  - Battery Energy Storage Systems are not classes of development set out in Schedule Seven of the 2000 Act for the purposes of s.37A.
- Development does not fall within the definition of transmission set out in s.2(1) of the Electricity Regulation Act 1999 and, therefore does not comprise SID under s.182A(1) of the 2000 Act.
- Board is referred to a number of recent determinations relating to similar proposals, each of which were deemed to not constitute SID (see below).
- The similarities of the precedent cases to the proposed development are noted. The proposed development would have an energy demand and would not represent a node on the transmission network, as it is ancillary and has no function relating to the operation of the transmission network. As such, it is considered that the proposed development cannot be considered as SID, given that similar developments were not deemed to fall under the definition of 'transmission'.
- Applicant requests that this pre-planning consultation request result in an early written response from ABP to determine whether or not the proposal would constitute SID.

## 5.0 Relevant Precedents

5.1. The prospective applicant cites a number of cases where the Board determined that similar development did not comprise SID under s182A. Those cases, and others that I consider to be of relevance, include:

ABP Ref. No.	Location	Development Description	Decision Date	Decision
ABP-319395-24	Co. Kilkenny	Proposed development of a Transformer Compound enclosing a 110kV electricity transformer and an electrical control building, and approximately 30m of underground cables.	2024	<b>Not SID</b>
ABP-319398-24	Co. Galway	Proposed development of a transformer compound associated with permitted Tuam Energy Park (Solar Farm), adjacent to the existing Cloon 110kV Substation.	2024	<b>Not SID</b>
ABP-319157-24	Co. Donegal	Proposed development of an 'under the fence' (UTF) transformer compound associated with a proposed Energy Storage Facility	2024	<b>Not SID</b>
ABP-318491-23	Co. Kerry	proposed development of a transformer compound adjacent to the 220kV substation.	2024	<b>Not SID</b>
ABP-318011-23	Co. Wexford	Battery Energy Storage System (BESS), 110kV substation and 110kV Underground Grid Connection to existing Great Island Eirgrid Substation and all associated site works	2023	<b>Substation and cables are SID. The BESS is not SID.</b>
ABP-316369-23	Co. Limerick	Proposed development of a Generator Transformer Compound to the adjacent 110 kV substation	2023	<b>Not SID</b>
ABP-316011-23	Co. Mayo	Proposed synchronous condenser development and connection to the Srahnakilly 110 kV substation, via a 110kV underground cable.	2023	<b>Not SID</b>
ABP-315859-23	Co. Cork	Proposed grid stability service development comprising synchronous condenser compound and 110kV underground electricity connection cabling to Clashavoon 220kV substation.	2023	<b>Not SID</b>
ABP-315827-23	Co. Galway	Step-up transformer and grid connection works at Ardderroo 110kV Substation.	2023	<b>Not SID</b>
ABP-312013-21	Co. Longford	Transformer compound adjacent to the former Lough Ree Power Plant.	2022	<b>Not SID</b>

ABP-311993-21	Co. Offaly	Electrical development associated with a proposed Battery Energy Storage System and Synchronous Condenser	2022	Not SID
ABP-311992-21	Co. Longford	Electrical development associated with a proposed Battery Energy Storage System and Synchronous Condenser	2022	Not SID
ABP-307081-20	Dublin 4	An electrical development associated with a proposed flexible thermal generation facility (FlexGen) and battery energy storage system (BESS).	2020	Not SID
ABP-307080-20	Dublin 4	Electrical development associated with a proposed Flexible Thermal Generation Facility (FlexGen) and Battery Energy Storage System (BESS).	2020	Not SID
ABP-302647-18	Co. Kerry	110kV/220kV cable and transformer required to facilitate the operation of four proposed rotating stabilisers on a site of approximately 0.25 hectares.	2019	Not SID
ABP-301705-18	Co. Galway	100MW Battery Storage Facility.	2018	Not SID
ABP-301675-18	Co. Cork	Battery energy storage facility, 110kV substation and associated development.	2018	Not SID
ABP-301672-18	Co. Carlow	110kV transformer and connection to the national grid which will serve as a proposed battery storage facility with a capacity of up to 100MW.	2018	Not SID
ABP-301236-18	Dublin 2	Provision of a battery energy storage system.	2018	Not SID
ABP-301206-18	Co. Waterford	Solar farm and battery energy storage system with an associated 110kV substation	2019	Substation and cables are SID. Solar farm and BESS are not SID.
ABP-301173-18	Co. Cork	Proposed battery storage facility comprising a 110kV electrical substation	2018	Not SID

## 6.0 Legislative provisions

### 6.1. Planning and Development Act 2000, as Amended

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

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

6.1.2. Under subsection 182A(1) of the 2000 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.

6.1.3. 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."*

6.1.4. Section 182E(1) provides that a prospective applicant who proposes to apply for approval under section 182B or 182D shall, before making the application, enter into consultations with the Board in relation to the proposed development.

## 6.2. Electricity Regulation Act 1999, as Amended

6.2.1. Section 2(1) of the Electricity Regulation Act 1999, as amended ('1999 Act'), sets out the following definitions:

- **'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 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."*

- **'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:

*“...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*

*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.”*

- **‘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”*

- **‘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 switchgear and which is used for conveying electricity to final customers”.*



## 7.0 Consultation Meeting

- 7.1. One pre-application consultation meeting was held with the prospective applicant on the 25<sup>th</sup> July 2024. As noted above, since the prospective applicant had submitted a separate request for pre-application consultation in respect of a similar form of development at Flagford, Co. Roscommon (Ref. ABP-319771-24), where their opinion regarding the SID status varied, a joint meeting was held to discuss the two projects. Separate meeting records were prepared for each case and they are the subject of separate Inspector's Reports. The meeting record relating to this development proposal and the presentation made by the applicant to the Board's representatives are attached to the file.
- 7.2. The principal matters discussed at the pre-application consultation meeting related to: the purpose of the proposal; the design of the proposal; the SID status of BESS systems; the nature of the electrical plant and equipment required to connect to the national grid; the differences between 'substations' and 'transformer compounds' with reference to the proposed development and definitions of 'transmission'; and EIA screening and AA Screening issues including the proximity to the Mullaghanish to Musheramore Mountains SPA boundary, potential hydrological link to River Blackwater SAC and loss of hedgerows and provision of private roads. Other planning and environmental issues discussed included water management on a sloping site, site compound outside 'red line' boundary, sightlines at site entrance, proximity to other development proposals including Gortyrachilly Windfarm application, Knocknamork 110kV substation and potential for in-combination effects.

## 8.0 Assessment

- 8.1. As noted above, the definition of 'strategic infrastructure' includes development comprising or for the purposes of electricity transmission, with 'transmission' defined as either:
- The transport of electricity by means of a high voltage line of 110 kV or more, or an interconnector.
  - The transport of electricity by means of a transmission system (a system of high voltage lines and electric plant 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, including interconnectors but excluding distribution system lines).

- 8.2. Based on this statutory definition and the information contained in the prospective applicant's request, I am satisfied that the existing Ballyvouskill 220kV substation can be regarded as part of the electricity transmission system for the purposes of the 2000 Act.
- 8.3. The proposed Battery Energy Storage System (BESS) is not a form of development that is listed in the Seventh Schedule of the 2000 Act. Such BESS facilities do not operate at high voltage (i.e. 110kV or greater) and, as outlined in the applicant's cover letter and subsequent presentation, they store electricity and have an energy demand, rather than generating electricity. While BESS facilities support the stable operation of the transmission network, by storing and releasing electricity, I do not consider that they comprise 'transmission' within the definitions set out in the 2000 Act and the 1999 Act. This position would be consistent with recent Board determinations on similar cases.
- 8.4. The proposed means of connecting the BESS facility to the adjacent existing Ballyvouskill substation is via a 110kV transformer compound and under-the-fence cable connection. While the prospective applicant's cover letter generally refers to a "transformer compound", I note that page 8 of the cover letter refers to the "proposed substation element" and that the Site Location Map refers to an "IPP Substation".
- 8.5. This matter was raised at the consultation meeting and the prospective applicant confirmed that there was no EirGrid or ESB components at the transformer compound, and that it solely comprises Independent Power Producer (IPP) equipment. Having reviewed the submitted drawings, I note that there is no separate EirGrid compound within the proposed BESS facility, as would normally be the case with a substation. I am satisfied that the BESS facility and its associated transformer compound and cabling will essentially operate as an ancillary element to the adjacent existing substation, absorbing, storing and releasing electricity to the national grid. The electricity will not be transported in any meaningful sense and I consider that the proposed transformer compound and associated cabling does not come within the definition of transmission, not being a system which consists, wholly

or mainly, of high voltage lines and electrical plant used for the conveying of 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. The proposed transformer compound is relatively minor in scale and extent and is an IPP facility that will only serve a single private BESS development. It does not comprise a substation in its own right and will not alter the nature or function of Ballyvouskill substation. The transformer compound will simply facilitate an 'under the fence' connection to the existing substation to step up/down the voltage from the BESS facility to/from the substation.

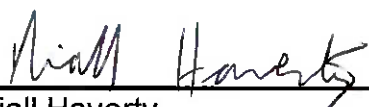
- 8.6. As outlined above, the Board has previously determined a considerable number of requests for pre-application consultation in relation to the installation of BESS facilities, transformer compounds and other ancillary grid support services such as synchronous condensers at or in the vicinity of existing substations. In particular, I note the recent cases ABP-319395-24, ABP-319398-24 and ABP-319157-24 which related to transformer compounds. The Board has consistently concluded in these, and other similar cases, that the proposed development did not fall within the scope of section 182A of the 2000 Act, as amended, and consequently that planning applications should be made in the first instance to the local planning authority.
- 8.7. Having regard to the purpose, nature and scale of the proposed development, the failure to satisfy the relevant criteria to constitute transmission as defined in the 1999 Act and the 2000 Act, and noting previous determinations by the Board in respect of similar requests for pre-application consultation, I conclude that the proposed development would not fall within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should be made to Cork County Council in the first instance.

## 9.0 Recommendation

- 9.1.1. I recommend that the prospective applicant, Kinbrace Limited, be informed that the proposed development, consisting of the development of a Battery Energy Storage System (BESS), transformer compound and connection to the adjacent 220kV Ballyvouskill substation and associated development, in the townland of Caherdowney, Co. Cork, as set out in the plans and particulars received by An Bord

Pleanála on the 8<sup>th</sup> March 2024, does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended, and that the planning application should be made to Cork County Council in the first instance.

- 9.1.2. 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.



---

Niall Haverty

Senior Planning Inspector

5<sup>th</sup> September 2024