

Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Helen O Keeffe,
Engineering and Major Projects,
ESB,
One Dublin Airport Central,
Dublin Airport,
Cloghran,
Co. Dublin

06th January, 2021

RE: R603/20 – Section 5 Declaration

Property: Trabeg 110kV Substation, Palaceanne Lawn, South Douglas Road, Cork

Dear Sir/Madam,

With reference to your request for a section 5 Declaration at the above named property, I wish to advise, and having regard to-

- Sections 2, 3, 4(1)(g) and 4(4) of the *Planning and Development Act 2000* (as amended), and
- Precedents set by An Bord Pleanála Referral RL3364

It is considered that the construction of (1) a fenced and gated compound containing two banded transformers and an associated 5.6m high firewall (2) 2 No.15m high freestanding lightning monopoles (3) a 48.6sq.m GIS module, and (4) ancillary works including the laying of underground cables, at the c.1.3Ha site of the existing Trabeg 110kV Electricity Substation, Palaceanne Lawn, South Douglas Road, Cork, **Is Development and Is Exempted Development.**

Yours faithfully,

Kerry Bergin
Assistant Staff Officer
Community, Culture and Placemaking
Cork City Council



We are Cork.

PLANNER'S REPORT		Cork City Council Culture, Community and Placemaking
Ref. R603 /20		
Application type	Section 5 Declaration	
Description	Whether the construction of (1) a fenced and gated compound containing two banded transformers and an associated 5.6m high firewall (2) 2 No.15m high freestanding lightning monopoles (3) a 48.6sq.m GIS module, and (4) ancillary works including the laying of underground cables, at the c.1.3Ha site of the existing Trabeg 110kV Electricity Substation, Palaceanne Lawn, South Douglas Road, Cork, is development and if so, is it exempted development?	
Location	Trabeg 110kV Substation, Palaceanne Lawn, South Douglas Road, Cork	
Applicant	Electricity Supply Board (ESB)	
Date	07/01/2021	
Recommendation	<i>Is Development and is Exempted Development</i>	

This report should be read in conjunction with the previous report on the file dated 19th October 2020

1. FURTHER INFORMATION REQUESTED

1. Reports to assist with screening for Appropriate Assessment and Environmental Impact Assessment

2. FURTHER INFORMATION PROVIDED

In responding to the further information request, the applicant has submitted the following documentation.

1. Appropriate Assessment Screening Report
2. EIA Screening Report

3. ENVIRONMENTAL ASSESSMENT

3.1 *Screening for Environmental Impact Assessment*

In the previous report dated 19th October 2020, it was concluded that having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) Regulations 2011) there is doubt in regard to the likelihood of significant effects on the environment arising from the relevant development. In this regard, the applicant was requested to submit a report to assist with screening for Environmental Impact Assessment.

As Set out in Section 2 above, the applicant submitted an EIA Screening Report. The screening report noted the classes of development and associated thresholds which require mandatory EIA. In relation to screening for mandatory EIA, it is noted that the proposed development does not come under any of the classes set out in Schedule 5 Part 1.

Of note is that while Class 22 Part 1 relates to the following;

“any change to or extension of projects listed in this Annex, where such a change or extension in itself meets the thresholds, is any, set out in this Annex”

It is considered that while the project could be considered as an extension to the substation, that its is not an extension to a type of project listed in this Annex. This is accepted.

Having regard to Schedule 5, Part 2 of the Regulations, it is noted that the proposed development, does not come under any of the Classes of uses set out in the schedule, including Class 3 (1-k), Class 10 (a-m), Class 13 (a-c) and Class 15.

In this regard, it is contended by the applicant that as the proposed development is not of a type identified in Schedule 5 Part 2, that there is no requirement for the screening for sub-threshold EIA.

This is accepted, specifically having regard to Circular Letter : EU/PR 03/2020, which was issued to Planning Authorities on 9th September 2020, which related to 2 no. High Court Judgements regarding the scope of the EIA Directive in relation to solar farms in particular. In that instance, it was noted that where the class of project did not fall within the classes set out in either Part 1 or Part 2 of Schedule 5, EIA was not required.

It is considered that this assertion applies in this instance. Accordingly, it is considered that an environmental impact statement is not required to be submitted as the proposed project is not a development of a class of development which constitutes a project for EIA.

3.2 Screening for Appropriate Assessment

In the previous report dated 19th October 2020, it was concluded that having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development and adopting a precautionary approach, it cannot be concluded at present that the proposed development would not affect the integrity of the European sites referred to above and further information to screen for appropriate assessment is required.

As set out in Section 2 above, a Screening for Appropriate Assessment was submitted by the applicant in response to the further information request.

The Screening for Appropriate Assessment has concluded that the proposed substation uprate, either alone or combination with other projects or plans, is not likely to give rise to significant effects on any European sites in view of the site’s conservation objectives.

Accordingly, it is considered that a Stage 2 Appropriate Assessment is not required for the proposed project.

4. ASSESSMENT

The applicant sets out their query in Q2 of the submitted application form as follows:

“Is the construction of:

- (1) a fenced and gated compound containing two banded transformers and an associated 5.6m high firewall
 - (2) 2 No.15m high freestanding lightning monopoles
 - (3) a 48.6sq.m GIS module, and
 - (4) ancillary works including the laying of underground cables,
- at the c.1.3Ha site of the existing Trabeg 110kV Electricity Substation, Palaceanne Lawn, South Douglas Road, Cork, development and if so, is it exempted development?

As set out in the accompanying report dated 19th October 2020, it is concluded that the proposed element constitutes development as it comprises works including;

- The construction and erection of a fenced and gated compound containing two banded transformers and an associated 5.6m high firewall
- 2 No.15m high freestanding lightning monopoles
- A 48.6sq.m GIS module, and
- Ancillary works including the laying of underground cables.

The key question therefore to be determined in this Section 5 application is whether the proposed modifications within the existing substation constitutes exempted development under Section 4(1)(g).

In the previous report dated 19th October 2020, it was accepted that that whilst there is a substantial level of development proposed on the site, given the submitted rationale and the precedent established by An Bord Pleanála in applying broad scope to the provisions of Section 4(1)(g) of the Planning and Development Act 2000 as amended (i.e. that ‘alterations’ can include new buildings, new structures, extensions etc.) it is accepted that the proposal constitutes an alteration to the existing substation.

In this regard, it is considered that the proposed development comes within the scope of Section 4(1)(g) of the Planning and Development Act, 2000, as amended.

Having regard to the Screening for Appropriate Assessment submitted by the applicant following the request for further information, it is considered that a stage 2 Appropriate Assessment is not required in this instance. In this regard, the proposed development is not restricted by Section 4(4) of the Planning and Development Act 2000, as amended.

5. RECOMMENDATION

In view of the above and having regard to —

- Sections 2, 3, 4(1)(g) and 4(4) of the *Planning and Development Act 2000* (as amended), and
- Precedents set by An Bord Pleanála Referral RL3364

It is considered that the construction of (1) a fenced and gated compound containing two banded transformers and an associated 5.6m high firewall (2) 2 No.15m high freestanding lightning monopoles (3) a 48.6sq.m GIS module, and (4) ancillary works including the laying of underground cables, at the c.1.3Ha site of the existing Trabeg 110kV Electricity Substation, Palaceanne Lawn, South Douglas Road, Cork, **Is Development and Is Exempted Development.**

Sinéad Kearney
Assistant Planner



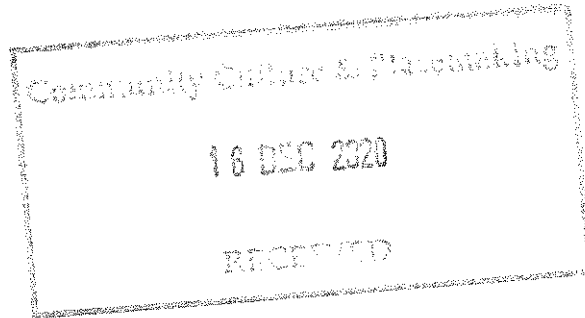
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Tionscadail Innealtóireachta agus Mórthionscadail,
Aon Lárcheantar Aerfort Bhaile Átha Cliath,
Clochrán, Co. Bhaile Átha Cliath, K67 XF72, Éire
Fón +353 1 703 8000

Engineering and Major Projects,
One Dublin Airport Central, Dublin Airport,
Clohhrán, Co. Dublin, K67 XF72, Ireland
Phone +353 1 703 8000

**The Development Management Section,
Community, Culture and Placemaking Directorate,
Cork City Council,
City Hall,
Anglesea Street,
Cork**



10th November 2020

Re: Application for Section 5 Declaration of Exemption for works at the site of the existing Trabeg 110kV Electricity Substation, Palaceanne Lawn, South Douglas Road, Cork.

**Applicant: The Electricity Supply Board (ESB)
Cork Co. Co. File Ref. R603**

A Chara,

I refer to your letter dated 20th October 2020 regarding the current application for a Section 5 declaration of exemption for proposed works at an existing substation. It was recommended that ESB provided reports to assist with screening for Appropriate Assessment and Environmental Impact Assessment.

Those reports are enclosed.

I trust the Council has sufficient information to reach a determination on this application.

If you have any queries please contact me on 087 2802944.

Is mise le meas,

Helen O'Keeffe BE(Civil) MRUP MSc MIEI MIPI

Senior Planner, Engineering and Major Projects, ESB

00-324781-0

Teabag.

Trip No 2300174723

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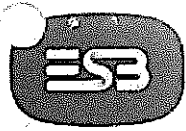
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Trabeg 110 kV Uprate Project EIA Screening Report

Submission to Cork City Council

Document No.: PE595-F1465-R465-007-000

Date: November 2020

ESB Engineering & Major Projects, One Dublin Airport Central, Dublin Airport, Cloghran, Co.
Dublin, Ireland.

Phone +353 (0)1 703 8000

www.esb.ie

File Reference:	PE595-F1465	
Client/ Recipient:	Cork City Council	
Project Title:	Trabeg 110 kV Substation Uprate	
Report Title:	EIA Screening Report	
Report No.:	PE595-F1465-R465-007-000	
Revision No.:	001	
Prepared by:	Helen O'Keeffe	Date: 4 th November 2020
Title:	Senior Planner	ESB Engineering & Major Projects
Verified by:	Brendan Allen	Date: 5 th November 2020
Title:	Senior Planner	ESB Engineering & Major Projects
Approved by:	Andrew Morrow	Date: 5 th November 2020
Title:	Planner	ESB Engineering & Major Projects

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1 Introduction

1.1 Preamble

ESB proposes to undertake works at the site of an existing ESB Networks (ESBN) substation - Trabeg 110kV Substation, to facilitate the upgrade of the electricity network in that area, to meet the growing needs of Cork City. The proposed works are located within the confines of an existing substation and are typical of upgrade works associated with the continued operation of such a facility.

ESB has submitted an application for a Section 5 Declaration of Exemption to Cork City Council (CCC) setting out, in detail, the proposed works and seeking confirmation that these works comprise exempted development works under the Planning and Development Act, as amended. That application is made under Reg. Ref. R603.

In response to the ESB submission, on the 20th October 2020 Cork City Council sought both a Screening Report for Environmental Impact Assessment (EIA) and Appropriate Assessment to aid in their determination of that application. This Report has been prepared in response to that request. Separately a Report on Screening for Appropriate Assessment has also been carried out.

1.2 Purpose of the EIA Screening Report

This EIA Screening Report has been prepared to provide information to CCC to assist them in carrying out EIA screening for the development.

The ultimate purpose of this report is to assess whether the proposed development should be subject to EIA and therefore whether an Environmental Impact Assessment Report (EIAR) should be prepared in respect of the development.

This report is set out as follows:

- Section 2: Project Description;
- Section 3: Legislative Context;
- Section 4: EIA Screening Assessment
- Section 5: Conclusion

A Planning Report was submitted with this Section 5 application. This EIA Screening Report relies on the details set out therein, as attached as **Appendix A**.

2 Project Description

2.1 The Proposed Development

The proposed works are described as::

the construction of (1) a fenced and gated compound containing two bundled transformers and an associated 5.6m high firewall, (2) 2 No. 15m high freestanding lightning monopoles, (3) a 48.6 sq.m. GIS module, and (4) ancillary works including the laying of underground cables.

The works will take place on the c.1.3 Ha site of the existing Trabeg 110kV Electricity Substation, Palaceanne Lawn, South Douglas Road, Cork.

A detailed description of the development is provided in the Planning Report submitted as part of the Section 5 application and appended here in the interests of completeness – Appendix 1. See **Para. 2.2** of that Report.

2.2 Project Construction

The works required for the construction of the proposed development will include the following stages of works:

- Temporary site compound and laydown areas established for the works;
- Clearance of development areas with required excavation, levelling and grading;
- Development of site drainage systems, underground cable ducts and laying and compaction of hardcore;
- Construction of reinforced concrete foundations to support the proposed modules and other equipment items, with ground improvements, where necessary;
- Installation / construction of proposed elements including the transformers and module;
- Construction of perimeter fencing and access gates;
- Demobilisation and reinstatement works, site finishing and landscaping.

Based on current project information, it is anticipated that site works for the development will commence in Q1/Q2 2021 with the design, construction and commissioning activities lasting approximately 20 to 30 weeks for the transformers and similar for the module but this timeline could vary.

2.3 Operation & Maintenance

The completed development will be unmanned and subject of routine maintenance, on a par with established activity at the substation site.

Site management systems will be implemented in accordance with ESB procedures and policies.

3 Legislative Context

The European Communities Directive 85/337/EEC, on the assessment of the effects of certain public and private projects on the environment, was adopted on 27th June 1985. It has been amended by a number of subsequent Directives – most recently Directive 2014/52/EU.

In Irish legislation the requirement for EIA is set out in Part 10 of the Planning and Development Act 2000 (as amended) (“the Act”), with additional requirements prescribed in the associated Regulations.

Section 172 of the Act sets out requirements for EIA as follows:

172. (1) An environmental impact assessment shall be carried out by the planning authority or the Board, as the case may be, in respect of an application for consent for proposed development where ...—

(a) the proposed development would be of a class specified in—

(i) Part 1 of Schedule 5 of the Planning and Development Regulations 2001, and either—

(I) such development would equal or exceed, as the case may be, any relevant quantity, area or other limit specified in that Part, or

(II) no quantity, area or other limit is specified in that Part in respect of the development concerned,

or

(ii) Part 2 (other than subparagraph (a) of paragraph 2) of Schedule 5 of the Planning and Development Regulations 2001 and either—

(I) such development would equal or exceed, as the case may be, any relevant quantity, area or other limit specified in that Part, or

(II) no quantity, area or other limit is specified in that Part in respect of the development concerned,

or

(b) (i) the proposed development would be of a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 but does not equal or exceed, as the case may be, the relevant quantity, area or other limit specified in that Part,

and

(ii) it is concluded, determined or decided, as the case may be,—

(I) by a planning authority, in exercise of the powers conferred on it by this Act or the Planning and Development Regulations 2001 (S.I. No. 600 of 2001),

(II) by the Board, in exercise of the powers conferred on it by this Act or those regulations,

- (III) *by a local authority in exercise of the powers conferred on it by regulation 120 of those regulations,*
- (IV) *by a State authority, in exercise of the powers conferred on it by regulation 123A of those regulations,*
- (V) *in accordance with section 13A of the Foreshore Act, by the appropriate Minister (within the meaning of that Act), or*
- (VI) *by the Minister for Communications, Climate Action and Environment, in exercise of the powers conferred on him or her by section 8A of the Minerals Development Act 1940,*

that the proposed development is likely to have a significant effect on the environment.

Section 176 of the Act requires the establishment of thresholds for the purposes of determining which classes of development are to be subject of EIA. These are outlined in Schedule 5 Part 1 and 2 of the Planning and Development Regulations 2001-2020 (as amended) ('the Regulations) and provide the basis for screening for **mandatory EIA**.

Where a proposed development is not represented in Part 1 of Schedule 5 and is below the mandatory threshold for that particular project class as set out in Part 2 of the Schedule it is the considered whether there is a requirement for '**sub-threshold**' EIA. Such projects must be screened having regard to the potential for significant effects on the environment having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations, as amended.

4 EIA Screening Assessment

4.1 Screening for Mandatory EIA

Schedule 5 Parts 1 and 2 of the Regulations set out the classes of development, and associated thresholds, which require mandatory EIA.

Having regard to the classes of development set out, the proposed development is assessed relative to the descriptions set out as per **Tables 4.1a and b**, below.

Table 4.1a Assessment of the Proposed Development relative to Schedule 5, Part 1 of the Regulations

Class	Class of Development	Relevant
1	Crude oil, coal or shale refinery	No
2 (a)	Thermal power station	No
2 (b)	Nuclear installation	No
3 (a)	Nuclear fuel installation	No
3 (b)	Nuclear material installation	No
4 (a)	Smelting works	No
4 (b)	Production of ore	No
5	Management of asbestos	No
6	Chemical installations	No
7	Transport	No
8 (a)	Inland waterway / port	No
8 (b)	Port / Pier	No
9	Waste disposal (hazardous)	No
10	Waste disposal (non-hazardous)	No
11	Groundwater abstraction / recharge	No
12 (a) & (b)	Transfer of water (excluding piped drinking water)	No
13	Waste water treatment plant	No
14	Extraction of petroleum or gas	No
15	Dam	No
16	Pipeline	No
17	Intensive agriculture	No
18	Industrial pulp / paper plant	No
19	Quarry	No
20	OHL	No
21	Petrochemical installation	No
22	Any change to or extension of projects listed in this Annex where such a change or extension in itself meets the thresholds, if any, set out in this Annex	No
23	Carbon storage	No
24	Carbon capture storage	No

Notes on assessment relative to Part 2

- Class 22, Part 1 relates to *'any change to or extension of projects listed in this Annex where such a change or extension in itself meets the thresholds, if any, set out in this Annex'*. The development – while it could be considered an

'extension' of an existing development (a substation), it is not an extension to a type of project listed in this Annex.

Table 4.1b Assessment of the Proposed Development relative to Schedule 5, Part 2 of the Regulations

Class	Class of Development	Relevant
1 (a) to (g)	Agriculture, silviculture and aquaculture	No
2 (a) to (h)	Extractive Industry	No
3 (a) to (k)	Energy Industry	No
4 (a) to (k)	Production and processing of metals	No
5 (a) to (f)	Mineral industry	No
6 (a) to (d)	Chemical industry	No
7 (a) to (i)	Food industry	No
8 (a) to (d)	Textile, leather, wood and paper industries	No
9	Rubber industry	No
10 (a) to (m)	Infrastructure projects	No
11 (a) to (l)	Other projects	No
12 (a) to (e)	Tourism and leisure	No
13 (a) to (c)	Changes, extensions, development and testing	No
14	Works of demolition	No
15	Project likely to give rise to significant effects on the environment	No

Notes on assessment relative to Part 2

- Class 3 (a) to (k) describe development relating to the energy industry. Though the proposed development relates to infrastructure associated with electricity, the proposed development is not of a class included in these.
- Class 10 (a) to (m) inclusive describes infrastructure development. Though the proposed development relates to infrastructure, the proposed development is not of a class included in these.
- Class 13 (a) and (c) relates to changes and extensions to existing developments. The proposed development is not of a class included in these.
- Class 15 relates to any project of a class listed but which does not meet or exceed the threshold identified but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7 of the Regulations. The proposed development does not fall within the classes of development listed and does not require assessment relative to those criteria

4.2 Screening for Sub-Threshold EIA

A project, of a type identified in Schedule 5 Part 2, which does not meet the relevant threshold should be screened against the criteria set out in Schedule 7 of the Regulations, to determine if a sub-threshold EIA is required.

The proposed development is not of a type identified in Schedule 5 Part 2. There is therefore no requirement for screening for sub-threshold EIA.

The screening of this project for EIA based on project types listed in Schedule 5 is supported by **Circular Letter EUIPR 03/2020** issued to Planning Authorities on 9th September 2020. That Circular referred to two High Court judgements regarding the scope of the Environmental Impact Assessment (EIA) Directive with respect to Solar Farms. In those cases the Courts determined that a development (a solar farm) did not fall within the classes of projects set out in either Part 1 or Part 2 of Schedule 5 to the Regulations, and supported the assessment of the Planning Authorities that EIA was not required. As such the Courts confirmed that screening was determined first relative to Schedule 5, Parts 1 and 2, and only progresses to 'sub-threshold' screening relative to the criteria set out under Schedule 7 where the project is of a specified type – but where a threshold is not met or exceeded.

5 Conclusion

The proposed development has been assessed in accordance with the relevant provisions set out under the Planning Acts and Regulations.

The proposed development is not a development of a class of development which constitutes a 'project' for EIA.

It is concluded that an EIAR is not required.

Appendix A

**Planning Report submitted in support of the Section 5 Application for works at
Trabeg Substation**



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Trabeg 110kV Substation Upgrade Project

Electricity Supply Board (ESB)

Planning Report to Accompany Application to Cork City Council for Section 5 Declaration of Exemption

Document No.: PE595-F1465-R465-005-000

Date: 22/09/2020

Engineering and Major Projects, One Dublin Airport Central, Dublin Airport, Cloghran, Co. Dublin,
K67 XF72, Ireland.

Phone +353 (0)1 703 8000

www.esb.ie

File Reference:	PE595-F1465	
Client Recipient:	ESB	
Project Title:	Trabeg 110kV Substation Uprate	
Report Title:	Planning Report to Accompany Application to Cork City Council for Section 5 Declaration of Exemption	
Report No.:	PE595-F1465-R465-005-000	
Revision No.:	Rev 0	
Prepared by:	Helen O'Keeffe	Date: 22.09.2020
Title:	Senior Planner	
Verified by:	Brendan Allen	Date: 22.09.2020
Title:	Senior Planner / Team Leader	
Approved by:	Andrew Morrow	Date: 22.09.2020
Title:	Planner	

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Template Used: T-020-017-Engineering and Major Projects Report Template

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1 Introduction

1.1 Context

ESB proposes to undertake works at the site of an existing ESB Networks (ESBN) substation - Trabeg 110kV Substation, to facilitate the upgrade of the electricity network in that area, to meet the growing needs of Cork City. The proposed works are located within the confines of an existing substation and are typical of upgrade works associated with the continued operation of such a facility.

The application pack sets out the detail of the proposed development and relevant details in support of our submission that these works comprise exempted development works under the Planning and Development Act, as amended.

1.2 Purpose of this Report

A Section 5 Declaration confirming the exempted development status for the development works is sought from the Planning Authority - Cork City Council, in order to proceed to the construction phase of this project.

This report outlines the reasons why the proposed development is considered to fall within the exempted development provisions contained in the Act, and to satisfy any relevant qualifying criteria set down therein.

1.3 The Applicant

The applicant is ESB.

The application is submitted by Engineering and Major Projects (EMP), ESB.

1.4 Scope of this Application Pack

This application pack contains sufficient information to enable the Planning Authority – Cork City Council, to assess the proposed works at Trabeg 110kV Electricity Substation and to determine whether those works are exempt.

It comprises:

- A cover letter,
- The completed application form,
- The appropriate fee of €80,
- This report, and
- Drawings:
 - **Drawing PE492-D037-144-005-000** - A site location map at a scale of 1:1000.
 - **Drawing PE492-D037-144-001-002** – ‘Proposed Site Layout’ at 1:250 showing the proposed development works,
 - **Drawing PE492-D037-144-003-000** – 1:100 contextual elevations showing the nature and extent of the proposed development relative to existing features of the site

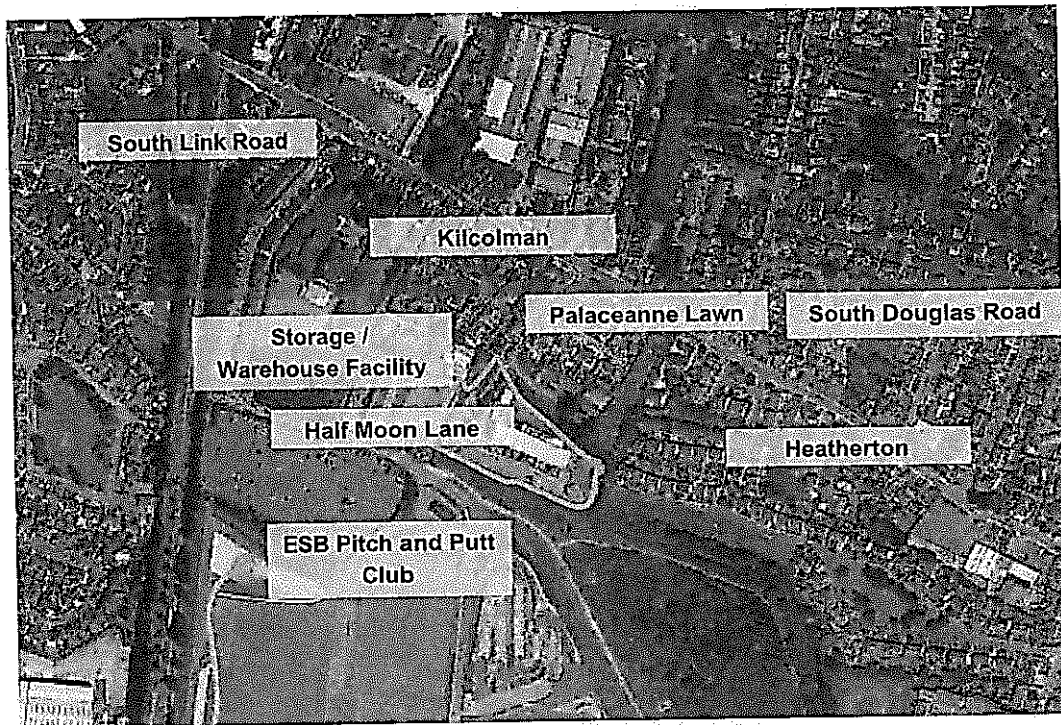
- **Drawing PG406-D038-032-004-000** – 1:100 scale drawing showing plans, elevations and sections through the proposed GIS module.
- **Drawing PE492-D037-144-006-000** – 1:250 layout showing the proposed development overlain on an aerial image of the existing site
- **Drawing PF406-D100-002-001-001** – showing standard details of the proposed palisade fence
- **Drawing PG406-D100-003-001-002** – showing standard details of the proposed gate.

2 The Subject Site and Proposed Development

2.1 The Subject Site

Trabeg substation is a 1.3 Ha site located south of Cork City. It is located east of the South Link Road, and north of the Kinsale Road Roundabout (Junction 6) off the N40 – the Cork South Ring Road. It is accessed from Palaceanne Lawn, via a residential area, which is connected to the South Douglas Road.

Image 1 The subject site (outlined in blue) relative to nearby land-uses and features



The site is located in an area characterised by a mixture of land uses. There are established residential areas to the north – Palaceanne Lawn, the west – Kilcolman, and the east – Heatherton. There is an existing storage / warehouse facility to the west. The southern boundary of the site abuts the Tramore River – a relatively narrow watercourse, and Half Moon Lane - which provides access to ESB Pitch and Putt Club. Tramore Valley Park, a BMX Track and a civic amenity site are located further to the south. These uses are accommodated on an area that was previously used for the landfill of waste.

This mixture of uses is reflected in the current land use zoning for the area as set out in the City Development Plan for the period 2015 – 2021, which zones the area zone 4 – for the residential, local services and institutional uses. The objectives under this land use zoning is to protect and provide for residential uses, local services, institutional use and civic uses, having regard to the employment policies set out in the Plan.

The existing development on the Trabeg Substation site is characteristic of a site used for the transmission of electricity. As such it is a quasi-industrial site, characterised by areas of outdoor plan and a low level of activity and traffic.

The site is accessed by means of a gateway – see **Image 2**, that leads from Palaceanne Lawn. This gateway is secured, ensuring the site can only be accessed by authorised personnel involved in substation operations or the carrying out of routine maintenance works.

Image 2 The existing entrance gate into Trabeg 110 kV Substation



Thick bands of planting define the northern boundaries of the site, screening it from view from the adjoining residential area. **Image 3** shows a typical view along this boundary.

Image 3 The Northern boundary of the site with characteristically thick band of screen planting obscuring views into the site



Image 4 View into the site from the grassed area along the Trabeg River, located just outside the southern boundary with proposed development Site A in the foreground, the 110 kV building and associated electrical plant on the right and the internal service road on the left



Within the site there are a number of structures – as shown on the attached **Drawing PE492-D037-144-001-002**, namely:

- The single storey MV building located just east of the entrance way – see **Image 5**;

Image 5 The MV building on the left, and the control room building on the right, with the taller 38kV station building immediately to the rear and the dominant 110kV building in the background



- A combined building, c. 9m high, housing the 38kV substation, control room and associated battery room, comms room and welfare facilities – see **Image 9**,

- The 110kV substation – c. 13m high, with outdoor electrical plant (transformers) set within fenced compounds located on the southern façade – see **Images 4 and 6**,
- Boundary treatment typically comprising 2.6m high palisade fencing with extensive planting along most boundaries – see **Images 2, 3 and 9**,
- A number of masts / pylons – typically 14m high, which act as support structures for the overhead lines – the Raffeen 1 and 2 110kV lines – see **Image 7**, and
- Site services including extensive underground cabling.

Image 6 Outdoor electrical plant (transformers) located along the southern elevation of the existing 110kV substation building



2.2 The Proposed Development

It is proposed to carry out relatively minor development at two locations within the site. For ease of reference these are described as Site A and B below.

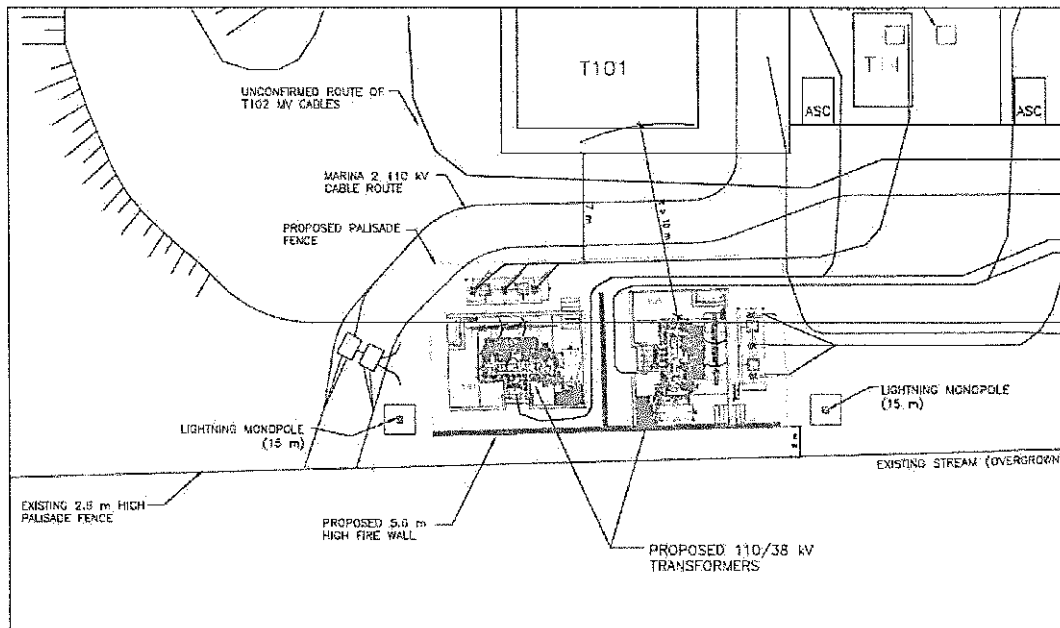
Development on Site A: This site comprises a portion of grassed land just north of the southern boundary. It is located between the existing boundary fence and the 110kV building and associated electrical plant. To the east there are a number of c. 14m high masts associated with the existing Raffeen 1 and 2 110kV overhead line (OHL).

As shown on the attached **Drawing PE492-D037-144-001-002**, it is proposed to develop a gated and fenced compound containing 2 No. 110kV / 38 kV transformers, separated by a 5.6m high fire wall that extends along the southern boundary. These transformers will be bunded and an oil interceptor located between the existing transformers and the southern boundary (which lies close to the Trabeg River) will be relocated and retained. This development will be located c. 2m from the outer boundary fence which will be unaffected by the development. On both the eastern and western sides of this compound 2 No. 15m lightning monopoles will be developed – see **Image 8**.

Image 7 View of proposed development site A – showing the 110kV and associated plant on the left, the OHL structures in the background and the existing boundary fence on the right

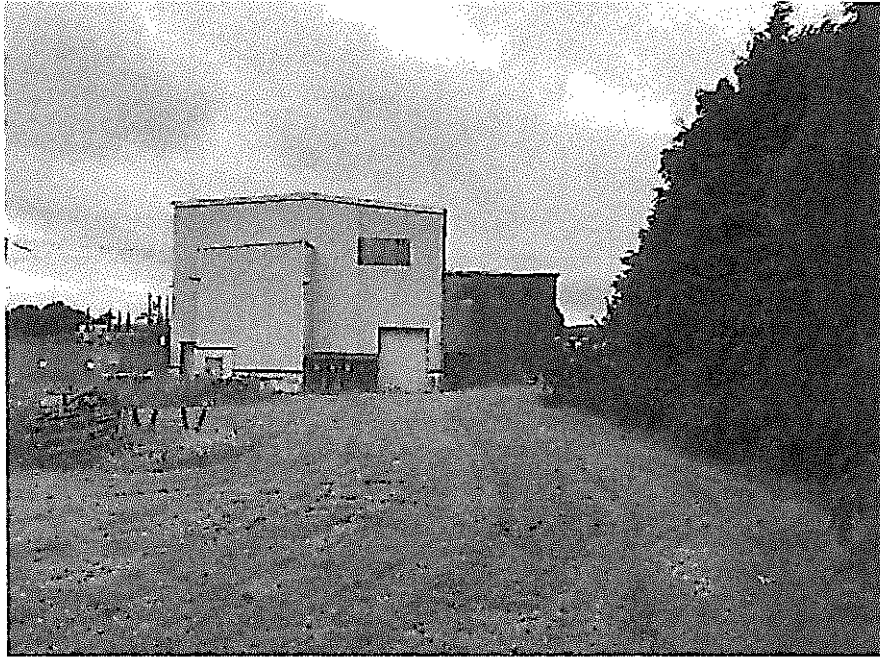


Image 8 Extract from Drawing PE492-D037-144-001-002 showing the minor development works proposed on Site A



Development on Site B: This site comprises a similar grassed area located on the eastern portion of the site, between the gable end of the 110kV and 38 kV buildings and the boundary fence – see **Image 9**.

Image 9 View of proposed development site B – facing towards the gable ends of the existing 110 kV and 38 kV substation buildings, with thick band of planting on the right-hand side, which screen the existing buildings from view



As shown on the attached **Drawing PE492-D037-144-001-002**, it is proposed to locate a single storey GIS module at this location, c. 12.8m x 3.8m located to avoid existing 38kV cables in the area. This will have the look and appearance of an external piece of plant housed in a weatherproof structure. It will be set on compacted hardcore and served by underground cables – see **Image 10**. A typical module is shown on **Image 11**.

Image 10 Extract from Drawing PE492-D037-144-001-002 showing the minor development works proposed on Site B

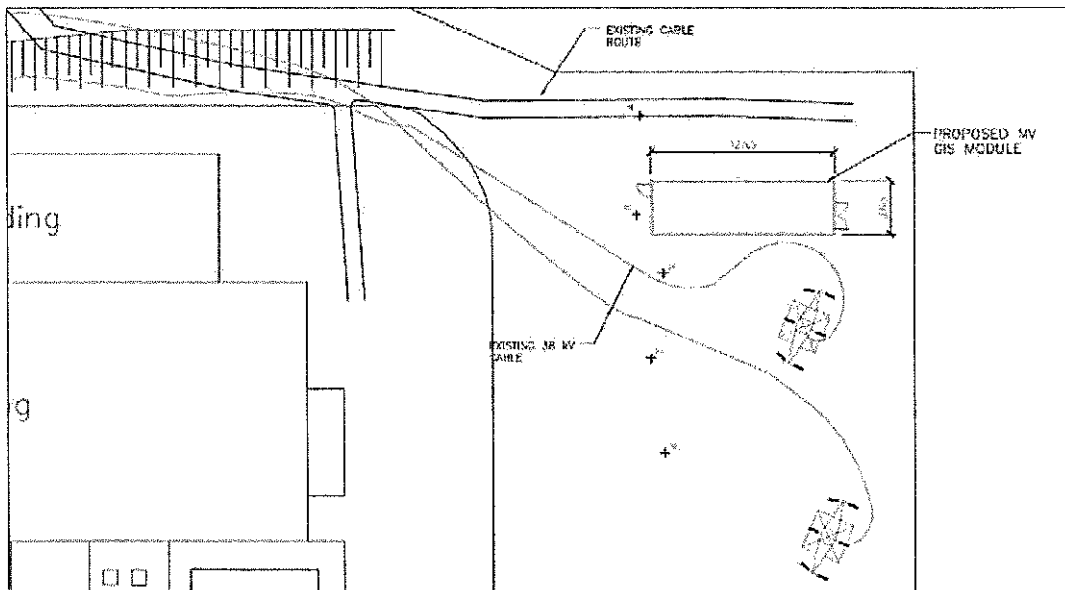
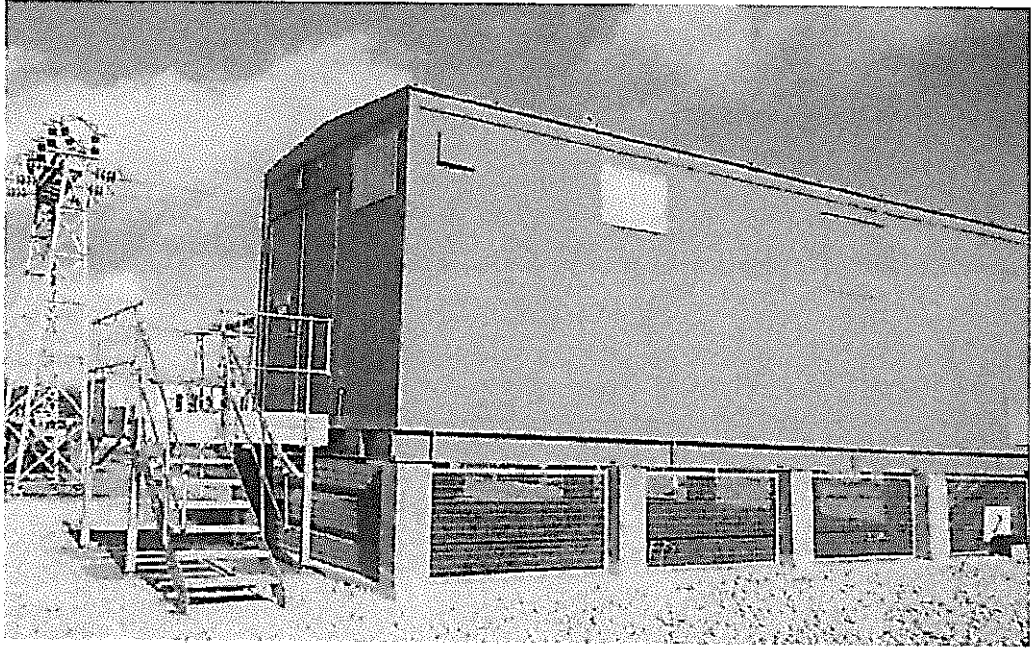


Image 11 Image of a GIS Module, similar to that proposed for Site B



3 Planning Status of the Works

3.1 Legislative Provisions in relation to Exempted Development

3.1.1 Statutory Undertakers

Section 2 (1) of the Planning and Development Act (the Act), as amended, states:

'In this Act, except where the context otherwise requires –

'statutory undertaker' means a person, for the time being, authorised by or under any enactment or instrument under an enactment to –

(b) provide or carry out works for the provisions of, gas, electricity or telecommunications services, or

(c) provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking.'

3.1.2 'Development'

Section 3 (1), of the Act states:

'In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.'

The Act defines a **structure** as *'any building, structure, excavation or other thing constructed or made on, in or under any land, or any part of a structure so defined...'* and **works** as *'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal....'*

3.1.3 Exempted Development

Provision is made under **Section 4** of the Act for specific works to be exempted from the requirement for planning permission. Specifically:

- **Section 4 (1)(g)** indicates that the following is exempted development:-

Development consisting of the carrying out by any local authority or statutory undertaker of any works for the provision of inspecting, repairing, renewing, altering or removing any sewers, mains, pipes, cables, overhead wires or other apparatus, including the excavation of any street or other land for that purpose.

- **Section 4 (1)(h)** indicates that the following is exempted development:-

Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Additional provision is made under **Section 4(2)** for the specification of exempted development works by Regulations. The relevant Regulations are the planning and

Development Regulations, 2001 (as amended). Under those Regulations, Schedule 2, Part 1 Exempted Development – Development by statutory undertakers, Classes 26, 27, 28, 29 and 29A refer to electricity service and electricity undertaking, as summarised on Table 1 below.

Table 1 Relevant Provisions for Exempted Development as set out in the Planning and Development Regulations, 2001 (as amended)

Class 26	The carrying out by any electricity undertaking of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking.
Class 27	The carrying out by any electricity undertaking of development consisting of the construction of over-head transmission or distribution lines for conducting electricity at a voltage not exceeding a nominal value of 20kV.
Class 28	The carrying out by any electricity undertaking of development for the purposes of the undertaking consisting of the construction or erection of an overhead transmission line not more than 40 metres from a position in respect of which permission for such line was granted and which otherwise complies with such permission, but not a line in respect of which a condition attached to the relevant permission imposed a contrary requirement.
Class 29	The carrying out by any electricity undertaking of development consisting of the construction or erection of a unit substation for the distribution of electricity at a voltage not exceeding a nominal value of 20kV
Class 29A	The carrying out by any electricity undertaking of development consisting of the construction or erection of a charging point for electric vehicles.

Limitations apply to exempted development under both the Act and Regulations. Under the Act, development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required. Under the Regulations, more extensive limitations are set out in Article 9.

3.2 Characteristics of the Development Works

The proposed development works are being carried as part of the statutory undertaker's routine function required to operate transmission infrastructure in a safe, secure and reliable manner. It is noted that similar works are routinely carried out at locations throughout the Country and there is a high degree of familiarity with the works involved.

Key characteristics of the development are:

- There will be no material change in the function or form of the electrical substation. After the completion of the works, the site will still operate and function as an electrical substation. The function of the site will remain the transmission and distribution of electricity. The size and scale of the operation / activity will not change. There will be no additional land take or physical expansion of the site, nor will there be any increase in the intensity of activities – or any associated characteristics such as increased frequency of maintenance works.
- The proposed development works are located within parts of the site directly associated with the established function of the site as a substation. These parts of

the site are grassed areas that comprise made ground that was previously disturbed on a number of occasions to enable the development of the station and all associated activity including underground cabling. In the broader context, the mixed-use character of land uses is noted – as is the evolving nature of those uses – noting that the lands to the south have changed in function from facilitating waste disposal to civic amenities including park and sports facilities.

- In the context of an established and operational substation site, the scale of the development is not material. The proposed structures are of a relatively minor scale. The tallest elements – the 15m lightning monopoles will be imperceptible relative to structures of a similar scale but far greater massing – namely the pylons, and the 110kV building.
- Outside the site, the material character of the substation is largely defined by the boundary treatment – noting the heavily screened edges are characteristic of those edges that abut more sensitive development areas – namely housing estates. As such the works do not materially affect the external appearance of the substation as to render the appearance inconsistent with the character of the substation or neighbouring apparatus – as simply the works will be imperceptible from the surrounding area.
- In relation to the provisions set out under Sections 4(1)(g) and (4)(1)(h) of the Act, it is important to note that a substation such as this operates as a single piece of apparatus – though it comprises a large number of discrete items that work collectively as ‘a substation’. As such the ‘substation’ – as defined by its outer boundaries, is a singular planning unit and it is appropriate to consider any works to *inspect, repair, renew, alter or remove* it may necessitate works to those discrete parts. There is no requirement that any such works would simply replace one part with an exact replica and – indeed given the use of the word ‘alter’ it is implicit under 4(1)(g) that such works may involve the introduction of new items of plant where there is overall no material change to the planning unit – the substation.
- Having regard to determinations from An Bord Pleanála, there is significant precedent for determinations whereby the provision of electrical apparatus within established substations is exempted development. The Planning Authority is asked to consider the following such examples:
 - **An Bord Pleanála Reference ABP-306431-20** – where the Board determined that the construction of 220kV Shunt Reactors with associated internal compound and associated equipment within the existing Ballyvouskill 220/110kV Electricity Substation at Caherdowney, County Cork, came within the exempted development provisions of section 4(1)(g) of the Planning and Development Act 2000.
 - **An Bord Pleanála RL3080** – where the Board determined that the proposed renewing and altering of the existing Maynooth – Ryebrook 110kV overhead line, came within the exempted development provisions of section 4(1)(g) of the Planning and Development Act 2000.
 - **An Bord Pleanála Reference RL3316** – where the Board determined that the extension of the existing medium voltage busbar and the construction of a cable chair within the existing Kilmagig 38kV electricity substation came

within the exempted development provisions of section 4(1)(g) of the Planning and Development Act 2000.

- **An Bord Pleanála Reference RL3364** – where the Board determined that a modification within an existing substation consisting of a new 38kV bay and associated equipment, new 110kV neutral, new arc suppression coil and associated works came within the exempted development provisions of section 4(1)(g) and 4(1)(h) of the Planning and Development Act 2000.

Additional examples of determinations by Local Authorities can be provided on request.

- Finally, it is noted that the proposed development do not come within a class of development set out in Schedule 5 of the Planning and Development Regulations, as amended and are therefore not a type of development for which Environmental Impact Assessment is required. Moreover, given the characteristics of the development and that of the receiving site, and its location relative to designated Natura sites – the closest of which is Cork Harbour SPA c. 1.8km to the east, it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on a European Site and there is no requirement for Stage 2 Appropriate Assessment. Therefore, the exclusions set out under Section 4(4) of the Act do not apply.

3.3 Provisions as they apply to the proposal

Having regard to the provisions under Section 2(1) of the Act, ESB is a statutory undertaker.

Having regard to the definition of 'development' under Section 3(1) of the Act and the description of the works set out in Para.2.2 above, the proposed works constitute development.

Having regard to the description of works set out in Para. 2.2 above, the provisions of Classes 26 to 29A as set out under the Regulations are not considered to apply in this instance.

Having regard to the description of works set out in Para. 2.2 and the scope of works set out under Sections 4(1)(g) and 4(1)(h) of the Act, we submit that the proposed works come within the exempted development provisions set out therein because the proposed development:

- consists of the carrying out of works by a statutory undertaker;
- consists of works that would renew and alter existing apparatus used for that statutory purpose where the 'apparatus' under consideration is the entire substation – and therefore fall within the scope of development provided for under section 4(1)(g) of the Planning and Development Act 2000,
- consists of works that are for the maintenance, improvement or alteration of any structure (the substation) which – due to the location, setting and established nature of the site, would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures, and therefore fall

within the scope of development provided for within section 4(1)(h) of the Planning and Development Act 2000.

We submit then that the proposed development works are development and that that are exempted development.

4 Conclusion

Based on the detail provided in relation to the proposed works, we submit that there is sufficient information provided to enable the Planning Authority to determine if the proposed works constitute exempted development.

It is submitted that having regard to –

- Section 2(1) of the Planning and Development Act, 2000, as amended,
- Section 3(1) of the Planning and Development Act, 2000,
- Section 4(1)(g) and Section (1)(h) of the Planning and Development Act, 2000, as amended,
- the established nature and context of the site,
- the nature and extent of the proposed works,
- the precedent for similar determinations,

the proposed development works consist of

- the carrying out by a statutory undertaker of works for the purpose of altering apparatus and would, therefore, come within the exempted development provisions of section 4(1)(g) of the Planning and Development Act 2000, as amended, and
- the carrying out of works for the maintenance, improvement or alteration or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures and would, therefore, come within the provisions of Section 4(1)(h) of the Planning and Development Act, 2000, as amended.

As such the works proposed constitute development and are exempted development.



Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Helen O Keffe
Senior Planner
Engineering & Major Projects ESB
One Dublin Airport Central
Dublin Airport
Cloghran
Co. Dublin

20/10/2020

RE: Section 5 Declaration R603 Palacianne Lawn, South Douglas Road, Cork

A Chara,

With reference to your request for a Section 5 Declaration at the above named property, I wish to advise as follows:

It is recommended that the following further information be requested:

- Reports to assist with screening for Appropriate Assessment and Environmental Impact Assessment.

Is misa le meas,

Kerry Bergin
Community, Culture and Placemaking Directorate
Cork City Council



We are Cork.

PLANNER'S REPORT		Cork City Council Culture, Community and Placemaking
Ref. R603/20		
Application type	Section 5 Declaration	
Description	Whether the construction of (1) a fenced and gated compound containing two banded transformers and an associated 5.6m high firewall (2) 2 No.15m high freestanding lightning monopoles (3) a 48.6sq.m GIS module, and (4) ancillary works including the laying of underground cables, at the c.1.3Ha site of the existing Trabeg 110kV Electricity Substation, Palaceanne Lawn, South Douglas Road, Cork, is development and if so, is it exempted development?	
Location	Trabeg 110kV Substation, Palaceanne Lawn, South Douglas Road, Cork	
Applicant	Electricity Supply Board (ESB)	
Date	19/10/2020	
Recommendation	<i>Further Information</i>	

In this report 'the Act' means the Planning and Development Act 2000 (as amended) and 'the Regulations' means the Planning and Development Regulations 2001 (as amended), unless otherwise indicated.

1. Requirements for a Section 5 Declaration

Section 5(1) of the Planning and Development Act 2000 as amended states,

5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

The requirements for making a section 5 declaration are set out in the Act.

2. The Question before the Planning Authority

The applicant sets out their query in Q2 of the submitted application form as follows:

"Is the construction of:

- (1) a fenced and gated compound containing two banded transformers and an associated 5.6m high firewall
 - (2) 2 No.15m high freestanding lightning monopoles
 - (3) a 48.6sq.m GIS module, and
 - (4) ancillary works including the laying of underground cables,
- at the c.1.3Ha site of the existing Trabeg 110kV Electricity Substation, Palaceanne Lawn, South Douglas Road, Cork, development and if so, is it exempted development? "

3. Site Description

The subject site is an ESB compound which is accessed via Palaceanne Lawn, to the south of an established residential area in South Douglas, Cork. The site abuts the Trabeg River to the south of the site. Further south is the recreational lands of Tramore Valley Park.

4. Planning History

01/25760- Permission GRANTED to carry out alterations to Trabeg 110kv substation.

5. Legislative Provisions

5.1 The Planning and Development Act 2000 as amended

Section 2(1),

" 'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure".

Section 3(1),

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or 'the making of any material change in the use of any structures or other land".

Section 4(1)(g)

"The following shall be exempted developments for the purposes of this Act-

...

Development consisting of the carrying out by any local authority or statutory undertaker of any works for the purpose of inspecting, repairing, renewing, altering or removing any sewers, mains, pipes, cables, overhead wires, or other apparatus, including the excavation of any street or other land for that purpose".

Section 4(1)(h)

"The following shall be exempted developments for the purposes of this Act-

...

development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures".

Section 4 (4)

"Notwithstanding paragraphs (a) , (i) , (ia) and (l) of subsection (1) and any regulations under subsection (2) , development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required".

Section 177U (9) (screening for appropriate assessment)

"In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section".

5.2 The Planning and Development Regulations 2001 as amended.

Article 3 defines an "electricity undertaking" as an undertaker authorised to provide an electricity service.

Class 26 of Article 6, Schedule 2, Part 1

"The carrying out by any undertaker authorised to provide an electricity service of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking".

Class 27 of Article 6, Schedule 2, Part 1

"The carrying out by any undertaker authorised to provide an electricity service of development consisting of the construction of over-head transmission or distribution lines for conducting electricity at a voltage not exceeding a nominal value of 20kV".

Class 28 of Article 6, Schedule 2, Part 1

“The carrying out by any undertaker authorised to provide an electricity service of development for the purposes of the undertaking consisting of the construction or erection of an overhead transmission line not more than 40 metres from a position in respect of which permission for such line was granted and which otherwise complies with such permission, but not a line in respect of which a condition attached to the relevant permission imposed a contrary requirement”.

Class 29 of Article 6, Schedule 2, Part 1

“The carrying out by any electricity undertaking of development consisting of the construction or erection of a unit substation (excluding a charging point for electric vehicles) or minipillar for the distribution of electricity at a voltage not exceeding a nominal value of 20kV”.

Provided that it complies with the following criteria:

“The volume above ground level of any such unit substation or minipillar shall not exceed 11 cubic metres, measured externally”.

Article 9

Article 9 (1) of the Regulations sets out circumstances in which development to which Article 6 relates shall not be exempted development.

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

Article 132 (EIA)

- (1) Where a request is made to a planning authority or a referral is made to the Board, the authority or the Board, as appropriate, shall carry out a preliminary examination of, at the least, the nature, size or location of the relevant development.
- (2) Where the planning authority or the Board, as appropriate, concludes, based on such preliminary examination, that –
 - a. there is no real likelihood of significant effects on the environment arising from the relevant development, it shall conclude that an EIA is not required,
 - b. there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the relevant development, it shall, by notice in writing served on the relevant person, require the relevant person to submit to the planning authority or the Board, as appropriate, the information specified in Schedule 7A for the purposes of a screening determination unless the person has already provided such information, or
 - c. there is a real likelihood of significant effects on the environment arising from the relevant development, it shall –
 - (i) conclude that the development would be likely to have such effects, and
 - (ii) by notice in writing served on the relevant person, declare, in the case of the authority or decide, in the case of the Board, that an EIA is or was required.

6. ASSESSMENT

6.1 Development

‘Development’ as defined in the Act (3)(1) comprises two possible chief components: ‘the carrying out of any works on, in, over or under land’, or ‘the making of any material change in the use of any structures or other land’. In order to ascertain whether or not the subject use is considered to be development as so defined, consideration must first be given to whether any works on, in, over or under land have or will be carried out.

‘Works’ is defined in section 2(1) of the Act as ‘the carrying out of any works on, in, over, or under land’ including ‘any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal, and in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.’

I consider that the proposed element constitutes development as it comprises of works which includes

- The construction and erection of a fenced and gated compound containing two banded transformers and an associated 5.6m high firewall
- 2 No.15m high freestanding lightning monopoles
- A 48.6sq.m GIS module, and
- Ancillary works including the laying of underground cables.

6.2 Exempted development

The applicant has submitted a planning report prepared by the ESB to accompany the Section 5 which states that the proposed development is exempt under Section 4(1)(g) and 4(1)(h) of the Planning and Development Act 2000 as amended.

Class 29 of Article 6, Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended provides for the construction or erection of a unit substation by an electricity undertaking as exempted development provided the voltage distribution does not exceed 20kV. The proposed transformers are 38kV which exceeds the 20kV distribution threshold set out in Class 29. It is considered that the proposed firewall, lighting pole and Gas Insulated Switchgear would not come within the scope of Class 29 of the Planning and Development Regulations 2001 as amended.

The applicant is seeking a declaration under Section 4(1)(g) of the Planning and Development Act 2000 as amended. In particular, the applicant advises that the entire site is considered to be a substation whereby the ‘alteration’ of the apparatus would include the proposed development and that Section 4(1)(h) also applies to the development as the improvement of the ‘structure’ is improvement to the overall substation itself. The applicant advises that the proposed development as an overall group of works comes under the scope of the two provisions 4(1)(g) and 4(1)(h) but does not detail out which exempted provisions apply to which particular works. The applicant has cited previous referral cases by An Bord Pleanála whereby substantial new development and structures were considered to be exempt under 4(1)(g) and 4(1)(h) e.g. Referral reference RL3364 whereby the ESB successfully argued that the construction of a new 38kV bay would fall within the definition of alteration in that the substation will “become different in some respect” (Collins English Dictionary) from what it is at present. The ESB in that referral also argued that the ‘alteration’ and ‘extension’ of the substation are not mutually exclusive terms which An Bord Pleanála accepted.

ESB International is a statutory undertaker for the purposes of Section 4(1)(g) and as defined under Section 2 of the Act. Previous referrals have also established that the overall substation site itself is the logical planning unit (and not the individual items of electrical apparatus) such that the substation would fall within the definition of “structure” as defined in the Act.

The key question therefore to be determined in this Section 5 application is whether the proposed modifications within the existing substation constitutes exempted development under Section 4(1)(g). A substantial level of new development is being proposed as an ‘alteration’ to the existing substation which includes 2x 15m high lighting monopoles, 2 x transformer units, a 5.6m high fire wall and a GIS unit. Whilst there is a substantial level of development proposed on the site, given the submitted rationale and the precedent established by An Bord Pleanála in applying broad scope to the provisions of Section 4(1)(g) of the Planning and Development Act 2000 as amended (i.e. that ‘alterations’ can include new buildings,

new structures, extensions etc.) it is accepted that the proposal constitutes an alteration to the existing substation. The applicant has stated that the alterations would enable the substation to continue to operate without any changes to the size or scale of the electricity operation and activity and that all components would be contained within the substation footprint. This is accepted.

The site is located directly adjacent to the Trabeg River whereby a fire wall, bund, oil receptor and transformers are proposed. It is considered that there is insufficient information submitted with the referral documentation to conclude that the proposed works would not affect the integrity of the European sites referred to above. As per Section 4(4) of the Planning and Development Act 2000 as amended, development shall not be exempted development if appropriate assessment of the development is required. The applicant should be requested to submit relevant information to assist with screening for appropriate assessment before a full assessment can be carried out.

7. ENVIRONMENTAL ASSESSMENT

7.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) Regulations 2011) there is doubt in regard to the likelihood of significant effects on the environment arising from the relevant development. In this regard, the applicant should be requested to submit to the planning authority the information specified in Schedule 7A for the purposes of a screening determination.

7.2 Screening for Appropriate Assessment

Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the *Habitats Directive*, the *Appropriate Assessment Guidelines for Planning Authorities 2009* (revised 2010) and the Act are noted. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). The site is located directly adjacent to the Trabeg River which is hydrologically linked to the SPA. Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development and adopting a precautionary approach, it cannot be concluded at present that the proposed development would not affect the integrity of the European sites referred to above and further information to screen for appropriate assessment is required.

8. CONCLUSION

Having regard to the sensitive location of the site directly adjacent to the Trabeg River, it is considered that insufficient information has been submitted to assist with screening for Appropriate Assessment and Environmental Impact Assessment.

9. RECOMMENDATION

It is recommended that the following further information be requested:

- Reports to assist with screening for Appropriate Assessment and Environmental Impact Assessment.



Claire Owens
Assistant Planner
15/10/2020



Energy for
generations

Tionscail Innealtóireachta agus Mórthí
Aon Lárcheantar Aerfort Bhaile Átha Cliath
Clochrán, Co. Bhaile Átha Cliath, K67 XF72
Fón +353 1 703 8000

The Development Management Section
Community, Culture and Placemaking
Cork City Council,
City Hall,
Anglesea Street,
Cork

22nd September 2020

Re: Application for Section 5
the existing Trabeg 11
Douglas Road, Cork.

Applicant: The Electricity Supply Board

A Chara,

On behalf of the Electricity Supply Board
5 declaration in relation to proposed works
is also enclosed.

Please contact the nominated contact
to the site or if you require additional information
contact the undersigned.

If you have any queries please contact me

Is mise le meas,

Helen O'Keeffe BE(Civil) MRUP MSc
Senior Planner, Engineering and Major

Enclosed: 2 no. e



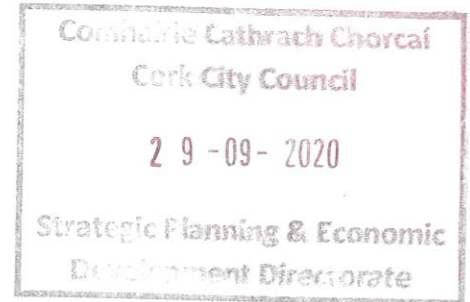
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Tionscadail Innealtóireachta agus Mórthionscadail,
Aon Lárcheantar Aerfort Bhaile Átha Cliath,
Clochrán, Co. Bhaile Átha Cliath, K67 XF72, Éire
Fón +353 1 703 8000

Engineering and Major Projects,
One Dublin Airport Central, Dublin Airport,
Cloghran, Co. Dublin, K67 XF72, Ireland
Phone +353 1 703 8000

**The Development Management Section,
Community, Culture and Placemaking Directorate,
Cork City Council,
City Hall,
Anglesea Street,
Cork**



22nd September 2020

Re: Application for Section 5 Declaration of Exemption for works at the site of the existing Trabeg 110kV Electricity Substation, Palaceanne Lawn, South Douglas Road, Cork.

Applicant: The Electricity Supply Board (ESB)

A Chara,

On behalf of the Electricity Supply Board (ESB), please find enclosed an application for a Section 5 declaration in relation to proposed works at an existing substation. The appropriate fee of €80 is also enclosed.

Please contact the nominated contact person identified on the contact form to arrange access to the site or if you require additional information to assist in the making of your decision please contact the undersigned.

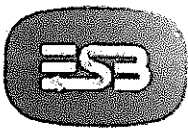
If you have any queries please contact me on [REDACTED]

Is mise le meas,

**Helen O'Keeffe BE(Civil) MRUP MSc MIEI MIPI
Senior Planner, Engineering and Major Projects, ESB**

Enclosed: 2 no. copies.





Appropriate Assessment Screening Report

Client: ESB Networks

Job Reference: Trabeg 110 kV Substation Uprate

Report Date: 4th November 2020

Report Reference: PE595-F1465-R465-006-000

Role	Name	Date
Produced by:	Geoff Hamilton, Senior Ecologist	04/11/2020
Verified by:	Helen O'Keeffe, Senior Planner	05/11/2020
Approved by:	Brendan Allen, Planning Team Leader	10/11/2020

1 Introduction

ESB Networks propose to carry out minor development works at two locations within the existing Trabeg 110 kV substation site, Douglas, Cork City. In summary, the development comprises a gated and fenced compound containing two 110kV / 38 kV transformers at one location (Site A), with a single storey Gas Insulated Substation (GIS) module at a second location (Site B), both within the existing substation compound boundary fence line.

ESB Engineering and Major Projects (EMP) has carried out the following Screening for Appropriate Assessment (AA) in accordance with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Section 42 of the European Communities (Birds and Natural Habitats) Regulations 2011. Screening, which is Stage 1 of the AA process, examines the likely effects of a project or plan, either alone or in combination with other projects or plans, upon a Natura 2000 site and considers whether it can be objectively concluded that these effects will not be significant. Given the minor nature of the proposed development, the Zone of Influence was considered to be within 5 km of Trabeg substation.

The results of the AA Screening are presented in the Matrix below which has been undertaken in line with best practice methodologies recommended in the following guidance documents:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities (DEHLG, 2010);
- Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, (European Commission, 2001); and
- Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (European Commission, 2018).

Natura 2000 sites (i.e. Special Areas of Conservation (SAC) and Special Protection Areas (SPA) are collectively referred to herein as 'European Sites').

2 Screening for Appropriate Assessment

Details of project	
Name of project or plan	Trabeg 110 kV substation uprate
Name and location of European site(s)	Cork Harbour SPA (no other European Sites located within the identified Zone of Influence)
Special Conservation Interest(s) of European site	<ul style="list-style-type: none"> • Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] • Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] • Cormorant (<i>Phalacrocorax carbo</i>) [A017] • Grey Heron (<i>Ardea cinerea</i>) [A028] • Shelduck (<i>Tadorna tadorna</i>) [A048] • Wigeon (<i>Anas penelope</i>) [A050] • Teal (<i>Anas crecca</i>) [A052] • Pintail (<i>Anas acuta</i>) [A054] • Shoveler (<i>Anas clypeata</i>) [A056] • Red-breasted Merganser (<i>Mergus serrator</i>) [A069] • Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Lapwing (<i>Vanellus vanellus</i>) [A142] • Dunlin (<i>Calidris alpina</i>) [A149] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Common Gull (<i>Larus canus</i>) [A182] • Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] • Common Tern (<i>Sterna hirundo</i>) [A193] • Wetland and Waterbirds [A999]
Description of project/plan	<p>Site A:</p> <p>This site is located immediately north of the southern boundary of the substation. It is located between the existing boundary fence and the 110 kV building and associated electrical plant. To the east there are a number of c. 14m high masts associated with the existing Raffeen 1 and 2 110kV overhead line (OHL). It is proposed to develop a gated and fenced compound containing 2 No. 110kV / 38 kV transformers, separated by a 5.6m high fire wall that extends along the southern boundary. These transformers will be banded and an oil interceptor located between the existing transformers</p>

	<p>and the southern boundary will be relocated and retained. This development will be located c. 2m from the outer boundary fence which will be unaffected by the development. On both the eastern and western sides of this compound 2 No. 15m lightning monopoles will be developed. Refer to Appendix 2 – Mapping & Drawings.</p> <p>Site B:</p> <p>It is proposed to locate a single storey GIS module at this location, c. 12.8m x 3.8m located to avoid existing 38kV cables in the area. This will have the look and appearance of an external piece of plant housed in a weatherproof structure. It will be set on compacted hardcore and served by underground cables. Refer to Appendix 2 – Mapping & Drawings.</p>
<p>Is the project or plan directly connected with or necessary to the management of the site?</p>	<p>The project is not connected with or necessary to the management of any European Site.</p>
<p>Are there other projects or plans that together with the project or plan being assessed could affect the site?</p>	<p>Trabeg 110 kV substation is located in an area characterised by a mixture of land uses. There are established residential areas to the north – Palaceanne Lawn, the west – Kilcolman, and the east – Heatherton. There is an existing storage / warehouse facility to the west. The southern boundary of the site abuts a minor tributary of the Tramore River. An ESB Pitch and Putt course is located to the southeast, while Tramore Valley Park, a BMX Track and a civic amenity site are located on the former landfill area further to the south. This mixture of uses is reflected in the current land use zoning for the area as set out in the City Development Plan for the period 2015 – 2021, which zones the area zone 4 – for the residential, local services and institutional uses. The objectives under this land use zoning is to protect and provide for residential uses, local services, institutional use and civic uses, having regard to the employment policies set out in the Plan.</p> <p>The existing development on the Trabeg Substation site is characteristic of a site used for the transmission of electricity. As such it is a quasi-industrial site, characterised by areas of outdoor plan and a low level of activity and traffic.</p> <p>A review of the Cork County Council planning system does not indicate any proposed projects in the immediate</p>

	<p>locality of the substation which may act in combination with the proposed uprate works.</p> <p>The Douglas Flood Relief Scheme comprises the following components; upgrading the existing culverts on the Tramore River between Lehenaghmore Industrial Estate and Greenwood Estate in Togher; Flood alleviation measures along the Tramore River/Ballybrack stream as necessary to provide the required standard of protection to properties in the area. Works associated with the scheme were initiated in 2019 and were substantially complete by October 2020. No spatial or temporal overlap with the works required for the substation upgrade are envisaged.</p> <p>Consequently there are no proposed plans or projects in the locality which may act in-combination to negatively affect any European Site.</p>
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The assessment of significance of effects

<p>Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.</p>	<p>Trabeg 110 kV substation is located 1.8 km east of boundary of Cork Harbour SPA, in a mixed urban setting. Given this separation distance, there is no potential for any direct impacts to the SPA.</p> <p>The substation southern boundary is directly adjacent to the Trabeg Stream, which flows east and subsequently south along the periphery of the Tramore Park before joining with the Tramore River approximately 0.6 km downstream of the substation. The Tramore River then flows east through Douglas village for approximately 1.6 km (converging with Douglas River after 1km) before reaching the Douglas River estuary, which is part of the Cork Harbour SPA. The nominal hydrological pathway from the locality of the substation site is therefore over 2 km to the closest European Site.</p> <p>The Trabeg Stream is a very minor waterbody featuring minimal flow rates; much of the channel is choked by vegetation. Water quality in the stream has historically been poor due to the influence of overflowing combined storm & sewer chambers further upstream of Tramore Park. The receiving Tramore river is a small watercourse and due to a low gradient has a relatively sluggish flow along most of its length. The substrate is generally soft, with occasional weirs and riffle sections with rock substrate. Some areas of concrete riverbed also occur. The Tramore River has been extensively culverted along</p>
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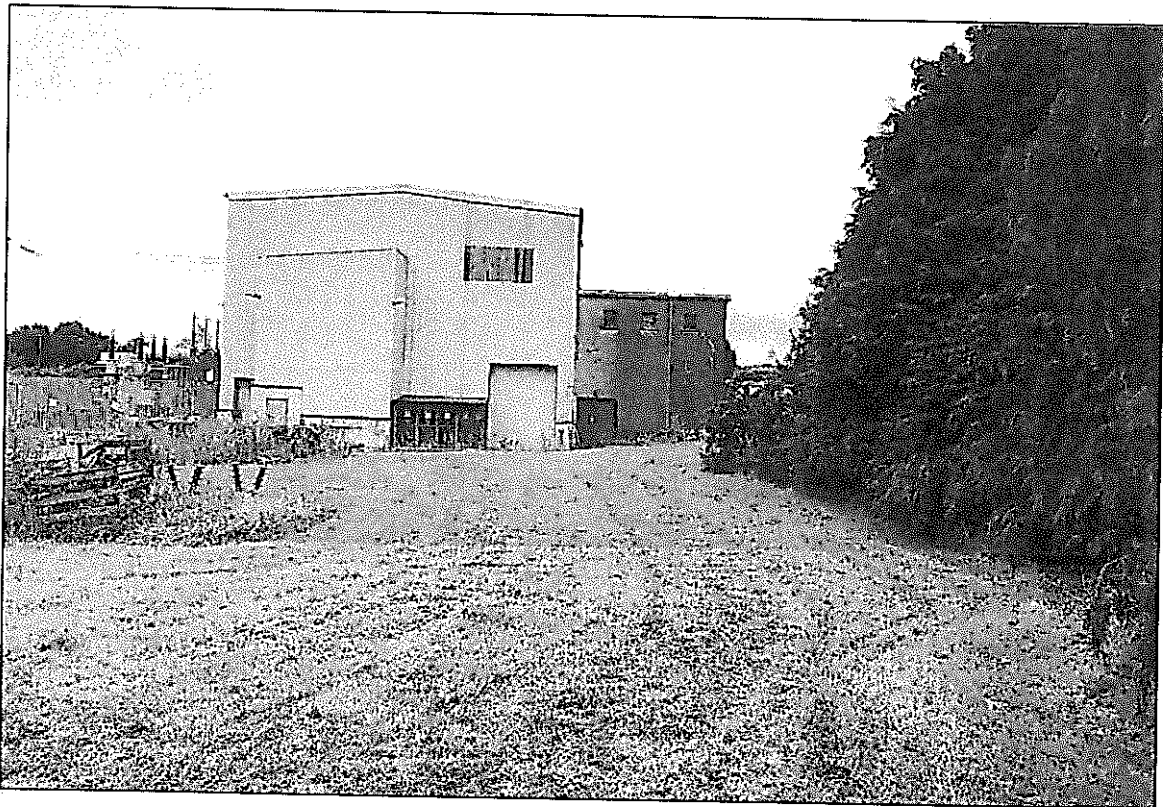
	<p>its length. Neither the Tramore or Douglas Rivers are surveyed as part of EPA water quality sampling.</p> <p>The proposed development at Site A is located within 2 m of the substation southern boundary fenceline and therefore the same distance from the Trabeg Stream. However, it is noted that the intervening ground topographically rises slightly between Site A and the fenceline due to the presence of a low embankment along the substation boundary at this location (see Appendix 1 – Site Photos). As a result, the risk of a significant pollution event via surface water run-off from Site A into the Trabeg Stream is considered to be minimal. Consequently, there is an absence of feasible surface water pathways from the substation site to the Douglas River Estuary. Significant impacts to the Special Conservation Interests of the Cork Harbour SPA during construction activities associated with the proposed development at Site A are therefore not considered likely.</p> <p>The proposed development at Site B is approximately 30 m from the Trabeg Stream, with the intervening topography being predominantly level. As a result, the risk of a significant pollution surface water run-off from Site B into the Trabeg Stream is considered to be minimal. Consequently, there is an absence of feasible surface water pathways from the substation site to the Douglas River Estuary. Significant impacts to the Special Conservation Interests of the Cork Harbour SPA during construction activities associated with the proposed development at Site B are therefore not considered likely.</p> <p>With regards to the operational stage of the respective developments, the transformers will be bunded and an oil interceptor located between the existing transformers and the southern boundary will be relocated and retained. Consequently, the risk of transformer oil escaping the site and being transferred downstream to the estuarine habitats of the Douglas River is considered to be negligible. Significant impacts to the Special Conservation Interests of the Cork Harbour SPA during the operational phase of the substation post-uprate are therefore not considered likely.</p>
<p>Data collected to carry out the assessment</p>	<ul style="list-style-type: none"> • Review of aerial imagery. • EPA River Mapping & Water Quality data. • GIS-based review of European Sites within zone of influence of proposed works.

	<ul style="list-style-type: none"> • Desktop study regarding European Site Conservation Objectives. • Douglas Flood Relief Scheme – Environmental Impact Assessment. • Kinsale Road Landfill Site (Waste Licence Register No: W0012-03) Annual Environmental Reports.
Who carried out the assessment?	Geoff Hamilton, Senior Ecologist, ESB Engineering and Major Projects
Sources of data	<ul style="list-style-type: none"> • npws.ie (European Sites) • geohive.ie (Mapping and aerial imagery) • epa.ie (Water quality) • biodiversityireland.ie (Species data) • ESRI ArcGIS DigitalGlobe Imagery
Level of assessment completed	Article 6(3) AA Screening
Where can the full results of the assessment be accessed and viewed?	ESB Engineering and Major Projects, ONE Dublin Airport Central, Cloghran, Co. Dublin
Conclusions of Screening	
<p>In conclusion, the proposed Trabeg 110 kV substation uprate works are considered highly unlikely to have a significant effect on any of the Special Conservation Interests of the Cork Harbour SPA as a consequence of the spatial separation of the substation site from the European Site, the minor nature of the proposed works activities and the negligible risk of indirect impacts via a hydrological pathway, namely the Trabeg Stream.</p> <p>This Appropriate Assessment Screening Report has established that the proposed substation uprate, as detailed in this report, either alone or in-combination with other projects of plans, is not likely to give rise to significant effects on any European Site(s) in view of the site's conservation objectives. Therefore, it is considered that (Stage 2) Appropriate Assessment is not required for the proposed project.</p>	

Appendix 1 – Site Photos



Site Photo 1: View of proposed development Site A – Topographical rise in ground approaching southern boundary fence visible to right of image



Site Photo 2: View of proposed development Site B



Site Photo 3: Trabeg Stream to south of Trabeg substation

Appendix 2 – Mapping & Drawings

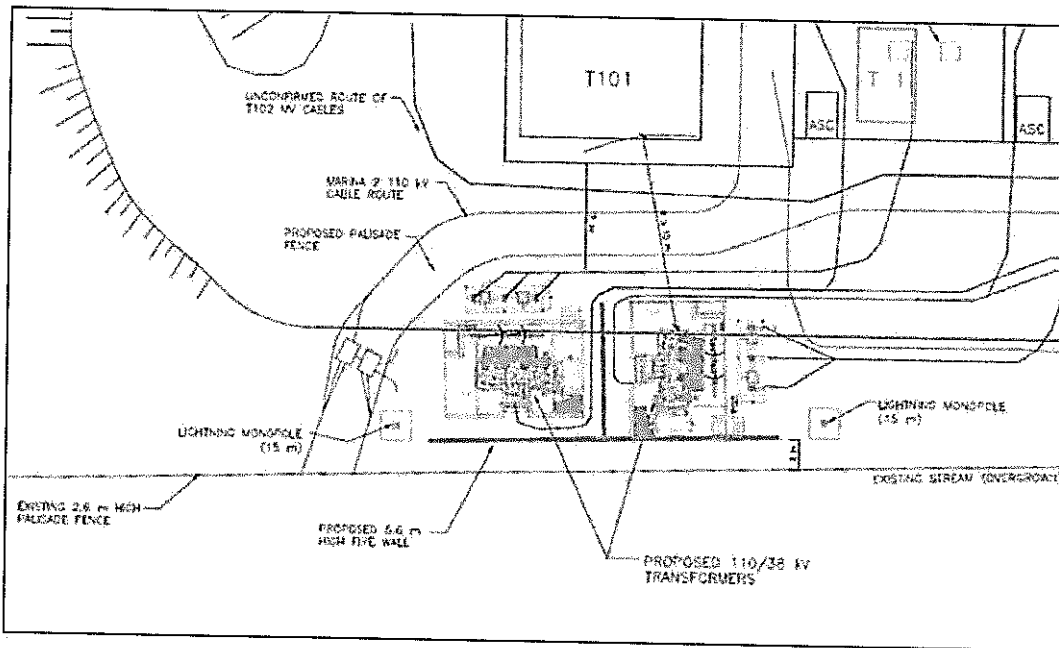


Figure 1: Minor development works proposed on Site A

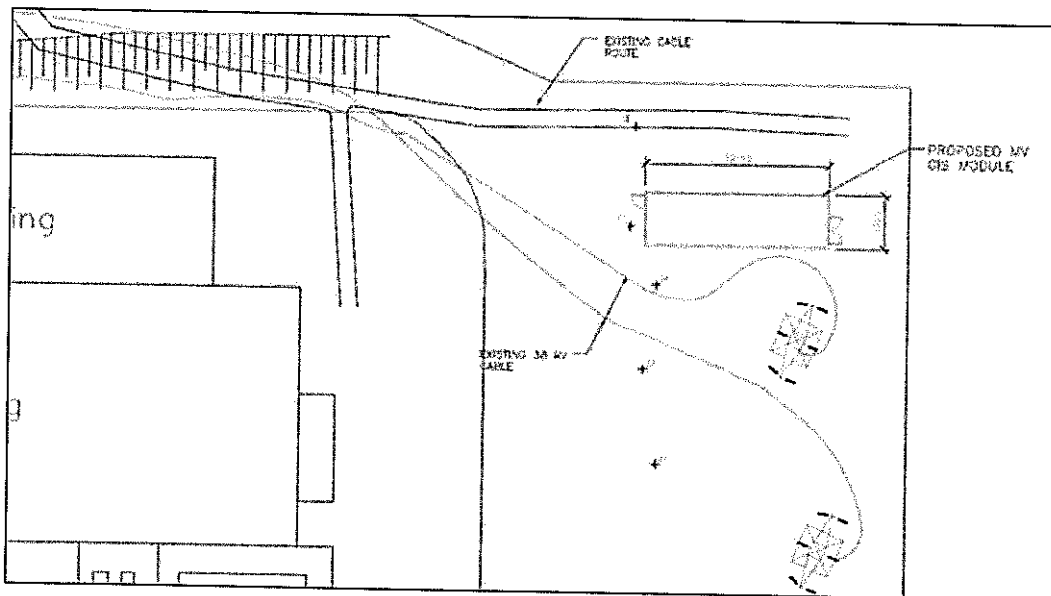


Figure 2: Minor development works proposed on Site B

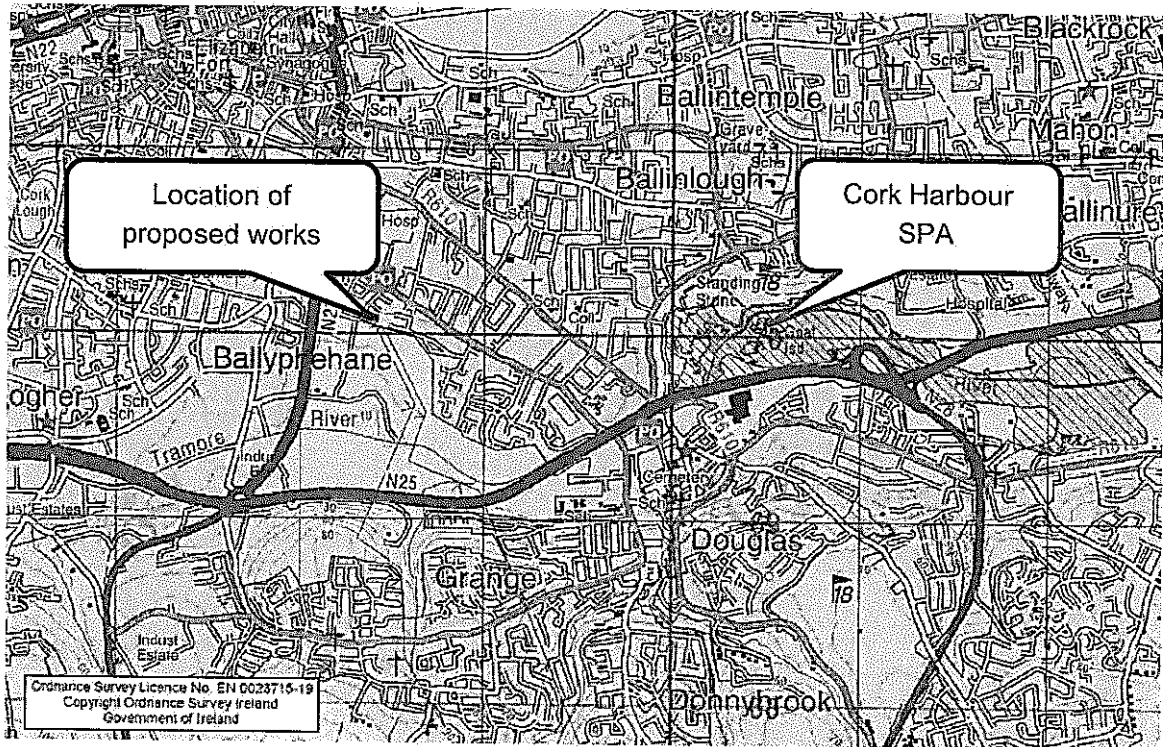


Figure 3 – Location of proposed development in relation to European Sites

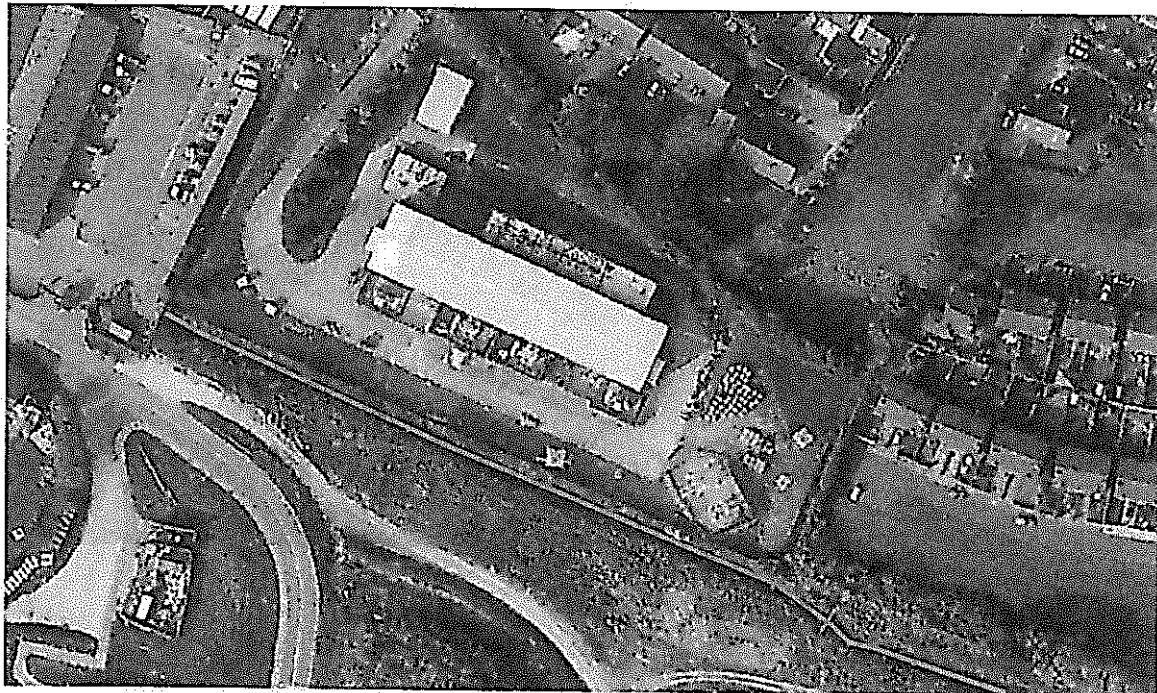


Figure 4 – Aerial image of habitats in vicinity of Trabeg substation (Trabeg Stream marked in blue)

Appendix 3 – NPWS Site Synopsis

SITE NAME: CORK HARBOUR SPA

SITE CODE: 004030

Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. The SPA site comprises most of the main intertidal areas of Cork Harbour, including all of the North Channel, the Douglas River Estuary, inner Lough Mahon, Monkstown Creek, Lough Beg, the Owenboy River Estuary, Whitegate Bay, Ringabella Creek and the Rostellan and Poul nabibe inlets.

Owing to the sheltered conditions, the intertidal flats are often muddy in character. These muds support a range of macro-invertebrates, notably *Macoma balthica*, *Scrobicularia plana*, *Hydrobia ulvae*, *Nephtys hombergi*, *Nereis diversicolor* and *Corophium volutator*. Green algae species occur on the flats, especially *Ulva* spp. Cordgrass (*Spartina* spp.) has colonised the intertidal flats in places, especially where good shelter exists, such as at Rossleague and Belvelly in the North Channel. Salt marshes are scattered through the site and these provide high tide roosts for the birds. Some shallow bay water is included in the site. Rostellan Lake is a small brackish lake that is used by swans throughout the winter. The site also includes some marginal wet grassland areas used by feeding and roosting birds.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Mallard, Pintail, Shoveler, Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Greenshank, Black-headed Gull, Common Gull, Lesser Black-backed Gull and Common Tern. The site is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

Cork Harbour is an internationally important wetland site, regularly supporting in excess of 20,000 wintering waterfowl. Of particular note is that the site supports internationally important populations of Black-tailed Godwit (1,896) and Redshank (2,149) - all figures given are five year mean peaks for the period 1995/96 to 1999/2000. Nationally important populations of the following 19 species occur: Little Grebe (57), Great Crested Grebe (253), Cormorant (521), Grey Heron (80), Shelduck (2,009), Wigeon (1,791), Teal (1,065), Mallard (513), Pintail (57), Shoveler (103), Red-breasted Merganser (121), Oystercatcher (1,809), Golden Plover (3,342), Grey Plover (95), Lapwing (7,569), Dunlin (9,621), Bar-tailed Godwit (233), Curlew (2,237) and Greenshank (46). The Shelduck population is the largest in the country (over 10% of national total). Other species using the site include Mute Swan (38), Whooper Swan (5), Pochard (72), Gadwall

(6), Tufted Duck (64), Goldeneye (21), Coot (53), Ringed Plover (73), Knot (26) and Turnstone (113). Cork Harbour is an important site for gulls in winter and autumn, especially Black-headed Gull (3,640), Common Gull (1,562) and Lesser Black-backed Gull (783), all of which occur in numbers of national importance. Little Egret and Mediterranean Gull, two species which have recently colonised Ireland, also occur at this site.

A range of passage waders occurs regularly in autumn, including such species as Ruff (5-10), Spotted Redshank (1-5) and Green Sandpiper (1-5). Numbers vary between years and usually a few of each of these species over-winter.

Cork Harbour has a nationally important breeding colony of Common Tern (102 pairs in 1995). The birds have nested in Cork Harbour since about 1970, and since 1983 on various artificial structures, notably derelict steel barges and the roof of a Martello Tower. The birds are monitored annually and the chicks are ringed.

Cork Harbour is of major ornithological significance, being of international importance both for the total numbers of wintering birds (i.e. > 20,000) and also for its populations of Black-tailed Godwit and Redshank. In addition, it supports nationally important wintering populations of 22 species, as well as a nationally important breeding colony of Common Tern. Several of the species which occur regularly are listed on Annex I of the E.U. Birds Directive, i.e. Whooper Swan, Little Egret, Golden Plover, Bar-tailed Godwit, Ruff, Mediterranean Gull and Common Tern. The site provides both feeding and roosting sites for the various bird species that use it. Cork Harbour is also a Ramsar Convention site and part of Cork Harbour SPA is a Wildfowl Sanctuary.

21.1.2015

original

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL *Culture & Placemaking*

Community, Culture & Placemaking Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail planning@corkcity.ie

Fón/Tel: 021-4924762

Lionra/Web: www.corkcity.ie

RECEIVED

SECTION 5 DECLARATION APPLICATION FORM
under Section 5 of the Planning & Development Acts 2000 (as amended)

1. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT

*The existing ESB Networks substation - Trabeg 110kV Substation,
Palaceanne Lawn, South Douglas Road, Cork*

2. QUESTION/ DECLARATION DETAILS

PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:

Sample Question: *Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?*

Note: only works listed and described under this section will be assessed under the section 5 declaration.

Is the construction of (1) a fenced and gated compound containing two bundled transformers and an associated 5.6m high firewall, (2) 2 No. 15m high freestanding lightning monopoles, (3) a 48.6 sq.m. GIS module, and (4) ancillary works including the laying of underground cables, at the c.1.3 Ha site of the existing Trabeg 110kV Electricity Substation, Palaceanne Lawn, South Douglas Road, Cork, development and if so, is it exempted development?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

Extensive details and supporting submissions set out in the attached planning report and drawings

(2 copies enclosed)

Comhairle Cathrach Chorcaí
Cork City Council

29-09-2020

Strategic Planning & Economic
Development Directorate

3. Are you aware of any enforcement proceedings connected to this site?

If so please supply details: No

4. Is this a Protected Structure or within the curtilage of a Protected Structure? No

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority? No

5. Was there previous relevant planning application/s on this site?

If so please supply details:

6. APPLICATION DETAILS

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

(a) Floor area of existing/proposed structure/s	Existing combined floor area: 1950 sq.m. Proposed floor area: 48.6 sq.m.
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas. (sq m) _____
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) _____ _____ _____	Proposed/existing use (please circle) _____ _____ _____

8. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question		
If you are not the legal owner, please state the name and address of the owner if available		

9. I / We confirm that the information contained in the application is true and accurate:

Signature: Helen O'Keeffe Helen O'Keeffe, Senior Planner, Engineering & Major Projects, ESB

Date: 22nd September 2020

CONTACT DETAILS

10. Applicant:

Name(s)	<i>The Electricity Supply Board (ESB)</i>
Address	<i>2 Gateway, East Wall Road, Dublin 3</i>

11. Person/Agent acting on behalf of the Applicant (if any):

Name(s):	<i>Helen O'Keeffe, Senior Planner, Engineering and Major Projects, ESB</i>	
Address:	<i>One Dublin Airport Central, Dublin Airport, Cloghran, Co. Dublin</i> To arrange access to site please contact [REDACTED] [REDACTED]	
Telephone:	[REDACTED]	
E-mail address:	[REDACTED]	
Should all correspondence be sent to the above address? <small>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)</small>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

12. ADDITIONAL CONTACT DETAILS

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application.

ADVISORY NOTES:

The application must be accompanied by the required fee of €80

The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

The application should be sent to the following address:

**The Development Management Section, Community, Culture & Placemaking Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.**

- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued by the Planning Authority.

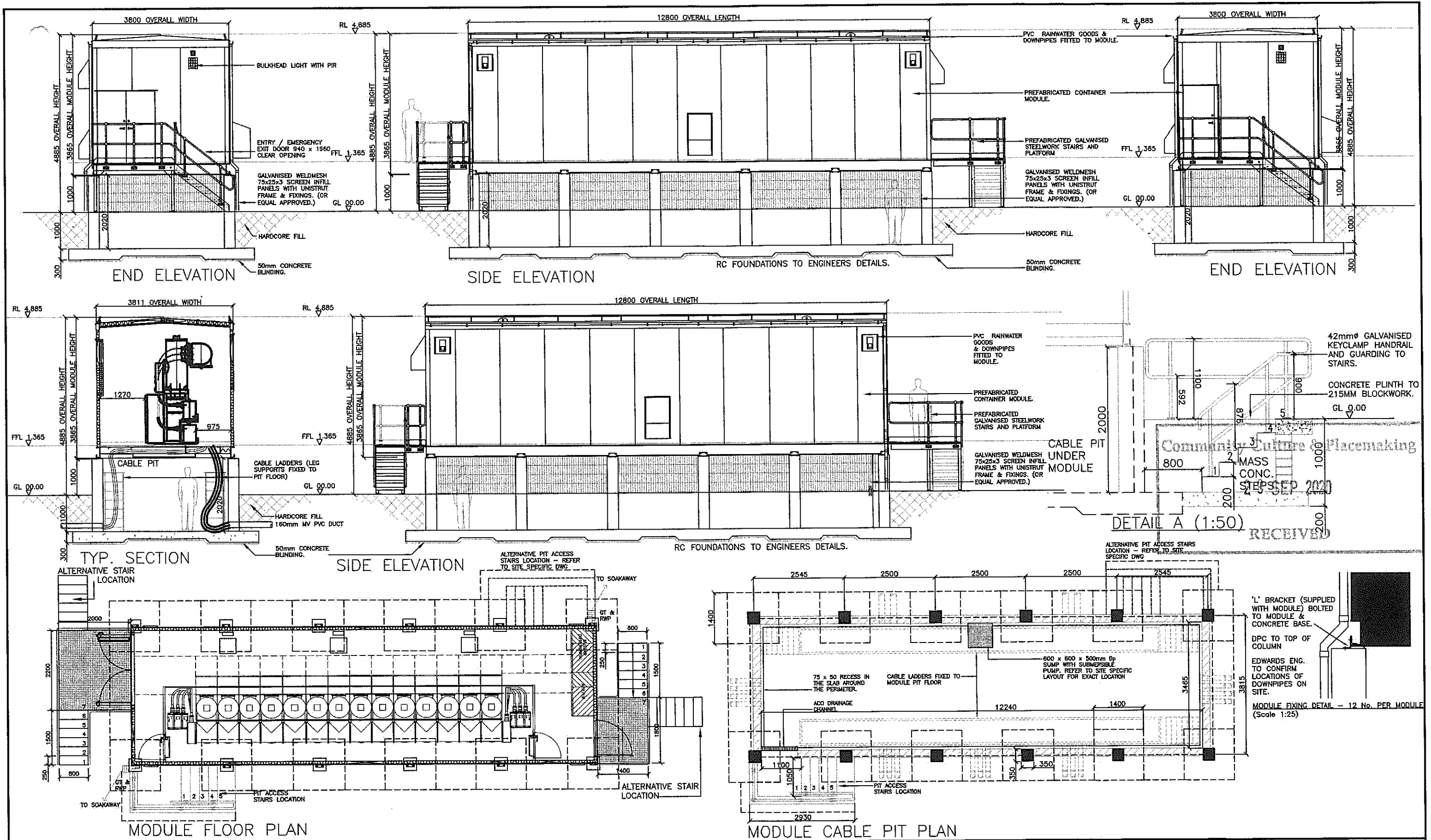
The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations 2001 as amended.

DATA PROTECTION: The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution.

[REDACTED]

[REDACTED]

[REDACTED]



Rev	Date	Revision description	Drn.	Proc.	Ver.	Cl.	Ver.	App.
0	00.00.00	ISSUED FOR --	DH	DH	AB	AB	AB	AB

Purpose of issue - Preliminary unless indicated

Tender Client approval Construction As-built Revised

ESB International
ESBI Energy Innovation

ESBI Engineering Solutions, Stephen Court, 18-21 St. Stephen's Green, Dublin 2, Ireland. Tel: +353 (0)1 703 8000 Fax: +353 (0)1 703 7186
Email: marketing@esbi.ie Web: www.esbi.ie

ESBI Engineering Solutions is a trading name of ESBI Engineering & Facility Management Limited. Registered Office: as above. Registered in Ireland No. 155249

Client
ESB NETWORKS

Project
38kV & MV Standard Substation Civil Drawings

Contract

Drawing title
38kV & MV Standard Substation Civil Drawings
General Construction Drawing
Portastor Module - GIS Module (Type 1)
STD. 374

Production unit
Civil Building and Environmental

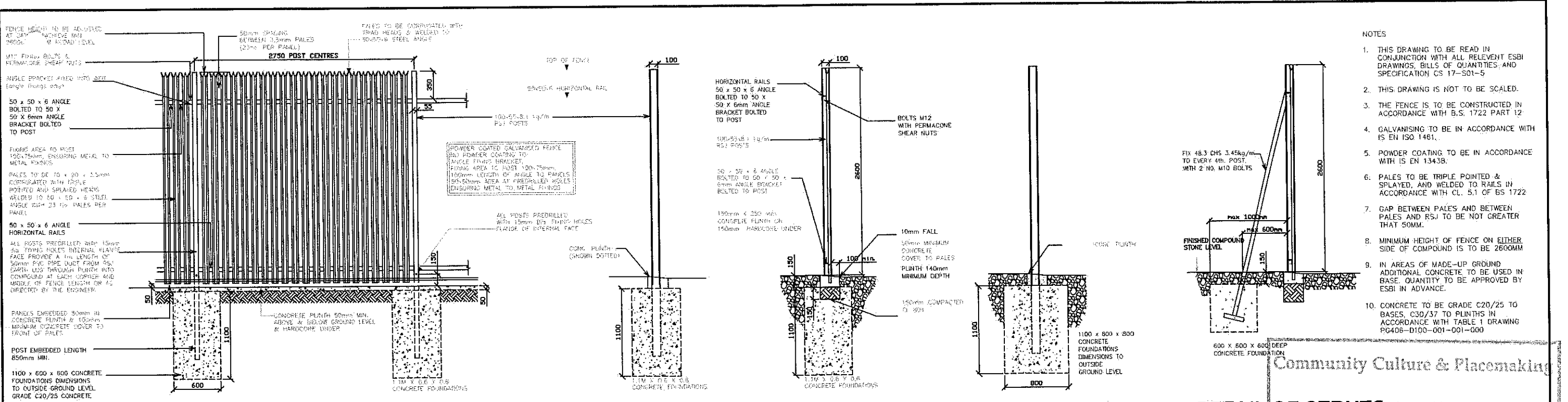
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D.Howley	D.Howley	AB	AB	AB	00.00.0000

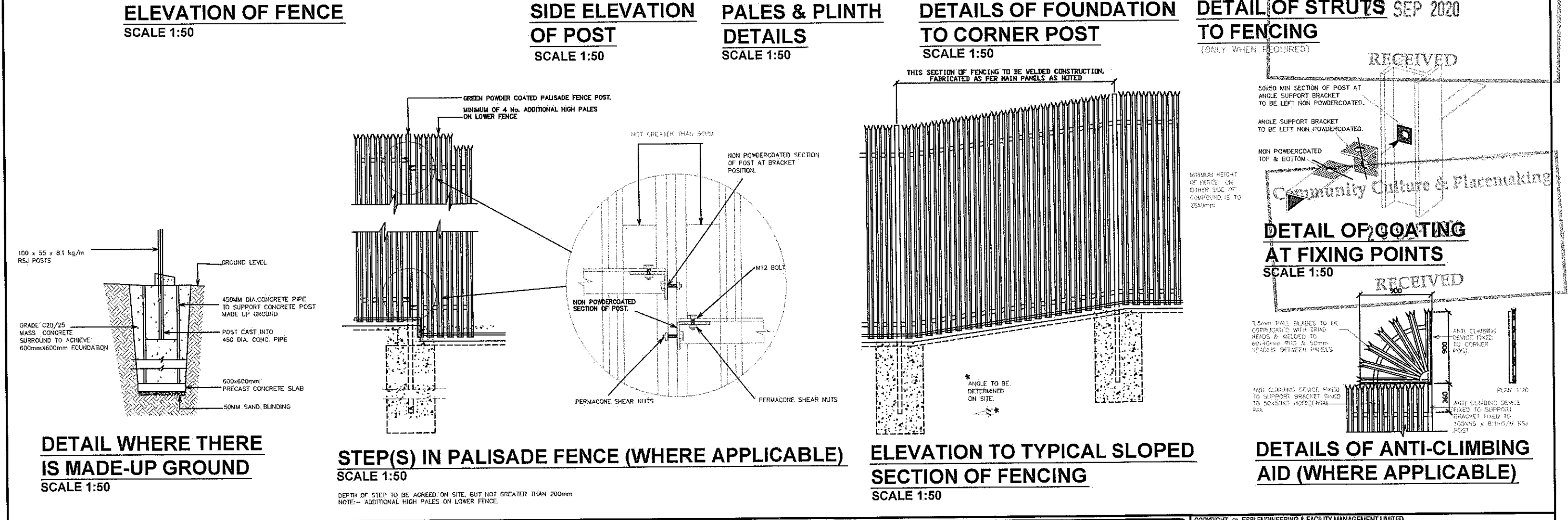
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TC207287	6	A3	1:100

Drawing number
PG406-D038-032-004-000

Sheet Rev



- NOTES
1. THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL RELEVANT ESB DRAWINGS, BILLS OF QUANTITIES AND SPECIFICATION CS 17-501-5
 2. THIS DRAWING IS NOT TO BE SCALED.
 3. THE FENCE IS TO BE CONSTRUCTED IN ACCORDANCE WITH B.S. 1722 PART 12
 4. GALVANISING TO BE IN ACCORDANCE WITH IS EN ISO 1461.
 5. POWDER COATING TO BE IN ACCORDANCE WITH IS EN 13438.
 6. PALES TO BE TRIPLE POINTED & SPLAYED, AND WELDED TO RAILS IN ACCORDANCE WITH CL. 5.1 OF BS 1722
 7. GAP BETWEEN PALES AND BETWEEN PALES AND RSJ TO BE NOT GREATER THAN 50MM.
 8. MINIMUM HEIGHT OF FENCE ON EITHER SIDE OF COMPOUND IS TO BE 2600MM
 9. IN AREAS OF MADE-UP GROUND ADDITIONAL CONCRETE TO BE USED IN BASE. QUANTITY TO BE APPROVED BY ESB IN ADVANCE.
 10. CONCRETE TO BE GRADE C20/25 TO BASES, C30/37 TO PLINTHS IN ACCORDANCE WITH TABLE 1 DRAWING PG406-D100-001-001-000



1	11.10.12	ADDITIONAL STRUT DIMENSIONS ADDED	UK	RS	FS	HC	HC
0	25.06.12	ISSUED FOR CONSTRUCTION	UK	RS	FS	HC	HC
Rev	Date	Revision description	Dr.	Prod	Ver.	Cl.	App

Purpose of issue - Preliminary unless indicated

Tender Client approval Construction As-built Revised

ESB International
ESBI Energy Innovation

ESBI Engineering Solutions, Stephen Court, 18-21 St. Stephen's Green, Dublin 2, Ireland. Tel: +353 (0)1 703 8000 Fax: +353 (0)1 703 7186
Email: marketing@esbi.ie Web: www.esbi.ie

ESBI Engineering Solutions is a trading name of ESB Engineering & Facility Management Limited.
Registered Office: as above Registered in Ireland No. 155249

Client
ESB NETWORKS

Project
General Civil Notes and Drawings

Contract

Drawing title
STANDARD TRANSMISSION SUBSTATION
DETAILS OF PALISADE FENCING
TO 110KV STATIONS

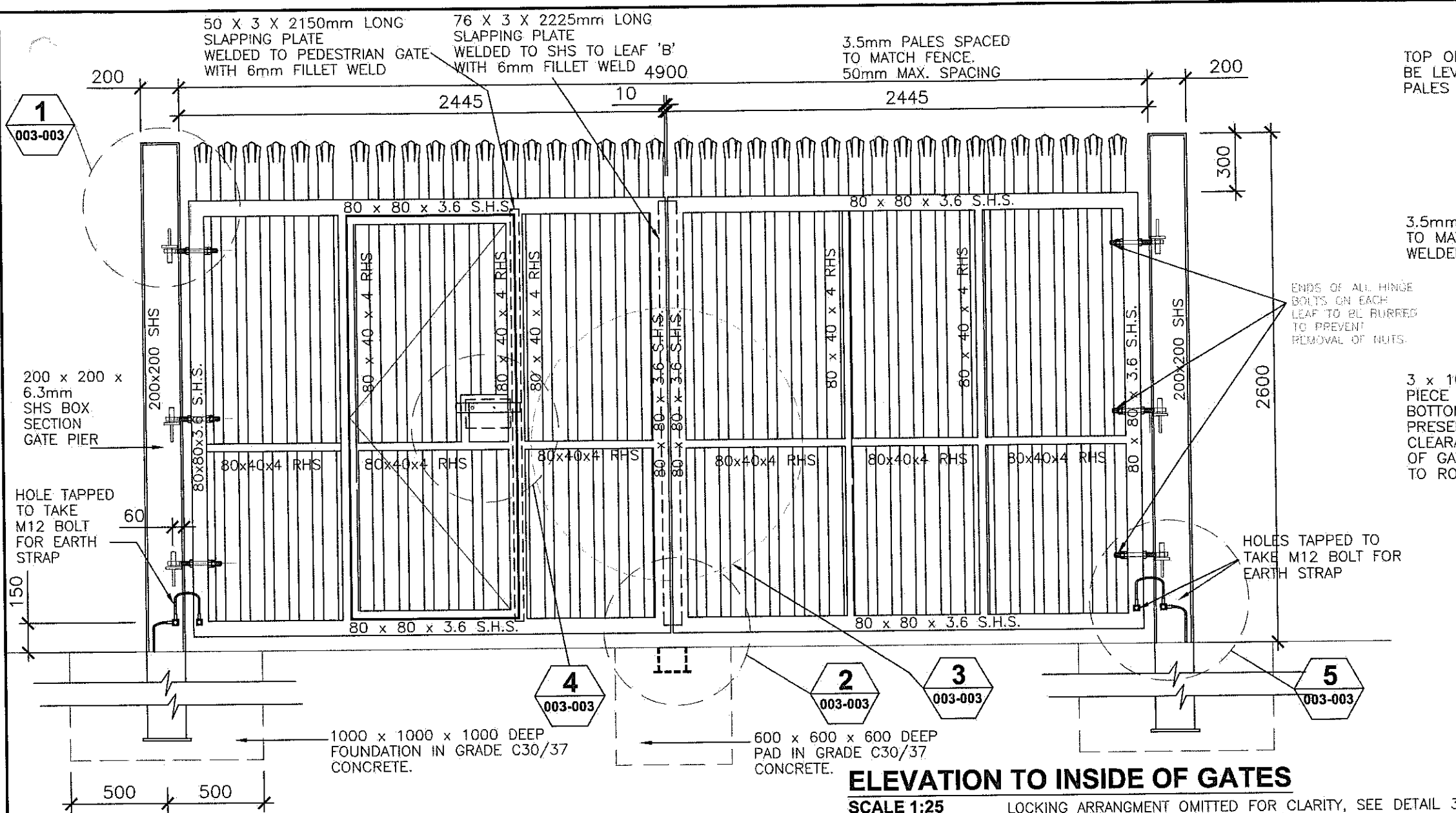
Production unit
Civil & Structural Engineering

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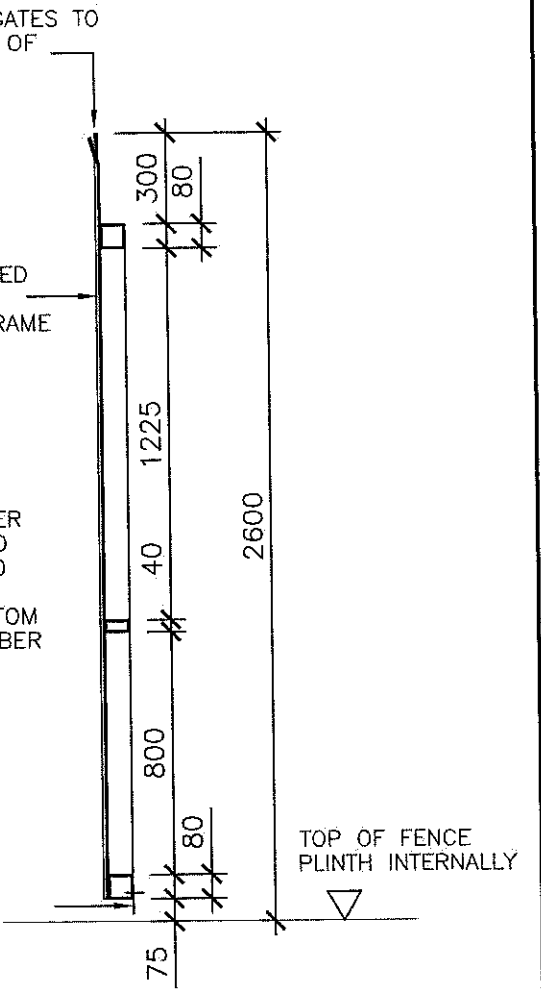
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L.Kiernan	R.Scott	F.Shiel	H.Cunningham	H.Cunningham	12/10/2012
Client ref.	No. of sheets	Size	Scale		
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Drawing number
PG406-D100-002-001-001

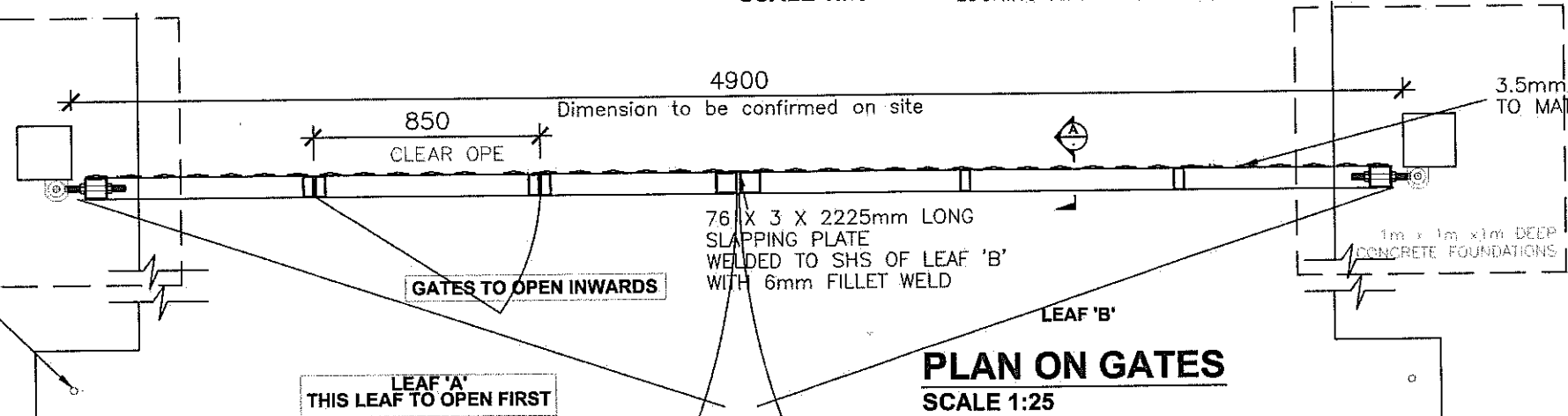
Sheet Rev



ELEVATION TO INSIDE OF GATES
SCALE 1:25



SECTION A-A
SCALE 1:25



PLAN ON GATES
SCALE 1:25

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ALL CONSTRUCTION NOTES MOVED TO PG406-D100-003-003

Rev	Date	Revision description	Drn	Prod	Ver	C	Var	E	App
2	01.05.12	HINGE DETAIL AMENDED	DH	RS	RS	JD			CT
1	04.04.12	MINOR AMENDMENTS	LK	LK	FS	HC			CT
0	18.04.11	ISSUED FOR CONSTRUCTION	LK	LK	RL	HC			CT

Purpose of Issue - Preliminary unless indicated
Tender Client approval Construction As-built Revised

ESB International
ESBI Energy Innovation

ESBI Engineering Solutions, Stephen Court, 18-21 St. Stephen's Green, Dublin 2, Ireland. Tel: +353 (0)1 703 8000 Fax: +353 (0)1 703 7186
Email: marketing@esbi.ie Web: www.esbi.ie

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Client

Project
General Civil Drawings and Notes

Contract

Drawing title
**STANDARD TRANSMISSION SUBSTATION
DETAILS OF PALISADE DOUBLE GATE
110KV STATIONS**

Production unit
Civil & Structural Engineering

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D.Howley	R.Scott	R.Scott	J.Dunne	C.Twomey	22/06/2012

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1 A3 As Shown

Drawing number **PG406-D100-003-001-002** Sheet Rev



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Trabeg 110kV Substation Uprate Project

Electricity Supply Board (ESB)

Planning Report to Accompany Application to Cork City Council for Section 5 Declaration of Exemption

Document No.: PE595-F1465-R465-005-000

Date: 22/09/2020

Engineering and Major Projects, One Dublin Airport Central, Dublin Airport, Cloghran, Co. Dublin,
K67 XF72, Ireland.

Phone +353 (0)1 703 8000

www.esb.ie

File Reference:	PE595-F1465	
Client Recipient:	/ ESB	
Project Title:	Trabeg 110kV Substation Uprate	
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Revision No.:	Rev 0	
Prepared by:	Helen O'Keeffe	Date: 22.09.2020
Title:	Senior Planner	
Verified by:	Brendan Allen	Date: 22.09.2020
Title:	Senior Planner / Team Leader	
Approved by:	Andrew Morrow	Date: 22.09.2020
Title:	Planner	

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Template Used: T-020-017-Engineering and Major Projects Report Template

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1 Introduction

1.1 Context

ESB proposes to undertake works at the site of an existing ESB Networks (ESBN) substation - Trabeg 110kV Substation, to facilitate the upgrade of the electricity network in that area, to meet the growing needs of Cork City. The proposed works are located within the confines of an existing substation and are typical of upgrade works associated with the continued operation of such a facility.

The application pack sets out the detail of the proposed development and relevant details in support of our submission that these works comprise exempted development works under the Planning and Development Act, as amended.

1.2 Purpose of this Report

A Section 5 Declaration confirming the exempted development status for the development works is sought from the Planning Authority - Cork City Council, in order to proceed to the construction phase of this project.

This report outlines the reasons why the proposed development is considered to fall within the exempted development provisions contained in the Act, and to satisfy any relevant qualifying criteria set down therein.

1.3 The Applicant

The applicant is ESB.

The application is submitted by Engineering and Major Projects (EMP), ESB.

1.4 Scope of this Application Pack

This application pack contains sufficient information to enable the Planning Authority – Cork City Council, to assess the proposed works at Trabeg 110kV Electricity Substation and to determine whether those works are exempt.

It comprises:

- A cover letter,
- The completed application form,
- The appropriate fee of €80,
- This report, and
- Drawings:
 - **Drawing PE492-D037-144-005-000** - A site location map at a scale of 1:1000.
 - **Drawing PE492-D037-144-001-002** – ‘Proposed Site Layout’ at 1:250 showing the proposed development works,
 - **Drawing PE492-D037-144-003-000** – 1:100 contextual elevations showing the nature and extent of the proposed development relative to existing features of the site

- **Drawing PG406-D038-032-004-000** – 1:100 scale drawing showing plans, elevations and sections through the proposed GIS module.
- **Drawing PE492-D037-144-006-000** – 1:250 layout showing the proposed development overlain on an aerial image of the existing site
- **Drawing PF406-D100-002-001-001** – showing standard details of the proposed palisade fence
- **Drawing PG406-D100-003-001-002** – showing standard details of the proposed gate.



2 The Subject Site and Proposed Development

2.1 The Subject Site

Trabeg substation is a 1.3 Ha site located south of Cork City. It is located east of the South Link Road, and north of the Kinsale Road Roundabout (Junction 6) off the N40 – the Cork South Ring Road. It is accessed from Palaceanne Lawn, via a residential area, which is connected to the South Douglas Road.

Image 1 The subject site (outlined in blue) relative to nearby land-uses and features



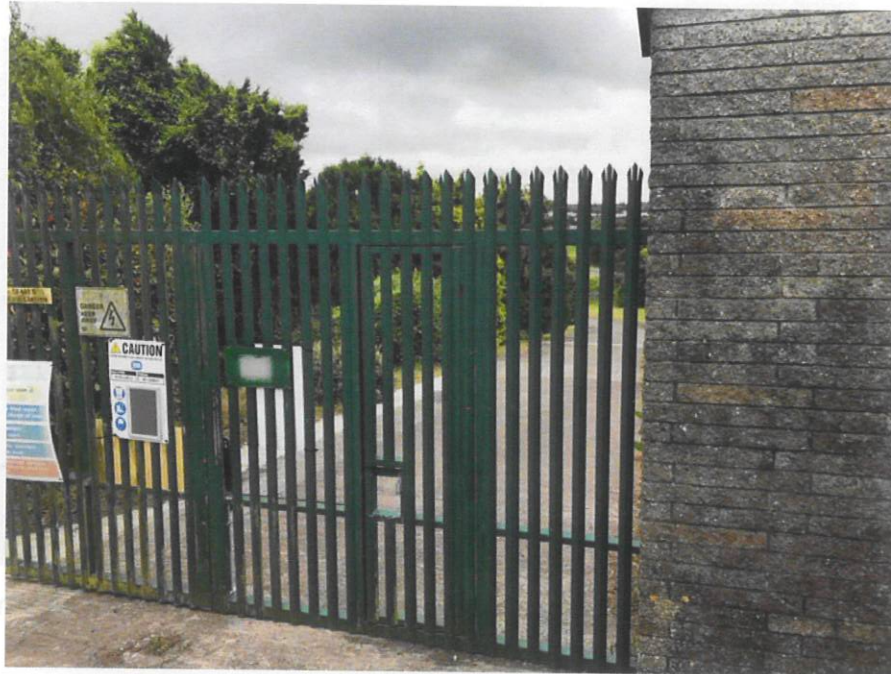
The site is located in an area characterised by a mixture of land uses. There are established residential areas to the north – Palaceanne Lawn, the west – Kilcolman, and the east – Heatherton. There is an existing storage / warehouse facility to the west. The southern boundary of the site abuts the Tramore River – a relatively narrow watercourse, and Half Moon Lane - which provides access to ESB Pitch and Putt Club. Tramore Valley Park, a BMX Track and a civic amenity site are located further to the south. These uses are accommodated on an area that was previously used for the landfill of waste.

This mixture of uses is reflected in the current land use zoning for the area as set out in the City Development Plan for the period 2015 – 2021, which zones the area zone 4 – for the residential, local services and institutional uses. The objectives under this land use zoning is to protect and provide for residential uses, local services, institutional use and civic uses, having regard to the employment policies set out in the Plan.

The existing development on the Trabeg Substation site is characteristic of a site used for the transmission of electricity. As such it is a quasi-industrial site, characterised by areas of outdoor plan and a low level of activity and traffic.

The site is accessed by means of a gateway – see **Image 2**, that leads from Palaceanne Lawn. This gateway is secured, ensuring the site can only be accessed by authorised personnel involved in substation operations or the carrying out of routine maintenance works.

Image 2 The existing entrance gate into Trabeg 110 kV Substation



Thick bands of planting define the northern boundaries of the site, screening it from view from the adjoining residential area. **Image 3** shows a typical view along this boundary.

Image 3 The Northern boundary of the site with characteristically thick band of screen planting obscuring views into the site



Image 4 View into the site from the grassed area along the Trabeg River, located just outside the southern boundary with proposed development Site A in the foreground, the 110 kV building and associated electrical plant on the right and the internal service road on the left



Within the site there are a number of structures – as shown on the attached **Drawing PE492-D037-144-001-002**, namely:

- The single storey MV building located just east of the entrance way – see **Image 5**;

Image 5 The MV building on the left, and the control room building on the right, with the taller 38kV station building immediately to the rear and the dominant 110kV building in the background



- A combined building, c. 9m high, housing the 38kV substation, control room and associated battery room, comms room and welfare facilities – see **Image 9**,

- The 110kV substation – c. 13m high, with outdoor electrical plant (transformers) set within fenced compounds located on the southern façade – see **Images 4 and 6**,
- Boundary treatment typically comprising 2.6m high palisade fencing with extensive planting along most boundaries – see **Images 2, 3 and 9**,
- A number of masts / pylons – typically 14m high, which act as support structures for the overhead lines – the Raffeen 1 and 2 110kV lines – see **Image 7**, and
- Site services including extensive underground cabling.

Image 6 Outdoor electrical plant (transformers) located along the southern elevation of the existing 110kV substation building



2.2 The Proposed Development

It is proposed to carry out relatively minor development at two locations within the site. For ease of reference these are described as Site A and B below.

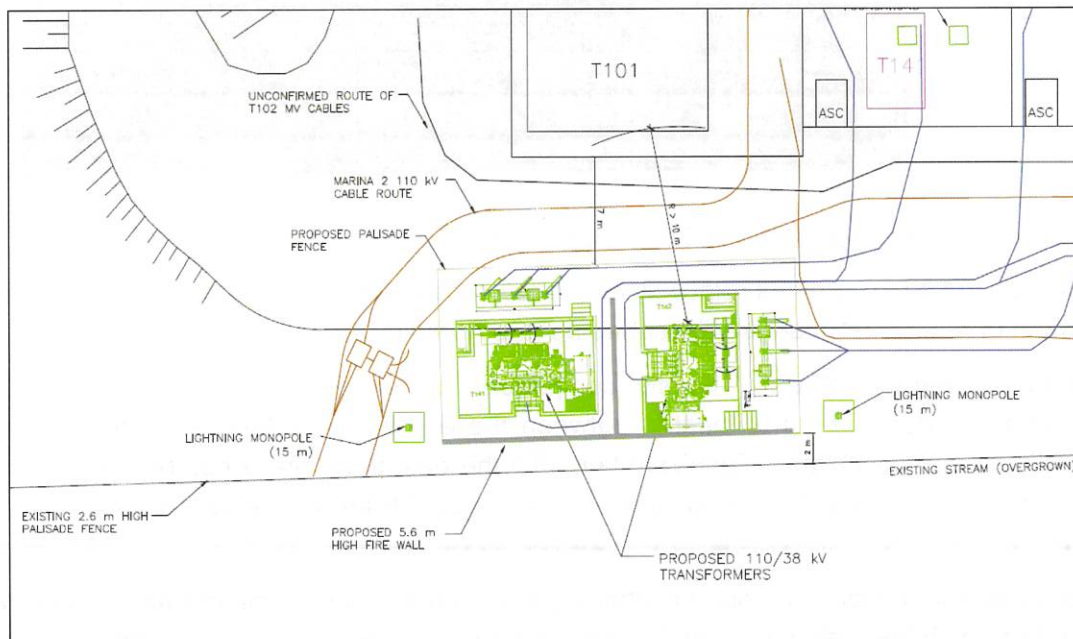
Development on Site A: This site comprises a portion of grassed land just north of the southern boundary. It is located between the existing boundary fence and the 110kV building and associated electrical plant. To the east there are a number of c. 14m high masts associated with the existing Raffeen 1 and 2 110kV overhead line (OHL).

As shown on the attached **Drawing PE492-D037-144-001-002**, it is proposed to develop a gated and fenced compound containing 2 No. 110kV / 38 kV transformers, separated by a 5.6m high fire wall that extends along the southern boundary. These transformers will be banded and an oil interceptor located between the existing transformers and the southern boundary (which lies close to the Trabeg River) will be relocated and retained. This development will be located c. 2m from the outer boundary fence which will be unaffected by the development. On both the eastern and western sides of this compound 2 No. 15m lightning monopoles will be developed – see **Image 8**.

Image 7 View of proposed development site A – showing the 110kV and associated plant on the left, the OHL structures in the background and the existing boundary fence on the right



Image 8 Extract from Drawing PE492-D037-144-001-002 showing the minor development works proposed on Site A



Development on Site B: This site comprises a similar grassed area located on the eastern portion of the site, between the gable end of the 110kV and 38 kV buildings and the boundary fence – see **Image 9**.

Image 9 View of proposed development site B – facing towards the gable ends of the existing 110 kV and 38 kV substation buildings, with thick band of planting on the right-hand side, which screen the existing buildings from view



As shown on the attached **Drawing PE492-D037-144-001-002**, it is proposed to locate a single storey GIS module at this location, c. 12.8m x 3.8m located to avoid existing 38kV cables in the area. This will have the look and appearance of an external piece of plant housed in a weatherproof structure. It will be set on compacted hardcore and served by underground cables – see **Image 10**. A typical module is shown on **Image 11**.

Image 10 Extract from Drawing PE492-D037-144-001-002 showing the minor development works proposed on Site B

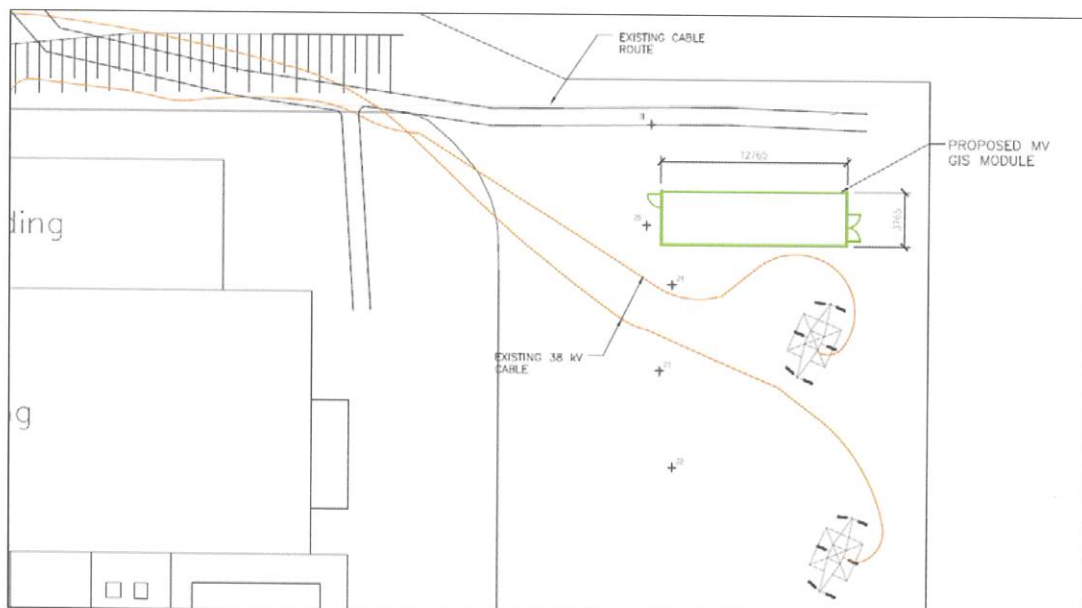


Image 11 Image of a GIS Module, similar to that proposed for Site B



3 Planning Status of the Works

3.1 Legislative Provisions in relation to Exempted Development

3.1.1 Statutory Undertakers

Section 2 (1) of the Planning and Development Act (the Act), as amended, states:

'In this Act, except where the context otherwise requires –

'statutory undertaker' means a person, for the time being, authorised by or under any enactment or instrument under an enactment to –

(b) provide or carry out works for the provisions of, gas, electricity or telecommunications services, or

(c) provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking.'

3.1.2 'Development'

Section 3 (1), of the Act states:

'In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.'

The Act defines a **structure** as *'any building, structure, excavation or other thing constructed or made on, in or under any land, or any part of a structure so defined...'* and **works** as *'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal....'*

3.1.3 Exempted Development

Provision is made under **Section 4** of the Act for specific works to be exempted from the requirement for planning permission. Specifically:

- **Section 4 (1)(g)** indicates that the following is exempted development:-

Development consisting of the carrying out by any local authority or statutory undertaker of any works for the provision of inspecting, repairing, renewing, altering or removing any sewers, mains, pipes, cables, overhead wires or other apparatus, including the excavation of any street or other land for that purpose.

- **Section 4 (1)(h)** indicates that the following is exempted development:-

Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Additional provision is made under Section 4(2) for the specification of exempted development works by Regulations. The relevant Regulations are the planning and

Development Regulations, 2001 (as amended). Under those Regulations, Schedule 2, Part 1 Exempted Development – Development by statutory undertakers, Classes 26, 27, 28, 29 and 29A refer to electricity service and electricity undertaking, as summarised on Table 1 below.

Table 1 Relevant Provisions for Exempted Development as set out in the Planning and Development Regulations, 2001 (as amended)

Class 26	The carrying out by any electricity undertaking of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking.
Class 27	The carrying out by any electricity undertaking of development consisting of the construction of over-head transmission or distribution lines for conducting electricity at a voltage not exceeding a nominal value of 20kV.
Class 28	The carrying out by any electricity undertaking of development for the purposes of the undertaking consisting of the construction or erection of an overhead transmission line not more than 40 metres from a position in respect of which permission for such line was granted and which otherwise complies with such permission, but not a line in respect of which a condition attached to the relevant permission imposed a contrary requirement.
Class 29	The carrying out by any electricity undertaking of development consisting of the construction or erection of a unit substation for the distribution of electricity at a voltage not exceeding a nominal value of 20kV
Class 29A	The carrying out by any electricity undertaking of development consisting of the construction or erection of a charging point for electric vehicles.

Limitations apply to exempted development under both the Act and Regulations. Under the Act, development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required. Under the Regulations, more extensive limitations are set out in Article 9.

3.2 Characteristics of the Development Works

The proposed development works are being carried as part of the statutory undertaker's routine function required to operate transmission infrastructure in a safe, secure and reliable manner. It is noted that similar works are routinely carried out at locations throughout the Country and there is a high degree of familiarity with the works involved.

Key characteristics of the development are:

- There will be no material change in the function or form of the electrical substation. After the completion of the works, the site will still operate and function as an electrical substation. The function of the site will remain the transmission and distribution of electricity. The size and scale of the operation / activity will not change. There will be no additional land take or physical expansion of the site, nor will there be any increase in the intensity of activities – or any associated characteristics such as increased frequency of maintenance works.
- The proposed development works are located within parts of the site directly associated with the established function of the site as a substation. These parts of

the site are grassed areas that comprise made ground that was previously disturbed on a number of occasions to enable the development of the station and all associated activity including underground cabling. In the broader context, the mixed-use character of land uses is noted – as is the evolving nature of those uses – noting that the lands to the south have changed in function from facilitating waste disposal to civic amenities including park and sports facilities.

- In the context of an established and operational substation site, the scale of the development is not material. The proposed structures are of a relatively minor scale. The tallest elements – the 15m lightning monopoles will be imperceptible relative to structures of a similar scale but far greater massing – namely the pylons, and the 110kV building.
- Outside the site, the material character of the substation is largely defined by the boundary treatment – noting the heavily screened edges are characteristic of those edges that abut more sensitive development areas – namely housing estates. As such the works do not materially affect the external appearance of the substation as to render the appearance inconsistent with the character of the substation or neighbouring apparatus – as simply the works will be imperceptible from the surrounding area.
- In relation to the provisions set out under Sections 4(1)(g) and (4)(1)(h) of the Act, it is important to note that a substation such as this operates as a single piece of apparatus – though it comprises a large number of discrete items that work collectively as ‘a substation’. As such the ‘substation’ – as defined by its outer boundaries, is a singular planning unit and it is appropriate to consider any works to *inspect, repair, renew, alter or remove* it may necessitate works to those discrete parts. There is no requirement that any such works would simply replace one part with an exact replica and – indeed given the use of the word ‘alter’ it is implicit under 4(1)(g) that such works may involve the introduction of new items of plant where there is overall no material change to the planning unit – the substation.
- Having regard to determinations from An Bord Pleanála, there is significant precedent for determinations whereby the provision of electrical apparatus within established substations is exempted development. The Planning Authority is asked to consider the following such examples:
 - **An Bord Pleanála Reference ABP-306431-20** – where the Board determined that the construction of 220kV Shunt Reactors with associated internal compound and associated equipment within the existing Ballyvouskill 220/110kV Electricity Substation at Caherdowney, County Cork, came within the exempted development provisions of section 4(1)(g) of the Planning and Development Act 2000.
 - **An Bord Pleanála RL3080** – where the Board determined that the proposed renewing and altering of the existing Maynooth – Ryebrook 110kV overhead line, came within the exempted development provisions of section 4(1)(g) of the Planning and Development Act 2000.
 - **An Bord Pleanála Reference RL3316** – where the Board determined that the extension of the existing medium voltage busbar and the construction of a cable chair within the existing Kilmagig 38kV electricity substation came

within the exempted development provisions of section 4(1)(g) of the Planning and Development Act 2000.

- **An Bord Pleanála Reference RL3364** – where the Board determined that a modification within an existing substation consisting of a new 38kV bay and associated equipment, new 110kV neutral, new arc suppression coil and associated works came within the exempted development provisions of section 4(1)(g) and 4(1)(h) of the Planning and Development Act 2000.

Additional examples of determinations by Local Authorities can be provided on request.

- Finally, it is noted that the proposed development do not come within a class of development set out in Schedule 5 of the Planning and Development Regulations, as amended and are therefore not a type of development for which Environmental Impact Assessment is required. Moreover, given the characteristics of the development and that of the receiving site, and its location relative to designated Natura sites – the closest of which is Cork Harbour SPA c. 1.8km to the east, it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on a European Site and there is no requirement for Stage 2 Appropriate Assessment. Therefore, the exclusions set out under Section 4(4) of the Act do not apply.

3.3 Provisions as they apply to the proposal

Having regard to the provisions under Section 2(1) of the Act, ESB is a statutory undertaker.

Having regard to the definition of ‘development’ under Section 3(1) of the Act and the description of the works set out in Para.2.2 above, the proposed works constitute development.

Having regard to the description of works set out in Para. 2.2 above, the provisions of Classes 26 to 29A as set out under the Regulations are not considered to apply in this instance.

Having regard to the description of works set out in Para. 2.2 and the scope of works set out under Sections 4(1)(g) and 4(1)(h) of the Act, we submit that the proposed works come within the exempted development provisions set out therein because the proposed development:

- consists of the carrying out of works by a statutory undertaker;
- consists of works that would renew and alter existing apparatus used for that statutory purpose where the ‘apparatus’ under consideration is the entire substation – and therefore fall within the scope of development provided for under section 4(1)(g) of the Planning and Development Act 2000,
- consists of works that are for the maintenance, improvement or alteration of any structure (the substation) which – due to the location, setting and established nature of the site, would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures, and therefore fall

within the scope of development provided for within section 4(1)(h) of the Planning and Development Act 2000.

We submit then that the proposed development works are development and that that are exempted development.

4 Conclusion

Based on the detail provided in relation to the proposed works, we submit that there is sufficient information provided to enable the Planning Authority to determine if the proposed works constitute exempted development.

It is submitted that having regard to –

- Section 2(1) of the Planning and Development Act, 2000, as amended,
- Section 3(1) of the Planning and Development Act, 2000,
- Section 4(1)(g) and Section (1)(h) of the Planning and Development Act, 2000, as amended,
- the established nature and context of the site,
- the nature and extent of the proposed works,
- the precedent for similar determinations,

the proposed development works consist of

- the carrying out by a statutory undertaker of works for the purpose of altering apparatus and would, therefore, come within the exempted development provisions of section 4(1)(g) of the Planning and Development Act 2000, as amended, and
- the carrying out of works for the maintenance, improvement or alteration or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures and would, therefore, come within the provisions of Section 4(1)(h) of the Planning and Development Act, 2000, as amended.

As such the works proposed constitute development and are exempted development.