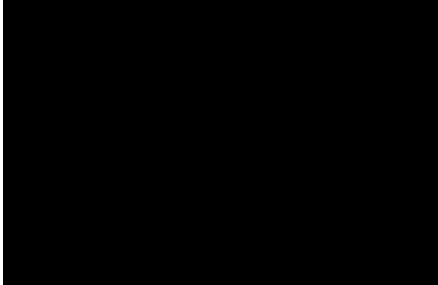




Comhairle Cathrach Chorcaí Cork City Council

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

Electricity Supply Board (ESB)



21/10/2025

RE: **Section 5 Declaration R986/25 Kilbarry Substation, Old
Whitechurch Road, Cork City**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 23/09/2025.

The Question before the Planning Authority was

'Whether the proposed asset replacement and electrical infrastructure works at the existing Kilbarry Substation is or is not Development and if Development is or is not Exempted Development?'

In view of the above and having regard to –

- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended)

The Planning Authority considers that –

The proposed asset replacement and electrical infrastructure works at the existing Kilbarry Substation, Old Whitechurch Road, Cork City **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.

Is mise le meas,



We are Cork.



Clerical Officer

Planning & Integrated Development

Cork City Council

PLANNER'S REPORT Ref. R986/25		Cork City Council Culture, Community and Placemaking
Application type	Section 5 Declaration	
Description	<i>Whether the proposed asset replacement and electrical infrastructure works at the existing Kilbarry Substation is or is not development and if development is or is not exempted development?</i>	
Location	Kilbarry Substation, Old Whitechurch Road, Cork City.	
Applicant	Electricity Supply Board (ESB)	
Date	10/11/2025	
Recommendation	<i>Is Development and Is Exempted Development.</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.

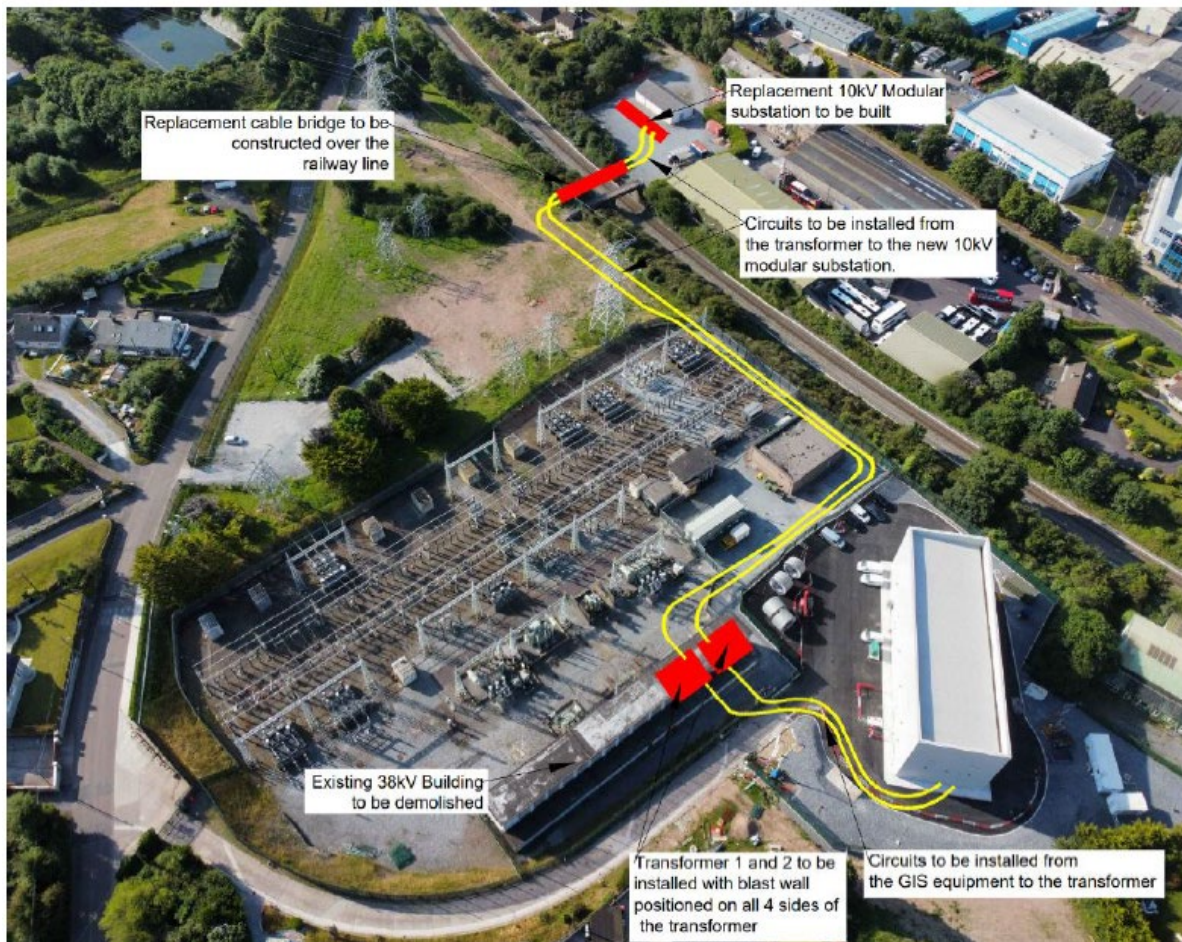
2. THE QUESTION BEFORE THE PLANNING AUTHORITY

In framing the question to the planning authority, the applicant states in Q2 of the application form:

Whether the proposed asset replacement and electrical infrastructure works at the existing Kilbarry Substation is or is not development and if development is or is not exempted development?

The applicant has provided a cover letter and accompanying planning report which outlines the proposals. The asset replacement and electrical infrastructure works are described as follows in the submitted Section 5 Declaration Report along with an illustration (set out below):

- Cables (in yellow) from the newly constructed Kilnap GIS Substation bringing electricity to two proposed 110 /10 kV transformers (in red).
- Removal of the redundant 38kV electrical substation structure where it's proposed to site the two 110 /10 kV transformers, this substation was decommissioned in the 1990's as it reached end of life.
- Cables (in yellow) transferring electricity from the two 110 kV transformers to a replacement 10 kV modular substation located across the railway line.
- A replacement cable bridge (in red) over the railway line, the existing bridge only carries cables and has to be replaced to an increased height to allow for electrification of the railway line in the future.
- A replacement lower voltage modular substation (in red) – the current 10 kV substation on that site is near end of life and has to be replaced with a modular substation, it will be decommissioned and eventually demolished when all circuits are transferred



3. SITE DESCRIPTION

The section 5 proposal relates to a Kilbarry Substation complex/ compound on the Old Whitechurch Road, Kilnap, Cork.

4. PLANNING HISTORY

Planning Applications on the Kilbarry Substation

19/38211 – Permission granted for the construction of a new 110kV Gas Insulated Switchgear (GIS) building, located entirely within the footprint of the existing Kilbarry 110 kV Substation, measuring approximately 603.5m² and 15m in height. The works will include the demolition of the existing disused control building and oil storage facility; the removal of three existing 110kV Overhead Line Towers and construction of four Line Cable Interface Masts (LCIM) with a height of up to 23.75m; connection of existing overhead lines to new LCIMs and 110 kV GIS Substation by means of underground cables and overhead line connections; modification to the existing entrance, the internal access roads, fences and internal access gates; temporary construction facilities, compounds, hardstands; and all associated and ancillary development and site works including provision and/or replacement of electrical structures and equipment, drainage works, laying of new or replacement cables and the diversion of existing cables. A Natura Impact Statement is submitted with this application.

15/36393 – Permission granted for alterations to existing station consisting of single storey 38 kV cable sealing ends, new 38 kV surge arresters, new 38 kV current/voltage transformers, new house transformer, new concrete bunding to existing transformers and asc, new oil interceptor and associated drainage and site works.

14/35922 – Permission granted the continued use of the existing 30m high, free standing birdcage type communications structure, carrying antennae and communication dishes, within an existing 2.4m high palisade compound, previously granted temporary permission ref. 09/33789. Permission is also sought to attach additional antennae and dishes to allow for future third party co-location.

10/34438 – Permission granted for a development consisting of alterations to the existing ESB Kilbarry 110kV station to include 1 no 110kV mast, 6 no surge arrestors, existing internal palisade compound fence to be extended and altered and associated site works.

02/26161 – Permission granted for erect a 110kV lattice steel tower approx. 18 metres in height, on the existing Coolroe - Kilbarry 110kV line in the townland of Kilnap adjacent to Kilbarry 110kV substation.

01/25746 – Permission granted to construct new 110kV station building incl. additional cable ducting in Kilbarry Station.

98/22356 – Permission granted to erect an MV switchgear building at ESB’s existing 110kV substation.

5. POLICY CONTEXT

5.1 Development Plan

The Cork City Development Plan 2022-2028 refers. The portion of the site on the northern side of the rail line is zoned ZO 14: Public Infrastructure and Utilities. The portion of the site to the south of the rail line is zoned ZO 1: Sustainable Residential Neighbourhoods.

There are no designations on the subject site (protected structures, monuments, architectural conservation area etc.).

6. LEGISLATIVE PROVISIONS

6.1 The Act

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, except where the context otherwise requires, “development” means, -

- a) The carrying out of any works in, on, over or under land or the making of any material change in the use of any land or structures situated on land, or*
- b) Development within the meaning of Part XXI.*

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(2)(a),

The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

- i) *By reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*
- ii) *The development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

Section 4(2)(b)

Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

Section 4(2)(c)

Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a), provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act.

Section 5(1),

(See section 1 of this report)

Section 57(1)

Notwithstanding section 4(1)(a), (h), (i), (ia), (j), (k), or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

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.

6.2 The Regulations

Article 6(1)

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9 (1)(a)

Development to which article 6 relates shall not be exempted development for the purposes of the Act –

- (i) if the carrying out of such development would... contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,*
- (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*

- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,*
- (xi) obstruct any public right of way,*
- (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,*

7. PRECEDENT CASES

The following similar exemption precedents have been outlined by the applicant.

Ref. No: ABP-306431-20

Question: Whether or not the construction of 220kV Shunt Reactors and associated equipment within the existing Ballyvouskill 220/110 kV Electricity Substation constitutes exempted development.

Decision: Is Development and Is Exempted Development.

Ref. No: RL3316

Question: Whether the extension of the existing medium voltage busbar within existing Kilmagig 38kv substation is or is not development or is or is not exempted development.

Decision: Is Development and Is Exempted Development.

Ref. No: Section 5 25/33 (Donegal County Council)

Question: Renewal of entire substation.

Decision: Is Development and Is Exempted Development.

Ref. No: Section 5 D289/24 (Cork County Council)

Question: Whether the proposed asset replacement and electrical infrastructure upgrading works at the existing Midleton 110kV Substation, Carrigogna, Midleton, Co. Cork, is or is not development, and if development, is or is not exempted development

Decision: Is Development and Is Exempted Development.

Ref. No: Section 5 R603/20 (Cork City Council)

Question: Whether the installation of electrical infrastructure at the existing Trabeg 110kV Electricity Substation, South Douglas Road is or is not exempted development.

Decision: Is Development and Is Exempted Development.

8. ASSESSMENT

The purpose of this report is to assess whether or not the matter in question constitutes development and whether it falls within the scope of exempted development. Matters pertaining to the acceptability of the proposal in respect of the proper planning and sustainable development of the area is not a consideration under section 5.

It is noted that the ESB is a statutory undertaker as defined under Section 2 of the Act and for the purposes of Section 4(1)(g).

6.1 Development

The first issue for consideration is whether or not the matter at hand is ‘development’.

‘Development’ as defined in the Act (3)(1) comprises two possible chief components: ‘(a) the carrying out of any works in, on, over or under land or the making of any material change in the use of any land or structures situated on land, or (b) Development within the meaning of Part XXI.’

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, and secondly to whether any material change in the use of any structures or other land have or will take place.

‘Works’ as defined in section 2(1) of the Act ‘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.’

The proposal includes acts of construction, alteration, and renewal. The asset replacement and electrical infrastructure works are works as defined under Section 2(1) of the Act. The proposal therefore constitutes development.

CONCLUSION:

- **Is development.**

6.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development.

The ESB has submitted a planning report with the Section 5 application which states that the proposal is exempt under Section 4(1)(g) of the Act. The applicant states that the ESB is a statutory undertaker as per Section 2 of the Act and therefore meets the requirement of 4(1)(g) which limits any the carrying out of any such works set out therein to statutory undertakers.

The applicant states that the ‘proposed works comprise the renewing, altering and removal of existing electrical infrastructure or apparatus within the substation complex, as well as the necessary construction works (i.e. access roads, access gates, general compound stoning and earthgrid works) to facilitate same...the proposed works comprise the replacement of existing electrical apparatus and the installation of some new electrical apparatus all within the existing substation complex.’

The applicant goes on to state that ‘the full Kilbarry Substation complex is considered to be the planning unit for the purposes of this Section 5. Whilst different pieces of electrical equipment and structures are found in the substation complex, they serve no purpose unless they are all connected together and operate as a collective unit. This is an existing substation and 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. In the context of an established and operational substation site, the scale of the development is not significant.’

The applicant contends that the the overall character and appearance of the substation will not change or give rise to significant visual impacts.

The proposed works include elements of demolition. The applicant contends that Class 50 is not relevant as an ESB substation does not fall within the definitions listed.

Section 4(1)(g) of the Act states *‘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.

The proposal includes a substantial level of development (incl. replacement cable bridge over railway line, replacement of redundant 39kV transformers with two no. 110/ 10 kV transformers, and replacement 10kV modular substation) but it is noted that Section 4(1)(g) does not set out any limitations on the scope or scale of works that can be undertaken. The Board and other Local Authorities have applied a broad scope to the provisions of Section 4(1)(g) in the precedent cases referenced above. Having regard to the information provided, the extent of works proposed (outlined in section 2 above) and a review of precedent cases, it is considered that the proposed asset replacement and electrical infrastructure works would fall within the scope of Section 4(1)(g) and be covered by the exemption.

I consider that the development is exempted development.

CONCLUSION:

- **Is exempted development.**

9. ENVIRONMENTAL ASSESSMENT

9.1 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) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly, it is considered that an environmental impact statement is not required to be submitted.

9.2 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). 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 it is considered that the proposed development would not affect the integrity of the European sites referred to above. Accordingly, it is considered that appropriate assessment is not required.

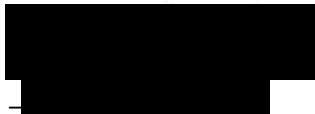
10. RECOMMENDATION

In view of the above and having regard to –

- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended)

The Planning Authority considers that –

the proposed asset replacement and electrical infrastructure works at the existing Kilbarry Substation, Old Whitechurch Road, Cork City **IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT.**


Jan Oosterhof
Assistant Planner
21/10/2025


Melissa Walsh
Senior Executive Planner
21/10/2025



Innealtóireacht agus Mórthionscadail,
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Engineering and Major Projects,
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Cloghran, Co. Dublin, K67 XF72, Ireland
Phone +353 1 703 8000

**Cork City Council,
Planning Department,
City Hall,
Anglesea Street,
Cork,
T12 T997.**

BY email: planning@corkcity.ie

18th September 2025

Re: Section 5 Declaration Application for asset replacement and electrical infrastructure upgrading works at Kilbarry Substation, Old Whitechurch Road, Cork City

Dear Sir/Madam,

I wish to make an application for a Section 5 Declaration in relation to exempted development for asset replacement and electrical infrastructure upgrading works at Kilbarry Substation, Old Whitechurch Road, Cork City.

The Electricity Supply Board (ESB) are intending to undertake emergency asset replacement and electrical infrastructure upgrading works within the existing Kilbarry Substation, Old Whitechurch Road, Cork City, in order to maintain and safeguard the operational functionality of the existing electricity network in the wider area, and to allow for additional electrical capacity in the Cork City area, which is urgently required.

The existing Kilbarry substation, which serves as the primary bulk supply point for the north side of Cork City, is nearing full capacity at a rate that has exceeded initial projections. While ESB has medium-term infrastructure plans, including the development of new substations within the Cork City area, these are not expected to come online until approximately 2030. In response to



this accelerated demand, ESB is implementing interim measures to ensure continued capacity for new customer connections. One such measure is the planned electrical works within Kilbarry substation, which will support both commercial developments and residential housing schemes in the surrounding area. It will be a critical project to allow ESB to continue connecting customers.

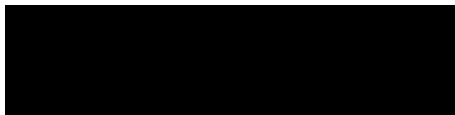
In electrical terms, these emergency works have been designed to be delivered urgently (within approximately 2 years), in order to serve existing and projected demand growth. When operational, these emergency works will allow longer term network planning to deliver more permanent solutions to serve the longer term up to 2040 and beyond.

The proposed works are located within the existing Kilbarry substation complex and are typical of upgrade works associated with the continued reliable operation of the electricity network, as well as anticipating future short-medium term demand growth that will be required as a result of Ireland moving towards a net zero society.

Urgent electrical upgrades of the network in Cork City have been the subject of a number of meetings between ESB and the Cork City Management Team for the past number of months.

I confirmed with the city council that submission by email and payment of the fee by credit card would be acceptable. For payment and if you have any queries on these planned works, please contact me at brendan.allen@esb.ie or 0868336990. I would be grateful if correspondence could be sent by email.

Yours sincerely,



Brendan Allen

Planning Team Leader

COMHAIRLE CATHRACH CHORCAÍ

CORK CITY COUNCIL

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

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

Fón/Tel: 021-4924029

Líonra/Web: www.corkcity.ie

SECTION 5 DECLARATION APPLICATION FORM

under Section 5 of the Planning & Development Acts 2000 (as amended)

1. NAME OF PERSON MAKING THE REQUEST

ELECTRICITY SUPPLY BOARD (ESB)

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

KILBARRY SUBSTATION
OLD WHITECHURCH ROAD, CORK CITY.

3. 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.

WHETHER THE PROPOSED ASSET REPLACEMENT AND ELECTRICAL INFRASTRUCTURE WORKS AT THE EXISTING KILBARRY SUBSTATION IS OR IS NOT DEVELOPMENT AND IF DEVELOPMENT IS OR IS NOT EXEMPTED DEVELOPMENT.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

SEE ATTACHED REPORT

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

If so please supply details:

NO

5. Is this a Protected Structure or within the curtilage of a Protected Structure? ☐

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? ☐

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

If so please supply details:

REF REF 19/38211

7. 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	N/A
(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 ☐ No ☐ 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)

7. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner ☒	B. Other ☐
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 of the owner if available		

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

Signature:

Paula O'Donnell FOR PLANNING TEAM LEADER

Date:

18/09/2025

CONFIDENTIAL CONTACT DETAILS

These details will not be made available to the public.

9. Applicant:

Name(s)	[REDACTED]
Address	[REDACTED]

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

Name(s):	
Address:	
Telephone:	
E-mail address:	
Should all correspondence be sent to the above address? (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	Yes ☐ No ☐

11. Owner Details (if the applicant above is not the legal owner):

Name(s)	
Address	

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.

Tel. No. [REDACTED]

Mobile No. _____

Email Address: [REDACTED]

ADVISORY NOTES:

The application must be accompanied by the required fee of €80. Payment may be made at the Cork City Council cash desk, by cheque, by telephone with a credit/debit card, or by electronic fund transfer.

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.**

Please email planning@corkcity.ie with any queries.

- 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

"Cork City Council is committed to fulfilling its obligations imposed by the Data Protection Acts 1988 to 2018 and the GDPR. Our privacy statement and data protection policy is available at <https://www.corkcity.ie/en/council-services/public-info/odpr/>.

We request that you read these as they contain important information about how we process personal data.



Energy for
generations

Section 5 Declaration Report

**Asset replacement and electrical infrastructure upgrading
works**

Kilbarry Substation, Old Whitechurch Road, Cork City

Date: September 2025

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

Phone +353 (0)1 703 8000

www.esb.ie

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1 Introduction

The Electricity Supply Board (ESB) are intending to undertake emergency asset replacement and electrical infrastructure upgrading works within the existing Kilbarry Substation, Old Whitechurch Road, Cork City, in order to maintain and safeguard the operational functionality of the existing electricity network in the wider area, and to allow for additional electrical capacity in the Cork City area, which is urgently required.

Planning permission was granted under Cork City Council (CCC) reference 19/38211 for a new 110 kV substation within the Kilbarry substation complex. This is called Kilnap 110 kV Substation and it is now complete.

The purpose of the proposed works that are the subject of this Section 5 is to now offload the 110 kV substation to serve critical power distribution demand at 10 kV on the North side of Cork City.

The existing Kilbarry substation, which serves as the primary bulk supply point for the north side of Cork City, is nearing full capacity at a rate that has exceeded initial projections. While ESB has medium-term infrastructure plans, including the development of new substations within the Cork City area, these are not expected to come online until approximately 2030. In response to this accelerated demand, ESB is implementing interim measures to ensure continued capacity for new customer connections. One such measure is the planned electrical works within Kilbarry substation, which will support both commercial developments and residential housing schemes in the surrounding area. It will be a critical project to allow ESB to continue connecting customers.

In electrical terms, these emergency works have been designed to be delivered urgently (within approximately 2 years), in order to serve existing and projected demand growth. When operational, these emergency works will allow longer term network planning to deliver more permanent solutions to serve the longer term up to 2040 and beyond.

The proposed works are located within the existing Kilbarry substation complex and are typical of upgrade works associated with the continued reliable operation of the electricity network, as well as anticipating future short-medium term demand growth that will be required as a result of Ireland moving towards a net zero society.

This Section 5 Declaration of Exempted Development submission, under the provisions of Section 5 of the Planning and Development Act, 2000 (as amended), has been prepared for the consideration of Cork City Council (CCC).

This Section 5 Declaration of Exempted Development seeks a declaration from the Planning Authority on the following:

Whether the proposed asset replacement and electrical infrastructure upgrading works at the existing Kilbarry Substation, is or is not development, and if development, is or is not exempted development.

The specific electrical equipment and infrastructure required to deliver this development, illustrated in Figure 1, are as follows:

- Cables (in yellow) from the newly constructed Kilnap GIS Substation bringing electricity to two proposed 110 /10 kV transformers (in red).
- Removal of the redundant 38 kV electrical substation structure where it is proposed to site the two 110 /10 kV transformers, this substation was decommissioned in the 1990's as it reached end of life.
- Cables (in yellow) transferring electricity from the two 110 kV transformers to a replacement 10 kV modular substation located across the railway line.
- A replacement cable bridge (in red) over the railway line, the existing bridge only carries cables and has to be replaced to an increased height to allow for electrification of the railway line in the future.
- A replacement lower voltage modular substation (in red) – the current 10 kV substation on that site is near end of life and has to be replaced with a modular substation, it will be decommissioned and eventually demolished when all circuits are transferred.

While these different pieces of electrical equipment are typically found in a substation complex, they serve no purpose unless they are all connected together and operate as a collective unit.

It is considered that the proposed works subject to this Section 5 Declaration represent development, and furthermore, constitute exempted development under the provisions of Section 4(1)(g) of the Planning and Development Act, 2000 (as amended).

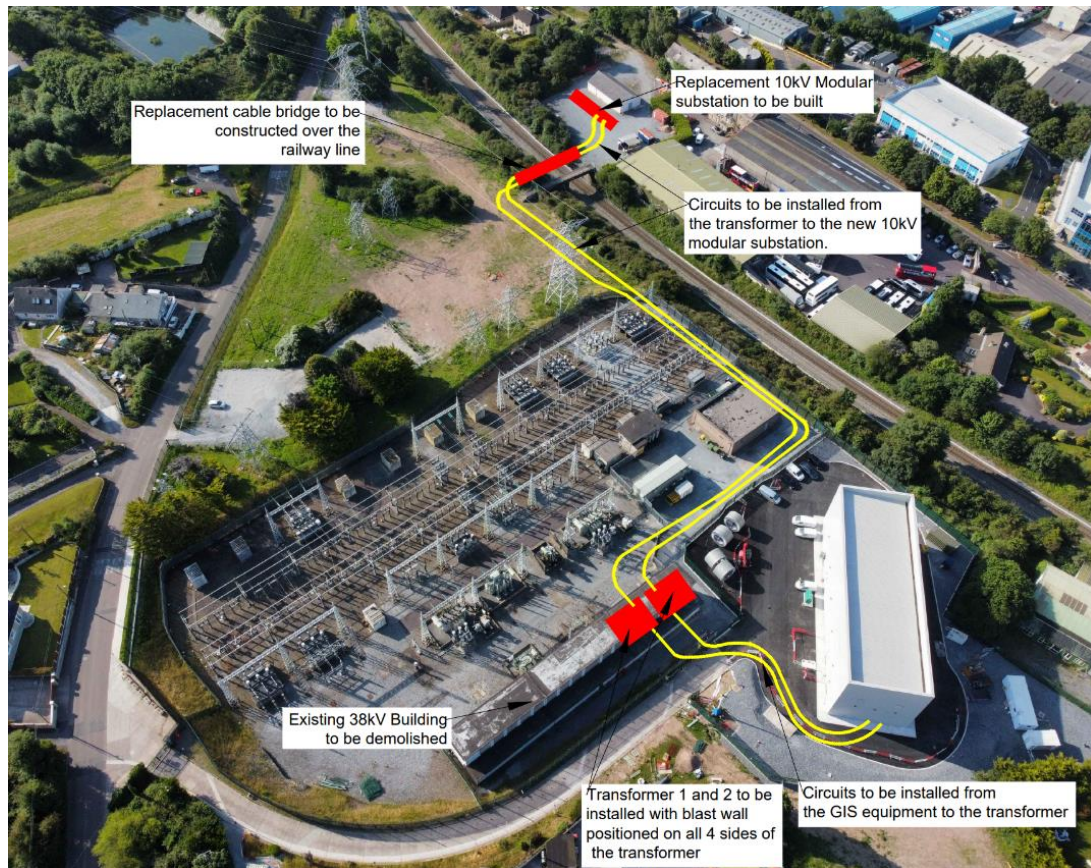


Figure 1 Proposed asset replacement and electrical infrastructure upgrading works

2 Site Location and Context

The location of the proposed works is at the existing Kilbarry Substation, Old Whitechurch Road, Cork City – see Figure 2.

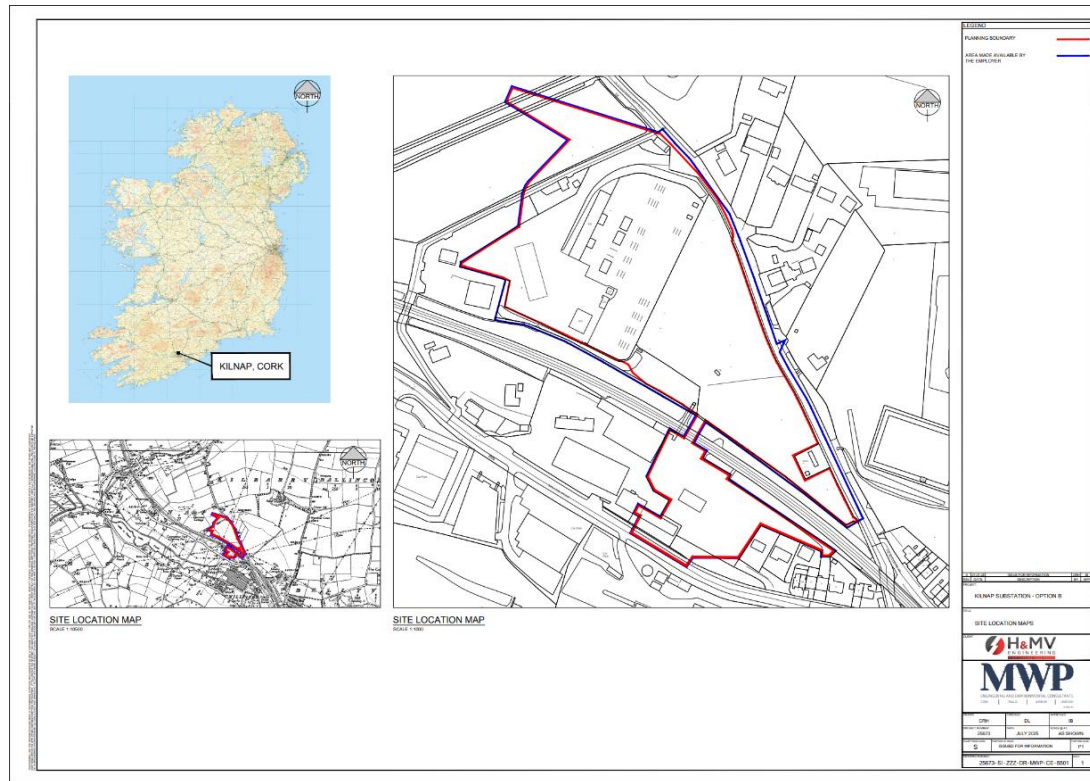


Figure 2 Site Location Map

Kilbarry is a long established large scale electricity substation in the Cork City area. It was originally developed in the 1950's and distributes electricity to much of the North Cork City area and beyond.

It is bounded by the Old Whitechurch Road to the east, the railway line to the south and a small local road serving dwellings to the west – see Figure 3.

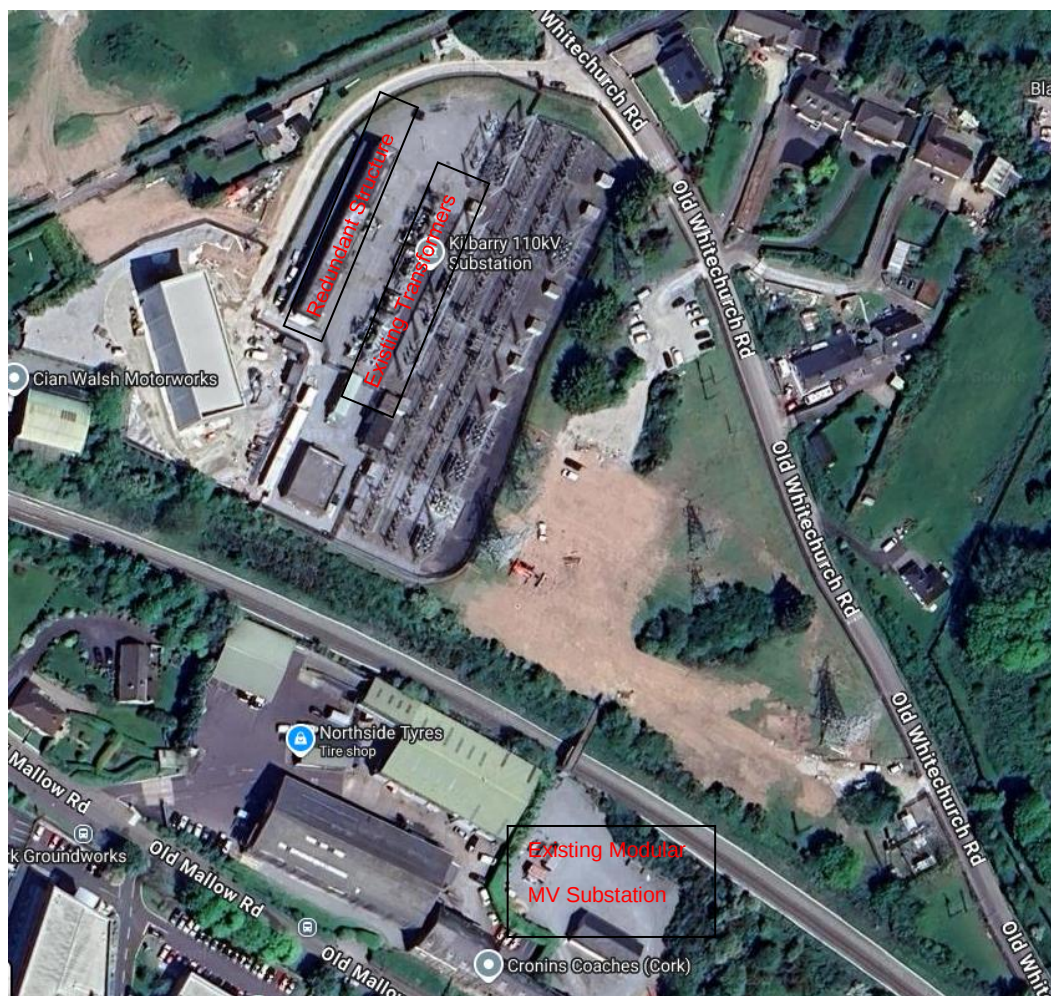


Figure 3 Site Location Aerial View

The full extent of the substation and all its operational land, including the area south of the railway line, as illustrated in Figure 2 is approximately 3.8 hectares. The site slopes in a southerly direction from the Old Whitechurch Road down towards the railway line.

A substation always consists of several interconnected items of electrical apparatus throughout the substation, whose collective purpose is to ultimately to distribute electricity to final customers by routing it through switchgear, transformers and cables at the appropriate voltage. However, the key electrical items of equipment are the transformers and associated cables as that is what delivers extra capacity.

The substation comprises extensive outdoor electrical equipment (denoted as Kilbarry 110 kV Substation) as is apparent in Figure 3, a redundant structure, which previously housed electrical equipment immediately to the west of the outdoor electrical equipment, the new Kilnap 110 kV Gas Insulated Switchgear (GIS) building, recently completed, and a lower voltage substation south of the railway line.

3 Proposed Works

3.1 Description of Proposed Works

The proposed works are located within the existing Kilbarry substation complex and are typical of upgrade works associated with the continued operation of the electricity network, as well as anticipating future short-medium term demand growth that will be required as a result of Ireland moving towards a net zero society.

The specific electrical equipment and infrastructure required to deliver this development, illustrated in Figure 1, are as follows:

- Cables (in yellow) from the newly constructed Kilnap GIS Substation bringing electricity to two proposed 110 /10 kV transformers (in red).
- Removal of the redundant 38 kV electrical substation structure where it is proposed to site the two 110 /10 kV transformers, this substation was decommissioned in the 1990's as it reached end of life.
- Cables (in yellow) transferring electricity from the two 110 kV transformers to a replacement 10 kV modular substation located across the railway line.
- A replacement cable bridge (in red) over the railway line, the existing bridge only carries cables and has to be replaced to an increased height to allow for electrification of the railway line in the future.
- A replacement lower voltage modular substation (in red) – the current 10 kV substation on that site is near end of life and has to be replaced with a modular substation, it will be decommissioned and eventually demolished when all circuits are transferred.

While these different pieces of electrical equipment are typically found in a substation complex, they serve no purpose unless they are all connected together and operate as a collective unit.

3.2 Design Drawings

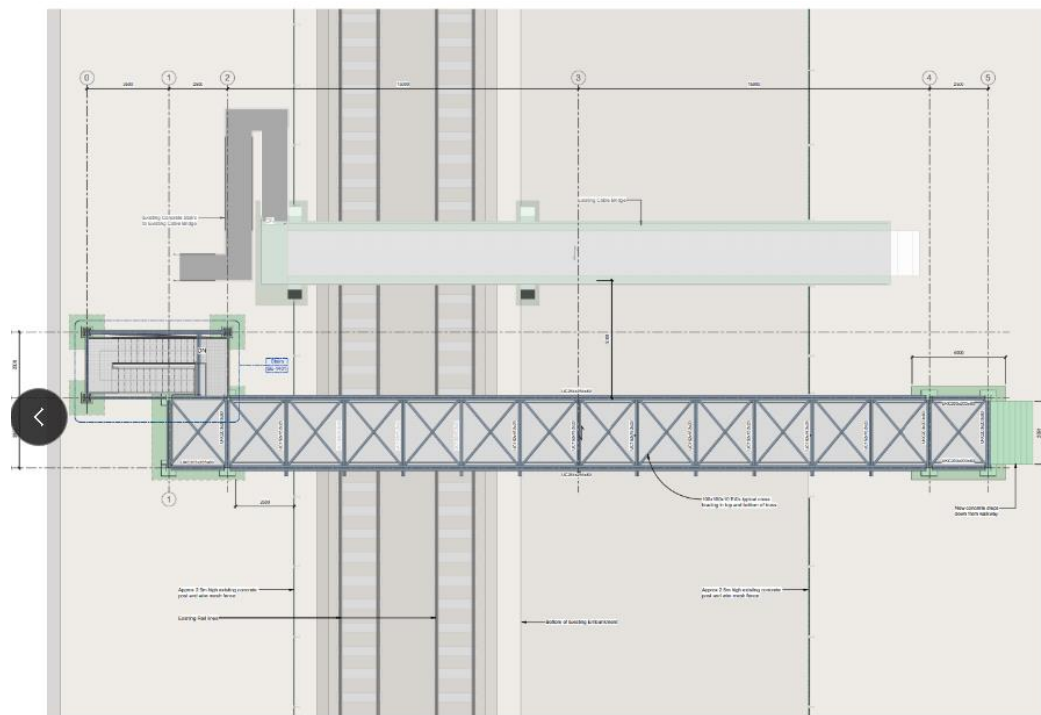
3.2.1 New Transformers

The picture below shows a typical transformer in a substation enclosed by blast walls and bunds. In the context of a substation, a transformer is not a particularly large piece of equipment but it performs a vital function. There are already four transformers in the existing station as indicated on Figure 3.



3.2.2 Replacement Cable Bridge Over the Railway Line

The plans and sections below illustrate the preliminary design of the replacement cable bridge. It should be noted that the sole purpose of the existing and replacement bridge is to allow cables to cross the railway only, there is no public access to the bridge.



PLAN OF PROPOSED CABLE BRIDGE
Scale 1 : 75

PROPOSED LONG SECTION
Scale 1 : 50

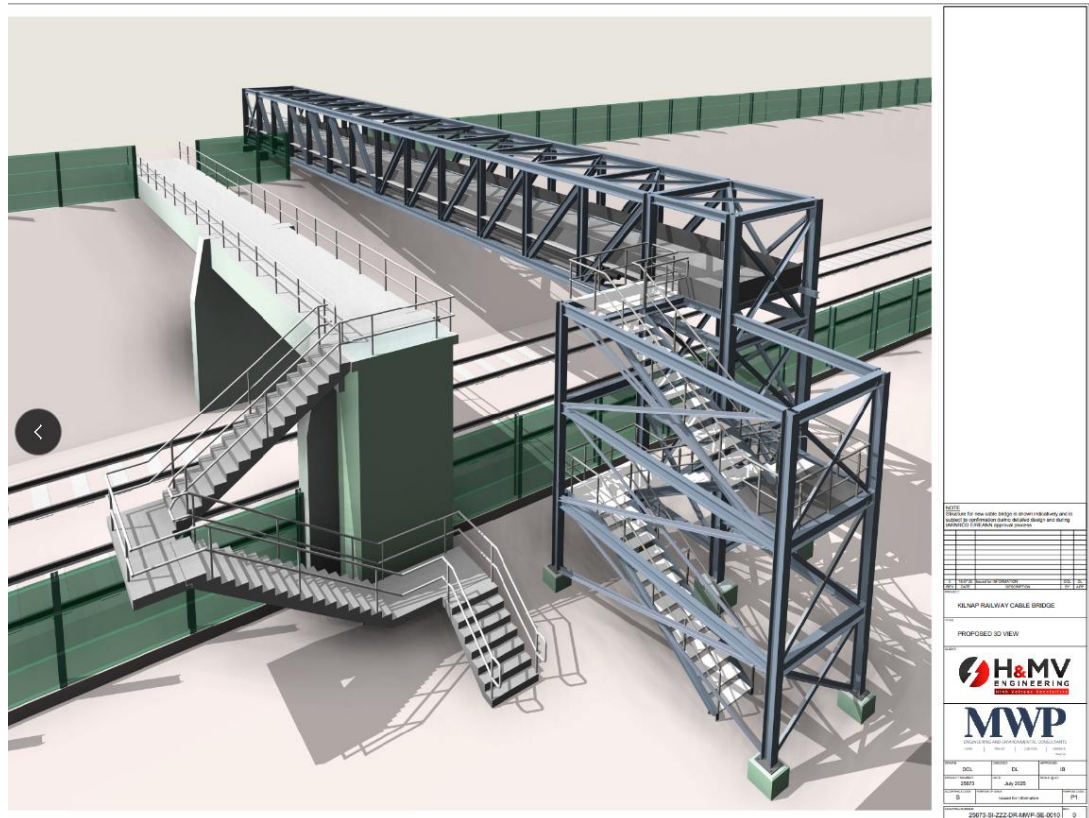
ELEVATION OF PROPOSED BRIDGE

EAST ELEVATION OF PROPOSED BRIDGE
Scale 1 : 50

WEST ELEVATION OF PROPOSED BRIDGE
Scale 1 : 50

KLNMP RAILWAY CABLE BRIDGE
PROPOSED CABLE BRIDGE SECTIONS

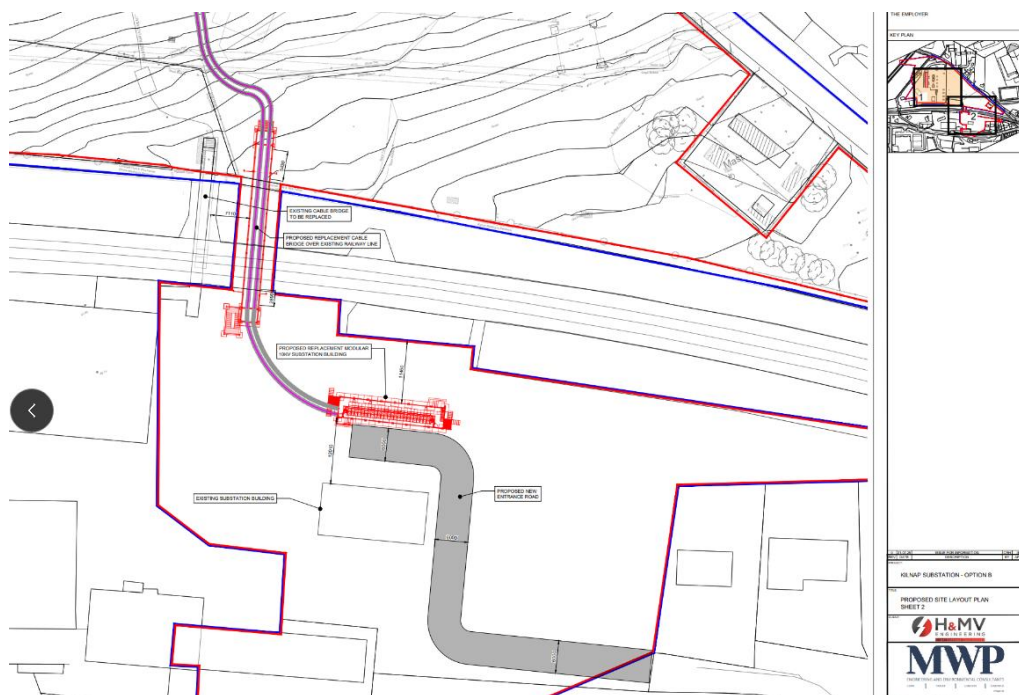
H&MV ENGINEERING
MWP



The replacement bridge will be higher than the existing bridge. This is dictated by Iarnród Ráils technical specifications to provide for future electrification of the railway line. When the bridge is constructed and cables transferred, the existing bridge will be demolished.

3.2.3 Replacement Lower Voltage Station

The drawing and images below illustrate a plan view of the replacement lower voltage substation.



The replacement substation is similar to the older substation which is a block built building. The replacement will upgrade the existing and dated electrical equipment within the existing substation site to modern equipment. The inside of the building contains various electrical control systems that are required to regulate electricity flows. Following delivery of the equipment and assembly in the building on site, it is connected to existing electrical infrastructure and commissioned. When the replacement substation is constructed and cables transferred, the existing building will be demolished.

3.2.4 New Cables

The cables will be routed through the existing substation either underground or on cable trays which sit on the ground within the station, detailed design will determine the optimal technical design.

3.2.5 Demolition of the Redundant Building

The existing 38 kV building was constructed as part of the original substation, its sole purpose was to house electrical switchgear and electrical apparatus, it has no other function. This substation was decommissioned in the 1990's as it reached end of life and its function has been replaced by a module.

The building will be demolished in accordance with ESB's Environmental Management System (EMS) which is based in current legislation and industry standards. The only reason for the demolition of this building at this time is to free up space for the 110/10 kV transformers.

4 Legislative Context and Assessment

4.1 Definition of Development

The aim of this Section 5 Declaration is to determine whether the proposed works to the existing Kilbarry Substation, is or is not development, and is or is not exempted development. Therefore, it must be determined whether the proposed works constitute development in the first instance.

Section 3(1)(a) of the Planning and Development Act, 2000 (as amended) [hereafter referred to as 'the Act'] defines "*development*" as:

- *"the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, ..."*

Section 2(1) of the Act defines "*use*" and "*works*" as follows:

- *"use", in relation to land, does not include the use of the land by the carrying out of any works thereon;*
- *"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.*

It is considered that the proposed removal and replacement of existing electrical apparatus within the substation complex and associated ancillary works are "*works*" as defined under Section 2(1) of the Act, and therefore, is "*development*" as defined under Section 3(1) of the Act.

4.2 Exempted Development

As it is considered that the proposed removal and replacement of existing electrical apparatus within the substation site and associated ancillary works is "*development*", it is then necessary to determine whether it is exempted development.

The Act includes specific provision for certain developments that are considered to be exempt from the requirement to obtain planning permission. In this regard, under Section 4(1) of the Act, the following exempted development provision is considered relevant:

- **4(1)(g):** *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;

The ESB is a statutory undertaker as per Section 2 of the Act, which defines “statutory undertaker” as “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 provision of, gas, electricity or telecommunications services”.

Accordingly, the requirement that the subject works must be carried out by a statutory undertaker to qualify as exempted development under the provision of Section 4(1)(g) of the Act is satisfied in this instance.

The proposed works comprise the ‘renewing’, ‘altering’ and ‘removal’ of existing electrical infrastructure or ‘apparatus’ within the substation complex, as well as the necessary construction works (i.e. access roads, access gates, general compound stoning and earthgrid works) to facilitate same.

As described in Section 3 of this report, the proposed works comprise the replacement of existing electrical apparatus and the installation of some new electrical apparatus all within the existing substation complex.

The replacement and renewing of existing electricity infrastructure relate to the statutory undertaker’s function associated with maintaining and improving the distribution network as described in Section 1.

The full Kilbarry Substation complex is considered to be the planning unit for the purposes of this Section 5. Whilst different pieces of electrical equipment and structures are found in the substation complex, they serve no purpose unless they are all connected together and operate as a collective unit.

This is an existing substation and 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. In the context of an established and operational substation site, the scale of the development is not significant.

There will still be significant areas of open ground within the substation and the demolition of the redundant building, and the addition of new infrastructure will not change the overall character and appearance of the substation.

There will be no additional land take or physical expansion of the overall ESB site, nor will there be any increase in the intensity of activities – or any associated characteristics such as increased frequency of maintenance works. It is also

considered that the equipment which will replace the existing substation equipment will not give rise to any significant visual impacts.

It is therefore considered that these works comprise the maintenance and improvement of the electricity substation and will not materially alter the function or visual impact of the substation to render it inconsistent with its current use.

It is noted that the Planning and Development Regulations 2001, as amended have a particular Class 50 in relation to demolition of a building as detailed below.

CLASS 50	
(a) The demolition of a building, or buildings, within the curtilage of— (i) a house, (ii) an industrial building, (iii) a business premises, or (iv) a farmyard complex.	1. No such building or buildings shall abut on another building in separate ownership. 2. The cumulative floor area of any such building, or buildings, shall not exceed: (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and (b) in all other cases, 100 square metres. 3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.
(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.	

The description of the buildings in this instance relate to a house, an industrial building, a business premises and a farmyard complex.

An ESB substation does not fall within any of these definitions. Buildings within ESB substations form part of the overall substation planning unit and cannot be separated out as stand-alone buildings, as whilst different pieces of electrical equipment and structures are found in the substation complex, they serve no purpose unless they are all connected and operate as a collective unit, and the only purpose of the building is to house the electrical equipment.

In this regard it is submitted that Class 50 is not relevant, and Section 4(1)(g) is the appropriate exemption under which this application should be considered. Under this

Section 4(1)(g) of the Act, the Article 9 restrictions do not apply as they relate to the regulations.

4.3 Restrictions on Exemptions in the Act

Section 4(4) of the Act outlines that development shall not be considered as exempted development should an Environmental Impact Assessment (EIA) or Appropriate Assessment (AA) for the development be required.

(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.

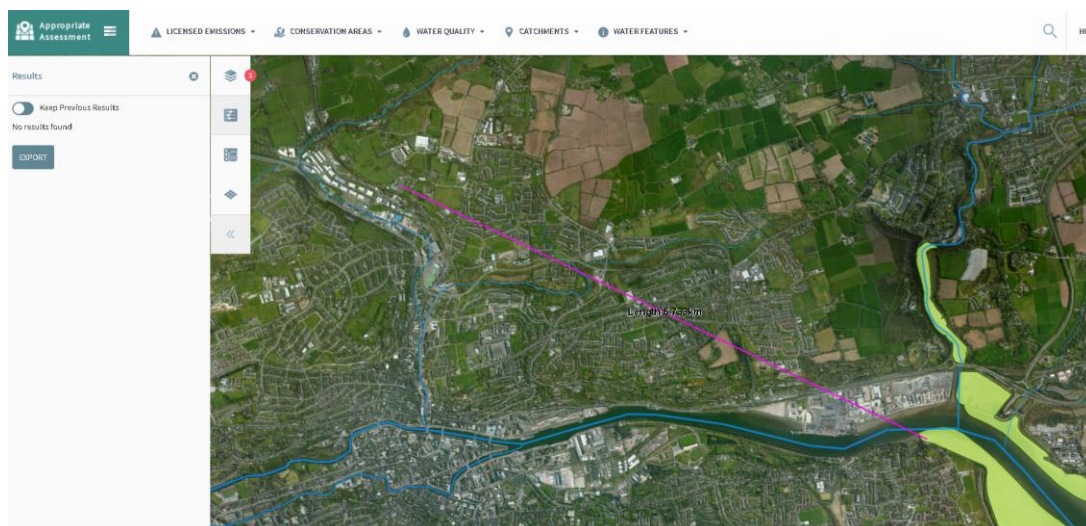
4.3.1 EIA Considerations

In relation to consideration of EIA, ESB have considered the provisions of Section 4(4) of the Act and Schedule 5 of the Planning and Development Regulations, 2001 (as amended). The proposed works do not fall within any of the classes of development within Part 1 or Part 2 of Schedule 5.

As the proposed works do not fall within any of these classes to which Schedule 5 applies, the requirement for sub-threshold EIA screening does not apply, as that can only apply to a Schedule 5 development, as determined by case law in *Concerned Residents of Treascon and Clondoolusk -v- An Bord Pleanála, Ireland and the Attorney General and Elgin Energy Services Limited [2024] IESC 28*. This Supreme Court judgement confirms that the EIA obligation only applies to the projects listed in Annex I or II of the directive, not to any wider project that may include or involve such projects.

4.3.2 AA Considerations

Kilbarry Substation has been plotted against European sites using the EPA geo tool [EPA Maps](#). It is located over 5km from the nearest European site.



In Appropriate Assessment (AA) (also known as the source-pathway-receptor model), a pathway is the environmental connection or link between a potential disturbance (the source) and a sensitive ecological feature, such as a European Site (the receptor). Pathways can be physical, like a river connecting a pollutant source to a wetland, or more general, such as noise, light, or human disturbance extending from a project site to a sensitive area.

There are no water courses on the Kilbarry Substation complex, with the nearest being the other side of the railway line. The substation has an existing drainage network and the proposed works will be tied into the existing network.

Therefore, considering the location, scale and nature of the proposed works as well as the existing environment, no likely significant effects on any European site (SAC/SPA), either alone or in-combination with any other plans or projects, are predicted.

4.4 Similar Exemption Precedents

To assist the Planning Authority in their assessment of whether the proposal constitutes exempted development as per the provisions of the Act described above, a summary of applicable precedent cases for similar works that have been determined by County Councils and An Coimisiún Pleanála are outlined below. These remain as the most current precedents.

ACP 306431-20 – Whether 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, is or is not development or is or is not exempted development. The Commission determined

that the works came within the scope of section 4(1)(g) of the Act and were exempted development.

ACP RL3316 – where the Commission 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 Act.

ACP RL3364 – where the Commission 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 Act.

Donegal County Council Section 5 25/33 – where Donegal County Council determined that the renewal of an existing ESB 38kV substation at Carnmore Road, Dungloe, Co. Donegal is exempted development.

Cork County Council Section 5 D/289/24 - where Cork County Council determined that the replacement and installation of electrical infrastructure at the existing Middleton 110kV Substation, Carrigogna, Middleton, Co. Cork is exempted development.

Cork City Council Section 5 R603/20 – where Cork City Council determined that the installation of electrical infrastructure at the existing Trabeg 110kV Electricity Substation, South Douglas Road, Cork is exempted development.

5 Conclusion

This Section 5 Declaration Report has been prepared by the ESB to assist Cork City Council in their determination of:

Whether the proposed asset replacement and electrical infrastructure upgrading works at the existing Kilbarry Substation, is or is not development, and if development, is or is not exempted development

as provided for by Section 5(1) of the Act.

The report has described the proposed works, described the applicable legislation and provided an assessment of the proposed works against the applicable legislation.

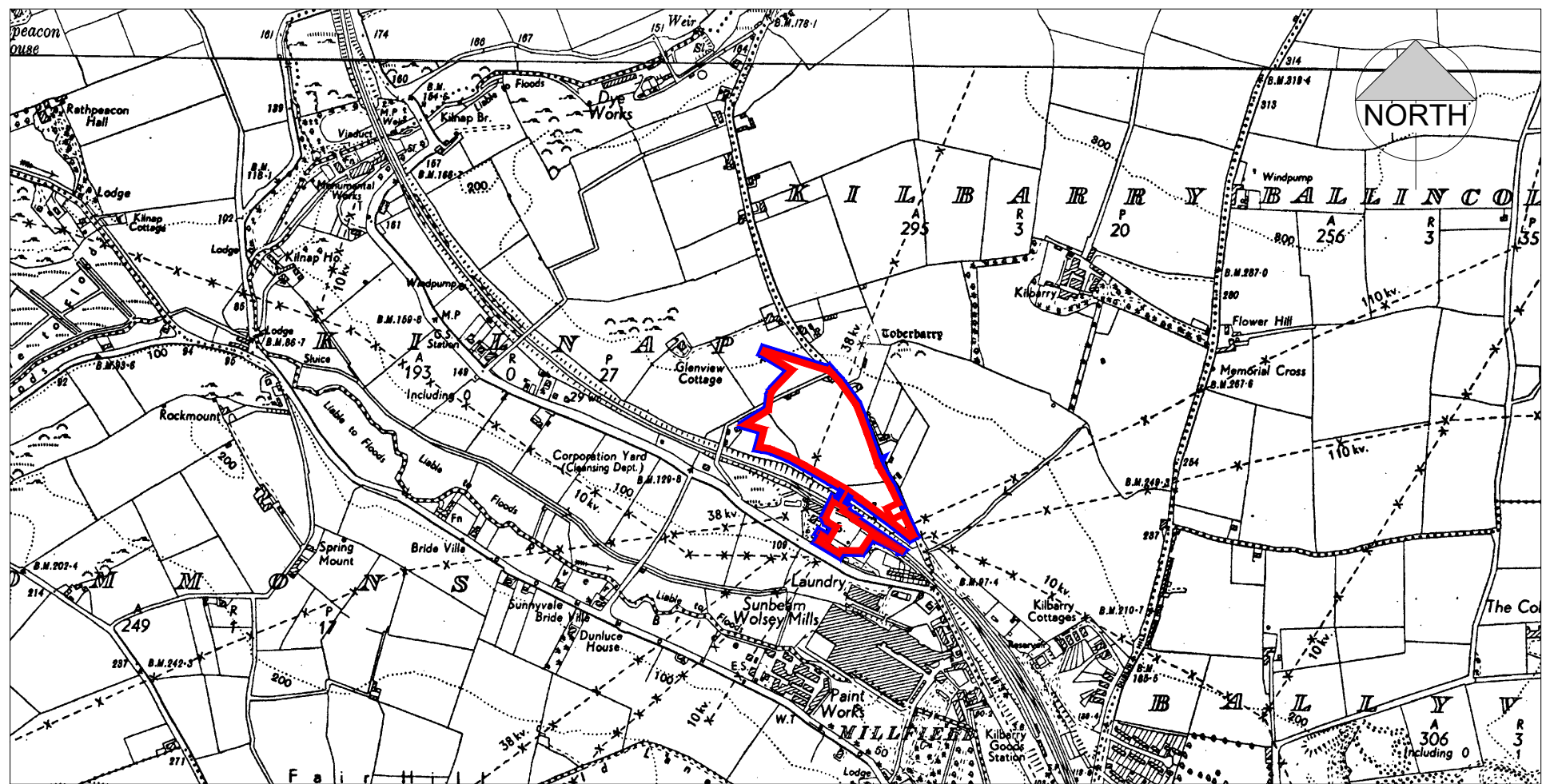
As demonstrated within this report, the proposed renewing and altering of the existing Kilbarry Substation falls within the scope of the definition of development under Section 3 of the Planning and Development Act 2000, (as amended) and is considered to fall within the exemptions provided for under Section 4(1)(g) of the Act.

The proposed works have been screened against the statutory requirements for both EIA and AA and neither are required in the context of the proposed works.

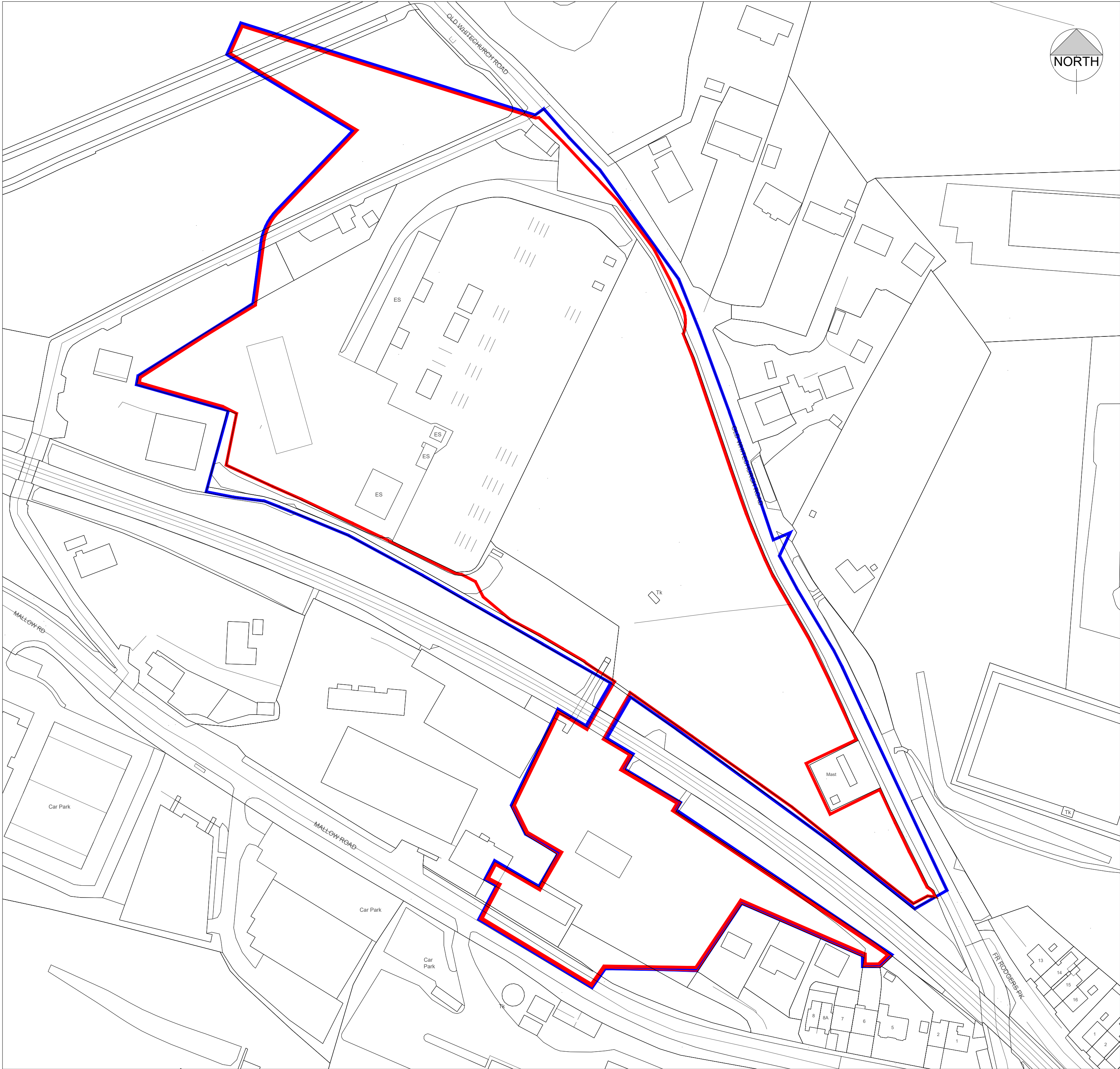
It is therefore requested that Cork City Council confirm that, while the proposed asset replacement and electrical infrastructure upgrading works constitutes exempted development.



KILNAP, CORK



SITE LOCATION MAP
SCALE 1:10560



SITE LOCATION MAP
SCALE 1:1000

LEGEND

PLANNING BOUNDARY

AREA MADE AVAILABLE BY THE EMPLOYER

021.07.25

ISSUE FOR INFORMATION

CRH

IB

REV

DATE

DESCRIPTION

BY

APP

PROJECT:

KILNAP SUBSTATION - OPTION B

TITLE:

SITE LOCATION MAPS

CLIENT:

H&MV

ENGINEERING

ULIO - COLLEGE STATION

MWP

ENGINEERING AND ENVIRONMENTAL CONSULTANTS

CORK | TRALEE | LONDON | LIMERICK

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