Comhairle Contae Chorcaí Cork County Council

Keith O' Brien, Electricity Supply Board, Group Property and Security, 27 Fitzwilliam Street Lower, Dublin 2, D02 KT92. Pleanáil agus Forbairt, Halla an Chontae, Bóthar Charraig Ruacháin, Corcaigh T12 R2NC.

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Carrigrohane Road, Cork T12 R2NC.

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20th June, 2023

REF:

D/246/23

LOCATION:

ESB 110kV Substation, St. Joseph's Road, Carrigoon More, Mallow, Co. Cork.

RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE PLANNING & DEVELOPMENT ACT 2000 - 2010.

Dear Sir,

On the basis of the information submitted by you on 29th May 2023 the Planning Authority, having considered the question whether the installation of a 49 sq. m. temporary prefabricated portacabin unit for the provision of welfare facilities to support staff engaged in ongoing maintenance works at **ESB 110kV Substation, St. Joseph's Road, Carrigoon More, Mallow, Co. Cork** is or is not development and is or is not exempted development has declared that it **is development and is not exempted development**.

Reason for Decision

The Planning Authority in considering this referral had particular regard to:

- Sections 2, 3, and 4 of the Planning and Development Act (2000, as amended)
- Classes 16 and 17, Part 1, Schedule 2 of the Planning & Development Regulations (2001, as amended)
- Articles 6 and 9 of the Planning and Development Regulations (2001, as amended) and
- The particulars received by the Planning Authority on 29th May 2023

It is concluded by the Planning Authority that:

The installation of a 49 sq. m. temporary prefabricated portacabin unit for the provision of welfare facilities to support staff engaged in ongoing maintenance works at ESB 110kV Substation, St. Joseph's Road, Carrigoon More, Mallow, Co. Cork is development and is not exempted development.





Please note that under Section 5 Subsection 3(a) where a declaration is issued under this section, any person issued with a declaration under subsection 2(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.

Yours faithfully,

KEVIN O' REGAN,

SENIOR EXECUTIVE OFFICER,

PLANNING DEPARTMENT.

In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at https://www.corkcoco.ie/privacy-statement-cork-county-council

Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000

Ref No.	D/246/23
Applicant	Electricity Supply Board
Description	Installation of a temporary prefabricated portacabin unit, comprising 49 sq. m of floor space, for the provision of welfare facilities to support staff engaged in ongoing maintenance works.
Location	110kV Substation, St. Joseph's Road, Carrigoon More, Mallow

Section 5 Query

The subject of the section 5 query is whether the installation of a temporary prefabricated portacabin unit for the provision of welfare facilities to support staff engaged in ongoing maintenance works at the Mallow 110kV substation constitutes exempted development.

Site Location and Description

The site accommodates an ESB 110kV substation associated with the transmission and distribution of electricity to Mallow and the wider county. The landholding comprises c.2.87ha. The site is located in the townland of Carrigoon More, to the north east of Mallow town. The site lies within the defined greenbelt of Mallow town, c.430m to the east of the settlement boundary of the town, as set out in the Cork County Development Plan 2022. The land to the north of public road is designated as residential reserve land within the settlement. The existing ESB compound is set back from St. Joseph's Road (L1220-25), via a private laneway of c.160m. There are residences sited along the public road to the north.

The site is located outside of the study areas for the proposed M20 and the N72/N73 Relief Road. The site is located outside of areas identified as High Value Landscape in the CDP. There are no scenic routes in the vicinity. The site is located within the screening zone for Blackwater River Special Area of Conservation. The site is located outside of the mapped flood risk zones A and B, as set out in the Cork County Development Plan 2022. Therefore, the site is located within flood zone C.

Proposal

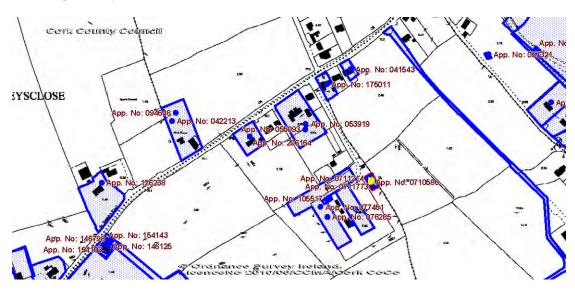
The application relates to the 110kV Substation in Carrigoon More, Mallow. The proposal relates to the installation of a temporary prefabricated portacabin unit, comprising 49 sq. m, for the provision of welfare facilities to support staff engaged in ongoing maintenance works at the substation.

The applicant states that, due to the scale and critical nature of operations, this site regularly requires maintenance, repairs, inspection, and upgrading works by ESB personnel to ensure the continued operation of the substation. As a statutory undertaker, ESB carries out these works under section 4 (1)(g) of the Planning and Development Act, as amended.

It is stated that the proposed portacabin structure will be temporary in nature but will be needed to support staff in carrying out ongoing maintenance works at the

substation. Having regard for the provisions of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001-2022, as a statutory undertaker, a case is made that the proposed works involving the installation of a temporary portacabin and ancillary works constitutes exempted development in accordance with Schedule 2, Part 1, Exempted Development – General Class 16 and 17, Planning and Development Regulations 2001-2023.

Planning History



10/5517 Electricity Supply Board. Alterations to include a new 38kV GIS module, an extension to the existing control building and associated site works. Granted.

09/4501: ESB. Alterations to the existing 110kV Mallow station comprising of the erection of 4 no. steel gantries and the removal of 1 no. steel gantry and associated site works. Granted.

07/7451: ESB. Alterations to existing 110kV electrical transformer station to include installation of 2 no. 38kV/MV transformers and associated bunding, 1 no. oil/water interceptor and percolation area, 1 no. 38kV Transformer bay to include disconnects, circuit breakers, current transformers and cable sealing ends, new containerised medium voltage building and associated works. Granted.

07/11773: Electricity Supply Board Telecoms Ltd. Erection of 36m high free standing lattice communications structure carrying antennae and communication dishes within a 2.4m high palisade compound at existing Mallow 110kV substation. Wtihdrawn.

Legislative Context

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.

Section 3 (1)

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 states that the following shall be exempted development for the purposes of this Act-

Section 4 (1) (g)

(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.

Section 4 (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.
- (4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—
- (a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and
- (b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development.

The Planning and Development Regulations 2001 as amended.

Article 6(1) states that 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 conditions and limitations specified in Column 2 of said Part 1 opposite the mention of that class in said Column 1.

Class 16, Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended –

The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out.

This class is limited by the following condition;

Such structures, works, plant or machinery shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.

Class 17, Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended –

The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development (other than mining) is being, or is about to be carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development, of temporary on-site

accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out.

This class is limited by the following condition;

Such accommodation shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by the permission, consent, approval or confirmation granted under the Act or any other enactment

Article 9(1)

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

- (a) if the carrying out of such development would-
- (i) 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, layout out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4m in width,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users.
- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main, or electricity supply line or cable, or any works to which class 25, 26 or 31(a) specified in column 1 of Part 1 of Schedule 2 applies.
- (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.
- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features, or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan.

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended.

(viiB) comprise development in relation to which a planning authority or An Bord Pleanala 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.

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

- (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.
- (ix) Consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of any existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified 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.
- (x) Consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility.
- (xi) obstruct any public right of way.
- (xii) Further to 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.
- (b) in an area to which a special amenity area order relates, if such development would fall under (i),(ii), (iii) or (iv)
- (c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive
- (d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.

Assessment

It is proposed to install a temporary prefabricated portacabin unit, comprising 49 sq. m. for the provision of welfare facilities to support staff engaged in ongoing maintenance works. The applicant states that, due to the scale and critical nature of operations, this site regularly requires maintenance, repairs, inspection, and upgrading works by ESB personnel to ensure the continued operation of the substation. It is stated that the proposed portacabin structure will be temporary in nature but will be needed to support staff in carrying out ongoing maintenance works at the substation. The applicant refers to ongoing maintenance works under the

exemption Section 4(1)(g) of the 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 applicant makes a case that the installation of a temporary portacabin providing temporary on-site accommodation for the duration of the above works is exempt under classes 16 and 17, Part 3. Schedule 2 of the Planning and Development Regulations 2001, as amended.

It is noted that there are small linked prefabricated structures in this part of the site. The applicant states that these structures will be removed. It is stated that these structures were installed to serve works associated with previous planning permissions but are no longer fit for purpose. The PES indicates that the most recent permission, 10/5517, was granted on 17/09/10.

The proposed portacabin comprises 49 sq m, at a height of c.2.47m, which would be positioned on the north eastern side of the outer compound. The footprint measures 7m x 7m with a concrete path shown to the west. The floor plan incorporates office space, a canteen, a store/drying room, a w.c. and a hall. The proposal in respect of wastewater disposal is not clear. It is stated that the portacabin will be connected to existing services on site. There is no reference to permission for an on-site wastewater disposal system.

Having regard to Sections 2(1) and 3(1) of the Planning and Development Act 2000 as amended, the proposal would constitute development. Section 2 (1) states that works includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal. Section 3 (1) states that 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.

The issue is whether the proposal constitutes exempted development. The applicant makes the case that the proposal comes within the scope of Classes 16 and 17 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

Class 16 refers to the erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out. This class is limited by a condition which states that such structures, works, plant or machinery shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.

Class 17 refers to the erection, construction or placing on land on, in, over or under which, or on land adjoining which, or on land adjoining which, development (other than mining) is being, or is about to be carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development, of temporary on-site accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out. Such accommodation shall be removed at the expiration of the period and the land shall be reinstated save to such extent as

may be authorised or required by the permission, consent, approval or confirmation granted under the Act or any other enactment.

The nature and scale of the proposal are noted. It is considered that the proposed portacabin, which essentially relates to ongoing maintenance works at the substation, would not fall within the exemption classes set out and it would not be in keeping with the spirit of the legislation. In connection with the carrying out of development, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development, the provisions of class 17 relate to temporary on-site accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out.

There is no other specific exemption which would be applicable in this case.

Article 9 (1) (a) states that development to which article 6 relates shall not be exempted development for the purposes of the Act under a number of specified conditions. In light of the above, the restrictions in Article 9 do not arise in this case.

Environmental Impact Assessment

Sections 4 of the Planning and Development Act sets out the following;

(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. (4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and (b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development. The provisions of Article 9 are also noted, where relevant.

Schedule 5 of the Planning and Development Regulations 2001, as amended, sets out the prescribed classes of development for the purposes of EIAR. An environmental impact assessment of the proposed development would not be required as the development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended. The need for an environmental impact assessment could, therefore, be excluded at the preliminary examination stage.

Appropriate Assessment

The provisions of section 4 (4) of the Act are noted, along with Article 9 where relevant.

The site is located within the screening zone for Blackwater River Special Area of Conservation. The site is located c.840m from the SAC and approximately 930m from the Blackwater River. There is a potentially significant issue with regard to the lack of clarity about the wastewater disposal system. A report is due from the Area Engineer. In light of this, it cannot be stated that the development would not give rise to a significant effect on the integrity of the Blackwater River Special Area of Conservation.

Recommendation

Having regard to;

- (a) sections 2, 3 and 4 of the Planning and Development Act 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended and,
- (c) Classes 16 and 17, Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended

it is considered that the proposal constitutes development and not exempted development.

P Goulding 19/06/23

BLACKWATER RIVER SPECIAL AREA OF CONSERVATION

Development location: Mallow

File Ref: D246/23

Section 1: Project Information		
Brief description of the key components of the proposed development.		Portacabin
Distance of proposed devel from the SAC.	opment site	c.840m
Distance of proposed development from watercourses.		c.930m
List any ecological reports which have been provided in support of this application.		None
Section 2: Natura 2000 Site Data		
Site Name	Blackwater Ri Site Code 217	

Qualifying features of Natura 2000 sites

Habitats: Estuaries; Mudflats and sandflats not covered by seawater at low tide; Perennial vegetation of stony banks; Salicornia and other annuals colonising mud and sand; Atlantic salt meadows (Glauco-Puccinellietalia maritimae); Mediterranean salt meadows (Juncetalia maritimi); Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation; Old sessile oak woods with Ilex and Blechnum in British Isles; Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae); Taxus baccata woods of the British Isles.

Species: Freshwater pearl mussel; White-clawed crayfish; Sea lamprey; Brook lamprey; River lamprey; Allis shad; Twaite shad; Salmon; Otter; Killarney fern.

Conservation Objectives

Detailed conservation objectives for the Blackwater River SAC have been published by NPWS (July 2012 ver 1). These objectives set specific targets for each of the qualifying features for which the SAC is designated. The overall objective is to ensure that the favourable conservation condition of the Annex I habitats and the Annex II species for which the SAC has been selected is maintained. Specific objectives relating to individual habitats and species, identify particular stretches of the river to which water quality targets apply.

To maintain or restore the favourable conservation condition of the Annex I habitats and the Annex II species for which the SAC has been selected: Estuaries; Mudflats and sandflats not covered by seawater at low tide; Perennial vegetation of stony banks Salicornia and other annuals colonising mud and sand; Atlantic salt meadows (Glauco-Puccinellietalia maritimae); Mediterranean salt meadows (Juncetalia maritimi); Trichomanes speciosum; Water courses of plain to montane with the Ranunculion fluitantis Callitricho-Batrachion Vegetation; Old sessile oak woods with Ilex and Blechnum in the British Isles; *Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae); *Taxus baccata woods of the British Isles; Freshwater Pearl Mussel; Whiteclawed Crayfish; Sea Lamprey; Brook Lamprey; River Lamprey; Twaite Shad; Salmon and Otter.

Please see expanded information relating to the conservation objectives at :

http://www.npws.ie/protectedsites/specialareasofconservationsac/blackwaterrivercorkwaterfordsac/

Other Notable Features

This is an extremely large riverine site which includes the entire length of the river and many of its tributaries from its headwaters in north west Cork and east Kerry to the estuary at Youghal. This site overlaps with the Blackwater Callows Special Protection Area which extends from Fermoy to Tallow along the river and its banks, and with the Blackwater Estuary Special Protection Area which extends through the estuarine portion of the site. It is an important site for a number of freshwater fish and invertebrate species. Associated habitats along the banks of the river including wetland habitats and woodlands are also included within the SAC.

Section 3: General Assessment

Consult with or refer file to ecology if the answer to any of the following is yes.

Is the proposed project within the SAC?	N
Is the proposed project within 100m of the SAC (landbased projects)?	N
Does the proposed project involve development in the intertidal or coastal zone within the potential impact zone of the SAC eg extensions or improvements to marine infrastructure (piers, slips, pontoons, marinas), or coastal protection works?	N
Does the proposed project involve dredging of marine sediments within the potential impact zone of the SAC?	N
Is there a surface water linkage between the development site and the SAC?	N
Is the proposed project located within an area identified to be at risk of flooding within the potential impact zone of the SAC?	Y (zone C)
Does the proposed project involve the development of flood protection measures within the potential impact zone of the SAC?	N
Does the proposed project involve works within 30m of any watercourse within the potential impact zone of the SAC?	N
Does the proposed project involve development of water crossings or any instream or banks works along any watercourse within the potential impact zone of the SAC?	N
Does the proposed project involve surface water abstraction from any watercourse within the SAC?	N
Does the proposed project involve a discharge of surface water or wastewater to any watercourse within the potential impact zone of the SAC?	N
Does the proposed project involve groundwater abstraction within 1km of the SAC?	N
Does the proposed project involve the development or extension of buildings or other structures to be used for agricultural purposes within the potential impact zone of the SAC?	N
Does the proposed project involve the erection of a wind farm (>3 turbines), or an extension to an existing windfarm within the potential impact zone of the SAC?	N
Does the proposed project involve the development, extension or upgrade of a cycleway or walkway within 100m of the SAC?	N
Could the proposed project give rise to a change in land management practises within the SAC?	N
Section 4: Assessment of Proposals for Treatment of Wastewater In order to ensure that there will be no impact on water quality, the following must be the relevant box with X).	certified (mar
For developments proposing connection to individual waste water treatment systems	
the waste water treatment system must comply with EPA guidelines.	
For developments connecting to public waste water treatment systems which discharge to surface water within the catchment of this SAC, the public system must	

have the capacity to treat the proposed additional loading?	
Section 5: Screening Conclusion – Please tick either A or B	
A) Potential for significant impacts on the SAC have been ruled out. (In order to make this conclusion, you must certify the following, having regard to the information provided in sections 1, 2, 3, and 4).	
Answers to all questions in section 3 is No.	N
Where applicable, waste water treatment facilities comply with EPA Guidelines or receiving WWTP has capacity to take increased load without causing a breach to license conditions (see section 4).	
B) Potential for negative impacts have been identified or impacts are uncertain.	Υ
Any Notes or Comments	
There is a lack of clarity in relation to the wastewater disposal system. In light of thi stated that the development would not give rise to a significant effect on the ir Blackwater River Special Area of Conservation.	•
Section 6: Screening Completed By	Date
Patricia Goulding	19//06/23

Senior Executive Planner

I note and agree with the assessment as set out by the Area Planner above.

It is noted that the declaration explicitly refers to the portacabin structure being temporary in nature and related to ongoing maintenance works on site.

The declaration states that works are carried out by the ESB, as statutory undertaker, under 4 (1) (g) of the Planning and Development Act, as amended. The declaration refers to Class 16 & 17 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended. As set out above it is considered that these classes are relating to specific works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development and for the period in which it is being carried out.

In short, it is considered that this could be availed of for a specific project but does not fit neatly with the open-ended proposal as set out in the declaration documents.

Greg Simpson Senior Executive Planner 20/6/23



esh je

Lárionad Seirbhísi Gnó 27 Sráid Mhic Liam Íochtarach, Baile Átha Cliath 2, Éire Fón +353 1 676 5831 Business Service Centre 27 Lower Fitzwilliam Street, Dublin 2, Ireland Phone +353 1 676 5831

Cork County Council Planning Department Ground Floor County Hall Carrigrohane Road, Cork. T12 R2NC 25 May 2023

Re:

ESB Mallow 110kV Substation, St. Josephs Road, Mallow – Application for a Section 5 Declaration.

A Chara,

Please find attached an application for a Section 5 Declaration to carry out limited development on the 110kV Mallow substation site, located on St. Josephs Road, Mallow. I enclose a fully completed Section 5 Application Form, location map, site layout map, drawings and supporting information. All works relate to the installation of a portacabin facility which is essential for the maintenance and ongoing works at the site.

The subject site accommodates an ESB 110kV substation, responsible for the transmission and distribution of electricity to Mallow and the wider County. This strategically located substation acts as a focal point for transmission and distribution infrastructure provision for the national energy grid. Due to the scale and critical nature of operations, this site regularly requires maintenance, repairs, inspection, and upgrading works by ESB personnel to ensure the continued operation of the substation. As a statutory undertaker ESB carries out these works under section 4 (1)(g) of the Planning and Development Act, as amended.

The proposed portacabin structure will be temporary in nature and is needed to support staff in carrying out the aforementioned ongoing maintenance works.

Having regard for the provisions of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001-2022, as a statutory undertaker, ESB respectfully submit that the proposed works involving installation of a temporary portacabin constitutes exempted development in accordance with Schedule 2, Part 1, Exempted Development – General Class 16 & 17, Planning and Development Regulations 2001-2023.

The portacabin shall be used for the duration of the works by ESB personnel and others engaged in connection with the carrying out of development on site.

If I can be of any further assistance, of if you have any queries, please do not hesitate in contacting me.

Yours sincerely,

Keith O'Brien | Spatial Planner | Group Property | Engineering & Major Projects | ESB T: +353 1 702 6357 / +353 86 136 1258 | www.esb.le

27 Fitzwilliam Street Lower, Dublin 2, D02 KT92

PLANNING DEPARTMEN

2.9 MAY 2023 CORK COUNTY COUNCIL County Hall, Cork APPENDIX A - SECTION 57 APPLICATION FORM

APPENDIX B - DETAILED PLANNING REPORT

APPENDIX C - SITE LOCATION MAPS

APPENDIX D - SITE LAYOUT DRAWING

APPENDIX E - DEVELOPMENT DRAWING



APPENDIX A - SECTION 57 APPLICATION FORM

Planning Department

29 MAY 2023

Cork County Council

County Has

Cork.



CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST

4 No. Copies of Application Form:

1 No. Copy of Contact Details:

4 No. Copies 6" O.S. Maps:

4 No. Copies 25" O.S. Maps:

4 No. Copies of Site Layout Plan:

4 No. Copies Scaled Drawings of Development:

€80 Application Fee:





FOR OFFICE USE ONLY

Receipt No.	Per-0002159
Cash/Cheque/ Credit Card	Cheque
Date	Mostron
Declaration Ref. No.	D1246 23

DATE STAMP HERE

You should make sure that you are satisfied that any information/documentation that you submit is appropriate to be viewed by the public. Please do not submit any information that you do not want 3rd parties to view.

In the case of a Declaration of Exemption for Land Reclamation, the following additional information is required:

- A copy of the details submitted to the Council's Environment Department (Inniscarra) for a Waste Licence Permit
- Correspondence from Teagasc (detailing how the land reclamation would benefit the land in question for agricultural purposes)
- Details of existing and proposed levels
- Details of fill material and duration of fill.

DATA PROTECTION

The planning process is an open and public one. In that context, all applications for Declarations of Exemption are made available for public inspection.

Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at http://www.corkcoco.ie/Privacy-Policy or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to dpo@corkcoco.ie or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

1. NAME OF APPLICANT: (ADDRESS TO BE SUPPLIED	AT QUESTION A – CONTACT DETAILS)
tricty Supply Board	
2. POSTAL ADDRESS OF LAND OR STRUCTURE F	OR WHICH DECLARATION OF
EXEMPTION IS SOUGHT:	
ESB 110kV Substation, St Joseph's Rd, Carrigoon More, Mallow, Co. Cork.	The second secon
	Planning Department
	2 9 MAY 2023
	Cosk Gounty Council
	Cork.
	Constant of the Constant of th
3. QUESTION/DECLARATION DETAILS: Please state the specific question for which a Declaration of Exemption is sou	ı¢ht
Note: Only works listed and described under this section will be assessed und	
As a Statutory Undertaker, Electricity Supply Board (ESB) is seeking a declaration on e	
Planning and Development Act 2000 (as amended) for the installation of a temporary p floor space for the provision of welfare facilities to support staff engaged in ongoing ma	orerabricated portacabin unit, comprising of 49 sq. m o hintenance works at Mallow 110kV substation.
Due to the scale and critical nature of operations, this site regularly requires maintenant personnel to ensure the continued operation of the substation. As a statutory undertaken	nce, repairs, inspection, and upgrading works by ESB
of the Planning and Development Act, as amended.	or Lob curries out those works under section 4 (1)(g)
The proposed portacabin structure will be temporary in nature but will be needed to sur at the substation. Having regard for the provisions of the Planning and Development Ad	
Development Regulations 2001-2022, as a statutory undertaker, ESB respectfully subtemporary portacabin and ancillary works constitutes exempted development in accord	nit that the proposed works involving installation of a lance with Schedule 2, Part 1, Exempted
Development – General Class 16 & 17, Planning and Development Regulations 2001-2	2023.

4. 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 metres (m²)

(a) Floor area of existing/proposed structure(s):	49m2
(b) If a domestic extension is proposed, 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 No If yes, please provide floor areas (m²) and previous planning reference(s) where applicable:
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use	Proposed use N/A Planning Department 29 MAY 2023 Cork County County
	County Hair Cork.
(d) Are you aware of any enforcement proceedings connected to this site?	Yes No V If yes, please state relevant reference number(s):
5. LEGAL INTEREST OF APPLICANT IN T	THE LAND/STRUCTURE:
Please tick appropriate box to show applicant's legal interest in the land or structure: Where legal interest is "Other", please state your interest in the land/structure: If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):	A. Owner B. Other
6. PROTECTED STRUCTURE DETAILS / A	RCHITECTURAL CONSERVATION AREA:
Is this a Protected Structure/Proposed Protected Structure: Yes No	ucture or within the curtilage of a Protected
If yes, has a Declaration under Section 57 of the Pla or issued for the property by the Planning Authority	
If yes, please state relevant reference No	
Is this site located within an Architectural Conserva Development Plan? Yes	ation Area (ACA), as designated in the County
7. APPROPRIATE ASSESSMENT: Would the proposed development require an appro-	

8. DATA PROTECTION DECLARATION:

In order for the Planning Authority to process the personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at https://www.corkcoco.ie/privacy-statement-cork-county-council or in hardcopy from any Council office; and to having your information processed for the following purposes:

Processing of your Declaration of Exemption application by the Planning Authority

 $oxedsymbol{I}$ I give permission for my personal information to be processed for the purpose stated above

Signed (By Applicant Only)	Can oran	
Date	25-May-2023	

GDPR Special Categories of data / Sensitive Personal data - Explicit Consent

Where Special Categories of personal data / sensitive personal data are provided as part of / in support of a declaration application, **explicit consent** to the processing of the special categories of data must be given by the person to whom the data refers, namely the Data Subject.

Special Categories of data / Sensitive Personal data include:

- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation

In order for the Planning Authority to process the sensitive personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at https://www.corkcoco.ie/privacy-statement-cork-county-council or in hardcopy from any Council office; and to having your information processed for the following purposes:

Sensitive personal data being submitted in support of Declaration of Exemption Application

 \boxed{V} I give permission for my sensitive personal data submitted to the Planning Authority to be processed for the purpose stated above.

Signed	len OBren
Date	25 May 23

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: planninginfo@corkcoco.ie or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcoco.ie However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

Please note that all information / supporting documentation submitted will be available publicly to view at the Planning Authority offices.



ADVISORY NOTES:

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

The application must 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 Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- 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 of Exemption is sought.
- Any person issued with a Declaration of Exemption may on payment to An Bord Pleanála refer a Declaration of
 Exemption for review by the Board within 4 weeks of the date of the issuing of the Declaration of Exemption
 decision.
- In the event that no Declaration of Exemption 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 of Exemption was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption 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.

9. I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the <u>Planning and Development Acts 2000</u>, as amended and the Regulations made thereunder:

Signed (Applicant or Agent as appropriate)	Vern OBren
Date	25 May 23



APPENDIX B - DETAILED PLANNING REPORT

Planning Department

29 MAY 2023

Cork County County Has Cork.



Group Property

ESB 110kV Mallow Substation, St Joseph's Rd, Mallow.

Application for Declaration of Exempted Development

ESB Engineering & Major Projects





Contents

1.	Exe	ecutive summary	.3
		oduction	
		Site Context	
		Planning History	
		Existing Facilities	
		scription of works	
		oning Considerations	





1. EXECUTIVE SUMMARY

As a Statutory Undertaker, Electricity Supply Board (ESB) is seeking a declaration on exempted development under section 5 of the Planning and Development Act 2000 (as amended) for the installation of a temporary prefabricated portacabin unit, comprising of 49 sq. m of floor space for the provision of office accommodation and welfare facilities to support staff engaged in ongoing maintenance works at Mallow 110kV substation.

ESB is a large employer in Mallow and County Cork. The subject site accommodates an ESB 110kV substation, responsible for the transmission and distribution of electricity to Mallow and the wider County. This strategically located substation acts as a focal point for transmission and distribution infrastructure provision for the national energy grid. Due to the scale and critical nature of operations, this site regularly requires maintenance, repairs, inspection, and upgrading works by ESB personnel to ensure the continued operation of the substation. As a statutory undertaker ESB carries out these works under section 4 (1)(g) of the Planning and Development Act, as amended.

The proposed portacabin structure will be temporary in nature and is needed to support staff in carrying out the aforementioned ongoing maintenance works.

Having regard for the provisions of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001-2022, as a statutory undertaker, ESB respectfully submit that the proposed works involving installation of a temporary portacabin constitutes exempted development in accordance with Schedule 2, Part 1, Exempted Development – General Class 16 & 17, Planning and Development Regulations 2001-2023.







29 MAY 2023

County Hall County Hall Cork.

2. INTRODUCTION

2.1 Site Context

The existing long-established Mallow 110kV Substation is located c. 3km east of Mallow town centre on the southern side of St Joseph's Rd. The substation is setback 165m from the public road and is located in a rural setting. The total landholding extends to an area of c.7.1 acres (2.87 hectares) and includes a control building and electrical equipment including transformers and a cluster of tall support structures carrying overhead lines from the wider area.

The site consists of two distinct parcels, the inner compound which comprises of live substation transmission and distribution equipment, and the outer compound, a buffer area between the live equipment and third-party lands. The outer compound also acts as a storage and laydown area serving the substation. An existing temporary portacabin on site will be removed as part of this proposal. It was installed to serve works associated with earlier planning applications, but is no longer fit for purpose.

The substation is a key ongoing statutory operation providing critical transmission services county wide. Ongoing regular maintenance and inspections of this substation form a critical part of its operation.



Fig 1.0 Location of Mallow 110kV Substation, outlined in red, in the context of Mallow





29 MAY 2023

Cork County Council County Has Cork.



Fig 2.0 Location of proposed temporary cabin in context of surrounding infrastructure.

2.2 Planning History

Planning permission for the 110kV Substation was granted in 1966, and subsequently, as technology evolved, and the station developed there has been 8 no. further applications.

A summary of the planning applications is listed below.

Planning Ref	Status	Development Description
196-66	Granted	New 110kV Station at Carrigoon Beg, Mallow.
2794-79	Granted	Store Workshop & Mess Building.
076285	Incomplete Application	Alterations to existing ESB electrical transformer station to include installation of 2 no. 38kV/MV transformers and associated bunding, 1 no. oil/water interceptor and percolation area, 2 no. 38kV transformer bays to include disconnects, circuit breaker, voltage transformers, current



		transformers and surge arrestors, new containerised medium voltage buildings and associated civil works.
077451	Conditional Grant	Alterations to existing 110kV electrical transformer station to include installation of 2 no. 38kV/MV transformers and associated bunding, 1 no. oil/water interceptor and percolation area, 1 no. 38kV Transformer Bay to include disconnects, circuit breakers, current transformers and cable sealing ends, new containerised medium voltage building and associated works.
0710586	Incomplete Application	Erection of 36m high free standing lattic communications structure, carrying antennae and communication dishes within a 2.4m high palisade compound to share with other licensed operators at existing ESB Mallow 110kV substation.
0711214	Incomplete Application	Erection of 36m high free standing lattice communications structure, carrying antennae and communication dishes with a 2.4m high palisade compound to existing Mallow 110kV substation.
0711773	Withdrawn	Erection of 36m high free standing lattice communications structure carrying antennae and communication dishes within a 2.4m high palisade compound at existing Mallow 110kV substation.
094501	Conditional Grant	Alterations to the existing 110kV Mallow station comprising of the erection of 4 no. steel gantries and the removal of 1 no. steel gantry and associated site works.
105517	Conditional Grant	Alterations to include a new 38kV GIS module, an extension to the existing control building and associated site works.

2.3 Existing Facilities

An existing temporary portacabin on site will be removed as part of this proposal. It was installed to serve works associated with earlier planning applications, but is no longer fit for purpose.

All necessary facilities for the proposed portacabin are available on site, including water, electricity and wastewater.





3. DESCRIPTION OF WORKS

The development will consist of the installation of 1 no. prefabricated temporary unit, comprising of 49 sq. m of facility floor area, measuring $7m \times 7m \times 2.5m$, with a $1.2m \times 7m$ concrete path located by the entrance to facilitate access. The unit will be located in the outer compound area of the substation.

As outlined above the proposed unit is required to provide facilities for staff engaged in the ongoing maintenance of the substation. The portacabin will be connected to existing services on site and as a result there will be no additional burden on infrastructure around the site.

The proposed unit is fully demountable and can be easily removed from site when it is no longer required. The proposed floor plan is set out below.

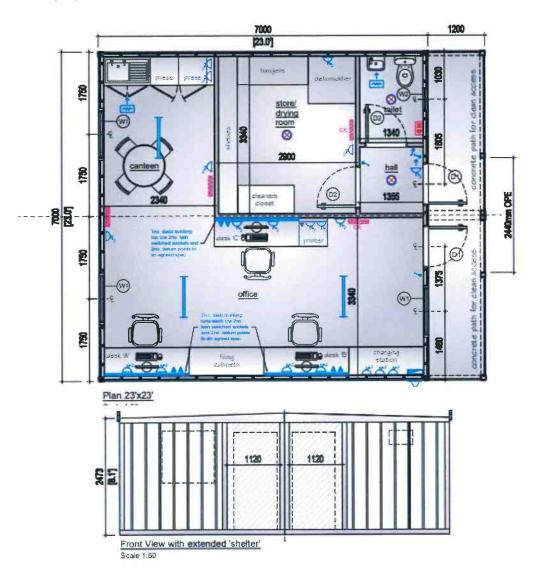


Fig 3.0 Proposed Floorplan and Elevation of the Portacabin



4. PLANNING CONSIDERATIONS

The subject site is currently used entirely for the transmission of electricity to Mallow and the wider Cork County area. Works of repair, maintenance and upgrading regularly occur on the site to ensure the proper operation of the transmission and distribution equipment.

Having regard for the provisions of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001-2023, as a statutory undertaker, ESB respectively submit that the proposed works involving the installation of a temporary portacabin structure, constitutes exempted development.

In consideration of the above due to the location of the proposed structure within lands of a substation used for the transmission of electricity, the nature of ongoing maintenance works that are deemed exempted development under Section 4 (1)(g) which states:

"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;"

Pursuant to the above exempted development works being carried out under Section 4(1)(g) of the Planning and Development Act, ESB consider the installation of a temporary portacabin providing temporary on-site accommodation for the duration of the above works exempted development in accordance with Schedule 2, Part 1, Exempted Development – General Class 16 & 17, Planning and Development Regulations 2001-2023.

The portacabin shall be used for the duration of the works by ESB personnel and others engaged in connection with the carrying out of development on site.



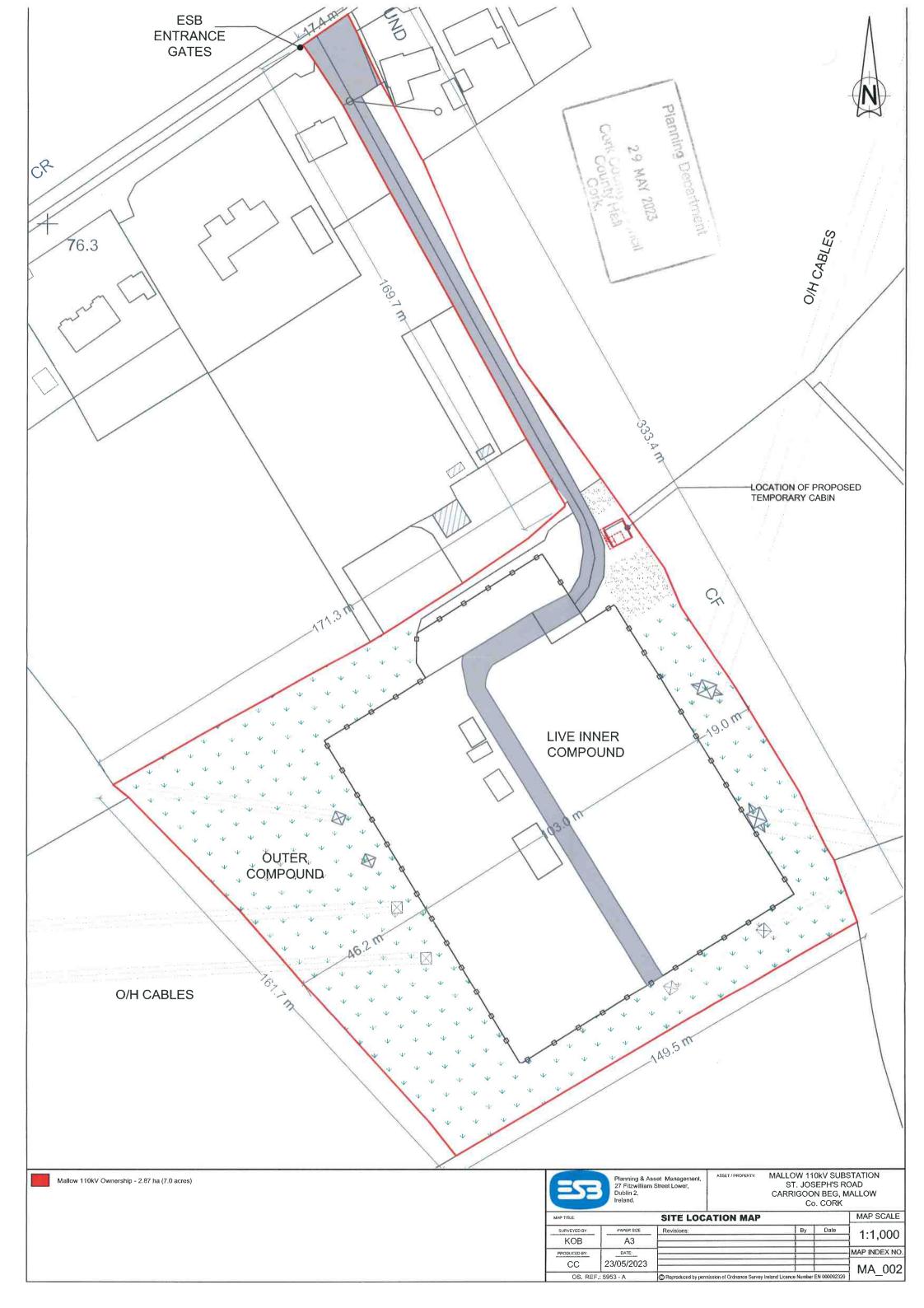
APPENDIX C - SITE LOCATION MAP

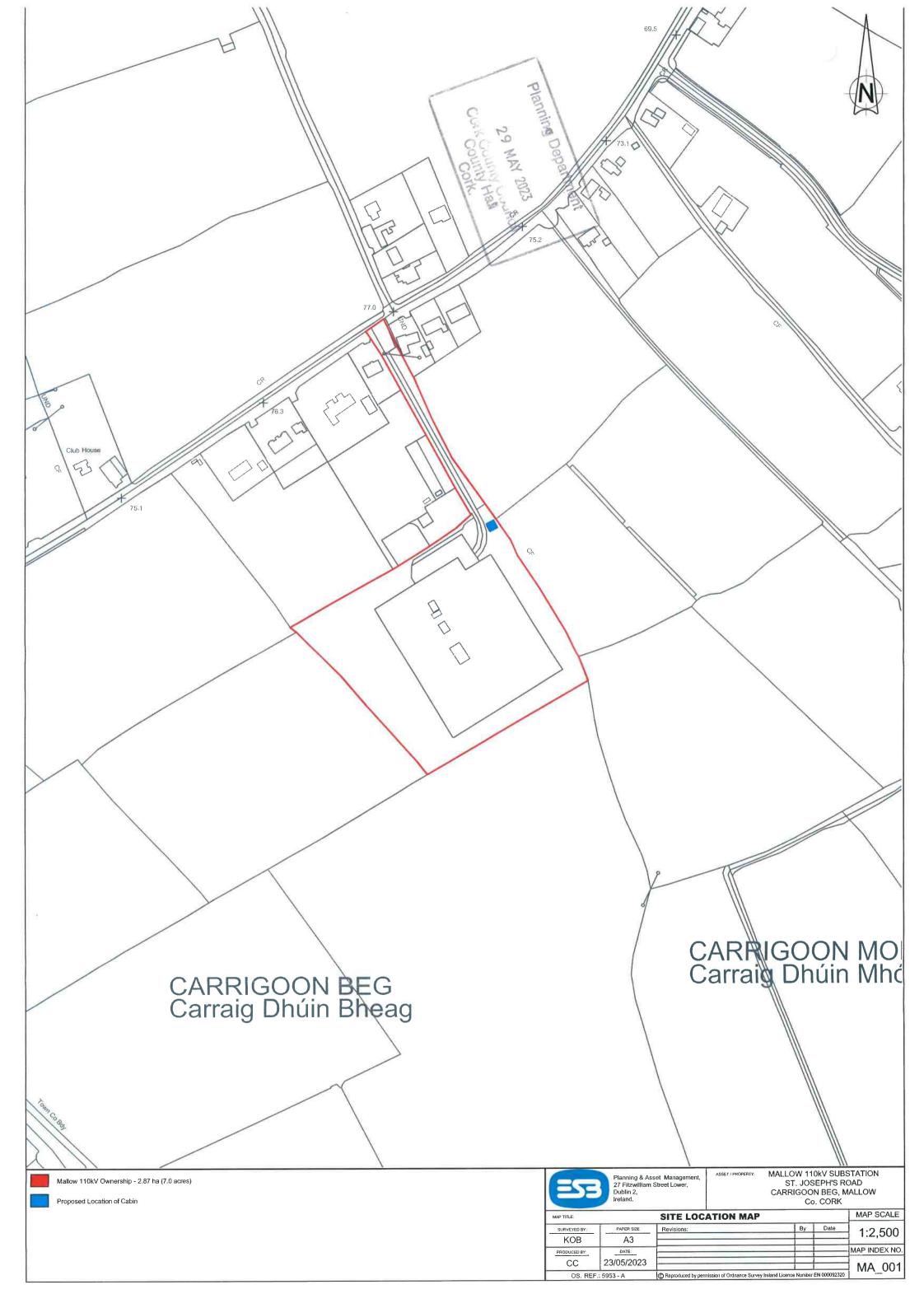
Planning Department

29 MAY 2023

Concounty Head

Conf.





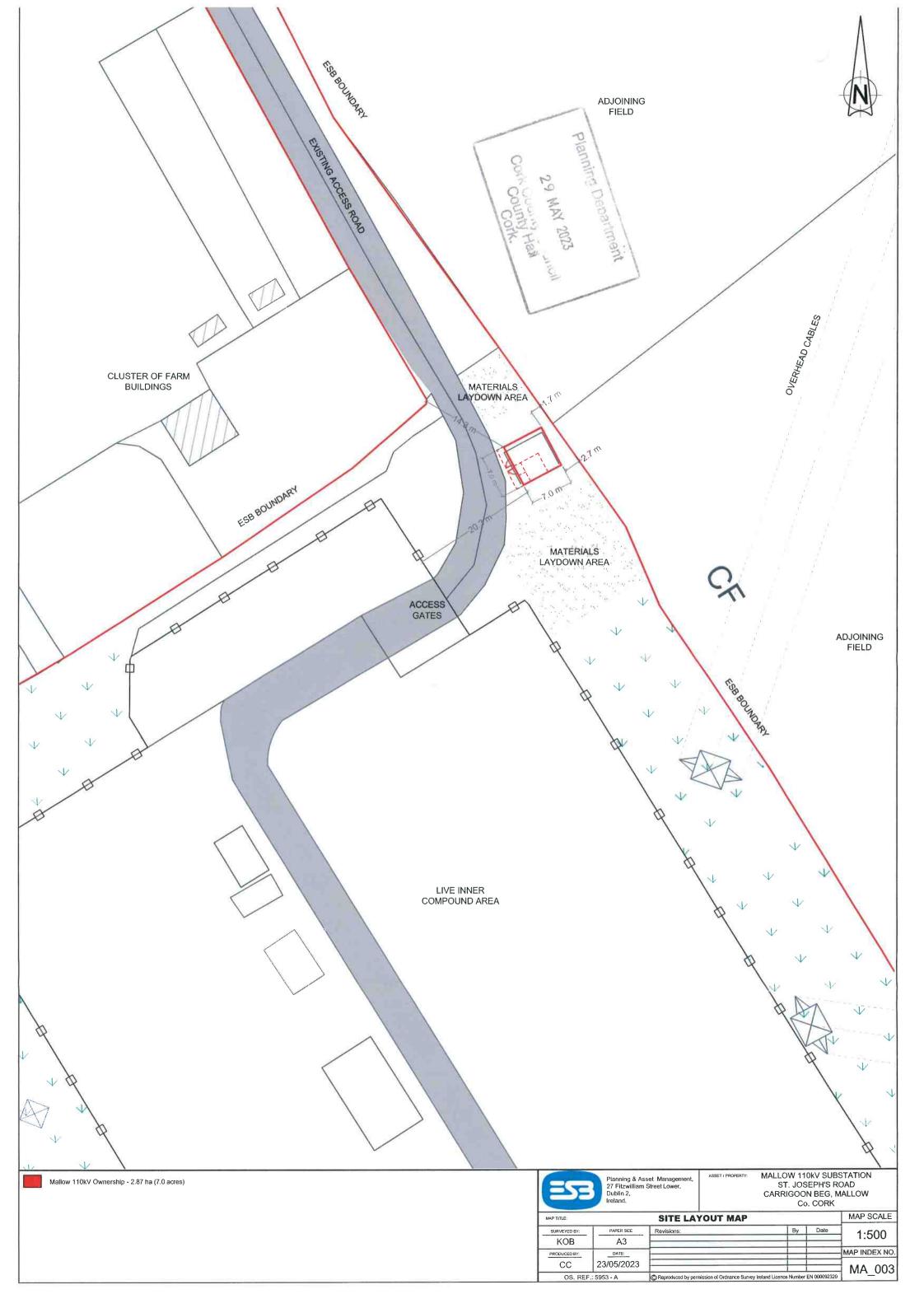
APPENDIX D - SITE LAYOUT DRAWING

Planning Department

29 MAY 2023

Cork County Had

Cork.

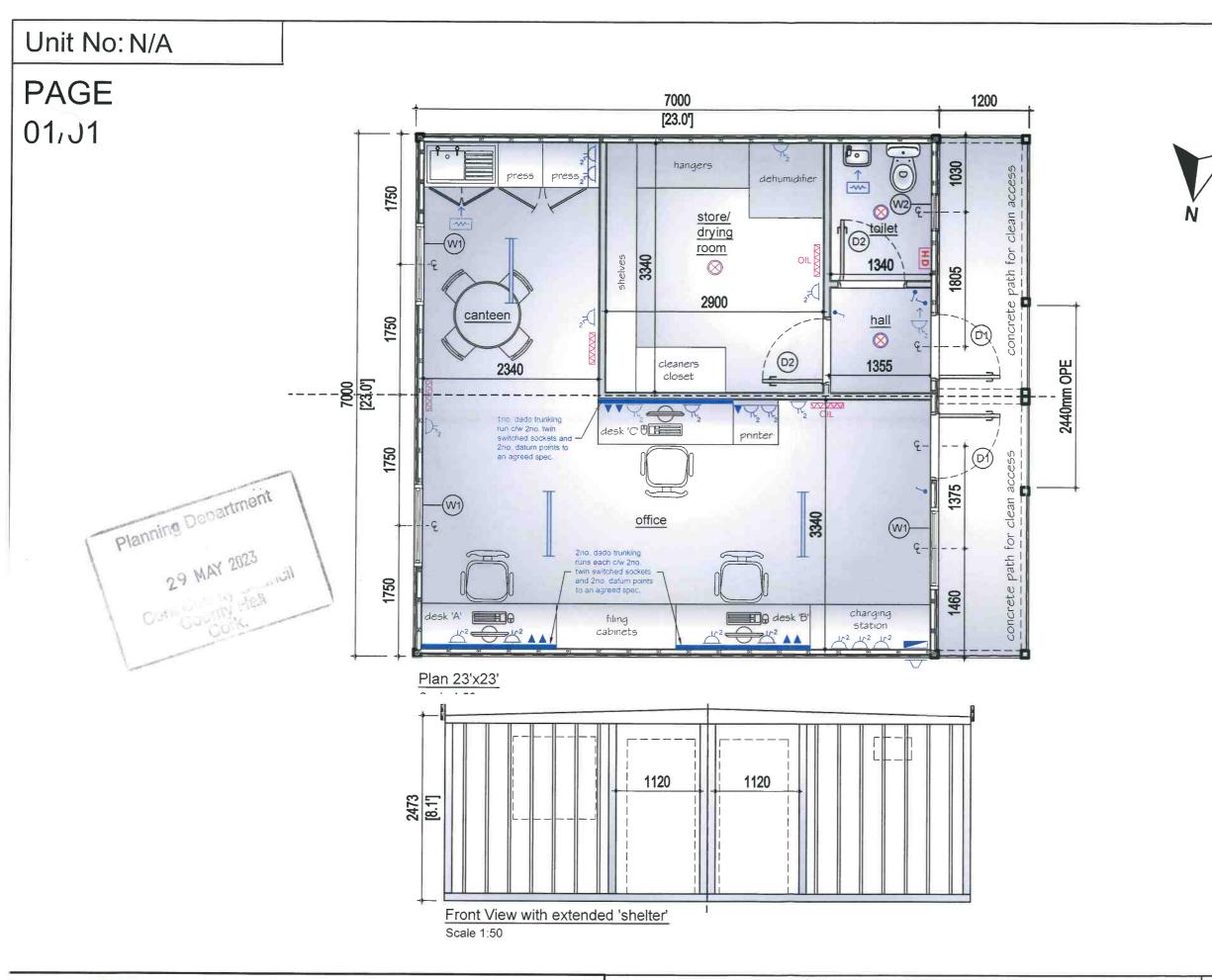


APPENDIX E - DEVELOPMENT DRAWING

Planning Department

29 MAY 2023

Cork County Council
County Has
Cork.



ELECTRICAL LEGEND DESCRIPTION SYMBOL Fuseboard External socket 5' Double LED light Single switch Twin switched socket Electrical Oil filled Radiato Surface mounted led light fitting Datum point Electrical Hand Dryer c/w spur WINDOWS LEGEND DESCRIPTION 1100x1100mm uPVC double glazed 500X300 High level double glazed uPVC W2 DOORS LEGEND 910x2065mm 10 point locking antivandal steel door 826x2040mm foil oak internal door, Full

Standard construction as per Calnan specifications

USE FIGURED DIMENSIONS ONLY

Colour: TBC



Brooklodge, Glanmire, Co.Cork 021-4820260 021-4820263

Oristown, Kells, Co.Meath 046-9247175 046-9247177

Job: E.S.B.

Rep/Contact: Paddy O'Sullivan

Drawing Title:

23'x23' Unit Layout and Elevation

Job Ref: MCS 01852

Scale: 1:50 @A3

Drawn: NM Date: Feb '22

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Rev.	Details	Date	Ву
Α	ISSUED FOR QUOTATION	16/02	NM
В	RE-ISSUED FOR QUOTATION	18/02	NM
С	BUILDING FOOTPRINT UPDATED	24/02	NM