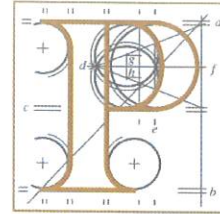


Our Case Number: ABP-308511-20

Planning Authority Reference Number: R606/20



An
Bord
Pleanála

Cork City Council
c/o John A Murphy
Anglesea Road
Cork
Co. Cork
T12 T997

30-04-2021

Date: 27 APR 2021

Re: Whether the proposed renewing and altering of existing Kilbarry - Knockraha No. 2 110 Kv Overhead Transmission line is or is not development, and if development, is or is not exempted development.
Townlands of Ballycolly, Ballyvolane, Arderrow, Balluharoon, Banduff, Poulacurry North, Poulacurry South and Ballinglanna, Co. Cork

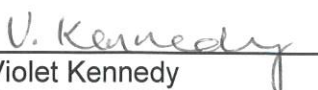
Dear Sir,

An order has been made by An Bord Pleanála determining the above-mentioned referral under the Planning and Development Acts 2000 to 2020. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

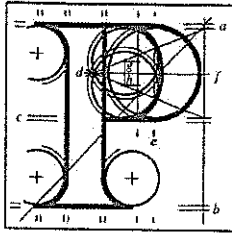
Yours faithfully,


Violet Kennedy
Executive Officer

RL100n

Teil (01) 858 8100
Glao Áitiúil 1890 275 175
Facs (01) 872 2684
Láithreán Gréasáin www.pleanala.ie
Ríomhphost bord@pleanala.ie

64 Sráid Maoilbhríde 64 Marlborough Street
Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902



An
Bord
Pleanála

Board Order
ABP-308511-20

Planning and Development Acts 2000 to 2020

Planning Authority: Cork City Council

Planning Register Reference Number: R606/20

WHEREAS a question has arisen as to whether the proposed renewing and altering of the existing Kilbarry-Knockraha No.2 110kV overhead transmission line in the townlands of Ballincolly, Ballyvolane, Arderrow, Ballyharoon, Banduff, Poulacurry North, Poulacurry South and Ballinglanna, County Cork, is or is not development or is or is not exempted development. The subject works constitute –

- Paint/corrosion treatment of steel towers
- Replacement of wooden polesets
- Replacement of existing steel intermediate towers with wooden intermediate polesets
- Replacement of insulators and hardware
- Civil works on Tower Shear Blocks
- Ancillary works

AND WHEREAS Eirgrid PLC of The Oval, 160 Shelbourne Road, Ballsbridge, Dublin care of MKO, Tuam, Galway requested a declaration on the said question from Cork City Council on the 6th day of October, 2020;

CM 36

AND WHEREAS the said question was referred to An Bord Pleanála by Cork City Council on the 22nd day of October, 2020:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to -

- (a) sections 2(1), 3(1), 4(1)(g), 4(1)(h) and 4(4) of the Planning and Development Act 2000, as amended,
- (b) the submissions made by the parties to the referral,
- (c) the nature, extent and scope of the works, and
- (d) the report of the planning inspector:

AND WHEREAS An Bord Pleanála has concluded that -

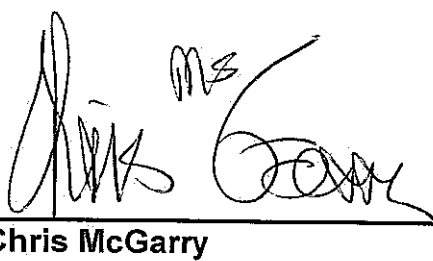
- (a) EirGrid PLC is a 'statutory undertaker' within the meaning of the Planning and Development Act, 2000, as amended,
- (b) the change in structure types, comprising the replacement of steel towers with wooden polesets, in addition to replacement of wooden polesets, paint/corrosion treatment of steel tower, replacement of insulators and hardware and civil works on tower shear blocks constitute works as defined and is, therefore, 'development' within the meaning of section 3 of the Act,
- (c) the proposed works form part of the renewing and altering of the Kilbarry-Knockraha No. 2 110kV transmission line and are being undertaken as part of the statutory undertaker's routine function associated with transmission infrastructure,
- (d) the proposed wooden polesets are considered to be of less visual significance than the two number steel towers being replaced and do not give rise to any material adverse planning considerations,

- (e) the proposed replacement of wooden polesets which may result in an increase in height of up to two metres at certain points would not be of visual significance and do not give rise to any material adverse planning considerations, and
- (f) the proposed works come within the scope of section 4(1)(g) of the said Act which facilitates, inter alia, the altering and renewing of apparatus by a statutory undertaker:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(4) of the 2000 Act, as amended, hereby decides that the said proposed renewing and altering of the existing Kilbarry-Knockraha No.2 110kV overhead transmission line is development and is exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

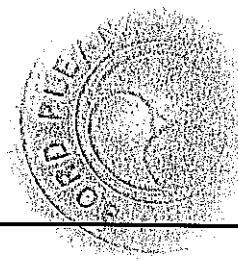


Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

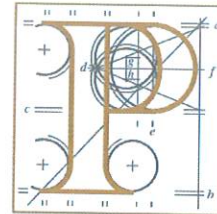
the seal of the Board



Dated this *26th* day of *April* 2021

Our Case Number: ABP-308511-20

Planning Authority Reference Number: R606/20



An
Bord
Pleanála

Cork City Council
c/o John A Murphy
Anglesea Road
Cork
Co. Cork
T12 T997

Date: 05 March 2021

Re: Whether the proposed renewing and altering of existing Kilbarry - Knockraha No. 2 110 Kv Overhead Transmission line is or is not development, and if development, is or is not exempted development.
Townlands of Ballycolly, Ballyvolane, Arderrow, Balluharoon, Banduff, Poulacurry North, Poulacurry South and Ballinglanna, Co. Cork

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above appeal.

It is a statutory objective of the Board to ensure that every appeal received is determined within eighteen weeks beginning on the date of receipt of that appeal. This is in accordance with section 126(2)(a) of the Planning and Development Act, 2000, (as amended). Where it appears to the Board that it would not be possible or appropriate to determine a particular appeal within this period, a notice must be sent to the parties in accordance with section 126(3)(a) of the Act.

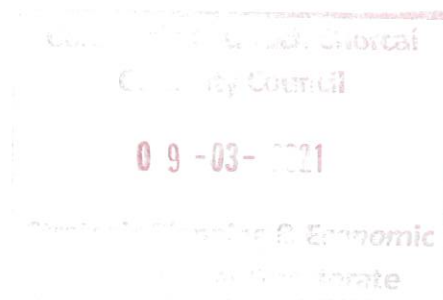
The Board hereby serves notice under section 126(3)(a) that it will not be possible to determine the case within the statutory objective period due to further consideration of the case. The Board now intends to determine the above appeal before **29th April, 2021**.

The Board will take all such steps as are open to it to ensure that the appeal is determined before that date.

Yours faithfully,

Sorcha Skelly
Executive Officer
Direct Line: 01-8737164

BP90 Registered Post



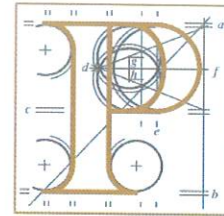
Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

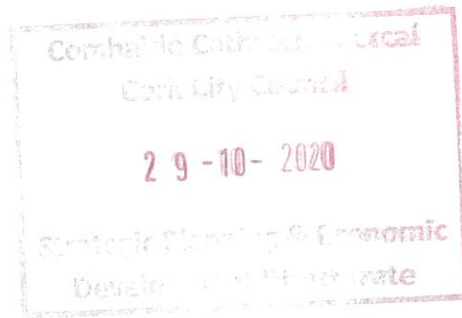
64 Marlborough Street
Dublin 1
D01 V902

Our Case Number: ABP-308511-20

Planning Authority Reference Number: R606/20



**An
Bord
Pleanála**



Cork City Council
c/o John A Murphy
Anglesea Road
Cork
Co. Cork
T12 T997

Date: 28 October 2020

Re: Whether the proposed renewing and altering of existing Kilbarry - Knockraha No. 2 110 Kv Overhead Transmission line is or is not development, and if development, is or is not exempted development.
Townlands of Ballycolly, Ballyvolane, Arderrow, Balluharoon, Banduff, Poulacurry North, Poulacurry South and Ballinglanna, Co. Cork

Dear Sir / Madam,

An Bord Pleanála has received your referral and will consider it under the Planning and Development Act, 2000, (as amended). A receipt for the fee lodged is enclosed.

In order to comply with section 128 of the Planning and Development Act, 2000, (as amended), please forward, within a period of 2 weeks beginning on the date of this letter, copies of any information in your possession which is relevant to the referral, including:


- (i) details of previous decisions affecting the site;
- (ii) any correspondence that has taken place between the person(s) issued with a declaration under subsection (2)(a) of section 5 of the 2000 Act, (as amended), and the planning authority;
- (iii) the name and address of the owner of the land in question and the name of the occupier of the said land, if different;
- (iv) the names and addresses of all persons notified by you under subsection (2) of section 5 of the 2000 Act, (as amended);
- (v) where no declaration was issued by you, indicate the date that the declaration was due to be issued in accordance with subsection (2) of section 5 of the 2000 Act, (as amended).

Please note that under section 127(3) of the Planning and Development Act, 2000, (as amended), the person by whom the referral is made shall not be entitled to elaborate in writing upon or make further submissions in writing in relation to the grounds of the referral unless requested to do so by An Bord Pleanála.

Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Yours faithfully,



Shauna Kelly
Administrative Assistant
Direct Line: 01-8737191

BPRL01PA

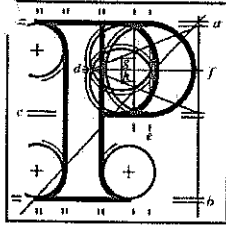
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64 Marlborough Street
Dublin 1
D01 V902



An
Bord
Pleanála

Táille Reachtúil
Statutory Receipt

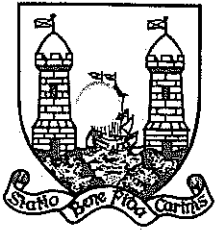
Ainm an Chustaiméara: Name of Customer:	Cork City Council
Gníomhaire: Agent:	
Íocaíocht Faighte: Payment Received:	€110
Modh Íocaíochta: Payment Method:	Money Order
Uimh. Aitheantais Lóisteála: Lodgement ID:	LDG-031788-20
Cineál na Lóisteála: Lodgement Type:	Referral
Iarratas ar éisteacht ó bhéal Oral Hearing Request:	No
Dáta Faighte: Date Received:	22/10/2020
Faighte ag: Received by:	Anthony Byrne

Teil
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Facs
Láithreán Gréasáin
Ríomhphost

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LoCall 1890 275 175
Fax (01) 872 2684
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Email bord@pleanala.ie

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D01 V902

64 Marlborough Street
Dublin 1
D01 V902



Comhairle Cathrach Chorcaí Cork City Council

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

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.
D01V902

Your Ref: ABP-308511-20
Cork City Council Ref: R606/20

04th November 2020

Re: Section 5 Declaration
Whether the proposed renewing and altering of existing Kilbarry-Knockraha No. 2 110 Kv Overhead Transmission line is or is not development, and if development, is or is not exempt development.
Townlands of Ballycolly, Ballyvolane, Arderrow, Balluharoon, Banduff, Poulacurry North, Poulacurry South and Ballinglanna, Co. Cork

Our Reference – R606/20

Dear Sir/Madam,

I refer to the above appeal and I the Planning Authority wishes to respond as follows:

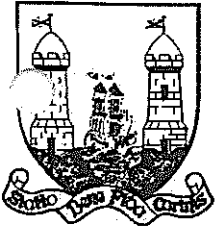
- (i) Please see enclosed decision
- (ii) N/A
- (iii) The owner of land ESB, Two Gateway, East Wall Road, Dublin 3, D03 A995
- (iv) N/A
- (v) 03rd November 2020

Yours faithfully,

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



We are Cork.



Comhairle Cathrach Chorcaí Cork City Council

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

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

16/10/2020

Re: Section 5 – R606/20 - renewing and altering of existing Kilbarry- Knockraha No. 2 110 KV Overhead Transmission line, in Townlands of Ballycolly, Ballyvolane, Arderrow, Ballyharoon, Banduff, Poulacurry North, Poulacurry South and Ballinglanna, Co. Cork

Dear Sir/ Madam,

Please find enclosed a referral under Section 5(4) of the Planning & Development Act 2000 with a cheque for €110.00

The reference number is R606/20

Question Referred

Whether the proposed renewing and altering of existing Kilbarry- Knockraha No. 2 110 Kv Overhead Transmission line, in Townlands of Ballycolly, Ballyvolane, Arderrow, Ballyharoon, Banduff, Poulacurry North, Poulacurry South and Ballinglanna, Co. Cork is or is not development, and if development, is or is not exempt development


Applicant Details

EirGrid plc
c/o Tomas Bradley
The Oval
160 Shelbourne Road
Dublin 4
D04 FW28

Person/Agent Acting on behalf of Applicant

Jordan Baxter
MKO
Tuam Road
Galway
H91 VW84

Yours faithfully,


Development Management
Cork City Hall

The Secretary
An Bord Pleanála
64 Marlborough Street
DUBLIN 1
D01 V902

12/10/2020

REFERRAL UNDER SECTION 5(4) OF THE PLANNING AND DEVELOPMENT ACT 2000

WHETHER THE PROPOSED RENEWING AND ALTERING OF EXISTING KILBARRY- KNOCKRAHA NLO. 2 110 KV OVERHEAD TRANSMISSION LINE, IN TOWNLANDS OF BALLINCOLLY, BALLTVOLANE, ARDERROW, BALLYHARON, BANDIUFF, OULCURRY BIRTHM OULCAURRY SOUTH AND BALLINGLANNA, IS OR IS NOT DEVELOPMENT, AND IS OR IS NOT EXEMPTED DEVELOPMENT.

This referral is made under section 5(4) of the *Planning and Development Act 2000* (as amended).

This referral is structured as follows:

1. Introduction
2. Background
3. Grounds of Referral
4. Screening for Appropriate Assessment
5. Conclusion

Appendices– Documentation (All drawings and reports from Submission from McCarthy Keville O Sullivan)

1. INTRODUCTION

1.1 RELEVANT LEGISLATIVE PROVISION

All relevant legislative provisions of the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) are referenced. In this referral, 'the Act' means the Planning and Development Act 2000, as amended, and 'the Regulations' means the Planning and Development Regulations 2001, as amended.

1.2 PARTICULARS OF REFERRAL

Various particulars required under section 127 of the Act are provided with this referral. The subject matter and grounds of the referral and the reasons, considerations and arguments on which they are based are included below in the body of this referral. Also enclosed is the fee of €110.

The referral is made by:

Development Management
Community, Culture and Placemaking
Cork City Council
City Hall
Cork

Telephone (021) 492-4762 Email michelle_broderick@corkcity.ie

1.3 THE QUESTION REFERRED

As per the referral documentation received from McCarthy Keville O Sullivan, on behalf of Eirgrid the question referred here is:

WHETHER THE PROPOSED RENEWING AND ALTERING OF EXISTING KILBARRY- KNOCKRAHA NO. 2 110 KV OVERHEAD TRANSMISSION LINE, IN TOWNLANDS OF BALLINCOLLY, BALLYVOLANE, ARDERROW, BALLYHARROON, BANDUFF, POULCURRY NORTH POULACURRY SOUTH AND BALLINGLANNA, IS OR IS NOT DEVELOPMENT, AND IS OR IS NOT EXEMPTED DEVELOPMENT.

1.4 THE REFERRAL SITE

For ease of reference, the lands which are the subject of this referral are referred to as 'the referral site' in this referral.

The referral site comprises 7.2 km in length between end mast 01 (Kilbarry 100kV Substation) and Angle Mast 45 (Ballinglanna townland)

A site location map is attached as submitted by MKO (McCarthy Keville O Sullivan) in their submission to the Planning Authority. (Ref Cover letter submitted, on 06/10/2020, Section 5 declaration report submitted, Appendix 4 various drawings and maps with Site Location Maps)

2. BACKGROUND

2.1 GENERAL BACKGROUND AND DESCRIPTION OF WORKS

The subject referral is subsequent to a request for a declaration recorded under Cork City Council Ref: R 606/20.

The application and cover letter, submitted to Cork City Council on 7/09/2020 by MKO on behalf of Eirgrid.

The overall Kilbarry – knockraha no. 2 110 k v transmission line comprises 12.5km in length of overhead transmission line traversing the townlands of Kilbarry, ballincolly, Ballyvolamne, Arderrow, Ballyharroon, Banduff, Poacurry north, Poukacurry south, Ballinglanna, Corbally North, Corbally South, Ballynagarbragh, Lackenfoe, Ballyvcurreen, Kileena, Ballynanelagh, Co. Cork. It consists of 75 no. structure

It is noted that a concurrent and contiguous declaration is being made to Cork County Council for the remainder of the line in that planning authority area.

The works are as a result of a condition assessment of the existing line.

The works consists of

- Paint/corrosion treatment of steel towers
- Replacement of wooden polesets
- Replacement of existing steel intermediate towers with wooden intermediate polesets

- Replacement of insulators and hardware
- Civil works on Tower Shear Blocks
- Ancillary works

2.3 DEVELOPMENT PLAN OBJECTIVES

The site of the existing line is located in Kilbarry, and traverses across to Knockraha in the county area.

Part of the subject area where the line traverses transferred to Cork City administrative area on 31 May 2019.

It is noted that a concurrent and contiguous declaration is being made to Cork County Council for the remainder of the line in that planning authority area.

Cork County development Plan 2014 and Cork City Development Plan 2015-2021 is in effect

3. GROUNDS OF REFERRAL

The applicants contend the subject works fall under section 4 (1) (g) of the Planning and Development Act 2000 as amended which state

"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."

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

Under s 2(1) Works are defined as *"any act or operation of construction, excavation, demolition, extension, alterations, repair or renewal....."*

Section (3) 1 of the Planning and Development Act 2000 as amended , The definition of ' development' means, *except where the context otherwise requires, the carrying out of works on, in over or under land or the making of any material change in the use of any structures or other land.."*

It is considered that the works fall within the meaning of *development* as per the Planning and Development Acts as amended.

The planning authority contends that the proposal amount to works/development, but works that fall under section 4 (1)(g) of the Planning and Development Act as amended - repairing, renewing and altering of existing transmission line.

The works or replacement of pole sets and painting of towers, , are stated to not be materially different and are maintenance.

being works undertaken by or on behalf of a statutory undertaker (ESB).
The replacement of steel intermediate towers with wooden pole sets is considered to fall within this scope,...

Screening reports for Appropriate assessment and for Environmental Impact Assessment has been submitted.

It is not considered that the works would be de-exempted due to the need for EIA or AA.

4. SCREENING FOR APPROPRIATE ASSESSMENT

Section 177U (9) of the Act requires planning authorities and the Board to screen declarations or referrals under section 5 of the Act 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 SAC (site code 001058).

The subject site is located close to the north of these sites.

5. CONCLUSION

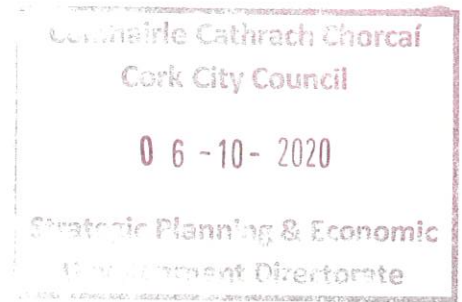
The planning authority wish for the board to confirm the view as to whether the matter to which this referral relates, is or is not development, and is or is not exempted development.

The planning authority looks forward to the Board's consideration and determination of this referral. Please do not hesitate to contact this office should any further information be required.

Fee € 110



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



Our Ref: 200532

5 October 2020

Re: Section 5 Declaration on the question of whether the proposed renewing and altering of the existing Kilbarry - Knockraha No. 2 110 kV overhead transmission line, in the townlands of Ballincolly, Ballyvolane, Arderrow, Ballyharoon, Banduff, Poulacurry North, Poulacurry South and Ballinglanna, Co. Cork, is or is not development, and if development, is or is not exempted development

Dear Sir/Madam,

The Applicant, **EirGrid plc, The Oval, 160 Shelbourne Road, Dublin 4**, has commissioned MKO to prepare this Section 5 Declaration of Exempted Development submission, under the provisions of Section 5 of the Planning and Development Act 2000 (as amended), for the consideration of Cork City Council ("the Planning Authority").

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

Whether the proposed renewing and altering of the existing Kilbarry - Knockraha No. 2 110 kV overhead transmission line, in the townlands of Ballincolly, Ballyvolane, Arderrow, Ballyharoon, Banduff, Poulacurry North, Poulacurry South and Ballinglanna, Co. Cork, is or is not development, and if development, is or is not exempted development:

- > *Paint / Corrosion Treatment of Steel Towers;*
- > *Replacement of Wooden Polesets;*
- > *Replacement of Existing Steel Intermediate Towers with Wooden Intermediate Polesets;*
- > *Replacement of Insulators and Hardware;*
- > *Civil Works on Tower Shear Blocks; and*
- > *Ancillary Works*

EirGrid is the state-owned independent Transmission System Operator (TSO) and has the exclusive statutory function to, inter alia, operate and ensure the maintenance of and if necessary, develop a safe, secure, reliable, economical and efficient electricity transmission system. The proposed works are intended to maintain, and ultimately safeguard, the operational functionality of the existing Kilbarry - Knockraha No. 2 110 kV line. The renewal and alteration of the 110 kV OHL will not result in any material changes to the appearance or functionality of the line; specifically, the proposed works do not include for the extension of the line nor is it proposed to alter the overall functionality of the line in the context of the wider transmission system (e.g. no increase in the voltage of the line from the existing 110 kV).



It is both EirGrid and MKO's opinion 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) and Section 4(1)(h) of the Planning and Development Act 2000 (as amended). However, EirGrid acknowledges that the Planning Authority in this instance will be the final arbitrator on this matter.

The type and scale of work proposed as part of this project has been the subject of several precedent cases from various planning authorities. Most notably, Section 4 (1) (g) of the Act was tested in a Section 5 Application to Kildare County Council (Ref: ED00441) that was subsequently referred to An Bord Pleanála (Ref: RL3080). The declaration of An Bord Pleanála was judicially reviewed in the High Court in the case of *Rossmore Properties Ltd & Anor -V- An Bord Pleanála & Ors [2014] IEHC 557*. The Board considered that the lines and towers can be addressed as a single renewal project taking place as part of the statutory undertaker's routine function associated with transmission infrastructure maintenance. The Board also considered that Section 4 (1) (g) of the Planning and Development Act 2000 (as amended) was introduced specifically to facilitate this type of renewal project where, in planning terms, no material change is taking place.

In order to assist the Planning Authority in its assessment, the following documentation is included with this application:

- > 2 no. copies of the Application for Section 5 Declaration of Exemption;
- > 2 no. copies of the Section 5 Declaration Report;
- > 2 no. copies of the Appropriate Assessment Screening Report (Appendix 1 of the Declaration Report);
- > 2 no. copies of the Environmental Impact Assessment Screening Report (Appendix 2 of the Declaration Report);
- > 2 no. copies of the Planning Drawing Package (Appendix 4 of the Declaration Report);
- > 1 no. electronic copy of the application package (digital); and
- > Cheque for the statutory application fee (€80.00)

It should be noted that a concurrent and contiguous Section 5 Declaration is being made to Cork County Council for the remainder of the line in that planning authority area. The application documents are generally common to both Cork City and Cork County.

We trust that the information provided should prove sufficient to inform the Planning Authority's determination on this matter and look forward to hearing from the Authority further in due course.

Yours faithfully,



Jordan Baxter B.A., MSc
Planner
JBaxter@mkoireland.ie



COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

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

Community Culture & Placemaking

06 OCT 2020

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

Fón/Tel: 021-4924762

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

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

Kilbarry-Knockraha No. 2 110 kV overhead transmission line between End Mast 01 (Kilbarry 110 kV Substation located at the northern extent of Cork City) and Angle Mast 45 (Ballinglanna townland, Co. Cork), including the townlands of Ballincolly, Ballyvolane, Arderrow, Ballyharoon, Banduff, Poulacurry North, Poulacurry South and Ballinglanna, Co. Cork

2. QUESTION/ DECLARATION DETAILS

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

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

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

Whether the proposed renewing and altering of the existing Kilbarry – Knockraha No. 2 110 kV overhead transmission line, in the townlands of Ballincolly, Ballyvolane, Arderrow, Ballyharoon, Banduff, Poulacurry North, Poulacurry South and Ballinglanna, Co. Cork, is or is not development, and if development, is or is not exempted development. The subject works constitute:

- *Paint / Corrosion Treatment of Steel Towers;*
- *Replacement of Wooden Polesets;*
- *Replacement of Existing Steel Intermediate Towers with Wooden Intermediate Polesets*
- *Replacement of Insulators and Hardware*
- *Civil Works on Tower Shear Blocks*
- *Ancillary Works*

The subject works are considered to fall under Section 4(1)(g) and (h) of the Planning and Development Act 2000 (as amended) which states that the following is exempted development, respectively:

"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".

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

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ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

N/A

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

If so please supply details:

N/A

4. Is this a Protected Structure or within the curtilage of a Protected Structure? N/A

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?

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

If so please supply details:

6. APPLICATION DETAILS

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

(a) Floor area of existing/proposed structure/s	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 <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas. (sq m) _____ <input type="checkbox"/> N/A
(c) If concerning a change of use of land and / or building(s), please state the following: N/A	
Existing/ previous use (please circle)	Proposed/existing use (please circle)
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8. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input type="checkbox"/>	B. Other <input checked="" type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question	<p>EirGrid plc is the licensed Transmission System Operator for Ireland pursuant to the provisions of the Electricity Regulation Act, 1999. Pursuant to the provisions of S.I. No. 445 of 2000, EirGrid plc has the exclusive function to operate and ensure the maintenance of and, if necessary, develop a safe secure, reliable electricity transmission system.</p> <p>The Electricity Supply Board (ESB) is the licensed Transmission Asset Owner for Ireland pursuant to Section 14 of the Electricity Regulation Act, 1999.</p>	

	The proposed works will be constructed by the owner, ESB
If you are not the legal owner, please state the name and address of the owner if available	Electricity Supply Board (ESB), Two Gateway, East Wall Road, Dublin 3, D03 A995

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

Signature: 

(Jordan Baxter, MKO, Agent)

Date: 5th October 2020



CONTACT DETAILS

10. Applicant:

Name(s)	EirGrid plc
Address	EirGrid plc c/o Tomás Bradley The Oval, 160 Shelbourne Road Dublin 4 D04 FW28

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

Name(s):	Jordan Baxter		
Address:	MKO, Tuam Road, Galway, H91 VW84		
Telephone:	[REDACTED]		
E-mail address:	[REDACTED]		
Should all correspondence be sent to the above address? <small>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)</small>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

12. ADDITIONAL CONTACT DETAILS

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

ADVISORY NOTES:

<p>The application must be accompanied by the required fee of €80</p> <p>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.</p> <p>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.</p> <p><i>The application should be sent to the following address:</i></p> <p style="text-align: center;">The Development Management Section, Community, Culture & Placemaking Directorate, Cork City Council, City Hall, Anglesea Street, Cork.</p>

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

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

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



APPENDIX 4

PLANNING DRAWING SET

**CP0901 Kilbarry-Knockraha No. 2 110 kV Line Refurbishment
Section 5 Declaration Drawing Schedule**

Drawing Title	Scale
Site Location in Geographical Context	1:20000
Key Infrastructure Site Plan	1:10000
Infrastructure Site Plans (Sheet 1 of 10)	1:1000
Infrastructure Site Plans (Sheet 2 of 10)	1:1000
Infrastructure Site Plans (Sheet 3 of 10)	1:1000
Infrastructure Site Plans (Sheet 4 of 10)	1:1000
Infrastructure Site Plans (Sheet 5 of 10)	1:1000
Infrastructure Site Plans (Sheet 6 of 10)	1:1000
Infrastructure Site Plans (Sheet 7 of 10)	1:1000
Infrastructure Site Plans (Sheet 8 of 10)	1:1000
Infrastructure Site Plans (Sheet 9 of 10)	1:1000
Infrastructure Site Plans (Sheet 10 of 10)	1:1000