



An
Bord
Pleanála

Inspector's Report ABP-307228-20

Development	110kV Gas Insulated Switchgear (GIS) building at the existing Ringsend 110kV Electricity Substation
Location	Ringsend, Dublin 4
Prospective Applicant	ESB
Planning Authority	Dublin City Council
Type of Application	Pre-Application Consultation under s.182E of the Planning and Development Act 2000, as amended
Inspector	Niall Haverty

1.0 Pre-Application Consultation

1.1. The Board received a request on 22nd May 2020 from ESB to enter into pre-application consultation under Section 182E of the Planning and Development Act 2000, as amended, in relation to proposed development at the existing Ringsend 110kV Substation, Dublin 4.

2.0 Site location

2.1. The existing Ringsend 110kV Substation site is situated in Ringsend, Dublin 4, and is part of the ESB's large landholding in the area. The substation site is bounded by Pigeon House Road to the north, Dublin Bay Power Station to the east, South Bank Road to the south and a storage and distribution business to the west.

2.2. The existing Ringsend 110kV Substation is an outdoor Air Insulated Switchgear (AIS) substation, and the site includes the 110kV AIS compound, 38kV GIS building, old 38kV AIS building, control room, MV building and four power transformers.

2.3. The site is not located within or immediately adjacent to any European Sites. I note, however, that the boundaries of the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the South Dublin Bay SAC (Site Code 000210) are located c. 220m to the south of the site.

3.0 Proposed Development

3.1. The proposed development comprises:

- A new indoor Gas Insulated Switchgear (GIS) building to the south west of the existing outdoor AIS substation.
- Associated works needed to accommodate transferring of the cable circuits from the AIS to the GIS.
- Construction of a new entrance to the proposed GIS off South Bank Road.

3.2. The letter submitted by the prospective applicant states that the proposed GIS building will have an expected footprint of c. 1,000 sq m, and that it will be a double storey structure c. 15m in height. It also states that the substation will include

transformer bunds, roadways etc. and that the proposed development will be contained within the existing substation compound lands.

- 3.3. The prospective applicant's letter states that, of the four distribution 220/110kV Bulk Supply Points (BSPs) supplying Dublin City, the Ringsend 110kV Substation is the only one remaining with an aging outdoor AIS 110kV busbar (>50 years) and that it has the lowest symmetrical breaking current switchgear rating (25kA). The stated purpose of the proposed development is to secure energy supply at this critical location into the future.

4.0 Planning History

- 4.1. I am not aware of any recent relevant planning history on the subject site.
- 4.2. The Board will note that ESB has submitted two other current requests for pre-application consultation for electrical development in the vicinity (ABP-307080-20 and ABP-307081-20 refer). Those cases relate to the proposed grid connections for 2 No. proposed Flexible Thermal Generation Facilities and Battery Energy Storage Systems. The proposed connection points in those cases are to the Irishtown 220kV Substation and the Poolbeg 220kV Substation, respectively, i.e. not to the Ringsend 110kV Substation.

5.0 Applicant's Case

- 5.1. The prospective applicant's case can be summarised as follows:
 - Given its nature and function, modest scale and the fact that it is primarily required to facilitate a relocation of existing equipment, the proposed development is not of strategic importance to the State as intended by section 182A of the Act.
 - Having reviewed various recent similar decisions made by the Board (e.g. 303587: Lanesboro 110kV Substation, VC110: Galway 110kV Substation and VC101: Inchicore 220kV Substation), ESB is of the view that the proposed development does not constitute SID and does not fall within the provisions of section 182A of the Act.

6.0 Legislative Provisions

6.1. Planning and Development Act 2000, as Amended

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

“any proposed development referred to in section 182A(1)”

- 6.1.2. Section 37A of the Act states that:

“(1) An application for permission for any development specified in the Seventh Schedule (inserted by the Planning and Development (Strategic Infrastructure) Act 2006) shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.

(2) That condition is that, following consultations under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely—

- (a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,
- (b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,
- (c) the development would have a significant effect on the area of more than one planning authority.”

- 6.1.3. Under subsection 182A(1) of the Act, where a person (the 'undertaker') intends to carry out development comprising or for the purposes of electricity transmission, the undertaker shall prepare, or cause to be prepared, an application for approval of the development under section 182B and shall apply to the Board for such approval accordingly.

- 6.1.4. Subsection 182A(9) states that:

“...‘transmission’, in relation to electricity, shall be construed in accordance with section 2(1) of the Electricity Regulation Act 1999 but, for the purposes of this section, the foregoing expression, in relation to electricity, shall also be construed as meaning the transport of electricity by means of—

(a) a high voltage line where the voltage would be 110 kilovolts or more, or

(b) an interconnector, whether ownership of the interconnector will be vested in the undertaker or not.”

6.2. Electricity Regulation Act 1999, as Amended

6.2.1. The following definitions, as set out in section 2(1) of the Electricity Regulation Act, 1999, as amended, are noted:

- **‘Transmission’:**

“...the transport of electricity by means of a transmission system, that is to say a system which consists, wholly or mainly, of high voltage lines and electric plant and which is used for conveying electricity from a generating station to a substation, from one generating station to another, from one substation to another or to or from any interconnector or to final customers but shall not include any such lines which the Board¹ may, from time to time, with the approval of the Commission, specify as being part of the distribution system but shall include any interconnector owned by the Board.”

- **‘Distribution’:**

“...the transport of electricity by means of a distribution system, that is to say, a system which consists of electric lines, electric plant, transformers and switch gear and which is used for conveying electricity to final customers.”

- **‘Electric plant’:**

“...any plant, apparatus or appliance used for, or for the purposes connected with, the generation, transmission, distribution or supply of electricity other than –

(a) An electric line

¹ For clarity, references to the ‘Board’ in this instance relate to the Electricity Supply Board.

(b) a meter used for ascertaining the quantity of electricity supplied to any premises, or

(c) an electrical appliance under the control of a consumer”

- **‘Electric Line’:**

Section 2(1) of the 1999 Act, as amended, states that ‘electric line’ has the meaning assigned to it by section 4(1) of the ESB (Electronic Communications Networks) Act 2014. The definition set out in s. 4(1) of the 2014 Act is as follows:

“...any line which is used solely or amongst other things for carrying electricity for any purpose and as including—

(a) any support for any such line, that is to say, any structure, pole or other thing in, on, by or from which any such line may be supported, carried or suspended,

(b) any apparatus connected to or associated with any such line for the purpose of carrying electricity or electronic communications services, whether such apparatus is owned by the Board or by any company referred to in section 2 or by a company which has been provided access or services referred to in section 3, or

(c) any wire, cable, tube, pipe or similar thing (including its casing or coating) which is used for the purpose of carrying electricity or electronic communications services and which surrounds or supports or is surrounded or supported by, or is installed in close proximity to, or is supported, carried or suspended in association with, any such line.”

7.0 Planning Policy

7.1. Project Ireland 2040: National Planning Framework

7.1.1. National Policy Objective 47:

“In co-operation with relevant Departments in Northern Ireland, strengthen all-island energy infrastructure and interconnection capacity, including distribution and transmission networks to enhance security of electricity supply.”

7.1.2. National Policy Objective 55:

“Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.”

7.2. **Regional Spatial and Economic Strategy for the Eastern and Midlands Region**

7.2.1. Regional Policy Objective 10.20:

“Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. Including the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.”

7.2.2. Regional Policy Objective 10.22:

“Support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission/distribution of a renewable energy focused generation across the major demand centres to support an island population of 8 million people...”

7.2.3. Regional Policy Objective 10.23:

“Support EirGrid’s Implementation Plan 2017 –2022 and Transmission Development Plan (TDP) 2016 and any subsequent plans prepared during the lifetime of the RSES that facilitate the timely delivery of major investment projects subject to appropriate environmental assessment and the outcome of the planning process, in particular:

...

- Support the installation of additional transformer capacity and increased circuit capacity to meet Dublin demand growth to strengthen the network for all electricity users and improve the security and quality of supply

...”

8.0 Assessment

- 8.1. The Board will note previous decisions it has made on strategic infrastructure pre-application consultation requests in relation to electricity transmission infrastructure under section 182E of the Planning and Development Act 2000, as amended, involving amendments, additions and expansion of existing electricity substation infrastructure.
- 8.2. In this case, a new GIS building and ancillary development is proposed at the existing Ringsend 110kV substation complex to replace aging outdoor Air Insulated Switchgear with the stated purpose of securing energy supply into the future.
- 8.3. The prospective applicant contends that, given the nature, scale and function of the proposed development and the fact that it is required to facilitate relocation of existing equipment, the proposed development does not constitute strategic infrastructure under Section 182A.
- 8.4. With regard to the particular form of development proposed in this instance, the prospective applicant contends that it is similar to a number of previous proposals in other locations (ABP-303587-19, VC0110 and VC0101 refer). The proposed development in each of those cases included new Gas Insulated Switchgear buildings at existing 110kV or 220kV substations in various Counties. In addition to the three cases referenced by the prospective applicant, I also note case ABP-300928-18, which related to a proposal for a new GIS substation within an existing 110kV Air Insulated Switchgear substation in Cork City.
- 8.5. I consider the Board's determinations in the abovementioned cases to be relevant to the subject case. In each case the Board determined that the development did not fall within the scope of section 182A of the Act and therefore did not constitute strategic infrastructure development.
- 8.6. Due to the lack of clarity in the formulation and interpretation of section 182A, the Board has exercised some discretion in such cases and considered the long title of the Planning & Development (Strategic Infrastructure) Act 2006, which provides for "the making directly to An Bord Pleanála of applications for planning permission in respect of certain proposed developments of strategic importance to the state...". In similar such cases, the Board has also used the 3 No. criteria contained in section

37A(2) for determining whether development constitutes strategic infrastructure, notwithstanding the fact that the section 37A(2) criteria do not explicitly apply to cases falling within the scope of section 182A rather than the Seventh Schedule of the Act.

- 8.7. With reference to the s. 37A(2) criteria, I do not consider the construction of a GIS building and associated development at the existing Ringsend 110kV Substation to be of strategic economic or social importance to the State or the Eastern and Midlands Region. While the proposed development will provide for a more secure and reliable network, and thus may be of some strategic importance with reference to Regional Policy Objectives 10.20, 10.22 and 10.23, I do not consider that the proposal is of a scale or extent to contribute substantially to the fulfilment of any objectives of the NPF or the RSES. Neither do I consider that the proposed development would have a significant effect on the area of more than one planning authority, being contained wholly within the administrative area of Dublin City Council.
- 8.8. In conclusion, having regard to: the nature and limited scale and extent of the proposed development, which essentially relates to upgrade/improvement works to an existing substation; the stated purpose of the 2006 Act, as set out in its long title; and to the criteria for strategic infrastructure development set out in section 37A(2), I conclude that the proposed development does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended, necessitating the making of an application directly to the Board.

9.0 Recommendation

- 9.1. I recommend that ESB be informed that the proposed Gas Insulated Switchgear (GIS) building and associated works at the existing Ringsend 110kV electricity substation, Dublin 4, as set out in the plans and particulars received by An Bord Pleanála on the 22nd May 2020, does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should be made in the first instance to Dublin City Council.

Niall Haverty

Senior Planning Inspector

19th June 2020