

An
Coimisiún
Pleanála

Direction
CD-021412-25
ACP-323497-25

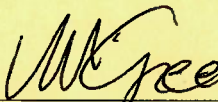
The submissions on this file and the Inspector's report were considered at a meeting held on 21/11/2025.

The Commission treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Commission also decided that the planning authority be directed, as follows:

Remove condition number 2

Planning

Commissioner:


Liam McGree

Date: 27/11/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

The Commission considered, having regard to the submissions on file from the ESB which state that: the proposed substation would serve multiple customers in addition to St. Vincent's Hospital; the proposed substation would be constructed on land to be transferred into the ownership of the ESB; and the proposed substation would be operated by ESB Networks, as the Distribution System Operator (DSO), regulated by the Commission for Regulation of Utilities (CRU), and considered that the proposed development would constitute a public utility and would not constitute a class or

description of development specified within the adopted Dublin City Council Development Contribution Scheme 2023-2026.

The Commission did not consider it reasonable to apply a development contribution to the proposed development based on an alternative class or description of development, namely 'Industrial/Commercial,' included in the adopted Development Contribution Scheme, as the Commission was satisfied that the proposed development was neither 'industrial' nor 'commercial' in terms of class or description of development. Furthermore, the Commission did not agree with the planning authority as expressed in its response to the appeal, that the class or description of development could be reasonably construed as comprising 'commercial' development on the basis that the provision of electricity supply to an end user is a commercial operation.

Therefore, the Commission was satisfied that there is no class or description of development within the current Dublin City Council Development Contribution Scheme which would apply to the subject proposal.

In deciding not to accept the inspector's recommendation to amend condition number 2, the Commission agreed with the inspector's view that the non-residential nature of the proposed use is not, in and of itself, enough to bring it into the Commercial / Industrial category of development but disagreed with the inspectors conclusion that the proposed development could be considered to be ancillary to a hospital use, which might be subject to a development contribution under section 13 of the Dublin City Council Development Contribution Scheme 2023-2026, as the proposed facility would be wholly owned and operated by a statutory undertaker who would service multiple end users from the proposed facility.