

Planning and Development Acts, 2000 to 2021

Planning Authority: Fingal County Council

Application for approval under section 182A(1) of the Planning and Development Act 2000, as amended, in accordance with plans and particulars lodged with An Bord Pleanála on the 12th of October, 2022 by Kilshane Energy, care of John Spain Associates of 39 Fitzwilliam Place, Dublin.

Proposed development: The proposed development primarily comprises the provision of a 220 kilovolt Gas Insulated Switchgear (GIS) substation and associated Air Insulated Switchgear (AIS) compound on lands at Kilshane Road, Kilshane, Finglas, Dublin 11, and an underground 220 kilovolt transmission line connection from the proposed GIS substation to the existing Cruiserath 220 kilovolt GIS substation, located within an overall landholding bound to the south by the R121/Cruiserath Road, to the west by the R121/ Church Road and to the north by Cruiserath Drive, along with all associated and ancillary works. The application site has an area of circa 13 hectares. The proposed 220 kilovolt Gas Insulated Switchgear substation is to be located on lands at Kilshane Road, Kilshane, Finglas, Dublin 11, and will include a proposed GIS substation building with a gross floor area of 475 square metres, within a circa 2.6 metre fenced compound. The proposed Gas Insulated Switchgear substation building has a maximum height of circa 13.5 metres, excluding lighting protection masts circa 2 metres in height at roof level. The Gas Insulated Switchgear substation building will accommodate a switchgear room, control room, battery room, workshop, generator room, and staff facilities. A 220

for

kilovolt Air Insulated Switchgear substation compound, including Air Insulated Switchgear electrical equipment within a fenced compound will be provided to the east of the GIS substation. The proposed underground 220 kilovolt transmission line will run west from the proposed substation site at Kilshane Road, following Bay Lane to the west, before turning south at the roundabout at the western end of Bay Lane. The route then extends southwest along public roads to the R121. The transmission line then proceeds south along the R121 until it reaches Cruiserath substation, leaving the road and entering the substation compound from the west. The proposed underground 220 kilovolt transmission line will have a length of circa 4.69 kilometres. The development includes adjacent access paths, connections to the two substations (existing and proposed), provision of a medium voltage rural supply to the Gas Insulated Switchgear substation (extending to the southwest of the Gas Insulated Switchgear substation along Kilshane Road), surface treatments, joint bays and communications chambers on the transmission line route, services, parking spaces within the substation compound, all associated construction works, and all ancillary works.

All within the townlands of Kilshane, Bay, Hollywoodrath, Tyrrelstown, and Cruiserath, Dublin.

Decision

APPROVE the proposed development under section 182A of the Planning and Development Act, 2000, as amended, for the following reasons and considerations and subject to the conditions set out below, and

DETERMINE under section 182B of the Planning and Development Act, 2000, as amended, the sum to be paid by the undertaker in respect of costs associated with the application, as set out in the Schedule of Costs below.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the nature, scale, and extent of the proposed development,
- (b) the characteristics of the site and of the general vicinity,
- (c) national, regional, and local policy support for developing the electricity transmission system and strengthening the national grid and in particular:
 - The National Planning Framework, 2018,
 - The Government Policy Statement on the Security of Electricity Supply, 2021,
 - The National Energy Supply Framework 2022
 - The Climate Action Plan, 2023;
 - The Regional Spatial and Economic Strategy for the Eastern and Midlands Region, and
 - The Fingal County Development Plan, 2017-2023,
- (d) the proximity of the site to the proposed gas-fired power station which is currently under consideration by Fingal County Council (FW22A/0204) and adjacent power line at Kilshane.
- (e) The proximity of the existing 220 kilovolt substation at Cruiserath,
- (f) the distance to dwellings or other sensitive receptors from the proposed development,
- (g) the submissions on file from prescribed bodies, third parties and the local authority,
- (h) the documentation submitted with the application, including the Appropriate Assessment Screening Report; and
- (i) the report of the Inspector.

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Appropriate Assessment:

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the receiving environment, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives.

Proper Planning and Sustainable Development:

It is considered that subject to compliance with the conditions set out below the proposed development would accord with European, national, regional, and local planning and related policy, would not have an unacceptable impact on the landscape or ecology, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the undertaker shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All of the environmental, construction and ecological mitigation and monitoring measures set out in the Environmental Report and other plans and particulars submitted with the application shall be implemented by the undertaker in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

3. The period during which the development hereby permitted may be carried out shall be ten years from the date of this Order.

Reason: In the interest of clarity.

4. Details, including samples, of the materials, colours, and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

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5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development.

Reason: In the interest of environmental protection and public health.

6. Prior to the commencement of development, the undertaker shall engage with the Irish Aviation Authority in order to confirm that the proposed development and any associated construction equipment would have no impact on the safety of flight operation along identified critical low level routes in support of operational requirements.

Reason: In the interests of air traffic safety.

7. The undertaker shall comply with the transportation requirements of the planning authority for such works and services as appropriate.

Reason: In the interest of traffic and pedestrian safety.

8. Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed in writing with the planning authority, generally in accordance with the preliminary CEMP submitted with the application. The CEMP shall incorporate the following:

- (a) a detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise, dust and surface water management measures including appointment of a site liaison officer, construction hours and the management, transport and disposal of construction waste,
- (b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period,

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- (c) traffic management and road safety procedures and measures,
- (d) an emergency response plan; and
- (e) proposals in relation to public information and communication.

A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of environmental protection and orderly development

9. The undertaker shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the undertaker shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

11. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the undertaker and at the undertaker's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

12. Hedgerows or trees to be removed on site shall not be removed during the bird nesting season of 1st March to 31st August.

Reason: In the interest of nature conservation.

13. During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:

- (i) An LAeqT value of 55 decibels (A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be one hour.]
- (ii) An LAeqT value of 45 decibels (A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 decibels (A) above background levels at the boundary of the site.

All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R 1996 1, 2 or 3 "Description and Measurement of Environmental Noise" as applicable.

Reason: To protect the amenities of property in the vicinity of the site.

14. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

Reason: To ensure the satisfactory completion of the development.

Schedule of Costs

In accordance with the provisions of section 182B of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is **€79,857**.

A breakdown of the Board's costs is set out in the attached Appendix 1.

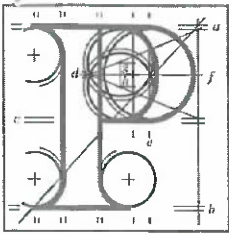


Peter Mullan

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this *26th* day of *August*, 2023



An
Bord
Pleanála

Board Order –
Appendix 1
ABP-314894-22

Strategic Infrastructure Development

Costs of determining the Application

Case Number: ABP-314894-22

Proposed Development: Proposed development of a 220kV Gas Insulated Switchgear (GIS) substation and an underground 220kV transmission line connection to the existing Cruiserath 220kV substation on lands at Kilshane Road, Kilshane, Finglas, Dublin 11.

Board Costs		
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) €3,430 Inspector 2 (application) €17,762.50	€21,192.50
(2)	Costs invoiced to Board	N/A
	Total chargeable costs	€21,193
Board Fees		
(3)	Application Fee - €100,000 Pre-application Consultation Fee- €1,000	€101,000
(4)	Observer fees paid	€50
	Total	€101,050
	Net amount due to be refunded to applicant	€79,857

Peter Mullan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this *20th* day of *August*, 2023