

An  
Bord  
Pleanála

## Board Order ABP-318795-24

### Planning and Development Acts 2000 to 2022

**Planning Authority:** Dublin City Council

**Planning Register Reference Number:** 4057/23

**Appeal** by Eirgrid of The Oval, 160 Shelbourne Road, Ballsbridge, Dublin in relation to the application by Dublin City Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 2 of its decision made on the 29<sup>th</sup> day of November, 2023.

**Proposed Development:** 10-year permission for the construction of a new 220kV gas insulated switchgear (GIS) switchboard building measuring 65.2 x 51.8 metres and 17 metres high, construction of two number new shunt reactor units (each within a 4.3-metre x 8.2 metre x 5.5-metre enclosure) and one number new series reactor unit (within a 4.7-metre x 12.7-metre x 16.6-metre enclosure), associated connections to the 220kV GIS switchboard building and decommissioning and removal of two number existing shunt reactors, an extension of the existing internal access road around the new GIS switchgear building and four number car parking spaces, all ancillary and associated works to facilitate the development, including removal of existing perimeter berm and new 2.6-metre-high boundary fence around extended substation compound, perimeter planting, three-metre-high lightning protection to new GIS switchboard building, surface water drainage network, including an attenuation pond, lighting and laying of two temporary cable circuits for the construction and commissioning period, connection of the existing AIS building to the new GIS switchboard building and all other associated site excavation, raising of

site levels, infrastructural and site development works above and below ground, all on a site measuring 3.6 hectares at Poolbeg 220kV Electrical Substation and adjacent land, Pigeon House Road, Dublin.

## **Decision**

**The Board, in accordance with section 48 of the Planning and Development Act 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 2 and directs the said Council to REMOVE condition number 2 and the reason therefor.**


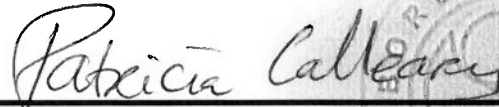
## **Reasons and Considerations**

It is considered, based on the information on file, including the description of the proposed development set out in the public notices and the submitted drawings and particulars and, based on the submissions received from the first party and the planning authority, that the development, comprising electricity transmission infrastructure, is not a class or description of development that is specified in the adopted Dublin City Council Development Contribution Scheme 2023-2026, which, under Section 48(2)(a) is the basis for the determination of any contribution. The Board 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 contribution scheme, as the Board was satisfied that the development before the Board is neither 'industrial' nor 'commercial' in terms of class or description of development. Furthermore, the Board 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. Overall, the Board was satisfied that there is no class or description of development for the proposal that is now

before the Board, contained within the current Dublin City Council Development Contribution Scheme.

In deciding not to accept the Inspector's recommendation to attach condition number 2, the Board did not share the view of the Inspector that the planning authority had correctly applied the terms of the Dublin City Council Contribution Scheme 2023-2026. The Inspector arrived at this conclusion largely on the basis that, as set out in the Inspector's assessment, the development can be both a public service utility and an industrial development and that there is no exemption for a public utility class of development in the contribution scheme. However, the Board did not share this view. Instead, the Board concluded that, having regard to the class or description of the development, comprising electricity transmission infrastructure, and by reason of the different classes of development set out in the development contribution scheme, the development does not fit within an 'industrial/commercial' class or description of development specified in the scheme. Furthermore, the Board was satisfied that the development does not fit within any other class or description of development specified in the scheme. The Board did not share the Inspector's findings that the two (residential and industrial/commercial) classes or descriptions of development specified in the scheme are not an exhaustive list or the expressed view that within the meaning of the scheme, development is one or the other. Specifically on this matter, the Board noted that Section 48(2)(b) of the Planning and Development Act 2000, as amended, provides that 'a scheme may make provision for payment of different contributions in respect of different classes or descriptions of development' and in this regard, the Board was satisfied that the intention of a Section 48 development contribution scheme is that, when prepared and adopted, there is clarity and certainty for the planning authority and any applicant/developer of the classes or descriptions of development that fall within any such scheme, in addition to the level of contribution payable. In relation to the Inspector's view that there is no exemption in the scheme for a public utility, the Board was satisfied that, as the development now before the Board does not fit within any class or description of development within the adopted development contribution scheme, and as a consequence no development contribution applies, the matter of exemption, or a reduced contribution, does not arise in this instance.

Overall, the Board was satisfied that the development, comprising electricity transmission infrastructure, is not a class or description of development specified within the adopted Dublin City Council Development Contribution Scheme 2023-2026.



**Patricia Calleary**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this 19 day of March 2025.**