



An
Bord
Pleanála

Inspector's Report ABP-300793-18

Development	Underground double circuit 110kV transmission line between the existing Belcamp 220kV and 110kV substation to the permitted Darndale 110kV substation located at the Former Diamond Innovations Site.
Location	Clonshaugh Business and Technology Park, Dublin 17
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	
Applicant(s)	Amazon Data Services Ltd (ADSIL)
Type of Application	Determination in respect of Strategic Infrastructure Development
Date of Site Inspection	31/05/18
Inspector	John Desmond

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1.0 Proposed Development

- 1.1. Provision of an underground double circuit 110kV transmission line between existing Belcamp 220kV and 110kV substation, in Fingal County Council, to the permitted Darndale 110kV substation (permitted under Dublin City Council Reg.Ref.3288/16 and 3874/15) in Dublin City Council.
- 1.2. The grid connection is designed to support current power demand and future growth within Clonshaugh area, inclusive of but not limited to the power requirements of the existing and future developments within the ADSIL site. The 110kV double circuit and 110kV Darndale substation will be developed by the developer and handed over to EirGrid on commissioning.
- 1.3. The preferred route, Option 1a (drawing no.1022, submitted 30/01/18), extends 200m north from the permitted substation at the northern end of the ADSIL site along the southwestern side of M50/M1 interchange (junction 1, 3), turns east along the public road (R139) for about 1.5km, before returning northwards for c.270m to the Belcamp substation.

2.0 Applicant's Case

- 2.1. The applicant considers the proposed grid connection to be strategic infrastructure for the purpose of electricity transmission, pursuant to section 182A of the Act of 2000, on the basis that the line will form part of the transmission network.

3.0 Planning History

Ref.VA0014 – 220kV and 110kV substation **APPROVED** by An Bord Pleanála (12/02/13) (further to s.182E Pre-Application ref.VC0058) at Belcamp and Clonshaugh, County Dublin.

Ref.VC0058 – The Board determined (27/07/12) that a proposed 220kV substation and associated development at Belcamp, Co. Dublin, **IS** Strategic Infrastructure Development.

Reg.Ref.4449/16 – Permission **GRANTED** DCC (06/04/17) for 14,107-sq.m electrical rooms operations (use unclear – use clarified as a Data Centre at pre-application consultation) – EIS submitted as site >15ha. The description of the proposed development, as set out in chapter 1 and 2 of the EIS did not refer to the proposed ‘grid connection’, but chapter 2 refers to the existing substation compound in the ‘current site layout’ in Figure 2.1 and s.2.2.5.4 states *A new 110/20kV substation is currently being constructed and the first phase should be completed and live in mid-2017. (Future data centre development will require commissioning of additional capacity and infrastructure at the substation up to mid-2019).* Chapter 3 confirms that *‘A 110/20kV Substation is currently being constructed on the northern portion of the site and when completed will provide power requirements for the development (and potential future phases) and that It is intended that the connection to the existing 10kv supply will be decommissioned following completion and connection to the permanent substation in 2017. S.3.3.14 Site Preparation states ‘Other works required will include surveying and setting out for structures, any rerouting of services/connections to services and setting up of the construction site with fencing, site compounds etc.’*

The grid connection is not referred to under any of the other chapters in the EIS and it would therefore appear that the cumulative impact of the then proposed development, inclusive of the future grid connection which is anticipated as necessary in chapter 2 of the EIS, has not been subject of EIA.

Reg.Ref.3288/16 – Permission **GRANTED** by Dublin City Council (26/09/16) for amendments to Reg.ref.3874/15 including, inter alia, a 2-storey 110kV substation of 690-sq.m and a 16,700-sq.m electrical rooms facility (data centre) at Clonshaugh Business and Technology Park. No EIS as site area indicated as subthreshold.

Reg.ref.3874/15 - Permission **GRANTED** by DCC (29/01/16) for, inter alia, a new two-storey c.16,700 sq.m building for use as electrical rooms for electronic operations (i.e. a Data Centre), mechanical plant rooms and support areas including offices and welfare facilities, a loading bay, back-up generators and a water tank farm at 1C Clonshaugh Business and Technology Park. EIA not required as site area indicated as subthreshold.

PL29N.245738 / Reg.ref.2552/15 – Permission **GRANTED** by the Board (26/04/16)

for an aviation fuel pipeline between Bond Drive, Dublin ort D1 and Dublin Airport along, inter alia, R139.

4.0 Natural Heritage Designations

Baldoyle Bay SAC site code 000199 (c.3.8km to the east)

Baldoyle Bay SPA site code 004016 (c.4.3km to the east)

North Dublin Bay SAC site code 000206 (c.4.4km to the southeast)

North Bull Island SPA site code 004006 (c.4.4km to the southeast)

Malahide Estuary SAC site code 000205 (c.5.2km to the north)

Malahide Estuary SPA site code 004025 (c.5.2km to the north)

5.0 Legislative Provisions

Section 2(1) of the Act defines strategic infrastructure to include, inter alia:

‘any proposed development referred to in section 182A(1)’.

S.37A

(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 Spatial Strategy 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.'

Section 182A(1) of the Act refers to electricity transmission lines and requires that where an undertaker intends to carry out development comprising or for the purposes of electricity transmission, an application for approval shall be made to the Board.

'Where a person ... 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 under section 182B and shall apply to the Board for such approval accordingly'.

Section 182A(9) clarifies 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.

Section 2(1) Electricity Regulation Act, 1999 defines transmission as:

"transmission", subject to section 2A, in relation to electricity, means 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.

6.0 Assessment

- 6.1. The applicant considers the proposed grid connection to be strategic infrastructures for the purposes of electricity transmission under s.182A of the Act. S.182A(1) provides that where a person intends to carry out development comprising or for the purposes of electricity “*transmission*”, the application for approval shall be made to the Board. According to S.182A(9) “*transmission*” means, inter alia, the transport of electricity by means of a high voltage line where the voltage would be 110 kilovolts or more.
- 6.2. The intended grid connection comprises underground double 110kV circuit electricity cable connection between the permitted and existing substations; is designed to support current power demand and future growth within Clonshaugh area, inclusive of but not limited to the power requirements of the existing and future developments within the ADSIL site; and will be constructed by the developer and handed over to EirGrid on commissioning.
- 6.3. In response for a request by the Board concerning whether the proposed underground transmission line may form part of the national transmission network and any relationship that the proposed development would have with the existing transmission network, Eirgrid submitted that

‘The proposed 110kV underground double circuit will run between Belcamp 220kV/110kV Electrical Substation, and existing asset on the transmission network and the permitted Darndale 110kV Electrical Substation, a future asset on the transmission network. The circuit between the existing and permitted transmission network assets would

¹ The Electricity Supply Board.

ultimately form part of the national transmission network.'

Eirgrid's response would confirm that the proposed grid connection is for the purposes of electricity "*transmission*" and would ostensibly fall within the scope of s.182A of the Act.

- 6.4. However, the Board will note previous decisions it has made on strategic infrastructure pre-application consultation requests, in relation to provision of electricity transmission infrastructure, under s.182E (VC0024, VC0043 and VC0048, Inspectors' reports and Board Directions attached). In these the Board has had regard to the purposes of the Strategic Infrastructure Act 2006, which concerns '*certain proposed developments of strategic importance to the State*', and the criteria contained in s.37A(2) of the Act of 2000 to determine such matters, notwithstanding that the said section does not specifically apply to cases falling within the scope of s.182A.
- 6.5. Regarding the criteria under s.37A(2), the intended development is of moderate scale and significance, designed to support current power demand and future growth within Clonshaugh area, inclusive of but not limited to the power requirements of the existing and future developments within the ADSIL data centre site (the substation was authorised under the data centre permission) and, whilst locally important, would not '*(a) ... be of strategic economic or social importance to the State or the region in which it would be situate*'; given that the infrastructure concerned is not included in the National Planning Framework (or the expired NSS), or a RSES (none yet in force) for the Eastern and Midland Regional Assembly, it would not '*(b) ... contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate*'; and, due to the underground nature of the intended grid connection, located largely within or adjacent the public road within the built up area of Dublin, within an environment that is not of particular sensitivity, it would not '*(c) ... have a significant effect on the area of more than one planning authority*'.
- 6.6. I consider that the proposed development as described in the submissions and drawings, and having regard to the stated purpose of the 2006 Act as set out in the long title and to the general description and scale of strategic infrastructure

development set out in section 37A(2) would not constitute strategic infrastructure. I therefore conclude that the proposed development consisting of underground 110kV double-circuit cabling between the existing and permitted substations to connect the permitted data centre to the transmission system does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended necessitating an application direct to the Board

7.0 Recommendation

- 7.1. I recommend that Amazon Data Services Limited (ADSIL) be informed that the proposed development comprising provision of an underground double circuit 110kV transmission line between existing Belcamp 220kV and 110kV substation, in Fingal County Council, to the permitted Darndale 110kV substation in Dublin City Council, as set out in the plans and particulars received by An Bord Pleanála on the 30th January 2018 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 and Fingal County Council.

John Desmond
Senior Planning Inspector

24th July 2018