



An
Bord
Pleanála

Inspector's Report 301236-18

Development	Development associated with the provision of a battery storage system.
Location	Lands north of the South Bank Road, Poolbeg, Dublin 2.
Planning Authority	Dublin City Council
Prospective Applicant	ESB International
Type of Request	Section 182E request for SID Pre-application consultation – whether project is or is not strategic infrastructure development.
Inspector	Pauline Fitzpatrick

1.0 Proposed Development

The site is located to the north of the South Bank Road, Poolbeg, and is currently a surfaced yard within the wider ESB landholding. The Dublin Waste to Energy facility is located to the east whilst lands to the west and north are in use for ESB electricity generation purposes.

ESB propose:

Electrical plant and grid connection associated with the provision of a Battery Energy Storage System (BESS). The proposed development will be subject to detailed design prior to lodging of a planning application. An initial site layout is provided.

It will comprise of an enclosed compound with:

- Battery storage located to the east of the site
- Ancillary electrical plant in two fenced compounds, one containing a single 110kV bay compound and the 2nd accommodating an IPP transformer and single storey control room building.
- c. 230 metre 110kV underground cable connection to the national grid at the existing Ringsend 110kV substation to the north-west of the site.

The BESS is to have an anticipated capacity of 100MW. It will operate by charging batteries using electricity imported from the national grid. When the stored energy is required it can be released to provide grid system services such as stabilising the frequency of the electricity network or provide energy during periods of electricity shortages. These types of services are being sought in the electricity market under the Eirgrid DS3 Programme.

The electrical plant has a specific purpose as distribution infrastructure and does not constitute transmission infrastructure.

2.0 Applicant's case

- The 110kV elements require screening under the provisions of the Planning and Development Act, 2000 as amended.

- Development is not considered to be strategic infrastructure in that the proposed development does not satisfy the criteria contained in s.37(A)(2) of the Act.
- The development is modest in scale and is wholly required to connect the proposed BESS to the national grid.

3.0 Legal Provisions

Under section 182A(1) of the 2000 Act (inserted by section 4 of the 2006 Act) where a person (thereafter referred to as the ‘undertaker’) intends to carry out development comprising or for the purposes of electricity transmission (hereafter referred to in this section and section 182B as ‘proposed development’), the undertaker shall prepare, or cause to be prepared, an application for approval of development under section 182B and shall apply to the Board for such approval accordingly.

Subsection 9 states that

In this section ‘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.

In section 2(1) of the Electricity Regulation Act, 1999, “transmission” is defined in relation to electricity as meaning

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 from any interconnector or to final customers but shall not include any such lines which the Board 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.

4.0 Assessment

The Board will note previous decisions it has made on SI pre-application consultation requests in relation to electricity transmission infrastructure under S.182E involving amendments, additions and expansion of electricity infrastructure. Due to lack of clarity in the interpretation of s.182A and its requirements regarding such type development the Board has exercised some discretion and used the broad definition of the SI Act, “developments of strategic importance to the State”, and the criteria contained in s.37(A)(2) to determine such matters (although not specifically cited in regard to cases coming forward under s. 182A).

A Battery Energy Storage System is proposed to be provided on the lands which will operate by charging batteries using electricity imported from the national grid which can be released to provide grid system services.

Whilst the BESS may be considered to be of some strategic importance in terms of providing grid services such as stabilising the frequency network or providing energy during periods of electricity shortage, it does not come within the definition of transmission as set out above, that is to say it is not 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 from any interconnector or to final customers. Furthermore, it is not a class of development as set out in Schedule 7 of the Planning and Development Act, 2000, as amended, for the purposes of section 37A.

It is the proposed ancillary equipment to allow connection to the national grid entailing a c.230 metre 110kV underground cable, a 110kV bay compound and IPP transformer which has triggered this pre-application consultation. The stated purpose of the said works is to facilitate the connection of the proposed BESS to the national grid and are stated to be distribution rather than transmission infrastructure. As such the proposal does not come within the definition of transmission as set out above. Furthermore the development could be considered ancillary to the main works relating to the BESS which does not come within the definition of strategic infrastructure.

However should the Board conclude that the works come within the specified parameters of transmission I submit that it would be reasonable to consider the long title of the Planning & Development (Strategic Infrastructure) Act 2006 in order to understand the intended purpose of the Act. This provides for the making applications directly to An Bord Pleanála for “developments of strategic importance to the State.”

Section 37(A)(2) of the P & D Act 2000-2010 lists 3 requirements of which one or more must be met to constitute strategic infrastructure. It should be noted that the criteria listed under section 37(A)(2) are not repeated under section 182(A), however they do provide a useful reference regarding the nature, importance and extent of a proposed development which is to be regarded as Strategic Infrastructure Development. In this context I note the modest scale of the works located on ESB lands within an industrial area in close proximity to the Rinsgend 110kV substation to the north-east.

Having regard to the 3 requirements I do not consider that the 1 no. 110kV bay compound, IPP transformer and underground cable constitute strategic infrastructure in that they are to serve the BEES only. They are not of strategic economic importance to the State, would not contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or the current Regional Planning Guidelines for the Greater Dublin Area and are within the catchment of a single planning authority.

5.0 Recommendation

Having regard to the above I recommend that ESB be informed that the proposed electrical plant and grid connection associated with the provision of Battery Energy Storage System on lands north of the South Bank Road, Poolbeg, Dublin as set out in the plans and particulars received by An Bord Pleanála on the 20th March, 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.

Pauline Fitzpatrick
Senior Planning Inspector

April, 2018