



An
Bord
Pleanála

Inspector's Report Strategic Infrastructure pre application consultation 301341-18.

Development	Undergrounding of existing Citywest-Cookstown/Citywest-Inchicore 110kv double circuit line.
Location	Citywest Business Campus, Saggart Co Dublin.
Planning Authority	South Dublin County Council.
Prospective Applicant(s)	ESB networks (ESBN).
Type of Request	Section 182E request for SID Pre-application consultation – whether project is or is not strategic infrastructure development.
Inspector	Philip Green.

1.0 Proposed Development

1.1. The prospective applicants propose

- to underground a section of some 460m. of existing 110kV double circuit 6 wire overhead transmission line along with removal of associated support structures (2 no. intermediate towers).
- Installation of transmission interface compound with 2 no. cable masts and associated equipment surrounded by 2.6m. high palisade fencing.
- Installation of 750m of underground transmission line cable and associated ducting and associated works in the Citywest substation.
- Associated development works including site preparation, site fencing, laying of cables etc.
- Aerial photographs and site location maps provided with request indication extent and location of works proposed.

1.2. It is stated that the proposed development will facilitate the development of the site. It is also stated that the development was the subject of a previous grant of permission by the planning authority (SD07A/0966) now expired. Notification of Decision provided on file.

2.0 Applicant's case

2.1. Development not considered to be strategic infrastructure given previous determinations of the Board which have used criteria set out in s. 37A(2). Given modest scale of development and that it will primarily facilitate the relocation of an existing high voltage line and equipment it would not constitute SI.

2.2.

3.0 Legal Provisions

3.1. 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 to 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**

- 4.1. The Board will note previous decisions it has made on SI pre application consultation requests in relation to provision of electricity transmission infrastructure under S.182E and also involving new or replacement substations and amendments, replacement, additions and expansion of electricity substation and transmission

infrastructure. In these cases due to lack of clarity in the interpretation of s.182A and its requirements in regard to developments of such a nature 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).

- 4.2. In this case the prospective applicant has indicated their opinion that the proposed development does not constitute strategic infrastructure under s. 182A given previous determinations made by the Board. As indicated in the applicant’s submission some discretion has been exercised by the Board in such cases particularly where alterations to existing infrastructure is concerned or where replacement infrastructure (permitted by the Board or a planning authority) is involved. Recent examples including underground cables include VC0095 and VC0112.
- 4.3. I am not convinced that the proposed undergrounding of the existing overhead transmission line along with ancillary interface compound in the manner proposed and for such a distance could reasonably be construed as strategic infrastructure having regard to the wider interpretation of the Act set out above. The need for and location of the line is established. In addition, precedent has been established by the Board for determining that such works do not constitute strategic infrastructure and I see no compelling justification to reach a different conclusion in this case. A need, precedent and role for the presence of transmission infrastructure in the locality has already been established.
- 4.4. 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 conclude that the proposed development consisting of undergrounding of existing Citywest-Cookstown/Citywest-Inchicore 110kv double circuit line at the Citywest Business Campus, Saggart Co Dublin 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.

5.0 Recommendation

- 5.1. I recommend that ESN be informed that the proposed development consisting of undergrounding of existing Citywest-Cookstown/Citywest-Inchicore 110kv double circuit line at the Citywest Business Campus, Saggart Co Dublin as set out in the plans and particulars received by An Bord Pleanala on the 29th 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 South Dublin County Council.

Philip Green
Assistant Director of Planning

24th April 2018.