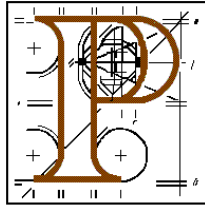


An Bord Pleanála



Inspector's Report.

Case Ref. No: 301437-18.

Issue: SID Pre-application – whether project is or is not strategic infrastructure development.

Proposed Development: Provision of an ancillary substation to provide electrical supply to the north apron.

Location: Dublin Airport, Co. Dublin

Applicants: Dublin Airport Authority plc.

Planning Authority: Fingal County Council.

Inspector: Philip Green.

1.0 Proposed Development.

- 1.1** Dublin Airport Authority has submitted this request for a pre application consultation. Attached with the request was an explanatory statement and set of drawings illustrating the indicative location and layout of the proposed development and analysing the development in the context of the legislative provisions of the Act as it relates to Strategic Infrastructure.
- 1.2** The proposed development is referred to as for the provision of an ancillary sub station to provide electrical supply to the North Apron. This will replace an existing mini sub station and provide power to the apron to facilitate airport operations primarily aircraft parking and loading/unloading procedures. The sub station will be a free standing structure (approx. 20m. x 20m.) enclosing transformer room, electrical and communications switchboard, generator and ancillary elements. A bunded oil tank will be erected external to the main structure supporting the internal generator. Underground cables will facilitate linkage to existing infrastructure
- 1.3** Applicants indicate that power supply required to the apron to facilitate fuelling and refuelling, cleaning and catering in addition to powering high mast and ground lighting and auxiliary power to aircraft on the ground. North Apron currently served by a mini sub station on the north western section of the apron and proposed development will replace this existing facility with a larger of up to 20kV ensuring continuity of supply to existing and planned parking stands. In addition stated that such development is exempted under Class 29 for an electricity undertaking subject to volume above ground limitation which is exceeded in this case. DAA as successors of Aer Rianta are the 'de facto' holders of a permit to distribute and supply electricity at Dublin Airport under Section 37 of the Electricity Supply Act in accordance with Section 15 of the Electricity Regulation Act 1999.

2.0 Applicant's case.

- 2.1** Dublin airport is Ireland's busiest airport and during 2017 almost 29 million passengers travelled through the airport. It is therefore a facility specified in Seventh Schedule.
- 2.2** Indicative location for substation covered by Fingal County Development Plan 2017-2023. Item 9 of strategic policy section supports safeguarding of current and future safety and technical requirements and to provide for ongoing development within a sustainable framework of a LAP. Other relevant Objectives DA01 and DA02 (quoted) support operation and future development of airport and preparation of a new LAP.

- 2.3** Proposed substation supports efficient and secure operation of airport. Indicative location covered by zoning objective DA covering the operational buildings and lands associated with the airport and its runways and includes objective to ensure for efficient and effective operation and development of airport. DAA working closely with Fingal to prepare a new LAP for Dublin Airport anticipated to be in place in 2018.
- 2.4** It is not considered that the proposed development would be strategic in nature as defined in the Act. It would provide power to a distinct area of the airport.
- 2.5** Sub station in its own right would not contribute to the fulfilment of any of the objectives in the NSS or in any regional planning guidelines as it will not deliver any significant new infrastructure.
- 2.6** Proposed substation would not have a significant effect on the area of more than one planning authority.
- 2.7** DAA note that similar ancillary sub station deemed not strategic infrastructure under 06F PC0189 and a planning application was subsequently made to Fingal and permitted (F15A/0020). Development in keeping with that previous decision by Board and considered that development should be applied for to Fingal as not constituting S.I.

3.0 Legal Provisions.

3.1 The development subject of this pre application consultation request relates specifically to a proposed substation to be constructed at Dublin Airport. Of broad relevance therefore are the following including the classes of development in the Seventh Schedule inserted into the Planning and Development Act 2000 by section 5 of the Planning and Development (Strategic Infrastructure) Act 2006 and s.78(a) of the Planning and Development (Amendment) Act 2010:

3.2 Classes of development in the Seventh Schedule inserted into the Planning and Development Act 2000 by section 5 of the Planning and Development (Strategic Infrastructure) Act 2006:

Energy Infrastructure

1. Development comprising or for the purposes of any of the following:

- *An industrial installation for carrying gas, steam or hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables, where the voltage would be 200 kilovolts or more, but excluding any proposed development referred to in section 182A(1) and*

Transport Infrastructure

2. Development comprising or for the purposes of any of the following:

An airport (with not less than 2 million instances of passenger use per annum) or any runway, taxiway, pier, car park, terminal or other facility or installation related to it (whether as regards passenger traffic or cargo traffic).

- 3.3** Section 37A(1) says that an application for permission for any development specified in the Seventh Schedule shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority. Section 37A (2) says

That condition is that, following consultation under section 37B, the Board serves on the prospective applicant a notice in writing 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 (**now National Planning Framework**) 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.*
- 3.4** 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** Given the small scale nature and capacity of the sub station I do not consider that it would constitute development for the purposes of defining energy infrastructure as set out in the Seventh Schedule (see 3.1 above).
- 4.2** Whilst I note the submissions in regard to the DAA’s status as an ‘electricity undertaking’ it would appear to me that this is for the purposes of distribution and supply of electricity rather than electricity transmission as defined in the Planning Act. Having regard also to the small scale of the substation I conclude that this proposed development is not for the purposes of ‘electricity transmission’ that would require consideration under s.182A of the Act. It is my opinion that in such circumstances the development the subject of this pre application consultation should therefore be considered under the ‘airport’ category of development specified in the Seventh Schedule.
- 4.3** Dublin Airport is an ‘airport’ falling within the class defined in the Seventh Schedule (see 3.1 above). I conclude that on the basis of the information provided and particularly the stated ancillary nature and purpose of the substation that the proposed development would constitute a facility or other installation associated with an airport with not less than 2 million instances of passenger use per annum.
- 4.4** Notwithstanding the above I am not however convinced that in itself the currently proposed development’s scale, purpose, function and significance is either ‘strategic’ or ‘substantial’ in the sense construed and required by Section 37A(2)(a) and (b) to justify SI status. Neither do I consider that Section 37A(2)(c) is applicable to this case. I consider that the proposed development as described in the submissions would not satisfy any of the conditions contained in section 37A (2) (a), (b) or (c) of the Act. I consider that the conclusions reached in regard to previous case 06F PCPC0189 (not S.I.) would

equally apply to this case. Therefore, I agree with the prospective applicant that this proposed development does not constitute a strategic infrastructure development.

Recommendation.

I recommend that the Dublin Airport Authority plc be informed that the proposed development consisting of the provision of an ancillary substation to provide electrical supply to the north apron as set out in the plans and particulars lodged with the Board on the 18th April 2018 does not fall within one or more of the paragraphs specified in the condition contained in section 37A (2) of the Planning and Development Act, 2000, as amended, and that a planning application should be made in the first instance to Fingal County Council.

Philip Green,
Assistant Director of Planning.
27th April 2018.