



An  
Bord  
Pleanála

## Inspector's Report ABP 302148-18

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<b>Development</b>	Replacement substation to serve the airfield with power.
<b>Location</b>	Dublin Airport
<b>Prospective Applicant</b>	Cundall on behalf of DAA
<b>Planning Authority</b>	Fingal County Council
<b>Type of Application</b>	Pre-Application Consultation, Section 37B of the Planning and Development Act, 2000, as amended.
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Pre-Application Consultation

The Board received a request on the 20<sup>th</sup> July 2018 from Cundall on behalf of Dublin Airport Authority to enter into pre-application consultations in relation to the proposed development at Dublin Airport.

## 2.0 Proposed Development

The proposed development comprises a substation to replace an existing airside substation that will serve existing airport operational requirements including the north runway.

The 10kV substation will comprise a single, freestanding structure of approx. 56m x 17m within which a transformer room, electrical communications switchboard, generator and ancillary elements are to be housed. A bunded oil tank is to be erected external to the main structure which will support the internal generator. Underground cable tranches will facilitate connection of power supply to existing infrastructure.

The substation to be replaced was constructed in 1987 which houses various generators and power supply equipment for both the Western ATC Tower building and miscellaneous AGL and NAVAID systems on the northern side of the Airfield. It is considered sub-optimal for the Airport's expansion plans.

The substation will:

- Provide much needed capacity.
- Accommodate an interconnection between the proposed North Runway MV system and existing South Runway MV system which would improve the resilience of power supplies to the Tower Campus and various Airfield substations and reduce the cost of the North Runway electrical systems.
- Accommodate modern redundancy features/installations and mitigate the significant consequences that a fire or similar event could have on the current facility for both IAA and DAP operations.

- Provide more efficient access for the Contracting Authority's engineering/maintenance staff airside by eliminating landside restrictions and travel time.

Whilst the DAA as successor of Aer Rianta currently holds a de facto permit under Section 37 of the Electricity Supply Act 1972 and could avail of the exemption provided for in Class 29 of the Planning and Development Regulations, 2001, as amended, the proposed 10kV substation exceeds the 11 cubic metre area which is a restriction attached to the class.

### **3.0 Prospective Applicant's Case**

It is submitted that whilst the proposed development relates to a class specified in the Seventh Schedule of the Planning and Development Act, it does not meet the criteria set out in section 37A(2) of the Act and does not come within the scope of strategic infrastructure development in that:

- The substation is providing power to airside operations and is not strategic in nature
- It would not, in its own right, contribute to the fulfilment of any of the objectives of the National Planning Framework or the Regional Planning Guidelines for the area.
- It would not have a significant effect on the area of more than one planning authority
- Precedent has been set in the Board's previous determinations in relation to substations at the airport under refs. PC0070, PC0189 and PC0239.

### **4.0 Relevant Planning History**

### **5.0 Legal Provisions**

The development subject of this pre application consultation request relates to a replacement substation and ancillary works. 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 section 78(a) of the Planning and Development (Amendment) Act 2010:

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).

#### 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).

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 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.

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.

## 6.0 **Assessment**

Given the small scale nature and capacity of the substation I do not consider that it would constitute development for the purposes of defining energy infrastructure as set out in the Seventh Schedule (see 5 above).

Whilst I note the submission<sup>0</sup> regarding 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 and voltage capacity of the substation I conclude that this proposed development is not for the purposes of 'electricity transmission' being electrical plant related to a high voltage line that would require consideration under s.182A of the Act. It is my opinion that in such circumstances the proposed development should therefore be considered under the 'airport' category of development specified in the Seventh Schedule.

Dublin Airport is an 'airport' falling within the class defined in the Seventh Schedule. I conclude that on the basis of the information provided and particularly the stated purpose of the substation, namely to replace an existing sub-optimal substation which supplies electricity to airside facilities, 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.

Notwithstanding the above I am not convinced that, in itself, the 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.

Based on the scale and function the proposed development could not be viewed as one of strategic economic or social importance to the State or that it would, in itself, contribute substantially to the fulfilment of any of the objectives set out in the National Planning Framework or the Regional Planning Guidelines for the Greater Dublin Area 2010-2022. In addition, the proposal would not have a significant effect on the area of more than one planning authority.

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

There have been a number of other pre-application consultation requests for substation development not deemed to be strategic infrastructure at Dublin Airport. Of particular note are those referenced by the prospective applicant, PC0070, PC0189 and PC0239, and which are considered comparable to that subject of this request.

Having regard to these considerations, I am of the opinion that the proposed development would not satisfy any of the conditions contained in section 37A (2) (a), (b) or (c) of the Act. I conclude that the proposed development does not constitute a strategic infrastructure development.

## **7.0 Recommendation**

Having regard to the above I recommend that Cundall be informed that the proposed development consisting of a replacement substation to serve the airfield with power 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.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**October, 2018**