



An
Bord
Pleanála

Inspector's Report

ABP-306723-20

Development

Proposed strategic infrastructure development of a data centre on undeveloped land linked to existing Huntstown power stations, new GIS substation and associated site works

Location

Townland of Huntstown, North Road, Finglas, Dublin 11

Planning Authority

Fingal County Council

Prospective Applicant

Huntstown Power Company Limited

Date of Pre-Application Consultation Meeting

12 June 2020 & 30 November 2020

Date of Site Inspection

7 December 2020

Inspector

Una Crosse

1.0 Pre-Application Consultation

- 1.1. The Board received a request on 20th February 2020 from Brock McClure Planning Consultants on behalf of Huntstown Power Company Ltd. to enter into pre-application consultations under Section 37E of the Planning and Development Act 2000, as amended, in relation to a proposed development in the townland of Huntstown, North Road, Finglas, Dublin 11.
- 1.2. As proposed in the original documentation received, the pre-application consultation request was made under 37B of the Act as a Seventh Schedule development under the energy infrastructure category. It comprised the development of a data centre development linked to the existing substation and a GIS substation. It was outlined at the pre-application consultation meeting held on 12 June 2020 that given that the provisions relating to consideration of data centres under the Seventh Schedule provided for by s.49 of the Planning and Development (Amendment) Act 2018 (16/2018), which inserted a fifth section to the Seventh Schedule entitled “Communications and Data Infrastructure” had not been commenced. It was advised that the Board would not be in a position to accept the data centre element of the proposed development until such time as this section of the Act was commenced.
- 1.3. A second pre-application consultation meeting was held on 30th November 2020 where it was proposed that the development proposed for consideration by the Board would comprise the GIS substation element only and that same would be considered under the provisions of Section 182E of the Act. Subsequently, following the second pre-application meeting, the prospective applicant formally requested closure of the pre-application consultation process by letter dated 20 January 2020.
- 1.4. This report describes the location and nature of the proposed development, the applicant’s submission, the consultations held and the legal provisions which are relevant to the proposed development. It recommends that the proposed development constitutes strategic infrastructure, and it sets out reasons and considerations to support this conclusion.

2.0 Site Location and Context

- 2.1. The overall site has an area of c.21 hectares (area of GIS substation site is c.3.89ha) and comprises greenfields located within the townland of Huntstown on the North Road in Finglas, Dublin 11 north of the N2/M50 interchange. The site is screened from the access road by an existing boundary and is not widely visible within the immediate environment. Access to the site is from the R135 via the existing access road that serves both Huntstown power stations and Huntstown quarry. There are a number of commercial premises including a garden centre east of the R135 and Dogs Trust Ireland is located to the north of the lands with an anaerobic digestion power plant nearing competition to the south.
- 2.2. The site is not located within any European designated site or nationally designated conservation site. The most proximate designated sites are the South Dublin Bay and River Tolka Estuary SPA (004024) which is c.8.2km to the southeast and the Malahide Estuary SPA and SPA (000205 & 004025) which is c.9.9km to the northeast.

3.0 Proposed Development

3.1. Development as Originally Proposed

- 3.1.1. As outlined briefly above, the proposed development as originally submitted comprised the development of a data centre development comprising 3 or 4 large building with over 100,000 sq.m ground floor area at a building height of c.24m. A new on-site 220kV GIS substation development was also proposed with a total electrical load for the development of c.180MW. It is proposed that the new meshed 12 bay 220kV GIS substation would replace existing AIS substation. The substation would have the following flow structure:
- 343MW of generation inflow from Huntstown 1 CCGT power plant;
 - 404MW of generation inflow from Huntstown 2 CCGT power plant;
 - 180MW of demand outflow to the proposed data centre development;
 - Capability of up to 747MW of demand outflow to Corduff high voltage substation; and

- Capability of up to 747MW of demand outflow to Finglas high voltage substation

3.1.2. Other elements of the proposal include high voltage switch gear, standby diesel generators and mechanical cooling systems. It was outlined that the data centre is powered through a short connection, connecting 4 bays in the GIS substation to 4 transformers and associated switchgear located in a separate electrical compound immediately adjacent to the new GIS.

3.2. **Development Proposal as Revised**

3.2.1. While it was originally proposed to include the data centre development as part of the subject proposal, at the second pre-application consultation meeting held with the Board, the development proposed as part of the pre-application process was amended such that the development now proposed for consideration under Section 182E comprises the development of the 220kV GIS substation and transmission lines only with the proposed data centre element to be considered under a separate application to be made to Fingal County Council early in 2021.

3.2.2. The development was described as comprising a substation including the provision of four transformers and associated electrical equipment, single storey control building and 4 number MV switch gear building (with a gross floor area of c. 22.73 sq.m) and a two storey GIS building 17 m in height with an additional 3 metres for the lightning protection (with a gross floor area of c. 2015 sq.m) within a 2.6 m high palisade fence. The site area for the revised element of the proposal is stated as c.3.89ha.

3.2.3. It is proposed that the application will be accompanied by an EIAR and noted that the proposal will cumulatively assess, as part of the EIAR, the data centre development to be submitted to Fingal County Council. It is also proposed to submit a Screening Report for AA.

4.0 **Fingal County Development Plan 2017-2023**

4.1. The subject site is zoned Objective 'HI' the objective of which is to provide for heavy industry. Huntstown Power Station is a Seveso site. I note that it is a Lower Tier

Establishment. The northern part of the overall site is within the Outer Airport Noise Zone however the site of the revised red line boundary area is outside of same.

5.0 Planning History

5.1. Subject Site

5.1.1. None of relevance

6.0 Applicant's Case

6.1. Documentation Received with Pre-Application Request

6.1.1. The applicant's case in respect of whether or not the proposed development constitutes strategic infrastructure is set out in a report which accompanied the pre-application consultation request and in further correspondence received at the second pre-application consultation meeting and in response to same. The main points of the case put forward in both instances are summarised below:

- Outlines the scope of development and receiving environment as outlined above.
- Stated proposal comprises energy infrastructure as included within the Seventh Schedule comprising development of a thermal power station or other combustion installation with a total energy output of 300MW or more; and an industrial installation for transmission of electrical energy by overhead lines where the voltage would be 220 kilovolts or more;
- Considered cumulative development proposed meets the threshold sets out in Section 37A of the P&D Act as the total energy output arising from the project would exceed 300MW and the existing overhead cables have a voltage of 220kV.
- Submitted that proposed project would be of strategic economic or social importance to the State or the region in which it would be situated.

6.2. First Pre-Application Consultation Meeting

6.2.1. At the consultation meeting held on 12th June 2020, the applicant provided a presentation to the Boards representatives which summarised the applicants case as outlined above. It also stated the following:

- Existing Huntstown 1 & 2 power stations are subject to closure notices which expire in 2022 and are seeking to find an economically viable solution to ensure future operation.
- Reference was made to a Data Centre Connection Policy Paper developed by EirGrid which it was contended suggests future data centre developments are required to provide their own power generation.
- Reference was made to the *Planning and Development (Amendment) Act 2018* (16/2018), s.49 which inserted a fifth section to the Seventh Schedule entitled *Communications and Data Infrastructure which comprises 'a facility consisting of one or more than one structure, the combined gross floor space of which exceeds 10,000 square metres, used primarily for the storage, management and dissemination of data, and the provision of associated electricity connections infrastructure'*
- It was outlined to the prospective applicant that to date this section has not been commenced and therefore the Board's representatives advised that under the current enacted provisions of the Seventh Schedule the current proposed development, in its entirety would not constitute Strategic Infrastructure development under section 37A of the Planning and Development Act, 2000 (as amended).
- The Board noted that as it stands any application for the data centre element of the proposed development should be made directly to Fingal County Council. The Board advised that an application under section 182A of the Planning and

Development Act, 2000 (as amended) could be made to the Board for the GIS substation and ancillary elements of the proposed development related to same.

6.3. **Second Pre-Application Meeting**

6.3.1. At the second pre-application consultation meeting held on 30th November 2020, the applicant provided a cover letter and presentation to the Boards representatives which stated the following:

- Acknowledge that the overall Data Centre project including 220kv substation on land linked to Huntstown Power Station would not be accepted as Seventh Schedule development under the current legislation and request that the Board consider this application under Section 182A of the Planning & Development Act 2000 (as amended).
- Development proposed outlined (see section 3 above).
- Stated that in accordance with the provisions set out in Section 182E of the Planning and Development Act (as amended), they wished to enter into a second consultation with the Board to confirm the proposed development constitutes SID.
- Prospective applicant intends to submit a planning application upon receipt of a formal determination from the Board.
- Separate EIAR's are proposed for the data centre development and GIS substation with the requirement to address cumulative impacts outlined by the Board clearly distinguishing between each project.
- Preliminary view of prospective applicant is that an Appropriate Assessment Screening Report would screen out the requirement for an NIS.

6.3.2. **Further Information Received**

In response to a request at the second pre-application meeting from the Board's representative the prospective applicant submitted a technical note providing a detailed description of the proposed development as amended and its connection to the existing transmission network. The new GIS substation is referred to as the Mooretown 220kV substation. In order to understand the rationale for the proposed substation the applicant outlined the existing arrangement for electrical infrastructure in the North Dublin area wherein it is stated that North Dublin demand is supplied by

two major transmission substations Finglas and Corduff with Dublin and North Dublin having a number of operational constraints which must be satisfied in order to ensure system security and mitigate against the risk of quality and security of electricity supply issues occurring for customers in Dublin. Some of these operational constraints can only be satisfied by Poolbeg and Huntstown Power Stations.

Existing Arrangement

The existing connection arrangements for the two power stations at Huntstown mean that if the connection to either Corduff or Finglas is not available (fault or maintenance) then one of the power stations at Huntstown is unable to export generation and be available to the system operator in order to satisfy the operational constraints on the network. The network in the area is illustrated in Figure 2 of the Note which was taken from the EIRGRID Ten-Year-Transmission-Forecast-Statement-2019.

It is specifically noted that:

1. There is a 220 kV circuit from Huntstown to Finglas 220 kV substation. This is approx. 1.4 km long and it is an underground cable for the entirety of the route
2. There is a 220 kV circuit from Huntstown to Corduff 220 kV substation. This is approx. 3.8 km long and it is an underground cable for the entirety of the route
3. With the existing arrangement there is no connection or facility for power flows between Finglas 220 kV and Corduff 220 kV via the existing Huntstown Power Station node.

Proposed Arrangement including the Proposed GIS substation

The EirGrid Connection Offer for the project proposes the development of a new strategic node named Moorestown 220 kV substation which is illustrated in Figure 3 of the Note. The new arrangements will improve resiliency and security of supply to Dublin as either of the power stations at Huntstown will be able to export to either Finglas or Corduff substations, subject to the maximum export capacity of those circuits. The new network arrangements will loop together Finglas 220 kV substation and Corduff 220 kV substation via the new Moorestown 220 kV substation increasing the resilience of the network between Finglas and Corduff and security of supply in North Dublin.

It is specifically noted that:

1. The Finglas and Corduff 220 kV cables will be diverted into the new Mooretown 220 kV substation
 - a. From the Finglas Cable joint to Mooretown is approx. 170 metres and it is an underground cable for the entirety of the route
 - b. From the Corduff Cable joint to Mooretown is approx. 245 metres and it is an underground cable for the entirety of the route
2. Huntstown 'Generator 1' (G1) and 'Generator 2 (G2)' will be diverted into the new Mooretown 220 kV substation
 - a. From Huntstown 'G1' to Mooretown is approx. 190 metres and it is an underground cable for the entirety of the route
 - b. From Huntstown 'G2' to Mooretown is approx. 210 metres and it is an underground cable for the entirety of the route

7.0 Legal Provisions

- 7.1. Under section 182A(1) of the Planning and Development 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.
- 7.2. Subsection 9 states 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.
- 7.3. 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”.

- 7.4. “Distribution” is defined as “the transport of electricity by means of a distribution system, that is to say, a system which consists of electric lines, electric plant, transformers and switch gear and which is used for conveying electricity to final customers.”
- 7.5. “Electric plant” is defined as: “any plant, apparatus or appliance used for, or for the purposes connected with, the generation, transmission, distribution or supply of electricity other than – (a) An electric line, (b) a meter used for ascertaining the quantity of electricity supplied to any premises, or (c) an electrical appliance under the control of a consumer”.

8.0 Assessment

8.1. Strategic Infrastructure

- 8.1.1. As outlined above, the applicant entered into pre-application consultations for the purposes of seeking a determination from the Board on whether the proposed development of a data centre and GIS substation would comprise SID. At the first pre-application consultation meeting, the prospective applicant was advised that given the provisions inserted by s.49 of the Planning and Development (Amendment) Act 2018, which inserted a fifth section to the Seventh Schedule entitled “Communications and Data Infrastructure” had not been commenced, that the Board could not consider the data centre element of the proposal.
- 8.1.2. The development now proposes a 220kV GIS substation comprising a strategic node on the network connected from Huntstown Power stations with a loop-in/loop-out connection to the Fingal and Corduff 220kV substations. It is clear from the very useful technical note provided following the second pre-application meeting that the

proposed substation would comprise a strategic node on the grid looping together the Finglas 220 kV substation and Corduff 220 kV substation via the new Mooretown 220 kV substation thereby facilitating either of the power stations at Huntstown will be able to export to either Finglas or Corduff substations, subject to the maximum export capacity of those circuits.

- 8.1.3. The Board will note that during the pre-application process the consideration of the proposal altered from consideration under Section 37B to Section 182E given that the data centre element of the development as originally proposed cannot be considered by the Board at present. I consider that given the rationale provided by the Board at the first pre-application meeting that it is appropriate to facilitate consideration of the remainder of the original proposal, that being the GIS substation which can be considered by the Board, under Section 182E.
- 8.1.4. Section 182A(9) of the Act sets a threshold of 110kV in order for a high voltage electricity transmission line to be considered strategic infrastructure. While no threshold is set in respect of a substation, the Board will note previous decisions it has made on strategic infrastructure pre- application consultation requests in relation to electricity transmission infrastructure under Section 182E. These include ABP-303412-19 where the provision of a new 220kV substation and two 220kV circuits forming a loop-in/loop-out connection to the existing Maynooth-Woodland 220kV overhead power line would act as a node on the transmission network and constitutes Strategic Infrastructure.
- 8.1.5. This determination and other similar determinations were made on the basis that the proposed development constituted electric plant for the conveying of electricity from a generating station to a substation and/or facilitating connection into the National Transmission grid from permitted/existing 220kV infrastructure. The proposed development comprises electric plant and the provision of underground transmission cables between the proposed substation and the underground cabling which connects the existing substations. Therefore, the new substation and associated underground cables will form part of the existing transmission grid. It follows, therefore, that the substation and the underground cables, in forming such a node on the 220kV transmission network, constitutes Strategic Infrastructure.

8.2. Environmental Impact Assessment

- 8.2.1. Section 182A (2) of the Planning and Development Act, 2000 as amended states that *“in the case of development referred to in subsection (1) which belongs to a class of development identified for the purposes of section 176, the undertaker shall prepare, or cause to be prepared, an environmental impact assessment report or Natura impact statement or both that report and that statement, as the case may be, in respect of the development”*.
- 8.2.2. Annex I & Annex II to Directive 2011/92/EU as amended by 2014/52/EU and Part 1 & Part 2 of Schedule 5 (Planning and Development Regulations 2001, as amended) set out the classes of development for the purposes of EIA.
- Section 20 of Part 1 provides that a mandatory EIAR is required for the *‘Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres’*.
 - Section 3(b) of Part 2 provides that a mandatory EIAR is required for *‘Industrial installations for carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more’*.
- 8.2.3. The proposed development of a 220kV substation and underground cables would not come within the projects outlined within either Annex I or Annex II to Directive 2011/92/EU as amended by 2014/52/EU nor is it a class as set out in either Part 1 or Part 2 of Schedule 5 (Planning and Development Regulations 2001, as amended) and therefore a mandatory EIAR is not required.
- 8.2.4. While the proposal does not require mandatory EIA, as noted above, the prospective applicant have indicated their intention, at the pre-application meetings to include an EIAR with the application for the proposed substation. The applicant proposes to cumulatively assess the impacts of the proposed substation development with the proposed data centre development.
- 8.2.5. I would refer the Board to Article 102 of the Planning and Development Regulations 2001, as amended which states that *“where a planning application for sub-threshold development is accompanied by an EIAR, the application shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act”*. In this

regard, given the prospective applicants proposal to submit an EIAR, it is recommended that Article 102 should be applied.

8.3. Appropriate Assessment

- 8.3.1. The site is not located within any European designated site or nationally designated conservation site. The most proximate designated sites are the South Dublin Bay and River Tolka Estuary SPA (004024) which is c.8.2km to the southeast and the Malahide Estuary SPA and SPA (000205 & 004025) which is c.9.9km to the northeast. There does not appear to be any pathway from the proposed development site to any of the most proximate Natura 2000 sites. The applicant has indicated that it is their intention to include an Appropriate Assessment Screening Assessment with the application.

8.4. Prescribed Bodies

- 8.4.1. In view of the scale, nature and location of the proposed development, as described in this report, it is recommended that the prospective applicant should consult with the prescribed bodies listed in the attached Appendix in respect of any future application for approval.

9.0 Conclusion

- 9.1. I consider that the proposed development as described in the submissions and drawings constitutes strategic infrastructure coming within the scope of section 182A of the Planning and Development Act 2000, as amended, necessitating an application be made directly to the Board.

10.0 Recommendation

- 10.1. I recommend that Huntstown Power Company Limited be informed that the proposed development consisting of a 220kV GIS substation and associated works at Huntstown, North Road, Finglas, Dublin 11 as set out in the plans and particular received by An Bord Pleanala on the 20th February 2020, falls within the scope of section 182A of the Planning and Development Act 2000, as amended, and that a planning application should be made directly to the Board.

Una Crosse

Senior Planning Inspector

January, 2021

Appendix One

The following is a schedule of prescribed bodies considered relevant in this instance for the purposes of Section 182A(4)(b) of the Act.

Minister of Culture, Heritage and the Gaeltacht

Minister for Communications, Climate Action and Environment

Fingal County Council

Transport Infrastructure Ireland

Irish Water

An Chomhairle Ealaíon

Failte Ireland

An Taisce

Heritage Council

Commission of Regulation of Utilities, Water and Energy

Health Service Executive

Health and Safety Authority

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