



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307074-20

#### Development

Construction of a 110kV GIS substation and associated grid connection works to connect to the Castlebaggot Substation on lands in the Grange Castle Business Park South.

#### Location

Townlands of Miltown and bounding the Grange Castle South Access Road to the north, Baldonnel, Dublin 22.

#### Prospective Applicant

CyrusOne Irish Datacentres Holdings Ltds.

#### Planning Authority

South Dublin County Council

#### Date of Site Inspection

7 July 2020

#### Inspector

Una Crosse

## **1.0 Pre-Application Consultation**

- 1.1. The Board received a request on 15<sup>th</sup> April 2020 from Marston Planning Consultancy on behalf of CyrusOne Irish Datacentres Holdings Ltd. to enter into pre-application consultations under Section 182E of the Planning and Development Act 2000, as amended, in relation to a proposed development in Grange Castle Business Park in Dublin 22. The proposed development comprises the development of a GIS substation to replace the AIS substation permitted as part of the data centre development.
- 1.2. The Board's representatives met with the prospective applicant's agent on the 25<sup>th</sup> June 2020. Subsequently, the prospective applicant formally requested closure of the pre-application consultation process in a letter received on 17<sup>th</sup> July 2020.

## **2.0 Site Location and Context**

- 2.1. The subject site is part of a larger Data Centre development which is under construction and located within the southern section of the Grange Castle South Business Park in Dublin 22. Grange Castle South Business Park is located c. 2km north of Casement Aerodrome and c. 2km south of Adamstown and accessed from and bounded by the newly upgraded Baldonnell Road to the west. The Grange Castle South Business Park forms part of the larger Grange Castle Business Park extending to the north and includes other data hall facilities associated with Microsoft and Takeda. The subject site of the development subject of this pre-application consultation is located to the east of the overall development site and is bounded to the north by the access road serving Grange Castle South Business Park with undeveloped employment zoned land further north. The site is bounded to the east by the Google facility and the EirGrid 220/110kV substation is located to the northeast of the site.
- 2.2. The site is defined along its northern boundary by a timber and mesh wire fence, to the east by a mature hedgerow with the Google site, to the south by planting and the rear boundaries of existing residential properties, and to the west by the data centre development. The Milltown Stream is located to the north of the site and is a tributary of the Griffeen River. It is culverted through the Grange Castle Business Park lands and beneath the New Nangor Road where it flows into the Griffeen River.

- 2.3. The site is not located within any European designated site or nationally designated conservation site. The most proximate designated sites are the Rye Valley/Carton SAC (site code 001398) which is 5.6km to the northwest and the Glenasmole Valley SAC (site code 001209) which is 8.6km to the southeast.

### 3.0 Proposed Development

- 3.1. The proposed development comprises an 8-bay, 110kV GIS Substation with two transformer bays, client control building and associated compound to replace the permitted substation. The development also includes the installation of 2 underground single circuit 110kV transmission lines from the proposed 110kV Substation on the application site to EirGrid's Castlebaggot 220kV /110kV Substation to the northeast of the site. The transmission lines are proposed to cross the Grange Castle Business Park South access road from the subject site running along and parallel to this road for c. 60m within wayleaves and then parallel to the boundary of the Castlebaggot Substation for c. 80m within wayleaves prior to connecting into the existing infrastructure at the boundary of the Castlebaggot Substation.
- 3.2. It is proposed that when the development works are complete the 110kV Substation and underground transmission lines will be handed over to EirGrid who will be responsible for operation with the substation and transmission lines forming part of the ESNB Infrastructure.
- 3.3. It is proposed that the application will be accompanied by an EIAR and a Screening Report for AA.

### 4.0 Planning History

- 4.1. **Ref. SD18A/0134/ABP-302813-18** – Permission granted for a data centre development with a gross floor area of 35,426 sq.m. A 110kV AIS (air insulated switchgear) substation was permitted as part of this proposal to the north-east of the data centre.
- 4.2. **Ref. SD19A/0300** - temporary ESB MV substation to the west of the proposed substation (provide a temporary power solution to the Cyrus One data centre development).

## 5.0 Applicant's Case

- 5.1. The applicant's case in respect of whether or not the proposed development constitutes strategic infrastructure has altered during the course of the consultation process. I will set out the case as it was originally proposed and as now proposed and the applicant's rationale for the change in opinion.
- 5.2. The documentation submitted with the request to enter consultations stated that the applicant was of the opinion that the proposal is NOT strategic infrastructure development for the following reasons:
- Outlines the planning history in detail noting that the permitted data centre development included a 110kV substation (125 sq.m) with associated transformer compound at the north-east corner of the site.
  - Permitted scheme including location of now proposed GIS substation was accompanied by an EIAR;
  - Proposed development seeks to amend permitted scheme to replace permitted 110kV substation with a new 110kV GIS substation compound (1300 sq.m);
  - Transmission line and substation tail feeds electricity from the existing EirGrid Castlebaggot substation and is not a loop-in/loop-out connection with the proposed substation not acting as a node on the national transmission network;
  - Not of strategic importance as would only serve the permitted data centre, would not contribute to fulfilment of National or Regional Planning objectives and not of economic or social importance to the State or region.
  - Precedents set by the Board include ABP-304794-19, ABP-301420-18, VC0104;
- 5.3. At the consultation meeting held on 25<sup>th</sup> June 2020, the applicant's presentation outlined that the position had altered following consultations with EirGrid. The applicant had proposed to EirGrid to reduce the facility from an 8 feeder bay facility to a 4 feeder bay facility as this would be sufficient to cater for the demands of the permitted data centre which it is proposed to serve. In the discussions EirGrid indicated their preference for an 8 feeder bay facility whereby the 50% of the proposed development not required by the prospective applicant would facilitate extra generational capacity for the area for future planned development. This

provides that the proposed development would become a loop-in/loop-out connection facilitating other planned development or comprise a nodal point on the network for overall generation requirements thereby reinforcing the local network providing supplementary generational capacity. At the pre-application consultation meeting the Board's representatives suggested that some correspondence from EirGrid confirming this position would be useful and the prospective applicant stated they would endeavour to seek same. (This has not been provided to the Board). The proposal to provide a loop-in/loop-out facility/nodal point rather than the tail-fed approach originally proposed would provide that the proposal would constitute transmission as defined in the Act and in the prospective applicants opinion would provide that the proposal would now comprise strategic infrastructure development.

## 6.0 Legal Provisions

- 6.1. 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.
- 6.2. 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.
- 6.3. 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”.*

- 6.4. “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.”
- 6.5. “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”.

## **7.0 Assessment**

### **7.1. Strategic Infrastructure**

- 7.1.1. The applicant entered into pre-application consultations for the purposes of seeking a determination from the Board on whether the proposed development of a 110kV GIS substation at Grange Castle South Business park and underground transmission lines to the existing Castlebaggot substation, Dublin 22, is or is not strategic development. As outlined above, initially the prospective applicant proposed a tail-fed substation solely to facilitate the data centre development. In consultation with EirGrid, the prospective applicant sought to reduce the capacity of the substation from an 8-bay facility to a 4-bay facility which would be sufficient to cater for the data centre. However EirGrid are requiring that the larger 8-bay facility proposed is developed and that the spare capacity over and above that required by the prospective applicant would facilitate their requirements for additional power in the area. Therefore, while not originally intended to be the case as the applicant’s original documentation outlines, the revised proposal outlined at the meeting held, proposes a loop-in/loop-out connection to the existing Castlebaggot substation

comprising a node on the transmission network which the prospective applicant now considers is strategic infrastructure.

- 7.1.2. 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-306323-20 where the Board determined that the provision of a new 110kV substation and associated underground cabling (110kV) which comprises a loop-in/loop-out connection which would act as a node on the transmission network constitutes Strategic Infrastructure. This connection type entails all power within the circuit being entirely diverted into the substation and back out again with the new substation becoming, in effect, a new node on the 110kV transmission line. 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 a permitted/existing 110kV overhead line. I consider that the subject case is comparable. Therefore, the new substation and associated underground cable will form part of the existing transmission grid. It follows, therefore, that the substation, in forming such a node on the 110kV transmission network, constitutes Strategic Infrastructure.

## **7.2. Environmental Impact Assessment**

- 7.2.1. 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”*.
- 7.2.2. 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’*.

7.2.3. The proposed development of a 110kV substation and underground cable 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.

7.2.4. While the proposal does not require mandatory EIA, as noted above, the prospective applicant have indicated their intention, at the pre-application meeting to include an EIAR with the application. 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.

### 7.3. **Appropriate Assessment**

7.3.1. The site is not located within any European designated site or nationally designated conservation site. The most proximate designated sites are the Rye Valley/Cartron SAC (site code 001398) which is 5.6km to the northwest and the Glenasmole Valley SAC (site code 001209) which is 8.6km to the southeast. The applicant has indicated that it is their intention to include an Appropriate Assessment Screening Assessment with the application.

### 7.4. **Prescribed Bodies**

7.4.1. 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.

## **8.0 Conclusion**

- 8.1. 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

## **9.0 Recommendation**

- 9.1. I recommend that CyrusOne Irish Datacentres Holdings Ltd.be informed that the proposed development consisting of a 110kV GIS substation and associated works at Grange Castle South Business Park, Dublin 22 as set out in the plans and particular received by An Bord Pleanala on the 15<sup>th</sup> April 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.

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Una Crosse

Senior Planning Inspector

24 July, 2020

## **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

South Dublin 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

\* Please note that Department responsibilities may alter following recent Government formation.