



An
Bord
Pleanála

Inspector's Report ABP-313090-22

Development	220kV electrical substation and 220kV underground cable transmission line.
Location	Proposed Substation is on lands at Kilshane Road, Kilshane, Fingal with underground cabling connection to the existing Cruiserath Substation on lands bound to the south by the R121/Cruiserath Road, to the West by the R121/Church Road and to the North by Cruiserath Drive.
Prospective Applicant	Kilshane Energy Ltd.
Planning Authority	Fingal County Council
Type of Application	Pre-Application consultation under Section 182E of the Planning and Development Act 2000, as amended.
Date of Site Inspection	13 th April 2022
Inspector	J. Green

1.0 Overview

- 1.1. On the 14th March 2022 the Board received a request to enter into pre-application consultation under section 182E of the Planning and Development Act 2000 as amended (“the Act”) in relation to the proposed development of a 220kV substation and associated underground 220kV cabling to connect to the existing Cruiserath substation (Cruiserath Road, Dublin 15). The prospective applicant’s letter opening pre-application consultations states that, *“The project is designed to support the delivery of a new power generation facility on the lands surrounding the proposed 220kV GIS substation at Kilshane.”* A planning application was previously lodged with Fingal County Council in relation to the proposed power station under PI. Ref. FW21/A/0250, which was subsequently refused.
- 1.2. A virtual meeting was held with the prospective applicant on the 4th May 2022. Closure of the pre-application consultation was requested in correspondence dated 24th of June 2022, and received by the Board on the same date. A record of the meeting is attached to the file. The presentation made to the Board’s representatives at the meeting is also attached to the file.
- 1.3. This Report provides an overview of the proposed development, the legislative provisions, relevant precedents and recommends that the Board determine that the proposed development does fall within the scope of section 182A of the Act. A recommended list of Prescribed Bodies that should be forwarded copies of the application is included in Appendix A.

2.0 Site Location and Description

- 2.1. The site of the proposed 220kV substation is located on lands at Kilshane, Finglas Dublin 11. The proposed substation is located within a flat agricultural field with mature hedgerows to the south of the Kilshane Road (the L-3120), approximately 500m south west of Kilshane Cross roads and south west of the Kilshane Road overpass of the N2. The site is located approximately 1.7km west of Dublin Airport and is located within noise zone A of the Airport under the provisions of the Fingal County Development Plan 2017 (Variation 1). The site of the substation is set within a large agricultural holding with a quarry operation located at distance to the south.

2.2. The proposed development also includes an underground 220kV transmission line connection. This connection will be provided along one of two proposed route options from the proposed Kilshane substation to the existing Cruiserath substation approximately 3.3km to the south east (straight line distance). The two underground cable route options are as follows:

- **Route Option 1**; leaves the site of the proposed substation and goes along the Kilshane Road in a westerly direction until it reaches the junction with Bay Lane. At this junction the cable route turns northwest and follows Bay Lane for approximately 1.4km before it turns southwest at the roundabout at the northernmost extent of Bay Lane. The cable route follows this road through two additional roundabouts for approximately 1.6km before turning south onto the R121. The cable route then turns southwest along the R121 for approximately 900m before turning southeast into the Cruiserath substation. The application documentation states that this cable route is 4.4km in length.
- **Route Option 2**; leaves the site of the proposed substation and follows the Kilshane road west and south for approximately 1.4km until it meets the roundabout at its junction with the Cappagh Road. Here the cable turns north west and follows the Kilshane Way for approximately 1.3km before turning north on the Corduff road roundabout for approximately 700m. This cable route turns west at the roundabout at the northern end of the Corduff Road and from there follows the same route as Route option 1 to the Cruiserath substation. The application documentation states that this cable route is 5.8km in length.

2.3. Both underground cable routes predominantly follow existing roads infrastructure. The site of the proposed substation is located in lands zoned as "Heavy Industry" in the current 2017-2023 Fingal Development plan, and while I note the roads are not zoned in the plan as the cable route moves to the west it passes lands zoned for "General Employment", "High Technology", "Local Centre" and "Residential", these zoning provisions are consistent with those set out in the 2023 Draft Fingal Development Plan. The existing Cruiserath substation is located in an area zoned as "High Technology", and which is characterised by data centre and technology development with residential development in place to the west of the adjacent regional road (R121).

3.0 Proposed Development

- 3.1. The details of the proposed development have been set out in the documentation provided by John Spain Associates on behalf of the Prospective Applicant, Kilshane Energy Ltd.
- 3.2. The proposed development is described as the provision of the following:
- 220kV Gas Insulated Switchgear (GIS) substation (on lands at Kilshane), incorporating the construction of:
 - A substation compound surrounded by security fencing;
 - GIS substation building;
 - Client control building;
 - Transformers;
 - And all associated development along with access arrangements and ancillary works.
 - An underground 220kV transmission line between the proposed Kilshane substation and the existing Cruiserath substation. This underground cable will be provided predominantly within the public road corridor along one of the two route options as described in Section 2.2 above.
- 3.3. The proposed development (substation and underground electricity cabling) is to be provided as a “contestable development”, with the prospective applicant being responsible for achieving planning consent as well as carrying out the design and construction of the project. Once these works are completed the project will be handed over to EirGrid, who in conjunction with ESB, will carry out the final commissioning and energisation after which the proposed development will form part of ESB Networks infrastructure which EirGrid will be responsible for operating.
- 3.4. The applicants close out letter, dated the 24th June, states that the underground cable route 1 has been selected as the preferred route, but has also submitted that either of the route options (or any variations) will still constitute “electricity transmission” development as defined under Section 182A of the Act. It therefore appears that there may be a degree of uncertainty in relation to the final cable route to be chosen. On this matter I note that during the pre-application consultation

meeting (and as set out in the record of the meeting) the prospective applicant was advised “... to ensure all possible options are included as part of the pre-application consultation process and not to close out the pre-application consultation process if any significant variations to either route are being considered.” Furthermore, I note the provisions of Section 182E of the Act which requires the prospective applicant to enter into consultations with the Board in relation to the proposed development (Section 182E(1) refers) also requires the prospective applicant to supply to the Board sufficient information in relation to the proposed development to enable the Board to assess the proposed development (Section 182E(4) refers). No additional maps or details of any proposed variations to the cable route have been provided by the applicant as part of the latest correspondence and accordingly this recommendation/report is being provided in consideration of the 220kV underground cable connection to the Cruiserath substation being one of the two that have been detailed and provided to the Board in the pre-application submission documentation and mapping received on the 14th of May 2022.

4.0 Planning History

There are a variety of planning applications lodged in the vicinity of the Proposed Development particularly along the proposed cable routes, however, the two most pertinent applications are listed below.

FW21A/0250: Relates to an application for the construction of a gas turbine power generation station with an output of up to 293MW on a larger site surrounding and including the site of the proposed Kilshane substation. This application was lodged with Fingal County Council (“the Planning Authority”) following An Bord Pleanála confirming that the subject development did not constitute Strategic Infrastructure Development (SID) under ABP-311877-21. The Planning Authority refused permission for the power station for six reasons relating to; insufficient information being provided to allow an appropriate assessment to be undertaken or to ascertain whether EIA was required, potential impacts on the safety of aircraft, adverse impact on adjoining properties, insufficient information being provided to determine whether adverse impacts would arise on biodiversity, ecology, archaeology, landscape, and visual amenity, and a lack of clarity as to whether the proposed road works upgrades can be carried out within lands under the control of the applicant and ensure traffic

safety. In discussions, the prospective applicant confirmed that a new planning application was being prepared for this power station at the same location and that the application documentation for that proposal will include an Environmental Impact Assessment Report.

ABP -306834-20: Permission granted by An Bord Pleanála in October 2020 under Section 182A of the Act for the provision of a double circuit 220kV transmission line and a 220kV gas insulated switchgear (GIS) substation along with associated and ancillary works. This is the consent for the Cruiserath substation to which the subject underground cable is proposed to connect.

5.0 Precedent Cases

5.1. In terms of similar, recent precedent cases I refer to the Board to the following:

- ABP-310033-21 - 220kV substation and grid connection, Dunnstown, Co. Kildare, considered to be SID (2022)
- ABP 311020-21 - 220kV substation and associated grid connection to Maynooth-Gorman 220KV line, County Meath, considered to be SID (2022)
- ABP – 311276-21 – 220kV substation with loop-in loop-out connection to national grid, Co. Westmeath, considered to be SID (2021).
- ABP-303412- 220kV electricity substation, 2 no. 220kV circuits to the existing Maynooth-Woodland 220kV Overhead line, considered to be SID (2019)
- ABP-301188 – 220kV substation and associated works, considered to be SID (2018)

6.0 Prospective Applicant's Case

The applicant considers that the subject development would constitute Strategic Infrastructure for the purposes of electricity transmission, pursuant to section 182A of the Act. The main points raised in this regard in their submission is:

- The proposed development constitutes electrical infrastructure which is in excess of 110kV.

- The proposed development will form part of the transmission network and will represent a node and connection on the national grid.

7.0 Relevant Legislation

Section 182A (1) of the Act provides that *“Where a person, (hereafter referred to in this section 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 the development under section 182B and shall apply to the Board for such approval accordingly.”*

Subsection 9 of the Act defines ‘transmission’ in relation to electricity, as being *“...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.”*

Section 2(1) of the Electricity Regulation Act, 1999:

“Transmission” is defined as

“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.”

“Distribution” in relation to electricity 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.”

“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. The proposed development comprises a 220 kV substation and associated underground electrical 220kV cabling and associated works.
- 8.2. I consider that the proposed 220kV substation would be described as electric plant as defined in relevant legislation. The proposed development includes high voltage lines of 220 kV, the ownership of which will be transferred to ESB Networks which EirGrid will be responsible for operating on completion.
- 8.3. I consider that the proposal meets the definition of electricity transmission under section 2 (1) of the Electricity Regulation Act 1999 as set out above. As such it would fall under Section 182A of the Act and would be deemed to be strategic infrastructure development.
- 8.4. I conclude that the proposed development as described in the submitted documentation constitutes strategic infrastructure within the scope of section 182A of the Planning and Development Act 2000, as amended, necessitating an application direct to the Board.
- 8.5. In the closing letter the prospective applicant sought that the Board would *“...indicate the expected information required to be submitted with the forthcoming application having regard to Article 210 of the Planning and Development Regulations 2001 as amended...”*. In this regard I note the relevant contents of Article 210 (Article 210(2) refers) which states:

“The Board shall, during the course of a pre-application consultation, indicate to a prospective applicant:

- (a) The plans, particulars, or other information which the Board will require for the purposes of consideration of an application,*
- (b) The time frames and sequencing to be applied to the application process, and*
- (c) Any other matters in relation to the application process as the Board considers appropriate.”*

The above requirements have been satisfied in discussions with the prospective applicant during the pre-application consultation of the 4th of May 2022. The relevant details have been articulated in the record of the meeting which has issued.

The prospective applicant confirmed at the pre-application meeting that it was not their intention to prepare an Environmental Impact Assessment Report (EIAR) as part of the application documentation for the proposed development as it was not of a relevant class of development specified in the regulations.

The Board’s representatives previously advised the prospective applicant to provide a robust justification for this having regard to the fact that other S182A developments have included EIARs when they formed part of a larger project which required EIA. This matter will need to be dealt with in a comprehensive manner in any future planning application.

- 8.6. In relation to Appropriate Assessment the prospective applicant noted that either an Appropriate Assessment Screening and/or a Natura Impact Statement will be submitted with any future application as required. In this regard I note that the site of the proposed development does not overlap with (nor is it proximate to) any Natura 2000 site. The closest Natura 2000 site being the Rye Water Valley/Carlton SAC which is located in excess of 8.5km southwest of the proposed cable route adjacent to the Cruiserath substation.
- 8.7. 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, and as discussed at the pre-application consultation meeting constitutes strategic infrastructure coming within the scope of Section 182A of the Planning and Development Act, 2000 as amended, necessitating a direct application to the Board.

10.0 Recommendation

10.1. I recommend that the prospective applicant, Kilshane Energy Ltd. c/o John Spain Associates, be notified that the proposed development consisting of a 220 kV GIS substation on lands at Kilshane Road, Kilshane, Finglas and underground 220kV transmission line connecting to the existing Cruiserath 220kV Substation as described in the documents received by the Board on the 14th March 2022 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.


Jimmy Green
Senior Planning Inspector

7th July 2022

Appendix A – list of prescribed bodies

The following list identifies the prescribed bodies which are considered relevant in this instance for the purposes of Section 182A(4)(b) of the Act.

- Minister of Housing, Local Government and Heritage,
- Minister of the Environment, Climate and Communications
- Fingal County Council
- Transport Infrastructure Ireland
- Commission for Regulation of Utilities, Water and Energy
- Irish Water
- Irish Aviation Authority
- Dublin Airport Authority
- An Taisce
- Heritage Council
- Health Service Executive