



An
Bord
Pleanála

Inspector's Report

ABP-314739-22

Development	Proposed development of a new 110kV substation
Location	Townland of Belinstown, Swords, Co. Dublin
Planning Authority	Fingal County Council
Prospective Applicant	Electricity Supply Board
Type of Application	Pre-Application consultation under Section 182E of the Planning and Development Act 2000, as amended.
Date of Site Inspection	17 th November 2022.
Inspector	Jimmy Green

1.0 Overview

- 1.1. On the 26th of September 2022 the Board received a request to enter into pre-application consultations under section 182E of the Planning and Development Act 2000 (as amended) (“the Planning Act”) in relation to the proposed development of a new Gas Insulated Switchgear (GIS) substation in the townland of Belinstown, Swords Co. Dublin by the Electricity Supply Board (ESB) (“the Prospective Applicant”) One Dublin Airport Central, Dublin Airport, Cloghran, Co. Dublin.
- 1.2. A virtual meeting was held with the Prospective Applicant on 17th November 2022. 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. Following the record of the meeting issuing the Prospective Applicant submitted additional correspondence dated 7th December 2022 to the Board, a further email was received on the 12th December 2022 confirming their desire to formally close the pre-application consultations.

2.0 Site Location and Description

- 2.1. The site of the proposed development is in the north-eastern corner of a large and generally flat agricultural field. The M1 runs in a north-south direction to the east of the agricultural field and is separated from the site of the proposed substation by the mature planting along the M1 embankment as well as by an agricultural access/accommodation track. The site is proposed to be accessed off Batter Lane, a local road which runs generally east-west to the north of the site, and from which it is separated by an embankment and mature scrub/hedgerow and smaller trees. Batter Lane rises from the west to the east along the frontage of the site as it gains gradient to pass over the M1 and has a solid white line in place along the frontage of the proposed site.
- 2.2. There is an existing 110kV overhead line steel mast on site which accommodates two 110kV Overhead Line (OHL) circuits (the Finglas - Stephenstown 110kV OHL, and the Glasmore – Stephenstown 110kV OHL) which traverse the site and run generally north-south at this location, broadly parallel to the M1. There is also a 38kV

line (Glasmore – Loughshinny) to the west of, and cutting across, the north-western corner the site (although none of the wooden polesets of this line are located on the delineated site). In the wider area there is a small residential cul-de-sac approximately 100m to the northwest (which has a specific objective in the County Development Plan for Traveller Accommodation), an additional 2 no. dwellings are located 240m to the east (on opposite side of the M1 motorway) with the Turvey business/commercial centre located approximately 640m distant to the northeast of the proposed development.

3.0 Proposed Development

3.1. The details of the proposed development are described in the documentation presented by the Prospective Applicant. In this regard I note that the layout drawing is annotated as being of a “conceptual” design, however, as discussed further below in section 8.15 I consider the details provided sufficient for the Board to consider the nature of the proposed works.

3.2. The proposed development constitutes the provision of a new 110kV/20kV Gas Insulated Substation (GIS) with:

- A new GIS building with seven 110kV bays and 18 MV (20kV) bays (with a gross floor area of approximately 540m²).
- Two new fully equipped 31.5MVA 110/20kV DSO transformers.
- 20kV Indoor GIS single busbar for distribution purposes to service the nearby areas.
- Two new 110kV OHL: double circuit overhead line (OHL) end masts.
- Four new 110kV OHL gantries (two per OHL)
- Four new sets of 3 post insulators (one per circuit)
- Four new sets of cable sealing ends to transition the OHL to underground cables.
- 110KV Underground cabling between the GIS building and sealing ends.
- Access road, palisade fencing and all associated works.

- 3.3. It is intended that the proposed substation will be looped into the existing Finglas – Stephenstown and Glasmore – Stephenstown 110kV cables, by removing the existing double circuit mast on site and replacing it with two end masts from where the existing overhead lines will be brought via gantries and underground cabling through the proposed substation building and transformers and back onto the overhead line by underground cabling to complete both circuits.
- 3.4. It is proposed that the substation will be accessed directly from the public road (Batter Lane) and not utilise the existing agricultural/accommodation access track that is in place.
- 3.5. The prospective applicant has stated that the proposed development is being provided to accommodate future load growth in growing population centres between Swords, Donabate and Portrane as these areas are expected (and planned) to see significant load growth from new housing, commercial and medical developments. The existing electricity supply system in place needs the proposed infrastructure support as it has both continuity and voltage issues on the network due to the large level of load and the number of customers. The proposed development will increase the capacity in the Swords, Donabate and Portrane areas while reducing the demand on the Glasmore and Swords 38kV substations and increase the security and reliability of supply in these areas.

4.0 Planning History

F01A/1324 (ABP - 06F.130683): Permission granted in March 2003 (following appeal) to the ESB for a new 110kV double circuit OHL from the cable interface at Balheary Demense near Swords to a proposed substation at Stephenstown townland. F01A/1324/E1 was an extension of duration application in relation to the original application which was refused as the permission was deemed to have expired prior to the lodgement of the application. The extension of duration application was lodged in January 2009 and refused on the 19th of February 2009.

F09A/335 (ABP-PL06F.234812 – appeal withdrawn): Permission granted in January 2010 to complete the proposed Glasmore-Stephenstown OHL which runs through the site of the proposed development – (to complete and slightly amend the

development previously permitted above). At time of the decision on this application (as per the Chief Executives Order dated August 2009), 58 no. of the 74 double circuit masts had been fully erected, 5 no. of the masts had their bases installed and required completion, and 3.7km of line had been strung.

F02A/0231: Permission granted for an agricultural shed on a large site to the immediate west and south of the proposed development.

The planning applications in the wider area are typical mix of rural, residential and commercial developments given the location, with the exception of ABP-314724 which refers to the railway order for Metrolink that is currently under the consideration of An Bord Pleanála. The northernmost extent of this railway order boundary lies approximately 1.5km south of the current proposal.

5.0 Planning Policy

5.1. Climate Action Plan

- 5.1.1. As part of its functions the Board must, in so far as practicable, perform its functions in a manner that is consistent with the most recent approved climate action plan, most recent approved national long term climate action strategy, national adaptation framework, sectoral plans, furtherance of the national climate objective and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State¹.
- 5.1.2. The subject development is being brought forward to increase the capacity of the existing network in the Swords, Donabate and Portrane Areas while reducing demand on the Glasmore and Swords 38kV substation to which will increase the security and reliability of supply in these areas. The subject development therefore supports the compact-growth and plan-led sequential development of these specifically identified areas.
- 5.1.3. Compact sustainable growth is supported in the 2023 Climate Action Plan, and on the basis of the information received the proposed development has been designed

¹ Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended) refers.

to improve the security and reliability of energy supply throughout areas that have been identified for additional growth and development through the relevant development plan processes. At time of writing the Annex of Actions for the 2023 Plan has not yet been published.

5.2. National Planning Framework

5.2.1. The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to 2040. It is centred on ten National Strategic Outcomes (NSOs) which include NSO 1 - Compact Growth, NSO 5 – A strong Economy supported by enterprise, innovation, and skills, as well as NSO 8 – Transition to a Low Carbon and Climate Resilient Society. NSO 5 requirements include the coordination of growth and investment in world class infrastructure, while NSO 8 requirements include the provision of new energy systems and transmission grids to support more distributed renewables-focused generation.

5.3. Eastern and Midland Regional Spatial and Economic Strategy

5.3.1. The Eastern and Midland Regional Spatial and Economic Strategy 2019 – 2031 (RSES) acknowledges that the Eastern Region is a major load centre on the Irish transmission system and states that:

“Developing the grid in the Region will enable the transmission system to safely accommodate more diverse power flows from renewable generation and also to facilitate future growth in electricity demand. These developments will strengthen the grid for all electricity users, and in doing so will improve the security and quality of supply. This is particularly important if the Region is to attract high technology industries that depend on a reliable, high quality, electricity supply.”

5.3.2. Accordingly, the RSES provides support for the development of a safe, secure, and reliable supply of electricity as well as new transmission infrastructure projects to service the existing and future needs of the region. Policy RPO 10.20 is relevant in this regard which states:

“RPO 10.20: Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.”

5.4. County Development Plan

- 5.4.1. The site of the proposed development is within the functional area of the Fingal County Development Plan 2017 – 2023 (CDP). Under the provisions of the CDP the site is zoned as “Green Belt,” with the objective to protect and provide for greenbelt. The vision in the CDP for such areas is to *“Create a rural/urban greenbelt zone that permanently demarcates the boundary between (i) the rural and urban areas, or (ii) between urban and urban areas. The role of the Greenbelt is to check unrestricted sprawl of urban areas, to prevent coalescence of settlements, to prevent countryside encroachment and to protect the setting of towns and/or villages.”* Under the provisions of the CDP a substation would be considered as a “Utility Installation,” however, this is not listed as a use class which is either “Permitted in Principle” or “Not Permitted” under the greenbelt zoning objective (any reference is similarly absent in “High Amenity” and “Open Space” zoned areas). Utility installations are, however, permitted in principle in all other zoning categories in the CDP.
- 5.4.2. EN22 of the CDP states that it is an objective to *“Facilitate energy infrastructure provision at suitable locations, so as to provide for the further physical and economic development of Fingal”*.
- 5.4.3. The Draft Fingal County Development Plan 2023-2029 has been published and at time of writing the material amendments have been placed on public display. The Planning Authority anticipates the final plan will be adopted in February 2023 and come into effect six weeks later. Under the provisions of the Draft plan the site retains its Greenbelt zoning, utility infrastructure remains unreferenced in either the ‘permitted in principle’ or ‘not permitted’ categories of use class, while it is referenced

as permitted in principle in the majority of other zoning provisions. The Draft plan also contains IU044 which states it is an objective to “*Support the development of enhanced electricity and gas supplies, and associated transmission and distribution networks, to serve the existing and future needs of the County, and to facilitate new transmission infrastructure projects and technologies.*”

6.0 Prospective Applicant’s Submission

6.1. The applicant considers that the subject development does not constitute Strategic Infrastructure for the purposes of electricity transmission, pursuant to Section 182A of the Planning and Development Act, 2000 as amended. The main points raised in this regard in their documentation can be summarised as follows:

- The proposed development is being provided by ESB Networks (ESBN) in its capacity as the Distribution System Operator (DSO) as opposed to the role that Eirgrid performs in its capacity as the Transmission System Operator (TSO)
- The purpose of this project is to take electricity from the existing high voltage 110kV electricity line into a new substation, so that capacities in other substations can be freed up for distribution purposes to the surrounding areas.
- The nature and function of the works are modest and are required to facilitate upgrades of the distribution system, the proposed development is not of strategic importance to the state as intended by Section 182A of the Planning Act which specifically refers to the electricity transmission system.
- The prospective applicant in correspondence received 7th December 2022 quotes section 4.1.2b(iv) of the Infrastructure Agreement (dated 16th March 2006) between ESB and Eirgrid which was created when these two entities split:

“... the radial or sectionalised 110kV system located in the Greater Dublin area and other parts of the country which serves to supply

electrical energy to distribution points in radial circuits constitutes distribution assets rather than transmission assets.”

The Agreement inter-alia recognised the ESB as the licenced Transmission System Owner and Eirgrid as the Transmission System Operator. The prospective applicant provided a weblink to the agreement, I have attached a copy of this agreement to the file for ease of reference.

- The prospective applicant also lists a number of cases precedent which it considers as comparable cases which the Board previously determined did not constitute Section 182A development.

7.0 Relevant Legislation

7.1. Relevant Provisions from the Planning and Development Act

- 7.1.1. Section 182A(1) of the Planning and Development Act 2000 (as amended) (“the Act”) provides that:

“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.”

- 7.1.2. Section 182A(9) of the Planning Act states:

“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.”

7.1.3. Section 182B(11) of the Planning Act states:

“(a) No permission under section 34 or 37G shall be required for any development which is approved under this section.

(b) Part VIII shall apply to any case where development referred to in section 182A(1) is carried out otherwise than in compliance with an approval under this section or any condition to which the approval is subject as it applies to any unauthorised development with the modification that a reference in that Part to a permission shall be construed as a reference to an approval under this section.”

7.2. Relevant Provisions of the Electricity Regulation Act

7.2.1. Section 2(1) of the Electricity Regulation Act, 1999 (“the Electricity Act”) states the following in terms of defining transmission (note that the original 1999 definition has been updated by both the Energy (Miscellaneous Provisions) Act 2006 and the Maritime Area Planning Act 2021, these updates are highlighted in the square brackets):

“Transmission’, [subject to section 2A]² in relation to electricity, means the transport of electricity by means of a transmission system [in the State or offshore, or both]³, 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 Board⁴ 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 is defined as follows in the Electricity Act:

² Energy (Miscellaneous Provisions) Act 2006, inserted this reference. Section 2A of the Electricity Regulation Act refers to Interconnectors

³ Inserted by the Maritime Area Planning Act 2021

⁴ The Electricity Supply Board.

“Distribution,’ in relation to electricity, means 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 follows in the Electricity Act:

“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 the provision of a 110kV substation which will link into two overhead line circuits. Both OHLs that are proposed to be looped into and channelled through the proposed substation are 110kV, (the Glasmore - Stephenson 110kV line and the Finglas – Stephenstown 110kV line).

8.2. The prospective applicant states in the conclusion of their letter dated 22nd September 2022 that:

“ESB considers that, given its nature and function, the modest scale, and the fact that the proposed development is required to facilitate upgrades of the distribution system, the proposed development is not of strategic importance to the state as intended by section 182A of the Act, which specifically refers to the electricity transmission system, and would request the Board to issue a determination.”

8.3. Accordingly the prospective applicant is firmly of the opinion that the Proposed Development does not constitute section 182A development because of its nature and function, modest scale, the fact that it is required to facilitate upgrades of the

distribution system and the intent of section 182A of the Act. The primary consideration in determining whether the proposed development constitutes S182A development in this case centres on the definition of the proposed works having regard to the Prospective Applicant's position that the works are in fact distribution rather than transmission works.

8.4. Definition of Proposed Works

8.4.1. The categorisation and definition of the Proposed Development in the context of the provisions of Section 182A of the Planning Act is the key determinant in this case. In this regard the definitions provided in Section 182A (as set out in section 7.1 of this report above), in essence, state that where a prospective applicant intends to carry out development comprising or for the purposes of electricity transmission, then an application must be made directly to the Board under section 182B.

8.4.2. Section 182A(9) of the Planning Act provides the following definition of transmission:

"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."

8.4.3. The definition of transmission at section 2(1) of the Electricity Act 1999 has been provided at section 7.2.1 above. Of note within this definition is that it allows for the exclusion of any lines which the ESB may, from time to time with the approval of the Commission specify as being part of the distribution system.

8.4.4. In their opening correspondence the Prospective Applicant states that the Proposed Development will facilitate improvements to the electricity distribution system and that the:

“...substation is being proposed by ESB Networks (ESBN) in their capacity as the distribution operator [as opposed to the role that EirGrid performs as in its capacity as the Transmission System Operator (TSO)]”.

This issue was discussed during the pre-application consultation as both the Glasmore – Stephenstown, and Finglas – Stephenstown lines which will be looped into (and through) the new substation are shown as 110kV transmission lines on the Eirgrid Group Transmission - System Map⁵, and serve as a connection between substations. Furthermore, the Planning Act notes that notwithstanding the definitions in the Electricity Act, the Planning Act provides that transmission is also construed as meaning the transport of electricity by means of a high voltage line where the voltage would be 110kV or more⁶ or an interconnector⁷. Accordingly, given the relevant definitions of ‘transmission’ as articulated in the Planning Act and the Electricity Act, the Prospective Applicant was asked during the pre-application consultation meeting to provide further clarity, if possible, in relation to the nature, function and definition of the works.

8.4.5. In response the Prospective Applicant submitted additional correspondence dated 7th December 2022 that stated:

“...in the context of the Infrastructure Agreement (16th March 2006), this being an agreement between ESB and Eirgrid which was created when ESB and Eirgrid split, and specifically as per section 4.1.2b(iv) of said Agreement, the radial or sectionalised 110kV system located in the Greater Dublin area and other parts of the country which serves to supply electrical energy to distribution points in radial circuits constitutes distribution assets rather than transmission assets.”

A link to the entirety of the 2006 Agreement was included as well as the entirety of section 4.1.2b(iv) as evidence of the designation of the works as distribution rather than transmission.

8.4.6. In relation to the December submission the following points are of note:

⁵ Z: . Transmission Systems Engineering\Dan Askew\Working Folder\Transmission Map 2020\Final\Transmission Map V0.2 A3 (1) (eirgridgroup.com)

⁶ Section 182A(9)(a) of the Planning Act refers.

⁷ Section 182A(9)(b) of the Planning Act refers.

- The Prospective Applicant does not specifically state that the two relevant lines that will be brought through the subject substation form part of the radial or sectionalised 110kV system, referred to in the 2006 infrastructure agreement.
- It is not clearly stated whether the identification of the radial or sectionalised 110kV system in the Greater Dublin area constitutes the Electricity Supply Board specifying (with the approval of the Commission) lines which constitute part of the distribution system (subject to the definition provided in the Electricity Act) or whether that definition is solely for the purposes of the agreement reached in 2006.
- At the time the quoted agreement was reached (March 2006) the two subject 110kV lines were not in place (permission to complete the lines having only been granted in January 2010). The Chief Executive's Report attached to the relevant planning file (F09A/335) in August 2009 confirms that the line's infrastructure was only partially in place at that time.
- In terms of categorising the works the submission from the Prospective Applicant focuses entirely on the Electricity Act's definition of transmission and the ability within that Act for the ESB (with the approval of the commission) to designate certain transmission lines as distribution from time to time. The Prospective Applicant has not addressed the full definition of transmission as set out in Section 182A(9) of the Planning Act.

Due to the prior discussions with the Prospective Applicant, and the highlighted importance of this issue I consider it unlikely that the prospective applicant is in a position to provide any further clarity or detail beyond that which has already been submitted. Accordingly, I do not consider a further meeting necessary to discuss the issue noted above. Furthermore, in my opinion there is more than sufficient detail on file to allow the Board to proceed to determine the status of the proposed development having regard to the legislative definitions available.

8.4.7. The details provided by the prospective applicant speak to the proviso within the definition of transmission in section 2(1) of the Electricity Act which allows for certain transmission works to be defined as distribution from time to time. The Prospective Applicant's submission does not, however, address the full definition of transmission

set out in Section 182A(9) of the Planning Act which includes the statement that for the purposes of Section 182A transmission in relation to electricity, (as well as the definition set out in Section 2(1) of the Electricity Act) shall also be construed as meaning the transport of electricity by means of a high voltage line where the voltage would be 110kV or more.

8.4.8. Based on the information supplied on file the subject works constitute the provision of 110kV infrastructure as the substation itself is 110kV (which will accommodate a range of 110kV electrical plant), as well as 110kV lines in the form of two end masts with four underground 110kV cables – two each to complete both of the 110kV circuits connecting the proposed substation to the two 110kV overhead lines. Accordingly, in my opinion, the proposed works fall clearly within the definition provided for S182A works as set out in Section 182A(9)(a) to include the transport of electricity by high voltage lines at 110kV or more. The current proposed development will provide works that will transport electricity at 110kV on high voltage lines into and through a proposed 110kV substation, accordingly I consider that the provisions of Section 182A apply. In this regard, I note that Section 182A of the Planning Act does not contain any additional threshold criteria in terms of the length of the high voltage line involved, its strategic/regional importance nor any potential or scale of impacts for consideration. The sole determinant is clearly stated within the legislation as being:

“.. the transport of electricity by means of – (a) a high voltage line where the voltage would be 110kV or more”

8.4.9. In the interests of clarity and completeness I also wish to note the following:

- 20kV infrastructure is proposed including a 20kV indoor GIS single busbar and 20kV bays which are proposed to be used for distribution purposes to service the nearby areas. While the submitted layouts do not identify the extent or scale of these works clearly, I consider them to be ancillary to the 110KV infrastructure within the substation proposed and accordingly should also be considered within any future planning application.
- I do not consider the provisions of Section 182A(9)(b) as being relevant to the definitions in the subject case as it refers to the provision of an interconnector.

8.5. In conclusion in relation to the definition of the Proposed Development I consider that the provisions of S182A are applicable in this instance as the works fall within the definition of transmission as set out in Section 182A(9), and in particular the provisions of item (a) within that section. I note that the Prospective Applicant considers the works to be in relation to the distribution system but given the full definition of transmission as set out in Section 182A(9) of the Planning Act the fact that the Proposed Development constitutes the transport of electricity by high voltage lines of 110kV or more requires any future application to be considered directly by An Bord Pleanála.

8.6. Scale, Intent and Precedent

8.6.1. The Prospective Applicant in their submission dated 23rd September, refers to the modest scale and the fact that “... *the proposed development is not of strategic importance to the state as intended by Section 182A of the Act ...*” in support of their assertion that the subject works should not be considered under Section 182A of the Planning Act.

8.6.2. In relation to considerations of the scale and strategic importance of works, section 182A differs from section 37A of the Planning Act (which relates to Strategic Infrastructure Development - SID). Section 37A requires that qualifying works must be of a certain scheduled size/scale⁸ as well as being at least one of the following⁹:

- Strategic/social importance to the state,
- Make a substantial contribution to the fulfilment of NPF/RSES objectives, or
- Have significant effect on the area of more than one local authority.

Section 182A relating to electrical works as written in the Planning Act expressly does not provide any reference to a size/scale threshold of works (beyond stating the works must relate to transmission, transport of energy at 110kV or more, or relate to an interconnector). Beyond these criteria no other thresholds are set out in terms of size, scale, or extent of impacts of the works. The only reference to any scale,

⁸ Section 37A(1) of the Planning Act refers, i.e. Seventh Schedule Development.

⁹ Section 37A(2) of the Planning Act refers.

threshold, or size of qualifying works under Section 182A of the Planning Act is that subject works must be to a high voltage transmission line where the voltage of the line would be 110kV or more. Therefore, in my opinion, (and as discussed previously above) it cannot be argued that the scale/extent of works forms any basis for determination of what are qualifying works under this Section 182A once the works proposed constitute high voltage (110kV or above) in terms of an electricity transport line.

8.6.3. I note the precedent cases that have been cited by the Prospective Applicant, however, each case must be assessed on its own merits, and I do not consider that the cases cited form a precedent given their backgrounds, planning histories, and legislative interpretations given the nature of the definitions within S182A(9) of the Planning Act and the form of the currently Proposed Development.

8.6.4. **Future Application Considerations**

- 8.6.5. The Prospective Applicant has stated that initial feedback from the project ecologist is that a Natura Impact Statement (NIS) would not be required in relation to the proposed development and that Appropriate Assessment Screening would be included with any future application. The closest SAC to the Proposed Development is the Rogerstown Estuary SAC, which is located approximately 1 kilometre to the northeast, with the Rogerstown Estuary Special Area of Conservation located approximately 1.7km distant in the same direction. Malahide Estuary SAC and SPA are located approximately 2.6km and 2.5km to the southeast respectively. This matter is to be further assessed by the Prospective Applicant who has stated that the required ecological reporting will be provided as necessary.
- 8.6.6. In terms of the documentation to be submitted in support of any future application these have largely been set out in the record of the pre-application meeting, and should include comprehensive landscaping plan (using both planting and ground levels to aid visual assimilation), sufficient and clear application drawings, justification of the site selection process in terms of the site zoning, demonstration of compliance with development plan requirements, compliance with the requirements of the relevant Climate Action Plan, archaeological impact assessment, lighting plan, fire safety/fighting requirements, noise assessment and provide a red-line application boundary sufficient to accommodate all proposed site and ancillary works.

9.0 Recommendation

- 9.1. I recommend that the prospective applicant, Electricity Supply Board, Engineering and Major Projects, One Dublin Airport Central, Dublin Airport, Cloghran, K67XF72 be notified that the proposed development consisting of a new 110 kV substation and all associated infrastructure, in the Townland of Bellinstown, Swords, County Dublin as described in the documents received by the Board on the 26th September 2022 and 7th of December 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

9th January 2023

Appendix – 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,
- Irish Water

