An Bord Pleanála

Inspector's Report ABP-316225-23

Development	Proposed installation of a new 110kV/MV station
Location	St Vincent's University Hospital Campus (SVUH), Elm Park, Dublin 4
Planning Authority	Dublin City Council
Prospective Applicant	The Electricity Supply Board
Type of Application	Pre-application Consultation
Date of Site Inspection	11th May 2023
Inspector	Susan Clarke

1.0 Introduction

1.1. The Board received a request on 11th April 2023 from prospective applicant, The Electricity Supply Board (ESB), to enter into pre-application consultations under Section 182E of the *Planning and Development Act, 2000 (as amended)* in relation to the proposed development of a new 110kV/MV station at St. Vincent's University Hospital Campus, Elm Park, Dublin 4.

1.2. The primary purpose of the pre-application consultation is to address the issue of whether or not the proposed development constitutes strategic infrastructure for the purposes of the 2000 Act, as amended by the *Planning and Development (Strategic Infrastructure) Act, 2006*. This Report provides an overview of the proposed project, the relevant legislative provisions and an opinion as to whether or not the proposal is strategic infrastructure development.

2.0 Site Location and Description

2.1. The subject site is located at St. Vincent's University Hospital Campus, at Elm Park, Dublin 4, approx. 3.5km from the city centre. The greenfield site fronts onto Nutley Lane at a vehicular entrance to the medical campus, immediately west of a new multiple storey car park. There is a second vehicular entrance to the site from Merrion Road. An internal access road that traverses the site in an east west axis connects both access points.

2.2. There are a mixed of land uses in the surrounding area including *inter alia:* medical, residential, commercial and retail (including Merrion Shopping Centre at the junction of Nutley Lane and Merrion Road). The campus is adjoined to the south by the Elm Park Golf Club.

2.3. There is an existing 100kV underground cable (Blackrock – Ringsend 110kV circuit) running along the northwestern boundary of the site on Merrion Road.

3.0 Proposed Development

3.1. The proposed development comprises the installation of a new 110kV/MV station looped into the existing Blackrock-Ringsend 110kV circuit to supply an increase in maximum import capacity (MIC) from 3 to 9 MVA to the Campus at Elm Park. It will provide the Campus with a dual radial supply.

3.2. The new substation will consist of an indoor 6 bay 110 KV and 16 bay MV gas insulated switchgear GIS station. The entire load will be fed from a new medium voltage (MV) connection.

3.3. It is proposed to connect the new station with the Blackrock – Ringsend 110kV circuit along Merrion Road to supply the increased load to the Campus. As such, two, 220m of 1000Al 110kV cables will be provided along Nutley Lane to connect into the Blackrock – Ringsend 110kV circuit.

3.4. In addition, two, 400m, 400LPE MV cables are proposed to run along the internal access road within the Campus to connect with existing substations on the Campus, located in close proximity to vehicular entrance onto Merrion Road.

3.5. A Site Location Map (Dwg. No. PE492-D297-004-001-000) and a Site Layout Plan (Dwg. No. PE492-D297-005-001-000) have been provided.

4.0 Pre-Application Consultation

4.1. There were no pre-application consultations held with the prospective applicant in respect of this case.

5.0 Planning History

5.1. There are a number of planning applications relating to the Campus including the new permitted National Maternity Hospital (PA29S.PA0049) however, I do not consider these applications to be pertinent to the case.

6.0 Precedent Cases

6.1. **ABP-311031-21** – The Board determined on 21/10/21 that a 220kV underground cable and on-site GIS building to facilitate the operation of a synchronous compensator

compound and associated ancillary equipment at Killeena, Knockraha Co. Cork is not SID.

6.2. **ABP-310256-21** - The Board decided on 10/09/21 that the proposed development of an underground cable and on-site 220kV substation to facilitate the operation of a synchronous compensator compound at Windgates, Co. Kildare is not SID.

6.3. **ABP-302647-18** – The Board decided on 20/03/2019 that a 110kV/220kV cable and transformer required to facilitate the operation of four rotating stabilisers, five battery storage units, ten electrical houses, control container and associated works at Glencloosagh, Co. Kerry is not SID.

6.4. **ABP-301236-18** – The Board determined on 30/05/2018 that equipment ancillary for the purposes of connecting a proposed BESS to the national grid at Poolbeg, Dublin 2 is not SID.

6.5. **ABP-310828-21**- The Board determined on 21/10/2021 that proposed installation of a synchronous compensator compound and associated ancillary equipment including a 220kV substation and 220kV underground cable for the purposes of connecting the proposed synchronous compensator to the adjoining Belcamp 220kV substation is not strategic infrastructure development.

7.0 Prospective Applicant's Case

7.1. The case made can be summarised as follows:

- The driver for this project is to supply a customer requested increase in MIC from 3 to 9 MVA to St. Vincent's University Hospital Campus. This will provide the Campus will a dual radial supply. The request has been made to ESB Networks – the distribution system operator (DSO).
- The primary purpose and technical design of the substation is to serve the increasing electricity demands of the Campus at it increases, particularly as a result of the proposed relocation the National Maternity Hospital to the Campus.
- Section 182A(9) of the Act sets a threshold of 110kV for a high voltage electricity transmission line to be considered strategic infrastructure. No threshold is set in respect of a substation.

- The proposed substation constitutes 'electric plant' as defined under section 4.1, as it will be used to distribute electricity. It falls within the definition of 'distribution' as its primary purpose is to convey electricity to final customers.
- The new substation and associated underground cables will form part of the existing distribution system. It will not be a node on the national electricity transmission grid as operated by EirGrid in its capacity as the transmission system operator (TSO).
- Given this project will connect to the distribution network it is submitted that the proposed development does not meet the definition of electricity transmission under section 2(1) of the Electricity Regulation Act 1999. Therefore, it is considered that it does not fall within section 182A of the PDA and should not be deemed to be strategic infrastructure development.

8.0 Legislative Provisions

8.1. Section 182A(1) of the Planning and Development Act, 2000 (as amended) requires that where a person (referred to as the 'undertaker') intends to carry out development comprising or for the purposes of electricity transmission, the undertaker shall prepare an application for approval of the development to the Board.

8.2. Section 182A(9) of the Act 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.

8.3. Section 2(1) of the Electricity Regulation Act, 1999 defines transmission as follows:

"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, 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."

8.4. Electric plant is defined as follows:

"any plant, apparatus or appliance used for, or for 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 the consumer.

9.0 Assessment

9.1. The development comprises of the installation of a substation and associated underground cables at St. Vincent's University Hospital Campus, Elm Park, Dublin 4. Whilst the design is at preliminary stage, the technical requirements will consist of a new substation with an indoor 6 bay 110 KV and 16 bay MV gas insulated switchgear GIS station; two, 220m of 1000Al 110kV underground cables running from the new substation to the Blackrock – Ringsend 110kV circuit on Nutley Lane; and two, 400m, 400LPE MV underground cables running along the internal access road within the Campus connecting the new substation to the existing substations on the Campus. The new substation will be located at the vehicular entrance to the Campus, immediately west of the multi-storey car park. The purpose of the development is to provide the Campus will dual radial supply. The MIC will be increased from 3 to 9 MVA and will serve the increasing electricity demands of the Campus. A determination is sought from the Board as to whether or not the proposal is strategic infrastructure development. The prospective applicant considers that it is not strategic infrastructure development.

9.2. In deciding whether or not the proposed 110 kV/MV substation and ancillary works and equipment are or are not strategic infrastructure development, it should be noted that Section 2 of the Planning and Development Act, 2000 (as amended) provides

interpretations except where the context requires otherwise. Strategic infrastructure development means *inter alia* (d) any proposed development referred to in Section 182A(1). Under this Section, an undertaker shall apply to the Board for approval of a development comprising or for the purposes of energy transmission. Section 182A(9) states that 'transmission' shall be construed in accordance with Section 2(1) of the Electricity Regulation Act, 1999 and shall also be construed as meaning *inter alia* the transport of electricity by means of a high voltage line where the voltage would be 110kV or more.

9.3. Transmission shall also be construed in accordance with Section 2(1) of the Electricity Regulation Act, 1999 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, 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.*" The Board refers to the Electricity Supply Board and the Commission refers to the Commission for Electricity Regulation. I concur with the prospective applicant that the proposed development would form part of the distribution rather than the transmission infrastructure.

9.4. As stated by the prospective applicant, there is no threshold under Section 182A(9) of the Planning and Development Act, 2000 (as amended) in respect of a substation. This Section explicitly refers to high voltage lines of 110kV or more. EirGrid has provided advice to An Bord Pleanála on previous occasions that "tail fed" developments would not function as part of the national grid despite the voltage of such being 110kV. Conversely, grid connections in proximity to transmission lines that essentially see power in the transmission line being diverted into the substation and back out again, thereby forming a node on the transmission system, have been determined by the Board in the past to constitute strategic infrastructure development. The purpose of the proposed substation is to increase load to the medical customer as an end user. It will not function as part of the national grid or act as a new node on the system.

9.5. The Board has also given consideration in previous cases as to whether or not a development in question is of strategic national importance. The long title of the 2006 Act provides for the making directly to An Bord Pleanála of applications for permission for "developments of strategic importance to the State". Section 37A(2) refers to 7 th Schedule development but generally describes strategic infrastructure development as falling within one or more of the following:

(a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,

(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,

(c) the development would have a significant effect on the area of more than one planning authority.

9.6. Having regard to the precedent set by the Board within similar cases as outlined above, I would agree that the current proposal would not be of strategic importance to the State or region, as it will only serve the Campus and is not a critical link for other strategic developments in the area and is not of strategic economic or social importance to the State or Region. The proposed development is not of a scale or of such importance that it would contribute substantially to the fulfilment of the objectives of the NPF and RSES. The proposal will be located within the catchment of a single planning authority (Dublin City Council) and will not have a significant effect on same.

9.7. Having regard to the nature and scale of the proposed development as described, to the stated purpose of the 2006 Act as set out in the long title, and to the general description and scale of strategic infrastructure development set out in section 37A(2), I conclude that the proposed development consisting of a 110kV/MV substation, 110kv underground grid connection to the adjoining Blackrock – Ringsend 110kV, and two, 400m, 400LPE MV underground cables running along the internal access road within the Campus connecting the new substation to the existing substations on the Campus circuit does not fall within the scope of section 182A of the Planning and Development Act 2000, as amended.

10.0 Recommendation

10.1. I recommend that The Electricity Supply Board be informed that the proposed development comprising the installation of a substation and associated underground cables at St. Vincent's University Hospital Campus, Elm Park, Dublin 4, as set out in the plans and particulars received by An Bord Pleanála on the 11th day of April, 2023, does not fall within the scope of section 182A of the Planning and Development Act, 2000, as amended, and that a planning application should be made in the first instance to Dublin City Council.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Susan Clarke

Senior Planning Inspector

15th May 2023