



An
Bord
Pleanála

Inspector's Report ABP-319699-24

Development

Proposed development of 110kV ESB supply, 110kV underground cable network and 110kV substation.

Location

Lands at the Guinness Brewery, bounded by James's Street, Watling Street, Victoria Quay and Steeven's Lane, Dublin 8

Planning Authority

Dublin City Council South

Prospective Applicant(s)

Diageo Ireland

Type of Application

Pre-Application Consultation.

Date of Site Inspection

18th June 2024

Inspector (Reporting)

Rachel Gleave O'Connor

1.0 Introduction

- 1.1. The applicant intends to submit an application to Dublin City Council for an energy and water infrastructure project. The applicant also proposes to construct a new 110kV substation transformer unit and associated infrastructure within the brewery site, which will connect to a separately proposed ESBN 110kV substation outside of the subject site.

2.0 Site Location and Description

- 2.1. The subject site is located to the north of, and accessed from, James's Street in Dublin City. It forms part of the Guinness Brewery Diageo Site. The site is situated to the east of Steeven's Lane, south of Victoria Quay and west of Watling Street. Occupying the site there are existing brewery structures and operations. In the immediate area proximate to the site there are a number of Protected Structures and conservation areas along the River Liffey/Victoria Quay to the north, Steevens' Hospital to the west and James's Street to the south. The site itself is not located in a conservation area and has no Protected Structures located within it. The Luas Red Line runs to the west of the site along Steeven's Lane.

3.0 Proposed Development

- 3.1. It is proposed to connect to a planned ESBN 110kV substation intended to be located adjacent to the site on Steeven's Lane. The following works are proposed as detailed in the pre-application submission:
- A new 110kV ESB Meter & Isolation Room to accept the incoming 110kV power supply;
 - A new 110kV underground supply from the ESB Meter Room to a new 110kV-10kV substation; and
 - A Diageo onsite 110kV-10kV substation transformer unit.

4.0 Pre-Application Consultation Meetings

- 4.1. A pre-application consultation meeting was held in relation to the proposal via Microsoft teams on 20th June 2024 with discussions focused upon whether the proposed 110kV substation would constitute Strategic Infrastructure Development for the purposes of the Planning and Development Act 2000 (as amended).
- 4.2. The prospective applicant asserted that the proposal would equate to part of the distribution network rather than forming transmission, with reference to precedent decisions from the Board. It was argued that as a result the proposals are not Strategic Infrastructure Development.

5.0 Precedent Decisions

There are a large number of precedent decisions in relation to developments of this nature, there are summarised in the table below:

Table 1: Precedent Pre-Application Decisions Concluded to be SID

ABP Ref.	Development Description	Decision Date	ABP Decision
318011	Battery Energy Storage System (BESS), 110kV substation and 110kV Underground Grid Connection to existing Great Island Eirgrid Substation and all associated site works	2023	Is SID
313680	110kV substation and grid connection to serve PV farm	2023	Is SID
313352	110kV substation and grid connection cabling	2022	Is SID
313001	110kV substation and underground grid connection.	2022	Is SID
312860	Proposed development of 110kV electrical substation and its grid connection options to the existing transmission network	2022	Is SID
312700	Proposed 110kV loop-in substation, overhead lines to connect to transmission network and	2022	Is SID

	underground grid connection to consented solar farm		
312532	Proposed development of a 110kV on-site 'Loop-In/Loop Out' substation.	2022	Is SID
312249	Development of a 110kV substation and provision of electrical connection to the national grid	2022	Is SID
311904	Proposed new tail-fed 110kV substation and associated works.	2022	Is SID
311778	Provision of a 110kV GIS substation and associated development.	2022	Is SID
311204	Proposed 110kV substation	2022	Is SID
311176	Proposed construction of two new 110kV substations and 110kV underground cable connecting both substations	2022	Is SID
311403	Proposed development of 110kV infrastructure	2022	Is SID
311032	Proposed new tail fed 110kV substation and 110kV underground cables	2022	Is SID
312226	Construction of a 110kV substation and underground grid connection.	2022	Is SID

The applicant as part of the letter seeking closure on the pre-application consultation referred to a number of cases which it considered might also be relevant in assisting the Boards determination on the matter. These are set out below:

Table 2: Applicant Precedent Pre-Application Decisions Determined not to be SID

ABP Ref.	Development Description	Decision Date	ABP Decision
316225	Proposed installation of a new 110kV/MV station.	2023	Not SID
315859	Proposed grid stability service development comprising synchronous condenser compound and 110kV underground electricity connection cabling to Clashavoon 220kV substation.	2023	Not SID

309420	Development of a 110kV substation to feed into existing Cashla 220/110kV substation.	2021	Not SID
311992	Electrical development associated with a proposed Battery Energy Storage System (BESS) and Synchronous Condensor (Sync Con).	2022	Not SID
311031	Proposed development of an underground cable and on-site GIS Building to facilitate the operation of a Synchronous Compensator Compound and associated ancillary equipment.	2021	Not SID
310256	Proposed development of underground cable and on-site 220kV substation to facilitate the operation of a Synchronous Compensator Compound.	2021	Not SID
302647	110kV/220kV cable and transformer required to facilitate the operation of four proposed rotating stabilisers on a site of approximately 0.25 hectares.	2019	Not SID
301236	Provision of a battery energy storage system.	2018	Not SID
310828	Proposed installation of a Synchronous Compensator Compound.	2021	Not SID
301420	A 110kV Tail Fed Substation and Cable.	2018	Not SID

6.0 Prospective Applicants Case

- 6.1. The applicant initiated a pre-application meeting with the Board in relation to this prospective case. The applicant contends that the proposed development does not constitute Strategic Infrastructure Development (SID) as it comprises the 'distribution' of electricity from the grid to an end-user and does not include 'transmission' to the grid network. The applicant referred to precedent cases, including Pre-Application Ref. ABP-316225-23 which concerned the proposed installation of a new 110kV substation to St. Vincent's University Hospital and was determined by the Board to not constitute SID in 2023.
- 6.2. The applicant referred to the wider energy and water infrastructure plans for the brewery site, with the intention of decarbonising the site and becoming one of the most sustainable brewery sites in the world. Those wider plans do not form part of the pre-application discussions before the Board but link in with the proposed development context for the works subject to the current case. This wider context also includes a proposed ESB 110kV substation which would be subject to a separate SID application located outside of the site, and which the proposed 110kV substation would be connected to.
- 6.3. The applicant asserted in the meeting that the proposed works form part of the distribution network, in that they would facilitate the connection to the aforementioned ESB 110kV substation, to the proposed 110kV substation subject to this pre-application discussion, and transform the energy received down to 10kV for use within the site. The applicant describes the unit as a 110kV substation transformer unit.

7.0 Legislative Provisions

7.1. Planning and Development Act 2000, as Amended

- 7.1.1. Section 2(1) of the Planning and Development Act 2000, as amended ('PDA'), defines 'strategic infrastructure' as including, *inter alia*:

"any proposed development referred to in section 182A(1)"

7.1.2. Under subsection 182A(1) of the PDA, where a person (the ‘undertaker’) intends to carry out development comprising or for the purposes of electricity transmission, 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.

7.1.3. Subsection 182A(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.”

7.2. Electricity Regulation Act 1999, as Amended

7.2.1. The following definitions, as set out in section 2(1) of the Electricity Regulation Act, 1999, as amended (‘ERA’), are noted:

- **‘Transmission’:**

“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 Board¹ 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.”

- **‘Electric Plant’:**

“any plant, apparatus or appliance used for, or for the purposes connected with, the generation, transmission, distribution or supply of electricity other

¹ For clarity, references to the ‘Board’ in this instance relate to the Electricity Supply Board.

than – (a) an electric line, (b) a meter used for ascertaining the quantity of electricity supplied to any premises, or (c) an electricity appliance under the control of a consumer.”

- **‘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 switchgear and which is used for conveying electricity to final customers.”

8.0 Assessment

- 8.1.1. Under section 182A of the Planning and Development Act 2000 (as amended) 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 Energy Regulation Act 1999 (as amended) 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.
- 8.1.2. Section 2(1) of the Energy Regulation Act defines the transmission system as a system which consists wholly or mainly of high voltage lines and electrical plant 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.
- 8.1.3. The applicant describes the proposal as a 110kV substation transformer unit, which is intended to connect to a proposed ESB 110kV substation outside of the site, the latter expected to be Strategic Infrastructure Development (SID). As such, I am satisfied that the proposal, as described by the applicant, comprises the connection of one substation to another substation for the purposes of transporting electricity via 110kV high voltage lines, and would therefore fall within the definitions set out above.
- 8.1.4. While I note that there is no threshold under section 182A of the Planning and Development Act 2000 (as amended) in respect of a substation, the proposal will

include an associated 110kV transmission line connecting the proposed substation to a separately proposed ESB substation (which as outlined above would be a SID project). The definition of 'transmission' under the 2000 Planning Act incorporates both the electricity regulation definition and the transport of electricity by means of a high voltage line, therefore a development including a substation of at least 110kV comprises 'transmission' under the 2000 Planning Act, regardless of any interpretation under the Electricity Regulation Act.

- 8.1.5. While the applicant refers to precedent cases, I note that ABP pre-application ref's. 315859; 311992; 311031; 302647; 301236; and 310828 did not include a substation as part of the proposed works. Other precedent cases relating to tail-fed substations are also referenced, however more recent cases determined by the Board indicate greater consistency that both tail-fed and loop-in/loop-out substations fall within the scope of s182A of the Act. I recognise that the applicant points to a 2023 decision, ref.316225 that included a tail-fed substation and was determined to not be SID, however I consider that the vast majority of recent decisions by the Board demonstrate that tail-fed substations are within the scope of SID provisions as set out in Table 1 above and including ABP ref.318011 also determined in 2023, and ABP ref.311778 determined in 2022.
- 8.1.6. I consider that the proposal meets the definition of electricity transmission under section 2(1) of the ERA. As such it would fall under section 182A of the 2000 Planning Act and would be deemed to be Strategic Infrastructure Development.
- 8.1.7. I am therefore satisfied that the proposed 110kV underground cable network and 110kV substation at the Guinness Brewery, which is proposed to connect to a separately proposed ESB substation outside of the site, constitutes strategic infrastructure development.
- 8.1.8. 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.

9.0 Recommendation

- 9.1. I recommend that Diageo be informed that the proposed development of 110kV ESB supply, 110kV underground cable network and 110kV substation at the Guinness Brewery, bounded by James's Street, Watling Street, Victoria Quay and Steeven's Lane, Dublin 8, 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.

Rachel Gleave O'Connor

Senior Planning Inspector

19th September 2023

Appendix A: Prescribed Bodies

The following is a list of prescribed bodies considered relevant by the Board:

- Minister for Housing, Local Government and Heritage
- Minister for the Environment, Climate and Communications
- Dublin City Council
- National Transport Authority
- Transport Infrastructure Ireland
- An Taisce
- Fáilte Ireland
- Heritage Council
- An Chomhairle Ealaíon
- Irish Water
- Commission for Regulation of Utilities
- Inland Fisheries Ireland
- Health Service Executive

Further notifications should also be made, where deemed appropriate.