



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323812-25

### Development

Request to alter the terms of the previously permitted 220kV Gas Insulated Switchgear (GIS) substation on lands at Kilshane Road, and an underground 220kV transmission line connection to the existing Cruiserath 220kV substation, granted under reference number ABP-314894-22.

### Location

Lands at Kilshane Road, Kilshane, Finglas, Dublin 11.

### Planning Authority

Fingal County Council

### Requester

Kilshane Energy Limited

### Type of Application

Application under Section 146B of the Planning and Development Act, 2000 (as amended) to alter previously approved Strategic Infrastructure Development.

### Date of Site Inspection

21<sup>st</sup> February 2026

### Inspector

Enda Duignan

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## **1.0 Introduction**

**1.1.1.** On the 24<sup>th</sup> August 2023, the Commission under ABP-314894-22, granted a ten-year planning permission under Section 182A of the Planning and Development Act, 2000 (as amended), to Kilshane Energy Limited for the following development on the lands at Kilshane Road, Kilshane, Finglas, Dublin 11:

- A Proposed 220kV gas insulated switchgear (GIS) substation compound and associated AIS substation compound. The proposed 220kV GIS substation includes a proposed GIS substation building with a GFA of 475sq.m. with a 2.6m high fence. The substation building has a maximum height of 13.5m and accommodates a switchgear room, control room, battery room, workshop, generator room and staff facilities. An associated 220kV AIS compound, including AIS electrical equipment within the compound will be provided to the east of the GIS substation. 2 no. car parking spaces were to be located within the compound and access to be provided of the Kilshane Road to the north (L3120).
- The proposed 220kV substation at Kilshane will be connected to the Cruiserath substation c. 3.2km (as the crow flies) to the south-west. As the transmission line will be located within the existing road alignment, the length of the proposed transmission line will be c 4.7km in length. The Kilshane to Cruiserath transmission line circuit includes 2 no. cable bays and involves enabling works and service diversions, surface treatments, joint bays and communications the provision of an associated medium voltage connection to serve the GIS substation building which will extend to the Kilshane Road and proceed southwards to connect with existing ESB services in the area.

**1.1.2.** The application for the development included an Environmental Impact Assessment Screening Report and an Appropriate Assessment Screening Report. Permission was granted subject to 14 no. Conditions.

**1.1.3.** The subject application to the Commission is for alterations to this Permission, under section 146B of the Act. It seeks to relocate the permitted GIS substation, alter the size of the substation, omit 2 no. car parking spaces within the substation compound and alter the permitted 220kV underground transmission line route in light of the above

revisions.

## **2.0 Site Location and Description**

- 2.1.1.** The overall site (substations and underground connection line) has an area of c. 13ha. and is located across the townlands of Kilshane, Bay, Hollywoodrath, Tyrrelstown and Cruiserath. It is noted by the Applicant that the proposed alterations do not alter the extent of the original application site and are fully contained within the original application red line boundary. The permitted substation site comprises a large agricultural field which is bound by existing hedgerows and located to the immediate west of the N2 and to the south of the Kilshane Road (L3120). The landholding within which the permitted GIS substation and AIS substation compound are situated is subject to a separate planning permission (under Reg. Ref.: FW22A/0204) in respect of a Gas Turbine Power Generation Station and associated development. It is noted that substantial site clearance works had commenced at the time of my inspection of the site.
- 2.1.2.** In terms of the site surrounds, the site is bound to the west by an agricultural field, with the Huntstown Roadstone Quarry located to the south. The Ballycoolin Industrial Estate, a large commercial/ industrial area accommodating an array of industrial/ commercial/ office / logistic / warehouse and storage uses is located to the south-west.
- 2.1.3.** The permitted 220kV transmission line linking the permitted substation with the existing substation in Cruiserath is to be located within the existing carriageway between both sites and will have a total length of c. 4.7km. The connection will run westwards beneath Kilshane Road, before running along Bay Lane. The connection will then run beneath the public roads in a south-westerly direction until it reaches the R121. The connection then proceeds south along the R121 until it reaches the Cruiserath substation, leaving the road and entering the substation compound from the west.

## **3.0 Legislative Provisions**

- 3.1.1.** Section 146B(1) of the Planning and Development Act 2000 (as amended) (the Act), provides that, subject to subsections (2) to (8) and to section 146C, upon request of

any person who is carrying out or intending to carry out a strategic infrastructure development, the Commission may alter the terms of the development the subject of planning permission, approval or other consent granted.

- 3.1.2.** Under sub-section 2(a), as soon as practicable after making such a request, the Commission is required to make a decision as to whether the making of the alteration to which the request relates would constitute a material alteration to the development concerned.
- 3.1.3.** Under sub-section (2)(b), before making its decision under sub-section 146B (2), the Commission may invite submissions as it considers appropriate and is required to have regard to any submission made to it on foot of the invitation.
- 3.1.4.** Under sub-section (3)(a), if the Commission decides that the making of the alteration would not constitute a material alteration of the terms of the development concerned, it shall alter the planning permission, approval, or other consent accordingly and notify the Requester and the planning authority for the area concerned of the alteration.
- 3.1.5.** Under subsection (3)(b), if the Commission decides that the making of the alteration would constitute the making of a material alteration, the Commission is required to:
- Request the information specified in Schedule 7A in respect of that alteration, unless it or an EIAR has already been provided by the Requester (sub-section (3)(b)(i)). This information is required to be accompanied by any further relevant information on the characteristics of the alteration and its likely significant effects on the environment, including, where relevant, how environmental effects pertaining to EU legislation other than the EIA Directive have been taken into account (sub-section (3A)) and can include mitigation measures (sub-section (3B)).
  - Following the receipt of such information, determine whether to make the alteration, make an alteration of the terms of the development concerned which differs from the proposed alteration (subject to it not representing a more significant alteration), or refuse to make the alteration (sub-section (3)(b)(ii)).

- 3.1.6.** Under subsection (4), before making a determination under subsection (3)(b)(ii), the Commission is required to determine whether the extent and character of the alteration being requested, or being considered by the Commission, would be likely to have significant effects on the environment.
- 3.1.7.** Under subsection (5), if the Commission determine that no significant environmental effects will arise, they proceed to make a determination under subsection (3)(b)(ii). If the Commission determines that significant effects will arise, the provisions of section 146C apply. These provisions relate to the preparation of an environmental impact assessment report.
- 3.1.8.** Under subsection (7)(a), in making their determination, the Commission is required to have regard to:
- The criteria for the purposes of determining which classes of development are likely to have significant effects on the environment set out in any regulations made under section 176,
  - The criteria set out in Schedule 7 to the Planning and Development Regulations 2001,
  - The Schedule 7A information submitted by the Requester,
  - The further relevant information, if any, referred to in subsection (3A) and the description, if any, referred to in subsection (3B) (summarised above),
  - The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and
  - Whether the development is situated in or would have the potential to impact on a European site, or a recognised or protected area of natural heritage.
- 3.1.9.** Under subsection (7)(b), the Commission is required to include in its determination the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7 to the Planning and Development Regulations 2001, on which the determination is based.

**3.1.10.** Under subsection (8)(a), before making a determination under subsection (3)(b)(ii) or (4), the Commission is required to require the Requester to make information about the alteration available for inspection, notify appropriate persons that the information is available and invite submissions or observations from these persons. Further, under subsection 8(b), the Commission is required to have regard to these submissions in its determination.

## **4.0 Planning History**

### **4.1. Parent Permission – Subject to the Section 146B Proposed Alterations**

**ABP-314894-22:** Ten-Year Planning Permission Granted on the 24<sup>th</sup> August 2023 by An Bord Pleanála, under Section 182A of the Planning and Development Act, 2000 (as amended), for the following:

- A Proposed 220kV gas insulated switchgear (GIS) substation compound and associated AIS substation compound. The proposed 220kV GIS substation will include a proposed GIS substation building with a GFA of 475 sq.m. with a 2.6 m high fence. The substation building is rectangular in shape and has a maximum height of 13.5 m. It will accommodate a switchgear room, control room, battery room, workshop, generator room and staff facilities. An associated 220kV AIS compound, including AIS electrical equipment within the compound will be provided to the east of the GIS substation. 2 car parking spaces will be located within the compound and access will be provided of the Kilshane Road to the north (L3120).
- The proposed 220kV substation at Kilshane will be connected to the Cruiserath substation approximately 3.2km (as the crow flies) to the south-west. As the transmission line will be located within the existing road alignment, the length of the proposed transmission line will be c 4.7km in length. The Kilshane to Cruiserath transmission line circuit will include 2 no. cable bays. It will also involve enabling works and service diversions, surface treatments, joint bays and communications the provision of an associated medium voltage connection to serve the GIS substation building which will extend to the Kilshane Road and proceed southwards to connect with existing ESB services in the area.

### **4.2. Subject Site**

**4.2.1. FW25A/0516E:** Planning permission granted on 4<sup>th</sup> February 2026 for 1 No. Electrical & Instrumentation Kiosk (24 sqm), 1 No. Packaged Boiler Unit (29.9 sqm), 1 No. Regulators Kiosk (66.12 sqm), 1 No. Fuel Gas Skid (27.88sqm) , 1No. Gas Analyser kiosk (6.25 sqm), concrete bases for Temporary Pig Trap, Filters, Heat Exchangers and Meters, internal concrete road, 2.4m High AGI perimeter security fence, 3m high boundary fence and all ancillary services and associated site works.' An Environmental Impact Assessment Report (EIAR) was submitted with the application.

**4.2.2. FW25A/0523E:** Application currently at Further Information stage at the time of writing this report. Permission has been sought for revisions to previously approved Gas Turbine Power Generation Station (Reg. Ref: FW22A/0204) at a site located at Kilshane Road, Kilshane, Finglas, Dublin 11, comprising:

1. Revisions to previously approved administrative/warehouse building consisting of the following: (a) Revised internal layout consisting of addition of new stair core and lift at ground floor level connecting to new storage area at first floor level (428 m2 GFA), increasing the total GFA of the administrative/warehouse building from 855 m2 to 1283 m2. (b) Revised façade design to elevations including revised fenestration to south elevation, revised fenestration and door design to west elevation, revised fenestration to east elevation and provision of new external fire staircase and first floor level access door to east elevation. (c) Increase in height of administrative/warehouse building by 1 m to 7.38 m. (d) Revised colour of material finish from green to dark grey.
2. Revisions to previously approved gas turbine including revised shape of evaporative cooler, addition of servicing gantries and the slight moving of the gas turbine c. 5.57 m to the north as demonstrated on the enclosed architectural plans (No. Drawing No. 25043-PL-04.1) Internal gas turbine machinery and installation as part of revised gas turbine model to be provided to later specialist design as previously approved under Reg. Ref. FW22A/0204.
3. Revised size and location of fin fan coolers within power island compound as demonstrated on enclosed architectural plans.
4. Revisions to layout of diesel storage compound to now provide 1 no. larger fuel storage tank with an increase in maximum height from 16.2 m to 20 m and an increase in diameter from 24.4 m to 49 m.

5. Revised design and location of the Packaged Electronic/Electrical Control Compartment (PEECC) within the power island compound to now comprise a single storey stilted building raised 2.6 m above ground level, accessed via 2 no. external stairs and a new servicing gantry at finished floor level, with a floor-to-ceiling height of 3.25 m and an overall height of 6 m, and an increase in GFA from 72 m<sup>2</sup> to 148.51 m<sup>2</sup> together with façade changes.
6. Revised design and location of BOP Power Distribution Centre within power island compound as demonstrated on enclosed architectural drawings including increase in GFA from 129 m<sup>2</sup> to 160.6 m<sup>2</sup> together with façade changes including revised fenestration to west and east elevations.
7. The addition of new Aux Equipment Block (connected to the Gas Turbine) with a GFA of 361.20 m<sup>2</sup> and height ranging from 7.65m to 9.59m and new servicing gantries for the purposes of sheltering specialist equipment and machinery as identified on the enclosed architectural drawings.
8. The addition of a HVAC Structure within power island compound with a maximum height of 8.84 m which supports two HVAC units on the top and the Starter Transformer and Excitation Transformer below.
9. Revision to previously approved Acoustic Wall within power island compound consisting of a slight decrease in length from 107.0m to 101.6m.
10. Removal of previously approved 16.2m high x 18.3m dia Demin Water Tank and replaced with Separate Demin Water Tank to be added as a non-permanent structure rather a small cube refill tank.
11. Removal and replacement of select number of smaller equipment items as identified on the equipment identification drawings prepared by CWPA Planning & Architecture (Drawing No. 25043-PL-14).
12. Minor revision to internal road network as demonstrated on enclosed architectural drawings to accommodate proposed amendments.

**4.2.3. FW22A/0204 (ABP-317480-23):** Planning permission granted by Fingal County Council on 23<sup>rd</sup> June 2023 and on appeal by the Commission on the 16<sup>th</sup> May 2024, for the following works:

1. The construction of a new Gas Turbine Power Generation Station with an output of up to 293 Megawatts. The proposed station will consist of 1 no. Gas

Turbine and 1 no. 28 m high Exhaust Stack partially enclosed by a 12 m high acoustic wall. 1 no. single storey Admin Building and Warehouse (c. 926 m<sup>2</sup>), 1 no. single storey Packaged Electronic/Electrical Control Compartment (PEECC) (c. 72 m<sup>2</sup>), 1 no. single storey Continuous Emission Monitoring System (CEMS) Shelter (c. 14.8 m<sup>2</sup>), 1 no. 16.2m high x 024.4m Fuel Oil Tank, 1 no. 15.3m high x 09.2m Raw/Fire Water Tank, 1 no. 16.2m high x 018.3m Demin Water Tank, and miscellaneous plant equipment.

2. The demolition of a detached residential dwelling (c. 142 m<sup>2</sup> GFA) and associated farm buildings (c. 427 m<sup>2</sup> GFA) located in the north west corner of the subject site to facilitate the proposed development.
3. Road improvement works to 493.34 m Kilshane Road (L3120), including the realignment of a portion of the road (293.86 m) within the subject site boundary and the provision of new footpaths, off-road cycle ways, together with the construction of a new roundabout linking the proposed realignment of Kilshane Road back to the existing road network to the northeast of the subject site and to the proposed internal road network to serve the proposed development.
4. The construction of entrance gates, low wall and railings fronting the realigned Kilshane Road and a private internal road network providing for vehicular, cyclist and pedestrian access to serve the development. Construction of 3 m high security fencing within development.
5. Total provision of 26 no. car parking spaces including 1 no. disabled persons parking space and 2 no. EV electrical charging points.
6. Provision of security lighting columns to serve the development and the installation of Closed-Circuit Television System (CCTV) for surveillance and security purposes.
7. Provision of 20 no. sheltered bicycle parking spaces.
8. Provision of hard and soft landscaping works, tree planting and boundary treatments including 3 m high security fence along Kilshane Road and the perimeter of the subject site boundary.
9. Provision of new on-site foul sewer pumping station to serve the development.
10. Provision of underground surface water attenuation areas to serve the development and all associated site development and excavation works, above and below ground, necessary to facilitate the development. It is noted

that an Environmental Impact Assessment Report was prepared in respect of the permitted development.

**4.2.4. FW21A/0250:** Planning permission refused by Fingal County Council on 10<sup>th</sup> February 2022 for the following:

1. The construction of a Gas Turbine Power Generation Station with an output of up to 293 Megawatts. The proposed station will consist of 1 no. Gas Turbine, 1 no. 28m high Exhaust Stack, 1 no. 2 story Admin Building (c. 680 m<sup>2</sup>), 1 no. single storey Workshop (c. 661 m<sup>2</sup>), 1 no. single storey Plant Room Building (c. 608 m<sup>2</sup>), 1 no. single storey Dew Point Heater Boiler Building (c. 52 m<sup>2</sup>), 1 no. single storey Electrical Module for Fuel Gas Area Building (c. 45 m<sup>2</sup>), 1 no. single storey Packaged Electronic Electrical Control Compartment building (PEECC) (c. 150 m<sup>2</sup>), 1 no. single storey E0Room Building (c. 227 m<sup>2</sup>), 1 no. single storey Fuel Gas Block Building (152 m<sup>2</sup>), 1 no. single storey Continuous Emission Monitoring System (CEMS) Building (c. 9 m<sup>2</sup>), 1 no. single storey Fuel Oil Treatment & Forwarding Building (c.59 m<sup>2</sup>), an Above Ground Installation (AG()) area consisting of 1 no. single storey Instrument Building (c. 28.5 m<sup>2</sup>), 1 no. single storey Regulator Building (47 m<sup>2</sup>), 1 no. single store Boiler Building (c. 28 m<sup>2</sup>), and 1 no. single storey Analyser Kiosk (6 m<sup>2</sup>), 2 no . 20 m high diesel storage tanks and recessed bund area, 1 no. 17 m high Raw and Fire Fighting Water Tank, miscellaneous plant and equipment.
2. The realignment of a portion (263 m) of the Kilshane Road within the subject site boundary, including the provision of new footpaths and off0road cycle ways, together with the construction of a new roundabout linking the proposed realignment of Kilshane Road back to the existing road network to the north west of the subject site and to the proposed internal road network to serve the proposed development.
3. The construction of Entrance Gates, 1 no. single storey security office (40 m<sup>2</sup> GFA) and a private internal road network providing for vehicular, cyclist and pedestrian access to serve the development.
4. Total provision of 20 no. Car Parking Spaces including 2 no. disabled parking spaces and 4 no. Electrical Charging Points.

5. Provision of lighting columns to serve the development and the installation of Closed-Circuit Television System (CCTV) for surveillance and security purposes.
6. Provision of 20 no. Sheltered Bicycle Parking Spaces.
7. Provision of hard and soft landscaping works, tree planting and boundary treatments.
8. Construction of a Wastewater Treatment Plant and Percolation Area together with a Surface Water Attenuation Area to serve the development.
9. All associated site works necessary to facilitate the development.

The application was ultimately refused for the following 6 no. reasons:

1. 'Insufficient information has been submitted to enable the Planning Authority to complete an Appropriate Assessment. The Planning Authority is not satisfied that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of a Natura 2000 site and special conservative interests. The proposed development is therefore contrary to the proper planning and sustainable development of the area.
2. Insufficient information has been submitted to enable the Planning Authority to ascertain if the proposed development would require Environmental Impact Assessment in accordance with 172(a) of the Planning and Development Act 2000, as amended or is likely to have a significant effect on the environment within the context of Section 172(b) of the Planning and Development Act 2000, as amended. The proposed development is therefore contrary to the proper planning and sustainable development of the area.
3. Based on the information submitted, the Planning Authority is not satisfied that the proposed development would not endanger or interfere with the safety of aircraft or the safe and efficient navigation thereof. The proposed development materially contravene objective DA10 of the Fingal County Development Plan 2017-2023 and would therefore be contrary to the proper planning and sustainable development of the area.
4. In the absence of clear information regarding the impacts of the proposed development and mitigation measures to address these, the proposed

development could adversely affect the amenities of adjoining properties and depreciate the value of same. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

5. Having regard to the limited nature of information submitted with the planning application, the Planning Authority is not satisfied that the proposed development would not give rise to adverse impacts on the green infrastructure, biodiversity, ecology, archaeology, landscape character and the visual amenities of the area. The proposed development would materially contravene Objectives NH27, GI22, NH20, CH05 and CH06 of the Fingal County Development Plan 2017-2023, would set a poor precedent for other similar development and would therefore be contrary to the proper planning and sustainable development of the area.
6. On the basis of the documentation submitted, it is not clear if the proposed road upgrade works can be accommodated within the lands under control of the applicant, if the proposed road layout would provide adequate sightlines to existing access points and visibility onto the proposed roundabout and would result in the location of an existing entrance to adjacent the new roundabout. In the absence of certainty as to the ability of the applicant to implement the proposed works and the road layout proposed, the proposed development would give rise to a traffic hazard and endanger public safety and would therefore be contrary to the proper planning and sustainable development of the area.'

#### **4.3. Cruiserath 220kV Substation Site**

**4.3.1. ABP-306834-20:** The Commission approved the proposed development on the 09<sup>th</sup> October 2020 under S182B of the Act for the provision of a double circuit 220kV transmission line and a 220kV gas insulated switchgear (GIS) substation and associated underground transmission line connections to the Corduff substation. It is noted that the Cruiserath substation has been completed and is the substation to which the permitted electricity transmission development (of which this S.146B application relates to) will provide a connection.

**4.3.2. FW21A/0039:** Fingal County Council granted planning permission on the 2<sup>nd</sup> June

2021 for the provision of external lighting to the substation buildings and the perimeter fencing at the permitted Cruiserath 220kV substation.

## **5.0 Background to the Proposed Alterations**

- 5.1.1.** The Planning Statement for the Section 146B Request indicates that the amendments are primarily sought to take account of detailed design considerations pertaining to the design of the permitted 220kV GIS substation. It is confirmed that the permitted 220kV substation and associated transmission line connection to the existing Cruiserath substation will be a contestable development, i.e. the Developer will be responsible for the design, construction, fill-out and pre-commissioning of the 220kV GIS substation and the underground 220kV transmission line connection to the existing Cruiserath 220kV GIS substation. Once energised, the permitted 220kV substation and associated underground transmission line connection will then form part of ESB Networks infrastructure, which EirGrid will be responsible for its operation.
- 5.1.2.** It is noted that minor alterations to the location and design of the substation compound are required to align with the detailed design phase. It is indicated that the minor alterations to the size of the substation compound and the omission of two previously permitted parking spaces from within the compound align with the EirGrid specifications for a single bay 220kV GIS substation.

## **6.0 Proposed Alterations - Scope of Request**

- 6.1.1.** The proposed alterations, as outlined in the Requester's Planning Statement and particulars received by the Commission on 17<sup>th</sup> October 2025, pertain to the previously approved application for a 220kV substation and the associated transmission line connection to the existing Cruiserath substation, as permitted under ABP-314894-22.
- 6.1.2.** It is now proposed to carry out the following amendments which are summarised as follows:
- Relocation of the permitted 220kV Gas Insulated Switchgear (GIS) substation, including the substation compound and structures c. 10m to the north and c. 3m to the west.
  - Alteration to the size of the permitted substation compound, comprising a

reduction of c. 799sq.m. to provide a compound of c. 1,767sq.m.

- The omission of 2 no. car parking spaces originally permitted within the substation compound.
- Alteration to the permitted 220kV underground transmission line route within and directly adjacent to the altered substation compound, to take account of the altered location of the GIS substation building.

**6.1.3.** It is noted that the request is accompanied by a Planning Statement, an Environmental Report and associated drawings. Within the Environmental Report, environmental impacts are considered under the following headings:

- Land, soils, Geology, and Hydrogeology,
- Hydrology,
- Biodiversity,
- Air Quality and Climate,
- Noise and Vibration,
- Archaeological, Architectural and Cultural Heritage, and,
- Waste Management.

## **7.0 Public Consultation**

**7.1.1.** I have considered the provisions of Section 146B(2)(b) of the Planning and Development Act 2000 (as amended), which provides for, at the Commission's discretion, the invitation of submissions from persons, including the public. As they were identified as parties to the previous application, I have deemed it appropriate to invite the following persons or class of persons to make submissions on the current Section 146B request:

- Angela and Kevin Tonge.
- Fingal County Council.
- Transport Infrastructure Ireland.
- Department of Housing, Local Government and Heritage (Development Applications Unit).

**7.1.2.** I note that submissions have been received from the following parties:

- **Fingal County Council:** Response received dated 15<sup>th</sup> December 2025.

Taking into account the nature, scale and design of the proposed alterations, the Planning Authority noted that the proposed alterations would not result in new or different planning issues to those that were addressed prior to the grant of planning permission.

- **Department of Housing, Local Government and Heritage (Development Applications Unit):** Response received dated 7<sup>th</sup> January 2026. Having considered the minimal modifications now proposed to the design and layout of the permitted GIS substation and associated works, the Department indicated that they were satisfied that their effects on flora, fauna and ecologically valuable habitats will not differ to any significant degree from the effects that the construction of the substation to the original design proposals would have had on these elements of biodiversity and were evaluated and taken into consideration when the previous planning permission for the substation was granted.

## **8.0 Assessment**

- 8.1.1.** In the following assessment, I consider whether the proposed alterations would constitute a material alteration to the terms of the development permitted under ABP-314894-22 for the purposes of Section 146B of the Planning and Development Act 2000 (as amended), as well as the potential for significant effects on the environment and on European sites.

## **8.2. Consideration of Materiality**

- 8.2.1.** Section 146B of the Planning and Development Act, 2000 (as amended) sets out how the Commission may, on the request of any person who is carrying out or intending to carry out a strategic infrastructure development, alter the terms of the development, the subject of a planning permission. Subsection 2(a) requires the Commission to make a decision as to whether the making of the alteration to a strategic infrastructure development, to which the request relates, would constitute the making of a material alteration of the terms of the development permitted. In forming this determination, it is necessary to consider the type and extent of the proposed alterations, as well as the consequences of these changes from a planning and environmental perspective.

- 8.2.2.** As detailed above, the proposed alterations comprise the following:
- i. Relocation of the permitted 220kV Gas Insulated Switchgear (GIS) substation, including the substation compound and structures c. 10m to the north and c. 3m to the west.
  - ii. Alteration to the size of the permitted substation compound, comprising a reduction of c. 799sq.m. to provide a compound of c. 1,767sq.m.
  - iii. The omission of 2 no. car parking spaces permitted within the substation compound.
  - iv. Alteration to the permitted 220kV underground transmission line route within and directly adjacent to the altered substation compound, to take account of the altered location of the GIS substation building.

**8.2.3.** The first consideration in relation to this request is whether the proposed alterations would remain consistent with the planning policy context that underpins the permitted development. Having examined the proposed development, I am satisfied that the proposed alterations would not alter the purpose, scale, intensity or land use of the development originally permitted under ABP-314894-22. The proposed amendments are primarily sought to take account of detailed design considerations pertaining to the permitted 220kV GIS substation and include a minor relocation of the permitted 220kV GIS substation within the site, a reduction in the overall size of the compound, the omission of 2 no. car parking spaces and a minor alteration to the transmission line route to account for the above revisions. I note that the amendments would not result in any changes in the land-use, intensity, character, or functionality of the permitted development. Whilst the parent permission was considered under a previous County Development Plan (i.e. 2017-2023), the zoning that applies to the lands remain unchanged under the current Plan. On this basis, I am satisfied that the proposed alterations accord with the current 'HI - Heavy Industry' zoning objective (Fingal County Development Plan, 2023-2029) that seeks to 'Provide for heavy industry'.

**8.2.4.** The second consideration is whether the proposed alterations are likely to have significant effects on people and other environmental parameters over and above those already identified and assessed in the parent permission ABP-314894-22. It is noted within the Environmental Report that the construction methodology remains

unchanged from that envisaged for the original application, with all previously permitted methodologies and materials unaltered for this application. The nearest sensitive receptors to the development are dwellings located c. 350m to the north-west of the site. It is confirmed within the Environmental Report that both dwellings are due to be demolished (FW24A/0339E) and the site will be converted into a storage container depot.

**8.2.5.** The Huntstown Stream (EPA\_Name: Huntstown 08) is the closest EPA mapped waterbody to the site and is located c. 250m to the south of the relocated GIS Compound. It is evident that there is no direct hydrological connection between the proposed development and the Huntstown Stream or other surface water bodies. Furthermore, there are no groundwater source protection zones, bathing locations, or recreational waterbodies within the proposed site area or in its immediate vicinity. In terms of biodiversity, it is confirmed within the Environmental Report that the development area has a low ecological value, with the site characterised by the presence of agricultural grassland and bare soil habitats. It is noted that there are no trees, bushes, hedgerows or other type of vegetation present in the compound area. As discussed above, it was evident substantial clearance works have commenced on site at the time of my site inspection. When examining the relevant flood mapping (floodinfo.ie) for the site, it was evident that both the original compound area and the relocated compound area are located within Flood Zone C, where a low risk of flooding for all flood types, including tidal, fluvial, pluvial, and ground water. It was also evident that there was no past flood events registered in the surrounds of the site. In terms of archaeological and cultural heritage, I note that there are no recorded archaeological monuments located within the site boundary. Within the surrounding area, there are 3 no. recorded monuments located c. 250m to the south of the proposed relocated GIS Compound, which include a Church (DU014-012001) and associated Bural Ground (DU014-012002) and Ritual site - holy well (DU014-012003)). I note that there are also no Protected Structures located within the vicinity of the site. Having regard to the existing baseline environment, the central location of the site within a larger field, the minor extent of the substation's relocation (i.e. c. 10m to the north and c. 3m to the west) and the fact the overall size of the permitted substation compound is being reduced (reduced by c. 799sq.m. to provide a compound of c. 1,767sq.m), I consider

that the proposed alterations would not result in a significant impact on people and other environmental parameters beyond those already identified and assessed in the parent permission ABP-314894-22.

**8.2.6.** The third consideration is whether the proposed alterations could have an adverse effect on a Natura 2000 European site. The parent permission ABP-314894-22 was subject to Appropriate Assessment screening under Section 182A of the Planning and Development Act, 2000 (as amended), which concluded that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of any designated European site, in view of the their Conservation Objectives. The proposed alterations do not alter any element of the parent permitted development that was relevant to that determination. The relocation of, and reduction in the size substation compound would not significantly alter drainage patterns, and no new source-pathway-receptor linkages would occur. The works of the proposed alterations would be confined to the already permitted, serviced and modified lands. I am therefore satisfied that the proposed alterations do not have the potential to adversely affect any Natura 2000 European Site.

### **8.2.7. Finding in Respect of Materiality**

**8.2.8.** Having regard to the nature, scale and location of the proposed alterations, and to the assessment set out above, I am satisfied that the proposed alterations would not constitute the making of a material alteration of the terms of the development permitted under ABP-314894-22. The proposed alterations are primarily sought to take account of detailed design considerations pertaining to the permitted 220kV GIS substation and would not materially alter the land use, character, intensity or functionality of the wider development. In addition, the proposed alterations would not give rise to significant environmental effects or significant effects on the integrity of any Natura 2000 European Site.

### **8.3. EIA Pre-Screening / Schedule 7A Consideration**

**8.3.1.** Schedule 7A documentation was not submitted with the subject application. I note that Schedule 7A information is required under Section 146B(3)(b)(i) of the Planning and Development Act, 2000 (as amended) only if the Commission decides that the making

of the proposed alteration would constitute the making of a material alteration of the terms of the permitted development. As detailed above, I have concluded that the proposed alterations do not constitute the making of a material alteration of the terms of the strategic infrastructure development permitted under ABP-314894-22, for the purposes of Section 146B of the Act. On this basis, I consider that there is no requirement to request or assess Schedule 7A information in this instance.

- 8.3.2.** The proposed alterations do not comprise development of a class specified in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended). Accordingly, no mandatory requirement for Environmental Impact Assessment arises, and there is also no requirement for an EIA screening determination in respect of the proposed alterations. For completeness, EIA pre-screening has been undertaken in Form 1, in Appendix 1 of this report.

#### **8.4. Appropriate Assessment Screening**

- 8.4.1.** The parent permission, as permitted under ABP-314894-22 was subject to Appropriate Assessment under Section 182A of the Planning and Development Act 2000 (as amended) where it was concluded that the the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of any European site, in view of the sites' Conservation Objectives.

- 8.4.2.** I am satisfied that the proposed alterations do not materially alter any element of the permitted development that was relevant to that determination. The proposed relocation is minor and does not alter the previous redline boundary for the overall development. Therefore, I would agree with the Requester's consultant that the proposed changes do not materially affect the Source-Pathway-Receptor model undertaken in the Appropriate Assessment (AA) Screening submitted as part of the original submission. The amendments to the permitted development do not create any hydrological pathways to the downstream protection areas. Therefore, the proposed changes will have no impact on any European sites. Given the existing conditions of the site (low value habitat), the GIS Compound relocation will not result in additional habitat loss. I would also concur that adherence to the detailed CEMP and compliance with the existing planning conditions for the permitted development will ensure no

significant impacts occur. I am satisfied, therefore, that the proposed alterations would not likely have significant effects on any Natura 2000 European Site and that a Stage 2 Appropriate Assessment is not required.

## **9.0 Recommendation**

- 9.1.1.** I recommend that the Commission decides that (a) the making of the alterations subject of this request do not constitute the making of a material alteration of the terms of the development as approved under ABP-314894-22, and (b) the proposed modifications will not give rise to significant environmental effects or significant effects on the integrity of any European site, for the reasons stated below.

### **DRAFT ORDER**

**REQUEST** received by An Coimisiún Pleanála on the 17<sup>th</sup> day of October 2025 from Kilshane Energy Limited under Section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development, granted under ABP-314894-22 for the development of a 220kV substation and associated transmission line connection to the existing Cruiserath substation on lands at Kilshane Road, Kilshane, Finglas, Dublin 11.

**WHEREAS** the Commission made a decision to grant the proposed development, subject to conditions, for the above-mentioned development by order dated the 24<sup>th</sup> day of August 2023.

**AND WHEREAS** the proposed alteration is described as follows:

- Relocation of the permitted 220kV Gas Insulated Switchgear (GIS) substation, including the substation compound and structures c. 10m to the north and c. 3m to the west.
- Alteration to the size of the permitted substation compound, comprising a reduction of c. 799sq.m. to provide a compound of c. 1,767sq.m.
- The omission of 2 no. car parking spaces permitted within the substation compound.
- Alteration to the permitted 220kV underground transmission line route within

and directly adjacent to the altered substation compound, to take account of the altered location of the GIS substation building.

**AND WHEREAS** having regard to the issues involved, the Commission decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, to invite submissions or observations from such a person or class of person in relation to the matter,

**AND WHEREAS** the Commission decided, in accordance with section 146B(3)(a) of the Planning and Development Act 2000, as amended, that the proposed alterations would not result in the making of a material alteration to the terms of the development, the subject of the approval,

**AND WHEREAS** having considered all of the documents on file and the Inspector's report, the Commission considered that the making of the proposed alterations would not be likely to have significant effects on the environment or on any European Site,

**NOW THEREFORE** in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Commission hereby alters the above mentioned decision so that the approved development shall be altered in accordance with the plans and particulars received by An Coimisiún Pleanála on the 17<sup>th</sup> day of October 2025, for the reasons and considerations set out below.

## **REASONS AND CONSIDERATIONS**

In coming to its decision, the Commission had regard to the following:

- (a) the limited nature, scale and extent of the proposed alterations, when considered in the context of the overall development permitted under ABP-314894-22;
- (b) the location of the proposed alterations, which are contained within the red line boundary of the site;
- (c) the absence of any significant new or additional environmental impacts arising as a result of the proposed alterations;
- (d) the conclusion of the Inspector that the proposed alterations would not be likely

to have significant effects on the environment and that an Environmental Impact Assessment screening determination is not required.

- (e) the conclusion of the Commission's Inspector that the proposed alterations would not be likely to have significant effects on any Natura 2000 European Site, either alone or in combination with other plans or projects, and that a Stage 2 Appropriate Assessment is not required.
- (f) the documentation on file;
- (g) the report of the Commission's Inspector, which is adopted.

It is considered that the proposed alterations would not constitute a material alteration to the terms of the development permitted under ABP-314894-22. In accordance with Section 146B(3)(a) of the Planning & Development Act, as amended, the Commission hereby makes the said alterations.

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.

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Enda Duignan

Senior Planning Inspector

24<sup>th</sup> February 2026

## Appendix 1

### Form 1 - EIA Pre-Screening

|   |  |
|---|--|
| <b>Case Reference</b>   | ACP-323812-25  |
| <b>Proposed Development Summary</b>   | Proposed alterations to the terms of the permitted development granted under reference number ABP-314894-22. |
| <b>Development Address</b>  | Lands at Kilshane Road, Kilshane, Finglas, Dublin 11.  |
| <b>In all cases check box /or leave blank</b>   |  |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br><br>(For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br><br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.                                   |
|   | <input type="checkbox"/> No, no further action required.   |
| <b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>   |  |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1.  |  |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3  |  |
| <b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>   |  |
| <input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2,  | The proposed alterations include a minor relocation of the GIS substation and a reduction in the site of the |

|  |  |
|--|--|
| <p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p> | <p>substation compound. The proposals also include the omission of 2 no. car parking spaces and the alteration to the permitted 220kV underground transmission line route within and directly adjacent to the altered substation compound. The proposed alterations do not fall within any class of development in Schedule 5 of the Planning and Development Regulations, 2001 (as amended). No mandatory requirement for EIA therefore arises, and there is also no requirement for a screening determination.</p> |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p>   |  |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p>  |  |

| <b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b> |   |
|---|---|
| <p><b>Yes</b> <input type="checkbox"/></p>  |   |
| <p><b>No</b> <input checked="" type="checkbox"/></p>  | <p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p> |