

**Our Case Number:** ABP-312348-22



An  
Bord  
Pleanála

Electricity Supply Board  
Engineering and Major Projects  
One Dublin Airport Central  
Dublin Airport  
Cloghran  
K67 XF72

**Date:** 24 January 2023

**Re:** Construction of three new 110Kv Circuits. Newbury-Ballystruan 110kV, Ballystruan-Forest Little 110kV and Forest Little-Belcamp 110kV.  
At various locations between Forest Little, Belcamp, Clonshaugh and Harristown, Co. Dublin.

Dear Sir / Madam,

Please be advised that following consultations under section 182E of the Planning and Development Act, 2000, as amended, the Board hereby serves notice that it is of the opinion that the proposed development falls within the scope of section 182A of the Planning and Development Act, 2000 as amended. Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 182A of the Planning and Development Act, 2000, as amended. Any application for approval for the proposed development must therefore be made directly to An Bord Pleanála under section 182A(1) of the Act.

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed.

In accordance with section 146(5) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

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D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,



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Eimear Reilly  
Executive Officer  
Direct Line: 01-8737184

VC11

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## List of Prescribed Bodies to be forwarded copies of the application documentation:

- Department of Transport
- Department of the Environment, Climate and Communications
- Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media
- Department of Housing, Local Government and Heritage
- Dublin City Council
- Fingal County Council
- Transport Infrastructure Ireland
- Irish Water
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce
- Heritage Council
- The Commissioners of Public Works
- Dublin Airport Authority
- EirGrid
- Health Service Executive
- Health and Safety Authority
- Inland Fisheries Ireland
- Eastern and Midland Regional Assembly
- National Transport Authority
- Commission for Regulation of Utilities
- Commission for Railway Regulation

## **Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).**

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(7) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, [www.citizensinformation.ie](http://www.citizensinformation.ie).

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice

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## **An Bord Pleanála**



### **Inspector's Report.**

**Case Ref. No:** ABP-312348-22

**Issue:** SID Pre-application – whether project is or is not strategic infrastructure development.

**Proposed Development:** Construction of three new 110kV circuits – Newbury-Ballystruan, Ballystruan-Forest Little, Forest Little-Belcamp

**Location:** Between Forest Little, Belcamp, Clonshaugh and Harristown, County Dublin

**Applicants:** Electricity Supply Board

**Planning Authority:** Fingal County Council & Dublin City Council

**Inspector:** Kevin Moore

## **1.0 Introduction**

1.1. The Board received a request on 23<sup>rd</sup> December, 2021 from the Electricity Supply Board (ESB) to enter into pre-application consultation under section 182E of the Planning and Development Act 2000, as amended, in relation to proposed development consisting of the construction of three new 110kV circuits as follows:

- Newbury - Ballystruan 110kV
- Balltstruan – Forest Little 110kV
- Forest Little – Belcamp 110kV.

1.2. One Pre-Application Consultation meeting took place between An Bord Pleanála (the Board) and the prospective applicant on 9<sup>th</sup> March 2022.

1.3. This Report is prepared following the request by the prospective applicant to close the Pre-Application Consultations between the applicant and the Board. This Report provides an overview of the proposed project, details of the legislative provisions, a summary of the meeting and the advice provided by the Board, and recommends a list of Prescribed Bodies who should be forwarded copies of the application.

## **2.0 Proposed Development**

2.1. The proposed development is linear in nature, involving the installation of high voltage underground electricity cables at various locations between Forest Little, Belcamp, Clonshaugh and Harristown in Dublin. The proposal comprises the construction of three new 110kV circuits as follows:

- Newbury - Ballystruan 110kV

- Ballystruan – Forest Little 110kV
- Forest Little – Belcamp 110kV.

2.2. The cables would be 110kV, with an additional 220kV identified to also be provided for the Forest Little – Belcamp Circuit. The cable circuits would be installed along a mixture of public roads and private land, with the latter primarily in the ownership of the Dublin Airport Authority. They would provide connections to two new proposed substations to be named Forest Little 110kV substation located at MetroLink North Portal in Cloghran and Ballystruan 110kV substation located at MetroLink Dardistown in Ballystruan.

2.3. The purpose of the proposed development is to accommodate the connection of two new permanent 110kV substations that would primarily be required for the MetroLink project. MetroLink requires the construction of two new 110kV GIS substations in north Dublin at locations to be identified, secured and consented by Transport Infrastructure Ireland. The new substations would be supplied with electricity from ESB by way of the new underground cable routes from existing substations in the area.

### 3.0 Legislative Provisions.

#### *Planning and Development Act 2000, as amended*

#### Section 2

Section 2(1) of the Act defines ‘strategic infrastructure’ as including, inter alia: “any proposed development referred to in section 182A(1)”.



## Section 182A

Under subsection 182A(1) of the Act, 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.

Subsection 182A(9) states:

*“...‘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.”*

### ***Electricity Regulation Act 1999, as amended***

‘Transmission’ is defined in section 2(1) of the Electricity Regulation Act, 1999, as amended, 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, from one substation to another or to or from any interconnector or to final customers but shall not include any such lines which the Board may, from time to time, with the approval of the Commission, specify as being part of the distribution system but shall include any interconnector owned by the Board.”*



#### **4.0 Pre-Application Consultation**

- 4.1. At the meeting held on 9<sup>th</sup> March 2022, the prospective applicant provided an outline of the need for pre-application consultation, the rationale for the project, and an overview of the proposed development, including the nature and extent of the proposed circuits and the proposed routing. Matters discussed included routing corridors, way leave agreements, public consultation, and separation of the application for the project from the MetroLink project. The prospective applicant clarified that the need for environmental impact assessment and appropriate assessment was premised upon the cumulative effects with the MetroLink project.
- 4.2. Following this meeting, the applicant forwarded a map showing a potential underground cable route alternative relating to the Forest Little to Belcamp Cable Route. It has been clarified that it is proposed to consider this alternative, along with the original proposal, in the planning application to the Board.

#### **5.0 Conclusion**

- 5.1. I first note that the proposed development meets the definition of electricity transmission under section 2(1) of the Electricity Regulation Act 1999 and, as such, it would fall under section 182A of the Planning and Development Act and would be deemed to be strategic infrastructure development.
- 5.2. Following the insertion of Section 182E into the Planning and Development Act 2000, as amended, a prospective applicant who proposes to apply for approval under section 182B is required, before making an application, to enter into consultation with the Board in relation to the proposed development. Under this provision, the Board may give advice to the prospective applicant regarding the proposed application and, in particular, regarding procedures involved in the making of such an application and what considerations, related to the proper

planning and sustainable development or the environment, may, in the opinion of the Board, have a bearing on its decision in relation to the application. During the meeting held advice was provided as noted on the file attached.

- 5.3. The applicant now wishes to close the consultation stage and, following this stage, the applicant may apply to the Board for the approval of the construction of the proposed three 110kV circuits at various locations between Forest Little, Belcamp, Clonshaugh and Harristown.
- 5.4. I recommend that ESB be informed that the proposed development, consisting of the construction of three new 110kV circuits referred to as Newbury - Ballystruan 110kV, Ballystruan – Forest Little 110kV, and Forest Little – Belcamp 110kV, as set out in the plans and particulars received by An Bord Pleanála on the 23<sup>rd</sup> December 2021 and 23<sup>rd</sup> September 2022, falls within the scope of section 182A of the Planning and Development Act 2000, as amended.
- 5.5. The Board may consider recommending to ESB a list of Prescribed Bodies who should be forwarded copies of the application documentation, and I recommend the following:
  - (a) Department of Transport
  - (b) Department of the Environment, Climate and Communications
  - (c) Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media
  - (d) Department of Housing, Local Government and Heritage
  - (e) Dublin City Council
  - (f) Fingal County Council
  - (g) Transport Infrastructure Ireland
  - (h) Irish Water
  - (i) An Chomhairle Ealaíon
  - (j) Fáilte Ireland
  - (k) An Taisce
  - (l) Heritage Council
  - (m) The Commissioners of Public Works

- (n) Dublin Airport Authority
- (o) EirGrid
- (p) Health Service Executive
- (q) Health and Safety Authority
- (r) Inland Fisheries Ireland
- (s) Eastern and Midland Regional Assembly
- (t) National Transport Authority
- (u) Commission for Regulation of Utilities
- (v) Commission for Railway Regulation



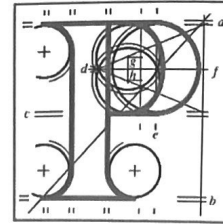
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**Kevin Moore**

**Senior Planning Inspector.**

**14<sup>th</sup> December, 2022.**

Our Case Number: ABP-312348-22



An  
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Pleanála

Brendan Allen  
Electricity Supply Board  
Engineering and Major Projects  
One Dublin Airport Central  
Dublin Airport  
Cloghran  
K67 XF72

**Date:** 11th March 2022

**Re:** Construction of three new 110kV Circuits. Newbury-Ballystruan 110kV, Ballystruan-Forest Little 110kV and Forest Little-Belcamp 110kV.  
At various locations between Forest Little, Belcamp, Clonshaugh and Harristown, Co. Dublin.

Dear Sir,

I have been asked by An Bord Pleanála to refer further to the above-mentioned pre-application consultation request.

Please find enclosed a copy of the written record of the 1<sup>st</sup> meeting of the 9<sup>th</sup> March, 2022.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

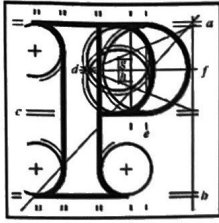
Yours faithfully,

Jennifer Sherry  
Executive Officer  
Direct Line: 01-873 7266

PC07

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**An  
Bord  
Pleanála**

**Record of Meeting  
ABP-312348-22 1<sup>st</sup>  
meeting**

<b>Description</b>	ABP-312348-22 – Proposed construction of three new 110Kv circuits: Newbury-Ballystruan 110kV, Ballystruan-Forest Little 110kV and Forest Little-Belcamp 110kV, at various locations between Forest Little, Belcamp, Clonshaugh and Harristown, Co. Dublin.		
<b>Case Type</b>	Pre-application Consultation.		
<b>1st / 2nd / 3<sup>rd</sup> Meeting</b>	1 <sup>st</sup> Meeting		
<b>Venue</b>	Virtually by Microsoft Teams		
<b>Date</b>	09/03/2022	<b>Time</b>	11:15am -11:50am

<b>Representing An Bord Pleanála</b>		
Brendan Wyse, Assistant Director of Planning (Chair)		
Kevin Moore, Senior Planning Inspector		
Sarah Caulfield, Executive Officer	s.caulfield@pleanala.ie	01-8737287
<b>Representing the Prospective Applicant</b>		
Brendan Allen – ESB Networks		
Emma Butler – ESB Networks		
Sinisa Sestanovic – ESB Networks		
Keith Rooney – ESB Networks		
Tony McEvoy – Transport Infrastructure Ireland		
Elaine A Bennett – Mott MacDonald		

## **Introduction:**

The Board referred to the letter received from the prospective applicant on the 23<sup>rd</sup> December 2021, requesting pre-application consultations and advised the prospective applicant that the instant meeting essentially constituted an information-gathering exercise for the Board; it also invited the prospective applicant to outline the nature of the proposed development and to highlight any matters that it wished to receive advice on from the Board. The Board mentioned the following general procedures in relation to the pre-application consultation process:

- The Board will keep a record of this meeting and any other meetings, if held. Such records will form part of the file which will be made available publicly at the conclusion of the process. The record of the meeting will not be amended by the Board once finalised, but the prospective applicant may submit comments on the record which will form part of the case file.
- The Board will serve notice at the conclusion of the process as to the strategic infrastructure status of the proposed development. It may form a preliminary view at an early stage in the process on the matter.
- A further meeting or meetings may be held in respect of the proposed development.
- Further information may be requested by the Board and public consultations may also be directed by the Board.
- The Board may hold consultations in respect of the proposed development with other bodies.
- The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or in any legal proceedings.



## **Presentation by the prospective applicant:**

The proposed development includes the installation of high voltage underground electricity cables in the areas of Forest Little, Belcamp, Clonshaugh and Harristown, Co. Dublin. The proposed development is located within the functional areas of Dublin City Council and Fingal County Council.

The proposed development includes the construction of new circuits at the following locations:

1. Newbury -Ballystruan 110kV
2. Ballystruan – Forest Little 110kV
3. Forest Little – Belcamp – 2 new circuits at 110kV and 220kV

The prospective applicant said the main driver for the proposed development is to accommodate the connection of two new permanent 110kV substations that will be required for the Metrolink project, which is being progressed by Transport Infrastructure Ireland (TII). The Metrolink project requires the construction of two new 110kV GIS substations in north Dublin and these new substations will be supplied by electricity from ESB by way of new underground cable routes from existing substations in the area.

It was submitted that the cable circuits would be installed along a mixture of public roads and private lands (primarily owned by Dublin Airport Authority) and will result in connections to the two new proposed Metrolink substations to be named Forest Little substation, located at Metrolink North Portal in Cloghran, and Ballystruan substation, located at Metrolink Dardistown in Ballystruan. The prospective applicant presented several drawings which give an overview of the proposed cable routes (copies on file).

Regarding watercourse crossings, the prospective applicant said a number of watercourse crossings would be required as part of the proposed development and said these may take the form of horizontal directional drilling, microbore tunnelling or open trench. These options are currently under consideration. The prospective applicant said it plans to environmentally assess and apply a corridor of up to 10 metres wide, to allow flexibility during detailed design stage.

In relation to the works proposed on public roads, the prospective applicant said a Road Opening License may be required and said this will be arranged in conjunction with the relevant local authority.

The prospective applicant said engagements are ongoing with TII in order to progress the development. The prospective applicant said TII are engaged in consultations with the Board in relation to the overall Metrolink project (An Bord Pleanála case reference: ABP-302010-18).

It was submitted that agreements were made between the prospective applicant and TII that planning approval for the high voltage cables required for the Metrolink project would not form part of the Railway Order application but will instead be sought by the prospective applicant in its role as statutory undertaker for the purposes of electrical infrastructure. Therefore, it said, subject to the Board's determination, the proposed development would be submitted under section 182A of the Planning and Development Act 2000, as amended.

The prospective applicant said it is anticipated that both EIA and AA will be required as the proposed development forms part of the wider Metrolink project which itself will be subject to EIA and AA. It said cumulative impacts would be considered and fully assessed as part of the development.

The prospective applicant said its current intention is to lodge the planning application in Q4 2022, shortly after the Railway Order application is submitted.

## **Discussion**

The following matters were discussed:

- The Board's representatives confirmed that the pre-application consultation process for the Metrolink project (ABP-302010-18) is now concluded and it is a matter for the applicant (TII) to submit the Railway Order application.
- In response to a query on the matter, the prospective applicant said, following legal advice received, that it was decided to submit two separate planning applications, the proposed development under section 182A of the Planning

and Development Act 2000, as amended, and the Railway Order application for the Metrolink development.

- The Board's representatives advised the prospective applicant to coordinate the submission of both planning applications.
- The prospective applicant said the design is nearing completion but some minor reconfigurations may be necessary. It said the information gained from site investigation works will determine if any adjustments are required.
- In response to a query on the matter, the prospective applicant said consultations are ongoing with relevant landowners and it doesn't anticipate the requirement for wider public consultations.

## **Conclusion**

The record of the meeting will issue to the prospective applicant and it will then be a matter for the prospective applicant to submit any comments on this if it wishes to do so. It will be a matter for the prospective applicant to revert to the Board if it requires a further meeting or if it wishes to close the pre-application consultation process.



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**Brendan Wyse**

**Assistant Director of Planning**

11 March 2022