



An
Bord
Pleanála

**Board Direction
PL06F.248544**

The submissions on this file and the Inspector's report were further considered at a Board meeting held on January 16th 2018.

The Board decided, on a vote of 4 to 1, to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board had regard to the nature, scale and location of the proposed development, the appropriate assessment screening report submitted with the application and addendum to this report submitted at the oral hearing, the assessment prepared by the Council, the documentation including submissions on file, and the Inspector's screening assessment.

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or

projects, would not be likely to have a significant effect on the following European Sites: Malahide Estuary SAC 000205 (13km), South Dublin Bay SAC 000210 (14km), North Dublin Bay SAC 000296 (15km), Rye Water Valley / Carton SAC 001398 (8.7km), South Dublin Bay and River Tolka Estuary SPA 004024 (14km), Malahide Estuary SPA 004025 (13km) and North Bull Island SPA 004006 (12km), or any other European site, in view of the conservation objectives of these sites, and that therefore a Stage 2 Appropriate Assessment (and submission of a NIS) is not required.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- the nature, scale, extent and location of the proposed development;
- the Environmental Impact Statement submitted with the application, and the addendum to the Environmental Impact Statement submitted at the oral hearing;
- the documents on file including the submissions from the planning authority and from the parties and observers lodged in the course of the application and appeal; and
- the Inspector's report.

The Board considered that the Environmental Impact Statement and the addendum to the Environmental Impact Statement identifies and describes adequately the direct cumulative and indirect effects of the proposed development on the environment. The Board completed an Environmental Impact Assessment in relation to the subject development, by itself and in combination with other development in the vicinity (including the two options for a future grid connection and for fibre connections, as outlined in the documentation submitted at the oral hearing), and agreed with the Inspector in his assessment of the likely significant effects of the development, and agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board concluded that, subject to the implementation of the

mitigation measures proposed, and subject to the following conditions, the effects of the proposed development on the environment would be acceptable. In doing so, the Board adopted the report of the Inspector.

Reasons and Considerations

It is considered that, subject to compliance with the conditions set out below, the proposed development of a data centre with 12 no. data halls, and associated works, would be consistent with European and Government policy concerning the development of digital infrastructure, and would accord with the policies and objectives pertaining to such development and to the zoning objectives for the application site as set out in the Fingal Development Plan 2017-2023, and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information received by the Board at the Oral Hearing on the 26th and 27th day of September 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This decision to grant permission shall not authorise the provision of any grid connection or the provision of the 220kV substation.

Reason: To clarify the terms of the permission, having regard to the information submitted by the applicant at the oral hearing.

3. All mitigation measures identified in the environmental impact statement and associated documentation submitted with the application, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and the protection of the environment.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. The operational noise level shall not exceed 55 dB(A)_{Leq 1hr} (corrected for any tonal or impulsive component) at the nearest noise sensitive locations, including dwellings, between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A)_{Leq 1hr} at any other time. All sound measurement shall be carried out in accordance with ISO 1996-1:2016 "Acoustics - Description, measurement and assessment of environmental noise - Part 1: Basic quantities and assessment procedures". Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity of the site.

6. Prior to the commencement of development, full details, including drawings and samples, of:
 - a. All proposed external finishes to the proposed buildings, including to the flue stacks,

- b. All proposed signage to serve the development, and
- c. All site fencing (site fencing shall be coloured in a dark green colour only).

shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

7. The site landscaping, as outlined in submitted documentation, shall be implemented within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants that die, are removed or become seriously damaged or diseased, within a period of five years from the completion of building works, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity, and to ensure the timely provision of landscaping works, and their maintenance until successfully established.

8. (a) The developer / operator shall ensure that there is no light spill or glare from lighting provided within the site into surrounding properties or onto the public road.
- (b) The developer / operator shall comply with the requirements of the Planning Authority in relation to adjusting external lighting provided within the site, including the fitting of louvres, necessary to address light spill or glare that becomes evident on commissioning the installations.

Reason: In the interest of amenities and traffic safety.

9. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional development, other than that shown on submitted drawings, shall take place above roof parapet level including lift motor enclosures, air handling

equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennae or equipment, unless authorised by a further grant of permission.

Reason: In the interest of visual amenity, and to allow the planning authority to assess any such further development through the statutory planning process.

10. All service cables associated with the proposed development (such as electrical and communication cables) shall be located underground.

Reason: In the interest of visual amenity.

11. Prior to the commencement of development, the applicant shall submit to, and obtain the written agreement of the planning authority for:
 - a. Details and drawings of the entrances from the site to the public roads, which shall comply with the Design Manual for Urban Roads and Streets (2013);
 - b. Details of the location, type, design and construction of the proposed gated access points in the security fence line.
 - c. Details and drawings showing the segregation of the loading bay area turning movement from the staff parking area.

Reason: In the interests of pedestrian and cyclist permeability and safety across the proposed entrances to the site, and of traffic safety.

12. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- a. notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and
- b. employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site, including a programme of test excavation, and shall monitor all site development works. The assessment shall address the following issues:
 - (i) the nature and location of archaeological material on the site, and
 - (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements including, if necessary, archaeological excavation prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation by record and protection of any archaeological remains that may exist within the site.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
 - a. Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - b. Location of areas for construction site offices and staff facilities;
 - c. Details of site security fencing and hoardings;

- d. Details of on-site car parking facilities for site workers during the course of construction;
- e. Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f. Measures to obviate queuing of construction traffic on the adjoining road network;
- g. Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h. Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i. Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j. Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k. Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l. Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;
- m. Hours of working.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

- 14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and

Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Note 1: In arriving at its decision, the Board considered and assessed the application submitted, which it accepted was a stand-alone development, and did not consider the remainder of the overall masterplan, which it noted would have to be the subject of separate planning applications and, where applicable, environmental impact assessment. The Board was of the view that, in the light of policies set out in the Fingal County Development Plan, and in particular policies PM30 and EN21, it would be appropriate, as part of any such planning applications, to examine the feasibility of recovering or utilising the waste heat generated by such future data storage facilities for district heating systems serving residential, industrial, commercial or leisure developments in the general area (while concurring with the inspector that such an option was not possible at the current time in the absence of the necessary national policy, fiscal and organisational context for the present development).

Note 2: The Board noted that the application was accompanied by an Environmental Impact Statement, and was lodged on March 1st 2017, which is prior to the transposition date for EIA Directive (2014/52/EU), which was May 16th 2017. Accordingly, the Board considered the application, and carried out its Environmental Impact Assessment, under the provisions of the 2011 EIA Directive (2011/92/EU).

The Board concurred with the view of the Inspector that, notwithstanding the provision by the applicant of additional information during the processing of the appeal and at the oral hearing (including the addendum to the EIS), the provisions of the 2011 Directive continues to apply, including to the addendum material (see paragraphs 8.11 – 8.13 of the Inspector’s report).

[Please issue a copy of this Direction, with the Board Order, to the parties and observers]

Board Member

Date: 17th January 2018

Philip Jones