



An
Bord
Pleanála

Board Direction
BD-001731-18
ABP-301923-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/11/2018.

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

At this meeting, the Board also confirmed the costs as set out below in Appendix 1 to refund the applicant €58,323.

Reasons and Considerations

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

a) EU legislation including in particular:

- The relevant provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment,
- The provisions of Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,
- EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy.

- The National Planning Framework published in February 2018.
- The Government Statement on The Role of Data Centres in Ireland's Enterprise Strategy published in June 2018,
- The Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012,
- The Regional Planning Guidelines for the Greater Dublin Area 2010-2022,
- The provisions of Meath County Development Plan 2013-2019,
- The provisions of Dunboyne, Clonee and Pace Local Area Plan 2009-2015.

And also having regard to the following matters:

- the nature, scale and design of the proposed development as set out in the application and the pattern of development in the vicinity,
- other relevant guidance documents,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites,
- the submissions and observations made to An Bord Pleanála in connection with the application, and
- the report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European sites.

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. The Board considered the nature, scale and location of the proposed development, the appropriate assessment screening report that relates to both the data centre and substation development that was submitted with the application, the submissions on file and the report of the Inspector. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European sites, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not, therefore required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- a) the nature, scale, location and extent of the proposed development,
- b) the environmental impact assessment report in respect of both the substation development and the data centre development, and associated documentation submitted in support of the application,
- c) the submissions from the local authority, the observer and the prescribed bodies in the course of the application, and
- d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, including the cumulative effects of the substation development and the data centre development, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated as follows:

Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information contained above, to the EIAR and supplementary information provided by the applicant and the submissions from the observer and prescribed bodies, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Impacts on population and human health as a result of Noise and Vibration during the construction and operational phases. The potential impacts which would be mitigated by noise and vibration mitigation measures, such as the limiting of construction hours, the use of plant with low inherent potential of noise and / or vibration, the use of noise barriers and locating plant away from noise sensitive receptors. Noise and vibration levels would be within acceptable emissions limits during normal operation.
- Impacts on Biodiversity are likely to arise during construction due to the removal of habitat and disturbance associated with noise and human activity on site. Potential impacts on water quality are considered under the relevant heading and it is concluded that significant impacts are not likely to arise. The impacts arising from the removal of habitat and disturbance would be mitigated by minimising the removal of existing vegetation and reinstatement of vegetation, seeking the advice from a qualified ecologist and following best practice and procedures during the construction phase.
- Cultural Heritage impacts would arise due to the removal of archaeological features from the site and preservation by record. During the construction stage further impacts would be mitigated by requiring all works to be subject to full time archaeological monitoring with provision made for the resolution of any archaeological features or deposits that may be identified.
- Landscape and Visual impacts would arise on the landscape from the transition of the site from agricultural use to industrial use resulting from the cumulative impact of the data centre and substation development. Implementation of the landscape management plan to include the retention of existing landscaping features, and ongoing landscape maintenance would

greatly assist in assimilating the works into the landscape and reduce the impact at operational phase.

- While no direct significant impacts would arise in respect of Material Assets (inc. Energy and Climate) there is potential for cumulative impacts arising from the consumption of energy associated with the adjacent data centre and the indirect generation of CO2 emissions. However, I am satisfied that, the scale of electricity consumption for the overall data centre campus and the indirect impact on carbon emissions would be acceptable in the context of overall National policy
- Positive significant impacts would arise during the operation phase as a result of the overall data centre scheme, which is directly dependent on the proposed substation. Benefits would include data security, employment and economic benefits.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that subject to the implementation of the mitigation measures proposed, as set out in Volume 1 of the EIAR – Appendix ‘Summary of Proposed Mitigation Measures’ which provides a summary of Impacts and Mitigation measures including proposed monitoring as appropriate and subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and in combination with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

Proper Planning and Sustainable Development

It is considered that the proposed substation would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars, including the mitigation measures specified in the EIAR, lodged with the application to An Bord Pleanála on 22nd day of June 2018, 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 undertaker shall agree such details in writing with the planning authority prior to the commencement of development and the proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All mitigation measures identified in the EIAR and other particulars submitted with the application shall be implemented in full by the applicant except as may otherwise be required in order to comply with the following conditions. The developer shall appoint a person with appropriate ecological and construction expertise as an environmental manager to ensure that the mitigation measures identified in the EIAR are implemented in full.

Reason: In the interest of clarity and to protect the environment during the construction and operational phases of the development.

3. (a) The applicant shall appoint a suitably qualified ecologist to monitor all works relating to the proposed development and ensure that all avoidance / mitigation measures relating to the protection of flora and fauna identified in the EIAR and other particulars submitted with the application are implemented in full in accordance with best ecological practice. A report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.

Reason: To protect the environmental and natural heritage of the area.

4. Water supply and drainage arrangements including the disposal of surface water shall comply with the requirements of the Planning Authority for such works in respect of both the construction and operation phases of the proposed development.

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

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping and in accordance with the landscaping proposals set out in the EIAR. Landscaping details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) Existing trees and hedgerows to be preserved and details for the protection of same during the construction and operational phases of the development.

(ii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species.

(iii) Details of all hard and soft landscaping works, specifying surfacing materials and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, 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.

6. Construction of the proposed development shall be completed in accordance with a construction environmental management plan details of which are to be agreed with the planning authority prior to the commencement of development. The plan shall incorporate following mitigation measures:

- The location of the site and material compound including areas identified for the storage of construction refuse.
- The location of areas for construction site offices and staff facilities.
- Details of site security fencing and hoardings.
- Details of on-site car parking facilities for site workers during the course of construction.
- Details of the timings 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.
- Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- Measures for the protection of all road surfaces, culverts, watercourses and ditches during construction.
- Details of appropriate mitigation measures for noise, dust, vibration including the monitoring of such levels.
- The containment and bunding of all construction related fuel and oil within special constructed bunds to ensure that fuel spillages are fully contained.
- Disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- All in-stream works relating to the Portan Stream shall be carried out and completed during the period July – September.
- A water and sediment management plan providing for the means to ensure that surface water run-off is controlled such that no silt or other pollutions enter the local water courses or drains.
- Details of a water quality monitoring and sampling plan for the Portan and Pinkeen River.

The construction environmental management plan shall be forwarded to Meath County Council prior to the commencement of development. The developer shall agree in writing with the planning authority a protocol for

reporting and managing accidental spillages during the construction and operational stage that may cause soil contamination or surface water pollution.

Reason: In the interest of public health.

7. All waste generated during construction including any surplus excavation material shall be taken off site and shall only be recovered or disposed of at an authorised site which has a current waste licence or waste permit in accordance with the Waste Management Acts 1996 – 2008. This shall not apply to the reuse of excavated material within the applicant's site boundary. The developer shall ensure that all waste removed from site is collected and transported by an authorised collector. The applicant shall ensure that all activities pertaining to collection and transportation are as detailed in any waste collection permit.

Reason: In the interest of sustainable waste management.

8. The undertaker shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard the undertaker shall:
 - (a) Engage the services of a suitably qualified archaeologist who shall monitor all site development and excavation works on a full-time basis. The archaeologist shall liaise with consultants, the site contractor and the Department of Culture, Heritage and the Gaeltacht.
 - (b) The undertaker shall notify the relevant planning authority and the Department of Culture, Heritage and the Gaeltacht in writing at least 4 weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.
 - (c) All of the avoidance and mitigation measures relating to the preservation, recording and protection of archaeological materials

identified in the EIAR and other particulars submitted with the application shall be implemented in full in accordance with best practice.

- (d) Arrangements for the recording and for the removal of any archaeological material which the authority considers appropriate to remove, shall be agreed in writing with the relevant planning authority.

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 site and to secure the preservation and protection of any remains that may exist within the site.

- 9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

- 10. Noise levels from the substation shall not exceed 55 dB(A) rated sound level (corrected sound level for any tonal or impulsive component) at dwellings between 0800 hours and 2200 hours on any day and shall not exceed 45dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to and agreed with the planning authority prior to the commencement of development.

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

11. 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.

Schedule of Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be refunded to the applicant is €58,323.

A breakdown of the Board's costs is set out in the attached Appendix 1.

Board Member

Date: 30/11/2018

Maria FitzGerald