



**An
Bord
Pleanála**

**Board Direction
BD-008614-21
ABP-308130-20**

The submissions on this file and the Inspector's report were considered at Board meeting held on 24/03/21, 11/05/21, 19/05/21 and 23/06/2021.

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

Reasons and Considerations

Having regard to:

- a. The National Planning Framework – Ireland 2040,
- b. The Climate Action Plan 2019,
- c. The Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy, June 2018,
- d. The Regional Spatial & Economic Strategy for the Eastern & Midlands Region (2019),
- e. The policies of the planning authority as set out in the Meath County Development Plan 2013 to 2019,
- f. The distance to dwellings or other sensitive receptors,
- g. The submissions made in connection with the application,
- h. 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,

- i. The report and recommendation of the Inspector.

Screening for Appropriate Assessment

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 accepted and adopted the screening assessment and 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 site's 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 Rye Water Valley/Carlton Special Area of Conservation (Site Code: 001398) or on any other European site, in view of the site's Conservation Objectives.

This screening determination is based on the assessment of the nature of the European sites identified, the Qualifying Interests/Special Conservation Interests, and the absence of a downstream aquatic or any other connection between the European site Rye Water Valley/Carlton Special Area of Conservation (Site Code: 001398) and the proposed development and the substantial separation distance between any other European sites and the proposed development.

Environmental Impact Assessment:

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

- (a) the nature, scale, location and extent of the proposed development on a site,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies, planning authority and observers, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application. 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:

- The ***risk of pollution of ground and surface waters during the construction phase*** through a lack of control of surface water during excavation and construction, the mobilisation of sediments and other materials during excavation and construction and the necessity to undertake construction activities in the vicinity of existing watercourses. The construction of the proposed project could also potentially impact negatively on ground and surface waters by way of contamination through accidents and spillages. These impacts would be mitigated by the agreement of measures within a Construction and Environment Management Plan, and the

implementation of mitigation measures related to control and management of sediments, accidental spills and contamination, and drainage management.

- The proposed project would give rise to a minor localised increase in **vehicle movements and resulting traffic impacts** during the construction and operational phases. These impacts would be mitigated by the agreement of measures within a Construction and Environment Management Plan.
- The project could give rise to minor localised impacts on **residential amenity** during the construction (noise, dust, traffic safety & general disturbance) phase. These impacts would be mitigated by the implementation of measures related to the protection of air quality, control of noise and dust, traffic management and the erection of screening berms.

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, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The mitigation measures identified in the EIAR and other plans and particulars submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. The developer shall comply with the following general requirements:
 - (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
 - (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
 - (c) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.
 - (d) Cables within the site shall be located underground.

Reason: In the interest of clarity, of visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

4. The developer shall comply with the following nature conservation requirements:
 - a. No felling or vegetation removal shall take place during the period 1st March to 31st August.
 - b. A pre-construction bat survey shall be carried out by a suitably qualified ecologist during the active bat season.
 - c. Any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.

- d. A 30m cordon shall be installed around any badger sett entrances, which shall be screened and remain in place throughout the construction works.
- e. There shall be no artificial lighting of any badger sett entrances during the construction and operational phases.

Reason: In the interest of biodiversity and nature conservation.

5. The landscaping proposals shall be carried out within the first planting season following commencement of construction of the proposed development. All existing hedgerows (except at access track openings) shall be retained. The landscaping and screening shall be maintained at regular intervals. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those original required to be planted.

Reason: To assist in screening the proposed development from view and to blend it into its surroundings in the interest of visual amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

8. The developer shall comply with the following specific transportation requirements:

- a. The proposed access on to the R147 shall be temporary. Once the major distributor road has been completed and taken in charge by the local authority the development shall be accessed from the major distributor

road. The developer shall submit details of the closure of the temporary access on the R147 for the written agreement of the planning authority within three months of opening of the permanent access onto the major distributor road.

Reason: In the interest of traffic safety.

9. The construction of the development shall be managed in accordance with a Construction and Environmental 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, noise management measures, traffic management including management measure for traffic during construction works on public roads, protection of wayleaves, an invasive species management plan and off-site disposal of construction /demolition waste.

Reason: In the interests of public safety and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0700 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 residential amenities of property in the vicinity.

11. The developer shall comply with the following aviation requirements:
- a. Notify the Irish Aviation Authority of their intention to commence crane activities with a minimum of 30 days prior notification of their erection.
 - b. Consult with the Irish Aviation Authority and the Dublin Airport Authority and develop mitigation measures for bird hazards. Details to be submitted to the planning authority for written agreement.

Reason: In the interest of orderly development.

12. The developer shall comply with the following archaeological requirements:

- (a) Pre-development archaeological testing shall be undertaken by a suitably qualified archaeologist, licensed under the National Monuments Acts 1930-2004. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her written consent.
- (b) 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. A copy of the report shall be submitted to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
- (c) The planning authority and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs shall be notified in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.

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 (in-situ or by record) and protection of any archaeological remains that may exist within the site.

13. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

Reason: To ensure the satisfactory completion of the development

Board Member

A handwritten signature in black ink, appearing to read "Chris McGarry", written over a horizontal line.

Date: 24/06/2021

Chris McGarry

