

An  
Bord  
Pleanála

**Board Direction**  
**BD-014705-23**  
**ABP-315200-22**


The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/11/2023.

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**

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

- (a) the National Planning Framework - Ireland 2040,
- (b) the Climate Action Plan 2023,
- (c) Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy (July 2022)
- (d) the Regional Spatial & Economic Strategy for the Eastern & Midlands Region, 2019-2031,
- (e) the policies and objectives of the planning authority as set out in the Wicklow County Development Plan 2022-2028 and the Arklow and Environs Local Area Plan 2018-2024,
- (f) the nature and scale of the proposed development and its relationship with the permitted development on adjoining lands under Wicklow County Council register reference: 20/1088,

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- (g) the documentation submitted with the application, including the Environmental Impact Assessment Report and the mitigation measures set out therein, and Appropriate Assessment Screening Report,
  - (h) the submissions made in the course of the application,
  - (i) the report of the planning Inspector, and
  - (j) 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,

it is considered that, subject to compliance with the conditions set out below, the proposed development

- would accord with national, regional, and local planning policy,
- would not seriously injure the amenities of the area or of property in the vicinity,
- would not seriously injure the landscape or visual amenities of the area, or the archaeological and cultural heritage of the area,
- would be acceptable in terms of traffic safety and convenience,
- would not be prejudicial to public health,
- would not give rise to a risk of serious pollution, and
- would not give rise to a major accident risk.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **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 screening for Appropriate Assessment, the Board accepted and adopted the screening assessment 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 potential 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 European sites Kilpatrick Sandhills Special Area of Conservation (site code: 001742), Buckroney-Brittis Dunes and Fen Special Area of Conservation (site code: 000729), or on any other European Site, in view of the Sites' conservation objectives and that Stage II Appropriate Assessment is not therefore required.

### **Environmental Impact Assessment**

In accordance with section 172 of the Planning and Development Act, 2000, as amended, the Board completed, an Environmental Impact Assessment of the proposed development, taking into account,

- the nature, scale, and extent of the proposed development,
- the Environmental Impact Assessment Report and associated, documentation submitted in support of the application.
- the submissions received in the course of the application, and
- the report of the planning Inspector.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, as 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 received during the course of the application.

### **Reasoned Conclusion on the Significant Effects**

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects on the environment are, and would be mitigated, as follows:

The proposed development has the potential to give rise to significant noise and vibration impacts on residential amenity, population and human health during construction, which will be mitigated by the following measures:

- The short-term nature of construction activities.
- Implementation of an agreed Construction Environmental Management Plan and the Construction Noise and Vibration Management Plan, including noise and vibration monitoring at sensitive locations.
- Limits on the hours of construction.

The proposed development has the potential to negatively impact on air quality due to dust emissions at construction stage, which will be mitigated by the following measures:

- Implementation of the Construction Environment Management Plan and adherence to identified emission limit values and monitoring of dust deposition levels at nearby sensitive receptors.
- Limited extent and duration of works in proximity to sensitive receptors, and separation of the substation site from sensitive receptors.

The development has the potential to negatively impact on habitats and biodiversity due to loss of hedgerows and change in use of the lands which will be mitigated by:

- Adherence to the Construction Environmental Management Plan and to published guidance and best practise.
- Timing of site and vegetation clearance works.
- Lighting design in accordance with identified guidance.
- Implementation of a landscaping plan for the site and measures proposed within the wider data centre development site.
- The design of the crossing of watercourses.

The proposed development has the potential to negatively impact on land and soil during construction, which will be mitigated by the following measures:

- Adherence to the Construction Environmental Management Plan and best practise measures for site excavation and soils and stockpile management.
- Management of surface waters during construction to ensure silt removal

- Reuse of excavated materials and minimising import of fill materials.
- Adherence to waste management regulation requirements.
- Standard measures for fuel and chemical management.
- Design of the surface water management system.

The proposed development has the potential to negatively impact on surface waters due to potential for run-off of sediment or contaminants to water bodies during construction and operation, which will be mitigated by the following measures:

- Adherence to the Construction Environmental Management Plan and best practise measures for site excavation and soils and stockpile management.
- Management of surface waters during construction to ensure silt removal.
- Design of watercourse crossings.
- Temporary duration of construction activity.
- Reuse of excavated material on-site.
- Monitoring of excavations for signs of possible contamination.
- Design of the surface water management system and wastewater systems and connection to the adjoining permitted wastewater network.
- Standard measures for operational fuel and chemical management.

The proposed development has the potential to give rise to negative impacts on roads and transportation in the area during construction, which will be mitigated by the following measures:

- Adherence to the Construction Environment Management Plan, and a Construction Traffic Management Plan to include the routing and scheduling of traffic movements including abnormal loads, and measures for the management of traffic during works on the surrounding road network.
- Trench and ducting works carried out in discrete sections of 100 metres with a requirement to reinstate surfaces as works progress.
- Adherence to roads authority requirements for any Road Opening licence and road and rail authority requirements for crossings of transport corridors.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the

mitigation measures set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, both by itself and in combination with other development in the vicinity would be acceptable. In doing so, the Board accepted the report and conclusions of the Inspector.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application to An Bord Pleanála on the 25<sup>th</sup> day of November 2022, including the mitigation measures specified in the Environmental Impact Assessment Report, 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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity, to mitigate the environmental effects of the development, and to protect the amenities of properties and sensitive receptors in the vicinity.

2. The undertaker 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 undertaker shall complete with the following:
  - (a) Implement in full all mitigation measures set out in Chapter 11 of the Environmental Impact Assessment Report, save as may otherwise be required in order to comply with the conditions of this permission.
  - (b) Employ a suitably-qualified archaeologist who shall prepare a final report describing the results of all archaeological monitoring and any

investigative work / excavation required, and any necessary post-excavation specialist analysis.

- (c) The Construction and Environmental Management Plan shall identify the location of any and all relevant archaeological and cultural heritage constraints as set out in the Environmental Impact Assessment Report or identified in any subsequent archaeological investigations.
- (d) The Construction and Environmental Management Plan shall identify all likely archaeological impacts and all mitigation measures to be employed to protect the archaeological and cultural heritage during all phases of site preparation and construction activity.

The undertaker shall agree in writing with the planning authority details regarding any further archaeological requirements 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 (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 3. Prior to the commencement of development, final details with regard to the design of the crossing of Moneylane Stream, in line with Sections 7.3.3.1 and 7.5.1.1 of the Environmental Impact Assessment Report, shall be submitted to and agreed in writing with the planning authority. Such details shall include revised drawings in respect of such works.

**Reason:** In the interest of clarity and in order to protect water quality and wildlife

- 4. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development, which shall include the following:
  - (a) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings.
  - (b) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

- (c) 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.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme within the first planting season following substantial completion of external construction works.

**Reason:** In the interest of visual amenity.

5. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.



6. During the construction phase, the undertaker shall adhere to the measures set out in the following documents:

- (a) "Guidelines for the Treatment of Badgers prior to the Construction of National Road Schemes", published by the National Roads Authority in 2006.
- (b) "Bat Mitigation Guidelines for Ireland v2". Irish Wildlife Manuals, No. 134, published by the National Parks and Wildlife Service (2022).
- (c) "Guidelines for the Treatment of Otters Prior to the Construction of National Road Schemes", published by the National Roads Authority in 2008.

The requirements of any licence required from the National Parks and Wildlife Service shall be strictly adhered to and details of any such licence shall be submitted to the planning authority.

**Reason:** In the interest of wildlife protection.

7. (a) Wastewater drainage arrangements shall be in accordance with the details set out in the Foul and Surface Water Calculations and Details Report by Alan Traynor Consulting Engineers Ltd, which accompanied the application.

(b) Prior to commencement of development, the undertaker shall enter into water and wastewater connection agreements with Irish Water.

(c) Surface water drainage and attenuation arrangements for the proposed development shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

8. Details of the materials, colours, and textures of all the external finishes to the proposed structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

9. The construction of the development shall be managed in accordance with a Construction 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 inter alia:

- (a) Location of the site and materials compounds including areas identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of on-site car parking facilities for site workers during the course of construction;
- (d) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (e) Details of appropriate mitigation measures for noise, dust and vibration, and the monitoring of such levels, including the location of any monitoring points;
- (f) 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;
- (g) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (h) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;
- (i) Final details of the design of all crossings of, watercourses, culverts and other services by the transmission cable;
- (j) The requirements of condition number 2 of this permission.

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

10. A detailed Construction Traffic Management Plan shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development, which shall, inter alia, include details in relation to the following matters:

- (a) Details of the timing and routing of construction traffic to and from the construction site and works areas, and associated directional signage, and proposals to manage the delivery of abnormal loads to the site including the routing and scheduling of such movements.
- (b) Measures to obviate queuing of construction traffic on the adjoining road network.
- (c) Details of the management of traffic on public roads during works associated with installation of proposed transmission cables.
- (d) Alternative arrangements shall be put in place for pedestrians and vehicles in the event of the closure of any public road or footpath during the course of site development works.
- (e) Details of measures to ensure safe access and egress of construction traffic to and from the public road, where such is required to facilitate installation of transmission cables.

**Reason:** In the interest of road safety and convenience.

11. (a) Proposed underground transmission cable crossings of the national road/ motorway network shall be undertaken in accordance with the detailed requirements, and with the consent, of Transport Infrastructure Ireland (TII) and all relevant stakeholders.
- (b) Abnormal Load permits shall be secured by the undertaker in advance, if required, for the transportation of components, units and materials. Consultation with the road authority, An Garda Siochana and all necessary stakeholders shall be carried out in advance of transportation of abnormal loads.

**Reason:** In the interest of road safety and to safeguard the strategic function of the national road network.

12. Pre and post construction phase surveys of relevant public roads shall be carried out by the applicant. The location and extent of such surveys shall be agreed in writing with the planning authority prior to the commencement of works on the site, along with final road reinstatement details and specifications.

**Reason:** In the interest of road safety and to ensure a satisfactory standard of development.

13. (a) No works shall be undertaken within the railway track support zone or railway embankments and railway mounds and ditches shall not be interfered with, save with the prior agreement of Iarnród Éireann.
- (b) The proposed transmission cable crossing of the railway shall be subject to a licence agreement with Iarnród Éireann.
- (c) The finalised construction methodology and design of the cable crossing and the final agreed plans in accordance with the requirements of Iarnród Éireann shall be submitted to the planning authority prior to the commencement of development.
- (d) Installation or operation of the proposed development shall not interfere with railway track signalling systems or track circuits.

**Reason:** In order to protect the integrity and safety of the adjoining railway.

14. The hours of construction set out in the Environmental Impact Assessment Report shall be amended such that construction works within 100 metres of any residential property shall take place only between the hours of 0900 hours and 1700 hours, Monday to Friday, with no works on Saturday or Bank Holidays.

**Reason:** In the interests of residential amenity.

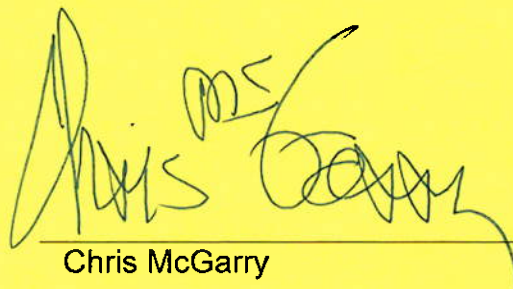
15. Prior to commencement of development, the undertaker shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site and public roads, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the reinstatement. The form and amount of the security shall be agreed between the planning authority and the undertaker, or in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory reinstatement of the site and public roads.

### Schedule of Costs

In accordance with the provisions of section 182B of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is **€74,958**.

Board Member



Chris McGarry

Date: 28/11/2023

