



An
Bord
Pleanála

Board Order ABP-301923-18

Planning and Development Acts, 2000 to 2018

Planning Authority: Meath County Council

Application for permission under section 182A(1) of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an environmental impact statement, lodged with An Bord Pleanála on the 22nd day of June, 2018 by Runways Information Services Limited care of AECOM Ireland Limited of 4th Floor, Adelphi Plaza, George's Street Upper, Dun Laoghaire, County Dublin.

Proposed Development: Construction of a new 220kV substation compound and associated underground 220kV cables to facilitate a new data centre campus comprising:

- (i) A 220kV substation compound (approximately 16,620 square metres) including:
 - Outdoor Air Insulated Switchgear (AIS) equipment rated for the system voltage of 220kV equipped with seven number 220kV bays.
 - 15 number lightning protection masts (height circa 25 metres).
 - Two number oil-filled step-down power transformers positioned within bunded enclosures.
 - Three number single storey buildings used for control and ancillary services.
 - Internal access roads.

- A circa 2.6-metre high palisade fence.
- (ii) Two 220kV underground cables (approximate length of 2.5 kilometres) which will connect the proposed substation to a previously consented substation under case register reference number PL 17.VA0018 at the existing adjacent data centre campus.

In addition to the above, the proposed development will include the following:

- Drainage infrastructure, and
- All associated and ancillary site development works.

All in the townlands of Portan, Gunnocks and Clonee, County Meath.

Decision

Grant permission under section 37G of the Planning and Development Act 2000, as amended, for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Determine under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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 sets out 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,
- (b) the National Planning Framework published in February 2018,
- (c) the Government Statement on The Role of Data Centres in Ireland's Enterprise Strategy published in June 2018,
- (d) the Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012,
- (e) the Regional Planning Guidelines for the Greater Dublin Area 2010-2022,
- (f) the provisions of the Meath County Development Plan 2013-2019,
- (g) the provisions of the 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 planning 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 planning 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 planning 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 an 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 planning application,
- (c) the submissions from the planning authority, the observer and the prescribed bodies in the course of the planning 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 environmental impact assessment report 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 environmental impact assessment report 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 (including 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, the Board is 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 environmental impact assessment report – 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 below, 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 environmental impact assessment report, lodged with the planning 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 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 environmental impact assessment report and other 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 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 environmental impact assessment report are implemented in full.

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

3. The developer 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 environmental impact assessment report and other particulars submitted with the planning 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 to 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 environmental impact assessment report. 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 proposed 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 proposed 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 commencement of development. The plan shall incorporate the 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 and 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 to 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 pollution enters 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 the planning authority prior to 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 developer's site boundary. The developer shall ensure that all waste removed from site is collected and transported by an authorised collector. The developer 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 developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer 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 developer shall notify the relevant planning authority and the Department of Culture, Heritage and the Gaeltacht in writing at least four weeks prior to the commencement of any site operations (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 environmental impact assessment report and other particulars submitted with the planning 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 planning 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 or 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 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 planning 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 reimbursed to the applicant is **€58,323**

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

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018