



An
Bord
Pleanála

Board Order ABP-306834-20

Planning and Development Acts, 2000 to 2020

Planning Authority: Fingal County Council

Application for approval under section 182A(1) of the Planning and Development Act 2000, as amended, in accordance with plans and, including an Environmental Impact Assessment Report, lodged with An Bord Pleanála on the 6th day of March, 2020 by Amazon Data Services Ireland Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin.

Proposed Development: The proposed development primarily comprises the provision of a double circuit 220kV transmission line and a 220kV Gas Insulated Switchgear (GIS) substation along with associated and ancillary works and is described as follows:-

The proposed 220kV GIS substation is to be located on lands to the north of the data storage facility permitted under An Bord Pleanála Appeal Reference Number: PL06F.248544/Fingal County Council Planning Register Reference Number: FW17A/0025, to the west of the data storage facilities permitted under Fingal County Council Planning Register Reference Number: FW19A/0087, and within an overall landholding bound to the south by the R121/Cruiserath Road, to the west by the R121/Church Road and to the north by undeveloped land and Cruiserath Drive, Dublin 15. The site of the proposed development has an area of c.12.39 hectares.

The proposed 220kV GIS substation includes the provision of four transformers and a two storey GIS substation building (with a gross floor area of 1,988 square metres) within a 2.6 metre high fenced compound. The proposed double circuit 220kV transmission line will run through private lands between the proposed 220kV GIS substation and the existing Corduff 110kV and 220kV substation (permitted under An Bord Pleanála Appeal Reference Number: PL06F.129046/Fingal County Council Planning Register Reference Number: F01A/1464), located on lands to the west of Corduff Road, Dublin 15. The proposed transmission line covers a distance of approximately 1.8 kilometres within the townlands of Cruiserath, County Dublin, Goddamendy, County Dublin and Bay, County Dublin.

The underground transmission line will follow a route originating at the proposed 220kV GIS substation, extending north towards Cruiserath Drive before realigning eastward and crossing below an existing private roundabout by way of horizontal directional drilling. The transmission line then proceeds eastwards, passing beneath a land drain associated with the Mooretown Stream, before entering the existing Corduff substation from the south. The development includes adjacent access paths, connections to the two substations (existing and proposed, including 2 number new cable bays at the extant Corduff Substation), changes to landscaping, security fencing and berms permitted under An Bord Pleanála Appeal Reference Number: PL06F.248544/Fingal County Council Planning Register Reference Number: FW17A/0025, provision of car parking within the substation compound, provision of a 49kVA electricity connection (470 metres in length, traversing the Cruiserath Road to the southwest of the proposed substation site) for the substation building, landscaping, services, all associated construction works and all ancillary works.

Decision

APPROVE the proposed development under section 182B of the Planning and Development Act, 2000, as amended, 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 182B, as amended, 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) National Policy as set out in Project Ireland 2040: National Planning Framework,
- (b) The Regional Spatial & Economic Strategy for the Eastern & Midlands Region (2019),
- (c) The policies of the planning authority, as set out in the Fingal County Development Plan 2017-2023,
- (d) The distance to dwellings or other sensitive receptors,
- (e) The submissions made in connection with the application,
- (f) 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 Site, and
- (g) The report and recommendation of the Inspector.

Proper planning and sustainable development

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

- (i) would be in accordance with European, national, regional and local planning and related policy,
- (ii) would not have an unacceptable impact on the landscape or ecology,
- (iii) would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and
- (iv) would be acceptable in terms of traffic safety and convenience.

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

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 carried out 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 any European site, in view of the site's Conservation Objectives.

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, 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 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:

1. The risk of pollution of ground and surface waters during the construction phase which would be mitigated by the implementation of measures set out in the Environmental Impact Assessment Report (EIAR) and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to groundwater, surface water and drainage.

2. Noise, vibration and dust during the construction and/or the operational phases which would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to the control of dust and noise.
3. The increase in vehicle movements and resulting traffic during the construction and operational phases which would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) and the outline Construction and Environment Management Plan (oCEMP).
4. The impacts on residential amenity during the construction and operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to the control and management of dust, noise, water quality and traffic movement.

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 approval.

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 requirements:
 - (a) No artificial lighting shall be installed or operated on site unless authorised by a prior
 - (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 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.

5. 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.

6. The developer shall comply with the transportation requirements of the planning authority for such works and services as appropriate.

Reason: In the interest of traffic and pedestrian safety.

7. 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 hours of working, noise management measures, traffic management, 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.

8. The site development and construction works shall be carried out such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

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

9. 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.

