

An
Bord
Pleanála

Board Order
ABP-309773-21

Planning and Development Acts, 2000 to 2020

Planning Authority: South Dublin County Council

Application for approval under section 182A(1) of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report, lodged with An Bord Pleanála on the 23rd day of March, 2021 by Data and Power Hub Services Limited care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin.

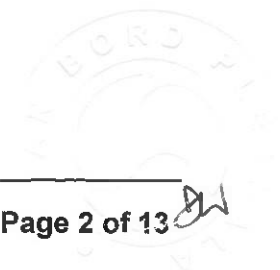
Proposed development: The proposed development primarily comprises the demolition of the existing two storey dwelling of Bulmer and associated outbuildings and stable building; and the provision of two number 110kV transmission lines and a 110kV Gas Insulated Switchgear (GIS) substation compound and Transformers/MV switch room compound along with associated and ancillary works. The site of the proposed development has an area of circa 4.6 hectares, and the proposed development is described as follows:

- The proposed 110kV GIS Substation and Transformers/MV control room compounds are to be located on lands to the south-east of the Power Generation Facility that was permitted under South Dublin County Council Register Reference SD20A/0058 and to the north-west of the concurrent application for two number two storey Information Communication Technology (ICT) facilities each with three storey plant levels and associated ancillary development that will have a gross floor area of 30,518 square metres under South Dublin County Council Register Reference SD20A/0324, and within an overall landholding

bound to the south by the Peamount Road (R120); and on lands that contain the two number residential properties of Little Acre and Bulmer as well as agricultural lands and buildings within the townland of Milltown, Newcastle, County. Dublin.

- The proposed demolition of the existing two storey dwelling of Bulmer and associated outbuildings and stable building to the front of the site. The existing Little Acre dwelling and associated buildings are permitted to be demolished under South Dublin County Council Register Reference SD20A/0058.
- The proposed 110kV Gas Insulated Switchgear (GIS) Substation Compound includes the provision of a two storey GIS Substation building (with a gross floor area of 1,430 square metres) (known as the Peamount Substation), car parking, lighting, associated underground services and roads within a 3.0 metre high fenced compound, and all associated construction and ancillary works. The Transformers/MV switch room compound includes three transformers plus MV control room (200 square metres), lighting and lightning masts, car parking, associated underground services and roads within a 3.0 metre high fenced and separate compound, and all associated construction and ancillary works.
- Two proposed underground single circuit 110kV transmission lines will connect the proposed Peamount 110kV GIS Substation to the existing Castlebaggot-Kilmahud circuit to the east. The proposed transmission lines cover a distance of approximately 940 metres within the townlands of Milltown and Clutterland. They will pass outside of the site and along and under the following: R120, the former Nangor Road, Griffeen River and the newly realigned Baldonnel Road.

The development includes the connections to the proposed Peamount substation as well as to the Castlebaggot-Kilmahud circuit, as well as changes to the attenuation pond and landscaping permitted under South Dublin County Council Register Reference SD20A/0058 and all associated construction and ancillary works.



Decision

APPROVE the proposed development under section 182A of the Planning and Development Act, 2000, as amended, for the following reasons and considerations and subject to the conditions set out below, and

DETERMINE under section 182B of the Planning and Development Act, 2000, as amended, the sum to be paid by the undertaker 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:

European legislation and policy including of particular relevance:

- 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.
- 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.

National legislation including of particular relevance:

- Section 182A of the Planning and Development Act 2000 (as amended).

Regional policy provisions including of particular relevance:

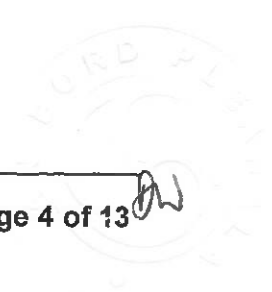
- Regional Spatial and Economic Strategy for the Eastern and Midlands Region.

Local policy provisions including of particular relevance:

- The South Dublin County Council Development Plan 2016 – 2022.

The following matters:

- (a) The location of the site in an emerging industrial area and within a large bank of land zoned for enterprise and employment uses.
- (b) The significant benefits in terms of reinforcing the electricity transmission grid in an area where there are capacity constraints.
- (c) The purpose of the development to provide for the export of power from the permitted Power Generation facility and to provide a permanent power supply for the permitted Information Communication Technology facility at the adjacent lands and the information submitted in connection with the applications for said developments.
- (d) The alternatives considered and the rationale for connecting to the national grid at the selected location.
- (e) The nature and scale and design of the proposed development.
- (f) The submissions and observations made to An Bord Pleanála in connection with the application.
- (g) The range of proposed mitigation measures set out in the submitted documentation lodged including the Environmental Impact Assessment Report and the Appropriate Assessment Screening Report.
- (h) The report and recommendation of the Inspector.



Appropriate Assessment Screening:

In conducting a screening exercise for appropriate assessment, the Board considered the nature, scale and context of the proposed development, the documentation on file, in particular the Appropriate Assessment Screening Report submitted in support of the proposed development, the submissions on file and the assessment of the Inspector in relation to the potential for significant effects on European Sites. In undertaking the screening exercise, the Board accepted the analysis and conclusions of the Inspector. The Board concluded that, by itself and in combination with other development in the vicinity, the proposed development would not be likely to have significant effects on any European Site in view of the sites' conservation objectives. In reaching this conclusion, the Board took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

Environmental Impact Assessment:

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 made in the course of the application.
- The planning history including the further information submitted in relation to the application to South Dublin County Council under Register Reference SD 20A/0324.
- 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, and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Negative short-term construction phase impacts on population and human health due to noise and disturbance, which will be mitigated through implementation of the Construction Environmental Management Plan and other relevant measures.
- Positive long-term impacts on population and human health due to employment and economic benefit to the area.
- Potential adverse effects on biodiversity during the construction phase from removal of trees and structures which are habitats for bats and birds, which will be mitigated by relevant mitigation measures identified.
- Significant positive long-term effects on biodiversity from the strengthening of green infrastructure and the provision of new water bodies and extensive tree and woodland planting.
- Potential adverse impacts on water quality during the construction phase from silt, hydrocarbon or chemical runoff, which will be mitigated by the implementation of a Construction Environmental Management Plan and other measures.

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 the Environmental Impact Assessment Report and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking this decision.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would accord with European, national, regional and local planning and related policy, would not have an unacceptable impact on landscape or ecology, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and 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.

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 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.

2. The mitigation measures identified in the Environmental Impact Assessment Report and other plans and particulars submitted with the planning application, shall be implemented in full by the undertaker in conjunction with the timelines



set out therein, except as may otherwise be required in order to comply with the conditions of this approval.

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

3. The undertaker shall comply with all relevant conditions of planning Register Reference SD20A/0324, except where otherwise agreed with the planning authority.

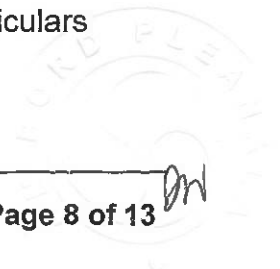
Reason: In the interests of clarity and consistency.

4. Subject to the provisions of condition number 5 below, water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operational phases of the proposed development.

Prior to commencement of development, and following consultation with Irish Water, the undertaker shall agree with the planning authority proposals for all works as they affect water supply and drainage services, together with written commitment to undertake the proposed development in accordance with this agreement.

Reason: In the interests of environmental protection and public health.

5. The proposals for roads, parking and site landscaping including the detail of the surface water attenuation features shall be subject to the written agreement of the planning authority and unless otherwise agreed with the planning authority shall be as follows:
 - (a) The site layout including the roads and parking areas and landscape plans and details shall be in accordance with the plans and particulars



received by the planning authority on the 19th day of May, 2021 under planning Register Reference SD20A/0324.

- (b) The requirements of the planning authority in relation to the surface water management and disposal shall be complied with in full. Alterations to the volume of surface water attenuation features and modification to earthworks may be undertaken.
- (c) Revised sectional drawings 04 and 05 shall be submitted.

Reason: To ensure consistency between the conditions of this permission and previously permitted development and in the interests of visual amenities, surface water attenuation and biodiversity.

- 6. All planting shall be carried out within the first planting season following commencement of construction of the proposed development. 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 originally required to be planted. The landscaping and screening shall be maintained at regular intervals.

All tree and shrub removal and the demolition of buildings shall be undertaken outside the bird nesting season.

Reason: In the interests of orderly development and the protection of birds.

- 7. An updated survey of the trees along the cable route shall be submitted to the planning authority and suitable measures presented to ensure the protection of bats along this route.

The protection of bats shall be ensured through the implementation of the measures set out in the Environmental Impact Assessment Report and the

measures in the Bat Memo dated the 7th day of May, 2021 submitted as further information under planning Register Reference SD20A/0324.

Reason: To ensure the protection of bats.

8. The requirements of the planning authority in relation to roads and traffic under condition number 4 of planning Register Reference SD20A/0324 shall be adhered to in full.

Reason: In the interests of orderly development, sustainable development and traffic safety.

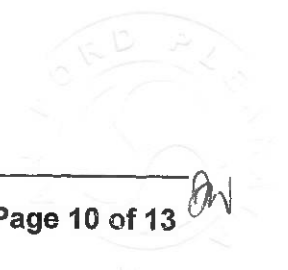
9. Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed in writing with the planning authority, generally in accordance with the Outline CEMP included in the Environmental Impact Assessment Report.

The CEMP shall incorporate the following:

- (a) a detailed plan for the construction phase incorporating the construction programme, supervisory measures, noise, dust and surface water management measures, including appointment of a site noise liaison officer, construction hours and the management, transport and disposal of construction waste,
- (b) a comprehensive programme for the implementation of all monitoring commitments made in the planning application and supporting documentation during the construction period,
- (c) an emergency response plan, and
- (d) proposals in relation to public information and communication.

A record of daily checks that the works are being undertaken in accordance with the CEMP shall be kept for inspection by the planning authority.

Reason: In the interests of environmental protection and orderly development.



10. 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) notify the planning authority in writing at least four weeks prior to the commencement of any site operations (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. 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.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, a Traffic Management Plan and a Waste Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

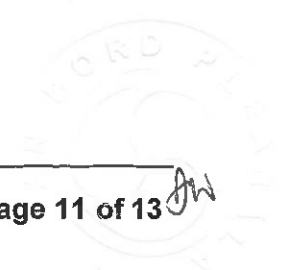
Reason: In the interests of orderly development and the protection of the environment.

12. External finishes shall be agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

13. Prior to commencement of development, the undertaker shall agree in writing with the planning authority a public lighting and site lighting scheme for the proposed development.

Reason: In the interest of orderly development.

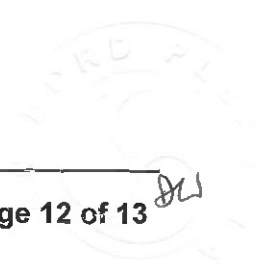


14. The undertaker shall submit to the planning authority an Aviation Impact Assessment on all potential effects from the proposed development on Irish Air Corps operations at Casement Aerodrome. The requirements of the planning authority in relation to the protection of the safe and efficient operation of aircraft shall be adhered to in full.

Reason: To ensure that the development does not adversely impact on the safe and efficient operation of Casement Aerodrome.

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 reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the undertaker or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.



Schedule of Costs

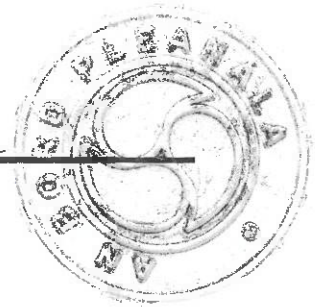
In accordance with the provisions of section 182B of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is **€69,384**.

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

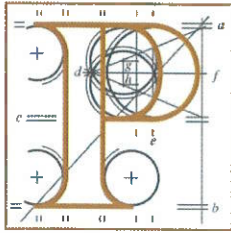


Dave Walsh

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



Dated this *9th* day of *December* 2021



Strategic Infrastructure Development

Costs of determining the Application

Case Number: ABP-309773-21

Proposed Development: The demolition of the existing two storey dwelling of Bulmer and associated outbuildings and the provision of two number 110kV transmission lines and a 110kV Gas Insulated Switchgear (GIS) substation compound and Transformers/MV switch room compound along with associated site works. All on lands along Peamount Road within the townlands of Milltown and Clutterland, Co. Dublin.

Board Costs		
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) €3,458 Inspector 2 (application) €28,158	€31,616
(2)	Costs invoiced to Board	N/A
	Total chargeable costs	€31,616

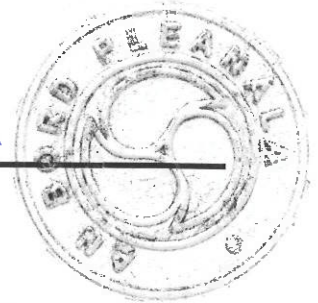
Board Fees		
(3)	Application Fee - €100,000 Pre-application Consultation Fee- €1,000	€101,000
(4)	Observer fees paid	N/A
	Total	€101,000
	Net amount due to be refunded to applicant	€69,384

D Walsh

Dave Walsh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *9th* day of *December* 2021