



Planning and Development Acts 2000 to 2021

Planning Authority: Meath County Council

Planning Register Reference Number: 21/663

Appeal by An Taisce of Tailors' Hall, Back Lane, Dublin against the decision made on the 4th day of June, 2021 by Meath County Council to grant subject to conditions a permission to Tunis Properties LLC care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The proposed development consists of the following: construction of a two storey (with mezzanine levels at both storeys) data storage facility building with a maximum overall height of circa 25 metres, containing data halls, associated electrical and mechanical Plant Rooms, a loading bay, maintenance and storage space, office administration areas, screened plant and solar panels at roof level, all within a building with a total gross floor area (GFA) of circa 28,566 square metres. The proposed data storage facility building will be located to the north of the data storage facility building previously permitted under Register Reference: LB/191735 and to the south of the gas insulated switchgear substation compound proposed under An Bord Pleanála Reference: ABP-308628-20. Emergency generators (26 number), emission stacks and associated plant are provided in a fenced compound adjacent to the data storage facility, along with a single emergency house supply generator. MV Building (with a GFA of 249 square metres),

water storage tanks, diesel tanks and filling area, all located adjacent to the proposed data storage facility building. Construction of associated internal access roads and circulation areas, provision of temporary construction access arrangements, footpaths, provision of 50 number car parking spaces and 26 number cycle parking spaces within a bicycle shelter. Landscaping and planting, bin store, and all associated site works including underground foul and storm water drainage, and utility cables, on an application site area measuring 3.58 hectares at Drogheda IDA Business and Technology Park, Donore Road, Drogheda, County Meath. The site is located within a landholding bound to the east by an existing estate road, to the west by the M1 Motorway, to the north by undeveloped lands, and to the south by an emergency access road and Donore Road.

Decision

GRANT permission 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.

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

Having regard to:

- (a) the National Planning Framework - Ireland 2040,
- (b) the Climate Action Plan 2021 (as updated) issued by the Department of the Environment, Climate and Communications,
- (c) the Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy, June 2018,
- (d) the Direction to System Operators related to Data Centre Grid Connection Processing issued by the Commission for Regulation of Utilities (November 2021),
- (e) the Regional Spatial & Economic Strategy for the Eastern and Midland Region, 2019-2031,
- (f) the policies of the planning authority as set out in the Meath County Development Plan 2021-2027,
- (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
- (i) the report of the Planning Inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the current national, regional and local planning, would not have a significant impact on climate or legally binding national emissions targets in relation to greenhouse gases, would not have an unacceptable impact on the landscape or biodiversity, 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 road and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

Having regard to the examination of the environmental information contained in the Inspector's report, and in particular the Environmental Impact Assessment Report (EIAR), and the submissions from the planning authority, prescribed bodies, the appellant and applicant, in the course of the application and appeal, it is considered that the primary direct and indirect effects of the proposed development on the environment are and will be mitigated as follows:

- **Population and Human Health:** There are positive impacts arising from the development, through job creation and indirect benefits to local businesses. Impacts arising from noise, dust, traffic, and construction will be mitigated by a Construction Environmental Management Plan including traffic management measures. There will be no significant negative impacts subject to mitigation measures proposed or otherwise addressed by condition.

- **Air Quality and Climate:** Direct emissions from the development relate to dust at the construction phase and emissions from the back-up generators at the operational phase. A dust management plan will be implemented to ensure dust does not become an issue for adjacent property. Proposed stack heights have been designed to ensure that an adequate release height is achieved, to aid dispersal and a condition limiting the annual use of emergency generators has been included in order to ensure compliance with ambient air quality limits. The development will require a greenhouse gas emission permit, which will be regulated under the EU-wide Emissions Trading Scheme and CO₂ emissions do not count towards Ireland's reduced emissions target under the EU Effort Sharing Decision.
- **Material Assets:** The development will have a maximum demand of 48MW. Cumulative demands for three phases of data centre development will have a maximum demand of 144MW. The Commission for Regulation of Utilities has published a recent direction regarding the connection policy for data centres in Ireland that requires Eirgrid to now assess applications against specified criteria before a connection offer is made and the express intent of this decision is to ensure overall integrity and stability of the Grid. In view of this, it is considered there are adequate safeguards in place to ensure the development will not have a significant negative impact on the stability of the National Grid.
- **Noise and vibration:** Modelled assessment of the development shows that the construction phase and day-to-day operations of both the proposed development and all phases of development on the landholding produce low levels of noise. Modelled assessment of emergency operations (i.e., operation of the back-up generators) indicates that noise levels during night-time operation could potentially exceed the threshold for significant effects for adjacent residential property but the potential for significant negative impacts will be addressed by the inclusion of a noise condition.

- The assessment of cumulative impacts has addressed impacts arising from three phases of data centre development within the landholding, together with the substation currently under construction and other identified permitted development in the surrounding area, where relevant.
- The development will present a noticeable addition to the landscape and will be visible from a number of short, medium and long-range views. This impact is considered acceptable, given the locational context. Views from the Bru na Bóinne and Boyne Valley area are visually separated from the development, so will not be impacted.
- **Traffic and Transport:** Modelling of traffic arising from the proposed development, both individually and in a cumulative context, predicts that modelled junctions within the immediate area of the proposed development will continue to operate within acceptable levels.
- Potential construction phase impacts including noise and vibration, site works, traffic, air quality, waste and surface water discharges are recognised and addressed in the Environmental Impact Assessment Report. Proposed mitigation measures are reasonable and practicable and are intended to avoid or minimise the predicted impacts.
- **Soils, Geology and Hydrogeology:** Subject to implementation of mitigation measures, no significant residual impacts are expected during construction phase. Any impacts will be short term and imperceptible. Operational phase impacts will not be significant.
- **Hydrology:** Subject to implementation of mitigation measures, no significant impacts are predicted to arise.
- **Biodiversity:** The site is deemed to be of low ecological value, given its previously disturbed and developed nature, and there are no direct

pathway connections to European sites. No significant impacts are predicted arise.

Having regard to the above, the Board considered that the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed and that the Environmental Impact Assessment Report is compliant with Article 94 of the Planning and Development Regulations, 2001-2021.

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 Environmental Impact Assessment Report 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. Details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development and shall incorporate bat-sensitive lighting. The agreed lighting system shall be fully implemented and operational before the proposed development is occupied.

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

4. Parking proposals shall be agreed with the planning authority prior to the commencement of development and shall base on confirmed employee numbers and daily demand levels.

Reason: In order to control the level of parking on the site, in the interest of sustainable development.

5. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the development and to reduce and regulate the extent of staff parking. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

6. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed:
- (a) an Leq, 1h value of 55 dB(A) (daytime),
 - (b) an Leq, 1h value of 50 dB(A) (evening), and
 - (c) an Leq, 15 min value of 45 dB(A) at any other time.

Night-time emissions shall have no tonal component.

Reason: In order to protect the amenities of property in the vicinity.

7. During the operational phase of the proposed development, the hourly annual use of the emergency generators on site shall not exceed 157 hours per annum.

Reason: To ensure compliance with the Air Quality Standards Regulations 2011 (incorporating EU Commission Directive 2008/50/EC) and in the interest of the protection of the environment.

8. Landscaping proposals shall be in accordance with the planning authority's requirements. Agreed measures 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 original required to be planted.

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

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, and flood risk management 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.

10. 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, vibration and dust management measures, protection of groundwaters, emergency planning, traffic management, protection of wayleaves, and an invasive species management plan.

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

11. Construction and demolition waste shall be managed in accordance with a construction and demolition waste management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

12. 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

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.

14. 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 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 the commencement of development or in such phased payments as the planning authorities 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.

Dr. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

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

Dated this 14th day of April 2022.

