Inspector's Report ABP-303687-19

Development	Provision of a double circuit 110kV underground transmission line between the Belcamp 220kV and 110kV substation and the Darndale 110kV substation covering a distance of approximately two kilometres.
Location	Former Diamond Innovations Site, Clonshaugh Business and Technology Park, Dublin 17
Planning Authority	Dublin City Council & Fingal County Council
Applicant(s)	Amazon Data Services Ireland Ltd.
Type of Application	S.182A(1)
Submissions/Observer(s)	Fingal County Council Dublin City Council Inland Fisheries Ireland Transport Infrastructure Ireland Geological Society of Ireland Irish Water

Date of Site Inspection	23rd April 2019
Inspector	Ciara Kellett
Summary of Recommendation	Grant subject to conditions

Contents

1.0 Introduction

1.1. The subject proposal is an application for approval to the Board pursuant to Section 182A of the Planning and Development Act 2000, as amended (the Act). Pre-application consultations were held between the applicant and the Board as required under Section 182E of the Act (ABP Ref. ABP-300793-18). On the 11th of January 2019 the Board decided that the subject proposal is strategic infrastructure and falls within the scope of Section 182A of the Act, and therefore any application for approval must be made directly to the Board under Section 182A(1) of the Act.

2.0 Site Location and Description

2.1. The proposed underground double circuit 110kV transmission cable runs along a route that crosses over the administrative areas of Dublin City Council and Fingal County Council. The proposal commences at the existing 220kV Belcamp Substation which is located to the north of the R139 road (formerly the N32 road). The R139 road links the M50/M1 motorways to the Malahide Road (R107) to the east, and serves as the administrative boundary between both Councils in this location.

2.2. The Belcamp substation is located within the administrative area of Fingal County Council. It is currently surrounded by green fields. The Mayne River runs alongside the R139 road at this location. The Greater Dublin Drainage Waste Water Treatment Plant is proposed in fields just to the north of the substation. A Clayton Hotel lies to the west of the substation separated by fields and Stockhole Lane.

2.3. To the south of the R139 road, within the Dublin City Council administrative area, lies the residential area of Darndale. The Clonshaugh Business & Technology Park is located to the west of this residential area. The applicant's data centres are located within this Business Park and to the south of the location of the Darndale substation. There are two data centre buildings completed or almost complete (Buildings A and B). Two other centres are permitted and at the early stage of construction (Buildings C and D). The permitted 110kV Darndale Substation is located just to the north of the data centres and is also under construction. Prior to the current use of the site occupied by the data storage facilities, it was occupied by Diamond Innovations.

2.4. The Clonshaugh Business & Technology Park accommodates a range of technology and industrial type uses and is bounded by the M50/M1 to the west, residential areas to the south and east and the R139 to the north.

2.5. The nearest European Designated sites are the Baldoyle Bay SAC (Site Code 000199) and the Baldoyle Bay SPA (Site Code 004016) c.4km to the east. The Mayne River which runs parallel to the R139 feeds into the bay.

2.6. During the construction of the North Fringe Sewer in 2001 through IDA lands, and on the northern side of the R139, an unauthorised landfill containing c.22,000m^3 of mixed waste was uncovered.

2.7. Maps and photos are included in Appendix A.

3.0 Proposed Development

3.1. Development Description

3.1.1. It is proposed to install an underground double circuit 110kV transmission cable from the existing Belcamp 220kV/110kV substation, to the permitted and currently under construction 110kV Darndale substation located within the Clonshaugh Business & Technology Park and just north of the applicant's data storage facilities. The cable is stated as being c.1.97km in length.

3.1.2. The route proposed indicates that the cable will leave the Darndale substation running north for a distance of 180m before realigning east for a further distance of 390m. It will enter the road reserve on the south-west side of the roundabout adjacent to the Clayton Hotel. It then runs along the R139 road before turning north into the Belcamp substation. The cable will pass under the Mayne River before entering the substation. Three joint bays are proposed on each circuit providing for a total of 6 joint bays at 3 locations. The six joint bays will have associated link and communications boxes and will be covered by manhole covers.

3.1.3. The cable comprises a double circuit 110kV installed underground in HDPE ducting. The 110kV cables will be a standard XLPE (cross-linked polyethylene) copper cable. The installation will require the excavation of one or two trenches along the route. The separation of the two circuits will vary from 500mm to c.3m depending on existing ground conditions and existing underground services. Between 5 and 10

separate ducts will be installed in each trench. The optimum depth of excavation required to facilitate installation is 1.25m below ground level but may increase to 3m at utility crossings. The width of each trench is generally 0.6m. A detailed survey has been completed along the existing route to identify existing services.

3.1.4. An underground road and river crossing are required. The road crossing is proposed adjacent to the entrance to the Belcamp substation. The river crossing is proposed further to the east resulting in the cable entering the Belcamp substation from the east. The river crossing is proposed using a cut and cover and damming of the river. Following the response to the Further Information request, the river will be piped rather than over-pumped during this phase.

3.1.5. It is stated that there is an existing permitted construction compound to the south-east of the Darndale substation which will serve the proposed development works.

3.1.6. Once constructed, the route will be reinstated at current ground level, grassed in greenfield areas and appropriate hardstand elsewhere. The drawings indicate that a permanent path of c.4m in width will be installed south of the cable in greenfield areas.

3.2. **Need for Development**

3.2.1. The project is stated as being required to support current power demand and future growth within the Clonshaugh area inclusive of, but not limited to, the power requirements for the existing and future developments within the Amazon site. The route alignment has been agreed with the relevant landowners/local authorities prior to lodgement and is accompanied by letters of consent. The Amazon site is presently supplied with power, but the utility provider has requested that Amazon Data Services Ireland Ltd. switch substations for network reasons.

3.2.2. It is stated that the main stakeholders are EirGrid, ESB Networks and Amazon Data Services Ireland Ltd. The development of the Darndale substation is a contestable development. The applicant will be responsible for the design, construction, fit-out and pre-commissioning of both the Darndale 110kV substation and the underground double circuit 110kV line to the existing Belcamp 220kV substation. Upon completion of the works by the applicant, the Darndale 110kV substation and the underground circuit will be handed over to EirGrid whom will, in conjunction with ESB Networks,

carry out the final commissioning and energisation. Once energised this will form part of the ESB Networks infrastructure.

3.3. Accompanying Documentation

3.3.1. An Environmental Impact Assessment Report (EIAR) accompanies the application. A Natura Impact Statement (NIS) is included as an appendix to the EIAR. A Planning Report and Drawings accompany the application as well as standard application documentation. A Flood Risk Assessment has been carried out and accompanies the application.

4.0 Planning History

4.1. There have been a number of planning applications for data storage facilities and ancillary works on the applicant's site. There are 4 main data storage facilities, and all have been subject to individual planning applications, and referred to as Buildings A, B, C and D. The initial application was not accompanied by an EIS, however the subsequent applications were, as the overall site area had increased and fell within the requirements of Class 10(a) of Part 2 of Schedule 5 of the Planning and Development Regulations, as amended, i.e. An industrial estate in excess of 15Ha.

4.2. The Belcamp substation was the subject of a Strategic Infrastructure application for approval directly to An Bord Pleanála as detailed below.

4.3. Relevant permissions – Clonshaugh (Dublin City Council area)

- **Dublin City Council Reg. Ref. 4185/18**: Permission was granted on 24th January 2019 for the development of a two storey c.16,860sq.m data storage facility with ancillary works, 40 car parking spaces and landscaping. An EIAR was submitted with the application as the development related to an industrial area of c.15Ha.

- **Dublin City Council Reg. Ref. 3096/18**: Permission was granted in August 2018 for the construction of a new two-storey c.16,860sq.m data storage facility with 40 car parking spaces and ancillary works. An EIS was submitted with the application.

- **Dublin City Council Reg**. **Ref. 4449/16**: Permission was granted by the Council on the 6th April 2017 for the construction of a single storey 14,107sq.m building for

use as electrical rooms for electronic operations, mechanical plant rooms and support areas, relocation of existing attenuation area, addition of 8m acoustic screen to the existing transformer compound (granted Reg. Ref. 3288/16), landscaping and 30 parking spaces. An EIS was submitted with this application as the development related to an industrial area of c.15Ha due to the addition of lands.

- **Dublin City Council Reg. Ref. 3288/16**: Permission was granted by the Council on the 26th September 2016 for amendments to the previously granted permission Reg. Ref. 3874/15 for the construction of a new two storey substation building 690sq.m, the addition of a transformer bay and reorientation of the compound, enlargement of the single storey client control building by 30sq.m, and consequent rearrangement of compound access and fencing.

- **Dublin City Council Reg**. **Ref. 3874/15**: Permission was granted by the Council on 29th January 2016 for development including Construction of a two-storey 16,700sq.m building for use as electrical rooms for electronic operations, mechanical plant rooms and support areas, electrical substation and electrical compound, fuel tanks, 2 no. vehicular and pedestrian entrances and 36 no. car parking spaces. This application was accompanied by an Environmental Impact Statement (EIS) Screening Report which concluded that an EIS was not required as the development was below the mandatory threshold of 15Ha for industrial developments.

- **APB Ref**. **245738**: Permission was granted by the Board for an aviation fuel pipeline from Dublin Port on the 26th April 2016. This pipeline runs along the northern side of the R139.

4.4. Relevant permissions – Belcamp (Fingal County Council area)

- **ABP Ref. VA0014**: The Belcamp 220kV/110kV substation was approved by the Board on the 12th February 2013. The proposal related to electricity transmission infrastructure including 220kV and 110kV substation buildings and associated works within a site of 2.7Ha off the R139 Road.

- **FCC Reg. Ref. F19A/0149**: A Planning Application has recently been submitted to Fingal County Council on the 5th April 2019 and a decision is pending. It is for the remediation by excavation and removal of c. 22,000 m^3 of mixed waste material illegally deposited on lands at Belcamp. The project will involve site preparatory

works, excavation and infill works, installation of a cut-off wall to the south and south west and restoration with grass and treeline where applicable. An Environmental Impact Assessment report (EIAR) and Natura Impact Statement (NIS) have been prepared and accompany the planning application.

5.0 Policy and Context

5.1. National Planning Framework

5.1.1. The Department of Housing, Planning and Local Government, on behalf of the Government, has prepared a National Planning Framework called Project Ireland 2040. The *National Planning Framework (NPF)*, is a planning framework to guide development and investment over the coming years. The companion to this document is the *National Development Plan*, a ten-year strategy for public capital investment of almost €116 Billion.

5.1.2. A number of policies are of relevance with respect to the subject proposal. The key policies are:

- ***National Policy Objective 2b****: target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.*

- ***National Policy Objective 5****: Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.*

- ***National Policy Objective 11****: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth*

5.1.3. The National Planning Framework targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas such as Clonshaugh. This is further expanded upon by clarifying that this means encouraging more people, jobs and activity generally within existing urban areas.

5.2. **Regional Spatial and Economic Strategy (RSES)**

5.2.1. The RSES for the Eastern and Midland Regional Assembly area was adopted on the 3rd May 2019 and came into effect on the 28th June 2019, at which point it replaced the Regional Planning Guidelines for the Greater Dublin Area 2010-2022.

Dublin Metropolitan Area Strategic Plan (MASP) is addressed in Chapter 5. The location for the proposed development is in the Dublin Metropolitan Area. Section 5.5 refers to Enabling Infrastructure. It states: '*Development of the energy distribution and transmission network in the Region will enable distribution of more renewable sources of energy to facilitate future energy demand in strategic development areas along with the roll-out of the Smart Grids and Smart Cities Action Plan enabling new connections, grid balancing, energy management and micro grid development'.*

5.2.2. Chapter 10 addresses Infrastructure. It states that: '*The sustainable growth of the Region requires the provision of services and infrastructure in a plan led manner to ensure that there is adequate capacity to support future development. High-quality infrastructure is an important element of a modern society and economy, it provides essential functions and services that support societal, economic and environmental systems at local, regional and national levels'*. With respect to energy it is noted that with projected increases in population and economic growth the demand for energy is set to increase. It is further noted that: '*The Dublin Region is the major load centre on the Irish electricity transmission system. Approximately one third of total demand is located here*' and '*Developing the grid in the Region will enable the transmission system to safely accommodate more diverse power flows from renewable generation and also to facilitate future growth in electricity demand. These developments will strengthen the grid for all electricity users, and in doing so will improve the security and quality of supply. This is particularly important if the Region is to attract high technology industries that depend on a reliable, high quality, electricity supply'*.

5.2.3. It is stated that Local Authority Development Plans shall facilitate provision of energy networks in principle based on guiding principles including that the route chosen has given due consideration for social, environmental and cultural impacts.

5.3. **Local Development Plans – Fingal County Development Plan 2017 – 2023**

5.3.1. The existing Belcamp substation is located on lands zoned **HT – High Technology**, as indicated on Map 11 Fingal South. The objective is '*To provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment*'.

5.3.2. Chapter 6 of the Written Statement considers Economic Development, Chapter 7 considers Movement and Infrastructure and Chapter 12 refers to Development Management Standards. While the development will connect the supply of power from Belcamp to an industrial area of Dublin City Council in Clonshaugh, **Objective ED18** states the Council will:

> *Actively seek and facilitate continued opportunities for investment in and development of FDI and indigenous enterprises at appropriate locations in the County through engagement and collaboration with the relevant national enterprise agencies.*

Furthermore, the importance of infrastructure is recognised and **Objective ED21** seeks to:

> *Liaise and engage with all relevant public service providers to ensure that zoned lands for economic development purposes are serviced in a timely fashion to facilitate opportunities for employment and enterprise creation*.

5.3.3. Section 7.2 of Chapter 7 refers to water services. **Objective WQ05** seeks to:

> *Establish riparian corridors free from new development along all significant watercourses and streams in the County. Ensure a 10 to 15 metre wide riparian buffer strip measured from the top of the bank either side of all watercourses, except in respect of the Liffey, Tolka, Pinkeen, Mayne, Sluice, Ward, Broadmeadow, Corduff, Matt and Delvin where a 30m wide riparian buffer strip from top of bank to either side of all watercourses outside urban centres is required as a minimum*.

Section 7.3 specifically refers to Energy. It states: '*The Council will work in partnership with existing service providers, particularly Eirgrid, ESB Networks, and Gas Networks Ireland to facilitate required enhancement and upgrading of existing*

infrastructure and networks. It will be the policy of the Council to support and protect strategic energy corridors'.

Objective EN22 seeks to:

> *Facilitate energy infrastructure provision at suitable locations, so as to provide for the further physical and economic development of Fingal.*

5.3.4. Chapter 12 refers to Development Management Standards. Ecological corridors are considered to include linear landscape features such as rivers, hedgerows and road verges that enhance the movement of wildlife through the landscape. A number of objectives are detailed including **Objective DMS170** which seeks to:

> *Protect and enhance the ecological corridors along the following rivers in the County by ensuring that no development takes place, outside urban centres, within a minimum distance of 30m from each riverbank: Liffey, Tolka, Pinkeen, Mayne, Sluice, Ward, Broadmeadow, Ballyboghil, Corduff, Matt and Delvin (see Green Infrastructure Maps).*

And **Objective DMS171** seeks to:

> *Ensure that no development, including clearance and storage of materials, takes place within 10m – 15m as a minimum, measured from each bank of any river, stream or watercourse in the County*.

5.4. Local Development Plans – Dublin City Development Plan 2016 – 2022

5.4.1. In the Dublin City Council zoning maps, Clonshaugh Business & Technology Park is zoned **Z6 – Employment/Enterprise**. This is the location of the applicant's data storage facilities as well as the location of the permitted Darndale substation.

5.4.2. Chapter 6 refers to the City Economy and Enterprise. Chapter 9 refers to Sustainable Environmental Infrastructure.

5.4.3. Chapter 6 recognises the role of the Council in supporting employment growth and **Policy CEE3** seeks:

> *To take a positive and pro-active approach when considering the economic impact of major planning applications in order to support economic*

development, enterprise and employment growth and also to deliver high-quality outcomes.

5.4.4. Section 9.5.13 refers to Energy Facilities. The Plan recognises that the development of a secure and reliable energy network is an important element for not only supporting economic development but also to provide for the needs of every sectoral interest in the city. Furthermore, the Plan states that the Council '*will be open to the future requirements of the major service providers including Bord Gáis, Eirgrid and the ESB, where it is proposed to enhance or upgrade existing facilities or networks, or provide new infrastructure in order to extend or strengthen energy supply to meet demand and meet climate reduction targets'*. **Policy SI32** seeks:

To require that the location of local energy services such as electricity, telephone and television cables be underground wherever possible, and to promote the undergrounding of existing overhead cable and associated equipment, where appropriate.

5.5. Natural Heritage Designations

5.5.1. There are 17 designated sites within 15km of the proposed development. They are:

Site Code	Site Name	Distance (km)
000199	Baldoyle Bay SAC	3.88
000202	Howth Head SAC	7.89
000204	Lambay Island SAC	14.15
000205	Malahide Estuary SAC	5.24
000206	North Dublin Bay SAC	4.34
000208	Rogerstown Estuary SAC	9.77
000210	South Dublin Bay SAC	7.54
002193	Ireland's Eye SAC	8.71
003000	Rockabill to Dalkey Island SAC	8.64
004006	North Bull Island SPA	4.34

004015	Rogerstown Estuary SPA	10.02
004016	Baldoyle Bay SPA	4.04
004024	South Dublin Bay & River Tolka Estuary SPA	5.06
004025	Broadmeadow/Swords Estuary SPA	5.23
004069	Lambay Island SPA	14.15
004113	Howth Head Coast SPA	9.86
004117	Ireland's Eye SPA	8.49

5.6. EIA Screening

5.6.1. An EIAR has been submitted with the subject application. It states that while the project proposed is not listed under Annex I of the EIA Directives, an EIAR has been provided as the development will connect to a data centre at Clonshaugh and an EIA was completed for that development.

5.6.2. I consider that an EIAR is required in this case. An EIAR is not mandatory for the proposed development under Section 182A of the Act. It is stated by the applicant that the proposed underground cable is not an Annex I, nor is it an Annex II, type project, being an underground 110kV cable. However, it is part of a whole project which includes a project described in Part 2 of Schedule 5, *Infrastructure Projects Class 10 (a): Industrial estate development projects, where the area would exceed 15 hectares*, in the Planning and Development Regulations 2001 as amended. The development of the 15Ha site did require that the competent authority carry out an Environmental Impact Assessment (see Section 4 – Planning History above). It is considered, therefore, that in order for a cumulative assessment of the whole project to be carried out by the competent authority, that an EIAR be prepared. An Environmental Impact Assessment Report (EIAR) has accompanied this application.

6.0 Written submissions/Observations to the Board

6.1. Planning Authority – Dublin City Council

6.1.1. A submission was received from Dublin City Council. It is concluded that the proposed development is compliant with national, regional and Dublin City Development Plan 2016 – 2022. The Planning Authority requests that in the event of approval a number of conditions are appended. In summary it includes:

- Planning History.
- Policy context - it is considered that relevant policies include Policy SI31 and SI32.
- Two Departmental Reports were submitted – Environment and Transportation Department and Transportation Planning Division.
- Considers a comprehensive EIAR has been submitted but notes that the Board is the Competent Authority. Considers that the proposal will have negligible impact on the existing environment.
- Considers the NIS generally acceptable.
- Notes the line traverses chiefly through Z6 zoned lands. Considers development compatible and consistent with the zoning objectives.
- Considers proposal would not have any undue impact on amenities of the area but notes there will be a degree of traffic disruption during construction.
- With respect to department reports, the following responses were received (in summary):
    - **Environment and Transportation Department, Drainage division**: No Objection, subject to conditions
    - **Environment and Transportation Department, Transportation Planning Division**: No Objection, subject to conditions
- Concludes that the Council supports the overall development and requests conditions are attached. Notes that the Board are the Competent Authority with

respect to the EIAR and the NIS but is satisfied that the proposal accords with the statutory plans.

6.2. Planning Authority – Fingal County Council

6.2.1. A submission was received from Fingal County Council. A number of Departmental Reports are attached as an Appendix. It is considered that the development is supported by national, regional and local planning policy. A grant of planning is recommended subject to 12 conditions. In summary it states:

- 210m of the development is located within the Fingal area – the line entering the Belcamp Substation and the crossing of the Mayne River.
- Area zoned HT - 'Utility Installations' are permitted in principle in this zoning.
- Reference made to Development Plan policies of relevance to the subject site and proposed development.
- Highlights Objective ED21 (see section 5.3 above) - objective to develop the East-West Distributor scheme – Malahide Road to Stockhole Lane.
- Considers development is supported by national, regional and local planning policy.
- It is not considered that there will be a significant impact on the visual amenities of the area or that it would prejudice the delivery of masterplans in the area.
- No significant concerns with architectural conservation.
- Transportation issues relate to construction.
- Considers that the main matters of concern relate to contaminated soils, flooding, interaction with the proposed Greater Dublin Drainage Project and riparian strips.
- With respect to contaminated soils and the unauthorised landfill, it is noted that measures dealing with contaminated soils are not clearly set out in the EIAR. Suitable conditions should be appended to address this.
- Flood Risk Assessment (Clifton Scannell Emerson Report) - Water Services Department raise no concerns.

- Considers applicant should liaise with Irish Water to avoid conflicts with the proposed Greater Dublin Drainage Project should approval be granted for both.

- Notes proposal is to cut and cover and dam the river to allow for a crossing. States that this is not acceptable and would contravene the identified objective and may affect other trees and vegetation. Considers micro-tunnelling or horizontal directional drilling should be undertaken from 30m either side of the river as per Objective DMS170.

- If micro-tunnelling is considered, the Stage 1 of the Appropriate Assessment Screening will be required to be revised.

- Community gain conditions are not considered warranted having regard to the underground nature of the project. A condition requiring a bond is requested to ensure reinstatement works are carried out to the satisfaction of the Authority.

- With respect to department reports, the following responses were received (in summary):

    - **Water Services**: No Objection, subject to conditions
    - **Transportation**: No Objection, subject to conditions
    - **Parks & Green Infrastructure**: No reply
    - **Conservation Officer**: No Objection, subject to conditions
    - **Community Archaeologist**: No Objection, subject to conditions
    - **Environment:** Contaminated Soil – no objections

6.3. Prescribed Bodies

- **Irish Water**: Notes that the EIAR states there will be no impact on services, but they are of the opinion that this may not be the case. Suggest that a site investigation be carried out prior to construction and proposals agreed for managing locations where the cable may cross the path of IW infrastructure. Request that the Construction Management Plan should include for liaison with IW.

- **TII**: Notes the site's proximity to the M50/M1 junction which is a critical junction of the TEN-T Core network. TII seek to ensure that the proposed works are undertaken

complementary to safeguarding the strategic function, safety and continued efficient operation of the national road network. It is further noted that there is a third-party application process for contractors seeking to carry out works in certain areas, including the subject area to ensure no clashes. It is requested that any decision made would confirm that prior to any works being undertaken, liaison with Dublin City Council as the Roads Authority and TII as National Roads Authority is required. Such liaison will ensure appropriate consents are adhered to, in the interest of maintaining the strategic function and safety of the road.

- **GSI**: The GSI note that there are no County Geological Sites (CGS) within the vicinity of the proposed site. GSI request a copy of a report detailing any site investigations carried out. It is also requested that should any significant bedrock cuttings be created, that they remain visible as rock exposure and not covered over with soil.

- **IFI**: It is noted that the Mayne River is not a salmonid river for a combination of factors and IFI are working with Fingal County Council on a project to reintroduce salmonids naturally to the system. It is further noted that river crossings should be planned and completed in an environmentally sensitive manner, preferably using tunnelling or boring techniques. It is IFI's preference that tunnelling or boring systems will be used. All works directly affecting watercourses or riparian habitats must be submitted for assessment and approval in the form of a detailed method statement to IFI. A Construction Environmental Management Plan should detail mitigation measures including biosecurity protocol.

6.4. Other observers

6.4.1. No third-party observations were submitted.

7.0 Further Information Request

7.1. Following the submissions by the Prescribed Bodies and the review of the initial documentation, it was determined that Further Information (FI) was required to enable the Board to fully assess the project. Six items of FI were requested.

7.2. In summary, the applicant was requested to comment on Fingal County Council's and IFI's expressed preference for alternative construction methods for crossing the

Mayne River. If alternative construction methods are considered the applicant is requested to amend the Appropriate Assessment Screening Report and/or the NIS to reflect any potential changes on foot of this FI. In addition, the applicant was requested to consider the recently submitted planning application for the remediation by excavation and removal of c. 22,000 m^3 of mixed waste material illegally deposited on lands at Belcamp in particular with reference to the NIS. The applicant was further requested to submit an outline CEMP and was also provided an opportunity to respond to the submissions received.

7.3. The applicant responded on 23rd May 2019. All 6 items were addressed, and the applicant took the opportunity to comment on the submissions from the Prescribed Bodies.

7.4. With respect to the method of crossing the Mayne River, the applicant undertook further consultations with Fingal County Council and IFI. It is stated that agreement in principle has been reached with both bodies to allow for the crossing of the Mayne River by way of the originally intended methodology (i.e. an open cut methodology). The open cut option is considered a lesser risk to local water quality. The proposed method would take a much shorter time period versus the HDD method which could take 10 - 12 weeks. It is also considered that as the development does not involve any above ground structures within 30m of the Mayne River, it is in accordance with Objectives WQ05 and DM170 of the Development Plan. On the basis that there is no change proposed to how the river is crossed there is no change proposed to the NIS in this respect. It is stated that the NIS has been updated to note that the method statement for the river crossing will be agreed in detail with IFI prior to commencement of development. The NIS has also been updated to reflect the amendment to address the proposal for piping of water rather than over-pumping.

7.5. With respect to the planning application for landfill remediation, the Screening Report and NIS have been updated to take account of that application. It is stated that adjacent developments will have no predicted impacts on European Sites and in-combination impacts can be ruled out.

7.6. An outline CEMP has been submitted which provides a framework from which a final CEMP will be developed to avoid, minimise or mitigate any construction effects on the environment.

7.7. A brief response to the submissions of the Prescribed Bodies is also provided. The suggested conditions referred to by FCC and DCC are addressed. FCC's submission on the crossing of the river is addressed earlier. With respect to a condition to require Site Investigations (SI) prior to commencement of development due to the potential to encounter contaminated soil it is stated that SI works have been carried out and no non-hazardous or hazardous material has been identified. It is also considered that the Greater Dublin Drainage Project which is under consideration by the Board is not expected to be under construction at the same time as the subject project, should it be granted approval by the Board.

7.8. A brief archaeological statement has been submitted in response to the FCC Archaeology Department submission, which recommends monitoring of works on the access road and other groundworks.

7.9. It is noted with respect to the Irish Water submission that a Build-Over Agreement is being entered into where the scheme crosses over Irish Water assets.

7.10. The applicant agrees to liaise with TII and DCC Roads Department prior to works being undertaken. In addition, the applicant agrees to a condition requiring the final method statement for crossing the river to be agreed with the IFI.

7.11. **Further Responses**

7.11.1. The response from the applicant was issued to the parties who made a submission providing an opportunity for them to respond. Two submissions were received from Fingal County Council and TII. In summary, they include:

Fingal County Council: It is considered that the applicant has addressed all matters raised by the Council. Clarity on the method of crossing the Mayne River and revisions to the CEMP as well as the NIS have been provided. It is recommended that permission is granted subject to 10 stated conditions.

Transport Infrastructure Ireland: TII note the applicant's response to TII's initial submission. Request that the requirements outlined in their submission are included as a conditions of permission if granted.

7.12. **Oral Hearing**

The Board decided, by Board Direction dated the 6th June 2019, that an oral hearing was not warranted in relation to the subject case, having regard to the detail accompanying the application including the EIAR and associated appendices including the Natura Impact Statement, the response to the Further Information request and the submissions received from prescribed bodies, and the two Planning Authority reports.

8.0 Assessment

8.1. Having regard to the requirements of the Planning and Development Act, 2000 as amended, this assessment is divided into three main parts: planning assessment, environmental impact assessment and appropriate assessment. In each assessment, where necessary, I refer to the issues raised by Prescribed Bodies in submissions to the Board in response to the application.

8.2. There is an inevitable overlap between the assessments, for example, with matters raised falling within both the planning assessment and the environmental impact assessment. In the interest of brevity, matters are not repeated but such overlaps are indicated in subsequent sections of the report.

9.0 Planning Assessment

9.1. Introduction

9.1.1. I have read the planning application for the proposed development and the observations that have been submitted to the Board in respect of it. Having regard to this, I consider that the key issues arising in respect of the planning assessment are listed below. As stated above, many of the matters raised by parties are also relevant under the Environmental Impact Assessment and the Appropriate Assessment.

9.1.2. Each section of the assessment is structured to guide the Board to the relevant section of the EIAR relating to the particular topic (where applicable), the policies and objectives of the Development Plan and other plans (where applicable), and the issues raised in the submissions (where applicable). I consider that the key planning issues are as follows:

- Principle of Development
- Construction Methods
- Traffic & Transportation
- Residential Amenities
- Architectural Heritage
- Impact on existing and permitted utilities

9.2. Principle of Development

9.2.1. The proposed development is stated as being required to support current power demand and future growth within the Clonshaugh area inclusive of, but not limited to, the power requirements for the existing and future developments within the Amazon site. It is further stated that the utility provider has requested that the applicant switch substations for network reasons.

9.2.2. The subject application is for a double circuit 110kV underground transmission cable connecting the Darndale Substation (already permitted and under construction) and the existing 220/110kV Belcamp Substation. The development will be handed over to

ESB Networks and traverses the administrative areas of Dublin City Council and Fingal County Council. The proposal is therefore subject to the policies and objectives of both Development Plans.

9.2.3. Both councils submitted a report each and both consider that the proposal generally accords with the proper planning and sustainable development of the area. With respect to zoning, utility installations are acceptable in principle under the relevant zoning designations. Both Councils include policies and objectives supporting the development of industry and the necessary infrastructure within their respective Development Plans.

9.2.4. I am satisfied that the proposal accords with the zoning and is in compliance with the policies and objectives detailed in the respective Development Plans. The proposal will facilitate the future power demand both on the applicant's site and within the wider Clonshaugh area including the Business Park.

9.2.5. The proposal will ensure that zoned lands are serviced which is in accordance with objective ED21 of the Fingal Plan which seeks to engage with public service providers to ensure that zoned lands are serviced in a timely fashion, as well as objective EN22 which seeks to facilitate energy infrastructure provision at suitable locations, so as to provide for the further development of Fingal.

9.2.6. The proposal is in accordance with Dublin City policy CEE32 which seeks to take a positive approach when considering the economic impact of major planning applications, as well as policy SI32 which seeks undergrounding of infrastructure where possible.

9.2.7. Having regard to the above I am satisfied that the principle of the development of a double circuit 110kV underground transmission cable is acceptable in principle.

9.3. **Construction Methods**

9.3.1. Construction methods in particular with respect to the crossing of the Mayne River were raised by both Fingal County Council and the IFI. The applicant submitted that the method of crossing the river would be via a cut and cover and over-pumping. It was indicated that this method would take a week. However, the IFI and FCC both expressed a preference for micro-tunnelling under the river. The applicant was

provided an opportunity to comment on this expressed preference at Further Information stage.

9.3.2. The applicant met with both parties and states that it was agreed that the applicant could proceed with the initial method proposed with a slight change. Instead of the water being over-pumped it would now just be piped.

9.3.3. In response Fingal County Council state that they consider this method to be acceptable. The applicant indicated in the Further Information response that to carry out micro-tunnelling (or some form of drilling under the river) would in fact result in a much longer construction phase of 10-12 weeks, and potentially result in an increased risk of local water quality impact due to the requirement for extensive excavation to expose and monitor the existing services in the vicinity of the Mayne River.

9.3.4. It was further stated that the banks of the river are currently in a denuded and disturbed state due to recent unrelated works, which I can concur with as a result of my site visit. The open cut approach would not lead to the degradation of 'pristine' habitat and will allow for an improvement of the existing condition of the riparian zone which is in accordance with WQ05 and DM170 of the Fingal CDP. I am satisfied that this proposal will not result in 'development' above ground as required by the aforementioned objectives.

9.3.5. Furthermore, the NIS has also concluded that this method proposed for crossing the river will not result in an impact on the European sites.

9.3.6. In conclusion, I am satisfied that the crossing is proposed in an area of the riverbank that is already disturbed and having regard to the commitment to reinstate appropriate ground cover will result in an improvement in the existing condition. The potential impact on the integrity of European Sites is assessed at Section 11 below.

9.4. **Traffic & Transportation**

9.4.1. Whilst there were no third-party submissions objecting to the proposal, I consider that there is potential for impacts during construction caused by traffic restrictions particularly on the R139 as well as increased traffic movements. These are addressed in detail in Section 10.13 of this Report within the environmental impact

assessment section. Of note, it is stated that the construction of the underground cable is expected to last for a short period of c.19 weeks.

9.4.2. With respect to traffic, I note that the R139 is a busy road and the subject proposal involves a road crossing. While there will be some traffic disruption only one road crossing is proposed. Furthermore, almost half of the line is located outside of the road carriageway. I am satisfied with the mitigation measures proposed in the EIAR, which includes ensuring at least one lane remains open in both directions during construction activities. Moreover, mitigation measures include that works requiring access to the R139 carriageway will be conducted between the hours of 7pm to 6am minimising the impact on traffic and amenities.

9.4.3. I address services below; however, I note that this road contains a significant number of services including the North Fringe Sewer, a 600mm diameter water pipe, a 220kV powerline, as well as numerous other services and will contain the permitted aviation fuel pipeline. I acknowledge that site investigation works have already been carried out, and I am satisfied that a suitable condition requiring that detailed site investigations are carried out prior to any construction works beginning will address any unforeseen issues causing traffic disruption.

9.4.4. Transport Infrastructure Ireland (TII) lodged a submission noting the site's proximity to the M50 and M1. It is stated that this junction is a critical junction on the TEN-T Core Network. TII draw attention to the fact that there is a third-party application process for contractors seeking to gain access to sections of national roads. I am satisfied that a condition requiring the applicant to engage Dublin City Council with respect to a Road Opening Licence and any other necessary permits will ensure that the proposed works are undertaken complementary to safeguarding the strategic function, safety and continued efficient operation of the national road network. In addition, I recommend that the production of a Construction Traffic Management Plan should be appended as a condition, should the Board be of a mind to approve.

9.4.5. There is minimal traffic associated with the proposal at operational stage.

9.4.6. In conclusion, I am satisfied that there will be minimum impact on traffic and amenities of road users for the temporary duration of the construction activities. The construction activities are for a short duration of c.19 weeks. I am satisfied that with appropriate conditions requiring that the works in the road carriageway are subject to

a Construction Traffic Management Plan and that necessary permits are obtained from TII/Dublin City Council, the works are acceptable.

9.5. Residential Amenities

9.5.1. As well as traffic issues, I consider that the main potential impacts on residential amenities could be caused by noise and dust during construction activities. The Clayton Hotel to the north-west of the roundabout and the residential areas of Darndale and Clonshaugh are at a sufficient distance from the works. However, there are a number of dwellings in the vicinity of the proposal – there are apartments near the junction of Clonshaugh Road and the R139, as well as St. Michael's house and some residential units opposite the entrance to Belcamp Substation.

9.5.2. The works on the road carriageway near Clonshaugh Road have the potential to create a dust and noise nuisance. I note that the works on the R139 are to be carried out at night to minimise the impact on traffic. This could cause a potential impact with respect to noise at night near the aforementioned sensitive receptors. However, I note the works are to be staged to include c.100m sections at a time. I accept that there will be a potential noise impact but consider that with the mitigation measures proposed (including the appointment of a Site Representative for matters relating to noise) this will be kept to a minimum and is for a short duration.

9.5.3. I am satisfied that with the development of a Construction Traffic Management Plan and the commitments in the submitted outline Construction Environmental Management Plan, and the EIAR any potential emissions can be satisfactorily mitigated to an acceptable level. As with the traffic referred to above, the construction duration is only c.19 weeks and there will be no impact during the operational phase.

9.5.4. I am satisfied that with appropriate conditions requiring the production of a Construction Traffic Management Plan and the implementation of the commitments made in the EIAR with respect to noise and dust, there will not be a seriously injurious impact on residential amenities.

9.6. **Architectural Heritage**

9.6.1. Archaeological, Architectural and Cultural Heritage are addressed in Chapter 11 of the EIAR and in Section 10.12 below. Of note is the remaining architectural heritage in the immediate vicinity of the proposed development. RPS references 1907 and 1908 of Dublin City Development Plan are of relevance. They refer to Woodlands House and the Glasshouse at Woodlands House, both located to the south-east of the roundabout and south of the R139 road. As well as being Protected Structures, the house and associated grounds are designated as a Conservation Area in the Dublin City Development Plan. Woodlands House is accredited to the architect Sir Edward Lovett Pearse and built in the early 18th Century c.1730, and is described as "the most interesting small house of early eighteenth century in the whole of Ireland" and is elsewhere described as one of the few Queen Anne houses left in the country. It is still actively farmed.

9.6.2. The proposed route exits the grounds of Woodlands House immediately to the west of the roundabout on the R139 and runs along the southern carriageway of the R139. Woodlands House is located c.75m to the south of the route. There will be no direct visual impacts on the architectural heritage as the proposed line will be laid underground.

9.6.3. The route traverses a laneway marked on the 1st edition Ordnance Survey map which formerly gave access to the farm complex associated with Woodlands House. It is proposed to subject the laneway to pre-development archaeological testing.

9.6.4. No concerns were raised by observers with respect to potential impact on the architectural heritage of the area. It is recognised that the works are entirely underground, and a sufficient distance has been maintained between the works and the structures. Mitigation measures are in place should any unexpected features or material be uncovered.

9.6.5. I am satisfied that there will not be an unacceptable impact on the Architectural Heritage of Woodlands House having regard to the underground nature of the project and the distance from the works. Furthermore, with appropriate conditions relating to monitoring of any topsoil stripping and the monitoring by a suitably qualified archaeologist during the crossing of the Mayne River, there will be no adverse impact.

9.7. Impact on existing utilities

9.7.1. There is a significant amount of underground infrastructure in the vicinity of the proposed route for the double circuit line and particularly along the R139. There are fibre optic cables on both sides of the R139 and a 450mm diameter foul sewer and the 1050mm diameter north fringe sewer, as well as stormwater sewers running along the boundaries of both sides of the R139.

9.7.2. In addition, other projects have been permitted or are under construction including the development of an aviation fuel pipeline to convey jet aviation fuel in an underground pipeline between Dublin Port and Dublin Airport. This pipe will run along the R139. Furthermore, Irish Water have recently sought approval for the Greater Dublin Drainage Project directly from the Board as a Strategic Infrastructure project. This is currently under consideration by the Board and will include works in the vicinity of the R139, albeit there are no plans for undergrounding of works along the R139.

9.7.3. The applicant notes that significant site investigations have been carried out to enable the route to be determined as well as potential conflict locations to be identified. However Irish Water in their submission note that while the EIAR states that there will be no impact on services this may not be the case. They suggest that a site investigation should be carried out prior to the beginning of construction and that proposals be outlined for dealing with situations where works interfere with existing services. Furthermore, they state that the Construction Management Plan should include for liaison with Irish Water regarding protection of infrastructure.

9.7.4. The drawings that accompany the planning application include sections along the proposed route. These drawings are relatively detailed indicating where existing services are located. The drawings as appropriate include the caveat that all service locations shall be verified on site. The applicant in response to Irish Water's submission stated that as part of the scheme a Build-Over Agreement is being entered into with Irish Water Assets. The applicant in addition states that where remedial works are required they will be carried out in accordance with the Build-Over Agreement and that this will ensure the protection of Irish Water services and assets.

9.7.5. I am satisfied that appropriate conditions with respect to liaison with Irish Water should be appended should the Board consider approving the development.

9.8. Planning Assessment Conclusion

9.8.1. In conclusion, I am satisfied that the proposal is in full compliance with the policies and objectives of both the Fingal and Dublin City Development Plans. It will support the current power demand and future growth within the Clonshaugh area, fully in accordance with plans. I am satisfied that while there will be minor impacts on traffic and transport due to the fact that the cable is being installed in the public road, this will be for a short duration and will be further mitigated by those works being carried out at night. In terms of impacts on residential amenities, noise and dust are most likely to potentially cause an impact. However as already noted the works are for a short duration, will be mitigated and will be carried out in 100m stretches. A Noise Liaison officer will also be appointed. Co-ordination with other utility providers will be essential in particular with Irish Water.

9.8.2. Having regard to the above, I am satisfied that there will not be a seriously injurious impact on residential amenities and subject to compliance with the mitigation measures as detailed in the EIAR and the documentation submitted with the application, the proposal is acceptable.

10.0 Environmental Impact Assessment

10.1. Introduction

10.1.1. This section of the report comprises an environmental impact assessment of the proposed development. Some of the matters considered have already been addressed in the Planning Assessment above. This section of the report should therefore be read, where necessary, in conjunction with relevant sections of the Planning Assessment.

10.1.2. As noted in Section 9.2 above, the applicant states that the subject development is required for network reasons. It will serve the data centres previously approved which are currently at various stages of development (see Planning History Section 4 above). However, the development is not intended to exclusively serve the data centres and is stated as being required for future development within the wider area. The Environmental Impact Assessment Report (EIAR) considers the cumulative effect of the subject development with the data centres as well as other relevant developments.

10.1.3. The EIAR accompanying the application has been prepared by AWN Consulting Ltd. and is presented in the grouped format in one bound document. The Non-Technical Summary (NTS) is set out as a separate chapter which is required to provide a summary of the EIAR in non-technical language. The EIAR is included in the same bound document which includes maps, figures, tables and appendices where appropriate. The NIS is included as an appendix to the Biodiversity Chapter. A schedule of Mitigation Measures is attached as an appendix to Chapter 1.

10.1.4. This application was submitted after 16th May 2017, the date for transposition of Directive 2014/52/EU amending the 2011 EIA Directive therefore the subject application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU).

10.1.5. The EIAR:

- Describes the project and provides information on the site, design, size and particular features of the proposed development;
- Describes the likely significant effects of the project on the environment;

- Describes the features of the project and/or measures envisaged to avoid, prevent, reduce, and if possible, remedy significant impacts;
- Provides a description of the main alternatives studied, and an indication of the main reasons for the choice of alternative put forward, taking into account environmental effects; and
- Includes a non-technical summary of the above information.

10.1.6. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

10.1.7. With respect to Article 3(2), section 2.7 of the EIAR refers to Major Accidents/Disasters. It is stated that the site has been assessed in relation to external natural disasters including landslides, seismic activity, volcanic activity and sea level rise/flooding, as well as with reference to Seveso/COMAH. It is noted that a Stage 1 Flood Risk Assessment was carried out and concluded that the development is not at risk of flooding and the proposed development will not be a Seveso/COMAH facility.

10.1.8. I have carried out an examination of the information presented by the applicant, including the EIAR and the submissions made during the course of the application. A summary of the results of the submissions made by the planning authorities and prescribed bodies has been set out at Section 6 and 7 of this report. The main issues raised specific to EIA can be summarised as follows:

- Potential impact on Biodiversity, specifically on European Designated Sites.
- Potential impact on the hydrological environment during the river crossing.
- Potential impact on soils due to contamination.
- Potential impact during construction of traffic, noise and dust.

These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation.

10.1.9. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer is up to date, adequately identifies and describes the direct and indirect effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

10.2. Alternatives

10.2.1. **Chapter 3** addresses the alternatives considered. Article 5(1)(d) of the 2014 EIA Directive requires:

> *(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment*;

Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

> *2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.*

10.2.2. The EIAR states that legislation requires EIA reports to consider: Do Nothing Alternative; Alternative Project Locations; Alternative Designs/Layouts; Alternative Processes; and, Alternative Mitigation Measures.

10.2.3. Each of the above are addressed in the EIAR. A Route Option Layout Plan is provided in the EIAR. It is stated that an engineering feasibility study, financial feasibility study and a high-level environmental appraisal of the route options were carried out. In conclusion the chosen route was considered feasible with minimal temporary and no long-term impacts on the environment. Alternative designs

including an above ground option were considered. In terms of alternative processes, it is stated that the cable must meet ESB Network's specifications and therefore flexibility to select alternative processes for integrating into the national grid is not available to the applicant.

10.2.4. The consideration of alternatives is an information requirement of Annex IV of the EIA Directive, and the single most effective means of avoiding significant environmental effects. Having regard to this requirement and its purpose (i.e. avoidance of significant environmental effect), I am satisfied that the consideration of alternatives is adequate.

10.3. Consultations

10.3.1. Details of the consultation entered into by the applicant as part of the preparation of the application and EIAR are set out in the Planning Report and the EIAR and are considered adequate. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

10.3.2. In conclusion, I am satisfied that the information provided is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effect of the project on the environment, taking into account current knowledge and methods of assessment. Overall, I am satisfied that the information contained in the EIAR is up to date, complies with the provisions of Article 3, 5 and Annex IV of EU Directive 2014/52/EU amending Directive 2011/92/EU. The content and scope of the EIAR is considered acceptable and in compliance with the requirement of Articles 94 (content of EIAR) and 111 (adequacy of EIAR content) of the Planning and Development Regulations, 2001 (as amended) and the provisions of the new amending Directive.

10.4. Likely Significant Direct and Indirect Effects

The likely significant indirect effects of the development are considered under the following headings, after those set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;

- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape;
- the interaction between the factors referred to in points (a) to (d).

10.4.1. My assessment is based on the information provided by the applicant, including the EIAR, in addition to the submissions made in the course of the application, as well as my site visit.

10.4.2. **Chapter 4 – 15**: Chapter 4 addresses Population and Human Health, Chapter 5 considers Hydrology, Chapter 6 considers Land, Soils, Geology and Hydrogeology, Chapter 7 Biodiversity, Chapter 8 Air Quality & Climate, Chapter 9 Noise & Vibration, Chapter 10 Landscape & Visual Impact, Chapter 11 Archaeological, Architectural and Cultural Heritage, Chapter 12 Traffic and Transportation, Chapter 13 Material Assets, and Chapter 14 Waste Management, Chapter 15 considers Cumulative Effects and Chapter 16 considers Interactions.

10.4.3. Each of the above chapters are considered in detail below, with respect to the relevant heading of the Directive. The cumulative effects are addressed in a separate chapter in the EIAR. However, I have addressed the cumulative effects under each heading for ease of reference and to assess the project as a whole, i.e. in particular with respect to the Data Storage Facilities. In chapter 15 it is stated that Building A was completed in 2017, Building B is scheduled for completion at the end of 2018 and Building C was permitted in August 2018. Planning permission was granted for Building D in January 2019. Other developments locally are also considered including potential reinforcement of the local network which is assumed to be adjacent to the Belcamp substation for assessment purposes.

10.5. Population and Human Health

10.5.1. In terms of methodology, it is stated that identification of principal potential receptors and an analysis of impacts of the project on these receptors has been conducted. An evaluation of the effects of pathways which may affect human health such as air quality, noise, water and soil quality has also been conducted.

10.5.2. Significant impacts on human beings are not expected. The main potential impacts are considered to be in relation to air quality, noise and visual effects during construction. These are considered to be short-term only. It is not expected that there will be impacts during the operational stage.

10.5.3. With respect to traffic it is expected that there will be temporary, negative and not significant impacts during construction. It is stated that any significant construction works will take place outside of the main commuter hours and at worst case single lane carriageway will remain open. There will be no impact during the operational phase.

10.5.4. Traffic management measures will be put in place during construction and mitigation measures will be used to minimise the potential effects on human health in terms of air quality & climate, and noise & vibration during construction.

10.5.5. It is considered that the cable development will have a positive long-term effect through facilitating the provision of adequate electricity supply that could in turn facilitate future employment. There are no predicted adverse residual effects primarily due to the development being underground.

10.5.6. With respect to cumulative effects, it is considered that there will be a positive effect locally with the presence of additional construction workers. There is no significant cumulative impact on human health predicted. Any road openings or traffic diversions will be temporary in nature. There will be a slight, temporary negative effect on traffic during construction of the various projects. It is concluded that any cumulative impact on population and human health will be positive and long term.

10.5.7. As noted in section 9.5 above, there is a potential for noise and dust to impact on the nearby sensitive receptors particularly as the construction activities on the R139 are to take place at night time. However, with the mitigation measures proposed (and addressed further in section 10.9 & 10.10 below), I am satisfied that there will not be a significant impact on health or on population.

10.5.8. I have considered all of the written submissions made in relation to population and human health. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that

the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

10.6. **Biodiversity**

10.6.1. Chapter 7 addresses Biodiversity. The Board is advised that an NIS also accompanies this application and will be considered herein as well as separately in Section 11 below.

10.6.2. The habitat survey comprised a mix of desk and field surveys. As previously described the area is presently occupied by data storage facilities, a redundant farm with once open grassland fields having been left to recolonise with scrub to the north and hard surfaces such as the road and pavements. European sites are listed (see Section 5.5 and Section 11 herein for details).

10.6.3. There are few natural habitats remaining in the area. The proposed development area is considered in three sections: The redundant farmland to the north of the data storage facilities, the route of the R139 road, and the access to Belcamp substation. Each section is described. It is noted that the access area to the Belcamp substation crosses over the River Mayne which is culverted under the M50/M1, as well as part of the adjacent hotel. It emerges in Belcamp and runs roughly parallel to the R139, where it is partially diverted to a pond before passing through Balgriffin Park and on to Baldoyle Bay. No badger setts, or otter signs were found in the study area. It is considered there is limited potential for bats. A list of birds recorded are presented in Table 7.3. There are no rare or protected habitats recorded in the study area. While not a qualifying interest the NIS states that otters have been recorded downstream on the Mayne River.

10.6.4. The nearest European sites are located in Baldoyle Bay and North Dublin Bay. It is considered there would be no direct impacts.

10.6.5. It is considered that the likelihood of impacts on hydrologically connected environmental sites is extremely low and any accidental spillages and contaminated run-off will be avoided by best practice construction management.

10.6.6. The potential impacts on habitat and fauna are described. It is considered that there will be a minor loss of scrub and modified grassland habitats. Standard construction management such as avoiding the cutting of vegetation in the bird nesting season

will be employed. It is considered that in a 'Do Nothing' scenario there would be a neutral impact given the low ecological value of the area.

10.6.7. Mitigation measures are addressed which include measures which will be set out in the final Construction Environmental Management Plan (CEMP). The CEMP will include a reference to the connectivity of the River Mayne and Baldoyle Bay and the requirement for avoidance in terms of direct and indirect construction activity. A bat specialist will survey trees to be felled for roosting bats prior to felling. Bat boxes are recommended to be erected. Potential impacts on birds will be avoided by cutting of vegetation outside the bird nesting season.

10.6.8. In terms of the residual impact it is considered that the proposed development is located in an area of low ecological value and as such is predicted to have a neutral imperceptible effect on biodiversity and no monitoring is required.

10.6.9. The cumulative impact on biodiversity is addressed in section 15.5 of the EIAR. A list of projects considered is provided and each are assessed. The EIAR concentrates on European sites and cumulative effects therein. However, I am satisfied having regard to the information provided and my site visit that there will not be a significant cumulative effect as a result of this project.

10.6.10. Fingal County Council and IFI expressed a preference that the river crossing would be carried out by micro-tunnelling or horizontal directional drilling. The applicant was requested to comment on this expressed preference. In response the applicant met with the two parties and the original method of construction was agreed as detailed in section 9.3 above. It has been agreed that this original method will take only a week whereas due to the existence of other underground services to pursue a micro-tunnelling method could result in a timeline of 10-12 weeks. I am satisfied that the proposed construction method is acceptable and will not have a significant adverse effect.

10.6.11. I have considered all of the written submissions made in relation to Biodiversity. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Biodiversity.

10.7. Land, Soil, Geology & Hydrogeology

10.7.1. Chapter 6 of the EIAR assesses the potential impact on land, soils, geology and hydrogeology. The area is described as being relatively flat with an elevation ranging between 52.7m and 39.3m AOD west to east. There are no areas of geological sensitivity within 1km of the site. There is no loss of currently utilised agricultural land within the route corridor. There is an illegal landfill located adjacent to the R139 near Belcamp.

10.7.2. Regional soils and geology are described. The bedrock aquifer underlying the majority of the proposed route is classified as a Locally Important Aquifer and a small section is classed as a Poor Aquifer. The bedrock aquifer is classed as having Low Vulnerability status. The aquifers along the cable route range from *locally important* to *Bedrock which is generally Unproductive except for Local Zones.* It is unlikely to be used for public water supply. In addition, it does not host any groundwater dependent ecosystems.

10.7.3. It is noted that based on the available geotechnical boreholes along the cable route, the ground conditions are similar to the ground conditions on the site in Clonshaugh. There are a wide range of geotechnical boreholes in the area. The nearest borehole that reached bedrock at 23.7mOD is located along the Clonshaugh Road 500m south of the R139. Soil testing will be undertaken during initial works to determine a suitable licenced site for disposal. It is estimated that 52,840m^3 will require excavation during the proposed trench development works.

10.7.4. With respect to land take, it is noted that there will be no loss of agricultural land as the route will run in the southern edge of the R139 and then within a greenfield in Belcamp. It is stated that during the construction of the North Fringe Sewer in 2001 through IDA lands, an unauthorised landfill containing c.22,000m^3 of mixed waste was uncovered. Site investigation documentation indicates that the waste is contained and isolated from key potential environmental receptors. The Mayne River is considered to be protected. The route of the cable runs along the southern edge of the R139 which is expected to be outside the waste body (which is on the northern edge). However, excavation could encounter the southern edge of the waste body during construction.

10.7.5. In terms of potential impacts there is potential for water to become contaminated with pollutants associated with construction activity. It is noted that there is no bulk hydrocarbon storage proposed and refuelling will occur within the construction compound within the data centre site. There is no loss of agricultural land. During operation there are no potential impacts. In the Do-Nothing scenario the lands will remain as is.

10.7.6. With respect to mitigation measures it is stated that the works contractor will author a Final Construction Methodology and prepare a Final Construction Environmental Management Plan. An outline CEMP has been submitted which provides a framework for the Final Plan.

10.7.7. Control of soil excavation and export of material from site is addressed in the mitigation measures. Soil will be tested and classified in accordance with the EPA Waste Classification. There will be no stockpiling on site.

All fill and aggregate will be sourced from reputable suppliers.

All storage and refuelling will occur on the already permitted construction compound within the data centre site.

Methods to control run-off of water are described. No significant de-watering will be required during construction which would result in the localised lowering of the water table.

10.7.8. The implementation of the mitigation measures will ensure that the predicted impacts on the geological and hydrogeological environment do not occur. Residual impact is considered to have a long-term, imperceptible significance with a neutral impact on quality.

10.7.9. In terms of the cumulative impact addressed in Chapter 15, it is noted that Building A, B and C sites have already been largely cleared as part of construction of developments. It is noted that CEMPs have already been prepared for those developments.

The unauthorised landfill is referenced. It is stated that the proposed route has taken account of the predicted location of the ‘waste body’ and runs on the southern side of the R139 to minimise the likelihood of crossing the illegal landfill area. It is anticipated that the presence of the Dublin Boulder Clay is also protecting the

underlying aquifer and acting as a confining layer for vertical migration of any residual contamination from the landfill site.

Having regard to other permitted developments, it is considered that the potential cumulative impact is the local increase in hardstanding area but given the scale of the proposed development this is considered to be insignificant.

Overall the cumulative impact is considered to be neutral in terms of quality and of an imperceptible significance.

10.7.10. I note that there is no *specific* mitigation referred to in the case of encountering any part of the unauthorised landfill. This point was also made by Fingal County Council in their submission. It is stated in Chapter 6 that the full southern extent of the unauthorised landfill is not fully assessed to date. Subsequent to the applicant lodging this request for planning approval, the IDA lodged a planning application with Fingal County Council for the remediation by excavation and removal of c. 22,000 m^3 of mixed waste material illegally deposited on lands at Belcamp. The applicant was requested to address this new planning application as part of the request for Further Information.

10.7.11. As a response to this request the applicant stated that site investigation works have been carried out along the route. At each slit trench or trial hole Waste Acceptance Criteria (WAC) testing has been carried out. Non-hazardous or hazardous material have not been identified in the site investigation.

10.7.12. The IFI stated that it is essential that a silt fence is constructed between the line of construction and the river. It is further stated that there should be no temporary storage of soil along the cable route and all soil should be transported directly to a licenced facility. Following the request for Further Information, an outline CEMP was submitted which confirms that there will be no storage of excavated material along the cable route.

10.7.13. With respect to the amount of soil to be excavated, I note that no information has been provided to indicate how the figure of c.50,000m^3 of soil/stones has been arrived at. It is stated that the Engineering Consultancy arrived at this figure. However, I am satisfied that the mitigation measures will ensure that the excavated material will be disposed of appropriately and will be re-used on site where practical.

The CEMP states that any waste material will be stored in the site compound for appropriate reuse or disposal.

10.7.14. I have considered all of the written submissions made in relation to Land and Soil. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on land and soil.

10.8. **Water**

10.8.1. Hydrology is addressed in Chapter 5 of the EIAR. It is stated that there are two rivers located in close proximity to the proposed route. The Santry River is located c.1km south and the Mayne River is located along the proposed route. The proposed route transects the Mayne River at the entrance to the Belcamp substation. The Cuckoo stream flows to the north and is a tributary of the Mayne. The Mayne river discharges into the Baldoyle Estuary c.4.2km east. The majority of the river is culverted under the M50/M1 interchange and local roads/housing estates. There are two EPA monitoring stations – one on each river. The Mayne river obtained a Q2-3 Poor status at the most recent measurement in 2016. The Santry river obtained a Q3 – Poor status and a Q1 Bad status at last measurement also in 2016.

10.8.2. A Flood Risk Assessment was conducted. No flood hazards were identified. The hydrological features at the site are rated as ‘Low Importance’.

10.8.3. Potential impacts during construction are detailed including increased run-off and sediment loading. A sediment management plan will be in place. Access to the Belcamp substation will be by a temporary (c. one week) open cut across the Mayne river. It is planned to dam a section of the river with a piping arrangement in place. Excavations are shallow and will not extend to bedrock. It is not expected that any significant de-watering will be required. There are no potential impacts in relation to surface water during the operational phase. In a ‘Do-Nothing’ scenario there will be no change to the hydrological regime.

10.8.4. Apart from the crossing of the river there is no direct linkage between the construction site and the river. Caution will be taken to mitigate the potential effects

on indirect pathways via public drainage along the R139 due to surface run-off. Mitigation measures are described which seek to avoid or minimise potential effects through the implementation of best practice construction methods. A project specific CEMP will be prepared which will include the mitigation measures within the EIAR.

10.8.5. There is no likely measurable impact anticipated at the Baldoyle Bay SAC which is c.4.2km downstream, based on the low hazard potential, the shallow river gradient, low velocity and hydrological distance. No mitigation measures are required during operation.

10.8.6. There is no residual impact on surface water. The impact is considered to be long-term, imperceptible and neutral.

10.8.7. I am satisfied that the proposal is an appropriate development for Flood Zone B. There is no history of flooding in the vicinity and there is no predicted impact on the Mayne River. I am satisfied that there is no requirement to proceed to a Stage 2 or 3 assessment and the scheme has satisfied the Justification Test that has been conducted.

10.8.8. With respect to cumulative effects it is noted that the former Diamond Innovations site has already been largely cleared as part of the construction of the data storage developments. Attenuation ponds are in place that have been designed to accommodate additional hardstanding areas as well as foul sewer drainage. It is considered that the construction of the cable will have no impact on existing water, waste and storm water drainage in the area. It is stated that construction works in areas of existing underground infrastructure will need to be managed to ensure no damage is caused. The impact is considered to be neutral in terms of quality and of an imperceptible significance.

10.8.9. Irish Water (IW) have made a submission with respect to their services. They request that a site investigation be carried out prior to the beginning of construction and request proposals for dealing with situations where works would interfere with existing water services. It is also requested that a Construction Management Plan should include for liaison with IW. I am satisfied that a suitable condition to this affect would be appropriate should the Board consider approving the proposal. This is also addressed in section 9.7 above.

10.8.10. I have considered all of the written submissions made in relation to Water. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on water.

10.9. Air & Climate

10.9.1. Air quality and climate are addressed in Chapter 8 of the EIAR. The receiving environment is described. The nearest representative weather station is at Dublin Airport c.2km north of the site. Air quality monitoring programmes have been undertaken by the EPA. Dublin, including Clonshaugh, is defined as Zone A of the four zones in Ireland. There are 16 high sensitivity residential receptors within 50m of the proposed construction works. Based on the Institute of Air Quality Management (IAQM) criteria the worst-case sensitivity of the area to dust soiling is considered to be medium. The worst-case sensitivity of the area to human health is considered to be low. Based on the same IAQM criteria no assessment of the impact of dust on the ecosystem is required.

10.9.2. It is considered that the greatest potential impact during construction phase is from construction dust emissions and the potential for dust nuisance. The major dust generating activities are divided into four types: Demolition, Earthworks, Construction, and Trackout. Each activity is assessed for potential impact.

Construction traffic would be expected to be the dominant source of greenhouse gas emissions. Construction vehicles will give rise to CO_2 and N_2O emissions during the construction phase.

During the operational phase it is considered that there are no potential impacts as the line will be buried underground.

10.9.3. As part of mitigation measures to ensure that no significant nuisance occurs at nearby sensitive receptors a management plan has been formulated. This plan includes Site Management, management of movement of trucks, timing of land clearing/earth moving works, and location and moisture content of storage piles. No mitigation measures are proposed during operational phase.

10.9.4. It is expected that when the dust mitigation measures are implemented, fugitive emissions of dust and particulate matter from the site will be short-term, and not significant, posing no nuisance at nearby receptors or with respect to health. Based on the scale and temporary nature of the works the potential impact on climate change is deemed to be short-term and not significant.

There are no predicted impacts to air quality or climate during the operational phase. The operational phase is considered neutral for both air quality and climate.

10.9.5. It is stated that should the proposed development coincide with the construction of the permitted substation or any other development within 350m then there is potential for cumulative dust impacts to the nearby sensitive receptors. Dust mitigation measures proposed will avoid significant cumulative impacts on air quality. There will be no cumulative impacts during operation.

Indirect air emissions from electricity power generating stations are covered under the individual licences for these sites which are monitored and enforced by the EPA, ensuring emissions do not impact on air quality.

10.9.6. I have considered all of the written submissions made in relation to air and climate. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on air and climate.

10.10. Noise & Vibration

10.10.1. Noise and vibration are addressed in Chapter 9 of the EIAR. The receiving environment is a mixture of residential, industrial and rural areas. At all sensitive locations traffic noise is the dominant source of noise. Dublin City Council's 2017 Noise Mapping confirms that expected ambient noise levels at these locations are within 55 to 70dBL_{Aeq} during daytime periods.

10.10.2. A variety of plant will be in use for the purposes of site preparation, construction and site works. There will be vehicular movements to and from the site and due to the nature of the activities there is potential for the generation of significant noise levels. Table 9.9 details the noise levels associated with typical

construction noise sources assessed in this instance. The noise levels are within the limit values for daytime periods on weekdays at distances of 20m or greater. A significant effect is not predicted in relation to the nearest noise sensitive receptors during construction. Additional measures will need to be considered during periods where works are carried out during night time periods. With respect to additional traffic, it is considered that during the construction phase associated with various phases of development there will not be a significant noise impact. There will be no noise or vibration during operation.

10.10.3. In order to sufficiently ameliorate the likely noise impact, a schedule of noise control measures has been formulated. During construction reference will be made to BS5228 and it is proposed that various standard construction practices be adopted including the appointment of a dedicated noise liaison officer.

10.10.4. In terms of residual impact, it is considered that there will not be a significant impact at residential locations subject to appropriate management of the issues on the site. There is no residual impact during operations.

10.10.5. With respect to cumulative impacts should construction coincide with the construction of the permitted substation or any other development there is a possibility for cumulative impacts. The application of appropriate mitigation measures for this project, as well as similar mitigation measures being employed for other projects, will avoid significant cumulative impacts on noise and vibration. There will be no cumulative impacts during operations.

10.10.6. As noted in Section 9.5 above, there is a potential for a noise impact at the nearest residential sensitive receptors, particularly as some of the works on the R139 are stated to take place at night-time. The EIAR states that considering the typical distance from works to noise sensitive locations it is expected that day, evening and night-time noise criteria can be satisfied. However, it is noted that additional measures will need to be considered during these night-time works. The appointment of a site representative responsible for matters relating to noise and vibration is proposed as a mitigation measure which I consider to be appropriate, as well as other measures having regard to the night-time works. Moreover, the site representative will notify the public and sensitive receptors before the

commencement of any works forecast to generate appreciable levels of noise or vibration, explaining the nature and duration of the works.

10.10.7. I have considered all of the written submissions made in relation to noise and vibration. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on noise and vibration.

10.11. Landscape & Visual Impact

10.11.1. Landscape and Visual Impact are addressed in Chapter 10 of the EIAR. It is stated that the wider area has a substantially industrial character and includes additional lands zoned for industrial development. There is significant road infrastructure in the area – the M50/M1 interchange and the R139 regional road. It is adjoined by residential areas, open space and public parks. Along the proposed route there are substantial trees and hedgerows on both sides of the R139. The area for the development is zoned for industrial type development. Landscape sensitivity along the route is low. There are no designated landscapes or viewpoints. The development is to be located underground and as such there are no sensitive residential visual receptors.

10.11.2. The potential landscape and visual effects will be associated with the construction stage and will be temporary in nature. In a Do-Nothing scenario there will be no change. During construction impacts will relate to the physical and visual disruption arising from temporary works such as general construction activity, hoarding, clearance and excavation. The existing soft and hard landscaping including field, grass verge and carriageway surfaces will be reinstated as the trench is closed and re-seeding and planting will be implemented returning the transmission cable route to its pre-construction condition for the operational phase. During operation impacts will be imperceptible and neutral. Where new trees are planted, to reinstate existing roadside tree screening, impacts will be locally slight and short-term as the trees establish in the early years.

10.11.3. The route avoids impacts on sensitive landscape and receptors. Given the temporary nature of construction and the proposed reinstatement of soft landscaping visual impacts will be imperceptible and neutral. Landscape impacts will be imperceptible/short-term and neutral.

10.11.4. Given its location underground there will be no cumulative impacts.

10.11.5. I note that there are no detailed drawings indicating what the loss of trees and hedgerows referred to in this chapter, will actually be. However, from my site visit, it is clear that the majority of the proposed route that is located outside of the road carriageway is already cleared of any hedgerows or trees. I am satisfied that a suitable condition requiring reinstatement of landscaping is appropriate should the Board be of a mind to approve the proposal.

10.11.6. I have considered all of the written submissions made in relation to Landscape and Visual Impact. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Landscape and Visual Impact.

10.12. Archaeological, Architectural and Cultural Heritage

10.12.1. Cultural Heritage is addressed in Chapter 11 of the EIAR. The proposed route is described with respect to the built heritage. Of note in the area is Woodlands House which is a Protected Structure (DCC RPS Ref. no. 1907/ RMP no. DU014-056). It is located c.75m south of the proposed route. Belcamp House has recently been demolished, but the icehouse and farm buildings survive c. 100m to the north.

10.12.2. The construction phase of the proposed development will not impact directly on any archaeological features included in the RMP. It does impact on three features of archaeological interest namely the townland boundary between Willsborough and Clonshaugh, a laneway which gave access to farm buildings of Woodland House and the area bordering the south of the Mayne River. The implementation of mitigation measures will ensure that the effect is neutral and imperceptible. There will be no impact on any architectural heritage features. The operational phase will have no impacts.

10.12.3. While much of the site has been subject to impacts associated with the construction of the M50 and the R139, there is still possibility of sub-surface archaeological features surviving. The laneway will be subject to pre-development archaeological testing and the townland boundary subject to a topographic and photographic survey.

10.12.4. Subject to archaeological mitigation measures referred to above no residual impacts are predicted. The cumulative effects are not considered significant.

10.12.5. The Community Archaeologist Report from Fingal County Council notes that the EIAR recommends pre-development testing at the laneway to Woodlands and topographic and photographic survey of townland boundary. It is considered that as much of the proposed route has been subject to previous impacts this is a reasonable approach. The Fingal report further notes that the potential impact of the crossing of the River Mayne has not been addressed. Having regard to the brownfield and disturbed nature of the overall area, I am satisfied that a suitable condition requiring archaeological monitoring during construction will address this concern.

10.12.6. I have considered all of the written submissions made in relation to archaeological, architectural and cultural heritage. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on archaeological, architectural and cultural heritage.

10.13. Traffic and Transportation

10.13.1. Traffic and Transportation are addressed in Chapter 12 of the EIAR. The traffic generation associated with the development does not exceed the thresholds outlined by TII for developments requiring a specific Traffic and Transport Assessment. The adjoining roads are listed and include the R139, R104, M50 and access road to the Industrial estate. Public transport services are detailed. It is noted that there is a TII traffic counter along the R139 which is considered sufficient to conduct the assessment.

10.13.2. It is not expected that there will be an impact during the operational phase. One return light vehicle trip will be generated once every three years for maintenance purposes.

10.13.3. During construction which is short-term in nature, it is expected that construction traffic would consist of private vehicles for staff and excavation plant and dumper trucks. Traffic has been estimated based on similar contractor experience. The on-road section of the route will require closure of the nearside westbound lane of 100m sections at a time to facilitate the works. The 15m section of cable that crosses the carriageway just south of the Belcamp substation will require the staged closure of two westbound and two eastbound lanes for short periods. Traffic management measures will be put in place such that one lane will remain open in both directions during this element of the work. It is stated that all works requiring the closure of one or more lanes will be carried out at night including the 15m of cable that crosses the carriageway. The overall impact during construction is considered temporary negative and not significant. The Do-Nothing scenario would have no impact.

10.13.4. Standard construction practices will be adhered to during construction as mitigation to offset any potential traffic impacts. The predicted impact will be temporary, negative and not significant for the construction phase and imperceptible for the operation phase.

10.13.5. The cumulative impact is addressed. It is considered that the off-road works of the proposal from Darndale substation to the roundabout will occur at the same time as building works on the data centre. However, given the temporary nature of this section of works and the low vehicle volumes the cumulative impact will be temporary and slightly negative. The remainder of the works will be accessed via the R139 and it is not expected that there will be cumulative impacts associated with the construction of the Building C of the data centre. The potential cumulative impact of the works on the aviation fuel line will be co-ordinated. There will be no cumulative impacts during the operational phase.

10.13.6. I note that there is the potential for excavated soil and stones/construction waste to be removed offsite where it is not required/suitable for reuse on the site. It is noted in Chapter 14 of the EIAR that it is difficult to determine the exact quantities

until the final materials and detailed construction methodologies have been confirmed. Having regard to this, I am of the opinion that a detailed Construction Traffic Management Plan should be prepared and subject to a condition should the Board be of a mind to approve the proposal.

10.13.7. I have considered all of the written submissions made in relation to traffic and transportation. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on traffic and transportation.

10.14. Material Assets

10.14.1. Material Assets are addressed in chapters 13 and 14 of the EIAR. The Draft EPA EIA Guidelines state that material assets refer to built services and infrastructure, roads and traffic and waste management. It is stated that the impacts on various material assets have been addressed under the headings of Population and Human Health, Land, Soils, Geology and Hydrogeology, Traffic & Transportation, and Waste Management within the EIAR. Ownership and access, as well as infrastructure are addressed in chapter 13. Waste is addressed in chapter 14.

Ownership, access and infrastructure

10.14.2. It is noted that in terms of ownership, the route travels through land owned by three different parties – the applicant, FCC and DCC. Letters of consent are included in the application. Letters of consent are also included from ESB Networks as the final asset owner and EirGrid as the operator.

10.14.3. Telecommunications, water and waste supplies are described. It is stated that there are no water supplies running alongside the R139. There is a 450mm sewer and the 1050mm diameter north fringe sewer run alongside the R139.

On the site there is an attenuation pond which has been designed to accommodate surface water run-off for the overall site. There are stormwater sewers running along the boundaries of the R139.

10.14.4. The nature of the project does not require any other utilities. During construction any power requirements will be served by the existing onsite contractor's compound or temporary generators. Welfare facilities will be provided at the compound. Any surface water will be discharged and treated. There will no impacts on any utilities during construction.

10.14.5. Mitigation measures include ongoing consultations with utility suppliers to ensure no disruption to the local and business community.

10.14.6. The implementation of mitigation measures will ensure that the predicted impacts on the material assets will be temporary, neutral and imperceptible during construction phase. The overall predicted impact can be considered to be long-term and not significant.

10.14.7. In terms of cumulative impact, considering the minimal use of material assets (temporary lighting and power) during construction there is no likely cumulative impact.

10.14.8. I note that there are more land owners than stated within the EIAR text. However, each land owner has supplied a letter of consent (owner of Woodlands House, Park Development Group – land north of the Darndale substation, and the IDA – lands to the north of the R139). I am satisfied with the letters submitted. In addition, as noted above in section 10.8 of this Report, Irish Water have made requests with respect to the crossing of their infrastructure which I consider to be reasonable and can be addressed by way of condition.

Waste Management

10.14.9. Waste management is addressed in chapter 14. A site specific Construction & Demolition Waste Management Plan (C&D WMP) has been prepared and included as an appendix to chapter 14.

10.14.10. Estimates of waste produced during the construction phase have been made. There will be no waste produced during the operational phase. It is estimated that 50,840m^3 of excavated material will be generated. Suitable soils and stones will be reused on-site as backfill in the grassed areas where possible. However, it is envisaged that the majority of the material will require removal off-site. In order to establish the appropriate reuse, recovery and/or disposal route it will need to be

classified. It is expected that other wastes generated will be negligible. There will be no waste generated during the operational phase.

10.14.11. If waste is not managed or stored correctly, it is likely to lead to litter or pollution. Waste will be collected by suitably permitted contractors. The potential effect of construction waste generated is considered to be short-term and not significant.

10.14.12. Adherence to the strategy presented in the C&D WMP will ensure effective waste management during the construction phase and will ensure there are no significant impacts on resource or waste management from the proposed development. No cumulative impact is predicted.

10.14.13. I note that it is stated that until final materials and detailed construction methodologies have been confirmed it is difficult to predict with a high level of accuracy the construction waste that will be generated. I am satisfied that a detailed Construction Environmental Management Plan will be produced by the contractor (based on the outline CEMP submitted in response to the Further Information request). I consider that a detailed Construction Traffic Management Plan should also be prepared which should address traffic generated as a result of the potential requirement to move some waste offsite.

10.14.14. I have considered all of the written submissions made in relation to Material Assets. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Material Assets.

10.15. Interactions

10.15.1. Chapter 16 of the EIAR addresses potential interactions and inter-relationships between the environmental factors discussed in the preceding chapters. The chapter addresses impacts in terms of positive, neutral and negative. Each factor is assessed for any interaction with others. It is considered that the interactions between the environmental factors and impacts are assessed and considered to be neutral.

10.16. Reasoned Conclusion on the Significant Effects

10.16.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, the submissions from the planning authorities and prescribed bodies in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment will potentially occur during the construction phase and are as listed below.

The mitigation measures are presented in tabular form in the Schedule of Mitigation which is included as Appendix 1.1 in the EIAR. The outline CEMP submitted with the application, forms the framework for the Final CEMP, which will be agreed with the relevant authorities to mitigate the potential impacts.

- **Hydrology and Water**: The risk of pollution is through a lack of control of surface water during construction, the mobilisation of sediments and other materials during construction and the necessity to undertake construction activities in the existing watercourse in the vicinity of the site. Impacts will be mitigated by the use of best practice construction methods as detailed in the CEMP and as detailed in the Schedule of Mitigation in the EIAR.
- **Lands, Soils, Geology & Hydrogeology**: With respect to the unauthorised landfill, site investigation documentation indicates that the waste is contained and isolated from key potential environmental receptors. The route of the cable runs along the southern edge of the R139 which is expected to be outside the waste body (which is on the northern edge). Any potential soil contamination will be mitigated by way of the control of soil excavation and export of material from site. Soil will be tested and classified in accordance with the EPA Waste Classification. There will be no stockpiling on site. Impacts will be mitigated by the use of best practice construction methods as detailed in CEMP and as detailed in the Schedule of Mitigation in the EIAR.
- **Air and Noise during the construction phase:** There is potential for a negative impact on sensitive receptors in the vicinity. These impacts are mitigated by the mitigation measures as detailed in the CEMP including Dust Control Measures, Site Management, compliance with noise limits,

appointment of a Noise Liaison officer and as detailed in the Schedule of Mitigation in the EIAR.

- **Traffic and Transport**: Traffic impacts as a result of the construction of the on-road element will be mitigated by the carrying on of the works at night and over the weekend and in accordance with the mitigation measures as detailed in the CEMP, and as detailed in the Schedule of Mitigation in the EIAR.
- **Biodiversity:** The loss of habitat and scrub in greenfield areas will be mitigated by the reinstatement of the lands after the works are complete. The works along the riverbank will result in an improvement to the riparian zone. Impacts on the European sites will be avoided by the mitigation measures which detailed in the CEMP, and as detailed in the Schedule of Mitigation in the EIAR.

I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

11.0 **Appropriate Assessment**

11.1. **Introduction**

11.1.1. Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora) requires that any plan or project not directly related to the management of a European site of nature conservation interest (i.e. a Special Area of Conservation or a Special Protection Area), but likely to have significant effect on it, individually or in combination with other plans and projects, shall be subject to appropriate assessment, for its implications for the site. Further, it provides that the competent authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned**.**

11.1.2. The Habitats Directive has been transposed into Irish law by the Planning and Development Act 2000, as amended, and the European Union (Birds and Natural Habitats) Regulations 2011-2015.

11.1.3. Guidance on appropriate assessment is provided by the EU and the NPWS in the following documents:

- Assessment of plans and projects significantly affecting Natura 2000 sites - Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (DoEHLG, 2009)

11.1.4. Both documents provide guidance on screening for appropriate assessment and the process of appropriate assessment itself.

11.1.5. The application was accompanied by a Stage 1 Screening Statement and a Stage 2 Natura Impact Statement (NIS) prepared by the Moore Group – Environmental Services, which described the proposed development, the project site and the surrounding area. The Stage 1 Screening Assessment concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within European Sites that have the potential to be affected by the proposed development. It predicted the

potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives. Following the request for Further Information, the NIS was updated to assess the potential for in-combination effects with the planned remediation of the unauthorised landfill on lands to the north of the R139.

11.1.6. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in Section 3.6 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.

11.2. Stage One - Screening

11.2.1. The screening report describes the site, and the proposed works, and identifies the European sites within a 15km radius of the proposed works.

Site Code	Site Name	Distance (km)
000199	Baldoyle Bay SAC	3.88
000202	Howth Head SAC	7.89
000204	Lambay Island SAC	14.15
000205	Malahide Estuary SAC	5.24
000206	North Dublin Bay SAC	4.34
000208	Rogerstown Estuary SAC	9.77
000210	South Dublin Bay SAC	7.54
002193	Ireland's Eye SAC	8.71
003000	Rockabill to Dalkey Island SAC	8.64
004006	North Bull Island SPA	4.34
004015	Rogerstown Estuary SPA	10.02
004016	Baldoyle Bay SPA	4.04
004024	South Dublin Bay & River Tolka Estuary SPA	5.06km
004025	Broadmeadow/Swords Estuary SPA	5.23
004069	Lambay Island SPA	14.15
004113	Howth Head Coast SPA	9.86
004117	Ireland's Eye SPA	8.49

11.2.2. It is stated that there is limited biological or no relevant connectivity to the majority of the sites with the exception of the Baldoyle Bay SAC and SPA. The Mayne River discharges into Baldoyle Bay and the project crosses under the river at Belcamp. All other sites are excluded at pre-screening stage.

11.2.3. I follow the staged approach to screening for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government: -

1. Description of the plan or project and local site or plan area characteristics.
2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
3. Assessment of likely significant effects - direct, indirect and cumulative, undertaken on the basis of available information.
4. Screening statement with conclusions.

11.3. Project Description and Site Characteristics

11.3.1. The proposed development is as described in the report above and in the application documentation.

11.4. Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives

11.4.1. Two Natura Sites are identified as being located within the potential zone of impact of the site within the applicant's Screening Report.

11.5. Assessment of likely effects

11.5.1. The site is not within a designated site, thus there would be no direct effects from the proposed development in terms of land-take or construction footprint. However, the project has the potential to result in a significant detrimental change in water quality in Baldoyle Bay either alone or in-combination with other projects or plans as a result of indirect pollution. This could significantly affect the habitats or food sources for which the sites have been designated.

11.6. Screening Statement

11.6.1. Based on my examination of the report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for two of the European sites

referred to above, namely the Baldoyle Bay SAC (Site Code 000199) and Baldoyle Bay SPA (Site Code 004016).

11.6.2. The remaining 15 sites can be screened out of any further assessment because of the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on these 15 European Sites in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

11.7. Appropriate Assessment

11.7.1. **Relevant European sites:** The Conservation Objectives and Qualifying Interests for these sites, are set out below.

Site Code, Site Name and Designation	Approx. distance from the site	Qualifying Habitats and Species	Conservation Objectives
000199 Baldoyle Bay SAC	3.88km	Mudflats and sandflats not covered by seawater at low tide Salicornia and other annuals colonising mud and sand Atlantic salt meadows Mediterranean salt meadows	Detailed Site-Specific Conservation Objectives for this site have been prepared and are available on the NPWS website accessed most recently on 12th June 2019
004016 Baldoyle Bay SPA	4.04km	Brent Goose Shelduck Ringed Plover Golden Plover Grey Plover Bar-tailed Godwit Wetlands	Conservation Objectives for this site have been prepared and are available on the NPWS website accessed most recently on 12th June 2019

11.8. Baldoyle Bay SAC (Site Code 000199)

11.8.1. Brief Description of the Site

The Site Synopsis describes the SAC as extending from just below Portmarnock village to the west pier at Howth in Co. Dublin. It is a tidal estuarine bay protected from the open sea by a large sand-dune system. Two small rivers, the Mayne and the Sluice, flow into the bay.

The site includes a brackish marsh along the Mayne River. Soils here have a high organic content and are poorly drained, and some pools occur. Rushes (Juncus spp.) and salt tolerant species such as Common Scurvygrass (Cochleria officinalis) and Greater Sea-spurrey (Spergularia media) are typical of this area. Knotted Hedge-parsley (Torilis nodosa), a scarce plant in eastern Ireland, has been recorded here, along with Brackish Water-crowfoot (Ranunculus baudotti), a species of brackish pools and ditches which has declined in most places due to habitat loss. Two plant species, legally protected under the Flora (Protection) Order, 1999, occur in the Mayne marsh, Borrer's Saltmarsh-grass (Puccinellia fasciculata) and Meadow Barley (Hordeum secalinum).

Baldoyle Bay is a fine example of an estuarine system. It contains four habitats listed on Annex I of the E.U. Habitats Directive, and supports two legally protected plant species. The site is also an important bird area and part of it is a Special Protection Area under the E.U. Birds Directive, as well as being a Statutory Nature Reserve.

11.8.2. Conservation Objectives

A copy of the detailed conservation objectives for the site are set out in section 3.2.1 of the NIS, along with an evaluation as to whether there is potential for the conservation objectives to be affected by the proposed development. The overall aim of the objectives is to maintain or restore the favourable conservation status of habitats and species of community interest.

11.9. Baldoyle Bay SPA (Site Code 004016)

11.9.1. Brief Description of the site

The Site Synopsis describes the site being located to the north and east of Baldoyle and to the south of Portmarnock, Co. Dublin, is a relatively small, narrow estuary separated from the open sea by a large sand dune system. Two small rivers, the Mayne River and the Sluice River, flow into the inner part of the estuary.

Baldoyle Bay is an important site for wintering waterfowl, providing good quality feeding areas and roost sites for an excellent diversity of waterfowl species. It supports an internationally important population of Light-bellied Brent Goose (726), and has a further five species with nationally important populations (all figures are mean peaks for the five winters 1995/96 to 1999/2000): Shelduck (147), Ringed Plover (223), Golden Plover (2,120), Grey Plover (200) and Bar-tailed Godwit (353). Other species which occur include Great Crested Grebe (42), Pintail (35), Teal (138), Mallard (46), Common Scoter (61), Oystercatcher (531), Lapwing (524), Knot (189), Dunlin (879), Black-tailed Godwit (113), Curlew (98), Redshank (224), Greenshank (11) and Turnstone (43).

Regular breeding birds include Shelduck, Mallard and Ringed Plover. In autumn, passage migrants such as Curlew Sandpiper, Spotted Redshank and Green Sandpiper are regular in small numbers. Little Egret, a species which has recently colonised Ireland, also occurs at this site.

Baldoyle Bay SPA is of high conservation importance, for supporting internationally important numbers of Light-bellied Brent Goose as well as nationally important populations of a further five species, including Golden Plover and Bar-tailed Godwit, both species that are listed on Annex I of the E.U. Birds Directive. The inner part of the site is a Statutory Nature Reserve and also designated as a wetland of international importance under the Ramsar Convention.

11.9.2. Conservation Objectives

A copy of the generic conservation objectives for the site are set out in section 3.2.2 of the NIS, along with an evaluation as to whether there is potential for the conservation objectives to be affected by the proposed development. The overall aim

of the objectives is to maintain the favourable conservation condition of each qualifying bird species and the wetland habitat.

11.10. Potential Impacts on Key Species and Key Habitats

11.10.1. No direct impacts are predicted on any European site as the application site is not directly located within a Natura 2000 site. The potential for impact is considered whereby the project would result in a significant detrimental change in water quality either alone or in combination with other plans or projects as a result of indirect pollution of surface water. A change in water quality could significantly affect the habitats or food sources for species which the sites are designated for. Such a scenario is unlikely given the distance in downstream hydrological connectivity and the employment of best practice construction methods as contained in the CEMP.

11.11. Potential Impacts on the Integrity of the European Sites

11.11.1. There will be no loss of habitat area and/or habitat fragmentation and therefore no direct impact on the SAC or SPA. The potential for indirect impact is considered whereby the project would result in a significant detrimental change in water quality as a result of pollution of surface water as a result of accidental spillages and contaminated run-off.

11.12. Cumulative and in-combination effects

11.12.1. The report lists other relevant plans and projects in the region. The majority of the cases refer to alterations to existing developments. Specific projects are considered further due to their scale including assessment of the unauthorised landfill remediation project.

11.12.2. It is concluded that the developments will not have predicted impacts on European sites and therefore in-combination effects can be ruled out

11.13. Mitigation Measures

11.13.1. Mitigation measures are addressed in Section 3.6 of the NIS. It is stated that the CEMP will include a reference to the Biodiversity Chapter of the EIAR which

establishes the connectivity of the Mayne River to Baldoyle Bay. Mitigation measures include:

- Storing fuels, chemicals, liquid and solid waste on impermeable surfaces in bunded areas
- Undertaking refuelling of plants, equipment and vehicles on impermeable surfaces
- Ensuring all tanks and drums are bunded in accordance with established best practice guidelines
- Provision of spill kits
- Provision of a water and sediment management plan, providing for means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local water courses or drains
- Specific measures to protect riparian habitats and fish species during the crossing works

I am satisfied that there will be no mitigation measures required during the operation stage of the development.

11.14. **Residual effects/Further analysis:**

No significant residual effects are identified following implementation of the recommended mitigation measures.

11.15. **Appropriate Assessment Conclusions**

11.15.1. Having regard to the works proposed, the hydrological distance between the site and the European sites and subject to the implementation of best practice construction methodologies and the proposed mitigation measures, I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Baldoyle Bay SAC (Site Code 000199) or the

Baldoyle Bay SPA (Site Code 004016), or any other European site, in view of the site's Conservation Objectives.

12.0 **Summary of Conclusion & Recommendation**

12.1.1. Having regard to my assessment above, my principal findings are as follows:

- The proposal is in full compliance with the policies and objectives of both the Fingal County Council and Dublin City Development Plans. It will support the current power demand and future growth within the Clonshaugh area. I am satisfied that there will not be a seriously injurious impact on residential amenities during construction having regard to the mitigation measures proposed.

- With respect to the environmental assessment, I consider that the main significant direct and indirect effects of the proposed development on the environment will potentially occur during the construction phase. The mitigation measures proposed during this phase including best practice construction methods will ensure that the proposed development would not have any unacceptable direct or indirect effects on the environment.

- I am satisfied having regard to the works proposed, the hydrological distance between the site and the European sites and subject to the implementation of best practice construction methodologies and the proposed mitigation measures the project will not adversely affect the integrity of the European sites.

12.1.2. Having regard to the documentation on file and the observations, my site inspection and the assessment above, I recommend that permission for the above described development be granted for the following reasons and considerations, subject to conditions.

13.0 **Reasons and Considerations**

In coming to its decision, the Board had regard to a range of matters including the following:

- The National Planning Framework, in particular policies which seek to encourage more people and generate more jobs and activity within existing cities, towns and villages
- The Regional Spatial and Economic Strategy which supports the provision of services and infrastructure in a plan led manner to ensure that there is adequate capacity to support future development
- Fingal County Development Plan 2017 – 2023 and Dublin City Development Plan 2016 – 2022 policies and objectives to support the development of infrastructure to serve zoned lands for economic development purposes to facilitate opportunities for employment and enterprise creation
- The nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity
- The distance to dwellings and other sensitive receptors from the proposed development
- the Environmental Impact Assessment Report submitted,
- the Natura Impact Statement submitted,
- the observations made in connection with the planning application, and
- the report of the Inspector.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- The nature, scale, location and extent of the proposed development;
- The Environmental Impact Assessment Report and associated documentation submitted with the application;

- The submissions from the Planning Authorities and the prescribed bodies in the course of the application; and
- The Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and 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 is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

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 schedule of Mitigation Measures attached as an appendix to Chapter 1 of the EIAR, 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 considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- **Hydrology and Water**: The risk of pollution is through a lack of control of surface water during construction, the mobilisation of sediments and other materials during construction and the necessity to undertake construction activities in the existing watercourse in the vicinity of the site. Impacts will be mitigated by the use of best practice construction methods as detailed in the CEMP and as detailed in the Schedule of Mitigation in the EIAR.
- **Lands, Soils, Geology & Hydrogeology**: With respect to the unauthorised landfill, site investigation documentation indicates that the waste is contained

and isolated from key potential environmental receptors. The route of the cable runs along the southern edge of the R139 which is expected to be outside the waste body (which is on the northern edge). Any potential soil contamination will be mitigated by way of the control of soil excavation and export of material from site. Soil will be tested and classified in accordance with the EPA Waste Classification. There will be no stockpiling on site. Impacts will be mitigated by the use of best practice construction methods as detailed in CEMP and as detailed in the Schedule of Mitigation in the EIAR.

- **Air and Noise during the construction phase:** There is potential for a negative impact on sensitive receptors in the vicinity. These impacts are mitigated by the mitigation measures as detailed in the CEMP including Dust Control Measures, Site Management, compliance with noise limits, appointment of a Noise Liaison officer and as detailed in the Schedule of Mitigation in the EIAR.
- **Traffic and Transport**: Traffic impacts as a result of the construction of the on-road element will be mitigated by the carrying on of the works at night and over the weekend and in accordance with the mitigation measures as detailed in the CEMP, and as detailed in the Schedule of Mitigation in the EIAR.
- **Biodiversity:** The loss of habitat and scrub in greenfield areas will be mitigated by the reinstatement of the lands after the works are complete. The works along the riverbank will result in an improvement to the riparian zone. Impacts on the European sites will be avoided by the mitigation measures which detailed in the CEMP, and as detailed in the Schedule of Mitigation in the EIAR.

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

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Baldoyle Bay SAC (site code 000199), and the Baldoyle Bay SPA (site code 004016), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites, namely Baldoyle Bay SAC (site code 000199), and the Baldoyle Bay SPA (site code 004016), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

ii. the mitigation measures which are included as part of the current proposal, and

iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the National Planning Framework, the Regional Spatial and Economic Strategy for the Eastern and Midland Region, the provisions of the Fingal County Development Plan 2017 – 2023 and the Dublin City Development Plan 2016 – 2022, and would not have an unacceptable impact on the residential amenities of the area, and would not adversely affect the built or natural heritage of the area and would be in accordance with the proper planning and sustainable development of the area.

14.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 23rd day of May, 20109, 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 relevant 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 and monitoring commitments 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 following conditions. Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authorities for written agreement. **Reason**: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.
3.	The mitigation measures contained in the Natura Impact Statement which was submitted with the application shall be implemented in full. **Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites.
4.	Prior to commencement of development, a detailed Construction Environmental Management Plan for the construction stage shall be

	submitted to and agreed in writing with the relevant planning authority, generally in accordance with the proposals set out in the Environmental Impact Assessment Report. The Construction Environmental Management Plan shall incorporate the following: (a) a detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise 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 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 Construction Environmental Management Plan shall be kept for inspection by the planning authorities. **Reason**: In the interest of environmental protection and orderly development.
5.	Prior to commencement of development, a transport management plan for the construction stage shall be submitted to, and agreed in writing with, the relevant planning authority. **Reason**: In the interest of traffic safety.
6.	Prior to commencement of development, a comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authorities. **Reason:** In the interest of visual amenity
7.	Prior to commencement of development, the developer shall liaise with Irish Water and both Planning Authorities to determine the exact location of Irish Water and Dublin City and Fingal County Council infrastructure and a

	construction management plan relating to protection of this infrastructure shall be submitted to and agreed in writing with the planning authorities. **Reason**: In the interest of ensuring protection of services and to avoid a public health hazard.
8.	The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site to include the Mayne River crossing. In this regard, the developer shall: (a) notify the relevant planning authority in writing at least four weeks prior to the commencement of any site operation (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 relevant 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.
9.	Prior to commencement of development, the developer shall lodge with both planning authorities a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and re-instatement of land required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination. **Reason**: To ensure the satisfactory completion of the development.

Ciara Kellett
Senior Planning Inspector

11th July 2019