



An
Bord
Pleanála

Inspector's Report

ABP-303938-19

Development	Demolition of buildings and structures on site and construction of Data Storage Facility comprising 3 data storage buildings and all associated site infrastructure.
Location	Avoca River Park, Shelton Abbey & Kilbride, Arklow, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	18/940
Applicant(s)	Crag Digital Avoca Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Brian McDonagh
Observer(s)	(1) Pat Casey TD. (2) Mary Kavanagh.

Date of Site Inspection

13th June 2019.

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site. Which has a stated area of 13.28 hectares, is located to the north east of Arklow and within Avoca River Park, which is an existing industrial estate. The site and industrial park is located on the western side of the M11 (c400m from the motorway). The appeal site is a brownfield industrial site with the appeal site located on the southern side of the access road into the Industrial Park and north of the Avoca River, which is located just south of the Industrial Park. The appeal site is currently split into two large areas. The northern section has a tarmac surface and is defined by palisade fencing on all sides. There is an existing substation located at the north western corner of the site. To the south of this portion of the site is an existing laneway and drainage channel, and further south is larger section of the site, which is also defined by palisade fencing on all sides. The majority of the site is surfaced with gravel with an industrial building on site currently housing a timber frame manufacturer (Harmony Timber). There are existing industrial structures part of the Industrial Park to the west of the site. To the south is a stone embankment, which runs along the northern side of the Avoca River. To the north west of the site is Shelton Abbey, which is a protected structure and the site and industrial park were formerly part of its demesne.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of existing buildings and structures and construction of a Data Storage Facility comprising 3 no. Data Storage buildings and all associated site works.

Data Storage Facility 1 (6 Pod Data Centre), c12,288sqm GFA located to the north of the site, 13.4m in height with mechanical plant above roof level (14.3m high). Served by 1 no. gas generator compound (667sqm GFA, 10.9m high) with 5 no. flues (each 23.3m high).

2 no. bunded fuel tanks (each 10.2sqm GFA and 4.2m high).

Data Storage Facility 2 (8 Pod Data Centre), c14,436sqm GFA located to the north of the site, 13m in height with mechanical plant above roof level (13.9m high).

Served by 1 no. gas generator compound (834sqm GFA, 10.9m high) with 6 no. flues (each 23.3m high).

2 no. bunded fuel tanks (each 10.2sqm GFA and 4.2m high).

Data Storage Facility 2 (8 Pod Data Centre), c14,436sqm GFA located to the north of the site, 13m in height with mechanical plant above roof level (13.9m high).

Served by 1 no. diesel generator compound (1,440sqm GFA, 5.5m high) with 8 no. flues (each 25.6m high).

2 no. bunded fuel tanks (each 10.2sqm GFA and 4.2m high).

The data storage facility has a total floor area of 41,160sqm GFA and 2,941sqm GFA within the 3 no. generator compounds.

The proposal also consists of upgrade of the 110 kilovolt (kV) substation to provide a substation compound comprising Gas Insulated Switchgear (GIS equipment) (600sqm GFA) with 4 no. 50 Mega-Volt Amp bays within a single-storey MV building (354sqm GFA): 10 no. light protection masts (20m high); 4 no. oil-filled transformers with 2.4m high palisade fence.

The provision of 1 no. security guard house (85sqm) at primary access to data storage facilities.

The provisions of 4 no. vehicular access points off Shelton Abbey (access road) on the western side of the site (2 no to serve proposed data storage facilities, 1 no. to serve GIS substation and 1 no. to serve MV building), internal access roads, surface level car parking.

All ancillary site services (foul and surface water drainage and water supply) including 1 no. pump house with 3 no. water tanks, 1 no. attenuation pond and a wastewater treatment plant to the west of Shelton Abbey (access road) within the application site.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 25 conditions. Of note are the following conditions...

Condition no. 3: €200,000 bond for reinstatement of roads damaged during construction.

Condition no. 12: A minimum of 3 car parking spaces to be provided for disabled access.

Condition 14: (a) Noise level limits.

Condition 15: Dust emission limit.

Condition 17: Wastewater treatment system to be design, installed and operated in accordance with EPA Code of Practice.

Condition 19: Surface water attenuation.

Condition 20: External finishes to be agreed prior to commencement of development.

Condition no. 24: Landscaping to be in accordance with the scheme submitted.

Condition no. 25: Archaeological monitoring.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (10/10/18): Further information required including details regarding water supply to prevent excessive water demand, detail of foul sewer design , details regarding the soil polishing filter, details regarding oil interceptor, justification for piping natural water course, rational for non-recycling of coolant water and condensate, details of additives and treatment of coolant/condensate water, details of predicted noise levels, mitigation measures for noise and details of a surface water monitoring regime.

Planning Report (12/02/19): The proposal was considered to be consistent with policy under the Wicklow County Development plan and the Arklow and Environs Local Area Plan including land use zoning. The proposal was considered satisfactory

in the context of provision of EIA Directive 2014 and Habitats Directive. And would not give rise to significant adverse environmental impacts. A grant of permission was recommended based on the conditions outlined above.

3.2.2. Other Technical Reports

Irish Water (30/08/18): Further information required including details regarding water supply including necessity of pump house and water storage.

Environment Report (26/09/18): Further information required including details of foul sewer design, design and calculations of the polishing filter, details regarding oil interceptor, justification for piping natural water course, rationale for non-recycling of coolant water and condensate, details of additives and treatment of coolant/condensate water, details of predicted noise levels, mitigation measures for noise and details of a surface water monitoring regime.

Water Services (05/02/19): Grant of permission recommended subject to conditions.

Environment Report (28/01/19): Conditions in the event of a grant of permission.

3.3. Prescribed Bodies

3.3.1 TII

No observations to make.

3.3.2 An Taisce

Further information should be sought regarding the level of energy required to serve the proposed development and the source of such energy to ensure that the project will not create an increase in greenhouse gas emissions.

3.3.3 ESB

The applicant should consult with the ESB prior to the commencement of construction in the vicinity of the existing 110 kV lines and structures.

3.3.4 TII

No change from previous observation.

3.4. **Third Party Observations**

Submissions were received from the following....

Brian McDonagh, Ecologic Data Centres, Drummin East, Delgany, Co. Wicklow.

Brendan Murphy, Kilbride, Arklow.

Liam Murphy, Shelton, Arklow, Co. Wicklow.

Garrett Dempsey, Harmony Timber Solutions, Block A, Avoca River Park, Arklow, Co. Wicklow.

Arklow Marine Services, North Quay, Arklow, Co. Wicklow.

Arklow & District Chamber, Arklow Business Enterprise Centre, Arklow, Co. Wicklow.

The issues raised can be summarised as follows...

- The applicants have not taken sufficient steps to mitigate the effects of greenhouse gas emissions.
- Most of the submission are supportive of the proposal and the socio-economic benefits of the proposal in regards to generating employment.
- Some of the submissions indicate that improvements are required to the local roads including road markings, pedestrian facilities cycle lanes and facilitating HGV turning movements.

4.0 **Planning History**

08/468: Permission granted for development of Simple Cycle Gas Turbine peaking power station with duration of permission extended until 09/03/2019.

Other notable applications

PL27.300536: Referral on whether the provision of an underground electrical cable connection is or is not development or is or is not exempted development. Relates to connection to existing substation within the Industrial Park. Pending determination.

PL27.237400: Permission granted for 10 no. data centre units, enclosed electrical compound, car parking, temporary waste water treatment plant, associated works and new access road from the Ballyronan interchange at Mountkenedy Demesne and Tinnapark Demesne, Co. Wicklow.

5.0 Policy Context

5.1. Development Plan

Wicklow County Development Plan 2016-2022

Chapter 5 – Economic Development:

EMP1 To support all forms of employment creation, especially where this can mitigate long distance commuting, subject to the proper planning and sustainable development of the area and compliance with all other objectives of this plan.

EMP2 To normally require new employment generating developments to locate on suitably zoned or identified land in settlements. Proposals in settlements with no zoning plan should be assessed on the basis of their individual merits, taking into consideration the objectives set out in this chapter of the plan and all other matters pertaining to the proper planning and sustainable development of the area, including ensuring that the proposal is appropriately sited in a location so that it enhances, complements, is ancillary to or neutral to the existing land uses in the area. All other proposals for employment generating developments outside of settlements will be assessed on the 'Objectives for Wicklow's Rural Economy'.

EMP7 To encourage the redevelopment of brownfield sites for enterprise and employment creation throughout the County and to consider allowing 'relaxation' in normal development standards on such sites to promote their redevelopment, where it can be clearly demonstrated that a development of the highest quality, that does

not create an adverse or unacceptable working environment or create unacceptable impacts on the built, natural or social environment, will be provided.

Arklow and Environs Local Area Plan 2018

The site is zoned E1 Employment with a stated objective 'to provide for the development of enterprise and employment.

Use indicated as being acceptable with the EI zoning are noted as follows...

"Uses include general and light industry, office uses, enterprise units, appropriate warehousing, petrol filling stations (as deemed appropriate), public transport depots, open space, community facilities, educational, utility installations and ancillary developments for employment and industry uses in accordance with the CDP"

5.2. Natural Heritage Designations

5.2.1 Avoca River Valley pNHA 550m east of the site.

Arklow Town Marsh pNHA 700m south west of the site.

Buckroneys-Brittans Dunes and Fern SAC (000729) 5km north east of the site.

Kilpatrick Sandhills SAC (001742) 8.5km south west of the site.

Wicklow Head SPA (004127) 20km north east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been lodged by McDonnell Dixon Partnership on behalf of Brian McDonagh, Dromin House, Dromin East, Delgany Co. Wicklow. The grounds of appeal are as follows...

- The appellant refers to US guidelines for Data Centres that note such should not be constructed adjoining a watercourse or river. The appellant note serious issues with the findings and mitigation measures proposed in relation to the Flood Risk Assessment submitted.
- It is noted that site is vulnerable to severe flooding based on information in the National Flood Risk Assessment (OPW CFRAM Maps). It is noted that the

existing berm protecting the site has been in place a significant period of time and is not of sufficient standard to protect from pluvial and fluvial flood risk.

- It is noted that EIAR is inadequate in considering the effect of greenhouse gas emissions. It is noted that the Maximum Import Capacity (Energy Use) of this facility is significant and could represent 6.6% of the national grid.
- The proposal entails no mitigation of greenhouse gas effect by using heat recovery.
- There has been a failure to consider the impact on other local businesses. This relates to the impact on an already permitted data centre on the same electrical 220kV, 100kV and natural gas main supply as the current proposal. This application is premature and would undermine the previously granted permission for a data centre by Wicklow County Council.

6.2. Applicant Response

Response by Tom Phillips & Associates on behalf of the applicant, Crag Digital Avoca Limited.

- The applicants refer to the Site Specific Flood Risk Assessment noting that the site is protected up to and including 0.1% AEP event (1,000yr), account was taken of climatic change in the assessment and a number of measures have been outlined to account for residual risk.
- The applicants note that the EIAR does deal with the issue of greenhouse gas emissions and such is under Chapter 9 of the EIAR on Air Quality & Climate.
- It is noted that the Maximum Import Capacity will be 50 Mega-Volt Amps. It is noted that the applicants have received correspondence from Eirgrid making an offer to connect to the transmission network. The applicants have clearly demonstrated that there is capacity to serve this development in regards to electrical demand.
- It is noted that the EIAR does include mitigation measures and energy efficiency measures to ensure that the proposed development will be designed, constructed and operated to minimise energy usage. The EIAR also notes that there is potential for use of heat generated by the servers to heat office spaces.

- It is noted that the current application has been assessed having regard to local, regional and national planning guidelines including environmental assessment. The application was made in the context of there being sufficient capacity to serve the proposed development as confirmed by Eirgrid. The proposal should be assessed on its own merits and be permitted. The applicants refer to Section 34(13) of the Planning and Development Act. The applicants note that the fact that another permission for similar development exists is not a planning matter concerning this application.
- The EIAR assessed the direct and indirect impacts of the Development on the local community (Chapter 5 Population and Human Health). The proposal and data centres in general would have a positive economic impact in terms of employment and enhance of digital infrastructure. It is noted that there is significant support for the development in the local community evidenced in a number of the submissions received in relation to the application.

6.3. Planning Authority Response

No response.

6.4. Observations

6.4.1 An observation has been received from Pat Casey TD.

- The observation is supportive of the proposal noting that the site is zoned for employment uses and is a brownfield site with an established commercial/industrial function.
- It is noted that the proposal would be consistent with planning policy and would have a beneficial impact in terms of employment generation.
- It is noted that there is significant local support for the proposal with over 3000 signatures collected (attached).

6.4.2 An observation has been received from Cllr Mary Kavanagh, 58 Seafield, Wicklow, Co. Wicklow.

- The observation is supportive of the proposal noting that the proposed development would be beneficial in terms employment generation. A petition

of over 1,500 signatures is attached indicating the support for the proposed development.

7.0 Assessment

7.1 Introduction

7.1.1 The assessment below is carried out as follows: Section 8 of my report is a Planning Assessment of the case, Section 9 is the Environmental Impact Assessment and Section 10 is the Appropriate Assessment. There is an inevitable overlap between the assessments, for example, with matters raised falling within both the planning assessment and the environmental impact assessment.

8.0 Planning Assessment

8.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/planning policy.

Design/visual impact

Adjoining amenity

Traffic

Flood Impact

Permitted data centre/capacity issues

Wastewater treatment

8.2 Principle of the proposed development/planning policy:

8.2.1 The proposal entails the demolition of existing buildings and structures and construction of a Data Storage Facility comprising 3 no. Data Storage buildings and all associated site works. The appeal site is a brownfield site within an existing industrial park and is zoned E1, Employment with a stated objective "to provide for the development of enterprise and employment" under the Arklow and Environs Local Area Plan 2018. The proposed use is consistent with the zoning objective and the list of uses indicated as being acceptable with this zoning (listed in planning policy section).

8.2.2 Chapter 5 of the Wicklow County Development Plan 2016-2022 regarding Economic Development includes a number of policies encouraging employment generating development on lands zoned for such uses as well as policy encouraging redevelopment of brownfield sites for enterprise and employment development (planning policy section). I would consider that the proposal is consistent with development policy regarding such development.

8.3 Design/visual impact:

8.3.1 The proposed development entails the construction of 3 no. data halls with two having a GFA of 14,436sqm and the other a GFA of 12, 288sqm. Each of the structures have a ridge height between 13 and 14m high with the highest structures being the flues for the gas generators at 23.3m high. The appeal site is a relatively flat site within an existing industrial park zoned for employment uses and within the Arklow Town development boundary as defined under the Arklow and Environs LAP. The appeal site itself is a brownfield site formerly in industrial use and with some existing industrial structures and activity currently on site. The site is located on the northern side of the Avoca River with an embankment running along the southern boundary of the site and industrial park on the northern bank of the river. There is a woodland area to the north and west and the site and industrial park is formerly part of the demesne associated with Shelton Abbey (protected structure), which is located to the west of the site. Land levels rise moving north away from the site with M11 running approximately 500m to the west of the site. The site is located within the urban area of Arklow, which is itself located in the Corridor Area for the purpose of Landscape Character under the County Development Plan. This area is defined as being of 'low to medium sensitivity'. Prospects of Special Amenity in the area include the R747 running to the south of the Avoca River, a section of the N11 to the north east of the site and a section of the R750 further to the north east. The protected structures in the vicinity with views of the site include Glenart Castle, Shelton Abbey and St. Saviors Church.

8.3.2 The application was accompanied by a Visual Impact Assessment (part of the EIAR), which includes the provision of 3 no. photomontages with 'before' and 'after' images. The Visual Impact Assessment outlines the methodology for assessment of

landscape and visual impact, including classification of landscape sensitivity, magnitude of impact and significance of effect. The site is a brownfield site within an existing industrial park, which was formerly part of the Shelton Abbey demesne. The site is relatively flat with woodland to the north and west and higher ground to the north limiting visibility of the site. The site is visible from lands to the south due to it being higher ground. The most open views of the site occur to the west on the M11 where it crosses the Avoca River and along certain sections of the R747 which runs along the southern side of the Avoca River. Viewpoint No. 1 is from the M11 where it crosses the Avoca River approximately 500m from the site, no. 2 is from the R747 approximately 500m south west of the site and no. 3 is from the R747 approximately 100m to the south east of the site. The assessment classifies the significance of visual effect from viewpoint no.s 1 and 2 as minor-moderate and at no. 3, minor-negligible.

8.3.3. From my site visit I can confirm that the proposed development will be most visible from the bridge crossing along the M11 and along sections of the R747 to south of the Avoca River. The site is well screened in most cases by the topography of the surrounding area and a significant level of woodland to the north and west of the site. The site itself is an urban site being zoned for employment uses and having an established industrial use. In total 3 photomontages were submitted in the EIAR. I have reviewed all the photomontages and visited the site and am satisfied that they are representative of the likely views and impact. I am satisfied that the views chosen represent the most likely locations from which the site and proposed development will be visible and would have the most significant impact. I am of the view that the visual impact of the proposal from these locations is moderate and acceptable and mitigated by the low profile nature of the proposed structures, the location of the development within an existing industrial park, existing topography and woodland that provides a strong backdrop to proposed structures and the design, layout and mitigation measures including landscaping. The existing site is well screened by trees and woodland surrounding the site. I would note that the views of the site from Shelton Abbey are partial views with intervening vegetation and existing industrial structures ensuring no significant visual impact from such. I am satisfied that subject to appropriate conditions that the overall visual impact of the proposed development would be acceptable in the context of the visual

amenities of the area and the proper planning and sustainable development of the area.

8.4 Adjoining amenity:

8.4.1 The proposal is for a data centre within an existing industrial park zoned for E1 Employment use under the Arklow and Environ Local Area Plan. The site is serviced by existing road infrastructure and is well separated from adjoining developments including dwellings in the surrounding area. The site is a long established location for commercial/industrial development and the proposal is compatible with such. The nature of the proposed use and activity is not a significant generator of noise and disturbance during the operational phase. The EIAR submitted with the application includes sections dealing with Population and Human Health, Noise and Vibration, Air Quality and Climate, Transport and Interactions of the Foregoing and an assessment of such is under Section 9 of this report. The impact of construction is temporary and can be mitigated with appropriate construction management. I am satisfied that the nature and scale of the proposed development is consistent with land use zoning objectives at this location and would be acceptable in the context of the amenities of adjoining properties

8.5 Traffic

8.5.1 As noted above the site is within an existing industrial park that has the benefit of a long established vehicular entrance and internal service road. The information in the Transport section (Chapter 13) of the EIAR indicates that the proposed development is to be staffed by 80 employees and running 24 hours on a shift basis. It is indicated that the peak no. of employees during peak daytime hours is 27 (24 hour operation). A traffic analysis of the junction of Kilbride Road and Beech Road was carried out with it indicated that this junction is currently operating below capacity and that it will operate within capacity during the operational phase (open year 2020 and at 2035).

8.5.2 The proposal is for a use that is compatible with the zoning objective at this location and consistent with the established use of the site and adjoining lands. The site and industrial park is adequately serviced by existing road infrastructure and access arrangements, which are of a reasonable standard and of sufficient capacity to deal

with the level of traffic likely to be generated both during the construction phase, which is temporary and the operational phase. The proposed development would be satisfactory in the context of traffic safety and the convenience of other road users and would, therefore, be consistent with the proper planning and sustainable development of the area.

8.6 Flood Impact

8.6.1 The appeal site is located on the natural floodplain on the northern side of the Avoca River. The appellant refers to US guidelines for Data Centres that note such should not be constructed adjoining a watercourse or river. The appellant notes serious issues with the findings and mitigation measures proposed in relation to the Flood Risk Assessment submitted. It is noted that site is vulnerable to severe flooding based on the information in the National Flood Risk Assessment (OPW CFRAM Maps). It is noted that the existing berm protecting the site has been in place for a significant period of time and is not of sufficient standard to protect from pluvial and fluvial flood risk.

8.6.2 The application is accompanied by a Flood Risk Assessment. This assessment describes the site and the drainage characteristics of the area. It is noted that site is not subject to coastal flood risk. In regards to fluvial flooding it is noted that the southern portion of the site is liable to flooding by a 1% AEP fluvial flood event (source Eastern CFRAM Study). Reference is made to the Strategic Flood Risk Assessment carried out as part of the Arklow and Environs Local Area Plan 2017 and the fact that the southern part of the site is within flood Zone A, but such zoning does not take into account the presence of the flood embankments at this location. It is noted the justification test carried out in relation to the site and E1 zoning indicate that flood mitigation measures are required. It is noted that surface water drainage on the site has been modified by the presence of the drainage canal and flood defence embankment with natural run-off to the Avoca River not possible from the site.

8.6.3 The Flood Risk Assessment identifies the sources of flooding with coastal and pluvial not considered to be sources of flooding at this location and with no history of such occurring at this location. The site would be liable to fluvial flooding with the southern

part of the site liable to flooding in the 1% AEP fluvial flood event and located in Flood Zone A. It is noted that the development is commercial in nature and that buildings with a commercial/non-residential element are classified as less vulnerable developments under the Planning System and Flood Risk Management Guidelines for Planning Authorities. As part of the site is within flood zone A a justification test is required under the guidelines. The justification test (Box 5.1) includes the following criteria...

1. The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.

2. The proposal has been subject to an appropriate flood risk assessment that demonstrates:

(i) The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;

(ii) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;

(iii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access; and

(iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design any vibrant and active streetscapes.

It is noted that proposal passes the justification test in that the lands are zoned E1 Employment with the proposed use consistent with such. The proposal has been subject to flood risk assessment, which demonstrates that the development will not increase flood risk elsewhere, includes measures to reduce flood risk with the flood embankment being the primary flood defence and will be subject to ongoing maintenance. Residual risk mitigation measures are also proposed.

8.6.4 Hydraulic modelling of the site and proposal has been carried out and is detailed in the Flood Risk Assessment. This assessment is based on 1% (1 in 100 year) and 0.1% (1 in 1000 year) AEP flood events. The modelling included with and without consideration of climate change (MFRS). The modelling results indicate that there is minimal flood risk for 0.1 % AEP flood events and such is increased when climate change is applied to the modelling. It is note that this would not be direct inundation of the site with overtopping of the embankment occurring further west of the site and impact on lands to the east of the site and not directly onto the appeal site due to land levels and existing drainage channels. It is recommended to mitigate against the 1% AEP (MRFS) flood events that proposed buildings are raised above 1.87m AOD and that the drainage channels providing flow routes for flood waters are maintained post development. Another potential mitigation measure could be the improvement of the existing embankment upstream of the site to raise it where it would be overtopped during the 0.1% AEP flood event. It is noted that the impact of raising the embankment would be negligible during such a flood event due to being a small proportion of the peak flow being prevented from leaving the main channel (0.2%)

8.6.5 It is noted that the site would only be impacted by a 01% AEP (MFRS) flood event, however such an event would not directly impact the site subject to water being allow to drain through the existing drainage channel on site to lands to the east as would occur in event of such a flood event occurring at present. Mitigation measures proposed include ensuring that the existing embankment is maintained, maintaining the drainage channel on site, providing buildings at floor level of at least 1.87mAOD. Residual flood risk measures are also proposed such as demountable flood barriers at all openings, sealing all service penetrations into the building below +3.1, all air vents provided with automatic covers and placing electrical equipment above a +3.1mOD. It is noted that level of the substation is at +3.1m.

8.6.6 I am satisfied that the applicants have carried out a flood risk assessment. Part of the site is located within flood zone A and therefore a justification test is required. The appeal site and the overall industrial park does have flood defences in the form of the existing embankment and such do protect the site in all cases apart from 0.1% AEP (1 in 1000 year) accounting for climate change. The assessment indicates that subject to provision of structures at an appropriate level and maintenance of existing

drainage characteristics on site (drainage canal) that there is sufficient flood storage on the lands at this location and such would not impact the proposed development. It would appear that the development passes the justification test in that it is on lands zoned for the use proposed, the proposed development would not increase flood risk elsewhere and that mitigation measures are proposed as part the development. In addition the type of development is classified as being less vulnerable development under the Planning System and Flood Risk Management Guidelines for Planning Authorities. I would, therefore, consider that the proposal would be acceptable in the context of flood risk management.

8.7 Permitted Data Centre/capacity issues

8.7.1 One of the mains issue raised in the appeal submission concerns the fact that permission has been granted for a data centre under ref no.PL27.237400 between Kilpedder and Newtownmountkennedy. The appellant notes that the permitted data centre would be serviced on the same electrical 220kV, 100kV and natural gas main supply as the current proposal. It is noted that this application is premature and would undermine the previously granted permission for a data centre by Wicklow County Council. This permission has yet to be implemented.

8.7.2 I would first note that the proposal is being considered on its merits and the existence of a permission for similar and potentially competing development linking into same electricity and gas infrastructure is not a planning consideration. In terms of energy supply the applicants have indicated that the Maximum Import Capacity will be 50MVA and the applicant have included correspondence from form Eirgrid making an offer to connect to the transmission network. I would consider that applicants have demonstrated that there is capacity to serve this development in regards to electrical demand. I would note that competition is not a planning consideration and that the proposal is being considered on its merits and in context of its environmental impact and in the context of the proper planning and sustainable development of the area.

8.8 Wastewater Treatment:

8.8.1 The proposal entails the provision of wastewater treatment system and percolation area to the west of the site and on the opposite side of the existing internal service road with Avoca River Park. The site does not have the benefit of connection to public foul sewerage facilities due to the location of the site. As noted above the appeal site is located within an existing industrial park with active uses on part of the site and other commercial operations adjacent the site. It is proposed to provide a site specific design in accordance with EPA standards and based on site suitability characteristics of the site. A Site Suitability Assessment Report was submitted and such indicates that soil condition on site are suitable for the operation of wastewater treatment system (trial hole test, T and P test by the standard methods) with a site specific design to be installed. In addition I would note that the location of wastewater treatment system is outside the flood zone that impacts the southern part of the site. I would consider that subject to an adequate condition requiring that the proposed wastewater treatment system is installed, operated and maintained in accordance with the EPA Code of Practice/Manual that the proposed development would be acceptable in the context of public health.

9.0 Environmental Impact Assessment

9.1 Introduction

9.1.1 The Environmental Impact Assessment Report (EIAR) accompanying the application has been prepared by Aecom Ireland Limited, and comprises a Non-Technical Summary (NTS) chapter which is required to provide a summary of the EIAR in non-technical language. And the EIAR itself including appendices where appropriate.

9.1.2. This application was submitted after 16th May 2017, the date for transposition of Directive 2014/52/EU amending the 2011 EIA Directive. The Directive was transposed into Irish legislation on 1st September 2018. In accordance with the advice on administrative provisions contained in Circular letter PL05/2018, it is proposed to apply the requirements of Directive 2014/52/EU herein.

9.1.3. I am satisfied that the information provided in the EIAR is sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the

environment and has been prepared by competent experts. I am satisfied that the information contained in the EIAR complies with the provisions of Article 5 of the EU Directive 2014/52/EU amending Directive 2011/92/EU. I am satisfied that the information contained in the EIAR complies with Article 94 of the Planning and Development Regulations 2000, as amended.

9.1.4. 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. This is addressed throughout the EIAR.

9.1.5. I have carried out an examination of the information presented by the applicant, including the EIAR submitted 06th September 2018, and the submissions made during the course of the application. A summary of the results of the submissions made by the planning authority, and the appellant has been set out at Section 6 of this report.

9.1.6. This EIA has had regard to the application documentation, including the EIAR and, the appeal lodged and responses to same, and the planning assessment completed in Section 8 above.

9.2 Alternatives

9.2.1 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.

9.2.2. The matter of alternatives is addressed in Chapter 4 of the EIAR. The chapter states that at the outset of the overall project, the applicant undertook a detailed assessment of a number of sites zoned appropriately for data centres. The site was chosen based on zoning, the fact it was brownfield industrial site and proximity to existing infrastructure in the form of the substation and power lines.

9.2.3. With respect to the alternative design, and layout it was determined that a single-storey approach to development was considered to have a lesser impact than a multi-storey approach. The applicant explored alternative technologies for the substation element and considered that a gas insulated substation was the preferred option.

9.2.4. Having regard to the sites E1 land use zoning, and concerns raised by the appellants, I am satisfied that the matter of the examination of alternatives has been satisfactorily addressed.

9.3 Likely significant and direct effects

The likely significant direct and 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
- Lands and Soils
- Water
- Biodiversity

- Air Quality and Climate
- Noise and Vibration
- Landscape and Visual Impact
- Cultural Heritage
- Transport
- Waste Management
- Material Assets
- Interactions of the Foregoing

9.4 Population and Human Health

9.4.1 Population and Human Health is considered in Chapter 6 of the EIAR. The components considered include land use, population, employment, community facilities and amenity aspects. Further potential impacts on population and human health are also considered under Lands and Soil, Noise and Vibration, Air Quality and Climate, Landscape and Visual Impacts, and Transport. Impacts on property are addressed under Material Assets.

9.4.2. With respect to land use, the proposed development is to be located on a site of 13.28 hectares that consists of a brownfield site within the Avoca River Industrial Park and the site is on land zoned E1.

9.4.3. The report includes a description of the existing environment including details of all settlements in the vicinity with Arklow being the nearest (1.5km west of the site), details of planning applications made in the vicinity of the development and details of adjoining and uses. The report also details census statistics for the local community, details of labour force and details local amenity and tourism features in the vicinity.

9.4.4. In terms of potential impact it is noted that the proposed development is likely to comprise air emissions, noise, visual and traffic impacts, all of which are dealt with in later chapters of the EIAR. It is noted that at construction stage there will be impact on employment with construction jobs created. It is noted that existing timber frame business on site is to relocate. The construction will have a socio-economic

benefit on the wider area in terms of job creation and other businesses providing supplies and services.

9.4.5 During the operational phase there will be impact on employment with permanent jobs created and that such an increase in employment would have socio-economic benefits for the area. It is noted that both the construction and operational phase has potential health and safety impacts to people working or living in the vicinity of the development and that these have been addressed in the section of the EIAR relation tin Air Quality, Noise and Vibration, Landscape and Visual Impact and Transport. Electromagnetic fields are assessed by Eirgrid in their policy documents. The proposal has no impact on land use ongoing being consistent with such, no impact on natural resources or on local amenities.

9.4.6. During construction no mitigation measures are required beyond the normal landscaping, noise and construction mitigation. No adverse impacts relating to employment are predicted during construction. No mitigation is proposed beyond the landscaping during operation. Noise mitigation in relation to plant equipment is proposed.

9.4.7. I have considered all the documentation in relation to Population and Human Health. I am satisfied that any potential negative impacts 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 impacts in terms of Population and Human Health.

9.5 Lands and Soils:

9.5.1 Chapter 6 refers to land, soil, geology and hydrogeology. The site is located within the Avoca River Park. The site is relatively flat and is located north of the Avoca River within whose catchment the site is in. The site is located on a natural floodplain of the Avoca River with a flood defence berm located along the southern edge of the site and along the northern bank of the river. A drainage canal bisects the site on an east west axis and there is an attenuation pond located in the south-

eastern corner of the site. There are two licensed discharges to Avoca River in the immediate vicinity of the site (Shelton Abbey and Holfeild Plastics).

9.5.2 The site is underlain by bedrock classified as a locally important aquifer and gravel aquifer also classified as local important. No groundwater protection areas fall within 1km of the site and groundwater vulnerability is classified as 'moderate'. There are no groundwater sources within the site with the nearest wells located in the Shelton Abbey Estate 500m from the site.

9.5.3 The characteristics of the proposed development are outlined including the proposal for a wastewater treatment system to the north west of the site. Potential impacts during the construction phase include excavation and infilling with removal of soil cover slight increasing groundwater vulnerability, importation of fill material onto the site, chance of accidental spillages and leakage and the use of concrete and lime for construction.

9.5.4 During the operational phase potential impacts include discharge from the wastewater treatment system proposed. The impact of such is noted as being a local impact and imperceptible in terms of the local and wider environment and without significant consequence. The potential for accidental spillages and leakage also exists during the operational phase. The proposal also entails an increase in impermeable surfaces on site impacting rainwater percolation on site with it noted that 50% of the site is currently impermeable surface. It is noted that proposal entails no groundwater abstraction.

9.5.5 Mitigation measures proposed during construction and operation include an Environmental Management Plan for construction including management of excavation works, aggregate storage and management, fuel and chemical handling, control of concrete and lime and vetting the sources of aggregates/fill imported onto site. Mitigation measures during the operational phase include fuel and chemical handling and an Environmental Management Plan.

9.5.6 I have considered all the written submissions made in respect of land and soils. I am satisfied that any potential impact would be avoided, managed and mitigated by the

measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of land and soils.

9.6 Water:

9.6.1 Chapter 7 relates to water. It is noted that the appeal site is on the natural floodplain of the Avoca River and is protected from flooding by an existing 5.8m high embankment running along the southern boundary of the site and the existing Industrial Park. The site is traversed by an existing drainage channel and there is an attenuation pond at the south eastern corner of the site. The site is liable to fluvial flooding on low, medium and high probability flood events (1 in 10, 100 and 1000 year flood events, 10%, 1% or 0.1% Annual Exceedance Probability (AEP)). The estimated flood level for 0.1% AEP is 5.73OD with the top of the embankment being 5.80m OD. Water quality in the Avoca River is classified as Q1/10, which is classified as 'bad' and such is legacy of industrial, forestry and agricultural activities in the area. Groundwater has been impact by the historical industrial activity on the site.

9.6.2 The characteristics of the proposed development include the provision of a wastewater treatment system as the site is not serviced by a public foul network system. The predicted effluent from the proposed development will comprise of sanitary and processed effluent and load rates are based on the EPA guidance (Treatment Systems of Small Communities, Business, Leisure Centres and Hotels). A site specific design will be provided based on soil characteristics.

9.6.3 In relation to condensate discharge it is noted that it is planned to used chilled water and air cooled chillers and that processed effluent is a clean condensate but is classified as an industrial effluent. The process water is to be collected in a separate process drain and monitored as per the requirements of the discharge license. Once it has been monitored it will discharge into the site wide surface drainage network. In relation to storm water drainage the existing drainage canal will be retained and improved and an attenuation pond provided at the south eastern corner/eastern boundary of the site. There are existing watermains on the site and the applicant have agreement with Irish Water to facilitate connection.

- 9.6.4 Potential impacts of the proposal during the construction phase include pollution of surface water with suspended solids, accidental spillages and leakages, alteration of existing surface water drainage with the requirement to modify the attenuation pond during construction and use of concrete and lime with potential for pollution of surface water, subsoils and groundwater. During the operational phase potential impacts include accidental spillages and leakages with pollution of surface water, subsoils and groundwater. There is a potential flooding impact due to release of surface water and the potential for release of wastewater and diesel, oil or lubricants stored on site during a flood event. There is potential for foul effluent to be discharged from the on-site wastewater treatment system.
- 9.6.5 Mitigation measures proposed during the construction phase include the preparation of a Construction Environmental Management Plan, surface water drainage, excavation and material storage management to prevent discharge of suspended solids to surface water. Management and storage of chemicals/fuels and machinery maintenance to prevent accidental spillages and leakages. Control of concrete and lime and management and removal of wastewater from the site during construction. There will be the provision of temporary attenuation infrastructure during the construction period.
- 9.6.6 Mitigation measures during the operational phase include management and storage of polluting material on site. Discharge of all wastewater via the sewage network to the on-site wastewater treatment plant and percolation area. In relation to flood risk there are to be controls over the rate of discharge from the attenuation pond to the Avoca River, works will be undertaken to ensure the embankment is robust and maintained at above the 0.1% AEP event level.
- 9.6.7 I have considered all the written submissions made in respect of hydrology, in addition to those specifically identified in this section of the report. I am satisfied that any potential impact would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of hydrology.

9.7 Biodiversity

9.7.1 Biodiversity is considered in Chapter 8 of the EIAR. The applicant's consultants previously completed ecological assessments of the site including a field survey for flora and fauna, bats, badgers, otters, breeding birds, amphibians as well as other protected and notable species. Sites designated for nature conservation in the vicinity include the Avoca River Valley pNHA 550m east of the site, Arklow Town Marsh pNHA 700m south west of the site and Buckroneys-Brittans Dunes and Fern SAC 5km to the north east of the site. The bat surveys indicated that the trees and vegetation on site had negligible suitability for roosting bats. The same determination was made about the existing building on site. There was no evidence of badger, otter, other protected mammals or breeding birds of high conservation concern on site.

9.7.2 Potential impacts during construction could arise from site clearance, soil stripping and earthworks; surface water carrying silt or hydrocarbons into the surface water bodies on the site and in the vicinity; noise, dust, lighting or other physical disturbance. The proposed development is on a brownfield site that has previously and is currently being used for industrial activity and contains no habitats of ecological value. The brownfield nature of the site means there is no loss of habitats of ecological significance.

9.7.3. Mitigation measures proposed during construction include an Ecological Clerk of Works (ECoW) to oversee and advise on ecological mitigation, a pre-construction survey, an invasive species management plan, mitigation measures in the event of bats been found within the structures to be demolished and provision of hedgehog nesting boxes on site. During the operational phase mitigation measures include a lighting scheme to direct light spill away from retained and created habitats. No significant residual impacts are predicted with the successful implementation of mitigation measures. Appropriate monitoring following construction is proposed and detailed in the Biodiversity Management Plan.

9.7.4. I have considered all the documentation in relation to biodiversity. (Impact of the proposed development on European sites is also considered in the appropriate assessment below). I am satisfied that any potential impact 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 impacts in terms of biodiversity.

9.8 Air Quality & Climate:

- 9.8.1 Air Quality and Climate are addressed in Chapter 9 of the EIAR. Air dispersion modelling was carried out to assess the impact of emissions from the gas engines and back-up generators on local air quality. The assessment includes 15 air quality sensitive receptors including 13 dwellings in the surrounding area and two SAC's (Buckroney-Brittias Dunes and Fen SAC and Kilpatrick Sandhills SAC). The report uses the EPA Air Quality Report (2016) to established background air quality.
- 9.8.2 The proposed has 7 10MVA Gas Engines and 24 2.5MVA Backup Generators. Potential impacts during the construction phase include dust emission from demolition, excavation and construction works as well carbion dioxide and nitrogen dioxide emissions from construction machinery. It is noted that the construction period is temporary and that the significance of effect is dependent on the level of dust control/mitigation. During the operational phase the potential impacts are emissions of oxides of nitrogen, sulphur dioxide particulate matter, carbon monoxide and hydro carbons from operation of the gas engines and testing of the on-site back-up generators. The results of the modelling predict that the operation of the proposed development will not have a significant impact on local air quality.
- 9.8.3 In terms of impact on climate the only direct source of greenhouse gas emissions will be from the gas engines and back-up generators. It is noted that total CO2 emissions from the site will be less than 45,000 tonnes per year with this level not significant in the context national greenhouse emission levels. It is noted that proposed development will require a GHG permit issued by the EPA during the operational phase. The indirect climate impacts are associated with electrical power consumption. The issue of greenhouse emissions was raised by the appelland and I am of the view that the EIAR provides adequate detail to assess the impact of the proposed development in this regard. In the additional information submitted by the applicant it is noted there is scope to use heat generated by the servers to heat the offices associated with proposed development.

9.8.4 Mitigation measures proposed include measures to reduce dust emission during construction, which include managing earthworks, material storage, machinery, wheel washing facilities, cleaning of roads and access routes, speed limits. No mitigation measures are proposed for the climate during construction due to the temporary nature of this phase. During the operational phase mitigation measures for air quality include restricted height of generator stacks in consideration of air quality and managed testing of back-up generators. In regards to climate the mitigation measures include the requirement for a GHG permit from the EPA in relation to greenhouse gases, use of renewable energy sources for electricity and implementing energy saving measures.

9.8.5. In terms of climatic impacts, on-site emissions of greenhouse gases from electricity to operate the facility are not expected to be significant. The results of the air dispersion study show that the residual impacts of the proposed development on air quality and climate will not be significant. I have considered all the documentation in respect of air quality and climate. I am satisfied that any potential impact would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of air quality and climate.

9.9 Noise and Vibration:

9.9.1 Chapter 10 relates to noise and vibration. The report includes description of characteristics of the proposed development and the characteristics of existing environment. Baseline noise surveys were carried out at two locations, a private residence to the south west of the site on the R747 (nearest private residence) and a monitoring point on the private road to the east of the site (entrance road to the industrial park). Based on the noise surveys the existing environment is not classified as a quiet area or an area of low background noise.

9.9.2 Potential impacts during construction phase include demolition works, excavation and general construction activities. The report notes that the NRA (TII) have guidelines for treatment of noise and vibration in national road schemes. The report outlines the noise levels anticipated as result of demolition preparation and excavation, general site activities and road construction work. It is noted that such

activities have the potential to cause short term negative impact on ambient noise levels, such activities are temporary and mitigation measures are proposed. The impact of construction road traffic noise to the nearest noise sensitive receptor is predicted not to be significant.

- 9.9.3 Construction phase vibration will be mainly derived from excavation. The report refers to the NRA (TII) guidelines. The construction activity is anticipated to adhere to the vibration limits recommended under the NRA guidelines at all times.
- 9.9.4 The report includes details of noise modelling for noise impact at the operational phase. The potential sources of noise during the operational phase relate to aspects of the proposal such as the generators, condenser, air handling units, extractor fans and transformers. As the proposed development is to operate 24 hours a day a target limit of 45 dB at the nearest noise sensitive receptor is applied. The modelling is based on 10 noise sensitive receptors in the surrounding areas including a number of dwellings, existing operations within the Industrial Park and Shelton Abbey. It is noted that the operational phase of the proposed development would not exceed the 45 dB standard at any noise sensitive receptor at any time. It is noted that there is potential for such limits to be exceeded during an emergency operation, which entails loss of grid power or gas supply, however such is an unlikely scenario and only in the case of emergencies.
- 9.9.5 Mitigation measures proposed during the construction phase include limiting construction hours, use of equipment with lower potential for noise or vibration, erection of temporary barriers to noise sources during construction and siting of noisy construction as far as possible from noise sensitive receptors. Mitigation measures during the operational phase include siting noisy plant out of line of sight of sensitive receptors, siting cooling units at roof level instead of ground level and installation of a parapet roof to reduce noise from roof mounted plant.
- 9.9.6 I have considered all the documentation in respect of noise and vibration. I am satisfied that any potential impact would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development

would not have any unacceptable direct, indirect or cumulative impacts in terms of noise and vibration.

9.10 Landscape

9.10.1 Landscape and Visual Assessment is considered in Chapter 11 of the EIAR. I also address visual impact in my planning assessment above (section 8.3). The site is located within the urban area of Arklow, which is itself located in the Corridor Area for the purpose of Landscape Character under the County Development Plan. This area is defined as being of 'low to medium sensitivity'. Prospects of Special Amenity in the area include the R747 running to the south of the Avoca River, a section of the N11 to the north east of the site and a section of the R750 further the north east. The protected structures in the vicinity with views of the site include Glenart Castle, Shelton Abbey and St. Saviors Church.

9.10.2 The report outlines the methodology for assessment of landscape and visual impact, including classification landscape sensitivity, magnitude of impact and significance of effect. The site is a brownfield site within an existing industrial park, which was formerly part of the Shelton Abbey demesne. The site is relatively flat with woodland to the north and west and higher ground to the north limiting visibility of the site. The site is visible from lands to the south due to it being higher ground. The most open views of the site occur to the west on the M11 where it crosses the Avoca River and along certain sections of the R747 which runs along the southern side of the Avoca River. This section of the report includes photomontages from 3 viewpoints demonstrating the visual impact of the proposed development with 'before' and 'after' images provided. No. 1 is from the M11 where it crosses the Avoca River approximately 500m from the site, no. 2 is from the R747 approximately 500m south west of the site and no. 3 is from the R747 approximately 100m to the south east of the site. The assessment classifies the significance of visual effect from viewpoint no.s 1 and 2 as minor-moderate and at no. 3, minor-negligible.

9.10.3. During construction there is the potential to impact visually due to the introduction of new structures, access roads, machinery etc. and the change in ground levels and earthworks. During operation, there is the potential for visual impacts due to the new buildings and built structures, a change in character and use, visual impact of landscape proposals and impact due to the installation of trees and vegetation.

9.10.4. The existing site is well screened by trees and woodland surrounding the site. The mitigation measures include retention of existing landscaping and new landscaping, the structures are low profile in nature and lighting will be designed to minimise light spill/pollution.

9.10.5. From my site visit I can confirm that the proposed development will be most visible from the bridge crossing along the M11 and along sections of the R747 to south of the Avioca River. The site is well screened in most cases by the topography of the surrounding area and a significant level of woodland to the north and west of the site. The site itself is an urban site being zoned for employment uses and having an established industrial use. In total 3 photomontages were submitted in the EIAR. I have reviewed all the photomontages and visited the site and am satisfied that they are representative of the likely views and impact. I am satisfied that the views chosen represent the most likely locations from which the site and proposed development will be visible and have the most significant impact. I am of the view that the visual impact of the proposal from these locations are moderate and acceptable and mitigated by the low profile nature of the proposed structures, the location of the development within an existing industrial park, existing topography and woodland that provides a strong backdrop to proposed structures and the design, layout and mitigation measures including landscaping.

9.10.6. I have considered all the documentation in respect of landscape and visual impact in addition to those specifically identified in this section of the report. I am satisfied that the majority of potential impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions.

9.11 Cultural Heritage

9.11.1 Cultural Heritage is addressed in Chapter 12 of the EIAR. An assessment of heritage assets in the vicinity of the site, the magnitude of impact and significance of effect was carried out. There are three recorded monuments within 1km of the site and none within the appeal site itself. There are three protected structures within 1km of the site (Glenart Castle and its demense, Shelton Abbey and its demesne and Howards Mausoleum. There is another one 1.6km from the site, St. Saviours

Church. It is noted that there are three structures on NIAH survey within 1km of the site, Glenart Castle, Shelton Abbey and Ballyraine House Demesne.

9.11.2 Potential impacts during the construction phases are noted to be low and imperceptible with the development located on a site previously associated with industrial activity and on lands that have been disturbed by previous development associated with the former factory on site meaning any features of heritage significance that may have existing have been removed.

9.11.3 The operational phase of the proposal has the potential to impact on the setting and character of existing protected structures in the vicinity. The nearest protected structure is Shelton Abbey and its demense to the west of the site. It is noted that Shelton Abbey is not visible form the site however the proposed development would be visible from Shelton Abbey House however such views will be screened by intervening trees and vegetation, and existing industrial structures with a low negative impact on the setting and character of the existing protected structure. Glenart Castle and demesne is located 500m to the south west (other side of Avoca River). It is noted that views of the proposed development from such are screened by intervening vegetation and that the view of the site has previously been denuded by industrial activity on the appeal site. The proposed development is screened by intervening vegetation from view from Howards Mausoleum and is partially visible from St. Saviors Church, which is located further away from the appeal site with impact considered by low. The impact of the proposed development from Ballyraine House demesne is also considered to be low having regard to existing vegetation and other development in the area that have altered the historic character of such. The cumulative impact of the proposal with other development is not considered to have any impact on any assets of cultural heritage value.

9.11.4 No mitigation measure are proposed or deemed necessary during the construction phase. Mitigation measures during the operational phase include appropriate landscape screening around the proposed development.

9.11.5. I have considered all the documentation in respect of cultural heritage. I am satisfied that any potential impact would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and

through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of cultural heritage.

9.12 Transport

9.12.1 Transport is addressed in Chapter 13 of the EIAR. I also address traffic in my planning assessment above (section 8.4). The existing environment is described with it noted the site is part of an existing industrial park and is accessed through a local road called Shelton Abbey, which links to the Kilbride Road and then has a junction with Beech Road out of Arklow. Beech road forms a junction with the R772 in Arklow and connects to junction 20 of the M11, which runs to the east of the site. Traffic surveys were carried out to establish baseline figures for existing traffic levels. Site access is to be from the existing access and service road off Shelton Abbey to the Avoca River Park with no change to existing access arrangements and internal access roads within the industrial park. The proposed development will provide 26 no, car parking spaces and provides for cycle parking on site.

9.12.2 In terms of potential impact it is noted that the construction phase will entail a 25-30 month period and a phased approach to development on site. Construction vehicles to and from the site will access the site from the M11 with use of the existing vehicular access off Shelton Abbey. Peak operation will entail approximately 160 daily vehicles travelling to and from the site (site operatives, cars/vans) and 23 HGVs travelling to and from the site daily. These movements will be restricted to the construction hours proposed.

9.12.3 During the operational phase it is noted that the proposed development will employ approximately 80 and that the peak no. of employees during peak daytime hours is 27 (24 hour operation). The report outlines trip distribution for the proposed development. Potential impacts during the operational phase are an increase in traffic levels using the public road network and existing access into the industrial park. A traffic analysis of the junction of Kilbride Road and Beech Road was carried out with it indicated that this junction is currently operating below capacity and that it will operate within capacity during the operational phase (opening year 2020 and in 2035).

9.12.4 Mitigation measure proposed during the construction phase include a Construction Management Plan and restriction of construction hours. Mitigation measures during the operational phase will entail provision of a new private access road connecting to Shelton Abbey with an internal priority controlled junction with provision for vehicular traffic, pedestrian facilities and public lighting.

9.12.5. I have considered all the documentation in relation to traffic and transport. I am satisfied that potential impacts have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of traffic and transport.

9.13 Waste

9.13.1 Waste Management is addressed in Chapter 14 of the EIAR. The strategic targets for waste management are set out in the Eastern-Midlands Region Waste Management Plan 2015-2021. The Wicklow County Development Plan contains several objectives in relation to waste management.

9.13.2. A detailed Construction and Demolition Waste Management Plan (C&D WMP) will be part of Construction Environmental Management Plan (CEMP). Excavated material will be reused on site for infilling and landscaping works where possible.

9.13.3. During operations the proposal will give rise to a variety of waste streams. The majority of waste will be generated from packaging for equipment deliveries to the facility which is likely to be at its peak in the early months of operation. Mitigation include the implementation of the C&D WMP and correct management of waste during operation. During construction phase the predicted impact is expected to be short-term, neutral and imperceptible. During operation this will be long term, neutral and imperceptible. Worst case scenario in construction and operation would represent poor waste storage and segregation and an increased volume of waste being sent for disposal at landfill.

9.13.4. I have considered all the documentation in respect of waste management. I am satisfied that any potential impact would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of waste management.

9.14 Material Assets

9.14.1 Assessment of Transport and Waste have been addressed in section 9.12 and 9.13 above. Other material assets are generally considered to include: Land Use and property, electricity supply and energy usage, gas supply, water supply infrastructure, sewerage and telecommunications. Several of these have already been addressed in the EIAR.

9.14.2. In terms of land use the appeal site is zoned for industrial use, is within an existing industrial park and has been subject to long established industrial uses. In relation to electricity supply and energy usage it is proposed to upgrade the existing substation and the Maximum Import Capacity for the proposal is 50 MVA. There is an existing gas supply infrastructure serving the site. In relation to water supply Irish Water have no objection to the proposal. Sewerage infrastructure entails the provision of an on-site wastewater treatment plant. There is existing telecommunications infrastructure in the area to service the proposed development.

9.14.3 Potential impacts of the proposed development are neutral with the proposal consistent with land use policy and established uses. The proposed development can be adequately serviced by electricity supply, gas supply, water supply, sewerage facilities and telecommunications infrastructure. In relation to energy usage Eirgrid have confirmed that there is sufficient capacity for the proposed development with provision for an additional 270MVA (low case scenario) up to 540MVA with the proposal requiring 50MVA.

9.14.4. Mitigation measures proposed include the establishment of an interface between all the relevant service providers within the local area during the construction phase of the development.

9.14.5. The proposal will not have any significant impact on material assets including utilities and natural resources. The impact can be classed as long term and negligible with respect to material assets. While I consider that for Data Centres the power requirement is significant, the site has been designed for and the infrastructure developed (or in the process of being developed) for an industrial development of this nature.

9.14.6. I have considered all the documentation in respect of material assets. I am satisfied that any potential impact has been appropriately addressed in terms of the application. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of material assets.

9.15. Interactions of the Foregoing

9.15.1. I have also considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis.

9.15.2. In my assessment of each environmental topic I have considered the likelihood of significant effects arising as a consequence of interrelationships between factors. Most interactions e.g. the impact of noise and air quality on the population and human health are addressed under individual topic headings. Given the generally modest impacts which are predicted to occur having regard to the nature of the proposed development, mitigation measures, or as a consequence of proposed conditions, I do not foresee any likelihood of any of these interrelationships giving rise to significant effects on the environment.

9.15.3. In conclusion, I am satisfied that there are no such effects and, therefore, nothing to prevent the granting of permission on the grounds of interaction between factors.

9.16. Reasoned Conclusions of Significant Effects

9.16.1. Having regard to the examination of the environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant at Further Information stage, and the submission from the planning authority, prescribed bodies and appellant in the course of the application, it is

considered that the main significant direct and indirect effects (both positive and negative) of the proposed development on the environment are listed below.

9.16.2. It is firstly of relevance to note that a Construction Environmental Management Plan (CEMP) is the overarching general mitigation embedded in the project design and delivery for the construction stage. In addition, plans relating to Landscaping, Biodiversity Management, Lighting, Traffic Management, Monitoring Plans, Noise and Vibration Management Plan, Construction and Demolition Waste Management Plan, Flood migration and maintenance are also proposed. The remaining impacts, both positive and negative are:

- Impacts on **population and human health** as a result of **Noise and Vibration** during the construction and operational phases. The potential impacts would be mitigated by noise and vibration mitigation measures, such as the limiting of construction hours, the use of plant with low inherent potential of noise and / or vibration, the use of noise barriers and locating plant away from noise sensitive receptors. Noise and vibration levels would be within acceptable emissions limits during normal operation.
- **Landscape and Visual** impacts would arise on the landscape with new structures proposed. The location of such on an existing industrial site, implementation of the landscape management plan, and ongoing landscape maintenance would greatly assist in assimilating the works into the landscape and reduce the impact at operational phase.
- While no direct significant impacts would arise in respect of **Material Assets (inc. Energy and Climate)** there is potential for cumulative impacts arising from the consumption of energy associated with the adjacent data centre and the indirect generation of CO₂ emissions. However, I am satisfied that, in a National and European context the scale of electricity consumption for the overall data centre campus and the indirect impact on carbon emissions would not result in significant environmental impacts.
- The site is located on the floodplain the Avoca River and is at risk of **fluvial flooding**. The site and industrial park it is located in has a flood defence system in place that is to be maintained and in conjunction with residual mitigation measures will ensure that the proposal is adequately protected and would not exacerbate flood risk elsewhere.

• **Positive significant impacts** would arise during the operation phase as a result of the overall data centre scheme. Benefits would include data security, employment and economic benefits.

9.5.2. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. Following mitigation, no residual significant negative impacts on the environment would remain as a result of the proposed scheme. The positive benefits of the scheme would outweigh any remaining minor negative impacts. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

10.0 **Appropriate Assessment**

10.1.1 An Appropriate Assessment (AA) screening report prepared by AECOM Ireland Limited has been submitted by the applicant.

10.1.2. 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.

10.2. Project Description and Site Characteristics

10.2.1. The proposed development is as described in the report above and in the application submissions.

10.2.2. Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives:

Three Natura Sites are identified as being within a 20km radius of the site. The sites are:

Site Code, Site Name and Designation	Approx. Distance form Site	Conservation Objectives; Qualifying Habitats and Species	Relevant source-pathway-receptor links between the proposed development and the European Site?
000729 Buckroney-Brittis Dunes and Fen SAC	5.5km north east	<p>To maintain or restore the favourable condition of the Annex 1 habitat(s) and/or Annex II species for which the SAC has been selected.</p> <p>Annual vegetation of drift lines Perennial vegetation of stony banks Mediterranean salt meadows (<i>Juncetalia maritimi</i>) Embryonic shifting dunes Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) Fixed coastal dunes with herbaceous vegetation (grey dunes) Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>) Dunes with <i>Salix repens ssp. argentea</i> (<i>Salicion arenariae</i>) Humid dune slacks Alkaline fens</p>	No, due to distance and the absence of a hydrological link or any other linkage between the site and the SAC
001742 Kilpatrick Sandhills SAC	8.5km south east	To maintain or restore the favourable condition of the Annex 1 habitat(s) and/or	No, due to distance and the absence of a hydrological link or any other linkage

		<p>Annex II species for which the SAC has been selected.</p> <p>Annual vegetation of drift lines Embryonic shifting dunes Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) Fixed coastal dunes with herbaceous vegetation (grey dunes)* Atlantic decalcified fixed dunes (Calluno-Ulicetea)*</p>	between the site and the SAC
004127 Wicklow Head SPA	20km north east	<p>To maintain and conserve favourable conservation Kittiwake</p>	No, due to distance and the absence of a hydrological link or any other linkage between the site and the SAC

10.3 Assessment of likely Effects

10.3.1 The applicants Screening Report identifies if there are possible impacts on European Sites based on the source-pathway-receptor approach. Direct effects are ruled out because the site is substantially removed from all Natura 2000 site in the area and I consider this to be reasonable given the distances involved. There are no hydrological or other links identified.

10.3.2 The proposed development will not give rise to any likely significant impacts, direct or indirect, on the qualifying species or habitats of the Natura 2000 sites listed above.

10.3.3 In terms of cumulative impacts, the site is located on appropriately zoned lands and, taken in the context with existing development, is not considered to result in likely significant cumulative effects.

10.4 Screening Statement and Conclusions:

10.4.1 In conclusion having regard to the foregoing, it is 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 and in combination with other plans or projects would not be likely to have a significant effect on any European Site and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

11.0 Recommendation

I recommend a grant of permission subject to the following conditions.

12.0 Reason and Considerations

12.1 Having regard to:

- The written submission made in respect of the application
- The established nature of the Avoca River Park
- Mitigation measures proposed for the construction and operation phases of the development,

It is considered that subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Wicklow County Development Plan 2016 – 2022 and the Arklow and Environs Local Area Plan 2018, would not seriously injure the amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

12.2 Proper Planning and Sustainable Development

12.2.1. It is considered that, subject to compliance with the conditions set out below:

- a. The proposed development is consistent with national, regional and local planning policy, notably the Wicklow County Development Plan 2016 – 2022 and Arklow and Environs Local Area Plan 2018
- b. The proposed development is situated in an established Industrial Park and is reasonably removed from nearby sensitive receptors. The proposed development

will not, therefore, have any significant adverse impact on the amenities of adjacent properties.

c. The proposed development will not give rise to significant visual or landscape effects or indirect effects on heritage and/or tourism.

d. Traffic arising from the development will result in a very modest increase in traffic on the local road network, relative to existing levels, and, subject to compliance with conditions in respect of the management of construction and operational traffic, would not be unacceptable, therefore, in terms of traffic safety.

e. The existing site has a flood defence system that is to be maintained and in conjunction with residual mitigation measures will ensure that the proposal is adequately protected and would not exacerbate flood risk elsewhere.

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

12.3 Environmental Impact Assessment

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

- The nature, scale and extent of the proposed development;
- The environmental impact assessment report and associated documentation submitted in support of the application;
- The submissions from the Planning Authority, the appellant and the prescribed bodies in the course of the application; and
- The Inspector's report.

12.3.2 The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. 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 considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated as follows:

12.4 Reason Conclusion on the Significant Effects

12.4.1 Having regard to the examination of environmental information contained above, to the EIAR and supplementary information provided by the applicant and the submissions from the observer and prescribed bodies, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Impacts on **population and human health** as a result of **Noise and Vibration** during the construction and operational phases. The potential impacts would be mitigated by noise and vibration mitigation measures, such as the limiting of construction hours, the use of plant with low inherent potential of noise and / or vibration, the use of noise barriers and locating plant away from noise sensitive receptors. Noise and vibration levels would be within acceptable emissions limits during normal operation.
- **Landscape and Visual** impacts would arise on the landscape with new structures proposed. The location of such on an existing industrial site, implementation of the landscape management plan, and ongoing landscape maintenance would greatly assist in assimilating the works into the landscape and reduce the impact at operational phase.
- While no direct significant impacts would arise in respect of **Material Assets (inc. Energy and Climate)** there is potential for cumulative impacts arising from the consumption of energy associated with the adjacent data centre and the indirect generation of CO₂ emissions. However, I am satisfied that, in a National and European context the scale of electricity consumption for the overall data centre campus and the indirect impact on carbon emissions would not result in significant environmental impacts.
- The site is located on the floodplain the Avoca River and is at risk of **fluvial flooding**. The site and industrial park it is located in has a flood defence system in place that is to be maintained and in conjunction with residual mitigation measures will ensure that the proposal is adequately protected and would not exacerbate flood risk elsewhere.
- **Positive significant impacts** would arise during the operation phase as a result of the overall data centre scheme, which is directly dependent on the proposed

substation. Benefits would include data security, employment and economic benefits.

12.4.2. The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures referred to above, and other measures set out in the environmental impact assessment report and, subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Appropriate Assessment

The Board considered the Screening Report for Appropriate Assessment and all other relevant submissions and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale and location of the proposed development, as well as the report of the Inspector. In completing the appropriate assessment screening, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other plans or projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives and that a Stage 2 appropriate assessment is not, therefore, required.

13.0 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 submitted on the 18th day of December 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree

such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures and 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 identified in the Environmental Impact Assessment Report, to the planning authority for its written agreement.

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

3. Prior to commencement of development, full details, including drawings and samples, of:

- (a) all proposed external finishes to the proposed buildings, including to the flue stacks,
- (b) all proposed signage to serve the development, and
- (c) all site fencing (site fencing shall be coloured in a dark green colour only),

shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional development, other than that shown on submitted drawings, shall take place above roof parapet level including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennae or equipment, unless authorised by a further grant of permission.

Reason: In the interest of visual amenity, and to allow the planning authority to assess any such further development through the statutory planning process.

5. All service cables associated with the proposed development (such as electrical and communication cables) shall be located underground.

Reason: In the interest of visual amenity.

6. Prior to commencement of development, the developer shall submit to, and agree in writing with the planning authority -

(a) Details and drawings of the entrances from the site to the public roads, which shall comply with the Design Manual for Urban Roads and Streets (2013);

(b) Details of the location, type, design and construction of the proposed gated access points in the security fence line;

(c) Details and drawings showing the segregation of the loading bay area turning movement from the staff parking area.

Reason: In the interests of pedestrian and cyclist permeability and safety across the proposed entrances to the site, and of traffic safety.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

8.

(a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Treated effluent shall be discharged to a raised percolation area which shall be provided in accordance with the requirements of "Treatment Systems for Small Communities, Business, Leisure Centres and Hotels", Environmental Protection Agency (current edition).

(c) Within three months of installation and operation of the wastewater treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, dust minimisation measures and off-site disposal of construction/demolition waste.

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

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the 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 planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

11. A project ecologist with the necessary expertise in habitat management and bat protection issues shall be engaged to oversee the protection of biodiversity both during construction and for a monitoring period of 5 years following the completion of the proposed development. The primary responsibilities of the Project Ecologist will be those as set out in the Biodiversity Management Plan. Annual reports shall be submitted to the planning authority.

Reason: In the interest of habitat and bat protection.

12. Prior to the commencement of development on site, a Construction Environmental Management Plan shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of orderly development, the environment and public health.

13. All planting/landscaping required to comply with the specification of the landscaping scheme submitted to the planning authority shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of visual amenity.

14. Lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of the environment, amenity and public safety.

15. The operational noise level shall not exceed 55 dB(A)_{Leq 1hr} (corrected for any tonal or impulsive component) at the nearest noise sensitive locations, including dwellings, between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A)_{Leq 1hr} at any other time. All sound measurement shall be carried out in accordance with ISO 1996-1:2016 "Acoustics - Description, measurement and assessment of environmental noise - Part 1: Basic quantities and assessment procedures". Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colin McBride
Planning Inspector

04th July 2019