



An
Bord
Pleanála

Inspector's Report

ABP-307546-20

Development	Construction of 4 x 2 storey data storage buildings, single storey storage centre, single storey MV operations building and two storey office building. EIAR submitted.
Location	Bracetown & Gunnocks, North of Clonee, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	RA191593
Applicant(s)	Engine Node Limited
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	1 st & 3 rd Party
Appellant(s)	Engine Node Ltd. Group Property Holdings Keypol Ltd. Amy Coyne

Mannix Coyne
An Taisce
Friends of the Irish Environment

Observer(s)

Dublin Airport Authority
Runways Information Services Ltd.
(RISL)

Date of Site Inspection

19th March 2021

Inspector

Karla Mc Bride

1.0 Site Location and Description

- 1.1. The appeal site is located at Bracetown and Gunnocks to the N of Clonee in County Meath. The surrounding area is characterised by a mix of business, warehouse, data centre and agricultural uses, and there are several dispersed houses and farm buildings in the vicinity. The lands form part of a larger area that has been designated for employment and warehouse use, and there are several similar uses permitted and/or under construction in the locality. This includes the RISL Runways/Facebook data centre which is being developed to the S of the site.
- 1.2. The site is located to the E of the M3 close to Junctions 4 and 5, E of the R147 (Navan Road) and S of the L-1010 (Bracetown Road). It is bound to the N by Bracetown Business Park and The Hub Logistics Park. There are 2 x dwelling houses with outbuildings located to the immediate SW of the site along the R147.
- 1.3. The low-lying c.24.5ha site comprises series of agricultural fields. The site boundaries are mainly defined by hedgerows, trees and fences. Several drainage ditches traverse the site and flow in a southerly direction. There is an existing 220kV overhead transmission line to the S section of the site.
- 1.4. Photographs and maps on the case file describe the site and surroundings in detail.

2.0 Proposed Development

- 2.1. A 10-year planning permission is being sought for the c.24.5ha site comprising:
 - Four x 2-storey data storage buildings (c.92, 172sq.m)
 - with 18 x back-up generator exhaust flues (c.21.5m high).
 - Single storey energy centre (c.8,906sq.m.) (*requested omission*)
 - with 4 x 5m diameter exhaust flues (c. 40m high), and
 - 1 x standby diesel generator with 1 x exhaust flue (c. 22m high).
 - Ancillary single storey MV operations building (1,016sq.m).
 - 2-storey office building (c.736sq.m).
 - All ancillary facilities (incl. above ground installation for gas storage & temporary ESB MV Substation c.40sq.m.)

- All associated site works (incl. landscaping, berms & boundary treatment).
 - Temporary vehicular access off the R147 (W).
 - Permanent vehicular access off a future Major Distributor Road (S).
 - On-site car parking (245 spaces).
- 2.2. An IE Licence is required under the First Schedule of the EPA Act 199, as amended of 50MW or more (Activity 2.1 Combustion of fuels in installations with a total rated thermal input or more).
- 2.3. There is a concurrent SID application for a 220kV (GIS) substation which would connect the data centre to the national grid via 2 x underground transmission lines.

3.0 **Planning Authority Decision**

3.1. **Pre-planning meetings**

Two pre-planning meetings were held between planning authority and the applicant.

3.2. **Further Information**

The Planning Authority requested FI in respect of the following:

- Clarification of construction timeframe required in light of reference to 10-year construction period in application and 5-year extent of standard permission – *10-year permission requested.*
- Details of access arrangements through third party lands – *temporary access off the R147 until completion of the major distributor road.*
- Submit a shadow analysis study assessing the impact of the proposed building and landscaping on the commercial buildings to the N – *submitted & minimal impacts predicted.*
- Additional drawings including site sections of site boundaries and revised plans and elevations for boundary treatment – *details submitted.*
- Site Specific Flood Risk Assessment – *FRA submitted.*
- Response to issues raised within third party appeals – *response submitted.*

3.3. Decision

Following the receipt of Further Information, Meath County Council decided to grant permission for the proposed development subject to 23 x conditions.

- Condition no.2: provided for a 10-year permission.
- Condition no.3: required implementation of EIAR mitigation measures & the appointment of a suitably qualified Environmental Manager.
- Condition no.4 (a-g): set out detailed movement and access requirements (incl. temporary access off the R147 pending completion of the major distributor road, and a legal agreement to provide access to third party lands).
- Condition no.8: required the appointment of an archaeologist.
- Condition no.9: required submission of a Construction Stage TM Plan.
- Condition no.10: required the applicant to demonstrate that the works would not give rise to a flood risk, and the creation of a 10m wide riparian strip.
- Condition no.11: required clarification of the catchment areas (incl. allowable discharge [QBAR] & attenuation volumes), the use of permeable paving & compliance with GSDSDS Regional Drainage Policies for new developments.
- Condition no.12: required submission of a lighting design.
- Condition nos.13 & 14: dealt with environmental, land & soil management.
- Condition no.15: set out detailed aviation requirements.
- Condition no.16 (a-f): set out detailed nature conservation requirements (incl. bat surveys, derogation licences & cordons around badger setts).
- Condition nos.19 to 23: dealt with financial contributions and bonds.

3.4. Planning Authority Reports

3.4.1. *Planning Reports*

Planner's report dated 28th of January 2020:

- Complies with E2 & E3 zoning objectives (Enterprise & Employment and Warehousing & Distribution). Precedent of data centre development on E2 & E3 zoned lands is established by the Runways sites to the S.
- Design of the data storage buildings is typical of a building of this nature and is considered acceptable. Design of office building is contemporary and considered suitable adjacent to a public road.
- Concerns raised relating to the impact of the height of the structures on commercial buildings to the N and residential properties on the R147.
- FI requested in relation to several matters (refer to section 3.1 above)

Planners Report dated 16th of June 2020:

- Satisfied with applicants' response to FI request.
- Recommendation to grant permission subject to 23 x conditions.

3.4.2. *Other Technical Reports*

Transportation: No objections following receipt of FI (access to third party E2/E3 zoned lands & future delivery of major distributor road), subject to conditions.

Flooding: No objections following receipt of FI (FRA), subject to conditions.

Water Services: No objections, subject to conditions (incl. catchment details).

Environment: No objections, subject to standard conditions (noise & waste).

Public Lighting: No objections, subject to conditions.

Environmental Heath: No objections, subject to lighting conditions.

Chief Fire Officer: No objections.

Conservation Officer: No objections as RPS MH051-100 Gunnocks House is sufficiently screened to the S.

Broadband Officer: No objections.

3.5. Prescribed Bodies

Observations received from the following Prescribed Bodies:

DCHG: No objections, subject to conditions related to archaeology (testing & monitoring) and nature conservation (bat surveys & cordons around badger setts).

Inland Fisheries Ireland: Site located within the River Pinkeen & Tolka catchment (Salmon, Brown trout & Sea trout). No objections, subject to conditions related to protection of water quality & aquatic ecology, and compliance with regulations.

Irish Water: No objections, subject to conditions (incl. connection agreement).

Transport Infrastructure Ireland: No objections following receipt of FI & missing TA documents from website, subject to compliance with MCC Transportation Study & relevant guidance.

Irish Aviation Authority: No objections, subject to conditions (incl. crane heights).

Dublin Airport Authority: No objections, subject to conditions (incl. mitigation of bird hazards & airport noise disturbance for office occupants).

Health Services Executive: No objections. Concerns noted in relation to public consultation, staff welfare facilities, pedestrian, cycling & public transport connectivity, construction noise controls & monitoring, sustainable use of water & compliance with national energy reduction targets & use of renewable sources.

Health & Safety Authority: No observations.

An Taisce: Concerns raised in relation to energy intensive development, climate change impacts, electricity emissions & renewable energy sources required, and disputes EIAR conclusions re CO₂ emissions (submitted post FI response).

3.6. Third Party Observations

Several observations received from nearby businesses and residents who raised the following collective concerns:

- Object to proposed development.
- Excessive height & proximity to adjacent buildings (reduce to 15/16m).
- Adverse impacts on visual amenity, air quality, ecology & horse welfare.

- Adverse impacts on residential amenity (visual, lighting, privacy, noise, health, traffic & general disturbance) including excessive construction timescale.
- Adverse impact on climate change & water resources.
- Masterplan referenced but inadequate consultations with adjoining landowners, access via third party lands, not all of whom consent.
- Inadequate details of infrastructure connections, excessive scale of development & traffic impacts.
- Several existing watercourses omitted from submitted plans & lack of capacity in identified watercourse to absorb surface water run-off.
- Inadequate details of ESB/Eirgrid power connections, therefore premature.
- Inadequate details of IW water & wastewater connections (incl. capacity), and separate wastewater infrastructure required (Shire Pharmaceuticals Ltd.).

One submission received from Runways (RSLI) in response to the FI submission:

- Third party lands included without owners' consent & request their omission, ensure access to third party lands, and inadequate phasing proposals.

4.0 Planning History

Appeal site:

ABP-308130-20: concurrent SID application for a 220kV substation with 2 x underground transmission cables to N & W of appeal site.

Surrounding area:

PL17.245347: Permission granted by ABP in 2015 for construction of a data centre campus in 2 x phases with a total gross floor area of 76,200sq.m. together with ancillary administration buildings, new access road and ancillary works including drainage and landscaping at Portan, Gunnocks and Clonee, Co. Meath.

RA.180671: Permission granted by MCC in 2018 for expansion of the approved Data Centre Campus (details above) comprising (a) construction of two single-storey data centre buildings (c.57, 400sq.m); (b) a single storey admin/office building (c.5, 710sq.m) which is physically linked to the proposed data centre buildings and (c) site infrastructure and associated works.

ABP-301714-18: Permission granted by ABP in 2019 for discharge of treated sewage effluent arising at Bracetown Business Park to surface waters of the River Tolka at Bracetown, Clonee, Co. Meath.

PL17.305657: ABP determined that development of a substation & associated grid connection at Bracetown, Gunnocks, is a strategic infrastructure development.

5.0 Policy Context

5.1. National and Regional policy context

Climate Action Plan 2019

This plan seeks to tackle climate breakdown and achieve net zero greenhouse gas emissions by 2050. It identifies several risks as a result of climate change including rising sea-levels, extreme weather, further pressure on our water resources and food production systems, and increased chance and scale of river and coastal flooding. The Plan includes a commitment that 70% of all electricity generated will be from renewable sources by 2030, and it contains c.200 actions to ensure Ireland meets its net zero greenhouse gas emissions by 2050.

National Planning Framework – Ireland 2040 (2018)

The NFP seeks to support the development of ICT infrastructure, with particular reference to data centres. NSO 6 seeks to create a strong economy supported by enterprise, innovation and skills which is underpinned by a range of objectives related to job creation, enterprise and innovation.

Regional Spatial & Economic Strategy, the Eastern & Midlands Region (2019)

The RSES also seeks to support the development of ICT infrastructure. RPO 8.23 seeks to support the national objective to promote Ireland as a sustainable international destination for ICT infrastructure such as data centres and associated economic activities at appropriate locations.

Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy, June 2018

This document reaffirms support for the development of enabling technology and infrastructure to meet enterprise, economic and social policy goals. It acknowledges the need for social acceptance of large data centre developments, the need to achieve national enterprise objectives and to reach sustainable development goals. It further notes that the increased renewable electricity requirement linked to energy intensive investments will be mainly delivered by the development of the new Renewable Energy Support Scheme (RESS) which will also reflect falling costs across a range of renewable technologies and an ambition to increase community and citizen participation in renewable energy projects.

The Planning System and Flood Risk Management, 2009

These Guidelines seeks to avoid inappropriate development in areas at risk of flooding and avoid new developments increasing flood risk elsewhere and they advocate a sequential approach to risk assessment and a justification test.

5.2. Local Policy

Meath County Development Plan 2013-2019

Core Strategy:

Core Principle 1: seeks to develop Meath's critical role in the Dublin and Mid-East Region and its role as part of the Dublin City National Economic Gateway maximising on its proximity to Dublin Airport.

Core Principle 5: seeks to encourage mixed use settlement forms and sustainable centres, in which employment, housing and community services are located in close proximity to each other and to strategic public transport corridors.

Settlement hierarchy:

Dunboyne is designated as a Large Growth Town II and Clonee as a village.

Economic Development Strategy:

S.4.2 of the Development Plan deals the quantum of available zoned employment generating land and specific reference is made to the appeal site.

It is a stated priority to deliver on the significant potential presented by the lands adjacent to the M3 Parkway in Dunboyne North as one of 5 key strategic employment sites which would also build on the significant public financial investment already made in the area as a public transport interchange. The area is intended for high technology employment opportunities mixed with other complementary land uses such as residential and community uses built on the sustainable community model with a non-statutory Master Plan.

A substantial data centre development is permitted on the existing E2/E3 zoned lands at Portan Clonee. There is a need to provide additional E2/E3 employment zoned lands between the existing zoned lands at Portan and Bracetown Business Park in order to avail of the opportunities brought forward by the proposed data centre investment on the Portan lands. Consequently, in order to promote clustering and agglomeration effects of similar format developments at this location, additional lands have been zoned for E2/E3 purposes.

Zoning objectives:

E2 (General Industry & Employment): seeks to provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing, and other general employment / enterprise uses in a good quality physical environment. (Energy Installations, Enterprise & Business Start Ups, General & light Industry, Science & Technology Based Enterprise, and Warehousing are permissible uses).

E3 (Warehousing & Distribution): seeks to facilitate logistics, warehousing, distribution and supply chain management inclusive of related industry facilities which require good access to the major road network. (Distribution & Supply Chain Management, Energy Installation, Logistics, Telecommunication Storage Depot and Warehousing are permissible uses; Enterprise & Business Start Ups and Light industry are open for consideration).

F1 (Open Space): To provide for and improve open spaces for active and passive recreational amenities.

Policies & objectives:

ED POL 2: seeks to promote and support the sustainable growth of the Polycentric Gateway and Primary Economic Growth Towns linked by multi-modal corridors and focused on identified Core Economic Areas and centres identified within the Economic Development Strategy for County Meath.

ED POL 9: seeks to promote innovative economic sectors and encourage clustering which positively exploits synergies between interconnected companies and / or which forge synergies with adjoining third level education institutions including lifelong learning synergies and start up technology enterprises.

ED OBJ 4: seeks to ensure that sufficient and suitable land is zoned for logistics, distribution and supply chain management industries in several areas including Dunboyne / Clonee, in addition to land zoned for large scale and general industry.

ED OBJ 5: seeks to explore joint ventures to develop strategic sites in designated economic growth areas/centres consistent with the RPG for the GDA.

ED OBJ 7: seeks to co-operate with local and national development agencies to maximise job creation opportunities and to engage with existing and future large-scale employers in order to maximise job opportunities in the county.

Energy infrastructure

S.8.1.1: recognises the essential requirement for energy production & distribution (electricity & gas) to meet increased demand from residential development and a drive for more industrial, commercial & employment generating uses.

Built Heritage:

- RPS MH051-100 Gunnocks House to S
- RPS Dense Mature Trees to N.

Flood Zones:

- Areas covered by Flood Zone A & B along River Pinkeen to N of site.

Development Management Criteria:

Chapter 11 contains standards for industrial, office, warehouse and business park development” and s.11.8.1 details design, layout and landscaping for such developments (including design, height, use, hours of operation, services, access, boundary treatment, lighting, noise & phasing).

Dunboyne/Clonee/Pace Local Area Plan 2009-2015

(The LAP has been incorporated into the County Development Plan 2013-2019).

CER OBJ 2: seeks to facilitate the development of lands at Portan Clonee for E2/E3.

CER OBJ 3: seeks to facilitate the development of lands between Portan Clonee and Bracetown for E2 & E3 uses, and a Master Plan & detailed Roads Needs Assessment are required.

- The **Master Plan** should address land use, transportation, connectivity, urban design, recreation, environmental impacts including flood risk, phasing and implementation issues. Development shall be contingent on the phased delivery of the distributor road. The Master Plan should be agreed with the Executive of the PA prior to lodging a planning application.
- The **Transport Assessment** should address movement issues (including site access, cycleways & pedestrian routes and access for service vehicles).

CER OBJ 4: seeks to facilitate the development of lands between Portan Clonee and Bracetown for E2 “General Industry & Employment” and E3 “Warehousing and Distribution” purposes solely for the development of major employment proposals, primarily FDI, requiring a significant site area, having regard to this strategic location within the county, as provided for in Volume I of the County Development Plan.

(Note: A copy of the timetable for the adoption of the MCDP 2021-2027 is attached).

5.3. Natural Heritage Designations

The following European site is located within the Zone of Influence and 15km radius:

- Rye Water Valley/Carton SAC

6.0 The Appeal

6.1. Third Party Appeals

Six third party appeals received in respect of the planning authority's decision from:

1. An Taisce
2. Group Property Holdings
3. Key Pol Ltd.
4. Amy Coyne
5. Mannix Coyne
6. Friends of the Irish Environment

An Taisce

- Inadequate consideration of cumulative Impacts of Data Centres which are dealt with on a case-by-case basis.
- Growth in the storage of electronic data is a major global climate and resource consumption issue. Ireland already hosts a disproportionate amount of Western Europe's data infrastructure.
- No sufficient mitigation measures are outlined in the EIAR to deal with the considerable carbon impact generated by the development.
- Cumulative in-combination effects with other data centres in Ireland should be assessed, insufficient to look at proposal at a micro level when renewable energy and greenhouse gas targets are set at a national level.
- Irelands bid to attract data centres places significant pressure on national grid.
- No independent oversight on the fossil gas "lock-in" that the development of new gas dependency in data centres will cause.
- Inadequate consideration of operational phase impacts on water supply resulting from climate change, data centres require significant amounts of water to function, and cumulative impacts should be considered.
- EIAR identifies predicted impact on water as imperceptible but conclusion is not appropriately substantiated and EIAR does not consider water resources during periods of low rainfall.
- Separate application for grid connection is contrary to O' Grianna judgement.

- Proposed development contravenes Ireland's legal obligations under the EIA Directive and the Climate Action and Low Carbon Development Act 2015.

Group Property Holdings

- Impact of Building DC1 on office adjacent building – visual impact, height & materials. Difficulties with letting the building due to noise impact, toxic fumes.
- Given direction of prevailing winds, occupants of adjacent offices will be subject to constant noise impact associated with the cooling fans and noise and fumes from the generators.
- Visual amenity, Building DC1 is inconsistent with topography of the area.
- Premature pending agreement with Irish Water for water supply and connection to wastewater system, agreement from Gas Networks Ireland relation to connection for gas services and Eirgrid/ESB Networks regarding connection to national grid.
- Surface water drainage system is flawed, surface water will not be discharged into a recognised watercourse but to an existing drainage ditch via 3rd party lands, removal of existing watercourse will impact on the drainage capabilities of adjoining landholding.
- Surface water proposals will impact appeal site & adjoining sites at Bracetown Business Park & The Hub Logistics Park which are at a lower level.
- Cumulative impact with adjoining development should be considered.

Key Pol Limited

- Concern relating to impact on proposal to equine business & health of horses.
- Not identified in the EIAR as a sensitive receptor.
- Impacts of noise, dust, atmospheric pollution & loss of amenity over a 10-year construction period.

Mannix Coyne

- Inappropriate data centre uses adjacent to dwelling, home office & equestrian business, which constitutes a material contravention of the Development Plan (juxtaposition of incompatible uses which cannot be reconciled).
- Financial requirements under Conditions 19, 20, 21, 22 & 23 imposed in admission that the site cannot accommodate the proposed use.

- Energy generating plant, 4 x 40m high exhaust flues and a diesel generator will have significant impact on residential amenity & business; inadequate assessment of impact of emissions & no justification for the flue heights.
- Proximity 245 x parking spaces & impact on residential amenity; public notice does not refer to operational phase parking.
- Adverse visual impacts, light pollution, impact on sunlight & daylight.
- Construction phase impacts (dust, noise, vibration, traffic), insufficient road network to support construction; 10-year construction phase unacceptable.
- Adverse construction phase noise impacts on residential property & equine business, and no independent or objective analysis is undertaken.
- Model is not accurately representative.
- Negative impact on ecology of the site (birdlife & wildlife will be displaced).
- Cumulative Impact of proposal with existing data centre not addressed.
- Energy usage and greenhouse gas emissions.

Amy Coyne

- Construction impacts on human health & environment (traffic, noise & dust.
- Air quality impacts from diesel generators close to residential.
- Light pollution - during construction and operation.
- Impact on privacy from CCTV and surveillance systems.
- Impact on flora and fauna (incl. bat & buzzard populations).
- Impact on climate change, non-compliance with targets for 30% reduction in emissions; taken in conjunction with Runways Information Services, the proposal will increase national CO₂ emissions from between 1.8% to 2.5%.
- Ireland is set to miss its EU 2020 emissions target by achieving only a 5% reduction compared to a target of 20%.
- Price to be paid in terms of emissions and demands on energy are high when considering very little return in employment terms.

Friends of the Irish Environment

- EIAR does not meet the requirements of the EIA Directive in addressing direct, indirect, and cumulative impacts of the project in terms of power and water usage or to consider the proposal in the context of existing and proposed data centres in Ireland.

- 10 x data centres are under construction which would add 202MW and another 31 have planning permission which would add 629 MW.
- IAE report estimated that data centre expansion will require c.9 billion euro in new energy infrastructure & add 1.5m tonnes to carbon emissions by 2030.
- By 2028 data centres will consume 28% of Irelands electricity - EIAR does not address how the greenhouse gas impact of energy required will be mitigated.
- Energy demand for the proposal is significant & the proposed gas energy installation will increase fossil fuel use and greenhouse gas emissions.
- The Government Strategy on the Role of Data Centres in Irelands Enterprise Strategy 2018 requires a plan-led approach to development of data centres in Ireland, this is not yet in place and the proposal is premature in its absence.
- EIAR does not address the impact of all year-round water supply demand and Water Usage Effectiveness. Due to heat generated by computer servers, water needs to be available 24/7 and used as a coolant; Facebook Data Centre used an average of 1.1 million litres of water a day in 2019.
- Direct, indirect and cumulative impact of the proposal on climate mitigation targets for energy and on the security of water supply has not been addressed or mitigated and until this is done permission should not be granted.

6.2. Applicant Response to Third Party appeals

A generic summary of the applicant's response to the appeals is set out below.

Omission of Energy Centre:

- Request the Board to omit the energy centre element of the proposal.
- Revised site layout plan and EIAR addendum report submitted.

Energy Use & Climate Change (including cumulative impact):

- Permissions for data storage facilities are not being granted on a case-by-case basis.
- Assessments consider specific factors including planning policy & environmental effects.
- E2/E3 zoning objective seeks to specifically facilitate an agglomeration of ICT infrastructure at this location.

Cumulative Impact Assessment with all Data Centres in Ireland:

- This approach is not advocated in EIA Directive.
- Cumulative impact at national & sectoral levels is the role of SEA and higher-level policies. & not a matter to be addressed by a particular proposal.

Greenhouse gas emissions:

- Associated with the proposed development would be imperceptible (i.e. less than 0.04% of total EU wide ETS market).
- An Taisce request for a condition requiring the applicant to offset the power demand of the proposal by developing new renewables infrastructure would not be enforceable.
- Any such application would require a separate permission.

Use of Gas-Powered Energy Generation:

- Request omission of facility.

Water use:

- IW has confirmed adequate supply of water for the proposed development.

Noise and Disturbance:

- Noise levels are below the existing ambient environment.
- Omission of the energy centre will further reduce noise levels.
- Impact of construction noise on adjoining dwellings has been assessed.
- Noise levels at operational stage will not exceed background noise levels, with no impacts on adjoining equine business.
- No impact on human health is envisaged in terms of noise and dust.

Visual Impact and Amenity:

- Minimal impact on sunlight & daylight at adjoining property due to orientation.
- Omission of energy centre will reduce visual Impact on adjoining property.
- Lighting designed to minimise light spill, landscaping will further reduce impact
- Design, set-backs & landscaping will negate impacts on adjoining residential and commercial properties.
- Omission of energy centre will further reduce noise & air quality impacts.

Impact on Local Biodiversity:

- Cumulative impact with the adjoining data centre facility addressed in EIAR.
- Appropriate mitigation & impact is envisaged as neutral to imperceptible.

Planning Policy & Zoning:

- Proposal not considered premature in the absence of a plan led approach to data centre development as detailed in the Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy (2018).
- Proposal is in accordance with the policies and objectives of the National Planning Framework, RSES and the Meath County Development Plan.
- A plan led approach for the development is provided for.
- Proposal does not represent a material contravention of Development Plan & the zoning & policy context supports the proposed development.
- Designed to ensure an appropriate set back between adjoining uses.
- Material contravention is not raised by Meath County Council.

Application procedures:

- S.182A application for substation complies with legislation, reference to the O'Grianna judgement is incorrect, and similar approach at adjacent Data Centre; no provision to combine electricity transmission infrastructure & data storage within a single application; both applications are co-dependent.

Drainage and Flood Risk:

- Drainage arrangements are not flawed, FRA concludes that there is no flood risk, there is adequate capacity for discharge of storm water, proposal complies with SUDS, with no off-site impacts.

Oral Hearing:

- Consultation has been undertaken & all issues can be addressed via correspondence and the proposal does not represent a scale or format of development which would require an Oral Hearing.

6.3. Planning Authority Response to third party appeals

- Proposal is consistent with Development Plan the policies & objectives.
- Conditions deal with appropriate control of the site in relation to landscaping, lighting, surface water management, residential amenity and ecology.
- No further response.

6.4. Further Correspondence

Planning Authority: no comment in relation to applicant's response to third parties.

Group Properties Holdings:

- Note omission of energy centre.
- Amend the layout and relocate building DC1 to vacated energy centre site.
- Continue the building layout pattern so that DC2/3/4 & DC1 sit in a line.

An Taisce:

- Note omission of energy centre.
- Board has a duty to assess direct, indirect & cumulative impact of the proposal with regard to energy demand, GHG emissions & water use.
- Such issues should not be left to future national policy decisions.
- Annex IV of EIA Directive (2014) relates to cumulative & climate impacts.
- No capacity to accommodate development that increases GHG emissions.
- Amended proposal still only considers cumulative impacts in conjunction with neighbouring RISL data centre, Board is obliged to consider wider impacts.
- Note the amended water requirements (peak demand down from 97.21l/s to 15.56l/s & annual demand down from 33,950m³ to 7,673m³).
- This decrease is not supported by data, reflected in the updated EIAR, or referenced in IW correspondence.
- Cumulative assessment of hydrological impacts in conjunction with other existing & proposed water abstractions in GDA water catchment is required.

Runways Information Services Ltd:

Access arrangements:

- Request FI in relation to the omitted energy centre & revised road layout.
- Applicant has not addressed RISL's concerns or Condition No.4 which requires a revised permanent entrance to the site outside of RISL's lands.
- Roundabout access to the site off the future Major Distributor Road would be via RISL owned lands, with no consent given to include lands in application.
- Condition no.4, which requires that the development does not encroach on RISL's lands, has not been appealed by the applicant and the amended scheme does not include a revised permanent entrance.
- Request Board to impose a similar condition as No.4.
- Master Plan approved by MCC would be amended by way of Condition No.4.
- Applicant must facilitate access to the remaining parts of Mr. Ward's land and omit RISL lands from application, as per Condition No.4.
- The Major Distributor Road will be installed in the N part of RISL lands to improve access to the wider area, and adjoining lands.

Energy centre:

- Note omission of energy centre.
- Concurrent SID substation application continues to include the energy centre in the layout, which is a source of confusion.
- The energy centre was required to facilitate the early phases of the data centre development however, no alternative energy provision source has been proposed, and FI in relation to the power source is required.

SID substation application:

- The substation site is only accessible via a temporary construction entrance off the R147, and no permanent access is proposed.
- Assume that permanent access will be via RISL lands & without consent.
- Board should not consent a project reliant on provision of future infrastructure in third party lands for which no consent has been sought or given.
- Condition No.4 has been ignored in the provision of the new layout now before the Board.

Mannix Coyne, Amy Coyne & KeyPol Ltd:

Omission of energy centre:

- Note the requested omission of the energy centre.
- This will fundamentally alter the development to the degree that permission should be refused for this reason alone.
- Enormous energy requirement will be greatly increased because of omission.
- Entire development will be powered by energy sourced from the national grid which was not envisaged in the original application to MCC.

Reduced water usage:

- The revised water usage proposal is accompanied by correspondence from Irish Water & CSEA Consulting Engineers.
- Data is inadequate and does not give a breakdown of how a reduction in water consumption from 33,950cm/year to 7,673cm/year will be achieved.

Amenity & business impacts:

- Inadequate response to concerns in relation to noise and disturbance on residential amenity and equestrian business.
- Zero analysis of impacts on horse/equine business.
- Zero analysis of impacts on residential and visual amenity.

Biodiversity:

- Inadequate response to biodiversity concerns biodiversity (bats & buzzards).
- Inadequate response to concerns raised in relation to the badger sett which has since been destroyed and is now the subject of legal proceedings.

Unauthorized development:

- Unauthorized development on site since MCC decided to grant permission.
- Copy of Notice of Motion (HC -16/10/20) & Affidavit (15/10/20) attached.
- Refer to booklet of photographs, and in particular MC14 & MC15.
- Refer to correspondence, and in particular MC16, MC17, MC18 & MC 19.
- Given that the development has commenced, as acknowledged by the developer in correspondence, the current appeal is moot.

- ABP has no jurisdiction to determine the appeal because it is now, in the first instance for leave for Substitute Consent and if successful, an application for SC arising by virtue of the fact that part of the development has now been carried out unlawfully.

Cyber security:

- No mention of the threat of cyber security/terrorist attack as referenced by Minister Coveney in the evaluation of the new County Development Plan.

Attachments:

The submissions were accompanied by several appendices related to High Court Notices & associated Exhibits (incl. photographs, maps, correspondence & planning statements & MCC decision).

6.5. First Party Appeal against Condition no.22

A first party appeal has been received from John Spain Associates on behalf of the applicant Engine Node Limited in relation to Condition no. 22. This relates to a special contribution under S.48(2)(c) for €1.85 million in respect of the provision of the distributor road known as the Bracetown Link Road identified in the Council's Local Area Plan (CER OBJ 3) between the N roundabout at junction 4 on the M3 and its terminus on the local road L-1010 NE of the Bracetown Business Park, on the overall E2/E3 zoned lands.

Inappropriate application of Special Contribution condition:

- Planner's report states that the applicant has not included a section of this road in the application and should therefore contribute to it, and that the amount is based on the proportion of the overall E2/E3 zoned lands occupied by the project (14.4% of the overall cost of €12.861 million).
- Condition no.4 requires the applicant to deliver (at their own expense) a link road to third party lands across the site, which forms part of the overall Link Road infrastructure.
- The Link Road is a specific objective of the LAP as represented in the current DP zoning maps, and the indicative alignment denotes several junctions and spurs along the route which would access adjacent lands.

- Masterplans have been developed and agreed with the PA providing for refinements to the Link Road alignment; the applicant's MP agreed with the PA (19/11/19) did not indicate any part of the distributor road (or spur) within the application site that would pass through the site to access third party lands; it was indicated that a future access to the project could be provide from the Link Road (when & if delivered).
- Condition no. 4 introduced a specific requirement to provide a piece of public road infrastructure, forming part of the overall distributor road public infrastructure, comprising a roadway through the application site, to provide future access to the project and also deliver a public roadway up to the boundary of adjacent third-party lands, and the submission of a revised MP to comprises changes to the previously agreed MP.
- Condition no.4 requires the provision of an element of the overall Link Road within the site at the applicant's expense, and this should be offset against the amount required under Condition no.22.

Conditions relating to adjoining lands indicate inconsistent approach:

- MCC previously granted permission for an extension of Facebook/ Runways data centre on the overall E2/E3 zoned lands with future access of the Link Road (RA/180671).
- Condition no.7 required the reservation of a corridor for a major distributor road as per the applicant's MP, and after obtaining necessary consents, to transfer the lands to the PA with necessary easements & wayleaves.
- Condition no. 23 required payment of a special contribution (€7.9 million) in respect of this road but only in the absence of compliance with no.7.
- Appears that the adjoining developer would not have to pay a special contribution towards the delivery of the Link Road provided that they procure the design & transfer the relevant lands to the PA.
- Inconsistent approach to apportioning contributions related to the road.
- Condition no.23 methodology is appropriate, it ensures that the developer is not double charged, and request adoption of a similar approach.

Request off-setting of public infrastructure costs:

- Costs of designing, delivering & transferring the “link road” forming part of the overall Bracetown Link Road infrastructure, as per Condition no.4, should be offset against the overall special contribution Condition no.22
- Delivery of this element of public link road infrastructure on the site will form part of the delivery of the specific DP/LAP road’s objective for the lands, at significant cost to the developer.
- Request that the estimated cost of €623,240 be offset against the Condition no.22 special contribution of €1.85 million.

Suggested revision of Condition no.22:

- The following text should be added to Condition no.22.

The expenditure incurred by the developer in the design, construction, and transferring to the Local Authority of a link road between a long term /permanent access point on the eastern boundary of the site to the third-party lands along the southern boundary of the site (forming part of the Bracetown public link road infrastructure) shall be offset against the contribution amount.

Calculation of Contribution Amount:

- The rationale set out in the Planner’s report which states that “the applicant has not included any section of the major distributor road within their site” is inaccurate & contradicts other elements of the report & decision notice.
- Condition no.4 specifically states that an element of the Link Road (and access to third party lands) is required at the developer’s expense as part of the development within the site.
- Therefore, the basis for the contribution of €1.85 million is questionable, as it is predicated on an assumption that the applicant would not be delivering any part of the Link Road infrastructure to serve the application site & surrounding lands, which contradicts Condition no.4.

- The planner's report states that the amount has been calculated relative to the overall E2/E3 zoned lands (14.4%), and the estimated cost is €12.861 million whilst the contribution is €1.85 million.
- The PA calculations do not provide any detailed rationale or breakdown of the overall €12.861 million, or calculation methodology, except for the rationale contained in the planner's report.
- The amount requested is based on apportioning of contribution based on site area as a percentage of the overall E2/E3 zoned lands, however the road will have wider benefits and a more detailed qualitative assessment is required which would in turn reduce the 14.4% to a lower percentage.
- The Development Management Guidelines state that conditions should be necessary, relevant, enforceable & precise.
 - The basis for Condition no.22 is not sufficiently precise and is not obviously predicated on a methodology which supports the amount of special contribution arrived at and sought.
- The Guidelines state that special contribution conditions should be amenable to implementation under S.48(12); therefore, it is essential that the basis for the calculation should be explained in the planning decision, which means that it is necessary to identify the nature/scope of works, expenditure involved and the basis for the calculation, including how it is apportioned to the particular development.
 - The rationale and amount provided in the planner's report is not sufficiently detailed to allow a proper appraisal of the stated expenditure in the delivery of the Link Road, or whether the delivery of link road infrastructure within the site was taken into account in apportioning the amount required.
- The Guidelines state that circumstances which might warrant the attachment of a special contribution condition would include where the cost are incurred directly as a result of, or in order to facilitate, the development in question and are properly attributable to it. Where the benefit deriving from particular infrastructure or facility is more widespread

(e.g., extends to other lands in the vicinity) consideration should be given to adopting a revised development contribution scheme or, as provided for in the Planning Act, or adopting a separate development contribution scheme for the relevant geographic area.

- The special contribution sought relates to a more widespread piece of infrastructure extending to other lands beyond the site and E2/E3 zoned lands, the development is not dependent on the Link Road as it can be accessed off the R147, and a revised or separate contribution scheme would be more appropriate (i.e.S.49).
- Reference is made the Ratoath Outer Link Road in respect of special contribution condition (17.RP.2101 & PL.17.241852). The Board determined that the PA had not established a sufficient basis for funding this road whereby the cost of provision could be allocated between benefitting landowners & developers on a pro rata basis, it would therefore be unreasonable to burden a particular developer with the cost of a significant part of the infrastructure.
- Having regard to this precedent and to the lack of rationale for attaching Condition no.22 and the absence of a satisfactory basis for apportioning costs amongst benefitting landowners, this condition should be omitted.

6.6. Planning Authority Response to First party appeal (Condition no.22)

- The statement in the planner's report is accurate as the major distributor road (Link Road) is outside the applicant's site.
- The applicant's site will be accessed by way of an access road from a junction on the Link Road to the applicant's site.
- The applicant is required to provide an access from this access road into the third-party lands to the S.
- Provision of this access to third-party lands is independent of the requirement under Condition no. 22 to contribute towards the cost of this road.
- The overall cost of the major distributor road does not include the cost of accessing the applicant's lands or the other lands to the south.
- The Board is requested to uphold all conditions applied under RA/191593.

6.7. Planning Authority Response to ABP request (Financial contributions)

The Board, in a letter dated 03 September 2020 requested MCC to provide a breakdown of the financial contributions and the response is summarised below.

Condition nos. 19, 20 & 21:

- These conditions were applied in accordance with MC Development Contribution Scheme 2016-2021, as amended.
- They were based on the floor area of (a) 4 x data halls, (b) the energy centre and (c) the office building, for surface water drainage, roads & public transport, and social infrastructure, totalling €1,119,954.

Condition no. 22:

- This condition relates to the Major Distributor Road CER OBJ 3 which is not included under the Development Contribution Scheme and a special roads contribution of €1,850,000 was applied in accordance with S48(2)(c).
- A copy of the assessment in relation to this road detailing costs in relation to Sections 2, 3 & 4 of the proposed distributor road (€1.86m) and the rationale for apportioning of 14.41% of associated costs to the applicant is provided.
 - The cost of delivering the distributor road, CER OBJ 3 (incl. length, consultants fees, legal fee, land acquisition fees & construction) is estimated at €12,861,244.26.
 - The cost of the distributor road, CER OBJ 3 is distributed evenly between landowners benefiting from the road (170ha), the Engine Node lands cover 24.5ha, which equates to 14.4%.
 - The Levy amount (based on the above figures & percentage) is €1,853,532.26.
- The Transportation Dept assessment noted that the applicant had not included any section of the major distributor road within their site and was required to pay a special levy of €1.85m as a contribution towards the cost to complete this road, as this is a specific exceptional cost not foreseen by the PA and is not included in the Contribution Scheme.

- The Transportation Dept concluded that the planning application, if granted, could result in CER OBJ 3 not being achieved, which would not be acceptable it could prevent access to third party lands and restrict further development of E2/E3 zoned lands.
- The special roads condition is essential for the deliverability of this objective.

Condition no.23:

- This S.49 condition relates to the referral corridor for the Navan to Dublin Railway Line Phase 1 – Clonsilla to Dunboyne (PACE).

6.8. First party response to PA (Condition no.22)

- No new issues raised.
- MCC has not provided any significant additional information or rationale to support the application of Condition no.22 or to address the reasons for the apparent inconsistencies in the application of special development contributions in the area.
- MCC has not provided any substantiate response to the request for an offset to reflect the provision of an element of public distributor road infrastructure.

6.9. Observations

Two observations received in respect of the planning authority's decision from:

1. Dublin Airport Authority
2. Runways Information Services Limited (RISL)

Dublin Airport Authority

- The 3 x attenuation ponds in vicinity of Dublin Airport could attract birds and hence pose an aviation hazard, Fingal CDP TRAN POL 2 seeks to restrict development which would give rise to conflict with aircraft.
- Attach a condition requiring that proposals for mitigation of bird hazard are submitted to the PA, implemented in full and maintained on site for the full duration of the operation of the development, in the interests of aircraft safety.

- The site is located within Zone C of the revised airport noise zones, as per Variation no. 1 of Fingal CDP, and TRAN POL 1 (Outer Noise Zone) seeks to control inappropriate development and require appropriate noise insulation.
- Site is located within new Noise Zone C, request FI or condition which relates to the assessment of the existing and predicted noise environment, demonstration that internal noise levels for the office space can be provided, noise mitigation measure should be proposed as required by the Meath CDP.

Runways Information Services Limited (Facebook)

- Request Board to uphold all conditions applied under RA/191593.
- The applicant has included lands within the ownership of RISL without consent. Works proposed include provision of a roundabout and road through RISL lands and additional infrastructure to provide access to adjoining residential property which will become isolated by the proposed development.
- RISL wishes to maintain all its property and recommends conditions requiring the removal of their lands from the planning application.
- The requirement of Condition 4 (b) is welcomed.
- Concerns raised relating to the reliance of lands in RISL's ownership to provide access to their site in the future.
- The proposal prevents access from the Major Distributor Road to other land leaving them landlocked and unserviceable.

7.0 Planning Assessment

This assessment should be considered in conjunction with Section 6.0 of R308130 for the proposed substation under ABP-308130-20.

The main issues arising are as follows:

- Principle of development
- Design, layout & visual amenity
- Residential & commercial amenity
- Movement & access
- Drainage, water supply & flood risk
- Biodiversity
- Other issues
- Condition No.22
- Screening for AA

Section 8.0 contains an Environmental Impact Assessment.

7.1.1. Principle of development

The proposed development would be located to the E of Dunboyne town and N of Clonee village in County Meath on lands which have been designated E2/E3 for the creation of enterprise and employment opportunities. The overall lands are located to the E of the M3 and to the N and S of Junctions 4 and 5. The site is bound to the NW and N by existing business and warehouse uses, and to the S by permitted data storage facilities on the E2/E3 lands.

The proposed development would comprise the construction of a c.92, 172sq.m data centre storage facility on a c.24.5ha site, and there is a concurrent SID application for a 220kV substation on the lands. The development would comprise 4 x 2-storey buildings, a single storey energy centre and ancillary buildings along with site works and car parking. The applicant has requested the Board to omit the energy centre element of the proposal by way of a planning condition. The applicant has clarified

that a 10-year planning permission is being sought, having regard to the scale of the project and that the works would be carried out on a phased basis.

The proposed development would comply with national and regional policy as set out in National Planning Framework - Ireland 2040 and the Regional Spatial & Economic Strategy, the Eastern & Midlands Region, 2019 which seek to support the development of ICT infrastructure, including the provision of data centres at appropriate locations. It would also accord with the Government Statement on the Role of Data Centre in Ireland's Enterprise Strategy, 2018.

The proposed development would comply with the Core Strategy of the County Meath Development Plan (2013-2019) which seek to develop Meath's critical role in the Dublin and Mid-East Region and its role as part of the Dublin City National Economic Gateway, to maximise on its proximity to Dublin Airport and to encourage a mix of development close to strategic public transport corridors. The site is located to the E to the M3 Parkway (Docklands to M3 Parkway Western Commuter service).

The proposed development would comply with the Economic Development Strategy which identified a need to provide additional E2/E3 employment zoned lands at the subject site in order to avail of the opportunities brought forward by the proposed (permitted) data centre investment on the Portan lands to the S, in order to promote clustering and agglomeration effects of similar format developments at this location.

The proposed development would be located on lands that are covered by the E2/E3 (General Industry & Employment and Warehousing & Distribution) zoning objectives in the current Development Plan. E2 seeks to provide for the creation of enterprise and facilitate opportunities for employment (including offices subject to floorspace restrictions) and E3 seeks to facilitate logistics, warehousing, distribution and supply chain management inclusive of related industry facilities which require good access to the major road network (including energy installations & light Industry). The E2/E3 zoning objectives also requires the preparation of a Masterplan.

The list of uses on E2/E3 zoned lands as set out in the CDP 2013-2019 do not specifically list data storage facilities (data centres) as either permissible or open for consideration. The CDP defines data centres as "a facility to house computer systems and associated components such as telecommunications and storage systems." However, a data centre (Facebook/ Runways) has been permitted on the

adjoining site to the S on E2/E3 zoned lands, which indicates that such storage facilities are an acceptable use within this zone.

Furthermore, section 4.2 of the Development Plan states that it is a priority of the Economic Development Strategy to deliver on the significant potential presented by the lands adjacent to the M3 Parkway in Dunboyne North as one of 5 key strategic employment sites, and that the area is intended for high technology employment opportunities mixed with other complementary land uses, “in order to promote clustering and agglomeration effects of similar format developments at this location”, and additional lands have been zoned for E2/E3 purposes. I am satisfied that the proposed data centre would comply with the E2/E3 zoning objective for the area.

(It is noted that this objective is carried forward to the emerging Development Plan, 2021-2027 which is scheduled for adoption later this year. Section 4.8 deals specifically with Data Centres and it states that by nature, they are land intensive developments with differing locational requirements depending on the type of data accessibility speeds they cater for. All data centres have common infrastructure requirements such as access to high voltage electricity lines, high powered fibre optic cables, good site security and accessibility. High speed retrieval speeds are more appropriately located within close proximity to the Metropolitan Area where direct access can be provided to the T50 fibre optic cable and high voltage electricity, both of which are present on lands identified at Dunboyne and Dunboyne North. The location of these less people intensive uses outside of the M50 ring and separate from but connected to the existing built-up area is a key growth enabler for Dublin and the policy position is endorsed within the NPF.)

The proposed development would comply with several Development Plan policies and objectives which seek to promote and support sustainable economic growth in identified areas (ED POL 2), promote innovative economic sectors and encourage clustering which positively exploits synergies between interconnected companies (ED POL 9), ensure that sufficient and suitable land is zoned (ED OBJ 4), explore joint ventures with developer/ industrialists/landowners to develop strategic sites in designated economic growth areas (ED OBJ 5), and to co-operate with local and national development agencies to maximise job creation opportunities (ED OBJ 7).

Compliance with Development Management Criteria for industrial, office, warehouse and business park development are assessed in more detail in the following sections of this report that deal with visual and residential amenity (planning assessment & environmental impact assessment).

The proposed development would comply with policies and objectives in the Dunboyne/Clonee/Pace Local Area Plan 2009-2015 (as Varied to include the MCDP) which seek to facilitate the development of the subject lands for E2 and E3 uses (CER OBJ 2 & 3) subject to the provision of a Master Plan and a Roads Needs Assessment (CER OBJ 3). A Master Plan was prepared by Runways Information Services Ltd. (RISL) in respect of the overall E2/E3 zoned lands and agreed in writing by the planning authority. A copy of the agreed Master Plan was been submitted by the applicant along with proposed Revision One in respect of the subject lands.

Compliance with detailed Master Plan and Roads Needs requirements are assessed in more detail in the following sections of this report in relation to several issues including visual amenity, flood risk and transportation (planning assessment & environmental impact assessment).

Having regard to the foregoing, I am satisfied that the proposed development of a data storage facility which would comply with relevant national, regional and local planning policy, is acceptable in principle. The issue of material contravention of the Development Plan in respect of potential adverse impacts on adjacent uses does not arise, and potential effects will be addressed in the following sections of this report.

7.1.2. Design, layout and visual amenity

Several of the Third Parties (incl. Group Properties Holdings, Mannix Coyne, Amy Coyne & Key Pol Ltd.) raised concerns about the visual impact of the development with respect to its height and proximity to site boundaries and adjacent buildings.

The proposed development would be located on a greenfield site within a rural area on the outskirts of Clonee village to the E of the M3. This area is transitioning from agricultural to employment and related uses in line with Development Plan zoning and economic objectives. The surrounding lands are characterised by mix of existing and permitted light industrial, warehouse, business, data storage and residential uses, and the agricultural lands are defined by hedgerows and trees.

The proposed development would comprise a series of buildings in a “dogs’ leg” layout located parallel to the N and E site boundaries with the adjoining commercial buildings, agricultural, and E2/E3 zoned lands. On-site car parking would be mainly located in the vicinity of the data centre buildings and 3 x attenuation ponds would be provided in the S and E sections of the site. The site boundaries would be defined by palisade fences (c.3m high) surrounded by landscaped berms which would be c.3 to 7m high and planted with native tree and hedgerow species. The concurrently proposed SID substation would be located in the SW section of the overall lands.

The buildings would comprise 4 x 2-storey data centres and ancillary structures. Each of the self-contained c.25m high data centre buildings would have a similar external contemporary appearance, with back-up generators located along one of their elevations along with a series of c.21.5m high flues.

The data centre building in the W section (DC1) would be set back from the site boundary with Bracetown Business Park to the NE by c.39m and from the neighbouring office buildings by c.42m; between c.50 and 70m from the roadside boundary with the R147 to the W; and c.70m diagonally from the site boundary with the neighbouring house and farm buildings (stables) to the SW. The 3 x data centre buildings in the N section (DC2 to DC4) would be set back between c.40m and c.60m from the N and E site boundary with the adjoining agricultural lands which are zoned for E2/E3 uses, and a substantial distance from any residential or farm buildings. The proposed 2-storey admin building in the SW section would be set back c.20m from the site boundary with the neighbouring house and farm buildings.

The proposed c.20m high energy centre building and associated c.40m high exhaust flues in the NE section (EC) would be located parallel to the site boundary and The Hub Logistics Park, however the applicant has requested the omission of this building by way of a planning condition.

The main vehicular access to the site was originally to be off the proposed rerouted Major Distributor Road to the NE as granted to RISL under RA/180671. However, the access location was amended by way of Condition no.4 of the planning authorities’ decision to grant permission for several reasons (incl. to ensure continued access to third party E2/E3 zoned lands). Temporary access to the site would be off the R147 to the W until the Major Distributor Road is developed.

EIAR chapter 11 dealt with Landscape and Visual impacts, and the application was accompanied by a Master Plan (Revision One) and an Architectural Report.

Photomontages along the R147 were submitted to the planning authority in response to a FI request, and also as part of the applicant's response submission to the third-party appeals. The applicant's response submission included a request to omit the energy centre building and the EIAR was supplemented by an Addendum EIAR report (Chapter 11) which did not alter the conclusion of the original EIAR to any significant extent.

The non-statutory **Masterplan** for the overall E2/E3 zoned lands was approved by the planning authority under RA/180671 on behalf of Runways Information Services Ltd. (RISL) in compliance with CER OBJ 3. The Masterplan covers c.170ha and the subject site covers c.24.5ha, which equates to c.14% of this area. The submitted report relates to "Revision One" in respect of the subject lands. This document addresses the E2/E3 zoning objectives, transportation, and access (incl. a future re-routed Major Distributor Road & roundabout), cycleways and pedestrian routes, connectivity to public transport, urban design (incl. landscape & design) and environmental considerations (incl. cultural heritage, drainage & water supply infrastructure & flood risk). The data centre will be built on a phased basis over 10 years but will ultimately function a single entity.

The **Architectural Report** provides an overview of the project.

The **Landscape & Visual Impact Assessment** described the receiving environment and the character of the surrounding area. It assessed potential visual impacts from several viewpoints that encompass sensitive receptors (including the surrounding road network, M3 junctions & railway station, and rural, commercial, educational & residential areas). The visual assessment also included the requested omission of the energy centre. The assessment concluded that the proposed development would not give rise to any significant adverse visual impacts on the surrounding landscape and this conclusion was not significantly altered in the Addendum EIAR.

Discussion:

The low-lying site comprises a series of fields that are divided by hedgerows, trees and ditches and it is separated from the neighbouring commercial uses to the N and E by palisade fences and landscaping. The roadside boundary with the R147 is

defined by hedges and trees and there are 2 x detached dwelling houses located to the SW of the site along this road. There is a field entrance to the site off Bracetown Road to the N which is located between the Bracetown Business Park and The Hub Logistics Park. The site and environs are not covered by any sensitive heritage designations although there are several protected features in the wider area (including Gunnocks House to the S). The site and surrounding lands are not covered by any sensitive landscape or scenic amenity designations and there are no protected views or prospects in the vicinity, although the lands are intermittently visible from the surrounding road network, including the M3 to the W.

The applicant requested the Board to omit the proposed c.20m high energy centre building and associated c.40m high exhaust flues in the NE section of the site by way of a planning condition. This is an acceptable request. However, other elements of the proposed development which are related to the energy centre building should also be omitted (incl. associated transformers, bunded areas and associated buildings & perimeter fencing). This could be addressed by way of a planning condition in the interests of clarity.

The site boundaries would be defined internally by c.3m high palisade fences surrounded by extensive landscaped berms which would be c.15m wide and between c.3m to 7m high. The berms would screen the proposed development from nearby views and soften its impact on the receiving low-lying environment, as indicated in the section drawings submitted by way of FI to the planning authority. The proposed transmission lines would run underground to connect to a concurrently proposed substation to the SW with no visual impacts anticipated.

Conclusion:

Having regard to the:- scale, height and layout of the proposed data centre buildings on the overall lands that are zoned for E2/E3 uses; the absence of any designated heritage features on or around the site; the absence of any scenic amenity or protected views in the surrounding area; the nature, scale and design of the neighbouring commercial buildings and the extent of the separation distances; the screening properties of the proposed perimeter landscaped berms along with the undergrounding of the proposed transmission lines; and the requested omission of the energy centre building (and associated c.40m high flues); I am satisfied that the

proposed data storage facility would not have any significant adverse impacts on the visual amenities of the surrounding area, subject to compliance with any recommended planning conditions. The proposed development, as amended, would not give rise to any significant adverse cumulative impacts on visual amenity in combination with other developments in the surrounding and wider area.

7.1.3. Residential and commercial amenity

Several of the Third Parties (incl. Group Property Holdings, Mannix Coyne, Amy Coyne & Key Pol Ltd.) raised concerns in relation to the impact of the proposed development on residential and business amenities (incl. an equine business) during the construction and operation phases, with respect to noise, dust, emissions, traffic, light pollution, general disturbance, and visual intrusion.

There are 2 x detached houses located to the immediate SW of the site along the R147 and the Bracetown Business Park and The Hub Logistics Park are located to the immediate N and NE of the proposed data centre buildings (DC1 to DC4).

EIAR chapters 5, 9, 10, 11 & 13 dealt with human health and population, air quality and climate, noise and vibration, landscape and visual impact, and traffic and transportation, and no significant adverse impacts were predicted. The applicant's response submission included a request to omit the energy centre building and the EIAR was supplemented by an Addendum EIAR report (Chapters 5, 9, 10, 11 & 13) which did not significantly alter the conclusions of the original EIAR.

In relation to the **operational phase**, the 2 x neighbouring houses, which are surrounded by mature trees and hedgerows, would not be significantly overshadowed, or overlooked by the proposed data centre and admin buildings because of the substantial separation distances (as outlined above in section 7.1.2) and the orientation of the nearest structures to the N of the existing houses.

The existing office and warehouses buildings to the NW and N would not be significantly overshadowed or overlooked by the proposed data centre buildings as illustrated in applicant's Sunlight and Daylight studies because of the substantial separation distances (as outlined above in section 7.1.2), and the scale and height of the landscaped berms. It is also noted that there are no specific planning standards to protect the amenities of commercial buildings which would be comparable with the protection of residential amenity.

As previously stated in section 7.1.2 above, the proposed development would not be visually obtrusive or overbearing having regard to the substantial separation distances, and any intermittent views of the data centre buildings from the neighbouring houses and commercial buildings would be largely obscured by the proposed landscaped berms. It is unlikely that the operational phase of the data centre would have an adverse impact on amenity by way of noise, emissions and general disturbance having regard to the separation distances, landscaped berms and the nature and scale of the storage facility. The requested omission of the energy centre building would further reduce the potential for adverse effects at the neighbouring houses and commercial buildings during this phase because of a reduction in NO₂ emissions and traffic.

There is potential for general disturbance during the **construction phase** by way of noise, dust, light pollution, and traffic movements. The concerns of the Observers (incl. Mannix Coyne & Amy Coyne) are noted in relation to the overall length of this phase which could extend over a 10-year period. The level of disturbance would be managed by compliance with an agreed Construction and Environmental Management Plan, adherence to best construction practices and the implementation of a Traffic Management Plan with respect to construction work traffic. This could be addressed by way of a planning condition. The standard operational hours condition should also be attached to ensure that the neighbours are not disturbed outside normal working hours or on Sundays or Public Holidays. The requested omission of the energy centre building would further reduce the potential for adverse effects at the neighbouring houses and commercial buildings during this phase because of a reduction in construction activity (incl. noise & dust) and traffic.

In relation to both the **construction and operational phases**, conditions also should be attached to ensure that the N and W landscaped berms are constructed and planted during the first phase of the works, that there is minimal night-time lighting on the site and that all lighting and CCTV cameras are directed away from the neighbouring houses.

The applicant's response submission included a request to omit the energy centre building and the EIAR was supplemented by an Addendum EIAR report which did not alter the conclusions of the original EIAR (Chapters 5, 9, 10, 11 & 13) with

respect to human health & population, air quality and climate, noise and vibration, landscape and visual impact and traffic and transportation, to any significant extent. The proposed omission of the energy would have a slight positive effect on residential and business amenity during the construction and operational phases in relation to a slight reduction in noise, dust and NO₂ emissions.

The requested relocation of the DC1 building (by Group Property Holdings) to the site of the omitted Energy Centre is noted. It is noted that the 2 buildings have different spatial dimensions. In the event that the Board decides to consider this request, it may be necessary to undertake a further round of consultations with the Observers, including The Hub Logistics Park which the relocated DC1 would be repositioned adjacent to.

Conclusion:

Having regard to the foregoing and to the E2/E3 zoning objective for the overall lands, the substantial separation distances between the proposed data centre structures and the neighbouring buildings, the requested omission of the Energy Centre, and the height, scale and extent of the perimeter landscaped berms, the proposed development would not injure the amenities of any houses or commercial buildings in the vicinity to any significant extent. The proposed development, as amended, would not give rise to any significant adverse cumulative impacts in combination with other developments in the surrounding and wider area.

7.1.4. Movement & access

Transport Infrastructure Ireland and Runways Information Services Limited [Observer] have raised concerns in relation to the impact of the proposed development on the national and regional road network and compliance with the MCC Transportation Study and relevant guidance, and future vehicular access via third party lands, access to adjacent lands, scale of development and traffic impacts.

EIAR chapter 13.0 dealt with traffic and transportation and the application was accompanied by a traffic & transportation assessment which described the existing traffic environment (road network, public transport services, traffic volumes & car parking provision) along with other developments in the surrounding area (existing & proposed). The report dealt with the construction and operational phases of the proposed development. It estimated future growth and trip generation rates and

predicted that the impact of the proposed data centre on the national and local road network, in combination with other developments on the area, would be short term during the construction phase and not significant in the operational phase. The application was also accompanied by a revised Master Plan (Revision One) which reflected any changes consequent on the proposed development.

The EIAR concluded that the proposed development would not give rise to any significant adverse traffic impacts on the surrounding road network and junctions and no significant adverse impacts were predicted. The applicant's response submission included a request to omit the energy centre building and the EIAR was supplemented by an Addendum EIAR report (Chapter 13) which did not alter the conclusions of the original EIAR to any significant extent. It noted a reduction in construction phase traffic and on-site car parking as a result of the omission.

Construction phase:

Vehicular access to the site during the construction and initial operational phases would be directly off the R147 to the W of the site pending construction of a major distributor road to the SE. The temporary access would be located to the N of the neighbouring detached houses (and stables) and S of the Bracetown Business Park entrance/exit. The sightlines to the N and S of the site entrance are adequate, there is sufficient spare capacity along the R147 and the surrounding road network to accommodate any additional traffic, and construction vehicles would be able to safely enter and leave the data centre site. However, a construction phase Traffic Management Plan should be agreed with the planning authority before development commences. All relevant TII and MCC roads requirements should be complied with, including the permanent closure of the access off the R147 after the major distributor road is completed. These concerns could be addressed by way of a condition.

Operational phase:

The vehicular access to the proposed development during the future operational phase would be off a yet to be designed and constructed Major Distributor Road to the SE, that would run SW from the M3-J4/R147 and NE to Bracetown Road. This road would traverse the overall CDP E2/E3 zoned lands which are covered by an agreed Master Plan in line with CER OBJ 3. The route is indicative and the affected lands are currently owned by several landowners, including the owners of the

adjacent Runways (RSLI) data centre site to the S. Runways/Facebook initially raised concerns in relation to the proposed access arrangements via third party lands (without consent), inadequate consultations and restricted access to adjacent zoned lands. In response to an FI request, the applicant confirmed that the temporary access would be off the R147 until completion of the future major distributor road via a new roundabout. Condition no.4 (a-g) of the planning authorities' decision to grant permission set out detailed movement and access requirements which sought to address the land ownership issues.

Condition no.4 (a, b, c, e & g) contained the following specific access requirements:

- (a) Access of the R147 is temporary pending construction, completion and taking in charge by the council of the major distributor road.
- (b) Submit an amended road layout within the site that facilitates a link road between a long-term/permanent access point on the E boundary of the site to the 3rd party lands along the S boundary; submit detailed design; and transfer this section of land and road to the council when complete, free of charge.
- (c) Enter into a S47 agreement to finalise details of proposal to provide access to third party lands [item (b) above refers]; and agree phasing for the completion of the design, construction and handover to the council.
- (e) Applicant shall cover all costs associated with the above.
- (g) Submit a revised Master Plan to reflect the above.

The Applicant did not appeal or raise any objections to Condition no.4, and an Observation submitted by Runways (RSLI) in respect of the Third-Party appeals, requested the Board to uphold Condition no.4 in its entirety.

Having regard to the extensive area covered by the E2/E3 zoning objective and the specific objective to provide enabling infrastructure in the form of a major distributor road that would ultimately ensure access to the surrounding zoned lands which are currently owned by several landowners, I am satisfied that Condition no.4 (a-g) of the planning authorities' decision to grant permission has addressed the concerns raised in relation to access off, across and to third party lands. A similar condition to No. 4 should be attached any grant of planning permission by the Board in the interest of clarity and orderly development.

Public transport, parking & connectivity:

The proposed development would be located in close proximity to public transport facilities (incl. rail & bus), adequate off-street car and cycle parking would be provided to serve the future workforce broadly in line with Development Plan standards, and the overall site layout contains network of footpaths that connect to the public road and open spaces. The arrangements are considered acceptable.

Conclusion:

Having regard to the foregoing, and to the E2/E3 zoning objective and Master Plan for the overall lands, which include a specific objective to provide or a major distributor road across the lands, I am satisfied that the proposed development, taken in combination with other development in the surrounding area, would not give rise to a traffic hazard or endanger the safety of other road users during the construction and operational phases. This would be subject to compliance with planning conditions related to a temporary access off the R147 and a permanent access off a future major distributor road to the SE of the site, in accordance with council requirements. The proposed development, as amended would not give rise to any significant adverse cumulative impacts on movement and traffic in-combination with other developments in the surrounding and wider area.

7.1.5. Drainage, Water Supply and Flood Risk

Several of the Parties (incl. IFI, An Taisce, Group Property Holdings, Friends of the Irish Environment, Mannix Coyne, Amy Coyne & Key Pol Ltd.) raised concerns in relation to drainage and flood risk at adjoining sites, downstream water quality, and water supply capacity relative to data centres along with the applicant's subsequent downward revisions of the facilities water requirements.

The site comprises a greenfield site which is currently used for agriculture and the subject lands slope down gently in a S direction. The site and surrounding area are drained by a watercourse (and ditches) that drain into the River Pinkeen c.2km to the SE, which in turn discharges to the River Tolka further E. The Bracetown Business Park and The Hub Logistics Park are located to the NE and N of the site and the RISL Runways/Facebook data centre site is located to the S.

EIAR chapters 6, 7 and 8 dealt with hydrology, hydrogeology, water quality and aquatic ecology. The relevant chapters described the receiving environment, identified any adverse effects during the construction and operational phases, set out mitigation measures and assessed the potential for cumulative impacts during both phases. The application was also accompanied by an Engineering Planning Report (Drainage & Water Services), and a Site-Specific Flood Risk Assessment. This conclusion was not altered by the Addendum EIAR (Chapters 6, 7 & 8) in relation to the omission of the energy centre, although the demand for water was revised down and the applicant provided details of the final Irish Water pre-connection enquiry in Appendix 2 of the Addendum EIAR which takes account of the downward revision.

Drainage and water supply:

The Engineering Planning Report described the drainage and water services elements of the proposed development. It stated the development will provide attenuation in compliance with the requirements of the Greater Dublin Strategic Drainage Study (GDSDS), that all SUDS elements have been designed as per the recommendations in the SUDS Manual 2015, and that all surface water works will be carried out in accordance with the GD Code of Practice for Drainage Works.

Surface water:

The site is not currently served by an existing drainage system. Surface water runoff will be collected in a network of sealed pipes and gullies which will flow into 3 x separate attenuation ponds (with wet pool treatment storage capacity) which serve 3 x separate catchments. Screening units and petrol interceptors would be provided upstream of the attenuation ponds to protect downstream receiving waters and systems. It is stated that the measures will cover 99% of rainfall events and that the system has the capacity to contain and convey runoff associated with the 1 in 100-year event to the attenuation ponds without any overland flooding (taking account of climate change). The controlled discharge of water from the attenuation ponds to the adjacent ditch/watercourses along the S site boundary would be via downstream flow control devices and carrier drains.

The planning authority noted some discrepancies in the submitted documents in relation to the attenuation pond catchment areas (incl. allowable discharges & attenuation volumes). This was addressed by way of Condition no.11 of the decision

to grant permission which required clarification of the data prior to development commencing. The use of permeable paving and compliance with GSDSDS Regional Drainage Policies for new developments was also required by way of condition.

I am satisfied that the proposed drainage arrangements would adequately manage surface water runoff from impermeable surfaces within the development site and its subsequent discharge, in line with all relevant standards and taking account of climate change effects. The measures outlined above, which include the storage and management of sediment laden water and accidental spills, and the controlled release of settled water from the attenuation ponds, would protect water quality in downstream watercourses and the integrity of the Pinkeen and Tolka Rivers and their fish populations. The proposed surface water drainage arrangements are considered acceptable subject to compliance with national, regional and local requirements and adherence to best construction practices.

Wastewater:

The proposed data centre would be connected to the existing foul water rising main along the R147 to the W of the site which is pumped from the Takeda Biologics facility c.2.5km to the N down to the Trunk Sewer at Mulhuddart to the S, via an on-site intermediate pumping station to take account of the site topography (which will be vested to IW upon completion). The system has been designed to take account of a population occupancy of c.245 (minus the 30 occupants of the omitted energy building). Pre-connection consultations have taken place with IW.

The proposed wastewater drainage arrangements, which include a connection to the existing foul water rising main along the R147 via a new on-site pumping station, are considered acceptable, subject to compliance with the requirements of Irish Water and the planning authority, and adherence to best construction practices.

Water supply:

Data centres by their nature require large quantities of water on a regular daily basis for cooling purposes, in addition to the amount required for domestic use by the projected workforce, which in this case comprises of c.245 persons (minus the 30 occupants of the omitted energy building).

The proposed data centre would be connected to the existing 450mm water main along the R147 to the W of the site via a new on-site 250mm connection. The system has been designed to take account of domestic, industrial and fire hydrant demand. Pre-connection consultations have taken place with Irish Water and it has been confirmed that adequate water supply capacity exists to serve the proposed development. It is noted that the industrial demand calculations (both peak and annual) have been revised down significantly in the appeal documentation, although this is not fully reflected in the Addendum EIAR (Chapter 6.0). However, the applicant provided details of the final Irish Water pre-connection enquiry in Appendix 2 of the Addendum EIAR which limits peak flow to 15.56l/s with an annual limit of 7673m³, with the stipulation that annual demand should not exceed 7673m³ without consultation with IW. Notwithstanding this limitation the Board may wish to consider attaching a planning condition which would require the developer to clarify this for the planning authority before works commence as per Condition no.11 of the planning authorities decision to grant permission, or alternatively to seek compliance with all Irish Water and Council requirements, which include the aforementioned IW limitations on peak flow and water demand.

The proposed water supply arrangements, which include a connection to the existing water main along the R147 via a new connection, are considered acceptable, subject to compliance with the requirements of Irish Water and the planning authority.

Flood Risk:

The Site-Specific Flood Risk Assessment report (SSFRA) described the c.25ha greenfield site which is currently in agricultural use, the receiving environment (incl. watercourses & drainage patterns) and the nature of the proposed works. The report had regard to OPW Flood Guidelines (incl. the source-pathway-receptor concept model, identification of flood zones, development classification & climate change scenarios), OPW Flood Risk Maps, and the Flood Risk Management Guidelines for PAs (incl. the justification test & sequential approach), along with other sources of information (incl. OSi Maps, EPA, GeoHiv & MCC).

The report noted that the site is not subject to coastal or fluvial flooding from rivers because of the geographic remove. It noted that there was a Moderate risk of fluvial and pluvial flooding related to the network of drainage ditches, and the on-site

development works. The report mapped the location of the ditches and identified those to be retained, removed, or diverted as part of the proposed surface water drainage arrangements. It also examined ground conditions and concluded that there was a negligible risk of groundwater flooding.

The report determined that the proposed data centre would be located within Flood Zone C where there is a low probability of fluvial flooding (even when Climate Change is factored into the equation) and that a justification test was not required. It then calculated the risk of the development contributing to, or being affected by Moderate fluvial and pluvial flooding, in relation to the scale of the development, the surface water management measures, the drainage ditch network and residual risks. The report concluded that the drainage system would be effective in the event of a large pluvial storm (subject to regular maintenance), that the minor alterations to the drainage ditch network would not adversely affect adjacent third-party lands and that the proposed development would not give rise to a flood risk.

Having regard to the foregoing and taking account of the surface water drainage arrangements outlined above, and based on my assessment of the site and surrounding area, I am satisfied that the conclusions of the SSFRA are robust, and that proposed development would not give rise to a flood risk within the site or on surrounding lands, or contribute to flooding at downstream watercourses.

Conclusion:

Having regard to the foregoing and based on my assessment of the site and surrounding area and examination of the EIAR, Addendum EIAR and all associated details and documentation, including the surface water, wastewater and water supply arrangements, and the Flood Risk Assessment report, I am satisfied that the proposed development would not have an adverse impact on the receiving environment, subject to the implementation of the EIAR mitigation measures and compliance with any recommended planning conditions. The proposed development, as amended would not give rise to any significant adverse local or cumulative impacts in-combination with other developments in the surrounding and wider area.

7.1.6. Biodiversity

Several of the Third Parties (incl. IFI, Mannix Coyne, Amy Coyne & Key Pol Ltd.) raised concerns about the impact of the proposed development on biodiversity (incl. badgers, birds, bats & fisheries), and their concerns were further elaborated on in their response to the applicant's response submission to the third-party appeals (incl. Mannix Coyne, Amy Coyne & Key Pol Ltd.).

The site is located within a transitioning rural area. The lands to the N and NE have been developed for business and warehouse uses (Bracetown & Hub Logistics) and the lands to the S are being developed for a data centre (Facebook/Runways). The appeal site and the surrounding lands to the immediate NE and S are in currently agricultural use and the site boundaries are defined by trees and mature hedgerows. The 2 x detached houses to the SW along the R147 are surrounded by mature trees and hedges, and Gunnocks House to the far SW is set within a densely wooded area. The site and surrounding lands are not covered by any sensitive natural heritage designations although they provide a habitat for several species of animal (incl. badgers, birds & bats). The site is also bound and traversed by a network of ditches that drain S to the Pinkeen and Tolka rivers which support a variety of fish species (incl. Salmon, Brown trout & Sea trout).

EIAR chapters 6, 7 and 8 dealt with hydrology, water quality and ecology. The relevant chapters described the receiving environment, identified any adverse effects during the construction and operational phases on habitats, flora and fauna, set out mitigation measures and they assessed the potential for cumulative impacts during both phases. (Chapter 8 references the results of a Badger & Bat survey which is not contained in the EIAR but are analysed in section 8.3.3). The applicant's response submission included a request to omit the energy centre building and the EIAR was supplemented by an Addendum EIAR report (Chapters 6, 7 & 8) which did not alter the conclusion of the original EIAR.

The site surveys recorded the presence of foraging bats (incl. Common & Soprano pipistrelles & Leisler's), several bird species (incl. Blackbird & Chaffinch) and several small mammals (incl. foxes & rabbits) along with badger sett to the S of the site. No adverse impacts on habitats and species were identified however several mitigation measures were proposed for badger, birds and bats. These measures include the

seasonal timing of vegetation clearance works to avoid disturbance to birds and bats, pre-construction bat surveys and seeking a Derogation Licence for their relocation if required, the provision of a 30m buffer around the entrance to the badger sett, and no artificial lighting close to trees, attenuation ponds and badger sett entrance. The EIAR concluded that there would be no significant adverse or cumulative impacts on sensitive receptors during the construction and operational phases.

The mitigation measures are considered adequate to ensure the protection of any vulnerable animal species that may frequent the site, and the surface water management measures outlined in section 7.1.5 above would ensure the protection of downstream water quality and hence aquatic ecology (incl. fisheries).

It likely that animal species disturbed or displaced during the construction phase would return to the site when the works are completed, in which case fencing panels should be erected in such a manner so as allow wildlife to traverse the site. This could be addressed by way of a planning condition.

It is possible that the site may be hydrologically connected to some further afield designated sites, or that the site is of value to mobile species at any such sites. This concern will be addressed in section 7.1.9 below (Screening for AA).

Conclusion:

Having regard to the foregoing and based on my assessment of the site and surrounding area, I am satisfied that the proposed development would not have an adverse impact on biodiversity, subject to the implementation of the EIAR mitigation measures and compliance with any recommended planning conditions. The proposed development, as amended would not give rise to any significant adverse local or cumulative impacts in-combination with other developments in the surrounding and wider area.

7.1.7. Other issues

Climate change, energy demand & omitted energy centre:

The data centre would be connected to the national grid via the concurrently proposed substation and transmission lines (ABP-308130-20). Under the original proposal to MCC a proportion of the energy required to serve the facility would have been generated by the on-site energy centre, however the applicant subsequently requested its omission in response to the Third Party appeals. It is noted that the proposed development would continue to provide 80 x standby/ backup generators in the 4 x data centre blocks irrespective of the energy centre omission.

The concerns raised by several parties (incl. An Taisce, Friends of the Irish Environment, Mannix Coyne & Amy Coyne) in relation to the perceived conflict in government policy in relation to dealing with climate change and the promotion of energy dependent technology developments (incl. data centres) are noted. The further concerns raised by several parties (incl. Mannix Coyne, Amy Coyne, Key Pol Ltd. & An Taisce) in their response to the omission of the energy centre are also noted. They state that the development will have a high demand for energy and that the applicant has not indicated an alternative energy source consequent on the omission of the data centre. They state that this could result in a substantial increase in demand for electricity, over and above what was anticipated in the original application, and that this fundamental change should warrant a refusal of permission.

I acknowledge that data centre energy usage can be significant, and that the omission of the energy centre could result in an increase in demand for electricity from the national grid. The original EIAR (section 2.3.1) stated that that the energy would be sourced from (a) the national grid, (b) the energy centre, or (c) a combination of both, and that the energy centre would contain 16 x 10MW gas fired generators. Section 9.8.2.2 stated that the development would consume up to 180MW of electrical power which equates to c.1,577 GWh per annum. The Addendum EIAR (section 9.8.2.2) reaffirmed the energy consumption figures and confirmed that following the omission of the energy centre the facility would be entirely powered by the national grid. In relation to resultant CO₂ emissions, the Addendum EIAR goes on to state that the existing electricity providers (to the national grid) form part of the EU-wide Emission Trading Scheme (ETS) and that any

greenhouse gas emissions from these electricity generators are not included when determining compliance with the targeted 20% reduction in the non-ETS sector, with no adverse impacts on the EU20-20-20 reduction targets anticipated.

Notwithstanding the anticipated demand for energy to serve the data centre project along with the additional demand consequent on the omission of the energy centre and taking account of the EU-wide Emission Trading Scheme (ETS), I am satisfied that this issue will be ultimately addressed as Ireland moves towards meeting its objective of providing 70% of its energy from renewable sources by 2030 in accordance with the targets set in the Climate Action Plan, 2019. It is also noted that the applicant has request a 10-year planning permission which would extend the completion date of the project beyond the target year of 2030. It is further noted that the “Government Statement on the Role of Data Centre’s in Ireland’s Enterprise Strategy” states that “The increased renewable electricity requirement linked to energy intensive investments will be mainly delivered by the development of the new Renewable Energy Support Scheme (RESS) which will also reflect falling costs across a range of renewable technologies and an ambition to increase community & citizen participation in renewable energy projects”.

Finally, I am not convinced that the omission of the energy centre on its own would warrant a refusal of planning permission. The overall footprint of the project would be reduced as would the emissions associated with the energy centre element (incl. noise, dust & NO₂), and there would be less construction traffic movements, along with a corresponding reduction in environmental impacts (Refer to Section 8.0 EIA).

Aviation: The concerns raised by Dublin Airport Authority (DAA) in relation to the 3 x attenuation ponds in vicinity of Dublin Airport which could attract birds and hence pose an aviation hazard are noted. This concern could be addressed by way of a planning condition which would require the developer to submit proposals for the mitigation of bird hazard to the planning authority before development commences. The further concerns raised by DAA in relation to the location of the development with Zone C of the revised airport noise zones are noted. This concern could also be addressed by way of a planning condition which would require the developer to submit proposals for the mitigation of internal noise levels within the proposed offices to the planning authority before development commences. The proposed

development, as amended by the omission of the energy centre would not give rise to any additional impacts on aviation.

Archaeology: The site is not covered by any sensitive designations however it may contain undiscovered archaeological artefacts and the standard archaeological monitoring condition should be attached. The proposed development, as amended by the omission of the energy centre would not give rise to any significant adverse local or cumulative impacts on archaeology in-combination with other developments in the surrounding and wider area.

Built heritage: The closest feature is Gunnocks House to the S which would not be affected by the proposed development in terms of its character or setting. The proposed development, as amended by the omission of the energy centre would not give rise to any significant adverse local or cumulative impacts on built heritage in-combination with other developments in the surrounding and wider area.

Cumulative impacts: The concerns raised by several parties (incl. An Taisce & Friends of the Irish Environment) in relation to the consideration and assessment of cumulative impacts on a national and regional scale with respect to a number of issues (incl. climate change mitigation targets, energy consumption, water resources & data centres) are noted. However, I would not concur with this view and I am satisfied that the assessment of cumulative impacts in-combination with other plans and projects in the surrounding area is appropriate. The proposed development, as amended by the omission of the energy centre would not give rise to any significant adverse local or cumulative impacts in-combination with other developments in the surrounding area.

Unauthorised development: The concerns raised by several parties (incl. Mannix Coyne, Amy Coyne & Keypol) in relation to unauthorised development are noted, however this does not fall within the Board's remit. The contents of the objector's photographs are also noted, however on the day I carried out my inspection there was no physical evidence that any substantial works had occurred on the site.

Financial contributions & bonds: Standard financial contributions and bonds apply (refer to section 7.1.8 below in relation to Condition no.22).

7.1.8. **Condition No.22**

The First Party applicant has appealed Condition no.22 of the planning authority's decision to grant planning permission in relation to the payment of a special contribution in respect of the future Bracetown Major Distributor Road (Link Road).

Condition no.22 states:

The developer shall pay the sum of €1,859,000,00 (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the CSO), to the Planning Authority as a special contribution under Section 48 (2) (c) of the Planning and Development Act 2000-2019, in respect of the provision of the distributor road, known as the Bracetown Link Road and identified in the Council's LAP (CER OBJ 3), between the N roundabout at junction 4 on the M3 and its terminus on local road L-1010 NE of the Bracetown Business Park.

Reason: *It is considered reasonable that the developer should contribute towards the specific exceptional costs incurred by the Planning Authority in the provision of the distributor road which will benefit the proposed development, costs are not covered in the Development Contribution Scheme and will benefit the proposed development in providing access/egress to the site.*

The First Party has raised three main areas of concerns in relation to Condition no.22. The first relates to the applicability of using a Section 48 (2) (c) special contribution condition for the delivery of the Bracetown Link Road. The second relates to the calculation of the contribution amount. The third relates to offsetting the cost of providing the internal link road to the Bracetown Link Road (required under Condition no. 4) against the amount required to be contributed towards the overall cost of delivering the Link Road under Condition no.22.

Applicability of special contribution condition under of a Section 48 (2) (c):

The provision of the Bracetown Link Road, which would serve the overall E2/E3 zoned lands, is a specific objective of the current Development Plan under CER OBJ 3 which states that development of the E2/E3 zoned lands should be contingent on the phased delivery of the major distributor road and that a submission of a

Masterplan for proposed developments on the lands is required. The Bracetown Link Road would originate in the S section of the overall lands close to junction 4 of the M3 and terminate in the N section in the vicinity of Bracetown Road. An indicative route is denoted on the Development Plan Land Use Zoning Objectives Map for Dunboyne North-Dunboyne-Clonee.

Various Masterplans have been submitted in accordance with CER OBJ 3 and the indicative route (and junction locations) have altered slightly, but with the agreement of the planning authority. The indicative route does not traverse the appeal site. Temporary access to the proposed development would be off the R147 to the W whilst the permanent access would be off the future Bracetown Link Road to the SE when complete. The future access to the site would be via an internal link road that would connect the proposed development to a roundabout along the Bracetown Link Road. This would be in accordance with Condition no. 4(b) of the planning authority's decision to grant permission, which also sought to ensure continued access to adjacent E2/E3 zoned lands. Condition no.4 (e) required that the link road be provided at the developer's expense and that ownership is ultimately transferred to the planning authority.

Section 48 (1) of the Planning and Development Act (as amended) states that a planning authority may, when granting a permission under section 34, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that it is intended will be provided, by or on behalf of a local authority. Section 48 (2) (a) provides for the making of Development Contribution Schemes. Section 48 (2) (c) states that a planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development. Section 48 (12) (a) states that any such condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates. Section 48 (17) lists public infrastructure and facilities as including the provision of roads.

The Bracetown Link Road comprises public infrastructure that is intended to be provided, by or on behalf of a local authority, that would benefit development in the area, and the attachment of a financial contribution is in accordance with Section 48 (1). It has been a long-term specific objective of the planning authority to provide a major distributor road through the E2/E3 zone lands under CER OBJ 3. CER OBJ 3 also states that development should be contingent on the phased delivery of the distributor road. The Bracetown Link Road comprises public infrastructure with respect to the meaning of assigned Section 48 (17)(c) in relation to the provision of a road. The Bracetown Link Road is not covered in the adopted Section 48 (2) (a) Development Contribution Scheme for Meath County Council. Condition no.22 clearly specifies the particular works proposed to be carried out by the local authority to which the special contribution relates in accordance with Section 48 (12) (a), which, as previously stated, has been a long-term specific objective of the Development Plan under CER OBJ 3.

The concerns raised by the First Party in relation to the Development Management Guidelines and the attachment of special contributions under Section 48 (2) (c), and in particular the underpinning rationale and methodology used to calculate the amount are noted. The Guidelines state that special contribution conditions should be necessary, relevant to planning, relevant to the development, enforceable and precise. I am satisfied that Condition no.22 complies with these requirements for the reasons outlined above, and concerns related to the calculation of the amount will be addressed below.

I am satisfied that the attachment of the special contribution condition (Condition no.22) under Section 48 (2) (c) is appropriate and that this condition complies with all the relevant requirements of Section 48. Condition no.22 also accords with the Development Management Guidelines in relation to the attachment of special contribution conditions.

Calculation of amount:

The planning authority, in the submission received by the Board in September 2020, provided detailed information on the estimated cost of the Bracetown Link Road and how the costs would be apportioned to developers on a pro-rata basis, based on the spatial extent of their landholding. The cost of delivering the major distributor road

under CER OBJ 3 (incl. length, consultants fees, legal fees, land acquisition fees & construction) is estimated as €12,861,244.26. The cost is distributed evenly between landowners benefiting from the road within the E2/E3 zoned lands when permission is sought (and granted) for the development of their lands. The subject lands cover 24.5ha which equates to 14.4% of the overall lands which cover 170ha, and the application of this percentage results in a pro rata contribution amount of €1,853,532.26.

I am satisfied that this is a fair and balanced methodology for the apportioning of costs amongst benefiting landowners and developers, having regard to the E2/E3 zoning objective for the overall lands and specific objective CER OBJ 3 which seeks the provision of a major distributor road through the area to provide access to the zoned lands and specifically states that development shall be contingent on the phased delivery of the distributor road.

Offsetting costs:

The First Party has requested the Board to consider offsetting the cost to the developer of providing the internal link road to Third Party lands (required under Condition no. 4) against the amount required to be contributed towards the overall cost of delivering the Bracetown Link Road under Condition no.22. The applicant has noted an inconsistency in the approach adopted the planning authority in relation to the transfer of lands and/or roads infrastructure to public ownership between the subject development and the neighbouring Facebook/Runways development on the overall E2/E3 zoned lands.

Condition no.4 currently states:

The applicant shall address the following in relation to transportation:

- a. The proposed access on to the R147 shall be temporary. Once the major distributor road has been completed and taken in charge by the LA the development shall be accessed from the major distributor road (details to be agreed with PA).*
- b. The applicant shall submit for the written agreement of the PA, prior to the commencement of development, an amended road layout within the site that facilitates a link road between a long term/permanent access point on the E boundary of the site to the 3rd party lands along the S boundary of*

the site. This shall include a detailed design of the revised road layout and the applicant shall transfer this section of the land and the road, free of charge to Meath County Council when complete.

- c. Section 47 agreement in respect of access to 3rd party lands.*
- d. Detailed design of access points to the site from the R147 & L-1010.*
- e. The applicant shall bear all costs associated with the design, construction and transfer of the works agreed in b, c and d above.*
- f. Implementation of EIAR mitigation measures.*
- g. Submit revised Masterplan to reflect this permission and a to f above.*

Reason: *In the interest of traffic safety, infrastructure provision, sustainable development and proper planning.*

The applicant requested the addition of the following paragraph to Condition no.22.

The expenditure incurred by the developer in the design, construction, and transferring to the Local Authority of a link road between a long term /permanent access point on the eastern boundary of the site to the third-party lands along the southern boundary of the site (forming part of the Bracetown public link road infrastructure) shall be offset against the contribution amount.

To substantiate this request, the applicant noted that the planning authority adopted a different approach in the conditions attached to the permission for the neighbouring Facebook/Runways data centre site on the overall E2/E3 zoned lands to the S under RA/180671. The S section of the indicative route for the distributor road traverses lands that are currently owned by Facebook/Runways. Whilst the subject site does not lie within the indicative route, the internal link road required under Condition no.4 would connect it to the distributor road. Ultimately, the future Bracetown Link Road will become part of the Council's public road infrastructure as would the required internal link road.

Condition no.7 of RA/180671 required the reservation of a 50m wide corridor for a major distributor road as per the applicant's Masterplan for the Facebook/Runways site, and after obtaining necessary consents etc., to transfer the lands to the planning authority with the necessary easements and wayleaves (under Section 47). Alternatively, Condition no. 23 required payment of a special contribution (€7.9 million) in respect of this road, but only in the absence of compliance with Condition

no.7. The either-or approach adopted by the planning authority by way of Condition no.7 and no.23 provided the developer with the option of transferring the lands (with consents, easements etc.) to the Council or paying a special contribution under Section 48 (2) (c) towards the cost on providing the distributor road.

Condition no. 4 of the Council's decision to grant planning permission under RA/ 191593 for the subject site requires the applicant to provide an access into the third-party lands to the S, and to cover the full costs associated with the construction of this internal link road. The applicant submits that as the completed internal link road will ultimately connect the adjacent third-party lands to the Bracetown Link Road, and that upon transfer of ownership to the Council the link road will become part of the public road infrastructure associated with the Bracetown Link Road on the E2/E3 zoned lands. They further submit that the cost of providing the link road should therefore be offset against the contribution required under Condition no.22 towards the overall cost of the distributor road. However, the planning authority states that the provision of this access to the third-party lands is independent of the requirement under Condition no. 22 to contribute towards the cost of providing the Bracetown Link Road, and that the overall estimated cost of providing this road does not include the cost of accessing the applicant's lands or the other lands to the south.

Notwithstanding the future public ownership of any infrastructure associated with the proposed development, I am satisfied with the offsetting paragraph suggested by the applicant, as outlined above, should not be added to condition no.22. Given that the cost of providing the internal link road through the subject site to the third-party lands has not been factored into the cost of providing the Bracetown Link Road, the costs associated with the delivery of the internal link road cannot therefore be deducted from the estimated cost. Furthermore, I am also satisfied that the approach adopted by the planning authority to the consideration of the subject development and the neighbouring Facebook/Runways development in relation to the provision and/or funding of infrastructure has not been inconsistent, given that the Bracetown Link Road would traverse the Facebook/Runways site and not the subject site.

Other concerns:

Reference is made the by the First Party to the Ratoath Outer Link Road and a special contribution condition in respect of PL17.241852 (Reg. Ref. DA/120816) which relates to a 2-storey extension to Ratoath College in 2013, and to the subsequent PL17.RP.2121 which relate to the special contribution condition.

Condition no. 8 of **PL.17.241852** required a financial contribution towards the Ratoath Outer Relief Road (RORR) and also a financial contribution for the ‘improvements to cyclist & pedestrian connectivity by providing a footpath, cycleway and public lighting along both sides of ‘The Avenue’ and on the associated distributor road”. However, the Board subsequently determined in 2014 under PL17.RP.2101 that, in the absence of agreement between the parties, nil in respect of condition number 8(i) in relation to the RORR. The Board noted that the planning authority had not established a basis for the funding of the RORR whereby the cost of the provision of this road can be allocated between benefitting landowners and developers on a pro rata basis. In the absence of such a mechanism, the Board considered that it would be unreasonable to burden the developer with the full cost of the provision of a 1.2 km section of the RORR needed to provide an alternative to the existing school access via Ratoath village centre.

The Board also had regard to the fact that the proposed development involved an extension to an existing school and considered that, subject to improvements to cyclist and pedestrian connectivity by providing a footpath, cycleway and public lighting along both sides of ‘The Avenue’ and on the associated ‘Meadowbank Hill’ Distributor Road, adequate and safe access to serve the development could be provided via the access route serving the existing school.

Having regard to the different characteristics of the proposed and referenced developments, the long-term objective to provide for a major distributor road through the E2/E3 zoned lands under CER OBJ 3, and the planning authorities clarification of the methodology used to apportion costs (as summarised above), I am satisfied that the Board’s decision under PL17.RP.2121 does not set a precedent for omitting Condition no. 22 in this case.

Conclusion:

Having regard to the foregoing, including the E2/E3 zoning objective for the overall lands and the specific objective under CER OBJ 3 which seeks the provision of the distributor road (Bracetown Link Road) through the lands, and which specifically states that development shall be contingent on the phased delivery of this distributor road, and to the details provided by the planning authority in relation to the overall cost of delivering this road, the apportioning of costs and the calculation of the contribution amount, I am satisfied that Condition no.22 complies with Section 48 (2) (c) of the Planning and Development Act, as amended. I am also satisfied that the costs associated with the delivery of the internal link road to third party lands required by way of Condition no.4 should not be offset against the contribution required by way of Condition no.22 towards the overall estimated cost of providing the Bracetown Link Road.

Recommendation: Retain Condition no.22 in its entirety.

7.1.9. Screening for Appropriate Assessment

The AA Screening Report

This report described the site and the proposed development, and it utilised the results of the EIAR desk studies and field surveys. The AA Screening report confirmed that the proposed development would not be located within a European site. Table 1 of the report stated that there are 5 x European sites within a 15km radius of the proposed works, although it also states 4 of the sites are located between c.18km and 22km away. The report screened out all 5 of these sites and concluded that they would not be affected by the proposed development because of the substantial separation distances and the absence of any direct connections to the European sites. The proposed omission of the energy centre was dealt with in the Addendum EIAR that contained an Amended AA Screening report (Appendix 1) which takes account of the omitted energy centre. It concluded that the development, as amended would not give rise to any additional adverse effects.

AA Screening Assessment

The proposed development would not be located within an area covered by a European site designation and it is not relevant to the maintenance of any such European site. There are 5 x European sites located within a c.22km radius of the proposed development, and 1 x site located within the Zone of Influence and 15km radius of the site. The Qualifying Interests and approximate straight line separation distances from the site boundary to these European sites are listed below.

European sites	Qualifying Interests	Distance
Rye Water Valley/Carton SAC	Petrifying springs with tufa formation Narrow-mouthed Whorl Snail Desmoulin's Whorl Snail.	c.7.0km
South Dublin Bay & River Tolka Estuary SPA	Light-bellied Brent & Oystercatcher Ringed Plover, Grey Plover & Knot Sanderling, Dunlin & Bar-tailed Godwit Redshank & Black-headed Gull Roseate Tern, Common Tern & Arctic Tern Wetland and Waterbirds	c.17km

North Dublin Bay SAC	Mudflats & sandflats Annual vegetation of drift lines Salicornia & other annuals (mud & sand) Atlantic & Mediterranean salt meadows Embryonic shifting dunes Shifting (white) & Fixed grey dunes Humid dune slacks & Petalwort	c.19km
South Dublin Bay SAC	Mudflats and sandflats Annual vegetation of drift lines Salicornia & other annuals (mud & sand) Embryonic shifting dunes	c.22km
North Bull Island SPA	Light-bellied Brent Goose Shelduck, Teal, Pintail & Shoveler Oystercatcher, Golden Plover & Grey Plover Knot, Sanderling & Dunlin Black-tailed Godwit & Bar-tailed Godwit Curlew, Redshank & Turnstone Black-headed Gull, Wetland and Waterbirds	c.22km

Conservation Objectives:

- To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and/or the Annex 11 species for which the SACs have been selected (Rye Water Valley/Carton SAC, North Dublin Bay SAC & South Dublin Bay SAC).
- To maintain the favourable conservation condition of the species and habitats in North Bull Island SPA (South Dublin Bay & River Tolka Estuary SPA & North Bull Island SPA).

Likely significant effects:

- **Rye Water Valley/Carton SAC:** This SAC is located between Leixlip and Maynooth and extends along the Rye Water, a tributary of the River Liffey. Having regard to the characteristics of the agricultural site and the surrounding lands which are being redeveloped for commercial uses, the substantial separation distance between the proposed development and this European site (c.7.0km), the nature of the Qualifying Interests the site, and the absence of a downstream aquatic connection with this site, it is highly unlikely that the proposed development would have an adverse effect on the Rye Water Valley/Carton SAC or its Conservation Objectives.
- **Dublin Bay SACs & SPAs:** The boundaries of these European sites (South Dublin Bay & River Tolka Estuary SPA, Bull Island SPA, North Dublin Bay SAC & South Dublin Bay SAC) are located between c.17km and 22km from the proposed development. Having regard to the characteristics of the agricultural site and the surrounding lands which are being redeveloped for commercial uses, the substantial separation distance between the proposed development and the Dublin Bay European sites, the coastal nature of the Qualifying Interests and Special Conservation Interests for the sites, and the absence of a direct downstream aquatic connection with these sites, it is highly unlikely that the proposed development would have an adverse effect on the Dublin Bay SPAs or SACs or their Conservation Objectives.

Conclusion: I am satisfied that all of the European sites can be screened out of any further assessment because of the nature of the European site and its Qualifying Interests/Special Conservation Interests, and the absence of a downstream aquatic or any other connection between the European site and the proposed development and the substantial separation between the European site and the proposed development.

AA Screening Conclusion

In conclusion, having regard to the nature and scale of the proposed development, to the separation of the proposed data centre site from the European sites, to the nature of the qualifying interests, special conservation interests and conservation objectives of the European site, and to the available information as presented in the submitted documents regarding ground and surface water pathways between the application site and the European sites and other information available, it is my opinion that the proposed development does not have the potential to affect any European sites having regard to the conservation objectives of the relevant site, and that progression to a Stage 2 Appropriate Assessment is not required.

8.0 ENVIRONMENTAL IMPACT ASSESSMENT

8.1 Introduction

This section of the report deals with the potential environmental impacts of the proposed development during the construction and operational phases of the development.

This section should be read in conjunction with Section 7.0 (Planning Assessment) of this report and considered in conjunction with Section 7.0 (EIA) of the concurrent report for ABP-308130-20 (R308130).

8.2 Compliance legislative requirements

The applicant has submitted an Environmental Impact Assessment Report (EIAR) and an Addendum EIAR report which are presented in a 'grouped format' comprising the following:

- Non-Technical Summary
- Main Statement
- Technical Appendices
- Photomontages

It is submitted by the applicant that the EIAR has also been prepared in accordance with the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 that came into effect on 1st September 2018, and which the Board will be aware, transposed by Directive 2014/52/EU into Irish planning law.

As is required under Article 3(1) of the EIA Directive 2011/92/EU amended by Directive 2014/52/EU, the EIAR identifies, describes and assesses in an appropriate manner, the direct and indirect significant effects of the project on the following environmental factors: (a) population and human health; (b) biodiversity, with particular attention to 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 and it equally considers the interaction between the factors referred to in points (a) to (d).

I am satisfied that the EIAR and Addendum EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and Addendum EIAR and supplementary information provided by the applicant, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment and complies with all relevant the requirements. I am also satisfied that the information contained in the EIAR and Addendum EIAR complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014. I have carried out an examination of the information presented by the applicant, including the EIAR and Addendum EIAR, and the written submissions.

The EIAR describes the proposed development, including information on the site and the project size and design. A description of the main alternatives studied by the applicant and alternative locations considered, is provided and the reasons for the preferred choice. The Addendum EIAR report did not alter the conclusions of the original EIAR in relation to Alternatives. The impact of the proposed development was assessed under all the relevant headings with respect to population and human health; noise, air and climate; biodiversity; landscape; land, geology and soils; hydrology and hydrogeology; roads and traffic; material assets and cultural heritage; interactions of impacts; and the suggested mitigation measures are set out at the end of each chapter.

The Addendum EIAR was prepared to highlight any changes in the EIAR report following the omission of the energy centre element of the proposed development. It follows the same format as the parent EIAR and contains some changes to the text in several chapters. It concluded that the omission of the energy centre would not affect the conclusions of the EIAR chapters to any significant extent and no new mitigation measures were proposed. Refer to Section 7.0 and Section 8.0 of this report for a more detailed analysis.

The Addendum EIAR report contains the following Appendices:

- Appendix 1: Amended Appendix 8.1 AA Screening (minus the energy centre)
- Appendix 2: Irish Water – outcome of the pre-connection enquiry

The content and scope of the EIAR and Addendum EIAR are in compliance with Planning Regulations. No likely significant adverse impacts were identified in the EIAR or the Addendum EIAR.

8.3 Consideration of Reasonable Alternatives

The consideration of reasonable alternatives was considered in Section 4.0 of the EIAR, and the following alternatives were considered.

- Do Nothing Alternative
- Alternative project locations
- Alternative designs/layouts
- Alternative processes
- Alternative mitigation measures

The EIAR concluded that the proposed development represents the optimum solution taking into account access to land, cost and environmental effects. Having examined the alternatives and the weighting system that was applied in the EIAR analysis, I would concur with this conclusion. The Addendum EIAR report did not alter the conclusions of the original EIAR with respect to the consideration of alternatives.

8.4 Summary of Likely Significant Effects

Section 7.0 of this report identifies, describes and assesses the main planning issues arising from the proposed development and it should be considered in conjunction with the following environmental impact assessment (EIA). The report attached to the concurrent application before the Board under ABP-308130-20 for a substation and transmission cables which would serve the proposed development should also be considered in conjunction with this assessment, and in particular the Section 6.0 (Planning Assessment) and Section 7.0 (Environmental Impact Assessment).

The EIA identifies and summarises the likely significant effects of the proposed development on the environment with respect to several key receptors in the receiving environment. It identifies the main mitigation measures and any residual impacts following the implementation of these measures together with any planning conditions recommended in section 7.0 of this report, and it reaches a conclusion

with respect to each of the receptors. It assesses cumulative impacts, identifies interactions between the receptors, and considers the risks associated with major accidents and/or disasters. The EIA reaches a Reasoned Conclusion.

For ease of reference the EIA is presented in a tabular format with respect to:

- Population and Human Health
- Air and Climate
- Landscape
- Biodiversity
- Land soil and water
- Material assets
- Cultural heritage

Population and human health

EIAR sections 5, 9, 10, 11 & 13 and associated Technical Appendices and the Addendum EIAR which dealt with the omission of the energy centre, dealt with human health, population & employment; air quality; noise & vibration; landscape & visual impact; and traffic & transportation. The EIAR described the receiving environment and identified potential impacts on human beings, human health, local amenities and health & safety. The EIAR did not predict any significant adverse impacts on human beings, population or human health as a result of dust emissions, changes to air quality, noise & vibration, visual intrusion or traffic movements during the construction and operational phases, subject to implementation of mitigation measures which mainly relate to the management of traffic and construction works. The Addendum EIAR did not significantly alter the EIAR conclusions, other than to note a reduction in NO₂ emissions as a result of the energy centre omission.

Submissions

Concerns raised

Transport Infrastructure Ireland
Mannix Coyne & Amy Coyne
Key Pol Ltd.
Group Property Holdings

Residential & office amenity
Visual intrusion
Noise, vibration, dust & air quality
Traffic generation & safety
Health & safety

Potential impacts

Assessment & mitigation measures

Potential for the following impacts on human beings during the construction and operational phases of the proposed development.

Residential amenity: potential minor localised impacts on residential amenity during construction & operational phases.

There are several detached houses located to the N & SW of the site, and the lands to the N & NW are characterised by business & warehousing uses.

Refer to section 7.1.3 of this report for detailed analysis of residential impacts which concluded that there would be no significant adverse effects on amenity by way of overshadowing, overlooking, loss of privacy,

<p>Visual: potential localised visual impacts on nearby houses & businesses during the operational phase.</p> <p>Noise & vibration: potential for localised noise impacts on residential amenities and businesses from construction activities and minor disturbance during the operational phase.</p>	<p>visual intrusion or general disturbance (including noise & emissions).</p> <p>Refer to section 7.1.2 of this report for detailed analysis of visual impacts which concluded that there would be no significant adverse effects. The lands are mainly flat with a gentle slope to the S and the data centre compound would be bound to the N, E and S by existing or permitted buildings. Proposal would not be visually obtrusive or overbearing having regard to the E2/E3 zoning objective, its scale, height & location within the central section of the overall zoned lands, and the proposed landscaped berms around the perimeter.</p> <p>Noise emissions during the construction phase are predicted to be less than the prevailing ambient noise levels at the nearest sensitive receptors. There will be no significant additional noise generated during the operational phase.</p> <p>Having regard to the separation distances with the nearest residential properties and businesses and the presence of landscaped berms, I am satisfied that the proposed development would not have any significant long-term effects during the construction or operational phases. This would be subject to compliance with the EIAR mitigation measures,</p>
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Dust: potential for dust & air quality impacts during construction phase.

Air quality (NO₂): potential for localised impacts on residential amenities and businesses from operational emissions related to the c.80 back-up diesel generators in the 4 x data centre halls.

compliance with best construction practices and adherence to an agreed CEMP.

Dust emissions during the construction phase are not expected to travel more than c.200m from the site and dust and would mainly be deposited within c.50m of the works (depending on prevailing weather conditions).

There would be no significant dust emissions during the operational phase. This would be subject to compliance with the EIAR mitigation measures, compliance with best construction practices and adherence to an agreed CEMP.

Omission of the energy centre will significantly reduce NO₂ emissions as electricity will be sourced directly from the national grid.

The back-up diesel generators will only be used during weekly testing exercises when 2 of the 80 generators will be tested per hour; and during emergencies when (a) 64 of the 80 generators will operate for up to 100 hrs/yr, or (b) a cumulative total 90 of the generators (incl. Runways) will operate for up to 100 hrs/yr.

Revised results indicate that ambient ground level concentrations are within relevant air quality standards for NO₂, with a noticeable downward change in concentration post the energy centre omission, and with concentrations decreasing with distance.

Traffic: Construction & operational traffic volumes have potential for localised air quality impacts, traffic disruption & road safety.

Health & safety: Potential for adverse impacts on health & safety from on-site accidents, aviation safety from bird collisions, and noise disturbance from aircraft.

Refer to section 7.1.4 of this report for a detailed analysis of movement & access impacts. The national, regional and local road network has sufficient capacity to assimilate the additional traffic volumes associated with the construction & operational phases. The future vehicular access arrangements off the Major Distributor Road are acceptable, and adequate car parking would be provided.

On-site accident concerns would be addressed by way of compliance with all relevant health and safety legislation.

Refer to section 7.1.7 of this report for a detailed analysis of aviation related impacts which concluded that there would be no significant adverse impacts subject to the implementation of EIAR mitigation measures and planning conditions (bird hazard & noise).

Residual Effects: There will be some increase in noise, dust, NO₂ & traffic emissions during the construction & operational phases however predicted levels are within guidance limit values. Residual impacts are not predicted to be significant subject to the implementation of mitigation measures & suggested conditions.

Cumulative Impacts: The proposed development, as amended by the omission of the energy centre would give rise to some minor cumulative impacts in-combination with the construction of the proposed substation, with no significant cumulative impacts predicted during the operational phase.

Conclusion: I have considered all the written submissions made in relation to population and human health, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.

Air and Climate

EIAR sections 9 & 13 and associated Technical Appendices and the Addendum EIAR which dealt with the omission of the energy centre, dealt with air quality and traffic & transportation. The EIAR described the receiving environment and identified potential impacts on air quality. The EIAR did not predict any significant adverse impacts on air and climate as a result of dust emissions or traffic movements during the construction and operational phases, or on air and climate during the operational phase of the data centre, subject to implementation of mitigation measures. The Addendum EIAR did not significantly alter the EIAR conclusions, other than to note a reduction in NO₂ emissions as a result of the energy centre omission.

Submissions

Concerns raised

Friends of Irish Environment,
An Taisce & Key Pol Ltd.
Group Property Holdings
Mannix Coyne & Amy Coyne

Dust & traffic emissions
Energy demand
CO₂ emissions & climate change

Potential impacts

Assessment & mitigation measures

Dust: Potential short term localised impacts on air quality resulting from dust emissions during the construction phase.

Dust emissions during the construction phase are not expected to travel more than c.200m from the site and dust and would mainly be deposited within c.50m of the works (depending on prevailing weather conditions). There would be no significant dust emissions during the operational phase.

Having regard to the separation distances to the nearest sensitive receptors, I am satisfied that the proposed development would not have any significant long-term effects during the construction or operational phases. This would be subject to compliance with the EIAR mitigation measures, compliance with best

Traffic emissions: Potential short term localised impacts on air quality resulting from increased traffic volumes during construction and operational phases.

Air quality (NO₂): potential for localised impacts on residential amenities and businesses from operational emissions related to the c.80 back-up diesel generators in the 4 x data centre halls.

construction practices and adherence to an agreed CEMP.

Refer to section 7.1.4 of this report for a detailed analysis of movement & access impacts. The national, regional and local road network has sufficient capacity to assimilate the additional traffic volumes associated with the construction & operational phases. The proposed development would not have any significant long-term effects during the construction or operational phases. This would be subject to compliance with the EIAR mitigation measures, compliance with best construction practices and adherence to an agreed CEMP which should contain a Traffic Management Plan.

Omission of the energy centre will significantly reduce NO₂ emissions as electricity will be sourced directly from the national grid.

The back-up diesel generators will only be used during weekly testing exercises when 2 of the 80 generators will be tested per hour; and during emergencies when (a) 64 of the 80 generators will operate for up to 100 hrs/yr, or (b) a cumulative total 90 of the generators (incl. Runways) will operate for up to 100 hrs/yr.

Revised results indicate that ambient ground level concentrations are within relevant air quality standards for NO₂, with a noticeable

<p>Energy demand & CO₂: Potential for long terms impacts on achievement of Climate Change & carbon emission reduction targets (EU & National) & increased demand in tandem with energy centre omission.</p>	<p>downward change in concentration post the energy centre omission, and with concentrations decreasing with distance.</p> <p>Refer to section 7.1.7 of this report which concluded that a balance will be achieved as Ireland moves towards achieving the 70% renewable energy target by 2030 under both scenarios (with & without the energy centre).</p>
<p>Residual Effects: There will be some increase in dust & traffic emissions during the construction phase however predicted levels are within guidance limit values and residual impacts are not predicted to be significant, subject to the implementation of mitigation measures.</p>	
<p>Cumulative Impacts: The proposed development, as amended by the omission of the energy centre would give rise to some minor cumulative impacts in-combination with the construction of the proposed substation, with no significant cumulative impacts predicted during the operational phase.</p>	
<p>Conclusion: I have considered all the written submissions made in relation to air and climate, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.</p>	

Landscape	
<p>EIAR section 11 and associated Photomontages and Technical Appendices and the Addendum EIAR which dealt with the omission of the energy centre, undertook an assessment of landscape and visual effects. The EIAR described the receiving environment and identified potential impacts on the landscape and visual amenity from several viewpoints around the site (incl. the road network, community buildings & rural areas). The EIAR did not predict any significant adverse impacts on landscape during the construction and operational phases, subject to the construction of the landscaped berms and implementation of mitigation measures. The Addendum EIAR did not alter the EIAR conclusions to any significant extent.</p>	
Submissions	Concerns raised
<p>Group Property Holdings Mannix Coyne & Amy Coyne</p>	<p>Adverse impact on landscape Adverse impact on amenity</p>
Potential impacts	Assessment & mitigation measures
<p>There is potential for the following impacts on the landscape during the construction and operational phases of the proposed development.</p> <p>Residential & commercial amenity: Potential for minor localised visual impacts on houses to SW and businesses to the N & NE during the operational phase.</p>	<p>The development would not be located within a sensitive landscape, there are no protected views across the site, and the lands are flat with a gentle slope to the S. The data centre would be located within an extensive area that has been zoned for large scale commercial uses (E2/E3) and the site is bound to the N, NE and S by existing and permitted buildings.</p> <p>The site boundaries would be defined by landscaped berms with no adverse on views from the local road network, commercial areas or residential areas anticipated.</p>

<p>Road network: Potential for minor localised visual impacts on views from along the road network during the operational phase.</p> <p>Heritage features: Potential for minor localised visual impacts on Gunnocks House to the SW and other heritage features in the wider area during the operational phase.</p>	<p>Refer to section 7.1.2 of this report for a detailed analysis of visual impacts which concluded that there would be no significant adverse effects.</p> <p>There would be no adverse effects on the character or setting of Gunnocks House or any other heritage features in the surrounding area, having regard to the separation distance, the undergrounding of transmission cables the erection of landscaped berms.</p>
<p>Residual Effects: Impacts predicted to be minor subject to implementation of mitigation measures.</p>	
<p>Cumulative Impacts: None predicted.</p>	
<p>Conclusion: I have considered all the written submissions made in relation to landscape, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.</p>	

Biodiversity

EIAR sections 6, 7 & 8 and associated Technical Appendices and the Addendum EIAR which dealt with the omission of the energy centre, dealt with: - hydrology & water quality; land, soils, geology & hydrogeology; and biodiversity. Desk top studies & field surveys were undertaken, and an AA Screening report was prepared. The EIAR described the receiving environment which comprises agricultural fields defined by hedgerows and ditches. It noted the evolving rural location and light industrial/commercial use of the surrounding lands. It did not identify any sensitive sites or the presence of any protected plant or animal species resident within the site, although it noted that the lands may be used by foraging bats and that there is a badger sett to the S. The EIAR did not predict any significant adverse impacts on biodiversity during the construction and operational phases, subject to the implementation of mitigation measures to protect ground & surface water quality, nesting birds, bats and badgers. The Addendum EIAR did not alter the EIAR conclusions to any significant extent.

Submissions

Concerns raised

Inland Fisheries Ireland
Mannix Coyne & Amy Coyne
Key Pol Ltd.

Impacts on water quality & fisheries in the downstream Pinkeen & Tolka rivers (incl. Salmon, Brown trout & Sea trout).
Impacts on wildlife (birds, bats & badgers).

Potential impacts

Assessment & mitigation measures

The site comprises agricultural grazing land which is defined by hedgerows & traversed by ditches. It has a downstream aquatic connection to the Pinkeen & Tolka rivers, foraging birds & bats have been recorded & there is a badger sett outside the S site boundary.

The site & surrounding lands are not covered by any sensitive heritage designations. The site contains hedgerows & drainage ditches and there is evidence that it has been used by several species of animal (including badgers, birds & bats).

There is potential for the following impacts on Biodiversity during the construction & operational phases.

European sites: Potential aquatic or mobile connections to sensitive sites.

Habitats: Potential for permanent localised loss of or alteration to non-designated habitats (including drainage ditches, hedgerows & scrub) during the construction phase.

Flora: Potential for permanent localised loss of non-designated species during construction phase.

Fauna: Potential for minor localised disturbance to several species (incl. badgers, foxes, rabbits, hares, birds & bats) during the construction & operational phases.

Refer to Section 7.1.9 of this report (AA Screening) which concluded that there would be no loss, disturbance or damage to any designated sites, habitats or species during the construction or operational phases.

Several non-designated habitats (including hedgerows & ditches) would be permanently lost or altered but given their lack of sensitivity, and the proposal to plant native trees and hedgerows on the landscaped berms, the long-term impact would not be significant.

Several non-designated plant species would be permanently lost but given their lack of sensitivity and the proposal to plant native tree and hedgerow species on the landscaped berms, the overall long-term impact would not be significant.

Several species of animal would be disturbed during the construction phase (including foxes, rabbits, hares, birds & foraging bats). Some may eventually return and habituate to activity on the site in the long term during the operational phase, having regard to the proposed planting of the landscaped berms with native species around the perimeter. A badger sett was identified outside of the S site boundary, a 30m buffer would be provided

	<p>during the construction phase and artificial lighting avoided during both phases. The proposed development would cause no additional disturbance to this species.</p> <p>Several species of bird frequent the site (mainly passerine). Buzzards were also noted flying overhead however the site does not offer suitable nesting habitat. Vegetation clearance during the construction phase would take place outside of the nesting season for birds. Any loss of supporting habitat would be compensated in the long-term by the planting of the perimeter landscaped berms with native species.</p> <p>Foraging bats could be adversely affected by vegetation clearance during the construction phase and artificial lighting during both phases. There was no evidence of roosting or nesting activity within the overall lands. EIAR mitigation measures include pre-construction bat surveys, seeking a NPWS Derogation Licence if required to enable relocation, and the minimal artificial lighting.</p> <p>Fencing panels should be erected in such a manner so as allow wildlife to traverse the site. Refer to section 7.1.6 of this report which recommends that the fencing issue could be addressed by a planning condition.</p>
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Aquatic species: Potential for localised loss of, or disturbance to freshwater species because of a deterioration in water quality due to sedimentation, spillages and surface water runoff during the construction & operational phases.

The site drains to the Pinkeen River via on site drainage ditches, which ultimately discharges to the River Tolka. The surface water drainage arrangements and adherence to best construction practices would protect water quality (including aquatic species & fisheries) in the downstream watercourses from contamination during the construction & operational phases.

Refer to section 7.1.5 of this report for a detailed analysis of the surface water management arrangements and section 7.1.6 for biodiversity. The proposed development would not have any significant long-term effects on aquatic species during the construction or operational phases. This would be subject to compliance with the implementation of surface water management arrangements, compliance with EIAR mitigation measures, adherence to best construction practices and an agreed CEMP.

Residual Effects: Impacts predicted to be minor subject to implementation of mitigation measures and any recommended planning conditions.

Cumulative Impacts: The proposed development, as amended by the omission of the energy centre would give rise to some minor cumulative impacts in-combination with the construction of the proposed substation, with no significant cumulative impacts predicted during the operational phase.

Conclusion: I have considered all the written submissions made in relation to biodiversity, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.

Land, soil and water

EIAR sections 6 & 7 and associated Technical Appendices and the Addendum EIAR which dealt with the omission of the energy centre, dealt with: - hydrology and land, soils, geology & hydrogeology. The EIAR described the receiving environment and several desktop studies, field surveys & ground investigation tests were undertaken. The site comprises agricultural lands underlain by Limestone bedrock, the aquifer vulnerability rating is High with Poor productivity. The site drains to Pinkeen & Tolka rivers via on site ditches, with no sensitive hydrogeological features in the vicinity. The EIAR described the proposed excavation & construction works, the installation of the underground cables and the creation of the perimeter berms. It identified potential impacts (incl. accidental sediment & chemical discharges to ground & surface water during the construction phase, and surface water run-off during the operational phase). The EIAR also contained a Site-Specific Flood Risk Assessment report and Engineering & Planning Report (Drainage & Water Services). The EIAR did not predict any significant adverse impacts on land, soil or water during the construction and operational phases, subject to implementation of surface water drainage arrangements and mitigation measures (incl. containment and management measures for surface water & fuels). The Addendum EIAR did not significantly alter the EIAR conclusions.

<i>Submissions</i>	<i>Concerns raised</i>
Inland Fisheries Ireland An Taisce & Key Pol Ltd. Friends of the Irish Environment Mannix Coyne & Amy Coyne	Water quality & fisheries. Water use & capacity. Flood risk at adjacent sites.
<i>Potential impacts</i>	<i>Assessment & mitigation measures</i>
There is potential for the following impacts on land, soil & water in relation to the works associated with the construction & operation of the proposed data centre and the installation of the underground cables.	The overall lands comprise gently sloping agricultural grazing land that are underlain by limestone till and traversed by drainage ditches. The site drains to the Pinkeen River to the S via an on-site drainage ditch, which in turn ultimately discharges to the River Tolka to the far S.

Water quality: Potential pollution of watercourses (with resultant impacts on aquatic ecology) by sediments released during construction works & by accidental fuel spillages or leaks during the construction & operational phases.

Ground & surface water contamination: Potential impacts resulting from leakage & spillages from vehicles & fuel stores during the construction phase (data centre & underground cables), and potential minor impacts by accidental fuel spillages or leaks (from vehicles) during the operational phase.

Flood risk: Potential impacts resulting from uncontrolled surface water runoff within and down slope of

The proposed surface water drainage arrangements and mitigation measures contained in EIAR sections 6 & 7 would protect ground and surface water quality in nearby watercourses (including aquatic species) from contamination by sediments and chemical spills during the construction & operational phases. These measures include 3 x attenuation ponds, sediment traps, spillage kits and appropriate disposal of any identified contaminated soil waste.

Adherence to best construction practice and the methodologies contained in the and Engineering & Planning Report (Drainage & Water Services), and compliance with all relevant regulations would ensure the protection of ground & surface water quality during the construction & operational phases. A CEMP should be submitted to the planning authority before development commences.

Refer to section 7.1.5 of this report for detailed analysis of drainage & water supply arrangements which concluded that there would be no significant adverse effects, subject to the implementation of EIAR mitigation measures and any recommended planning conditions.

Refer to section 7.1.5 of this report for detailed analysis of drainage & flood risk. No adverse flood risk impacts anticipated during the construction & operational phases. This would

<p>the site, on nearby infrastructure & watercourses.</p> <p>Water use & capacity: Potential impacts on public water supply.</p>	<p>be subject to compliance with the implementation of surface water management arrangements, compliance with EIAR mitigation measures, adherence to best construction practices and an agreed CEMP.</p> <p>Revised downwards demand noted. Refer to section 7.1.5 of this report for detailed analysis of water use and IW confirmation of available capacity.</p>
<p>Residual Effects: Residual impacts are not predicted to be significant subject to the implementation of mitigation measures.</p>	
<p>Cumulative Impacts: The proposed development, as amended by the omission of the energy centre would give rise to some minor cumulative impacts in-combination with the construction of the proposed substation, with no significant cumulative impacts predicted during the operational phase.</p>	
<p>Conclusion: I have considered all the written submissions made in relation to land, soil & water, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.</p>	

Material assets

EIAR sections 13 & 14 and associated Technical Appendices dealt and the Addendum EIAR which dealt with the omission of the energy centre, with traffic & transportation and material assets (incl. access, power supply, telecommunications, water supply & wastewater management). The EIAR described the receiving environment (including the road network & existing and future access arrangements) and several desktop studies and traffic surveys were undertaken. The EIAR described the site as comprising agricultural fields located within lands zoned E2/E3 for employment/light industrial/technology uses. It described the proposed movement, access and service arrangements. It identified some minor traffic impacts during the construction and operational phases. The EIAR did not predict any significant adverse impacts on material assets during the construction & operational phases, subject to implementation of mitigation measures. The Addendum EIAR did not alter the EIAR conclusions to any significant extent.

Submissions**Concerns raised**

TII & Fingal County Council,
DAA & RISL (Runways/Facebook)
An Taisce
Friends of the Irish Environment.

Water quality & fisheries.
Water use & capacity.
Impact of construction & operational traffic.
Proposed future access via adjacent lands.
Aircraft safety & bird collisions.

Potential impacts**Assessment & mitigation measures**

There is potential for the following impacts on material assets in relation to the construction & operational phases of the proposed development.

The proposed development would be situated within an area that is designated E2/E3 for employment & warehousing uses. The surrounding area is connected to the local, regional and national road network, the area (but not the site) is served by an existing water supply & foul sewer, power supply & telecommunications network, and a nearby by railway station & bus route.

Traffic: Construction & operational traffic have potential for localised impacts on the road network & traffic safety.

Refer to section 7.1.4 of this report for a detailed analysis of movement & access impacts. The national, regional & local road network has sufficient capacity to assimilate the additional traffic volumes associated with the construction & operational phases. The short term temporary vehicular access arrangements off the R147 are acceptable. The long terms future access arrangements via the adjacent Master Plan lands to the SE and future major distributor road (Bracetown Link Road) are acceptable subject to compliance with conditions. Adequate off street car parking would be provided.

Water supply & drainage: Potential impacts on environmental services related to the provision of clean water and disposal of unclean water from the site (including wastewater and storm water), and resultant impacts on water quality and flooding because of uncontained and unmanaged discharges.

Refer to section 7.1.5 of this report for a detailed analysis of water supply & drainage impacts. The proposed development would be connected to the existing public water supply along the R147, and IW have indicated that there will be adequate capacity to serve the project.

The development would drain to a nearby watercourse via a customised on-site drainage system (incl. 3 x attenuation ponds & filters) which would manage discharge volumes, prevent flooding & protect downstream water quality.

Refer to EIA Land, Soil & Water above which concluded that the proposed development would not have significant

<p>Power supply & telecommunications: Potential impacts on existing services.</p> <p>Aviation: Potential impacts on aircraft safety associated with the attenuation ponds and possible bird strikes.</p>	<p>impact on surface & ground or ground water and would not give rise to a flood risk.</p> <p>No adverse impacts anticipated. The proposed development would be connected to existing substations and telecommunication services which would ensure a continuity of supply.</p> <p>Refer to section 7.1.7 of this report for a detailed analysis of aviation impacts which concluded that there would be no adverse impacts subject to compliance with conditions. These would require the developer to submit proposals for the mitigation of bird hazard to the planning authority before development commences.</p>
<p>Residual Effects: Residual impacts are not predicted to be significant subject to the implementation of mitigation measures and compliance with any recommended conditions.</p>	
<p>Cumulative Impacts: The proposed development, as amended by the omission of the energy centre would give rise to some minor cumulative impacts in-combination with the construction of the proposed substation, with no significant cumulative impacts predicted during the operational phase.</p>	
<p>Conclusion: I have considered all the written submissions made in relation to material assets, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.</p>	

Cultural heritage

EIAR sections 11 & 12 and associated Technical Appendices and the Addendum EIAR which dealt with the omission of the energy centre, dealt with landscape & visual impact and archaeology & cultural heritage. The EIAR described the receiving environment as comprising agricultural fields in an evolving rural area, and it identified several cultural artefacts in the wider area (incl. Gunnocks House). The EIAR described the proposed development and identified potential impacts on cultural heritage around the site. The EIAR did not predict any significant adverse impacts during the construction and operational phases, subject to implementation of mitigation measures (including testing, monitoring & recording). The Addendum EIAR did not alter the EIAR conclusions to any significant extent.

Submissions

Concerns raised

None

None

Potential impacts

Assessment & mitigation measures

Archaeology: Potential impacts on recorded and as yet undiscovered artefacts.

The site & environs are not covered by any sensitive designations and the proposed development would not have an adverse impact on archaeological heritage. This would be subject to implementation of EIAR mitigation measures (incl. testing, monitoring & recording) & compliance with planning conditions (archaeological monitoring).

Heritage features: Potential impact on character & setting of historic Gunnocks House to the S.

Refer to section 7.1.7 of this report and EIA Landscape section above which concluded that the proposed development would not have any adverse impacts on Gunnocks House.

Residual Effects: Residual impacts are not predicted to be significant subject to the implementation of mitigation measures and compliance with any recommended planning conditions.

Cumulative Impacts: The proposed development, as amended by the omission of the energy centre would give rise to some minor cumulative impacts in-combination with the construction of the proposed substation, with no significant cumulative impacts predicted during the operational phase.

Conclusion: I have considered all the written submissions made in relation to cultural heritage, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.

8.5 Cumulative Impacts

There are several existing, permitted or proposed plans and projects within a 20km radius of the proposed development that have the potential to result in-combination effects with the proposed development on the receiving environment. These are addressed in each of the EIAR chapters and the Addendum EIAR. However, the main project relates to the concurrently proposed substation and transmission cables (ABP-208130-20) which would serve the proposed development, and the recently permitted data storage facility on a nearby site to the S (Facebook/Runways), and to a lesser extent the existing business and warehouse developments to the immediate N and NE of the site (Bracetown & Hub Logistics).

Having regard to the nature and scale of the various projects and the E2/E3 zoning objective (incl. employment/light industrial/warehousing uses), and agreed Master Plan for the overall lands, I am satisfied that adverse cumulative effects can be avoided, managed and mitigated by the embedded measures which form part of the proposed development as amended by the omission of the energy centre, mitigations measures, and suitable conditions. There is, therefore, nothing to prevent the granting of approval on the grounds of cumulative effects.

8.6 Interactions and Interrelationships

I have also considered the interrelationships between the key receptors and whether this might as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis. In particular, the potential arises for the following interactions and interrelationships.

Population and human health:

- Noise and dust
- Air quality and climate
- Roads and traffic (air quality, safety & disturbance)

Air & climate

- Noise and dust
- Roads and traffic (emissions)
- Population and Human Health

Landscape

- Population and Human Health (visual amenity)
- Material Assets and Cultural Heritage

Biodiversity:

- Hydrology (water quality & fisheries)
- Population and human health (water quality)
- Soils and geology (water quality)

Land, Soil and Water:

- Air quality
- Biodiversity (terrestrial & aquatic)
- Population & Human Health

Material Assets and Cultural Heritage:

- Population & human health
- Landscape (visual amenity & landscape character)
- Roads and traffic (disturbance & safety)

In conclusion, I am satisfied that any such impacts can be avoided, managed and mitigated by the measures which form part of the proposed development.

8.7 Risks associated with major accidents and/or disasters

No outstanding risks associated with major accidents or disasters identified and the potential impacts associated with climate change have been factored into most sections of the EIAR, which were not altered by the conclusions of the Addendum EIAR. The concerns raised by the Observers (incl. Mannix Coyne, Any Coyne & Key Pol Ltd.) in relation to cyber-attacks are noted although defence against such events outside the Boards remit.

8.8 Reasoned Conclusion

Having regard to the examination of environmental information contained above, and in particular to the EIAR and Addendum EIAR and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment have been identified in section 7.0 and section 8.0 of this report. It is considered that the proposed development would not give rise to any significant direct or indirect impacts of the environment, and the minor direct and indirect impacts are as follows.

- The ***risk of pollution of ground and surface waters during the construction and operation phases*** through a lack of control of surface water during excavation and construction, the mobilisation of sediments and other materials during excavation and construction and the necessity to undertake construction activities in the vicinity of existing watercourses. The construction of the proposed project could also potentially impact negatively on ground and surface waters by way of contamination through accidents and spillages. These impacts would be mitigated by the agreement of measures within a Construction and Environment Management Plan, and the implementation of mitigation measures related to control and management of sediments, accidental spills and contamination, and drainage management.
- The proposed project would give rise to a minor localised increase in ***vehicle movements and resulting traffic impacts*** during the construction and operational phases. These impacts would be mitigated by the agreement of measures within a Construction and Environment Management Plan.
- The project could give rise to minor localised impacts on ***residential amenity*** during the construction (noise, dust, traffic safety & general disturbance) phase. These impacts would be mitigated by the implementation of measures related to the protection of air quality, control of noise and dust, traffic management and the erection of screening berms, by the agreement of measures within a Construction and Environment Management Plan.

9.0 Recommendation

Arising from my assessment of this appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below, and subject to the attached conditions.

10.0 Reasons and Considerations

Having regard to:

- a. The National Planning Framework - Ireland 2040,
- b. The Climate Action Plan 2019,
- c. The Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy, June 2018,
- d. The Regional Spatial & Economic Strategy for the Eastern & Midlands Region, 2019,
- e. The policies of the planning authority as set out in the Meath County Development Plan, 2013 to 2019,
- f. The distance to dwellings or other sensitive receptors,
- g. The submissions made in connection with the application including those made in respect of the amended application which omits the energy centre.
- h. The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- i. The report and recommendation of the Inspector.

Proper planning and sustainable development:

It is considered that subject to compliance with the conditions set out below the proposed development would accord with European, national, regional and local planning and related policy, it would not have an unacceptable impact on the landscape or ecology, it would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and it would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Environmental Impact Assessment:

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

- (a) the nature, scale, location and extent of the proposed development on a site,
- (b) the Environmental Impact Assessment Report (EIAR), the EIAR Addendum report, and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies, planning authority and observers, including those received in relation to the and proposed omission of the energy centre
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report (EIAR) and EIAR Addendum report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the EIAR report and EIAR addendum report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- The risk of pollution of ground and surface waters during the construction phase which would be mitigated by the implementation of measures set out in the Environmental Impact Assessment Report (EIAR) and the EIAR Addendum report which include specific provisions relating to groundwater, surface water and drainage.
- Noise, vibration and dust during the construction and/or the operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) and the EIAR Addendum report and which include specific provisions relating to the control of dust and noise.
- The increase in vehicle movements and resulting traffic during the construction and operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) and the EIAR Addendum report.
- The impacts on residential amenity during the construction and operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) and the EIAR Addendum report which include specific provisions relating to the control and management of dust, noise, water quality and traffic movement.

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

Screening for Appropriate Assessment:

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European sites, in view of the site's Conservation Objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, including the further information received by the planning authority on the 25th day of February 2020 and the 2nd day of March 2020, and the documents received by the Board on 12th August 2020, 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. This permission shall be for a period of 10 years from the date of the order.

Reason: In the interest of clarity and orderly development.

3. The mitigation measures identified in the EIAR and other plans and particulars submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the conditions of this permission.

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

4. For avoidance of doubt the energy centre shall be omitted from the development in accordance with the documents received by the Board on 12th August 2020. The developer shall submit revised plans for the written agreement of the planning authority before development commences, which describe the full extent of this omission, and the landscaping plans for the site.

Reason: In the interest of clarity and orderly development.

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

Reason: In the interest of traffic and pedestrian safety.

6. The developer shall comply with the following specific transportation requirements:
 - a. The proposed access on to the R147 shall be temporary. Once the major distributor road has been completed and taken in charge by the local authority the development shall be accessed from the major distributor road. The developer shall submit details of the closure of the temporary access on the R147 for the written agreement of the planning authority within three months of opening of the permanent access onto the major distributor road.
 - b. The developer shall submit for the written agreement of the planning authority, prior to the commencement of development, an amended road layout within the site that facilitates a link road between a long term/ permanent access point on the eastern boundary of the site to the third-party lands along the southern boundary of the site. This shall include a detailed design of the revised road layout and the applicant shall transfer this section of the land and the road, free of charge to Meath County Council when complete.
 - c. Prior to commencement of development, the developer shall enter into an agreement, under Section 47 of the Planning and Development Act 2000, as amended or otherwise, to finalise details of their proposal to provide access to third party lands (item b above refers) and agree the phasing for the completion of the design, construction and handover to Meath County Council of same.
 - d. The developer shall submit for the written agreement of the planning authority, prior to the commencement of development, the detailed design of the proposed access points to the site from the R147 regional road and the local road L-1010. This shall include but not be limited to, the footpaths, kerbs, fencing, public lighting, drainage and the R147 right turn lane.
 - e. The developer shall bear all costs associated with the design, construction and transfer to Meath County Council of the works agreed in items b, c and d above.

- f. The developer shall implement the mitigation measures identified in section 13 of the EIAR. The details of same are to be agreed with the planning authority prior to commencement of development.
- g. The developer shall submit for the written agreement of the planning authority, prior to the commencement of development a revised Masterplan reflecting this permission and the conditions detailed in items a to g above.

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

7. Should the requirements of condition no.6 above result in material alterations to structures or landscape features within the site, the developer shall make an application to the planning authority in respect of any such works. For all other alterations, the developer shall submit details for the written agreement of the planning authority, prior to the commencement of development.

Reason: In the interest of orderly development.

8. The developer shall comply with the following nature conservation requirements:

- a. No felling or vegetation removal shall take place during the period 1st March to 31st August.
- b. A pre-construction bat survey shall be carried out by a suitably qualified ecologist during the active bat season.
- c. Any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.
- d. A 30m cordon shall be installed around any badger sett entrances, which shall be screened and remain in place throughout the construction works.
- e. There shall be no artificial lighting of any badger sett entrances during the construction and operational phases.

Reason: In the interest of biodiversity and nature conservation.

9. The developer shall comply with the following general requirements:

- (a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
- (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- (c) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.
- (d) Cables within the site shall be located underground.
- (e) No additional signage or advertising shall be erected on the lands or buildings without a prior grant of planning permission.

Reason: In the interest of clarity, of visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

10. The landscaping proposals shall be carried out within the first planting season following commencement of construction of the proposed development. All existing hedgerows (except at access point openings) shall be retained. The landscaping and screening shall be maintained at regular intervals. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those original required to be planted. The berms located in the northern and western sections of the site, parallel to the boundaries with the Bracetown Business Park and the R147 shall be constructed during the first phase of the works.

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

11. Water supply and drainage arrangements, including the attenuation and disposal of surface water, and flood risk management shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

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

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

13. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

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

15. The developer shall comply with the following aviation requirements:
- a. Notify the Irish Aviation Authority of their intention to commence crane activities with a minimum of 30 days prior notification of their erection.
 - b. Consult with the Irish Aviation Authority and the Dublin Airport Authority and develop mitigation measures for bird hazards. Details to be submitted to the planning authority for written agreement.
 - c. Carry out an aircraft noise impact study for the existing and predicated noise environment. The study shall demonstrate that internal noise levels appropriate for the proposed office use can be achieved and maintained. The developer shall submit a report on the study with any necessary mitigation measures for the written agreement of the planning authority prior to the occupation of the development.

Reason: In the interest of orderly development.

16. The developer shall comply with the following archaeological requirements:

- (a) Pre-development archaeological testing shall be undertaken by a suitably qualified archaeologist, licensed under the National Monuments Acts 1930-2004. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her written consent.
- (b) A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. A copy of the report shall be submitted to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
- (c) The planning authority and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs shall be notified in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.

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

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

17. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

Reason: To ensure the satisfactory completion of the development.

18. 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authorities may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board 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.

19. The developer shall pay to the sum of €1,859,000,00 (one million, eight hundred and fifty-nine thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the CSO), to the planning authority as a special contribution under Section 48 (2) (c) of the Planning and Development Act 2000 in respect of the provision of the distributor road, known as the Bracetown Link Road and identified in the Council's LAP (CER OBJ 3), between the north roundabout at Junction 4 on the M3 and its terminus on local road L-1010 north east of the Bracetown Business Park. This contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and will benefit the development.

20. The developer shall pay to the planning authority a financial contribution of €2,291,402.94 (two million, two hundred and ninety-one thousand, four hundred and two euro and ninety-four cent) in respect of the Navan to Dublin Railway Line Phase 1 – Clonsilla to Dunboyne (PACE) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under Section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Karla Mc Bride

Senior Planning Inspector

28th May 2021