



An
Bord
Pleanála

Inspector's Report

ABP-312644-22

Development

Section 146B application for amendments to An Bord Pleanála case reference ABP-309146-21 for the provision of 2 no. 110kV transmission lines and a 110kV GIS substation compound with associated and ancillary works.

Location

Within Grange Castle South Business Park, Baldonnell, Dublin 22

Planning Authority

South Dublin County Council

Requester

CyrusOne Irish Data Centre Holdings Ltd.

Type of Application

Application under Section 146B of the Planning and Development Act, 2000 (as amended) to alter previously approved Strategic Infrastructure Development.

Date of Site Inspection

4th June 2021

Inspector

Donal Donnelly

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1.0 Introduction

- 1.1. The Board decided on 19th July 2021 to approve an application (ABP-309146-21) by CyrusOne Irish Data Centres Limited under Section 182A(1) of the Planning and Development Act, 2000 (as amended) for 2 no. 110kV transmission lines and a 110kV gas insulated switchgear (GIS) substation (Aungierstown Substation). The purpose of this proposal was to support the power demand for the development of a data centre facility and associated 3-storey office block permitted under Reg. Reg: SD18A/0134 (ABP-302813-18) at Grange Castle South Business Park, Dublin 22.
- 1.2. Pursuant to Section 146B of the Planning and Development Act, 2000 (as amended), CyrusOne Irish Data Centres Limited now requests that the Board alter the terms of this strategic infrastructure development that was approved under ABP-309146-21.

2.0 Site Location and Description

- 2.1. The subject site is located in Grange Castle South Business Park off Baldonnell Road, Dublin 22. The site is within the townlands of Ballybane and Aungierstown and Ballybane in western Co. Dublin approximately 3.5km north-west of Newcastle and 3.8km west of Clondalkin.
- 2.2. Grange Castle South Business Park and the wider Grange Castle Business Park are situated on the periphery of Dublin between the N4 and the N7. Grange Castle Golf Club and the R136 form the eastern boundary of the business parks and this road connects the N4 and N7. Grange Castle South Business Park is accessed off Baldonnell Road to the west. Other features in the area include Casement Aerodrome to the south and the Grand Canal to the north.
- 2.3. The subject site forms part of the CyrusOne data centre site located to the south of the business park access road. The Google Data Centre to the east of the Cyrus One site and the Digital Reality Profile Park data centre is further east. Other occupants of Grange Castle Business Park to the north include Pfizer, Microsoft Ireland Data Centres and Microsoft Grange Castle, Grifols Worldwide Operations Ltd., Takeda Ireland Ltd., EdgeConnex Data Centre, Interxion Ireland Data Centre,

and Aryzta Food Solutions and Cuisine de France. The Equinix Data Centre is situated within Kilcarbery Park to the north of Nangor Road.

- 2.4. In terms of existing electricity infrastructure affecting the proposed development, the Castlebaggot 220kV and 110kV substations are located to the north-east of the current application site on the opposite side of the business park access road. The Corkagh 110kV substation is to the north of the Microsoft Complex on the northern side of Nangor Road. Other infrastructure includes the Barnakyle 110kV substation serving the Google Data Centre, the Kilmahud 110kV substation to the north of the Microsoft Data Centre to the east of Adamstown Road, the Grange Castle 110kV substation to the west of the Interxion Data Centre and the Nangor 110 kV substation within the Pfizer complex.
- 2.5. The subject site is located partly within an overall landholding of 9.2 hectares and comprises a 0.9163 hectare site that extends across the business park access road and up to the Castlebaggot 220kV and 110kV substations. The main part of the site to the south of the business park access road was predominately greenfield and now forms part of the Cyrus One construction site. There are construction works for other data centres taking place to the west and north of the Castlebaggot 220kV and 110kV substations. Milltown Stream continues along the south-eastern boundary of the subject site and is culverted under to the business park access road. The Milltown Stream is a tributary of the Griffeen River.

3.0 Planning History

South Dublin County Council Reg. Ref: SD18A/0134 (ABP-302813-18)

- 3.1. CyrusOne Irish Data Centres Holdings Ltd. was granted permission in April 2019 for demolition of the existing single storey house and the construction of a two-storey data centre and delivery bays with associated three storey office block and services that will have a gross floor area of 35,426 sq.m on an overall site of 9.2 hectares.
- 3.2. The development also includes a new substation with associated transformer yard and a single storey transformer building (125sq.m) to be located to the north-east of the site.

South Dublin County Council Reg. Ref: SD20A/0244

- 3.3. Permission granted for a single storey client control building (285.5 sq.m.) associated with the planned future substation to be located to the north-east of the permitted data centre (ABP-302813-18). The development formed an amendment of permission granted for a single storey transformer building (125 sq.m.) granted under ABP-302813-18.

South Dublin County Council Reg. Ref: SD20A/0295

- 3.4. CyrusOne Irish Data Centres Holdings Ltd. was granted permission and retention permission in March 2021 for amendments and modifications to the permitted data centre development granted under Reg. Ref. SD18A/0134 (ABP Ref. ABP-302813-18), and the temporary substation permission granted under SD19A/0300. The proposed development/ development for retention related to a 9.7 hectare area located within lands in the Grange Castle South Business Park and the residential properties of Weston House, Kent Cottage and Weston Lodge, as well as the former scaffolding yard on land within the townlands of Aungierstown and Ballybane; Ballybane; and Milltown and bounding Baldonnel Road to the west and south and Grange Castle South access road to the north, Baldonnel, Dublin 22.

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- 3.5. On 19th July 2021, the Board approved an application under Section 182A(1) for the provision of 2 no. 110kV transmission lines and a 110kV GIS substation compound with associated and ancillary works.

4.0 Proposed Alteration

- 4.1. The proposed alteration, as set out in the requester's cover letter and drawings received by the Board on 4th February 2022, comprises the following:
- Location of permitted 2 no. transformers to be amended;
 - Location of 2 no. permitted 20m high lightning poles to be amended;
 - Permitted 3.5m high external fence to be omitted to the north-west, north-east and south-east of the GIS substation compound;

- Permitted 2.6m high palisade fence to be amended along the north-east boundary of the substation as per ESB's requirements;
- Permitted strip of crushed stone to be narrowed to 1m to the north-east and south-east of the substation compound;
- Permitted ESB house transformer to be relocated within the overall compound; and
- Alignment of 110kV transmission lines amended to address services within the red line application boundary.

5.0 Requester's Submission

5.1. The main points raised in the requester's submission can be summarised as follows:

- Amendments required due to operational circumstances and services constraints within the ground, as well as a change in ESB requirements.
- Nature and extent of the proposed development as described under statutory planning notices remains substantially the same.
- Minor alterations proposed do not alter the description and nature and extent of the development in any material way from that outlined in the SID application.
- Relocation of 2 no. transformers (c.7.3m & c. 6.9m) is due to existing services being found in the ground during preparation works – transformers remain of the same height and form. Relocation of transformers also results in the need to relocate 2 no. 20m high lightning poles.
- Subsequent post planning discussions between the contractor and EirGrid outlined that there was no requirement for the second fence bounding the GIS substation (only necessary for remote substations) – 3.5m high outer fence has therefore been omitted from all sides of the GIS substation compound.
- Internal 2.6m high fence remains in place with slightly altered position to facilitate 10m wayleave along, and to the south of the business park access road in accordance with South Dublin County Council requirements.
- Narrowing of strip of crushed stone will facilitate the widening of the grassland area to the south-east and north-east of the substation compound. Planting with

wildflower meadow mix will improve the biodiversity gain of the permitted development.

- Relocation of permitted ESB house transformer due to EirGrid requirements.
- Small modification of 110kV alignment due to constraints within the ground caused by other services – both transmission lines remain well inside the SID application boundary.
- Minimal nature of the changes would not have altered the findings and conclusions of the EIAR and AA Screening Report submitted with the original SID application.
- Statutory land use planning context governing the site remains the same from the time of the original application.
- High Court decision (South-West Regional Shopping Centre Promotion Association v An Bord Pleanála) confirms that modifications to an EIA planning permission can be screened for EIA, and if they pass the screening test, there is no need to carry out a full EIA. Information provided for the Board to carry out a screening assessment.
- Amendments are minor in nature and do not alter any of the mitigation measures proposed under the EIAR.
- Proposed amendments enable the application to be in full compliance with the conditions attached to the permission granted by the Board under ABP-309146-21.
- Amendments will have no impact on flood risk assessment, findings of AA Screening and cumulative impact.

6.0 Legislative Provisions

- 6.1. Under Section 146B(1) of the Planning and Development Act, 2000 (as amended), the Board may alter the terms of a permission for a strategic infrastructure development on request of the person intending to carry out the development.
- 6.2. Section 146B(2)(a) states that *“as soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration*

to which the request relates would constitute the making of a material alteration of the terms of the development concerned.” Section 146B(2)(b) provides for the Board to invite submissions and the Board shall have regard to any submission made.

- 6.3. Under Section 146(3)(a), the Board shall alter the planning approval if it decides that the making of the alteration would not constitute the making of a material alteration in the terms of the development concerned. If the Board decides under Section 143(3)(b) that the making of the alteration would be material, it shall (i) require the requester to submit to the Board the information specified in Schedule 7A or an EIAR, and (ii) determine whether to:
 - (I) make the alteration
 - (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or
 - (III) refuse to make the alteration.
- 6.4. Section 146B(3A) allows for the submission of further relevant information on the characteristics of the alteration in addition to the Schedule 7A information/ EIAR under subsection 3(b)(i). The further relevant information may also be accompanied by a description of the features, if any, of the alteration under consideration and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the alteration [Section 146B(3B)].
- 6.5. Section 146B(4) states that before it makes its decision to alter/ alter differently/ refuse to alter, the Board shall determine whether the extent and character of alteration or any alternative alteration are such that the alteration, were it to be made, would be likely to have significant effects on the environment.
- 6.6. Subsections 146B(4A)(a) – (c) relate to the timeframe within which the Board shall make a determination under subsection (4) unless exceptional circumstances apply.
- 6.7. Under Section 146B(5), if the Board determines that the making of either kind of alteration referred to in subsection (3)(b)(ii):

(a) is not likely to have significant effects on the environment, it shall proceed to make a determination under subsection (3)(b)(ii), or

(b) is likely to have such effects, the provisions of section 146C shall apply (preparation of an EIAR).

- 6.8. Under Section 146B(6), *“if, in a case to which subsection (5)(a) applies, the Board makes a determination to make an alteration of either kind referred to in subsection (3)(b)(ii), it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority or each planning authority for the area or areas concerned, of the alteration.”*
- 6.9. Section 146B(7) sets out the criteria that the Board shall have regard to in making a determination under subsection (4), while subsection (8) sets out provisions for the making of submissions or observations before a determination under subsection (3)(b)(ii) or (4) is made.

7.0 **Assessment**

- 7.1. The requester is seeking to alter the terms of a strategic infrastructure development (ABP-309146-21) approved by the Board under Section 182A(1) of the Planning and Development Act, 2000 (as amended) and comprising 2 no. 110kV transmission lines and a 110kV GIS substation required to support the power demand for a data centre development and associated 3-storey office block permitted at Grange Castle South Business Park, Dublin 22. The proposed alteration comprises the relocation of the permitted 2 no. transformers, 2 no. 20m high lightning poles and an ESB house transformer; omission of a 3.5m high external fence and amendment of a permitted 2.6m high palisade fence; realignment of 110kV transmission lines; and narrowing of a permitted strip of crushed stone to 1m.
- 7.2. The first consideration to assess is whether the proposed alteration would constitute a material alteration of the terms of the strategic infrastructure development approved under ABP-309146-21. Should the Board decide that the proposed alteration is not material, it shall alter the approved development accordingly. However, if it is decided that the proposed alteration is material, the Board shall

consider the proposed alteration in terms of the significant effects on the environment and other related matters.

7.3. Whether the proposed alteration is or is not material

- 7.4. The strategic infrastructure development (SID) approved under ABP-309146-21 provides for 2 no. 110kV transmission lines and a 2-storey GIS substation building with gross floor area of 1,307.2 sq.m. to be known as Aungierstown Substation. The approved substation compound also includes two transformers, lighting and lightning masts, car parking, underground services and road and fencing. The approved 110kV Aungierstown substation will be connected to the existing 220 kV / 110kV Castlebaggot substation to the north-east by two underground single circuit 110kV transmission lines over distances of 120m and 140m respectively.
- 7.5. The proposed alterations sought under Section 146B of the Planning and Development Act, 2000 (as amended) mostly relate to works affecting the substation compound only. It is also proposed to amend the alignment of the approved 110kV transmission lines due to underground constraints; however, the realignment is not of a material nature and both lines will still follow the same general route over a short distance within the red line boundary. From drawings it appears that the approved and proposed transmission lines enter and leave the approved substation and existing Castlebaggot substation at the same location. Variations along both alignments are, for the most part, no more than 2-3m from the approved.
- 7.6. The remainder of the proposed alterations are required for operational reasons or to comply with ESB requirements. The approved transformers will be relocated 7.3m and 6.9m respectively but will remain of the same height and form. The relocation of the transformers will also require the relocation of lightning poles that were approved either side of the transformers. A house transformer approved within the southern corner of the compound will be located to the north of the substation compound due to EirGrid requirements.
- 7.7. The approved GIS substation is bounded by 2 no. fences, one of which at 3.5m in height was to enclose the permitted substation building to the north-west, north-east and south-east. An internal 2.6m high palisade fence was also approved. Following post-planning discussions, EirGrid outlined that there was no requirement for the

3.5m high outer fence and this is now proposed for omission. The 2.6m high internal fence will be required to be altered slightly to facilitate a 10m wayleave. An approved strip of crushed stone to the north-east and south-east of the substation compound is proposed to be narrowed and this will allow for the widening of the grassland area to the north-west of the compound.

7.8. I would be of the opinion that the proposed alterations that are fully contained within the compound are minor in nature. These amendments will result in the visual profile of the substation changing slightly; however, the pattern, form, scale and nature of the overall development will remain unchanged. There is no potential for cumulative impacts with other elements of the overall project given scale of the alterations and the separation distances involved.

7.9. As the compound dimensions will remain the same, there will be no alterations to the area of disturbed ground. Thus, there will be no difference in terms of impact on population and human health; biodiversity; water; land, soil, air and climate; material assets; and cultural heritage and the landscape. There will be no perceptible change for users of the area in visual terms or during construction works. No significant differences in terms of landscape alteration will take place and any excavation and soil stripping will be the same as the permitted development. Furthermore, separation distances will remain the same and any approved mitigation measures will not change as a result of the proposed alterations.

7.10. **Appropriate Assessment**

7.10.1. The Board completed an Appropriate Assessment Screening exercise under ABP-309146-21 in relation to six European Sites. The Board concluded that, by itself and in combination with other development in the vicinity, the proposed development would not be likely to have significant effects on any European Site in view of the Sites' Conservation Objectives. In reaching this conclusion, the Board took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

7.10.2. Having considered the Board's screening determination in case ABP-309146-21, and having regard to the nature and limited scale and extent of the proposed alterations relative to the development that was approved under ABP-309146-21, the

nature of the receiving environment, together with the distance to the nearest European sites, no additional Appropriate Assessment issues arise and it is not considered that the proposed alteration to the approved development would be likely to have a significant effect individually or in combination with other plans or projects on any European sites.

7.11. Conclusion

- 7.11.1. Having considered the proposed alteration and the development as approved under ABP-309146-21, I consider it reasonable to conclude that the making of said alteration comprising the relocation of the permitted 2 no. transformers, 2 no. 20m high lightning poles and an ESB house transformer; omission of a 3.5m high external fence and amendment of a permitted 2.6m high palisade fence; realignment of 110kV transmission lines; and narrowing or a permitted strip of crushed stone and widening of grassed area, would not constitute the making of a material alteration of the development as approved under ABP-309146-21. Furthermore, there are no changes in circumstances and no new or materially different considerations arising from the proposed alteration that were not assessed under ABP-309146-21.
- 7.11.2. I have considered the provisions of S.146B(2)(b) which provides for, at the Board's discretion, the invitation of submissions from persons, including the public. Having considered the nature, scale and extent of the alteration, the information on file and the nature, scale and extent of the development approved under ABP-309146-21, I am of the opinion that the invitation of submissions from the public in this instance is not necessary and is not required for the purposes of the Board in determining the matter.

8.0 Recommendation

- 8.1. I recommend that the Board decides that the making of the alterations the subject of this request do not constitute the making of a material alteration of the terms of the development as approved under ABP-309146-21.

9.0 Draft Order

REQUEST received by An Bord Pleanála on the 4th February 2022 from CyrusOne Irish Data Centre Holdings Ltd. under section 146B of the Planning and Development Act 2000, (as amended) to alter the terms of a strategic infrastructure development described as the provision of 2 no. 110kV transmission lines and a 110kV GIS substation compound with associated and ancillary works within Grange Castle Business Park, Baldonnell, Dublin 22 the subject of an approval under An Bord Pleanála reference number ABP-309146-21,

WHEREAS the Board made a decision to approve, subject to conditions, the above-mentioned development by order dated the 19th of July 2021,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the approval,

AND WHEREAS the proposed alteration is described as follows: amendment of location of permitted 2 no. transformers and 2 no. 20m high lightning poles; omission of permitted 3.5m high external fence to the north-west, north-east and south-east of the GIS substation compound; amendment of permitted 2.6m high palisade fence along the north-east boundary of the substation as per ESB's requirements; narrowing of permitted strip of crushed stone to 1m to the north-east and south-east of the substation compound; relocation of permitted ESB house transformer within the overall compound; and amendment of alignment of 110kV transmission lines to address services within the red line application boundary.

AND WHEREAS the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would not result in a material alteration to the terms of the development, the subject of the approval,

AND WHEREAS having considered all the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the abovementioned decision so that the approved development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 4th day of February 2022 for the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard.

REASONS AND CONSIDERATIONS

Having regard to:

- (i) the nature and scale of the 2 no. 110kV transmission lines and a 110kV GIS substation compound with associated and ancillary works approved by An Bord Pleanála under Reference Number ABP-309146-21 for this site,
- (ii) the examination of the environmental impact, including in relation to European Sites, carried out in the course of that application,
- (iii) the limited nature and scale of the proposed alteration when considered in relation to the overall approved development,
- (iv) the absence of any significant new or additional environmental concerns (including in relation to European Sites) arising as a result of the proposed alteration, and
- (v) the report of the Board's Inspector, which is adopted,

It is considered that the proposed alteration would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Board hereby makes the said alteration.

Donal Donnelly
Senior Planning Inspector

28th March 2022