An Bord Pleanála

Inspector's Report

ABP-315200-22

Development	Proposed development of a 110 kV substation with Gas Insulated Switchgear (GIS) technology and two 110 kV underground transmission cables (connecting to existing 220 kV overhead lines to the northwest of the proposed substation) along with associated and ancillary works.
Location	Within the townlands of Bogland, Kish, Cooladangan, Ballintombay, Ballyroonaun, and Ballynattin, Co. Wicklow.
Applicant(s)	Crag Wicklow Limited
Planning Authority	Wicklow County Council
Type of Application	S.182A – Electricity Transmission Development
Observer	Colin Doyle
Prescribed Bodies	Development Applications Unit TII Iarnród Eireann
Date of Site Inspection	24/01/2023
Inspector	Conor McGrath

Contents

1.0 Introduction

This is an application to the Board for consent under S.182A of the Planning and Development Act 2000, as amended, in respect of electricity transmission infrastructure. The application is associated with, and is intended to serve, a permitted data centre development on adjacent lands. A submission from the planning authority has been received. Submission have also been received from three prescribed bodies and one third party.

2.0 Site Location and Description

The proposed development comprises a new substation and new transmission cable connections to the national grid, within the townlands of Bogland, Kish, Cooladangan, Ballintombay, Ballyrooaun, and Ballynattin Co. Wicklow, on the southern fringes of Arklow town. The site of the proposed development has a stated area of c. 8.68 hectares.

The substation site (1.79ha) comprises agricultural lands at Bogland, to the northeast of the existing Kish Business Park. The site boundaries are currently undefined and the lands comprise part of a larger landholding. Lands to the north, east and west are also in agricultural use and levels in the area rise to the east and southeast. The Springfield Stream flows west through the site toward the Moneylane Stream via a culvert under the adjoining railway.

The Wexford / Rosslare railway line runs north-south to the west of the substation site, beyond which lie the R772 and the M11 motorway. Junction 21 on the M11 lies to the southwest and provides access to the site and adjacent business park, via Clogga Road. Clogga Road runs roughly east-west to the south of the business park, providing access from the R772 to the coast and rural road network. There is a large Roadstone Quarry to the east of the site at Arklow Head, accessed from the north.

The development includes two separate transmission cable route corridors which run northwest to meet the existing 110kV Arklow – Banoge overhead line, approx. 1.5km northwest of the substation site. These involve crossings of the railway and M11 as well as traversing intervening public and private roads and agricultural lands.

3.0 **Proposed Development**

The proposed development comprises a new 110kV Gas Insulated Switchgear (GIS) substation and two 110 kV underground transmission cables along with associated and ancillary works.

The substation site is currently undeveloped, within a wider landholding which is subject to an extant permission for an ICT facility / data centre development immediately to the east under PA Ref. 20/1088. The substation compound on the northern part of the site is subdivided into two parts.

- The southern part accommodates a two-storey 110kV GIS substation building (c. 1,299 sq.m), 15.2 metres high with a metal cladding finish. This is set back from the new access road to the west with an intervening landscaped area.
- The northern part of the compound will accommodate a single-storey client control building (c. 419 sq.m) and four transformers to the rear / east and associated underground services. The client control building is c. 6.2 metres high. The transformers will be provided with fire walls between each, c. 9.9.m high.

Both parts of the substation compound are to be enclosed within c. 2.4m high security fencing. To the south of the compound is an area of land reserved for future development. The substation development will require the regrading of the site, and the creation of a retaining wall along the boundary with the permitted ICT facility development to the east. The access roads to the west and north of the site comprise part of the previously permitted development (PA Ref. 20/1088).

The proposed 110kV underground transmission lines form a loop-in loop-out connection to the existing 110 kV Arklow – Banoge overhead line, divided into two separate circuits, Circuits A and B. Two new dropdown masts (c. 17 metres high) are proposed to facilitate the connection of these circuits to the overhead transmission line and a section of the existing overhead line between these new masts will be removed. The route of each circuit is described below:

- Proposed Circuit A runs west from the substation, crossing under the railway line and Moneylane Stream. At the R772, the cable route runs south-west to Junction 21 on the M11, including a second crossing of the Moneylane Stream. The route crosses under the M11 at Junction 21, and turns north along the L6187, entering

agricultural lands at Ballintombay, adjacent to Knockeneahan Road, to terminate at the existing 110 kV Arklow – Banoge overhead line. (c. 2.933 km).

- Proposed Circuit B runs west from the substation, crossing under the railway line and Moneylane Stream. At the R772, Circuit B turns briefly northeast before turning west across agricultural lands. The route crosses under the M11, runs through internal roads of the Arklow IDA Business Park. From the business park, it runs along the edge of agricultural lands adjacent to the M11 and Knockeneahan Road (L2190) to terminate at the 110 kV line at Ballintombay. (c. 2.216 km.)

The application is accompanied by an Environmental Impact Assessment Report.

4.0 **Planning Authority Submission**

The submission from Wicklow County Council received on 11th January 2023, makes the following points:

- The proposed development is an essential element of a previously permitted data centre development and would be ancillary to that facility.
- The development would accord with the NPR and RSES, which support the development of ICT infrastructure.
- The county development plan supports data centres and necessary electrical infrastructure.
- The development would accord with the land use zoning objectives.
- There will be no significant negative impacts on biodiversity.
- Clarification with regard to the manner of the cable crossing of the Moneylane Stream is required, given inconsistencies in the EIAR.
- The development will read as part of the emerging urban landscape and is acceptable.
- New pylons would sit within the envelope of existing electricity line and towers, would not give rise to any significant impacts and are acceptable.
- The road network is suitable for construction traffic and no issues arise with respect to operational traffic movements.

- The substation / control building site is not located within flood zone C (sic).
- Additional mitigation of construction noise impacts on residential properties should be implemented, with restrictions on the timing of activities.
- The EIAR indicates that no negative impacts on human health should occur. Compliance with ICNIRP Guidelines for EMF should be confirmed.
- Indicative mitigation measures for archaeological monitoring will ensure that any artefacts can be properly examined.
- The development will not give rise to any major accident issues.
- Surface water drainage proposals are acceptable.
- Foul drainage should accord with the provisions of the Consulting Engineers report (Alan Traynor) and no sewage should be allowed to percolate to ground.
- The proposal would support development on employment zoned land and the sustainable development of Arklow.
- The EIAR is satisfactory.
- The conclusion of the AA screening assessment is noted.
- The development would accord with the policies and objectives of relevant development plans and local area plans for the area.
- Development contributions of €80,746 are identified.

The planning authority submission was accompanied by internal technical reports from the Area Engineer, Roads and Water Services and Environment.

Recommended Conditions:

a) Mitigation measures identified in the EIAR should be implemented in full.
b) CEMP to be agreed prior to the commencement of development.
c) Landscaping plan to be agreed prior to the commencement of development.
d) Foul water drainage to comply with the *Foul and Surface Water Calculations and Details Report*, by Alan Traynor Consulting Engineers Ltd.
e) The hours of construction shall be amended such that construction works within 100m of any residential property should only take place between 0900 and 1700 Monday – Friday, and no works on Saturdays or Bank Holidays.

5.0 **Prescribed Bodies**

5.1 **Development Applications Unit:** The Dept. is broadly in agreement with the findings of the EIAR in relation to Archaeology and Cultural Heritage. Condition recommended.

5.2 **Transport infrastructure Ireland (TII):**

- Works crossing a Motorway require deeds of indemnities or consent from TII, including arrangements for third party access. General requirements for directional drilling under a motorway are identified.
- Access to the PPP scheme area will require consultation with the identified motorway PPP Company. Requirements include appropriate traffic management measures and scheduling of works.
- Any decision approval should require liaison with the Roads Authority, TII and the PPP Company, to ensure appropriate consents, approvals and third-party protocols are adhered to.
- The transport of abnormal loads must obtain a permit from each relevant local authority. All structures along the haul route should be checked to confirm their capacity to accommodate such loads. Consultation should be undertaken with regard to scheduling to protect the strategic function of the national road network.
- Any damage to the national road pavement shall be rectified in accordance with TII standards, details to be agreed with the road's authority.
- TII recommends the resolution of the above matters in advance of any decision.

5.3 **Iarnród Eireann:** The submission identifies standard requirements for works in proximity to the railway including the following:

- The development must take account of the obligations under the 2005 Railway Safety Act to ensure that there is no increase in risk to the railway.
- Provision should be made for maintaining security of the railway during works. Boundary treatment should be complete prior to major works commencing.
- Railway mounds and ditches shall be preserved, except with written consent.
- No additional water or effluent shall discharge or seep onto railway lands.
- Development shall not undermine the integrity of railway cuttings or embankments.

- Excavations in the track support zone require approval.
- The developer should consult with Irish Rail.
- Any services crossing along, over or under railway property, including the transmission cables must be subject to a Licence Agreement.
- An electromagnetic compatibility (EMC) report should demonstrate that the cables will not interfere with track signalling systems or track circuits.
- Installation of the cables must meet IE technical requirements, including the use of trenchless drilling and installation in a carrier pipe / sleeve min 4.5m below the top of the rail, at minimum 5m intervals.
- The launch and reception pits must be located outside the track support zone.
- Access for railway staff to the railway shall not be hindered.
- Railway underbridge UBR257 should not be used for construction vehicles.
- Cable crossings shall be a minimum of 20m from UBR257.
- Development should be designed to withstand noise and vibration from normal railway operations.

6.0 **Third Party Observations**

One submission has been received on the application, from Colin Doyle, which makes the following points:

- The primary concern relates to the cumulative climate impact with the adjacent permitted data centre in the context of Ireland's emission reduction obligations.
- The submitted EIAR refers to the calculation of emissions from the data centre as set out in that application (PA Ref. 20/1088).
- The description of those impacts as "Imperceptible to slight" is incorrect and misleading and the basis for this conclusion is flawed.
- Assessing the emissions against those in the overall EU emissions trading scheme (ETS) is flawed.
- There is no consideration given to these emissions in the national context, to which the EIAR was obliged to have regard.
- Regard should be had to the Climate Action Plan, Climate Action and Low Carbon Development (Amendment) Act and Sectoral Emission Ceilings.

- The EIAR fails to have regard to the emission ceilings for the electricity sector.
- Projected emissions equate to 3% of baseline 2018 and 12% of 2030 emissions for the electricity sector and would be a severe adverse impact.
- There was no consideration of the cumulative impacts with development beyond the immediate vicinity of the or of appropriate mitigation measures.
- The applicant's agents were familiar with two other such developments.
- The cumulative GHG emissions for these three developments would represent 38-50% of national emissions ceiling for the electricity sector in 2030, a significant adverse impact.
- The consultants were aware of the significance of these cumulative effects and the EIAR is defective.
- In considering the Do-Nothing scenario, the EIAR fails to consider the avoidance of GHG emissions.
- There are deficiencies nationally in the assessment and allocation of carbon budgets. The GHG permit system is not the appropriate mechanism to control emissions.
- Neither the CRU nor Eirgrid have responsibility for ensuring developments are aligned with national climate policy.
- The only body with authority and national overview is An Bord Pleanála, who is obliged to assess developments against national GHG reduction targets.
- A decision to grant permission giving rise to such cumulative effects would be open to challenge.

7.0 First Party Response to Submissions Received

The first party make the following comments in response to the submissions received:

- The development should be considered on its own merits and the permitted data centre development is not subject to review.
- The development supports a permitted ICT facility and accords with the NPF.
- NPO47 and regional objectives of the RSES supports such grid infrastructure.
- There will be no inappropriate visual impacts.
- The development accords with the provisions of the county development plan.

7.1 **Response to submission from Wicklow County Council**

- The planning authority comments are generally noted.
- The site is located in Flood Zone C.
- The proposed restriction on construction activity within 100m of residential properties is noted and would be accepted by the applicants.
- The applicants would accept a condition requiring compliance with ICNIRP Guidelines.
- A condition requiring compliance with the Consulting Engineers report on wastewater design would be acceptable to the applicants.
- The conditions recommended by the planning authority are acceptable to the applicants.

7.2 **Response to submissions from Prescribed Bodies.**

7.2.1 Transport Infrastructure Ireland (TII)

- Consent in relation to M11 crossing will be sought prior to commencement of works.
- A condition would be acceptable requiring that relevant consents be obtained and submitted to the planning authority prior to the commencement of development.
- The applicant is agreeable to a condition requiring engagement with Wicklow Co. Co. (Road Authority), TII and PPP company prior to works commencing.
- A condition in respect of abnormal loads would be acceptable to the applicants.

7.2.2 Iarnród Eireann

- The applicants would accept conditions in relation to the matters outlined in the Iarnród Eireann report.
- It is not intended to fell any trees which could impact on the railway.
- No water will be discharged onto railway property, drains or ditches.
- As no buildings are proposed within 4m of the boundary, a condition is not required in this regard.
- Engagement to obtain a licence for works under the railway will take place prior to the commencement of works.
- A relevant licence agreement for cables under the railway will be obtained.
- An Electromagnetic Compatibility Report will be provided and there will be no interference with railway signalling systems or track circuits.

7.2.3 Dept. of Housing Local Government and Heritage

The applicants are willing to accept the recommended conditions.

7.3 **Response to submission from Colin Doyle.**

- Much of the submission amounts to a collateral attack on the permitted ICT development.
- A submission from AWN Consulting accompanies the response.
- This application does not reopen the permitted development for consideration / determination.
- There are no significant climate impacts arising from the proposed development.
- As there are no operational emissions from the proposed development, there are no cumulative impacts.
- The EIAR for the data centre development concluded that there would be no significant impacts on climate.
- There is adequate information before the Board to undertake EIA of the proposed development, including cumulative assessment.

8.0 **Planning History**

ABP-311778-21: Pre-application consultation in respect of a 110kV substation and associated development, north of the existing Kish Business Park. The development included four possible transmission grid connection options. Option 3 included a loop-in / loop-out of the existing Arklow-Banoge 110kV overhead line. The Board determined that the proposed development fell within the scope of S.182A.

PA ref. 20/1088: Permission granted in June 2021 for construction of an information and communication technology (ICT) facility in 3 no. buildings, each with a gross floor area (GFA) of c. 22,210-sq.m (66,630-sq.m in total), and with a parapet height of c. 10.4 metres, and associated development, including emergency generators (20 no. for each building), flue stacks and associated plant in a fenced compounds adjacent to each ICT facility. All on a site of c. 24.16 ha.

The development includes the extension of the existing road serving Kish Business Park to serve the development, which will form part of the inner relief road

comprising Objective IT7 of the Arklow Town and Environs LAP 2018-2024. This development made provision for the future substation to serve the development.

This application was subject to Environmental Impact Assessment and was subject to AA screening.

I note the following applications in the Kish Business Park site to the south:

PA ref. 21/677 and ABP Ref.: PL27.312181: The planning authority decided to grant permission for a Biofuel facility (1,771m^2), covered truck filling / unloading area, pipe bridge and tank farm storage area. The development involves the processing of vegetable oil to produce bio-diesel. The site is located on the western side of the existing business park, adjacent to the railway. The application was accompanied by an EIAR and was subject to AA Screening. This development would be subject to an IE licence from the EPA. At time of writing, a third-party appeal against this decision was not yet decided.

PA Ref.: 22/243: Permission granted to Armstrong Timber Engineering Ltd. in June 2022 for a single storey industrial unit (2,380sqm) in lieu of that previously permitted under PA ref. 21/951, a new car park and storage compound and associated site works.

PA ref. 18/1283 and PA ref. 17/941: Permission granted minor amendments to the Armstrong Timber Engineering facility.

PA Ref. 19/1322: Permission granted to Robert Marshall for a single storey industrial unit, surfaced yard and associated works, southwest of the subject site, and adjacent to PA ref. 21/677, PL27.312181.

9.0 Policy Context

9.1. National Planning Framework – Ireland 2040

NSO 5 relates to the creation of “A Strong Economy Supported by Enterprise, Innovation and Skills”. Delivering this outcome will require the coordination of growth

and place making with investment in world class infrastructure, including digital connectivity.

Objectives include: “Promotion of Ireland as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities.”

Section 4.4 notes that planning to accommodate strategic employment growth at regional, metropolitan and local level should include consideration of locations for new enterprises, based on the extent to which they are people intensive, space extensive, tied to resources, dependent on the availability of different types of infrastructure (e.g. telecoms, power, water, roads, airport, port etc.) or dependent on skills availability.

Chapter 8 Working with our Neighbours - NPO 47: In co-operation with relevant Departments in Northern Ireland, strengthen all-island energy infrastructure and interconnection capacity, including distribution and transmission networks to enhance security of electricity supply.

9.2. **Climate Action Plan 2023**

12. Electricity: The electricity sector faces an immense challenge to meet its requirements under the sectoral emissions ceilings. Electricity will play an important role in the decarbonisation of other sectors through electrification, including transport, heating, and industry.

Transformational policies, measures and actions, and societal change are required to increase the deployment of renewable energy generation, strengthen the grid, and meet the demand for flexibility in response to the challenge.

12.3.3 Improved electricity demand management will require more flexible demand, improved infrastructure, and supportive policies.

As electrification and decarbonisation of other sectors continues, there will be an increase in electricity demand and a transferring of emissions from those sectors to the electricity sector. Limiting peak demand when renewable resources are unavailable, through improved flexibility and demand management, will be vital.

In the short- and medium-term, new demand growth from large energy users, such as data centres, will have to be moderated to protect security of supply and ensure

consistency with the carbon budget programme. (The plan refers to the *Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy*.)

Action EL/23/27 is to deliver an enhanced reporting framework for electricity emissions for large energy users.

9.3. Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy (July 2022)

Policy seeks to enable the 'twin transitions' of digitalisation and decarbonisation of our economy and society. These transitions can and must be complementary. Data centres are core digital infrastructure and play an indispensable role in our economy and society.

Existing contracted and proposed data centres present additional challenges for grid capacity. To address risks to security of supply, the CRU Direction to the System Operators (Nov 2021) allows the data centre industry to continue to connect to the electricity grid, subject to certain conditions.

The capacity constraints experienced by the electricity system, and the binding carbon budgets that require rapid decarbonisation of energy use across all sectors, necessarily mean that not all existing demand for data centre development can be accommodated. This Statement therefore sets out the principles that will ensure that the data centre infrastructure that can be accommodated contributes positively to our climate and digital ambitions.

The Government's clear preference is for data centre developments associated with strong economic activity and employment; make efficient use of our electricity grid, deliver renewable energy in Ireland.

9.4. Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly 2019-2031

The RSES recognises the need to facilitate the provision of sufficient electricity to meet increasing demand.

Communications Networks and Digital Infrastructure

RPO 8.25: Local authorities shall (inter alia): 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.

RPO 10.20 seeks to support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy.

The Eastern Region is a major load centre on the electricity transmission system. Developing the grid will enable the transmission system to safely accommodate more diverse power flows from renewable generation and also to facilitate future growth in electricity demand. This is particularly important if the Region is to attract high technology industries that depend on a reliable, high quality, electricity supply.

9.5. Wicklow County Development Plan 2022 – 2028

Built Heritage Objectives set out in Ch.8 include CPO 8.1 and CPO 8.2 which seek the preservation of archaeological monuments and avoidance of development detrimental to their setting or to their cultural / educational value. Objective CPO 8.3 requires archaeological assessment of any development that may have implications for archaeological heritage.

Chapter 9 Economic Development identifies key sectors for growth, including Information & Communications Technology. This forms the second largest industrial group in Wicklow. A number of large-scale data centres are either under construction or have permission in the County. Section 9.4 notes that towns, including Arklow, are the key focus for economic growth.

Objective CPO 9.1 supports all forms of employment creation. Strategic employment development will be directed into the towns of Bray, Wicklow-Rathnew, Arklow, Greystones and Blessington.

Objective CPO 9.3 will normally require new employment generating developments to locate on suitably zoned or identified land in settlements.

Objective CPO 9.19 encourages knowledge, high-tech and services-based specialist industries, and promote the clustering of these types of these and related industries.

Objective CPO 6.18 supports the development and expansion of the electricity transmission and distribution grid, including new lines, pylons and substations.

Objective CPO 16.24 states that proposals for the undergrounding of cables should demonstrate that environmental impacts are minimised.

CPO 16.36 supports 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.

CPO 17.23 requires the retention, wherever possible, of hedgerows and other distinctive boundary treatment.

9.6. Arklow and Environs Local Area Plan 2018-2024

The proposed substation site and adjoining lands are zoned 'E – Special Employment': To provide for large, single undivided employment development.

The objective is to facilitate the development of large, single, undivided employment development, such as 'direct foreign investment' businesses and would be likely to appeal to multinationals or significant IT (such as data centres) / green technology / pharmaceutical industries.

Kish Business Park to the southwest, is zoned E1 Employment: To provide for the development of enterprise and employment.

The objective is to facilitate the further development and improvement of existing employment areas and facilitate opportunities for new high-quality employment and enterprise developments in a good quality physical environment.

The proposed transmission cables traverse lands partially zoned *E Special Employment* and partially zoned *E1 Employment*. The cable routes also traverse a linear area between the railway and the R772 along the Moneylane Stream, zoned Open Space 2: To protect and enhance existing open, undeveloped lands that comprise floodplains, buffer zones along water courses and other areas. To the northwest of the IDA business park, the cable routes fall outside the LAP boundaries.

Chapter 4 Economic Development & Employment

Strategic, large-scale development on an ‘Employment Opportunity Site’ (49ha) at Money Big/Bogland, south Arklow, zoned E Special, will be facilitated. Development of this land will require a new road network in the area, principally the ‘Port Access Route’, from which a north-south spur road will be required.

Objectives for employment lands at Money Big/Bogland

- To promote and facilitate the development of larger scale employment generating developments on these ‘E Special’ zoned lands at Bogland.
- To resist the development of a business/office park type development.

Objectives IT7 and IT9 refer to the development of Action Area Plan lands and the new road network in this area.

9.7. Natural Heritage Designations

The site is not located within or adjacent to any designated conservation sites. The closest site is Arklow Rock-Askintinny pNHA, located approx. 1km east of the site. This pNHA bounds the site of the Roadstone Quarry and the coastal fringe.

10.0 Assessment

I have examined the application details and all other documentation and submissions on the file. I have inspected the site and, having regard to relevant local, regional and national policies and guidance, I consider that the critical issues in determining the current application before the Board can be considered under the broad headings set out below. EIA is considered under a separate heading.

- Land use and development principle
- Landscape and visual Impacts
- Drainage and services
- Access and transport
- Ecology
- Climate
- Noise and vibration

- Archaeology

10.1. Land use and Development Principle:

The proposed substation and grid connection infrastructure is required to serve the adjacent permitted data centre development and is ancillary thereto. Its development was anticipated in the consideration of that application by the planning authority under PA ref. 20/1088. The development accords with the policies and landuse objectives of the relevant development plan and facilitates a development otherwise supported in planning policy. The proposed development is therefore acceptable in principle.

The substation site comprises lands within the applicant's control / ownership. The proposed transmission cables traverse public roads and private lands and I note that the County Council have raised no objections in this regard. Letters of consent from two landowners to the installation of transmission cables within their landholdings have been submitted, who are described as the main private landowners affected. While other affected landowners are identified, I note that the relevant legislation imposes no requirement to demonstrate landowner consent in respect of applications such as that now before the Board.

I note a minor error in the public notices. In the first part of the development description it refers to a connection to an existing 220kV overhead line to the northwest of the proposed substation. Later in the description, this is correctly referred to as the 110kV Arklow – Banogue overhead line. I do not regard this error as material or consider that it would have prejudiced third-party participation in the planning process.

10.2. Landscape and Visual Impacts

The substation development and 110kV line interface are the principle components of the development with potential to impact on landscape and visual amenity. The EIAR is accompanied by a number of photomontages which illustrate the potential impacts of the development, and these are considered to be reasonably reflective of local views from the surrounding area.

The proposed substation development occurs on lands zoned for industrial and employment uses and must be considered in the context of the adjacent permitted data centre which it is to serve. In longer views toward the site, the development will be seen as a subsidiary element and will have minimal additional impact on landscape character or visual amenity. The outline landscaping and planting scheme, as described in the Design Statement, will assist in mitigating the immediate impacts on views from the adjacent access road to the west. Subject to final details being agreed with the planning authority in this regard, no significant impacts arising from the proposed substation development are anticipated.

Two pylon structures / drop down masts are proposed at the 110kv Line interface at Ballintombay. The structures, at the end of Circuits A and B respectively, are located approx. 110m apart and the intervening section of existing overhead line will be removed. Existing wooden pole sets will be retained in-situ such that the development will comprise additional support structures / masts at this location, while the removal of a section of overhead line will provide some minor visual mitigation. The works will not affect any scenic routes or protected views at this location and while there will be some moderate local visual impacts, these are not regarded as unacceptable in the context of the existing transmission infrastructure at this location on the edge of the urban area.

10.3. **Drainage and Services:**

The development facilitates and is ancillary to the adjoining permitted ICT / data centre development and it is proposed to connect to the water supply and foul and surface water drainage networks of that development.

In terms of surface water, the adjoining permitted development includes the removal, infilling and redirection of drains in this area, including the Springfield Stream. It is stated that the permitted drainage scheme was designed in accordance with GDSDS guidance to limit run-off to greenfield rates, and a storm water detention basis is provided to the northwest of the substation site. Prior to connection to the approved surface water network, flows from the subject site will pass through a petrol interceptor. The subject development does not involve any further amendments to the existing or permitted drainage network in this area. The site is located in Flood

Zone C, and no downstream impacts in terms of drainage or flooding are considered likely in this case. I note the reports of the planning authority on the planning application and consider that subject to conditions, the proposed surface water drainage proposals are acceptable.

The proposed development will not generate any significant volumes of wastewater. As noted in the PA report, there is some inconsistency in the EIAR with regard to the foul drainage proposals. I therefore refer of the report of Alan Traynor Consulting Engineers, *Foul & Surface Water Calculations & Details,* which accompanied the application.

The report notes that proposals for an on-site treatment plant and percolation area to serve the overall development under PA ref. 20/1008 were rejected on the basis of ground conditions on these lands. The permitted development instead provides for on-site treatment and subsequent pumping and discharge to the existing Kish Business Park pumping station, from where it will flow via a rising main and gravity connection to Croghan Industrial Estate pumping station. While not straightforward, those proposed connections were considered acceptable by Irish Water.

In respect of the proposed development, it is proposed to discharge into a new junior pumping station adjacent to the substation, from where it will connect to the approved network under PA ref 20/1088. The development will be subject to a connection agreement from Irish Water and subject to same, is considered to be acceptable in principle. I note and concur with recommended condition (e) of the Planning Authority report, and the applicants have indicated their acceptance of such a condition.

Water supply will be provided via the new watermain approved as part of the adjoining development. Having regard to the low levels of water demand likely to arise from the proposed development, these proposals are regarded as acceptable in principle, subject to a connection agreement with Irish Water.

10.4. Access and Transport

The proposed substation site is to be accessed from the permitted access road to the west, via Kish Business Park and Clogga Road to the south. The wider road

network is of good quality and the development is not expected to generate significant traffic volumes at construction or operational phases, particularly in the context of the scale of development permitted on adjacent lands. I note that the roads authority raised no objections to the development in this regard.

The transmission cable connection proposes Horizontal Directional Drilling (HDD) crossings of the railway (Circuits A and B) and the M11 (Circuit B), and I note the detailed submissions from Irish Rail and TII in this regard. The agreement / consent of the road and rail authorities would be required for such works. Subject to such consent, the proposed development is acceptable in principle. I note also that there are separate legislative requirements regarding the safety of works affecting the motorway and the railway.

Notwithstanding the TII submission, and having regard to the requirements under the Roads Act, I consider that the matters raised can be adequately addressed by way of condition and do not require resolution prior to any decision to grant permission in this case. I note the applicant's submission in this regard.

Circuit A is to be laid along the R772 and L6187 for a distance of c.2.5km. Excavation of trenches, and construction of jointing bays in particular, will result in significant but temporary disruption to movement along these roads. The EIAR notes that works will be carried out using shuttle working arrangements. Circuit B has limited routing along public roads, comprising only a short section along the R772, however, it does traverse c.600m of private roads through IDA lands. Having regard to the limited extent of existing development within these IDA lands, significant disruption is not expected to arise at this location during such works.

A project specific Traffic Management Plan will be required to address the impact of works within the public road. Having regard to the recorded volumes of traffic on the affected routes and the quality and width of the roads, however, the impacts of such temporary disruption are not regarded as unacceptable. I note in particular the report of the Roads Authority in this regard. It is considered that the provision of safe access to works areas, and achievement of sightlines, as referenced in the internal roads authority report can be adequately addressed by way of condition.

10.5. **Ecology**

The proposed development occurs largely on zoned lands. The substation adjoins and facilitates a larger permitted development which will result in significant site clearance and regrading works, as well as disturbance effects during construction and operation. The substation site is currently in agricultural use and the principal feature of ecological interest is a hedgerow running generally east-west across the site. This appears to bound the line of an historic laneway across the lands.

The presence of a high-water table is evident across the lands. A stream / drain running along the hedgerow, flows west to the Moneylane Stream via culverts under the railway line, identified on EPA mapping as the Springfield Stream. Both streams are identified as being of moderate status. As part of the permitted development (20/1088), much of this stream is to be infilled, with flows diverted around the data centre development and into the detention pond to the northwest. Flows to Moneylane Stream are to be maintained at greenfield rates, however, and the substation development does not require any further works to the Springfield stream.

The substation development will result in the loss of the existing hedgerow and change of use of these agricultural lands. While cable Circuit A runs largely along public roads, sections of Circuit B traverse improved agricultural lands and cross a number of hedgerows and an area of landscaped / woodland planting (c100m^2) within the IDA business park.

The EIAR identifies the permanent loss of c. 150m of hedgerow along the Springfield Stream and c. 20m of hedgerow in four sections to facilitate the cable route through agricultural land. The hedgerows are of high, local value, such that there will be negative local impacts on ecology. The loss of agricultural lands for the substation site and the temporary loss of lands along the cable route are not regarded as significant negative impacts, given their relatively low ecological value. Similarly, the impact on the woodland area bounding IDA lands is not regarded significant given the nature and mix of planting therein.

The cable routes cross the Moneylane stream at two points. The first is an open channel within fields between the railway and the R772, while the second is at the existing culverted crossing under the R772. The EIAR is unclear with regard to the methodology for these crossings. Sections 7.3.3.1 and 7.5.1.1 indicate that the cable route is to pass under the Moneylane Stream by HDD and that impacts thereon are

not expected, however, this construction methodology is not reflected in the application drawings. This matter is not clarified in the applicant's response to the WCC submission. In order to protect the quality of the watercourse, it is therefore recommended that final details regarding the construction methodology at this location in line with Sections 7.3.3.1 and 7.5.1.1 of the EIAR, should be subject to agreement with the planning authority.

The presence of badgers has been recorded on adjoining lands and specific measures to mitigate the loss of an outlier sett were identified as part of the permitted development (PA ref. 20/1088). These impacts and associated mitigation measures occur on lands outside the subject application site, however, the proposed development may result in some loss of additional foraging and commuting habitat for badger. Having regard to the nature and extent of the adjoining permitted development, however, any additional impacts arising from the development proposed in this case are not predicted to be significant.

Previous site surveys recorded low levels of bat activity across these and adjoining lands. (These also reflect the conclusions of surveys undertaken in respect of adjacent development under PA ref. 21/677.) Chapter 7 of the EIAR concludes that impacts will not be significant and that the cable route will not result in loss of bat roosts or significant commuting habitats. I note further that the existence of a planning permission does not obviate the requirement to comply with any obligation to obtain a derogation licence under Regulation 54 of the 2011 Regulations, should it apply in respect of any works on the site. I note identified mitigation in the EIAR with regard to the timing of tree removal and conditions requiring compliance with NRA / TII *Guidelines for the Treatment of Bats During the Construction of National Road Schemes*, would be appropriate. I note that section 7.5.2 of the EIAR also identifies guidance on the design of lighting to mitigate impacts on bats.

Site surveys identified common passerine bird species within the site and the surrounding area. I note that significant disturbance would arise from the adjoining permitted data centre development and that the proposed development will not give rise to any significant additional effects in this regard. The timing of site and vegetation clearance works should avoid the bird nesting season, however.

10.6. **Climate**

The third-party submission raises concerns with regard to carbon emissions arising from the associated data centre development (PA ref. 20/1088) and the cumulative impacts of the proposed substation and grid connection development therewith. The methodology used in assessing the significance of the impacts is queried, particularly in the context of current emissions ceilings for the electricity sector.

I note that the data centre development has the benefit of an extant planning permission under PA ref. 20/1088, which was not subject to appeal or otherwise challenged. The permitted development was subject to EIA which included an assessment of the climate and air quality impacts of the development. Notwithstanding the arguments presented by the observer, it is beyond the scope of this report to revisit the assessment of that development or the existing planning permission in respect thereof.

The subject development relates to transmission infrastructure comprising a 110kV substation and cable connection to the national grid. This is infrastructure used for the conveyance of electricity and will not give rise to operational emissions. In respect of cumulative effects, while the subject development will facilitate the data centre development, it will not give rise to any operational emissions which could act cumulatively with the permitted development or give rise to larger or more significant effects on climate. I do not therefore consider that the proposed substation and grid connection development would be unacceptable in terms of potential climate effects.

10.7. **Noise and Vibration**

The substation site is generally at a remove from sensitive receptors and having regard to the scale of the proposed development, significant impacts during construction are not anticipated. In the context of the scale of the permitted data centre development and separation from receptors, significant cumulative noise and vibration impacts with the substation development are not considered likely.

Cable routing works will traverse roads and agricultural lands in closer proximity to residential properties. The EIAR predicts that in the absence of mitigation, trench

excavation and cable construction noise levels could exceed the identified emission limit value for receptors within 30m of works.

The EIAR indicates, however, that no more than a 100m section of trench will be opened at any one time and that the main excavation, installation and reinstatement process will take place at a rate of c.100 m per day. The EIAR and the Noise and Vibration Management Plan accompanying the application identify mitigation measures, including the erection of screening or noise barriers and community engagement. Noise monitoring is also to be undertaken during works.

I note the limits on construction hours as recommended by the planning authority. While these would appear to be relatively restrictive, I note that the applicants have indicated the acceptability of such a condition to them. I therefore recommend that a condition in this regard be attached in the event of a decision to grant permission in this case.

Having regard to the limited duration of construction activities and the small number of receptors impacted along the route, and subject to the identified mitigation measures it is not considered that the temporary construction noise and vibration impacts arising from the proposed development would be unacceptable.

10.8. Archaeology and Cultural Heritage

There are no structures included in the RPS or listed in the NIAH in the vicinity of the site. There is one recorded monument located to the west of the proposed substation site and adjacent to the railway, Killynee Chapel and Graveyard. The RMP notes that this feature was completely removed during construction of the railway and I note that there are no visible remains on the site.

It is reported that geophysical surveys of these lands did not identify any features associated with the chapel or graveyard, however, a number of other potential archaeological features were identified (possibly fulachta fiadh) on the substation site. Any ground disturbance in these areas would remove any such surviving sub-surface features. The transmission cable route will not impact on any recorded sites but has the potential to encounter previously unrecorded archaeological features.

I note the mitigation measures proposed in the EIAR, as well as those proposed under PA ref. 20/1088, and the submission received from the Development Applications Unit. Subject to the satisfactory supervision and archaeological resolution of the site, I do not consider that significant impacts on the archaeological or cultural heritage resources of the area are likely. There is also potential for the investigation and excavation of the site to contribute to the understanding of the history and archaeological heritage of the area.

11.0 **Environmental impact Assessment**

11.1. Statutory Provisions

This section sets out an Environmental Impact Assessment (EIA) of the proposed development, which broadly comprises the construction of a new substation and associated infrastructure, and two new 110kV circuits to connect to the existing 110kV network in the area. I refer to the more detailed description of the proposed development set out in section 3.0 above.

This application was submitted to the Board after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law. The application was accompanied by an Environmental Impact Assessment Report (EIAR).

The proposed development would itself comprise a sub-threshold development for the purposes of EIA, having regard to Schedule 5 of the Planning and Development Regulations 2001 as amended. The EIAR states, however, that it has been prepared because the proposed development will provide the permanent power supply for, and is fundamental to, the permitted development for adjacent data centre development (PA ref. 20/1088) which was previously subject to EIA. The EIAR has been prepared to examine the likelihood of significant cumulative effects.

The EIAR contains three volumes, Non-Technical Summary (Vol I), the main statement (Vol II) and appendices (Vol III). Within the main statement:

Chapter 1 sets out an introduction and background to the EIAR and the EIA process.

Chapter 2 describes the proposed development, including the existing site, the construction process, and commissioning and operation of the project.

Chapter 3 describes the alternatives considered.

The likely significant direct and indirect effects of the development are considered in the following Chapters, in accordance with Article 3 of the EIA Directive:

Chapter 4. Human Health and Population.
Chapter 5. Land and Soils, Geology and Hydrogeology.
Chapter 6. Hydrology.
Chapter 7. Biodiversity; Flora and Fauna.
Chapter 8. Air Quality and Climate.
Chapter 9. Noise and Vibration.
Chapter 10. Landscape and Visual Impact Assessment.
Chapter 11. Archaeology, Architectural and Cultural Heritage.
Chapter 12. Traffic and Transportation.
Chapter 13. Material Assets – Utilities.
Chapter 14. Material Assets – Waste Management.
Chapter 15. Interactions.

In terms of cumulative impacts with other planned projects in the area, section 2.8 notes that these are addressed within each relevant chapter of the EIAR, while section 2.9 sets out the relevant planning history in the vicinity of the site. The most relevant projects for the purposes of cumulative assessment include the adjoining data centre development under PA ref. 20/1008 and a proposed bio-fuel facility under PA ref. 21/677 / ABP ref. ABP-312181-21 (currently under appeal).

11.2. **Consideration of risks associated with major accidents and/or disasters.**

Article 3(2) of the Directive includes a requirement to consider the expected effects deriving from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned. The 2018 Guidelines on carrying out Environmental Impact Assessment identify two key considerations:

- The potential of the project to cause accidents and/or disasters, including implications for human health, cultural heritage, and the environment.

- The vulnerability of the project to potential disasters/accidents, including the risk to the project of both natural disasters and man-made disasters.

Section 2.2.2 of the EIAR notes that the proposed development does not constitute a COMAH site and that there are no COMAH establishments with the surrounding area. It concludes therefore that there are no implications for major accidents or hazards at the proposed development. The application is accompanied by a Stage I Flood Risk Assessment, and Chapter 6 of the EIAR considers flood risk. This concludes that the site of the proposed development is not at risk of flooding and will not give rise to flooding impacts elsewhere.

Having regard to the nature of the proposed development on zoned lands, and to the existing and proposed pattern of land uses and development in the surrounding area, I am satisfied that the development is not likely to cause, or to be vulnerable to, major accidents and / or disasters.

11.3. **Alternatives**

Article 5(1)(d) of the 2014 EIA Directive requires “a description of the reasonable alternatives studied by the developer, which are relevant to the development and its specific characteristics, and an indication of the main reasons for selecting the chosen option, taking into account the effects of the development on the environment.”

Chapter 3 identifies the alternatives considered and the reasons for not proceeding with each, including the Do Nothing Alternative.

In the context of the permitted data centre development on adjoining lands, I do not regard the Do-Nothing option or alternative substation locations or uses to be reasonable alternatives in respect of this development. The substation unit design and cable design is stated to be based on Eirgrid and ESB Networks requirements, such that alternatives are not available to the applicants. Within the substation site, three alternative layouts are identified and assessed. No alternative processes are available.

Alternative transmission line route options are identified and the EIAR provides a preliminary appraisal of the environmental effects of each. It is stated that the

preferred option was refined into the proposed development through the design process.

I consider that the issue of alternatives has been adequately addressed in the application documentation.

11.4. **Adequacy**

Section 1.3.2 of the EIAR identifies the contributors to relevant sections of the EIAR, and their roles and responsibilities, qualifications and relevant experience. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2000, as amended.

In carrying out this EIA I have examined all the information presented by the applicant, including the EIAR, and the submissions and observations received during the course of the application. A summary of the submissions has been set out above.

11.5. **Likely Significant Effects:**

Ch. 4 Population and Human Health:

Likely Significant Effects

The development will facilitate the adjoining permitted development. In combination with that development, there will an increase in associated construction and operational employment, and an increase in economic spend in the area.

The residential properties closest to the substation site are along the Clogga Road and on the R772, approx. 400m from the proposed substation. Construction activity at the substation site may result in noise impacts, however, in the context of the adjoining permitted data centre development such impacts will not be significant. The route of the proposed cable connections run closer / adjacent to residential

properties and works associated with trenching and cable installation will result in significant temporary noise impacts (see also Ch. 9 below). Cable installation along local roads will result in delays and disruption to local road users. Construction traffic could result in dust, nuisance or disturbance to other road users; however, the volumes of traffic are limited and temporary in duration.

Given separation distances, significant dust impacts from works at the substation site are not considered likely. While cable works extend over 2km for each circuit, the limited extent and duration of works at each location are not considered likely to result in significant impacts from dust deposition.

EMF emissions from the electricity grid are non-ionising and do not have sufficient energy to cause damage to human or animal cells. The underground nature of the cables provides significant additional mitigation of emissions and no effects on human health are predicted.

There will be a change to the character and visual amenities of the area, however, in the context of the zoning objectives for the lands and existing and permitted development in the area, significant impacts from the substation elements are not likely. New dropdown masts at the 100kV line interface will have some local negative visual impacts, however in the context of existing infrastructure on the edge of the urban area and the limited number of receptors affected, such impacts are not considered to be significant.

Mitigation

Section 4.6.1 refers also to the mitigation measures set out in other chapters; Chapter 5 (Soils, Geology and Hydrogeology); Chapter 6 (Hydrology); Chapter 8 (Air Quality and Climate), Chapter 9 (Noise and Vibration); Chapter 10 (Landscape and Visual); Chapter 12 (Traffic and Transportation).

Specific mitigation measures identified, include:

- Separation of substation site from sensitive receptors.
- Implementation of the CEMP, including a noise management plan.
- Construction Traffic Management Plan, including the routing of traffic.
- Limits on the hours of construction.
- The temporary duration of construction activity.

- Preparation of an agreed landscaping plan, including protection of hedgerows.

Residual Impacts

- Positive economic and employment impact.
- Moderate negative local landscape and visual impact.
- Temporary traffic disruption impacts.
- Significant but temporary construction noise impacts.

Cumulative Effects

Potential cumulative construction and operational effects arise with:

- the Permitted ICT Facility WCC Reg. Ref. 20/1088 previously subject to EIA.
- the Biofuel Facility proposed under WCC Reg. Ref. 21/677.

There will be some cumulative construction traffic, and noise and dust emissions with adjoining development in the event of concurrent construction. Subject to identified mitigation measures, having regard to the relatively small scale of the subject development, and separation of the adjoining developments from sensitive receptors, no significant negative cumulative impacts are anticipated.

Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that predicted impacts in relation to population and human health would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of population and human health.

Ch. 5. Land and Soils, Geology and Hydrogeology

Likely Significant Effects

The development would result in the permanent loss / change of use of c1.8ha of agricultural lands to utility / industrial use.

There is potential for discharge of sediments or accidental leaks and spillages of contaminating materials to ground or surface water. Site excavation has the potential

to result in the loss or discharge of sediment to adjoining drains and watercourses. There will be a requirement for excavation of 3,860m^3 of soils for the substation site, with a net fill requirement of 22,091m^3 sourced from the data centre site. Excavated materials exported for treatment and / or disposal off-site could impact on human health, water and the environment.

The site overlies a locally important aquifer, moderately productive only in local zones. The substation overlies an area of low vulnerability and groundwater status is good. Any increase in surface water run-off arising from the substation development will be managed via the permitted network, including the management of firewater arising from an incident at the site.

Mitigation

- The zoned nature of the substation lands.
- Adherence to the CEMP, including best practise measures aligned with specified guidance documents.
- Management of surface waters during construction to ensure silt removal.
- Standard soils and stockpile management measures.
- Monitoring of excavation works to identify any potential contamination.
- Reuse of excavated materials. Minimising the volume of imported fill, with only clean fill sourced from reputable suppliers.
- Adherence to waste management regulation requirements.
- Standard measures for fuel and chemical handling.
- Design of the surface water management system, including use of interceptors and connection to the adjacent permitted surface water management system.
- Operational measures to manage leaks and spills of contaminating materials.

Residual Impacts

No significant residual effects are predicted.

Cumulative Effects

Potential cumulative construction and operational effects with:

- the Permitted ICT Facility WCC Reg. Ref. 20/1088. Previously subject to EIA and requiring the preparation of a CEMP.

- the Biofuel Facility proposed under WCC Reg. Ref. 21/677, which application included an outline Construction Management Plan.

Concurrent construction activity has the potential to result in cumulative impacts on soils and water quality. Having regard to the scale of development proposed, and with the implementation of identified mitigation measures, no significant cumulative effect on land, soils, geology and hydrogeology in combination with other relevant planned, existing or permitted developments are considered likely.

Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Land and Soils, Geology and Hydrogeology would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Land and Soils, Geology and Hydrogeology.

Ch.6 Hydrology

There is no existing public wastewater network at the substation site. The site is traversed by one watercourse, identified as Springfield 10, which flows west toward the Moneylane Stream, which is of Moderate Status. This discharges to the Ballyduff Stream 2.2km downstream and eventually to the Avoca River. Springfield stream is to be significantly modified by the adjacent permitted development. The underlying aquifer is locally important, moderately productive only in local zones. The substation overlies an area of low vulnerability and groundwater status is good.

Likely Significant Effects

Construction activity with potential to impact on the water quality and hydrological environment includes:

- Excavations / filling works giving rise to the potential release of sediment or other contaminants to waterbodies.
- Discharge of collected rainwater during excavation works and groundworks.
- Potential accidental spill or release of stored contaminating / polluting materials.
- Crossing of watercourses.

Potential operational phase impacts include:

- Increase in impermeable surfaces giving rise to increased run-off.
- Potential hydrocarbon contamination of surface water from vehicle movements and transformers.
- Wastewater generation.
- Minor additional water demand.

Mitigation

- Adherence to the CEMP including standard soil and stockpile management measures.
- Design of watercourse crossings and compliance with current construction best practice, including CIRIA guidance for construction sites, IFI Guidelines on protection of fisheries (2016) and TII Guidelines for the crossing of watercourses (2008).
- Reuse of excavated material where possible and use only of clean imported fill.
- Monitoring of excavations for signs of possible contamination.
- Management of surface waters during construction to ensure silt removal.
- Standard procedures for prevention and management of spillages of fuel, chemical or other contaminants during construction and operation.
- Temporary duration of construction activity.
- Location in Flood Zone C.
- Design of the operational surface water management system, including use of interceptors and connection to the adjacent permitted surface water system.
- Connection to the adjoining permitted wastewater network.

Residual Impacts

No significant residual effects are predicted.

Cumulative Effects

Potential cumulative construction and operational effects with:

- the Permitted ICT Facility WCC Reg. Ref. 20/1088. Previously subject to EIA and requiring the preparation of a CEMP.
- the Biofuel Facility proposed under WCC Reg. Ref. 21/677, which application included an outline Construction Management Plan.

Development under PA/1088 provides for the removal, infilling and redirection of drains across these lands. No further changes to the drainage patterns or network in the area are proposed as part of the subject development. Cumulative construction activities have the potential to give rise to impacts on water quality. Having regard to the scale of the proposed development and with the implementation of mitigation measures to protect water quality, no significant construction effects in combination with other relevant planned, existing or permitted developments are predicted. No significant cumulative operational impacts are likely.

Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts predicted to arise in relation to Hydrology would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Hydrology.

CH. 7 Biodiversity; Flora and Fauna

Key ecological receptors are extant hedgerows, of high biodiversity value at a local level, while other habitats are generally of low biodiversity value. There is no potential connection or pathway to European Sites. NHAs and pNHAs within the zone of influence of the development will not be impacted, and no supporting habitat will be affected. Springfield stream is to be significantly modified by the adjacent permitted development. There were no invasive species recorded during the habitat survey. The adjacent permitted data centre development will result in the loss of one outlier badger sett. There were no signs of otter or suitable habitats in the proposed site, although they may occur along watercourses in the area.

Likely Significant Effects

There will be a permanent loss of existing habitats, mainly comprising agricultural grassland, with some minor loss of hedgerows. There is potential for runoff of sediments or other contaminants to watercourses during site works. There is potential for some further loss of badger foraging lands and commuting routes arising from the proposed development.

Low levels of bat activity were recorded across these lands and surveys identified no evidence of commuting bats. The low level of hedgerow removal is not predicted to give rise to significant effects on bat populations. Works along the cable routes are not likely to result in disturbance of bat roosts or significant loss of commuting habitat. Site lighting has the potential to result in displacement of bat species from feeding habitats.

Mitigation

- Adherence to CEMP and best practise guidance, including CIRIA guidance for construction sites, IFI Guidelines on protection of fisheries (2016) and TII Guidelines for the crossing of watercourses (2008).
- Timing of site and vegetation clearance works.
- Adherence to measure identified in respect of Ch. 5 land, soils and hydrogeology and Ch. 6 hydrology, and to published guidance including CIRIA and IFI guidelines.
- Lighting design in accordance with identified guidance for bats.
- Implementation of landscaping plans.
- Adherence to any derogation licence requirements, including measures for the exclusion of the badger sett and adherence to NRA guidelines.
- Provision of access for badger in site fencing.
- HDD crossing of the Moneylane stream addresses potential impacts on otter and water quality.
- The attenuation pond serving the wider development may create new habitat.

Residual Impacts

- There will be some loss of habitats of local importance, however, no significant negative residual impacts are predicted.

Cumulative Effects

Potential cumulative construction and operational effects with:

- the Permitted ICT Facility WCC Reg. Ref. 20/1088. Previously subject to EIA and requiring the preparation of a CEMP.
- the Biofuel Facility proposed under WCC Reg. Ref. 21/677, which application included an outline Construction Management Plan.

Adjacent development will result in the loss of existing habitats within the surrounding area. Springfield stream is to be significantly modified by the permitted data centre development. That development, which was subject to EIA, will result in a long-term loss of badger dwelling places and a reduction in feeding and commuting habitat. Similarly, assessment of the development under 21/677 found the site to be of low ecological value. With the implementation of mitigation measures to protect biodiversity, significant cumulative effects of the proposed development in combination with other relevant planned, existing or permitted developments are not considered likely.

Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to biodiversity would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of biodiversity.

CH. 8 Air Quality and Climate

Likely Significant Effects

Construction activity has the potential to give rise to dust emissions, while construction traffic movements will result in vehicle emissions to air. In the majority of cases fugitive construction dust is deposited within 50m of the source. Earthworks are predicted to result in an overall medium risk of dust impacts and a low risk of dust related human health impacts. The scale of proposed substation development and its separation from sensitive receptors is such that the risk of impacts is not significant. 8 no. residential properties lie within 20m of the grid connection route and are at risk of dust soiling. In the absence of mitigation, dust impacts are predicted to be short-term, negative and slight. No significant operational emissions or effects on air quality or climate are anticipated.

Mitigation

- Adherence to the CEMP, including best practice dust control and mitigation measures and monitoring of dust deposition levels.

- Limited extent and duration of works in proximity to sensitive receptors, and separation of the substation site from sensitive receptors.
- Due to the linear nature of grid connection works, not all receptors will be impacted at any one time.
- Community engagement and complaints procedures.
- Use of covered loads for vehicles delivering or collecting from the site.

Residual Impacts

No significant residual effects on air quality or climate are predicted.

Cumulative Effects

Potential cumulative construction and operational effects with:

- the Permitted ICT Facility WCC Reg. Ref. 20/1088. Previously subject to EIA and requiring the preparation of a CEMP.
- the Biofuel Facility proposed under WCC Reg. Ref. 21/677, which application included an outline Construction Management Plan.

The development will facilitate operation of the adjoining permitted data centre development, which was previously assessed to result in slight long-term negative impacts on climate. The subject development will not give rise to any operational emissions which could act cumulatively with the permitted development or give rise to larger or more significant effects.

Having regard to separation from sensitive receptors, significant cumulative impacts from dust emissions are not considered likely. Having regard to the nature and scale of the development, and implementation of identified mitigation measures, significant cumulative construction effects on air quality and climate in combination with other relevant planned, existing or permitted developments are not considered likely.

Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts in relation to air quality and climate would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of air quality and climate.

Ch. 9 Noise and Vibration

Likely Significant Effects

Construction activity, including excavation works, are the primary source of noise and vibration impacts from the proposed development. Construction vehicle movements also have the potential to give rise to noise and vibration emissions. The closest noise sensitive locations are those along the L6187 and L2190, adjoining the proposed underground line installation and drop-down masts. Potential significant impacts are identified during temporary trenching works at the closest properties along the route. Significant operational emissions are not considered likely.

Mitigation

- Adherence to the CEMP and the Construction Noise and Vibration Management Plan, including noise and vibration monitoring.
- Timing of construction works proximate to sensitive receptors.
- Community engagement and complaints procedures.
- Limited extent and duration of works in proximity to sensitive receptors, and separation of substation site from sensitive receptors.
- Limited volumes of construction traffic.

Residual Effects

Construction activity, particularly for cable trench works, may result in significant temporary negative impacts on a small number of residential properties. No significant residual operational impacts are predicted.

Cumulative Effects

Potential cumulative construction and operational effects with:

- the Permitted ICT Facility WCC Reg. Ref. 20/1088. Previously subject to EIA and requiring the preparation of a CEMP.
- the Biofuel Facility proposed under WCC Reg. Ref. 21/677, which application included an outline Construction Management Plan.

There is the potential for cumulative effects during concurrent construction activity at the substation site. Having regard to separation from the cable route, no significant cumulative impacts with adjoining development are likely.

The cumulative effects at the closest noise-sensitive locations to the ICT and Biofuel sites would be negative, slight, and temporary, having regard to the relative scale of the substation works and separation from residential properties. No significant cumulative operational noise or vibration effects are considered likely.

Conclusion.

I have considered all of the application documentation and submissions received. While temporary construction impacts on adjoining residential properties could arise, having regard to the limited duration of such works and subject to appropriate conditions, such impacts are not regarded as unacceptable. I am satisfied that impacts otherwise predicted to arise in relation to noise and vibration would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of noise and vibration.

Ch. 10. Landscape and Visual Impact

Likely Significant Effects

The lands are not subject to any sensitive landscape designations or protected views. The EIAR describes the landscape sensitivity of the site as low-medium. The development will result in a change to the landscape character of these agricultural lands, however, this is in line with the provisions of the development plan and LAP for the area and the adjoining permitted development. The EIAR assesses a number of viewpoints in respect of the substation development and the 100kV drop-down masts. These are considered to reasonably reflect the exposure of the development to views from local, publicly accessible locations. The substation development would not have significant visual impacts in the context of adjoining existing and permitted development. Proposed pylons / drop-down masts at the 110kV overhead line interface will have a moderate, local negative visual effect.

Mitigation

- Substation development occurs on zoned lands adjacent to existing and permitted industrial development.
- Implementation of a landscape Plan to be agreed, which will be coordinated with the adjoining permitted development.

Residual Effects

No significant residual effects on landscape and visual amenity are predicted.

Cumulative Effects

Potential cumulative construction and operational effects with:

- the Permitted ICT Facility WCC Reg. Ref. 20/1088. Previously subject to EIA and requiring the preparation of a CEMP.
- the Biofuel Facility proposed under WCC Reg. Ref. 21/677, which application included an outline Construction Management Plan.

Having regard to the zoning objectives for the lands and surrounding area, the ancillary nature of the proposed substation and separation of the dropdown masts from adjoining development, and with implementation of proposed mitigation measures, significant cumulative effects in combination with other relevant planned, existing or permitted developments are not predicted.

Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that predicted impacts in relation to landscape and visual amenity would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of landscape and visual amenity.

Ch. 11.0 Archaeology, Architectural and Cultural Heritage

Likely Significant effects:

Geophysical surveys of the lands identified no remains of Killynee chapel and graveyard on the lands, although a number of other potential archaeological features were preliminarily identified on the substation site. Any ground disturbance in these

areas would remove surviving sub-surface features. The transmission cable route has the potential to encounter previously unrecorded archaeological features. There are no structures included in the RPS or listed in the NIAH in the vicinity of the site.

Mitigation:

- A programme of archaeological monitoring along the cable route, under license.
- Pre-development archaeological testing of the substation site, under license.
- Should archaeological or architectural heritage features, deposits or structures be uncovered during these will be cleaned by hand, investigated and recorded.

Residual Effects:

No significant residual effects are predicted.

Cumulative Effects:

Potential cumulative construction effects on archaeological features with:

- the Permitted ICT Facility WCC Reg. Ref. 20/1088. Previously subject to EIA and requiring the preparation of a CEMP.
- the Biofuel Facility proposed under WCC Reg. Ref. 21/677, which application included an outline Construction Management Plan.

There is potential for cumulative effects with adjoining developments, which are subject to conditions on the archaeological resolution of those sites. The combined contribution to knowledge of the archaeology of the area would be a positive effect. Having regard to the zoning objectives for the lands and surrounding area, and with the implementation of the identified mitigation measures, significant cumulative effects in combination with other relevant planned, existing or permitted developments are not predicted.

Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Archaeological, Architectural and Cultural Heritage would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Archaeological, Architectural and Cultural Heritage.

Ch 12.0 Traffic and Transportation

Likely Significant Effects

Construction activity will give rise to the creation of traffic / HGV movements on the surrounding road network, however, projected traffic volumes are not significant. Substation works will generate predicted maximum volumes of 10 HGVs and 20 LV's per day. Similar daily volumes associated with cable works are predicted (10 HGVs and 25 LV's). Transport of abnormal loads could result in additional traffic disruption while construction activity associated with installation of transmission cables will give rise to disruption along public roads. Construction of crossings of national road and rail corridors will require compliance with detailed requirements of the relevant authorities. Operational employment and attendance at the proposed substation will be limited and will not generate any significant traffic volumes.

Mitigation:

- Quality and capacity of the surrounding road network.
- Adherence to the CEMP, including the preparation of a Construction Traffic Management Plan to include the routing and scheduling of movements, including abnormal loads, and management of traffic during works on the public road.
- Trench and ducting works carried out in discrete sections of 100m with reinstatement of surfaces as works progress.
- Adherence to Roads Authority requirements for any Road Opening licence.
- Adherence to road and rail authority requirements for crossings of transport corridors.

Residual Effects

Construction works associated with the cable installation will result in temporary disruption to local roads and require a traffic management plan.

Cumulative Effects:

Potential cumulative construction effects arise primarily in respect of cumulative construction activity associated with:

- the Permitted ICT Facility WCC Reg. Ref. 20/1088. Previously subject to EIA and requiring the preparation of a CEMP.
- the Biofuel Facility proposed under WCC Reg. Ref. 21/677, which application included an outline Construction Management Plan.

The permitted data centre development was previously subject to Environmental Impact Assessment and planning conditions to minimise environmental impacts. It was found previously that there would be spare capacity on the road network. Cumulative construction impacts with adjoining developments will be limited in duration. Having regard to the zoning objectives for the lands and surrounding area, to the quality of the road network serving the site, and to the implementation of identified mitigation measures, significant cumulative effects in combination with other relevant planned, existing or permitted developments are not predicted. No significant cumulative operational impacts are predicted.

Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that the impacts predicted to arise in relation to traffic and transportation would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of traffic and transportation.

Ch. 13 Material Assets – Utilities

There is potential for an increase in surface water run-off during construction and pollution of waterbodies or associated with excavations and construction. The development will connect, via a petrol interceptor, to the permitted surface water drainage system of the adjacent data centre development (PA ref. 20/1088). That development includes a detention basin to attenuate flows from the overall site to greenfield rates, allowing for climate change.

There will be limited operational water and wastewater demands associated with the substation building. Wastewater will discharge to the foul network approved under PA ref. 20/1088, where it will be treated prior to discharge off-site. Those

arrangements were subject to confirmation of feasibility from Irish Water. Some short-term disruption to power supplies during construction may arise.

Mitigation:

- Adherence to the CEMP.
- Design of the operational surface water management system, including use of interceptors and connection to the adjacent permitted surface water system.
- Ongoing consultation with utility providers.
- Adherence to Irish Water Connection Agreement requirements.

Residual Impacts:

No significant residual effects are predicted.

Cumulative Effects:

Potential cumulative construction effects arise primarily in respect of cumulative construction activity associated with:

- the Permitted ICT Facility WCC Reg. Ref. 20/1088. Previously subject to EIA and requiring the preparation of a CEMP.
- the Biofuel Facility proposed under WCC Reg. Ref. 21/677, which application included an outline Construction Management Plan.

The development will serve the adjoining data centre development. Its connection to the national grid will be subject to the agreement of the System Operator which will have regard to network capacity to serve the development as part of the CRU assessment criteria. No significant additional water and wastewater demands are likely and with the implementation of identified mitigation measures, no significant residual cumulative effects in combination with other relevant planned, existing or permitted developments are considered likely.

Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Material Assets - Utilities would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development

would not have any unacceptable direct, indirect or cumulative impacts in terms of Material Assets – utilities.

Ch. 14.0 Material Assets - Waste Management

Likely Significant Effects:

Construction activity will generate typical waste outputs for management off site. There is no demolition required as part of the development, however, a section of existing overhead line will be removed and will require disposal / management. The generation of a total of 113 tonnes of construction waste is predicted, with a disposal requirement of 8 tonnes. This is a short-term negative impact. Fill required on the substation site will be sourced from the adjacent ICT facility site. No significant operational waste generation is likely.

Mitigation:

- Adherence to the Resource Waste Management Plan (RWMP) to deal with waste from the excavation and construction phases, in line with referenced guidance.
- Standard on-site waste management measures, including appropriate storage and control of hazardous wastes.
- Adherence to waste regulation requirements.

Residual Effects:

No significant residual effects are predicted.

Cumulative Effects:

Potential cumulative construction effects arise primarily in respect of:

- the Permitted ICT Facility WCC Reg. Ref. 20/1088. Previously subject to EIA and requiring the preparation of a CEMP.
- the Biofuel Facility proposed under WCC Reg. Ref. 21/677, which application included an outline Construction Management Plan.

There are potential cumulative impacts in the creation of construction waste from adjacent developments. The development provides for the reuse of excavated fill material from the data centre site, which is a positive reuse of resources. With the implementation of identified mitigation measures and compliance with waste

management requirements, the residual cumulative effect in combination with other relevant planned, existing or permitted developments is not considered to be significant.

Conclusion

I have considered all of the application documentation and submissions received, and I am satisfied that impacts predicted in relation to Material Assets – Waste Management would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Material Assets – Waste Management.

CH. 15 Interactions:

Significant Interactions

Population and Human Health	Archaeological, Architectural and Cultural Heritage Site investigations and excavations may improve knowledge and understanding of the archaeological heritage of the area.
	Land, Soils, Geology and Hydrogeology There will be a loss of agricultural lands which may be mitigated by construction and operational employment.
	Noise and Vibration Construction activity will generate noise emissions.
	Air Quality and Climate Construction activity will generate dust emissions.
	Material Assets, including Transport, Waste and Utilities In-road works will result in some disruption to road users. Inadequate construction waste management could result in littering and presence of vermin.
	Landscape and Visual Impact Local impacts on landscape character and visual amenity.
Land, Soils, Geology and Hydrogeology	Hydrology Potential impacts on water quality due to sediment run-off during construction leaks and spillage of pollutants.

	Biodiversity Loss of existing habitats, including hedgerows, and potential impacts on water quality during construction.
	Material Assets, including Transport, Waste and Utilities Traffic generation for materials transport. Potential for off-site disposal of excavated materials.
	Air Quality and Climate Potential generation of dust during works.
Hydrology	Biodiversity Potential impacts on water quality due to sediment run-off during construction, leaks and spillage of pollutants
	Material Assets, including Transport, Waste and Utilities Use of hydrocarbon interceptors will require management, with a waste stream to be managed.
	Air Quality and Climate Potential generation of dust during works.
Biodiversity	Air Quality and Climate Potential construction impacts due to dust deposition.
	Noise and Vibration Potential disturbance effects during construction works.
	Landscape and Visual Impacts from loss of hedgerows and site clearance.
Air Quality and Climate	Material Assets, including Transport, Waste and Utilities Construction and operational traffic will result in emissions and impacts on air quality.

Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information contained above, and in particular to the EIAR and other information provided by the developer, and the submissions received in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

The proposed development has the potential to give rise to significant noise and vibration impacts on residential amenity, population and human health during construction, which will be mitigated by the following measures:

- The short-term nature of construction activities.
- Implementation of an agreed Construction Environmental Management Plan and the Construction Noise and Vibration Management Plan, including noise and vibration monitoring at sensitive locations.
- Limits on the hours of construction.

The proposed development has the potential to negatively impact on air quality due to dust emissions at construction stage, which will be mitigated by the following measures:

- Implementation of the Construction Environment Management Plan and adherence to identified emission limit values, with monitoring of dust deposition levels at nearby sensitive receptors.
- Limited extent and duration of works in proximity to sensitive receptors, and separation of the substation site from sensitive receptors.

The development has the potential to negatively impact on habitats and biodiversity due to loss of hedgerows and change in use of the lands which will be mitigated by:

- Adherence to the CEMP and to published guidance for site development works.
- Timing of site and vegetation clearance works.
- Lighting design in accordance with identified guidance.
- Implementation of a landscaping plan for the site and measures proposed within the wider data centre development site.
- The design of the crossing of Moneylane Stream.

The proposed development has the potential to negatively impact on land and soil during construction, which will be mitigated by the following measures:

- Adherence to the CEMP and best practise measures for site excavation and soils and stockpile management.
- Management of surface waters during construction to ensure silt removal.
- Reuse of excavated materials and minimising import of fill materials.
- Adherence to waste management regulation requirements.
- Standard measures for fuel and chemical management.
- Design of the surface water management system and connection to the adjoining permitted wastewater network.

The proposed development has the potential to negatively impact on surface waters due to potential for run-off of sediment or contaminants to water bodies during construction and operation, which will be mitigated by the following measures:

- Adherence to the CEMP and best practise measures for site excavation and soils and stockpile management.
- Management of surface waters during construction to ensure silt removal.
- Design of watercourse crossings and compliance with current best practice.
- Temporary duration of construction activity.
- Reuse of excavated material on-site where possible.
- Monitoring of excavations for signs of possible contamination.
- Design of the surface water management and wastewater systems and connection to the adjoining permitted networks.
- Standard measures for operational fuel and chemical management.

The proposed development has the potential to give rise to negative impacts on roads and transportation in the area during construction, which will be mitigated by the following measures:

- Adherence to the CEMP, and preparation of a Construction Traffic Management Plan to include the routing and scheduling of movements and measures for the management of traffic during works on local roads.
- Trench and ducting works carried out in discrete sections of 100m with a requirement to reinstate surfaces as works progress.

- Adherence to Roads Authority requirements for any Road Opening licence and road and rail authority requirements for crossings of transport corridors.

The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in the individual EIAR chapters, and in supplementary reports and documents provided by the applicants, are satisfactory. I am satisfied that the information provided enables the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. I am satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

12.0 AA Screening

The application is accompanied by an AA Screening report, prepared by Moore Group – Environmental Services.

12.1. Description of the Project and local site characteristics.

The proposed development is described in section 3.0 above, and in the EIAR accompanying the planning application.

The site currently comprises agricultural land, zoned for industrial / employment development. The route of the proposed cable connections, each >2km in length traverse local public and private roads and agricultural lands. Drains and watercourses within the site or traversed by the proposed development drain to the Avoca River, via the Moneylane Stream, before discharging to the sea. There is no connection to any European Sites via these watercourses.

The applicant's Screening report identifies the sources of data used to inform the assessment and refers to the fieldwork and surveys carried out as part of the EIAR. No specific consultations are referenced in the report.

12.2. **Identification of Relevant European Sites using the Source – Pathway – Receptor model**

The site is not located within or adjacent to any European Site and the proposed development is not directly connected with or necessary for the management of any European site. The screening report identifies the following European Sites within the wider potential zone of influence of the proposed development.

Site (code)	Qualifying Interests / Special Conservation Interests	Distance from proposed development	Connection / pathway	Considered further in screening
Kilpatrick Sandhills SAC (001742) Kilpatrick Sandhills SAC | National Parks & Wildlife Service (npws.ie)	– Annual vegetation of drift lines, – Embryonic shifting dunes, – Shifting dunes along the shoreline with Ammophilia arenaria (white dunes), – Fixed coastal dunes with herbaceous vegetation (grey dunes), – Atlantic decalcified fixed dunes	4.5km to the southeast	No	No
Buckroney-Brittas Dunes and Fen SAC Buckroney-Brittas Dunes and Fen SAC | National Parks & Wildlife Service (npws.ie)	– Annual vegetation of drift lines, – Perennial vegetation of stony banks, – Mediterranean salt meadows, – Embryonic shifting dunes, – Shifting dunes along the shoreline with Ammophilia arenaria (white dunes), – Fixed coastal dunes with herbaceous vegetation (grey dunes), – Atlantic decalcified fixed dunes, – Dunes with Salix repens ss. Argentea, – Humid dune slacks, – Alkaline fen.	Approx. 7.5km northeast	No	No

I concur with the applicant's screening report with regard to the identification of European Sites within the zone of influence of the proposed development.

There is no connectivity to these or any other European sites within or outside the potential zone of influence. The AA screening report also notes that there are no areas of supporting habitat for any conservation sites that will be impacted by the proposed development.

12.3. **Identification of all potential direct and indirect impacts that may result in significant effects on the conservation objectives of a European site, taking into account the size and scale of the project.**

Construction activity will result in site clearance, excavation, and other activities giving rise to disturbance and emissions in the form of noise and dust. Cable routes will be reinstated following installation. There is potential for run-off of sediment or other contaminants to adjoining watercourses during construction.

Operational activity will result in the replacement of current habitats and increased activity at this location, with potential disturbance effects, including lighting and noise. Emissions include discharge to the wastewater network and discharge of surface waters to watercourses off-site.

There will be no changes to any European sites as a result of the proposed development. The site is at a considerable remove from European sites and, based on the available survey data, there is no potential for disturbance or other significant effects to any qualifying species of any European or any ex-situ impacts thereon. There is no connection or pathway to European sites and no mitigation is required to ensure there will be no impacts on any European sites or on their conservation objectives.

12.4. **Potential In-Combination Effects:**

I note that these lands are zoned for Employment and Industrial development as part of the Arklow and Environs LAP 2018-2024, which itself was subject to SEA and AA. The Applicant's Screening Assessment report identifies relevant planning applications in the surrounding area and concludes that having regard to the scale

and location of the projects, there is no potential for in-combination effects. The report does not consider the adjoining permitted ICT facility, however, (PA ref. 20/1088) which is the primary development likely to give rise to in-combination effects.

In this regard, however, I note that PA ref. 20/1088 was itself subject to Screening for AA which determined that it would not be likely to have a significant effect on any European Site and would not require the carrying out of Stage II Appropriate Assessment. The subject development will connect to the drainage networks of that permitted development. Having regard to the nature and scale of the proposed development, and its ancillary role serving PA ref. 20/1088, and the lack of pathways to any European site, it is reasonable to conclude that no significant in-combination effects are likely.

12.5. **AA Screening Conclusion Statement:**

On the basis of the information on the file, including the AA Screening Report, which is considered adequate to undertake a screening determination, and having regard to:

- The nature and scale of the proposed development.
- The intervening land uses and separation from any European Site.
- The lack of direct connections with regard to the Source-Pathway-Receptor model.

it is concluded that the proposed development, individually or in combination with other plans of projects, would not be likely to have a significant effect on Kilpatrick Sandhills SAC (site code 001742), Buckroney-Brittas Dunes and Fen SAC (site code code 000729) or any other European Site, in view of the sites Conservation Objectives. It is clear therefore that no likelihood of significant effects arises, and the proposal can be screened out from a requirement for Stage II Appropriate Assessment.

13.0 Conclusion and Recommendation

The proposed development is ancillary to the adjoining ICT Facility permitted under PA ref. 20/1088, is in accordance with local, regional and national policy and is considered to be acceptable in principle on these lands. The development will not give rise to any significant impacts on the environment and subject to conditions, generally accords with the proper planning and sustainable development of the area.

It is therefore recommended that permission be granted for the proposed development based on the reasons and considerations, and subject to the conditions, set out below.

14.0 Reasons and Considerations

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included submissions and observations received by it in accordance with statutory provisions.

In coming to its Decision, the Board had regard to the following:

a) The National Planning Framework - Ireland 2040,

b) The Climate Action Plan 2023,

c) Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy (July 2022)

d) The Regional Spatial & Economic Strategy for the Eastern & Midlands Region, 2019-2031,

e) The policies and objectives of the planning authority as set out in the Wicklow County Development Plan 2022-2028 and the Arklow and Environs Local Area Plan 2018-2024,

f) The nature and scale of the proposed development and its relationship with the development permitted on adjoining lands under PA reg. ref. 20/1088,

g) The documentation submitted with the application, including the Environmental Impact Assessment Report (EIAR) and the mitigation measures set out therein, and Appropriate Assessment Screening Report,

h) The submissions made in the course of the application,

i) The report of the planning inspector, and

j) 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,

It is considered that, subject to compliance with the conditions set out below, the proposed development;

- would accord with national, regional and local planning policy,
- would not seriously injure the amenities of the area or of property in the vicinity,
- would not seriously injure the landscape or visual amenities of the area, or the archaeological and cultural heritage of the area,
- would be acceptable in terms of traffic safety and convenience,
- would not be prejudicial to public health,
- would not give rise to a risk of serious pollution, and
- would not give rise to a major accident risk.

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

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with, or necessary to, the management of a European site. In completing screening for Appropriate Assessment, the Board accepted and adopted the screening assessment 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 potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites 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 European sites Kilpatrick Sandhills SAC (site code 001742), Buckroney-Brittas Dunes and Fen SAC (site code 000729), or on any other European site, in view of the sites' conservation objectives, and that Stage II Appropriate Assessment is not therefore required.

Environmental Impact Assessment

In accordance with s.172 of the Planning and Development Act, 2000, as amended, the Board completed, an Environmental Impact Assessment of the proposed development, taking into account,

- The nature, scale and extent of the proposed development.
- The Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application.
- The submissions received in the course of the application.
- The report of the Planning Inspector.

The Board considered that the Environmental Impact Assessment report (EIAR), supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, as set out in the inspector's report, of the information contained in the EIAR and associated documentation submitted by the applicant, and submissions received during the course of the application.

Reasoned Conclusion on the Significant Effects

The Board considered and agreed with the inspector's reasoned conclusions that the main significant direct and indirect effects on the environment are, and would be mitigated, as follows:

The proposed development has the potential to give rise to significant noise and vibration impacts on residential amenity, population and human health during construction, which will be mitigated by the following measures:

- The short-term nature of construction activities.
- Implementation of an agreed Construction Environmental Management Plan and the Construction Noise and Vibration Management Plan, including noise and vibration monitoring at sensitive locations.
- Limits on the hours of construction.

The proposed development has the potential to negatively impact on air quality due to dust emissions at construction stage, which will be mitigated by the following measures:

- Implementation of the Construction Environment Management Plan and adherence to identified emission limit values, and monitoring of dust deposition levels at nearby sensitive receptors.
- Limited extent and duration of works in proximity to sensitive receptors, and separation of the substation site from sensitive receptors.

The development has the potential to negatively impact on habitats and biodiversity due to loss of hedgerows and change in use of the lands which will be mitigated by:

- Adherence to the Construction Environment Management Plan and to published guidance and best practise.
- Timing of site and vegetation clearance works.
- Lighting design in accordance with identified guidance.
- Implementation of a landscaping plan for the site and measures proposed within the wider data centre development site.
- The design of the crossing of watercourses.

The proposed development has the potential to negatively impact on land and soil during construction, which will be mitigated by the following measures:

- Adherence to the Construction Environment Management Plan and best practise measures for site excavation and soils and stockpile management.
- Management of surface waters during construction to ensure silt removal.
- Reuse of excavated materials and minimising import of fill materials.
- Adherence to waste management regulation requirements.
- Standard measures for fuel and chemical management.
- Design of the surface water management system.

The proposed development has the potential to negatively impact on surface waters due to potential for run-off of sediment or contaminants to water bodies during construction and operation, which will be mitigated by the following measures:

- Adherence to the Construction Environment Management Plan and best practise measures for site excavation and soils and stockpile management.
- Management of surface waters during construction to ensure silt removal.
- Design of watercourse crossings and compliance with current best practice.
- Temporary duration of construction activity.
- Reuse of excavated material on-site.
- Monitoring of excavations for signs of possible contamination.
- Design of the surface water management system and wastewater systems and connection to the adjoining permitted wastewater network.
- Standard measures for operational fuel and chemical management.

The proposed development has the potential to give rise to negative impacts on roads and transportation in the area during construction, which will be mitigated by the following measures:

- Adherence to the Construction Environment Management Plan, and a Construction Traffic Management Plan to include the routing and scheduling of traffic movements, including abnormal loads, and measures for the management of traffic during works on the surrounding rad network.
- Trench and ducting works carried out in discrete sections of 100m with a requirement to reinstate surfaces as works progress.
- Adherence to Roads Authority requirements for any Road Opening licence and

road and rail authority requirements for crossings of transport corridors.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the EIAR, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, both by itself and in combination with other development in the vicinity would be acceptable. In doing so, the Board accepted the report and conclusions of the Inspector.

15.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to An Bord Pleanála on the 25/11/2022, including the mitigation measures specified in the Environmental Impact Assessment Report, 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, to mitigate the environmental effects of the development, and to protect the amenities of properties and sensitive receptors in the vicinity.
2.	The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall: (a) implement all mitigation measures set out in Chapter 11 of the EIAR in full, save as may otherwise be required in order to comply with the conditions of this permission.

	(b) employ a suitably-qualified archaeologist who shall prepare a final report describing the results of all archaeological monitoring and any investigative work / excavation required, and any necessary post-excavation specialist analysis. (c) the Construction and Environmental Management Plan (CEMP) shall identify the location of any and all relevant archaeological and cultural heritage constraints as set out in the EIAR or identified in any subsequent archaeological investigations. (d) The CEMP shall identify all likely archaeological impacts and all mitigation measures to be employed to protect the archaeological and cultural heritage during all phases of site preparation and construction activity. The developer shall agree in writing with the planning authority details regarding any further archaeological requirements prior to commencement of construction works. 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.
3.	Prior to the commencement of development, final details with regard to the design of the crossing of Moneylane Stream, in line with Sections 7.3.3.1 and 7.5.1.1 of the EIAR, shall be submitted to and agreed in writing with the planning authority. Such details shall include revised drawings in respect of such works. **Reason:** In the interest of clarity and in order to protect water quality and wildlife.
4.	A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development, which shall include the following:-

	(a) proposed location of trees and other landscape planting in the development, including details of proposed species and settings. (b) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. (c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme within the first planting season following substantial completion of external construction works. **Reason**: In the interest of visual amenity.
5.	(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed. (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

	Reason: To protect trees and planting during the construction period in the interest of visual amenity.
6.	During the construction phase, the developer shall adhere to the measures set out in the following documents: a) "Guidelines for the Treatment of Badgers prior to the Construction of National Road Schemes", published by the National Roads Authority in 2006. b) "Bat Mitigation Guidelines for Ireland v2". Irish Wildlife Manuals, No. 134, published by the National Parks and Wildlife Service (2022). c) "Guidelines for the Treatment of Otters Prior to the Construction of National Road Schemes", published by the National Roads Authority in 2008. The requirements of any licence required from the National Parks and Wildlife Service shall be strictly adhered to and details of any such licence shall be submitted to the planning authority. **Reason**: In the interest of wildlife protection.
7.	(a) Wastewater drainage arrangements shall be in accordance with the details set out in the *Foul and Surface Water Calculations and Details Report* by Alan Traynor Consulting Engineers Ltd, which accompanied the planning application. (b) Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water. (c) Surface water drainage and attenuation arrangements for the proposed development shall comply with the requirements of the planning authority for such works and services. **Reason**: In the interest of public health.
8.	Details of the materials, colours and textures of all the external finishes to the proposed structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. **Reason**: In the interest of visual amenity.

9.	The construction of the development shall be managed in accordance with a Construction 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 inter alia: a) Location of the site and materials compounds including areas identified for the storage of construction refuse; b) Location of areas for construction site offices and staff facilities; c) Details of on-site car parking facilities for site workers during the course of construction; d) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; e) Details of appropriate mitigation measures for noise, dust and vibration, and the monitoring of such levels, including the location of any monitoring points; f) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater; g) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; h) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. i) Final detail of the design of all crossings of, watercourses, culverts and other services by the transmission cable. j) The requirements of condition no. 2 of this permission. **Reason**: In the interest of amenities, public health and safety.
10.	A detailed Construction Traffic Management Plan shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development, which shall, inter alia, include details in relation to the following matters: a) Details of the timing and routing of construction traffic to and from the construction site and works areas, and associated directional signage, and

	proposals to manage the delivery of abnormal loads to the site including the routing and scheduling of such movements. b) Measures to obviate queuing of construction traffic on the adjoining road network. c) Details of the management of traffic on public roads during works associated with installation of proposed transmission cables. d) Alternative arrangements to be put in place for pedestrians and vehicles in the event of the closure of any public road or footpath during the course of site development works. (e) Details of measures to ensure safe access and egress to and from the public road for construction traffic associated with installation of transmission cables. **Reason**: In the interest of road safety and convenience.
11.	(a) Proposed underground transmission cable crossings of the national road / motorway network shall be undertaken with the consent, and in accordance with the detailed requirements of Transport Infrastructure Ireland (TII) and all relevant stakeholders. (b) Abnormal Load permits shall be secured by the developer in advance, if required, for the transportation of components, units and materials. Consultation with the Road Authority, An Garda Siochana and all necessary stakeholders shall be carried out in advance of transportation of abnormal loads. **Reason**: In the interest of road safety and to safeguard the strategic function of the national road network.
12.	Pre- and post-construction phase surveys of relevant public roads shall be carried out by the applicant. The location and extent of such surveys shall be agreed in writing with the planning authority prior to the commencement of works on the site, along with final road reinstatement details and specifications.

	Reason: In the interest of road safety and to ensure a satisfactory standard of development.
13.	a) No works shall be undertaken within the railway track support zone or railway embankments, and railway mounds and ditches shall not be interfered with, save with the prior agreement of Iarnród Eireann. b) The proposed transmission cable crossing of the railway shall be subject to a licence agreement with Iarnród Eireann. c) The finalised construction methodology and design of the cable crossing, and the final agreed plans in accordance with the requirements of Iarnród Eireann shall be submitted to the planning authority prior to the commencement of development. d) Installation or operation of the proposed development shall not interfere with railway track signalling systems or track circuits. **Reason**: In order to protect the integrity and safety of the adjoining railway.
14.	The hours of construction set out in the Environmental Impact Assessment Report shall be amended such that construction works within 100m of any residential property shall take place only between the hours of 0900hrs and 1700hrs, Monday to Friday, with no works on Saturday or Bank Holidays. **Reason**: In the interests of residential amenity.
15.	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site and public roads, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the reinstatement. The form and amount of the security shall be agreed between the planning authority and the developer, or in default of agreement, shall be referred to An Bord Pleanála for determination. **Reason**: To ensure the satisfactory reinstatement of the site and public roads.

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

Conor McGrath
Senior Planning Inspector
09/05/2023