

# HERBATA DATA CENTRE, NAAS - RESPONSE TO REQUEST FOR FURTHER INFORMATION ("RESPONSE TO RFI") FROM KILDARE COUNTY COUNCIL

## ADDENDUM TO CHAPTER 5 BIODIVERSITY



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## ADDENDUM TO CHAPTER 5 BIODIVERSITY

### 5.1 Introduction

This Addendum to Chapter 5 Biodiversity of the EIAR (dated June 2024) submitted to Kildare County Council as part of the planning application for the Project on 13<sup>th</sup> August 2024, updates the biodiversity assessment of the Project, in response to the Kildare County Council (KCC) RFI.

This Addendum to Chapter 5 should be read in conjunction with the previously submitted EIAR, Chapter 5 Biodiversity and its associated figures and appendices, and in conjunction with the other information and documentation submitted as part of the Response to the RFI including the Response to Further Information Report.

This Addendum to Chapter 5 is provided in respect of the Request for Further Information from Kildare County Council (as explained in the Addendum to Chapter 1 of the EIAR); specifically, this Addendum to Chapter 5 is provided in respect of Items 4 and 6 which state the following:

*4. Policy RE P 11 and EC P 18 of the Kildare County Development Plan 2023-2029 requires that the location of Data Centres shall be situated where they will not have a potential likely significant effect on a European Site. Such developments shall be subject to an AA Screening Report, and where applicable, Stage 2 AA. They shall have regard for any hydrological connection shared with a European Site and shall account for any potential likely significant effects and provide mitigation and monitoring where appropriate. The proposed Data Centre has hydrological connections to European Sites including South Dublin Bay, North Dublin Bay, River Tolka Estuary, North Bull Island and North West Irish Sea via the Bluebell Stream. Based on the information received with the application, the Planning Authority is not satisfied, having regard to the scale of the proposed development, that the impact on the integrity of the European Sites can be screened out.*

*The Applicant is requested to conduct a Stage 2 Appropriate Assessment of the proposed development and submit a Natura Impact Statement accordingly.*

...

*6. The proliferation of palisade fencing throughout the site is noted. Notwithstanding the security rationale for the proposed fencing, the applicant is advised, having regard to the scale of the proposal, that there is insufficient consideration given to the passage of wildlife through the site and this should be facilitated by appropriate fencing. The Applicant is requested to revise the proposed fencing arrangement on site to allow for wildlife access and passage through the site. An addendum to the Ecological Impact Statement shall accompany the revised fencing proposals.*

While RFI Item 6 as set out above requests that an addendum to the “*Ecological Impact Statement*” accompany the revised fencing proposals, it is noted that no standalone “*Ecological Impact Statement*” was submitted with the application for planning permission. The likely significant effects of the Project on ecology and biodiversity were considered and assessed in Chapter 5 of the submitted EIAR, and this addendum to Chapter 5 of the EIAR addresses this aspect of RFI Item 6.

For the avoidance of doubt, none of the design amendments as set out in the Addendum to Chapter 4, with the exception of the addition of mammal pass fencing (as referenced in Section 5.3 below), have impact upon biodiversity matters.

This includes matters in respect of the proposed landscape planting for the Project as set out in Section 4.3.1 of the Addendum to Chapter 4 of the EIAR. The clarification provided (in response to the Kildare County Council RFI Items 29 and 30) within the Response to Further Information Report, states that landscape planting and screening has already been maximised to the fullest extent within the constraints of the Project and it is not therefore possible to incorporate any further additional planting or additional retention of trees and hedge rows. Screen mounds have been placed wherever feasible around the perimeter of the site, avoiding/retaining/protecting existing hedgerows and trees. The slopes of the mounds are maximised to the maximum height within the space available with the mounds to be planted with a dense screen/native woodland planting mix with advanced/semi-mature trees.

As also set out in Response to Further Information Report, due to the scale and nature of the Project, there will be a loss of existing hedgerows in the centre of the site which will include the removal of a significant proportion of the trees and hedges across the centre and north of the site. Boundary hedges along the eastern, southern and western boundaries of the site are proposed to be left intact. A significant native tree replanting scheme is proposed with over 5.4 ha of woodland and 0.56ha of native scrub planting as outlined within the

landscape documentation submitted with the planning application. Boundary hedges along the eastern, southern and western boundaries of the site are proposed to be left intact.

## **5.2 Appropriate Assessment**

Chapter 5 of the submitted EIAR noted that an Appropriate Assessment Screening Report had been submitted with the application for planning permission. The Appropriate Assessment Screening Report was submitted as a standalone document with the application for planning permission and also appended to the submitted EIAR (Volume II, Appendix 5.3).

Following an examination, analysis and evaluation of all relevant information and in view of best scientific knowledge, and applying the precautionary principle, the submitted Appropriate Assessment Screening Report concluded that *“the project, either individually or in combination with other plans or projects, and in the absence of mitigation, is not likely to have a significant effect on any European site(s) in view of their site-specific conservation objectives. It is considered that there is no reasonable scientific doubt as to the absence of such effects.”*

However, as noted above, at Item 4 of the Kildare County Council RFI, Kildare County Council stated that *“Based on the information received with the application, the Planning Authority is not satisfied, having regard to the scale of the proposed development, that the impact on the integrity of the European Sites can be screened out. The Applicant is requested to conduct a Stage 2 Appropriate Assessment of the proposed development and submit a Natura Impact Statement accordingly.”*

Therefore, a Natura Impact Statement (NIS) has been prepared out of an abundance of caution and provides an examination, analysis and evaluation of the potential impacts of the Project on European sites and presents findings and conclusions with respect to the Project in light of the best scientific knowledge in the field. This NIS will inform and assist the competent authority in carrying out an Appropriate Assessment as to whether or not the Project will adversely affect the integrity of any European sites, either alone or in combination with other plans and projects, in view of their conservation objectives.

The NIS is submitted as a standalone document with RFI response and also appended at Volume II, Appendix 5.1 of the addendum to the EIAR.

As set out in Section 4.6 of the NIS, it has been objectively concluded by the authors of the NIS, R P S Group Limited, following an examination, analysis and evaluation of the relevant information, including in particular the nature of the predicted impacts from the Project and the effective implementation of the mitigation measures proposed, that the Project will not adversely affect (either directly or indirectly) the integrity of any European site, either alone or in combination with other plans or projects and there is no reasonable scientific doubt in relation to this conclusion.

## **5.3 External Boundary Treatments - Mammal Pass Fencing**

### **5.3.1 Baseline - Desk Study**

The Kildare County Council RFI requests at Item 6 that consideration be given to the passage of wildlife through the site and that this should be facilitated by appropriate fencing.

The submitted EIAR noted the following records of (terrestrial) mammals arising from a search of existing records held by National Biodiversity Data Centre (NBDC):

- *Records of otter, the most recent of which being from 2017*
- *A large number of records of hedgehog *Erinaceus europaeus*, the most recent of which from 2021.*
- *Records of badger *Meles meles* the most recent of which from 2016.*
- *Records of a range of non-native mammal species including mink *Mustela vison*, muntjac *Muntiacus reevesi*, hazel dormouse *Muscardinus avellanarius*, grey squirrel *Sciurus carolinensis* and greater white-toothed shrew *Crocidura russula*, among others.*

### 5.3.2 Baseline - Field Survey Results

The submitted EIAR noted the following in respect of mammals arising from ecological field surveys undertaken in preparation of the Biodiversity Chapter of the EIAR:

#### 5.3.2.1 Badger

*“The site was not recorded to support any evidence indicating the presence of badger *Meles meles*. While a large number of mammal burrows are present on site these were attributed to either rabbit *Oryctolagus cuniculus* or fox *Vulpes vulpes*.*

*No forage signs, latrines or other field signs attributable to badger were recorded within the site. It is therefore considered that the species is not present within the site. The species is therefore not considered further within this assessment”* (Submitted EIAR, Chapter 5 Biodiversity, Section 5.3.4.1).

#### 5.3.2.2 Otter

*“The watercourse along the southern boundary of the Project site and lengths within 200m to the west of the site were subject to searches for evidence indicating the presence of otter.*

*No holts, dens, slides, spraint or other signs indicating the presence of otter were recorded during the surveys. While it is likely that the species utilises the Bluebell Stream on at least an occasional basis as part of a wider territory, it is considered that the site is of no particular significance for the species”* (Submitted EIAR, Chapter 5 Biodiversity, Section 5.3.4.2).

### 5.3.3 Mammal Pass Fencing

Notwithstanding that, as set out in section 5.3.2 above, the EIAR submitted with the application for planning permission concluded (in sections 5.3.4.1 and 5.3.4.2) that there was no evidence of badgers on site and that the watercourse (the Bluebell Stream) to the south of the site was of no particular significance for otters.

Nevertheless, in response to Item 6 of the RFI and in recognition of the concern expressed by Kildare County Council, amendments have been made to the proposed fencing arrangements throughout the site as requested.

As detailed in Section 5.3.3.1 below, the provision of the amendments to the fences will allow for access and passage through the site by all mammals noted in Section 5.3.1, including the protected species of badger and otter, should this instance arise during the operational phase of the Project.

#### 5.3.3.1 Palisade Security Fencing

In consideration of the request for inclusion of a fencing arrangement *to allow for wildlife access and passage through the site*, an amendment has been made to the proposed Landscape Masterplan to include mammal passes in fences throughout the full extent of the site. The number, location and dimensions of the mammal passes was established following engagement between the project ecology and landscape team. The inclusion of the mammal passes has not required changes to the submitted landscape planting proposals.

Mammal passes are proposed at locations throughout the site including all *perimeter* fences and *internal* fences within the site (for example around each Data Centre building). The gap at the foot of the proposed fencing, of 500mm (width) x 200mm is sufficient for all potential mammal species and will ensure access and passage throughout the site, in line with the request from Kildare County Council. There are no proposed amendments to the overall height, materials or layout of the proposed fencing.

Figure 5.1 below (extract of drawing number BSM-ZZ-ZZ-DR-L-0311 Landscape Boundary Treatments Plan) illustrates the location of the mammal passes; Figure 5.2 below (extract of drawing number 22217-RKD-ZZ-ZZ-DR-A-1400 Proposed Boundary and Fence Details) illustrates the detailed dimensions of the fencing.



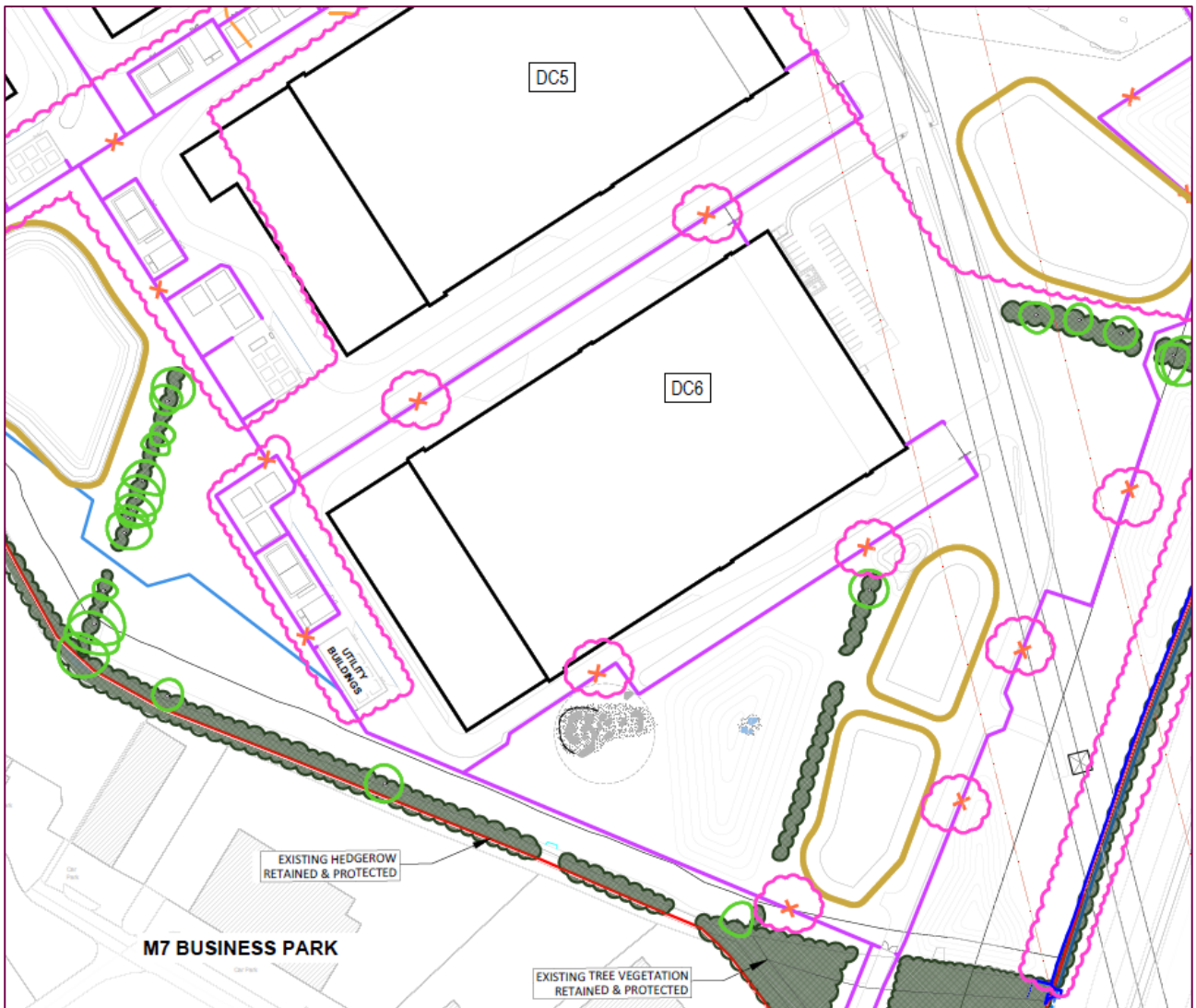


Figure 5.1: Locations of Mammal Passes in Security Fencing (extract of now submitted drawing BSM-ZZ-ZZ-DR-L-0311)

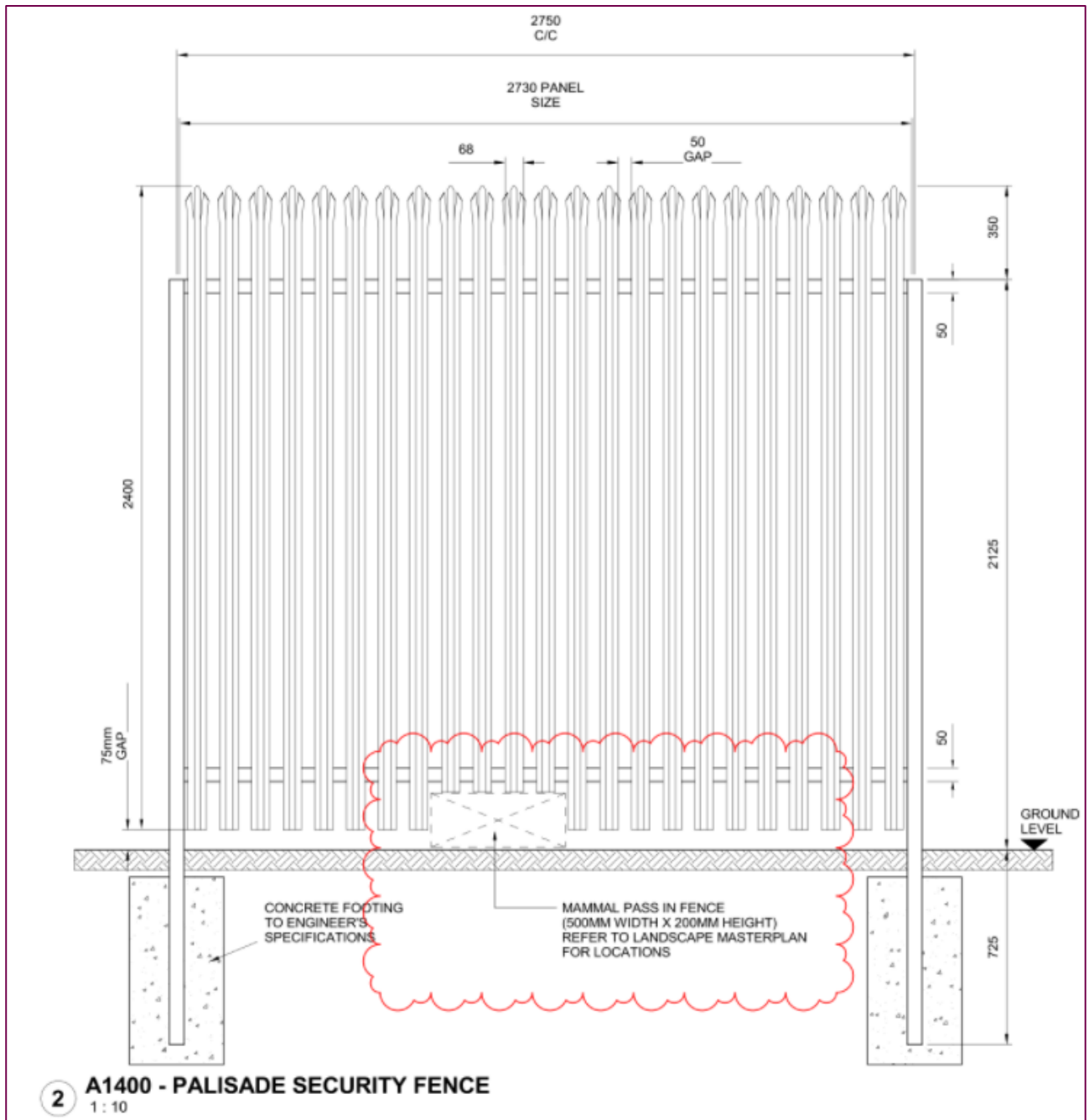


Figure 5.2: Mammal Pass in Security Fencing (extract of now submitted drawing 22217-RKD-ZZ-ZZ-DR-A-1400-PROPOSED BOUNDARY AND FENCE DETAILS)

Drawing numbers BSM-ZZ-ZZ-DR-L-0311 Landscape Boundary Treatments Plan and 22217-RKD-ZZ-ZZ-DR-A-1400-PROPOSED BOUNDARY AND FENCE DETAILS are provided in Volume III Figures and Drawings and as part of the design drawing package submitted in response to the RFI from Kildare County Council.

### 5.3.3.2 Post and Rail Fencing

The post and rail fencing (around the proposed ponds and to the frontage of the site on to the R409), as proposed in the submitted planning application, incorporates a gap of 200mm (height) at the foot of the fencing, providing sufficient clearance for all potential mammal species to ensure access and passage throughout the site. There is therefore no change proposed to these fencing arrangements in light of Item 6 of the Kildare County Council RFI.

Figure 5.3 below (extract of drawing number 22217-RKD-ZZ-ZZ-DR-A-1400 Proposed Boundary and Fence Details) illustrates the detailed dimensions of the fencing. It should be noted, this fence design was proposed as part of the submitted design package and this design has not been changed as part of the amended design; the drawing extract below has been provided for completeness.

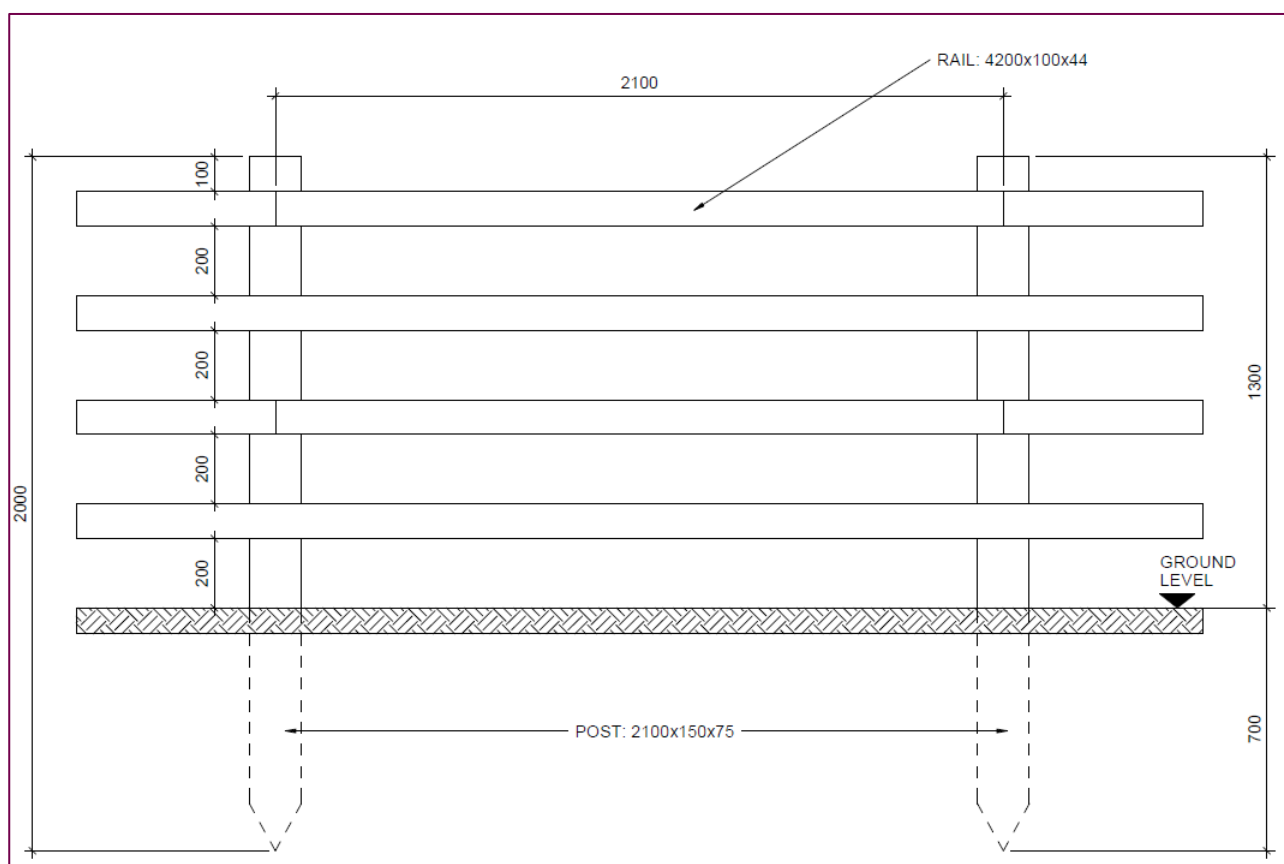


Figure 5.3: Drawing Illustrating Clearance in Post and Rail Fencing (extract of now submitted drawing 22217-RKD-ZZ-ZZ-DR-A-1400-PROPOSED BOUNDARY AND FENCE DETAILS)

Drawing number 22217-RKD-ZZ-ZZ-DR-A-1400-PROPOSED BOUNDARY AND FENCE DETAILS is provided in Volume III Figures and Drawings and as part of the design drawing package submitted in response to the RFI from Kildare County Council.

The boundaries to the south, west and east of the site are to be retained as existing and so there will be no impact on the passage of wildlife through the site at these existing boundaries.

### 5.3.4 Impact Assessment

Both badger and otter are protected species under the Wildlife Act 1976 and the Wildlife (Amendment) Act 2000. Whilst the submitted EIAR indicated that there was no evidence of badgers on site and that the watercourse (the Bluebell Stream) to the south of the site was of no particular significance for otters, the design

of the proposed fencing, with the addition of the proposed mammal passes within the palisade security fencing as described in section 5.3.3 above, will allow access and passage for these species through the site.

Furthermore, the mammal passes are sufficient in size (dimensions), location within the Project site and in number, to allow access to other, common terrestrial mammals such as fox, hedgehog and rabbit.

The inclusion of the mammal passes as proposed will ensure that there will be no significant impacts upon terrestrial mammals as a result of the Project.

## 5.4 Lighting Impacts

As set out in the addendum to Chapter 4 of the EIAR, the proposed amendments to Data Centre 4 as set out in the Addendum to Chapter 4 does not result in any material change to the lighting design of the Project. The Project comprises a lighting design which has been sensitively designed to prevent excess lighting associated with the operational phase of the Project.

The Project will operate as a Dark Site with minimal and controlled lighting at the entrance / parking areas, together with low level lighting around the site only used for emergency; the proposed design amendments do not alter the proposed lighting design.

In respect of the impact of the Project lighting design upon bats, there is no change to the submitted EIAR, Chapter 5 Biodiversity (Section 5.4.2.3.3) which concluded impacts were not significant.

An updated Lighting Assessment Report is provided in Volume II, Appendix 4.2, Lighting Assessment Report 10360452-HDR-XX-XX-RP-E-630001.

## 5.5 Conclusion

In respect of the matters noted in Section 5.1 of this Addendum to Chapter 5 of the EIAR and the provision of appropriate fencing to facilitate wildlife passage through the site, it is concluded that the Project will not result in any significant impact upon terrestrial mammals, and there is no change in this regard to the conclusions set out in Chapter 5 of the EIAR submitted with the application for planning permission.