Account of Accompanying Environmental Impact Assessment and Appropriate Assessment Materials

PROPOSED GRID SUBSTATION AND ASSOCIATED ELECTRICITY TRANSMISSION LINE CONNECTIONS – NAAS, CO. KILDARE

Strategic Infrastructure Development Application

794-NI-PE-NI2615
Account of Accompanying Materials
01
25th Nov 2025

Approval for issue

Alastair McKinley	25.11.25

Contents

1 SID Application – Account of Accompanying Environmental Impact Assessment and Appropriate Assessment Materials

This document is intended to provide the reader with a summary of the supporting information (Environmental Impact Assessment Report [EIAR], EIAR Addendum, Appropriate Assessment [AA] Screening Report, and Natura Impact Statement [NIS]) accompanying this SID application, and to assist the reader by setting out the process and timeline associated with the connected planning application for the data centre (i.e. the Data Centre Application as defined below), which is currently under consideration de novo by An Coimisiún Pleanála ("ACP" or "the Commission") on appeal, under case reference PL09.323677.

The overall Data Centre development includes two main elements, namely:

(a) The Data Centre, comprising 6 no. two storey Data Centre buildings, an administration/management building, car parking, landscaping, energy infrastructure and other associated works. These elements are the subject of the planning application currently under de novo consideration by the Commission under case reference PL09.323677, referred to hereafter as "*the Data Centre Application*".

(b) The substation, comprising a grid substation and 110kV transmission connection. These elements are subject of this SID application to An Coimisiún Pleanála, referred to hereafter as "*the Substation Application"* or the *"SID Application"*.

The Data Centre Application and the Substation Application together constitute the "Project" for the purposes of Environmental Impact Assessment (EIA) and Appropriate Assessment (AA), and references to the "Project" or "Proposed Development" in this document and its Appendix, in the enclosed EIAR, including the EIAR Addendum, and in the AA Screening Report and NIS should be read as references to those two applications taken together for EIA and AA purposes as one project.

1.1 EIAR and AA Screening Report

The enclosed EIAR was provided in support of the application for planning permission to Kildare County Council for the proposed Herbata Data Centre Campus (i.e. the Data Centre Application). The planning application was submitted on the 13th of August 2024 (planning application reference 24/60787) and as mentioned above is currently under consideration de novo by the Commission on appeal under case reference PL09.323677.

The enclosed Screening for Appropriate Assessment was also submitted in support of the aforementioned planning application.

1.2 EIAR Addendum and Natura Impact Statement

The enclosed EIAR Addendum was provided in response of the Request for Further Information (RFI) from Kildare County Council (dated 4th October 2024).

The enclosed Natura Impact Statement (NIS) was also provided in response to the RFI from Kildare County Council.

Both the EIAR Addendum and NIS were therefore submitted as part of the wider RFI response to Kildare County Council, in June 2025.

1.3 Summary of Environmental Impact Assessment and Appropriate Assessment Materials before the Commission

The following documents have been provided to the Commission as part of the Data Centre Application (case reference PL09.323677) as described above, and are also provided in their entirety in support of this SID Application:

1. Environmental Impact Assessment Report (EIAR)
2. Screening for Appropriate Assessment (AA Screening Report)
3. Environmental Impact Assessment Report (EIAR) Addendum
4. Natura Impact Statement (NIS)

For the avoidance of doubt, the above documents considered and assessed the Project in its entirety.

1.4 Bat Derogation Licence Application

Extensive ecological surveys were undertaken to inform the assessment of impacts on bats set out in the EIAR (which is contained within Chapter 5 Biodiversity of the EIAR), including a ground-based preliminary roost assessment, potential roost-feature surveys, bat activity surveys, and emergence/re-entry surveys of structures and trees, all completed in accordance with Bat Conservation Trust (BCT) Good Practice Guidelines (Collins 2016). The Ecological Survey for Bats (which is included at Appendix 5.2, Volume II of the EIAR) sets out the full extent of the surveys undertaken at the time of the preparation of the EIAR and the findings of the same. No trees within the site were recorded as supporting roosting bats, whilst a single building (referred to as Structure 1) was identified as the roost of a single bat.

It was acknowledged in section 5.5.3 of the EIAR that the demolition of the single building identified as being a roost would be undertaken in line with a National Parks and Wildlife Service (NPWS) bat roost derogation/roost exclusion licence.

In light of the conclusions reached in Chapter 5 (Biodiversity) of the EIAR, RPS prepared and submitted an Application for Derogation to the NPWS in July 2024; this application for a Derogation Licence was prepared by a fully qualified Bat Ecologist. The derogation licence application was supported by a supporting document which set out the methodology and results of bat surveys, in addition to the proposed mitigation measures for bats on the site.

Further, as set out in Herbata's First Party Appeal to the Commission in relation to the Data Centre Application (currently under consideration de novo by the Commission on appeal under case reference PL09.323677), at the request of the NPWS an updated Bat Derogation Licence application, accompanied by an updated Supporting Document) was submitted to the NPWS on 12 September 2025. This updated application therefore replaces the application made in July 2024.

To inform this updated application, RPS undertook updated survey works, comprising of potential roost-feature surveys, bat activity surveys, and emergence/re-entry surveys (consistent with the survey work undertaken to inform the EIAR). Updated surveys were undertaken during July, August and September 2025, and were carried out in accordance with the BCT Good Practice Guidelines (Collins 2016). The results of these updated surveys are set out in full in the updated application for a derogation licence, and the supporting material submitted to the NPWS, all of which is provided in Appendix A to this document. These documents were also submitted to the Commission as part of Herbata's First Party Appeal to the Commission in relation to the Data Centre Application (currently under consideration de novo by the Commission on appeal under case reference PL09.323677).

The updated surveys returned comparable results to those recorded in the EIAR with the same building (Structure 1) being identified as the roost of two bats. 2025 bat activity levels were also highest during July, declining on each consecutive survey visit. The site, despite supporting a range

of features with potential to support high levels of bat activity and roosts, was recorded to support relatively limited bat activity, of a low number of widespread bat species and only a single structure supporting a small number of roosting bats.

Mitigation and compensation measures (as set out in the EIAR and the derogation licence application) include pre-inspections for roosting bats prior to demolition of the roost structure and the incorporation of high-quality artificial bat roost boxes and three artificial bat roost houses. With the implementation of these measures, there will be no significant adverse impacts upon the local bat populations resulting from the Project. Furthermore, it is considered that the proposals will deliver a significant enhancement for this group post-development and a net positive effect on the local bat population.

These conclusions are consistent with the findings of the EIAR. Chapter 5 Biodiversity (Section 5.5.3) concluded the following in respect of bats:

> *"the provision of these measures will fully mitigate for the loss of roosts and potential roosts which will occur as a result of the Project. Furthermore, these proposals will represent a significant enhancement of the site for roosting bats and will provide opportunities for maternity colonies and individual roosting bats which are not currently supported on the site."*

The details in relation to the status of the updated Bat Derogation Licence application is available on the NPWS website at https://opendata.housing.gov.ie/dataset/derogation-received-issued-under-regulation-54-of-the-habitats-directive-in-2025, where the applicant for the derogation licence is identified as Gerry Prendergast (a director of Herbata Ltd) and the application number is 543.

As mentioned above, derogation licences granted by the NPWS are published, along with the application and any supporting documentation, on their website at https://www.npws.ie/licensesandconsents/disturbance/application-for-derogation/bat-derogations-issued. **Please note, the Commission will be able to see when the Bat Derogation Licence is granted, and obtain a copy of the final granted licence, by clicking on this link.** If the Commission has any difficulty at all in accessing a copy of the derogation licence, please contact Michael Higgins of RPS, by email at Michael.Higgins1@rps.tetratech.com.

The requisite derogation licence should be granted by the NPWS before the Commission comes to make any decision in relation to this SID Application, such that the Commission will be in a position to review the derogation licence and take it into account in its consideration of this SID Application and in its Environmental Impact Assessment of the Project, before making any decision in relation to this SID Application.

2 SID Application – Minor Change to Red Line Boundary

As noted within Section 8 of the Planning Report, this SID Application reflects a minor change to the associated red line boundary, compared to that illustrated within the supporting information, accompanying the Data Centre Application, that is the materials (Items 1 – 4) noted in Section 1.3 above.

Figure 1.1 below illustrates the extent of the SID Application red line boundary as included within the EIAR (Vol III Figures and Drawings, Drawing 22217-RKD-ZZ-ZZ-DR-A-1050-SITE LOCATION MAP).

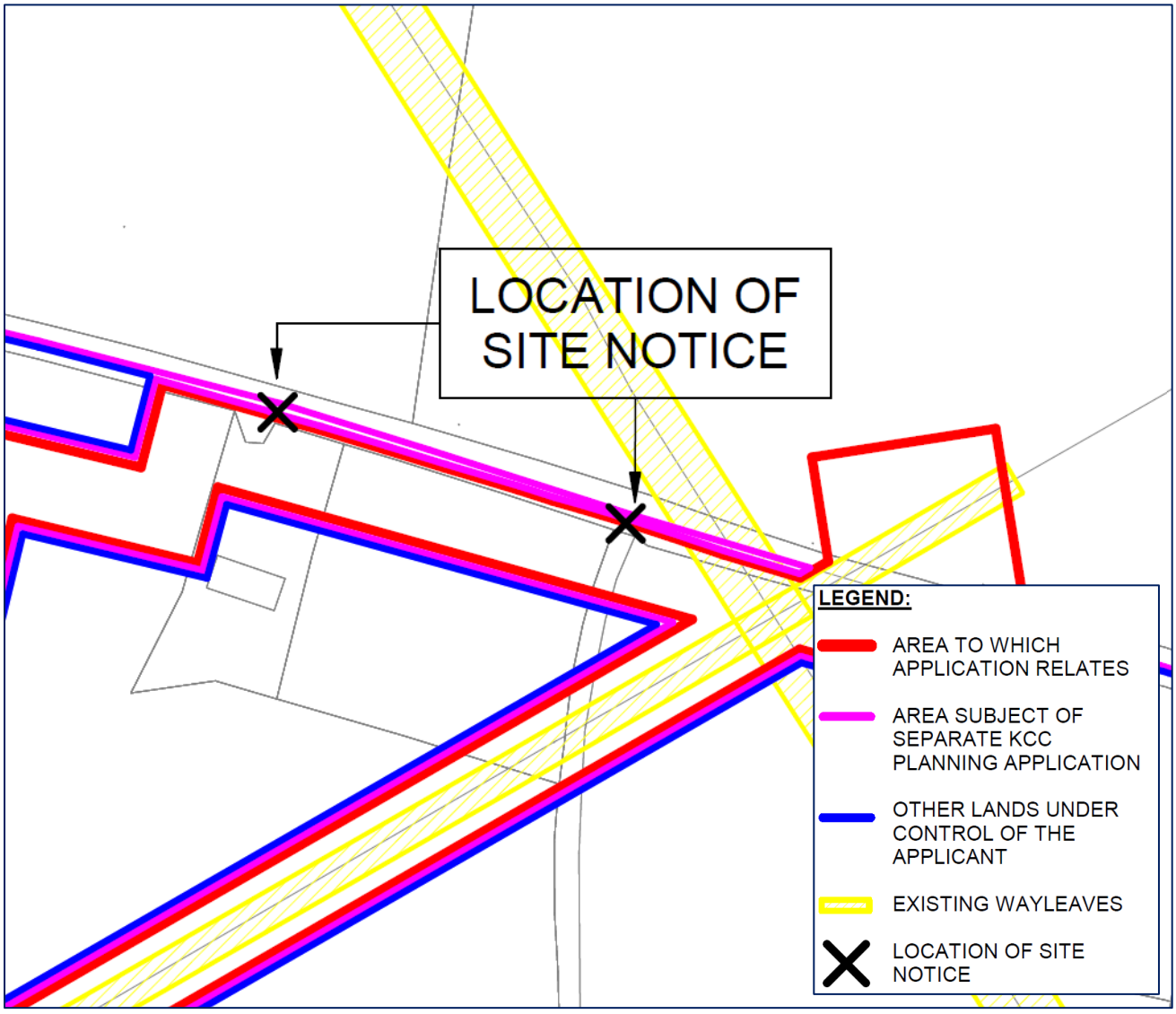

Figure 1.1 – Extract of Drawing 22217-RKD-ZZ-ZZ-DR-A-1050-SITE LOCATION MAP (included within EIAR Vol III Figures and Drawings)

Figure 1.2 below illustrates the extent of the SID Application red line boundary as now included in this SID Application (Drawing 22217-RKD-ZZ-ZZ-DR-A-1050-SITE LOCATION MAP), comprising a minor amendment to fully encapsulate the extent of the area of works associated with the necessary connection to the existing watermain within the adjacent R409.

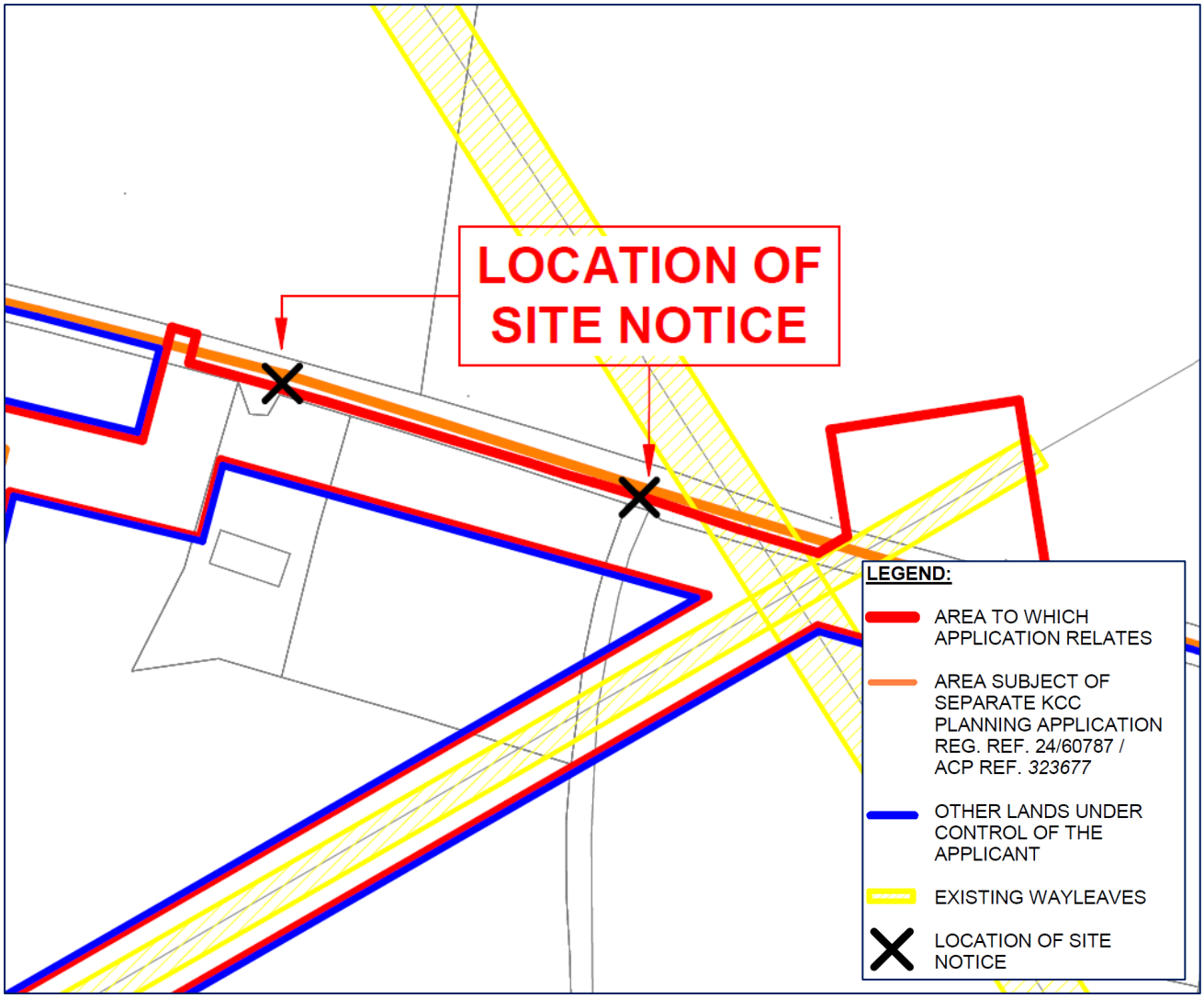

Figure 1.2 – Extract of Drawing 22217-RKD-ZZ-ZZ-DR-A-1050-SITE LOCATION MAP as submitted with SID Application

As stated, the minor amendment to SID application boundary is required to fully encapsulate the extent of the area of works associated with the necessary connection to the existing 225mm HPPE watermain within the R409, to serve the substation, subject of the SID Application. The relevant infrastructure comprises approximately 5.5m of 100mm watermain and two associated sluice valves. All related works are located within the existing public road and the proposed internal access road and footpath. Figure 1.3 below (Extract of Drawing 2232-DOB-ZZ-ZZ-DR-C-0350 DRAINAGE LAYOUT) illustrates the layout extent of the watermain in relation to the red line, as submitted with SID Application

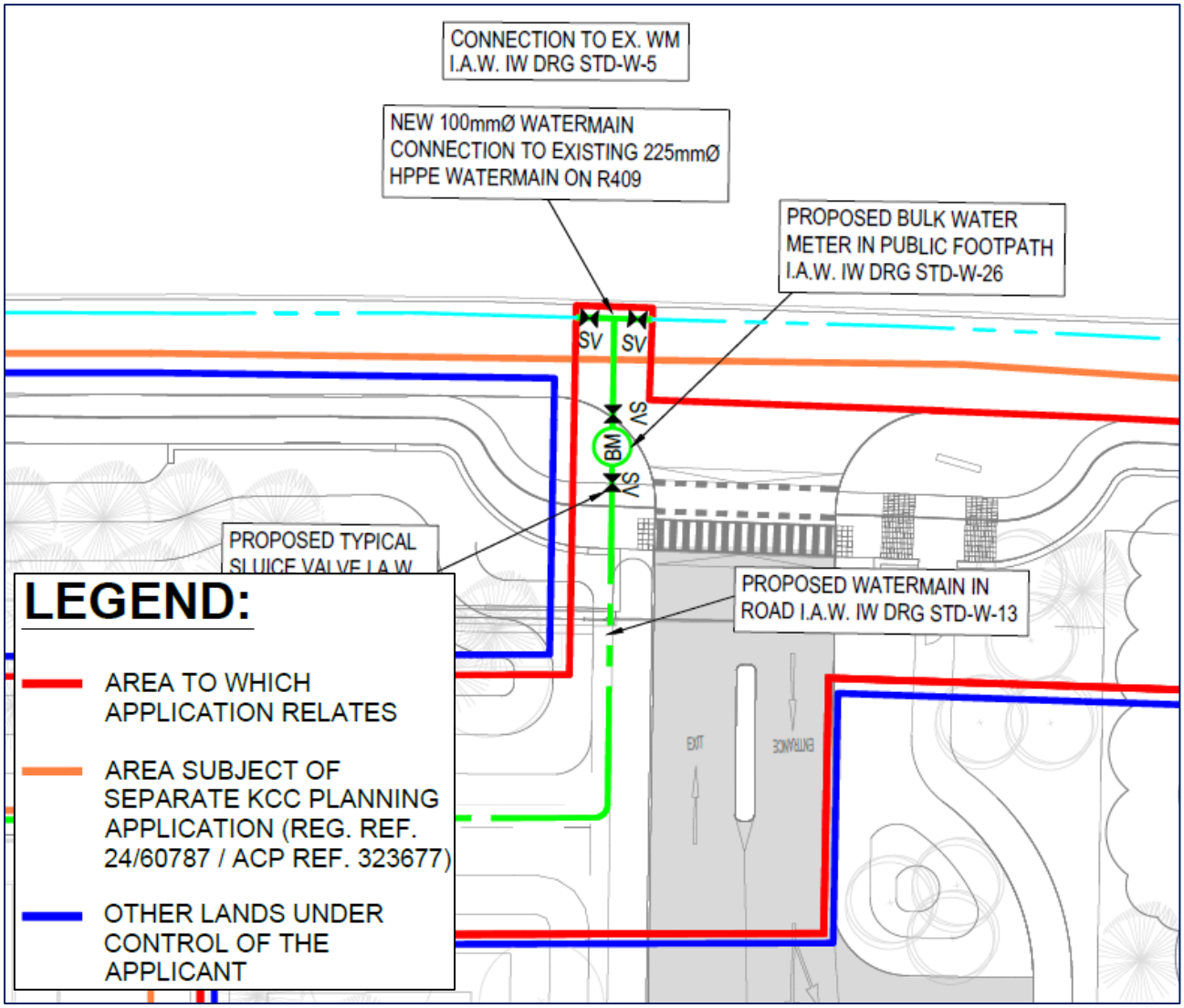

Figure 1.3 – Extract of Drawing 2232-DOB-ZZ-ZZ-DR-C-0350 DRAINAGE LAYOUT as submitted with SID Application

Importantly, the minor change to the red line boundary does not represent a change in respect of the proposed pipeline infrastructure nor the operational phase of the substation (subject of the SID application), that is how the substation will be connected to the water network and the proposed water supply strategy associated with the substation.

The design and location of the pipeline and the proposed water supply strategy are illustrated in Drawing 2232-DOB-ZZ-ZZ-DR-C-0350 DRAINAGE LAYOUT (included within EIAR Vol III Figures and Drawings) and also the *Substation Application – Planning Engineering Report* (included within the EIAR, Volume II Appendices, Appendix 4.12). Section 6.1 of the report states *it is proposed that the substation development will be served by an independent water supply taken from the existing 225mm watermain that runs along the R409. A new metered 100mm connection will be provided for the development in order to serve the potable and firefighting demand of the substation. Refer to engineering drawing 2232-DOB-ZZ-ZZ-DR-C-0350 for the proposed watermain layout.*

The Planning Engineering Report provided in support of this SID Application, reaffirms and maintains the above water supply strategy (Section 6 Water Supply).

Accordingly, the design and location of the pipeline, the point of connection, the water supply strategy and the associated impacts, have been fully considered within the EIAR and Addendum to

the EIAR and in the AA Screening Report and NIS. The proposed minor change to the red line boundary compared to that illustrated within the supporting information accompanying the Data Centre Application does not result in any change to the physical design or construction of the Project (as a whole, both SID and Data Centre Applications) such as would in any way alter the assessment of impacts on matters considered within the EIAR and the EIAR Addendum or result in any new or different impacts. Similarly, this does not result in any change to the physical design or construction of the Project (as a whole, both SID and Data Centre Applications) such as would in any way alter the assessment of impacts on matters considered within the Natura Impact Statement.

3 Other information before the Commission in relation to the Data Centre Application (on appeal)

In response to certain allegations made in the Third Party Appeals in relation to the Data Centre Application (which is currently under consideration de novo by the Commission on appeal under case reference PL09.323677), for completeness and to assist in informing the EIA to be carried out by the Commission were the Commission to grant planning permission for the Data Centre Application and impose Conditions 4, 5 and 6 of the Kildare County Council decision to grant planning permission, the authors of each chapter of the EIAR considered the impacts of those conditions were they to be imposed by the Commission, and an update in relation to Appropriate Assessment was also provided.

That material is before the Commission in relation to the Data Centre Application (under case reference PL09.323677) and for completeness is also included in Appendix B to this document.

3.1 Additional Landscape Planting proposed as part of Herbata's First Party Appeal

The proposed landscape planting plans submitted as part of the Data Centre Application (as updated as part of the RFI Response), propose a significant planting scheme to be carried out in the first phase of development, including:

- 5.4ha Native Woodland/Structural Screen Planting (36,150no. trees);
- 0.56ha Native Scrub Planting (Hazel, Holly, Hawthorn, Blackthorn etc.) (6,210no. trees);
- 2,529no. Advanced Trees (506 Pine, 2,023 Advanced Deciduous Trees).
- 4.45ha Short Meadow to be managed in accordance with All-Ireland Pollinator Plan (AIPP);
- 3.4ha Long Meadow to be managed in accordance with AIPP; and
- 1.38ha of SuDS biofiltration planting.

As part of the First Party Appeal and in response to the concerns raised by Kildare County Council in relation to the removal of existing hedgerows, an additional c. 3,350 linear metre of new, native hedgerow are now proposed (as part of the Data Centre Application), to be planted within the site along the internal fence line boundaries between the proposed data centre buildings, linking the proposed ponds and linear water courses to be provided as part of the Proposed Development.

The addition of the new proposed native hedge planting as shown in Figure 1.4 below and the associated Drawing no. BSM-ZZ-ZZ-DR-L-0301, will provide cover and connectivity for fauna, developing a green infrastructure network through the site.

It is noted that the proposed additional hedgerow planting is located entirely within the boundary of the Data Centre Application; and so for completeness this information (including Drawing no. BSM-ZZ-ZZ-DR-L-0301 as referenced above which indicates the locations of the proposed additional planting within the Data Centre Application) is also provided in this SID Application.

Figure 1.4 – Additional native hedgerow planting along proposed internal fence lines for Ecological Connectivity (extract of Drawing No. BSM-ZZ-ZZ-DR-L-0301– Landscape Masterplan)

Appendix A Derogation Licence Application

NPWS
An tSeirbhís Páirceanna Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

Application for Derogation

Under Regulation 54 & 54A of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended

Revision 2.0 – July 2025

- This form can be used by any individual or Company applying for a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 ("the Regulations") **or** any individual applying on behalf of the Minister for Housing, Local Government and Heritage under Regulation 54(A) of the Regulations.

- Note this application form is not for Domestic Dwelling Derogations (bats within private homes) which can be found here > (3D Application Form)

- Please ensure that you answer questions fully in order to avoid delays and/or your application being rejected on the basis that it does not contain sufficient information and detail for the application to be considered further.

- Please read and familiarise yourself with the NPWS Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants

- Please read and familiarise yourself with the European Commission's Guidance document on the strict protection of animal species of Community interest under the Habitats Directive

- Please also note that the responses to these questions are supplementary to the documentation required for the NPWS to be in a position to consider your application. A complete application should include both the application form and an associated report. Failure to supply either will result in your application being returned and/or refused.

- In circumstances in which a derogation is given on foot of this application, the Applicant is responsible for ensuring compliance with the conditions of any such derogation, even though they may employ another person to act on their behalf. To carry out any activity without, or not in accordance with, a derogation granted under regulation 54 or 54A of the Regulations constitutes a criminal offence, subject to prosecution.

- If you experience any problems filling in this form, please contact the Wildlife Licensing Unit: reg54derogations@npws.gov.ie

- Please note – applications, associated reports and derogations will be published on the NPWS website and/or the Department's Open Data website.

- Where any applicant is applying for a derogation to carry out surveys, please ensure to list all qualified ecologists and trainees under their supervision. See section 1(c) of Part A.

Part A: The Applicant - Personal Details

These questions relate to the person responsible for any proposed works and who will be the **Applicant**.
If this application is being submitted on behalf of a third party, please also complete Part B below.

1. (a) Name of Applicant

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
Mr	GERRY	PRENDERGAST
(b) Company Name, if applicable	Herbata Ltd	
(c) Address Line 1	4C SYCAMORE HOUSE	
Address Line 2	MILLENNIUM PARK	
Town	NAAS	
County	KILDARE	
Eircode	W91 T6WE	
(d) Contact number	045 854740	
(e) Email address	gerry@prendergastandco.ie	
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	JIGGINSTOWN and HALVERSTOWN	
Address Line 2		
Town	NAAS	
County	KILDARE	
Eircode	W91 PK77	

Details of Person Submitting Application on Behalf of Applicant/Derogation Holder

Information relating to the person (e.g. ecologist) responsible for submitting the application on behalf of the applicant should be entered below:

1. (b) Name of Person/Ecologist

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
	DAVID	WELSH
(b) Company Name	Tetra Tech Consulting Ltd, trading as Tetra Tech RPS	
Address Line 1	ELMWOOD HOUSE	
Address Line 2	74 BOUCHER ROAD	
Town	BELFAST	
County	ANTRIM	
Eircode	BT12 6RZ	
(c) Contact number	+44 2890 667914	
(d) Email address	david.welsh@tetratech.com	
(e) Relationship to Applicant	Bat specialist employed by EIA consultant under contract to Herbata Ltd.	

For Survey Derogations Only

1. (c) Please Indicate the Names to Appear on the Derogation Along with the Position Held e.g. Supervisor/Trainee

Forename(s)	Surname	Supervisor or Trainee

Part B: Species covered by the Derogation

1. **Species of Animal:** Please indicate which species is/are the subject of the application:

- Bat ☒
- Otter ☐
- Kerry Slug ☐
- Natterjack Toad ☐
- Dolphin ☐
- Whale ☐
- Turtle ☐
- Porpoise ☐

2. Please detail the exact species (scientific name): *Myotis daubentonii* **and** *Pipistrellus pipistrellus*

3. Please provide the maximum number of individuals affected* two **and** one

4. Please provide the maximum number of breeding or resting sites affected* three

5. Please provide the maximum number of eggs to be taken* n/a

6. Please provide the maximum number of eggs to be destroyed* n/a

*If no figures can be provided for the maximum number of individuals, breeding sites, resting places and eggs to be covered by the derogation please provide reasons why.

7. **Species of Plant:** Please indicate which species is/are the subject of the application:

- Killarney Fern ☐
- Slender Naiad ☐
- Marsh Saxifrage ☐

8. If you previously received a derogation for any species of animal or plant, please state derogation number and confirm that you have made a return to NPWS on the numbers actually affected by that derogation.

I have held the following licences and have made return to NPWS.:

- Licence No.: DER/BAT/2025/18 (survey licence)
- Licence No.: DE/BAT/2024/174 (survey licence)
- Licence No.: DER/BAT 2023-63 (survey licence)
- Licence No.: DER/BAT 2022-77 (survey licence)

This updated Application Form for 2025 and the enclosed updated Supporting Document are submitted in connection with an application already made for a Derogation Licence on 17 July 2024, shortly before an application for planning permission for the proposed data centre development described in Part D below was submitted to Kildare County Council (KCC) on 13 August 2024. KCC issued a Request for Further Information (RFI) in relation to that application for planning permission in October 2024.

The NPWS advised RPS that further information was required to progress the derogation licence application, specifically in respect of alternatives examined, which further information is fully set out in this updated Application Form and the enclosed updated Supporting Document.

The RFI Response was submitted to KCC on 23rd June 2025, and it was determined that a further submission would be made to the NPWS in support of the derogation licence application, comprising updated design drawings to reflect the RFI Response submitted to KCC, so as to ensure that that NPWS would be in possession of the most up to date and accurate design information. In that context, the NPWS advised RPS that a fresh application form for a Bat Derogation Licence should be submitted, using the new Application Form published by the NPWS in 2025, together with an accompanying updated bat report.

RPS is now submitting this updated Application Form and updated Supporting Document in response to that request, so that the Bat Derogation Licence application can now be progressed. This updated Application Form and updated Supporting Document have been informed by updated survey works undertaken during July, August and September 2025, comprising potential roost-feature surveys, bat activity surveys, and emergence/re-entry surveys as set out in detail in the enclosed updated Supporting Document.

9. **Proposed Dates for Activities:** Please indicate the timeframe that you propose to carry out the activities. Dates set by NPWS may differ from dates proposed here. *A derogation will only be issued with a start and end date within a calendar year.*

Start Date:	01-April-2026
End Date:	31-October-2026

Part C: Nature of the Derogation.

1. Please tick which prohibition(s) the application for a derogation relates to:

Regulation 51	
Deliberately capture or kill any specimen of the relevant species in the wild	☐
Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	☐
Deliberately take or destroy eggs of the relevant species in the wild	☐
Damage or destroy a breeding or resting place of such an animal, or	☒
Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of the relevant species taken in the wild, other than those taken legally as referred to in Article 12(2) of the Habitats Directive.	☐
Regulation 52	
Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	☐
Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of these species taken in the wild, other than those taken legally as referred to in Article 13(1)(b) of the Habitats Directive.	☐

Further information should be provided in the format set out in Part E: Template for Supporting Information

Part D: Derogation Tests

Note: The following summary information must be provided by the applicant in all cases, and will be used to determine if a derogation can be provided. Further information must be provided in the format set out in Part E: Template for Supporting Information

Test 1: Reason for the Derogation

1. Please tick which reason(s) below explains how this application qualifies under Regulation 54(2)(a-e) or Regulation 54A(2)(a-e) of the European Communities (Birds and Natural Habitats) Regulations: Please provide a summary of how the application meets the 3 conditions required to provide a derogation. Note that in all cases additional information must be provided (see Part E).

a.	In the interests of protecting wild flora and fauna and conserving natural habitats **(proceed to 2a)**	☐
b.	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property **(proceed to 2b)**	☐
c.	In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment **(proceed to 2c)**	☒
d.	For the purpose of research and education, of re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including artificial propagation of plants **(proceed to 2d)**	☐
e.	To allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule **(proceed to 2e)**	☐

2a. In the interests of protecting wild flora and fauna and conserving natural habitats:

i) Please state the wild flora, fauna or habitats that require protection and /or conservation.

ii) Please summarise how the interests of protection and conservation of the species/habitat concerned justify affecting another species under strict protection.

2b) To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property:

i) Please summarise the nature of the potential damage, why it is considered "serious" and how this outweighs the conservation interest of the species under strict protection.

2c) In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment:

i) Where the reason is for public health and public safety, summarise the evidence provided to support this reason (e.g. documentary evidence of the risk from a chartered structural engineer, tree surgeon, Garda Síochána, qualified health professional etc.)

Not applicable.

ii) Where the reason is for "other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment", summarise the nature of the public interest and how this outweighs the conservation interest of the species under strict protection.

The derogation licence is being sought for the demolition of a single building (named as Structure 1 in the Bat Survey Report and EIAR) within the site of proposed development which has been recorded to support bat roosts of low conservation significance in 2023 and 2025:

- two separate day roosts of individual Daubenton's bats in 2023; and
- A single day roost of an individual Common Pipistrelle bat in 2025.

The confirmed bat roosts within Structure 1, will be required to be demolished as part of construction phase of a proposed Data Centre development.
NPWS Guidance for Applicants on Applications for Regulation 54 Derogations for Annex IV species[1] (NPWS, 2025) notes that –

- only public interests, promoted either by public or private bodies, can be balanced against the conservation aims of the Directive, and conversely projects that are entirely in the interest of companies or individuals are not typically considered as being in the public interest; and

- not every form of public interest of a social or economic nature is sufficient, it is reasonable to assume that in most cases the public interest is likely to be overriding only if it is a long-term interest, whereas short-term interests that only yield short-term benefits would not be sufficient to outweigh the long-term interest of species conservation.

This Data Centre development at this location is in the long term public interest. It is not a short term interest and it is not only in the interest of company or individuals.
There continues to be a significant need for Data Centres in Ireland to support both business and social activities, with many large, United States based clients headquartered in Dublin for their European operations. The Irish Government Statement on The Role of Data Centres in Ireland's Enterprise Strategy[2] (July 2022) sets out how the twin transitions of digitisation and decarbonisation of the economy and society will be achieved and the necessary role Data Centres will play as core digital infrastructure indispensable in our economy and society. The Government Statement recognises that Data Centres are intrinsic part of almost all aspects of our lives, and sets out how the twin transitions of digitisation and decarbonisation of the economy and society, will be achieved in respect of Data Centres.
Whilst recognising the significance of Data Centres, the Government Statement also recognises the limitations around capacity for further Data Centre development with regards to the energy sector and need to decarbonise the same. The proposed Data Centre development at this site represents delivery of digital infrastructure which is an essential part in the realisation of the ambitions set out at European and national level, to achieve Irelands digital transition.
There is overarching policy support for the provision of data centres within Ireland and specific policy support for the provision of a data centre at the subject site, including:

- The National Planning Framework;
- Climate Action Plan 2025;
- Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy;
- Policy Statement on Security of Electricity Supply;
- National Hydrogen Strategy;
- Ireland's National Biomethane Strategy;
- Regional Spatial and Economic Strategy for Eastern and Midlands Regional Assembly
- Kildare County Development Plan 2023-2029; and
- Naas Local Area Plan 2021-2027.

Chapter 4 of the Kildare County Development Plan 2023-2029 (KCDP) deals with Resilient Economy & Job Creation. Section 4.16 specifically refers to the provision of data centres within the county. Policy RE P11 and EC P18 state that KCC will;
"Support the accommodation of Data Centres at appropriate locations in line with the objectives of the National Planning Framework and the principles for Sustainable Data

[1] https://www.npws.ie/sites/default/files/files/Applications-for-Regulation-54-Derogations-for-Annex-IV-species-Guidance-for-Applicants.pdf
[2] https://enterprise.gov.ie/en/publications/publication-files/government-statement-on-the-role-of-data-centres-in-irelands-enterprise-strategy.pdf

Centre Development of the Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy (July 2022) subject to appropriate Transport, Energy and Environmental Assessments and all relevant planning conditions. 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 KCDP clearly provides for and supports the provision of data centres in Co. Kildare. The Data Centre Application is for a data centre on a site zoned specifically for this land use.
The Naas Local Area Plan 2021-2027 (Naas LAP) sets out the overall local strategy for the proper planning and sustainable development for the town of Naas. The land use zoning for the site is set out in the Naas LAP, and the subject site is zoned 'P(1) – Data Centre', which seeks: "*To provide for Data Centre development and their associated infrastructure only*". The only use considered by the Naas LAP to be 'Permitted in Principle' in lands zoned 'P' is Data Centres.
The development of the subject site fully accords with the land use zoning objectives for this area as set out in the Naas LAP. The proposal to locate a Data Centre at this site is wholly consistent with the planning policy.

2d) For the purpose of research and education, of re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including artificial propagation of plants:

i) Please summarise the objective(s) of the proposed activities making reference to those listed above and how the the purpose of such activities overrides the interests of strict protection of the species. [3]

2e) To allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule

i) Please clearly state the objective of the activity and verify that this reason is being chosen as the objective of the activity does not match reasons a-d listed above.

[3] Note that this reason may be appropriate for when research involves surveys that may cause disturbance of species under strict protection. But the sole purpose of the surveys should be for research and education or the other reasons listed above under 1d.

ii) Please summarise how the activity will result in the taking or keeping of limited numbers of specimens of the species, how it will be applied on a selective basis and to a limited extent, and how it will be done under strictly supervised conditions.

Test 2: Absence of Alternative solutions

2. Please summarise the alternative solutions that have been considered and why these solutions are deemed unsatisfactory. This must include the option of the "do-nothing" alternative and evidence should be objective and robust. Note that in all cases further information must be provided in the format set out in Part E: Template for Supporting Information.

Alternative Solution	Reasons for "Unsatisfactory"
Do-Nothing	Under a 'Do-Nothing' scenario, the site of the proposed Data Centre currently comprises a 37.51 ha landholding chiefly made up of agricultural lands and agricultural buildings bound by treelines and hedgerows. In this scenario the site would remain in its current use. Prevailing planning policy explicitly identifies the site for Data Centre development. The Naas LAP specifically states in relation to data centre development at this site that – • *Land has been designated between Junction 10 and Junction 9a, located centrally between two of the motorway junctions;* • *The sites identified in this LAP have the ability to cater for space extensive enterprises contiguous to the existing urban form, proximate to electricity and telecommunication infrastructure;* • *These lands are identified exclusively for Data Centres, to ensure the location of these types of proposals are controlled proximate to serviced areas of the county;* and • *The Council will not consider any alternative use on these lands, other than those associated with Data Centres* As such the 'Do-Nothing' scenario in this case would not fulfil the intended development of the site in accordance with prevailing planning policy. Such an alternative is not satisfactory, and does solve the specific problem that the planning

	authority intended to be addressed by the zoning of the site for the development of a Data Centre.
Alternative Configuration of Data Centre Development	Whilst responding to the physical characteristics, environmental considerations and a desire to realise the capacity of the site for data centre development, the design of the proposed Data Centre has been subject of an iterative process. The scale, mass and layout of the proposed Data Centre has been informed by a Site Strategy Masterplan developed with design and technical input from architectural, civil, electrical, and mechanical consultants, taking account of the necessary technical and physical requirements to deliver a functional Data Centre facility which will seek to attract and serve the widest range of end user tenants. The masterplan design sought to develop a high-quality Data Centre campus with site strategies to allow the development to integrate sympathetically into its surroundings and create a positive and carefully designed site layout. There is a high priority to retain the existing biodiversity throughout the site where this is feasible and to minimise visual impacts where possible on the site boundaries through planting (Data Centre Application - Architectural Design Statement, Volume II, Appendix 4.1)[4] From the outset, the project planning and environmental consultants have worked closely with the design team to ensure the Project is compliant with necessary planning policy whilst minimising environmental impacts. A comprehensive review of available desktop data along with information derived from project and site-specific technical surveys, has informed every aspect of the design of the Project. Engagement with statutory bodies including Kildare County Council planning authority, has also further influenced many aspects of the Project. Key site specific considerations, which influenced the design layout from the outset of the process included: • Bluebell Stream / southern boundary of the site; • Retention of existing vegetation, particularly at the site boundaries; • Setback from the M7 motorway to the eastern boundary;

[4] https://www.eplanning.ie/KildareCC/AppFileRefDetails/2460787/0

	• Exclusion zones associated with existing 220kV powerline. The above matters shaped the initial Concept Sketch of the proposed Data Centre development configuration and layout. As the design process progressed, it was informed by further site, environmental and technical information including geotechnical site investigations, cut and fill analysis, services infrastructure surveys, landscape, ecology and arboriculture studies. The next iteration of the design process represented a notable shift in the location and orientation of the Data Centre buildings, Data Centre 1 – 3 facing to the fore of the site (in terms of the main access from the R409) and re-distribution of attenuation ponds across the wider site and an increase in areas of land available for landscaping. The finalised site layout represents a realisation of the following: • Minimise cut and fill within the site boundary (to ensure excess material is not required to be removed from site); • Reuse of cut and fill material to develop berms (to enhance screening) along R409 and M7 boundaries; • Maximising retention of existing hedgerows and trees including some of those which extend into the site from perimeter boundaries; • A setback of the building line from the M7 (of approximately 51m) as agreed with KCC Roads Planning Section; • A riparian buffer along the southern boundary (the Bluebell Stream). Maximising the retention of field boundary vegetation, particularly to the boundary of the site has been a key driver for the overall site layout. It is critical to note that development of the site as a functioning and viable Data Centre development attractive to a range of end user tenants requires removal of vegetation and structures in the centre of the site. Retention of treelines and hedgerows to the external boundaries has been maximised, achieved by ensuring the proposed Data Centre development is scaled and orientated in such a manner to minimise the loss of existing vegetation. A total of 6 Data Centre buildings are proposed as part of the Project. The proposed development must comprise of 6 Data Centre buildings with associated ancillary infrastructure. The scale of the development is dictated by the demands of the end-user tenants, aiming to

	provide sufficient capacity to deliver a financially feasible data centre facility for hyperscale clients. A reduction in the number of data centre blocks would render the project not financially viable. In broad terms, a duplicate design has been employed across the 6 buildings, with each comprising of a 2-storey admin block, data hall and external plant yard. The number and scale of the proposed Data Centre buildings is principally dictated by the demands of end user tenants, to include sufficient capacity, servicing and the facility requirements, needed to deliver a functional Data Centre, suitable for hyperscale clients. The space requirements of the data halls (and associated equipment), the plant yards comprising of gas turbines and associated stacks and air circulation space, along with the various ancillary spaces which form the administration blocks, have all informed the final dimensions of the proposed Data Centre buildings which have remained principally the same throughout the design process. As such, there is no scope to consider alternatives for the Data Centre buildings in terms of their scale and mass which would result in the retention of the structure containing bat roosts at the centre of the site. As such the 'Alternative Configuration' scenario in this case would not fulfil the intended development of the site in accordance with commercial market drivers of Data Centre tenants. To have realigned the data centre blocks to allow the structure containing the bat roosts which require a Derogation Licence to remain *in-situ* would still result in all vegetated linear features leading to/from the structure to be removed. This would render the structure as an isolated roost with no ecological connectivity to the wider landscape. Such an outcome would again prevent the future use of the site being in accord with prevailing planning policy. Such an alternative is not satisfactory, and does solve the specific problem that the planning authority intended to be addressed by the zoning of the site for the development of a Data Centre.

* Please insert additional rows above if needed

Test 3: Impact of a Derogation on Conservation Status

3. Please summarise the possible impacts on the population of the species that is subject to this application, taking into account all the mitigation and/or compensation measures that are to be undertaken. Evidence that such mitigation has been successful elsewhere should be provided

where relevant. Mitigation measures being relied upon must ensure that the derogation will not be detrimental to the maintenance of the populations of the species to which the Habitats Directive relates at a favourable conservation status in their natural range. Note that in all cases further information must be provided in the format set out in Part E: Template for Supporting Information.

This section should be read in conjunction with NI2615 Herbata Derogation Licence Supporting Information Report which provides all of the relevant information required.
The site, despite supporting a range of features with potential to support high levels of bat activity and roosts, was recorded to support relatively limited bat activity, of a low number of widespread bat species and only a single structure supporting two Daubenton's bat day roosts, and one common pipistrelle bat day roost, all of which were found to support individual bats (see Section 5 of Supporting Information Report). The proposed development will result in the loss of these three bat day roosts. It considered that the loss of these small bat day roosts, in the absence of mitigation, would give rise to a moderate adverse and significant effect.

With the implementation of mitigation and compensation measures outlined in Section 4 of the Supporting Information Report which in summary includes pre-inspections for roosting bats prior to demolition of the roost structure and the incorporation of high-quality artificial bat roost boxes and three artificial bat roost houses, there will be no significant adverse impacts upon the local bat populations resulting from the proposed scheme. Furthermore, it is considered that the proposals will deliver a significant enhancement for this group post-development and a net positive effect on the local bat population.

Part E: Template for Supporting Information

This application form should provide a summary of the evidence that the applicant has provided. In all cases, it is necessary to provide separate supporting information so that the assessment of the application can be undertaken in a robust and comprehensive manner. Applicants should refer to guidance provided by the NPWS and the European Commission whilst preparing this application form and the supporting information.

It is essential that supporting information is prepared in a consistent manner using the template below so that NPWS officials assessing the application can locate the relevant evidence to determine if the three Tests can be met. Failure to provide sufficient evidence will result in the application being refused.

The structure of the Supporting Information should be as follows:

1) Table of Contents

2) Introduction
    a. Objective of the proposed works (for example, as part of construction of a national road, repair of roofing, undertaking surveys etc.)
    b. Name, qualifications and relevant experience of scientific staff, including trainees, (e.g. ecologist) involved in the preparation of the application and those responsible for carrying out the proposed activity.
    c. If this application is for the carrying out of surveys that may cause disturbance, qualifications of all involved must be provided and trainees must be clearly identified.

3) Background to proposed activity including location, ownership, type of and need for the proposed activity, planning history, policy context, zoning in relevant Development plan (or equivalent), etc.

4) Full details of proposed activity to be covered by the derogation (including a site plan). The site may be inspected by an NPWS representative, so the details given should clearly reflect the extent of the project. This information will be used to compare site conditions with the Method Statement.

5) Ecological Survey and site assessment (Not required for applications to carry out surveys)
    a. Pre-existing information on species at location and environs.
    b. Status of the species in the local/regional area (relevant to the consideration of the impact on the population at the relevant geographic scale (Test 3))
    c. Objective(s) of survey
    d. Description of Surveys Area
    e. Survey methodology (including evidence as to how the methodology represents best practice and is appropriate to the Objective). Methodology should include survey maps, details of timing, climate, equipment used and identify any uncertainties or difficulties encountered.
    f. Survey results including raw data, any processed or aggregated data, and negative results as appropriate. Photographs and maps must be provided where site-specific features are referred.
    g. Population size class assessment.

6) Evidence to support the Derogation Tests

    a. Test 1 - Reason for Derogation:
        i. There should be a clear explanation as to why a specific reason(s) has been selected in the application form.

ii. Applicants are advised to read the guidance published by the NPWS 'Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants" with specific reference to Section 3.1.

b. Test 2 - Absence of Alternative Solutions
   i. Applicants must list the alternatives to the proposed activity that have been considered, including the do-nothing alternatives in a clear and objective manner. A basic requirement is that these alternatives should be compared in terms of their impact on the species subject to strict protection. It should be clear to NPWS officials as to why the chosen approach has been selected.
   ii. Applicants are advised to read the guidance published by 'Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants" with specific reference to Section 3.2.
c. Test 3 - Impact of a derogation on Conservation Status
   i. Applicants should include details of the population at the appropriate geographic scale and an evaluation of how the proposed activity will affect the conservation status both before and after mitigation measures have been applied.
   ii. Full and detailed descriptions of proposed mitigation measures that are relevant to the potential impact on the target species. Evidence that such mitigation has been successful elsewhere should be provided, where available.
   iii. Applicants are advised to read the guidance published 'Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants" with specific reference to Section 3.3.

7) Monitoring the impacts of the derogations
   a. Applicants must include details of how they propose to verify whether the derogations have been implemented correctly and whether they achieved their objective, using scientifically based evidence, and, if necessary, how the applicant will take corrective measures where required.
   b. Applicants should provide details of proposed reports to be submitted to the NPWS including the results of monitoring.
   c. Applicants are advised to read the guidance published by the European Commission "Guidance document on the strict protection of animal species of Community interest under the Habitats Directive" with specific reference to Section 3.4.

Part F. Declaration

I declare that all of the foregoing particulars are, to the best of my knowledge and belief, true and correct. I understand that the deliberate killing, injuring, capturing or disturbing of protected species, or damage or destruction of their breeding sites or resting places or the deliberate taking or destroying of eggs is an offence without a derogation and that it is a legal requirement to comply with the conditions of any derogation I may be granted following this application. I understand that NPWS may visit to check compliance with a derogation.

Please note that under Regulation 5 of the European Communities (Birds and Natural Habitats) Regulations 2011-2021 an authorised officer may enter and inspect any land or premises for the purposes of performing any of their functions under these Regulations or for obtaining any information which they may require for such purposes.

Signature of the Applicant

Date 6th September 2

Name in BLOCK LETTERS

GERRY PRENDERGAST

PRIVACY STATEMENT

See Privacy Statement at www.npws.ie/licences

npws.ie

Department of Housing, Local Government and Heritage

An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

DEROGATION LICENCE SUPPORTING DOCUMENT

HERBATA DATA CENTRE

NI 2615 – Herbata:
Derogation Licence
Supporting Document
A01
September 2025

www.rpsgroup.com

Document Status

Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
A01	For Internal Review	D. Welsh	S. Lowry	J. McCrory	10-09-2025

Approval for issue

James McCrory CEcol CEnv MCIEEM CBiol MRSB  2025-09-12

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Prepared for:

Herbata Ltd

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1 INTRODUCTION

RPS was commissioned by Herbata Ltd to undertake an ecological survey for bats to inform an Environmental Impact Assessment Report (EIAR) for the proposed Herbata Data Centre, Jigginstown, Naas, County Kildare. This document has been produced to accompany a derogation licence application in association with the proposed development for the site, described below. This application is made by way of updating the 2024 derogation licence application with 2025 bat survey season data.

The aim of the report is to set out the methodology and results of bat surveys in addition to proposed mitigation measures for bats on the site. This information has been duplicated and consolidated from the Environmental Impact Assessment Report (EIAR) Chapter on Biodiversity which has been submitted in association with planning application for the development in addition to the Bat Survey Report which forms an appendix to the EIAR.

1.1 Statement of Authority

Dave Welsh

The lead bat surveyor (Bat Activity and Tree Climbing PRF Inspection Surveys), author and consultant ecologist for the licence applicant (2025), David Welsh is a Principal Ecologist with RPS and holds a BSc (Hons) in Marine Science, a MSc in Ecological Management and Conservation Biology with over ten years of experience in ecological consultancy. David has in-house training in bat ecology and bat survey and specialist training in sound analysis and species identification, mitigation and compensation; Bat Tree Habitat Key Tree-roost and Woodland Bat Survey; and Lantra Tree Climbing and Arial Rescue. Dave is a protected species licence holder, a former member of the Northern Ireland Bat Group (NIBG) and a former volunteer bat rescuer with bat handling experience. Dave is an associate member of the CIEEM.

David will lead the proposed derogation works (bat roost exclusion).

David has held the following licences for derogation in relation to bat roost disturbance for assessment, among others:

NPWS:

- Licence No.: DER/BAT/2025/18 (survey licence)
- Licence No.: DE/BAT/2024/174 (survey licence)
- Licence No.: DER/BAT 2023-63 (survey licence)
- Licence No.: DER/BAT 2022-77 (survey licence)

NIEA:

- DDB/26/21
- DDB/11/22
- DDB/6/23
- DDB/28/23 (Daubenton's Bat)
- DDB/46/23 (Daubenton's Bat)

Conor Finlay

The assistant bat surveyor (Emergence Surveys and Tree Climbing PRF Inspection Surveys) during the 2025 bat surveys Conor Finlay is an Ecologist with RPS and holds a BSc (Hons) in Environmental Science, a MSc in Ecological Management and Conservation Biology with over four years of experience in ecological consultancy. Conor has Conor has in-house training in bat ecology and bat survey and professional training in Lantra Tree Climbing and Aerial Rescue and has held associated tree roost inspection using endoscope NIEA licences Conor also holds a BatAbility Certificate of Bat Acoustics Analysis. Conor also has experience of habitat, mammal, reptile, and bird survey and is a protected licence holder. Conor is a Qualifying member of the CIEEM and a volunteer with the Northern Ireland Amphibian and Reptile Group.

David Mullholland

The assistant bat surveyor (Emergence Surveys) during the 2025 bat surveys David is an Ecologist with RPS and holds a BSc (Hons) in Biological Sciences with Professional Studies, a MSc in Ecological Management and Conservation Biology and has three years of experience working in consultancy and conservation. David has specialist training in bat survey, sound analysis and species identification and holds a BatAbility Certificate of Bat Acoustics Analysis. David also has experience of habitat, mammal, reptile, and bird survey and is a protected licence holder. David is a Qualifying member of the CIEEM

Samuel O'Hara

The lead bat surveyor during the 2023 bat surveys and author of the associated reporting and 2024 Derogation Licence Application, Samuel O'Hara, is former Associate Ecologist with RPS and holds a BSc (Hons) in Ecology and has over ten nine years of experience in the field of ecology consultancy. Samuel has specialist training in bat survey, sound analysis and species identification, mitigation and compensation, and Lantra Tree Climbing and Arial Rescue and associated tree roost inspection using endoscope. He holds a Natural England Class 1 Licence to survey known bat roosts (No. C191799), has held numerous roost inspection licences from NIEA and has assisted with roost inspection works undertaken under licence from NPWS. Samuel is a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM).

Samuel has held the following licences for derogation in relation to bat roost disturbance for assessment, among others:

NIEA

- BLD-102-19
- BLD-40-21
- BLD-41-21
- BLD-89-21
- BLD-39-23
- BLD-40-23

Natural England

- C191799

The information prepared and provided is true and accurate at the time of issue of this report and has been prepared and provided in accordance with the CIEEM Code of Professional Conduct (CIEEM

2022). We confirm that the professional judgement expressed herein is the true and bona fide opinion of our professional ecologists.

2 BACKGROUND

2.1 OWNERSHIP

The Project extends across a range of landowners including Kildare County Council, the applicant (Herbata Ltd) and private landowners.

2.2 NEED FOR THE PROPOSED ACTVITY

In broad terms, the Project serves to meet the significant need for Data Centres in Ireland to support both business and social activities, with many large, United States based clients headquartered in Dublin for their European operations. The Irish Government *Statement on The Role of Data Centres in Irelands Enterprise Strategy* (July 2022) sets out how the *twin transitions* of digitisation and decarbonisation of the economy and society will be achieved and the necessary role Data Centres will play as *core digital infrastructure… indispensable…in our economy and society.* The Statement recognises that Data Centres are intrinsic part of almost all aspects of our lives.

2.3 PLANNING HISTORY

In preparation of the Project planning application, A planning history search was carried out to establish the most recent planning applications within and immediately adjacent to the site boundary. No pertinent permissions were identified on the subject site.

2.4 POLICY CONTEXT

The **National Planning Framework** (NPF) sets out the overall national planning policy objectives and targets for the country up to 2040. National Strategic Outcome (NSO) 6 of the NPF First Revision relates to the creation of "A Strong Economy Supported by Enterprise, Innovation and Skills". This strategic outcome is underpinned by a range of objectives relating to job creation and the fostering of enterprise and innovation, and includes the following objective:
"Promotion of Ireland as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities…
Ireland is very attractive in terms of international digital connectivity, climatic factors and current and future renewable energy sources for the development of international digital infrastructures, such as data centres. These factors help to underpin Ireland's international position as a leading location for ICT, which contributes to wider synergies in the economy as indigenous and multinational enterprises develop linkages and benefit from the potential of regional clustering."
The Project is therefore wholly consistent with the NPF First Revision.

The **Climate Action Plan 2025** (CAP25) was published in 2025 and is to be read in conjunction with CAP24. CAP25 takes account of key developments in the policy and evidence base in the previous year while setting out a range of new actions in response to the latest data.
There are no specific actions in CAP25 relating specifically to the development of data centres but regarding the demand management of Large Energy Users (LEU) CAP25 states that:

"A review of the Large Energy Users Connection Policy is ongoing and will ensure that new Large Energy User grid connections do not contribute to energy security challenges and that the power system decarbonises new demand in line with climate targets. A final decision is expected in 2025.
Recommendations for an Enhanced Electricity Emissions Reporting Framework for Large Energy Users is due to be published in late 2024, while actions under Powering Prosperity and the NEDS will

contribute to developing a plan-led, spatial approach to facilitate the co-location of future renewable electricity supply and large-scale energy demand".

This policy aims to minimise potential impacts on national renewable energy targets and carbon emissions from these LEU and by complying in full with the policy, the Project is in effect reducing, in so far as practicable, the potential emissions and complying with the requirement of CAP25. CAP25 also identifies the following CAP24 Legacy Action which is relevant to Large Energy Users (LEU) such as the proposed development:

"EL/24/22 Implementation of enhanced emissions reporting framework for electricity emissions for large energy users and the system operators dispatch actions".
The climate action plans recognise LEUs as having a critical role in delivering high levels of flexibility across time and geographical locations and matching energy consumption with renewable energy generation. By employing the very flexible and agile technology used in the Project, the Project is designed to align with the new enhanced reporting framework and also to fully comply with this CAP action.

The **Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy** published in July 2022 sets out national policy for the development of data centres. The statement recognises the fundamental importance of data centres and that they comprise:

"Core digital infrastructure and play an indispensable role in our economy and society".

The statement identifies the many advantages arising from the location of data centres within Ireland, including:

- Assist people and businesses to fully realise the benefits of digitalisation;
- Data can drive research and innovation;
- The direct generation of employment; and
- Secures the presence of the global technology sector in Ireland.

The importance of Ireland's technology sector to the economy and society is set out, accounting for €52 billion (16%) of gross value added and employing 140,000 people – equivalent to 6% of total national employment with 40% growth over the last five years.
The Data Centre Application is wholly consistent with the Government Statement providing support for data centres.

Chapter 4 of the **Kildare County Development Plan 2023-2029** (KCDP) deals with Resilient Economy & Job Creation. Section 4.16 specifically refers to the provision of data centres within the county. Policy RE P11 and EC P18 state that KCC will;

"Support the accommodation of Data Centres at appropriate locations in line with the objectives of the National Planning Framework and the principles for Sustainable Data Centre Development of the Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy (July 2022) subject to appropriate Transport, Energy and Environmental Assessments and all relevant planning conditions. 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 KCDP clearly provides for and supports the provision of data centres in Co. Kildare.

The Project proposes a data centre on a site zoned specifically for this land use.

2.5 ZONING IN RELEVANT DEVELOPMENT PLAN (OR EQUIVALENT), ETC.

The Naas Local Area Plan 2021-2027 (Naas LAP) sets out the overall local strategy for the proper planning and sustainable development for the town of Naas. Within the Naas LAP, the subject site is zoned '**P(1) – Data Centre'**, which seeks: "To provide for Data Centre development and their associated infrastructure only". The only use considered by the Naas LAP to be 'Permitted in Principle' in lands zoned 'P' is Data Centres.

3 PROPOSED DEVELOPMENT

The proposed development would involve the construction of a large data centre on the site inclusive of the requirement for significant habitat clearance, and the delivery of significant areas of compensatory planting, SUDs features and other required infrastructure.

The location of the proposed development and the planning application boundary are illustrated in **Figure 3.1: Site Location**.

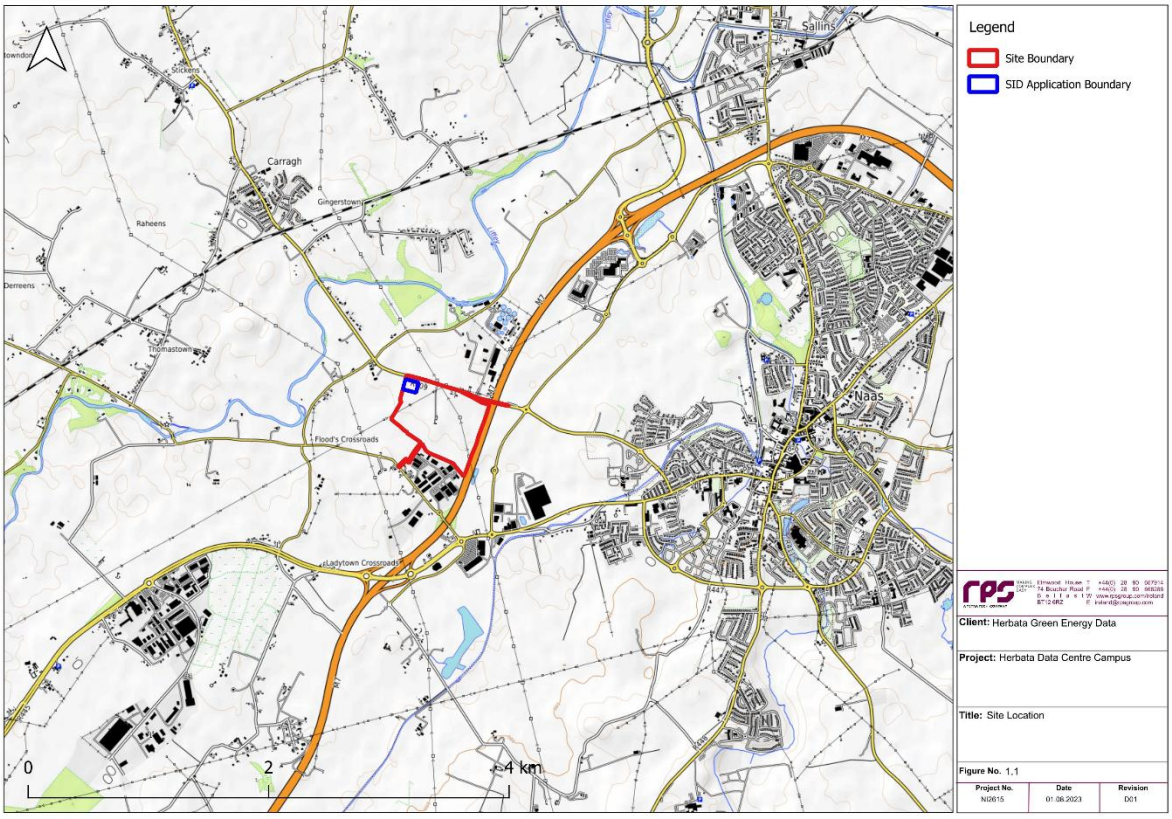


Figure 3.1: Site Location

the Proposed Development is subject of both a full planning application to Kildare County Council and a SID application to An Bord Pleanála, with the subject of each application, summarised as follows with relevant planning boundaries, illustrated in **Figure 3.1: Site Location**:

- The Proposed Development comprises of 6 no. two storey Data Centre buildings, an administration / management building, car parking, landscaping, energy infrastructure and other associated works. **These elements are subject of the planning application submitted to KCC.**
- The Proposed Development also comprises of a grid substation and 110kV transmission connection. **These elements are subject of the SID application to An Bord Pleanála.**

Figure 3.2: Proposed Development Layout illustrates the layout of the Proposed Development as submitted to Kildare County Council in August 2024. Figure 1.3 illustrates the layout of the Proposed Development as submitted June 2025 following receipt and response to a Request for Further Information (RFI) received from Kildare County Council in Octboer 2024.

The total site area of the subject site of the Proposed Development (comprising of *both* the KCC and SID applications) is 37.51 ha.

Figure 3.2: Proposed Development Layout –Planning Application August 2024

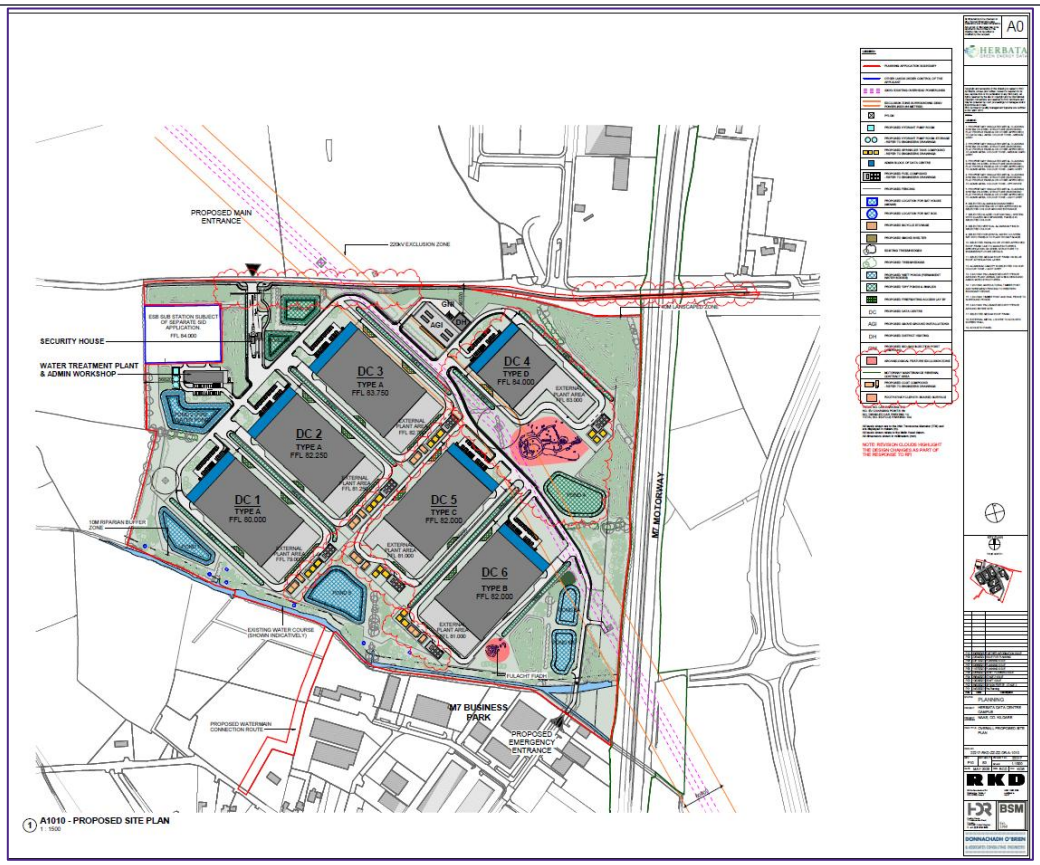


Figure 3.3: Proposed Development Layout – RFI Stage June 2025

The Proposed Development comprises 6 no. two storey Data Centre buildings, an administration workshop building, car parking, landscaping, energy infrastructure and other associated works.

The key elements of the Proposed Development are set out below:

- Total site area of the subject site of the Proposed Development (comprising of *both* the KCC and SID applications) is 37.51 ha, comprising of the following:
  - Site area of planning application to KCC – 37.5 ha;
  - Site area of the SID application to An Bord Pleanála - 3.15 ha.

6no. Data Centre buildings following a *templated design* with some variations arising from internal differences and changes arising following the aforementioned RFI. Data Centres 1 – 3, 5 and 6 (referred to as Types A, B and C) have dimensions as follows:

- Admin Block: 2,505 m^2
- Data Hall: 24,756 m^2
- External Plant Yard: 6,164 m^2
- Total Area: 27,261 m^2

Data Centre 4 (Type D):

- Admin Block: 2,505 m^2
- Data Hall: 13,683 m^2
- External Plant Yard: 6,065 m^2

  - Total Area: 16,188 m^2
- Each Data Centre building will be c.19m in height;
- Admin workshop and Water Treatment Plant (WTP) of 818.9 m^2;
- Site security hut of 42.1m^2;
- District Heating (DH) building of 340.5m^2;
- Total of 210 no. car parking spaces comprising of 21 electric car charging spaces and 14 disabled car parking spaces;
- Of the 210 total, each of the 6 DC buildings will have 30 car parking spaces (total) and the administration building will also have 30 car parking spaces;
- Total number of 52 bicycle spaces (8 per each of the 6 DC buildings and 4 for the administration workshop)
- Demolition of 5 no. agricultural buildings to the centre of the site;
- Demolition of 3 no. dwellings along the northern boundary of the site, fronting onto R409 road;
- Provision of a rising main, extending from south from the site and connecting into the existing network at Newhall Road; and
- Removal of internal hedgerows and provision of site wide landscaping, including 30m mounded landscape buffer along M7.

4 DETAILS OF PROPOSED ACTVITY TO BE COVERED BY THE DEROGATION

All bat roosts are protected by law even when bats are not presently occupying a roost. A bat roost derogation licence must be obtained from the National Parks and Wildlife Service (NPWS), prior to demolition of any building with a bat roost, to permit otherwise illegal activities that will result in the destruction, damage and disturbance of known bat roosts. The licence will be issued to a suitably qualified bat ecologist who will supervise all licenced activities.

It is recommended that demolition of any building with a known bat roost must take place between March - mid- May or September - October inclusive, of any given year, to avoid the bat maternity and hibernation seasons and minimise the impact on bats.

Prior to the demolition of the confirmed bat roosts, Structure 1 (S1), and the other structures on site which have roosting suitability (S2-S6), the licenced ecologist will thoroughly search for the presence of roosting bats using an endoscope and torch. If bats are found to be present during demolition, species rescue and translocation will be carried out using gloves, and the bat(s) carefully transported to a nearby artificial bat roost. If a bat(s) is found roosting where it cannot be safely removed by hand, or where there are features with potential to conceal a roosting bat which cannot be sufficiently searched to confidently confirm that roosting bats are absent from the cavity, a bespoke designed bat exclusion device will be fitted around the roost entrance and left in situ for 7 days in fair weather conditions to ensure that any bats that may potentially be present, have time to leave the roost but not re-enter again, this will ensure that no bats are harmed.

Although no evidence of bat tree roosting was recorded on site, as a precaution, all trees which have been confirmed to have suitability to support roosting bats will either be inspected using an endoscope by a licenced ecologist immediately prior to felling if practical and for Tree T6 and T15 (deep cavities), a bespoke exclusion device fitted to the PRF as mentioned above. If any bats are found during pre-felling inspection surveys, and cannot be safely removed by hand, the same measures (bespoke exclusion device) will be applied.

4no. bat roost box locations are proposed within the site. These will comprise pole-mounted bat boxes, with two individual bat boxes proposed per location. Poles will be set in concrete or alternatively driven to a depth of at least 1m. Boxes themselves will be manufactured by Greenwood Ecohabitats[1] or similar, and will be erected, two per pole and fastened to the pole with metal straps or banding at a height of 3.5m or higher. These boxes are intended to compensate for the loss of numerous trees with bat roost potential which were not recorded to support bat roosts and to provide additional roosting resources for the local bat population. Greenwood Eco-Habitat artificial bat roost boxes are constructed from Ecostyrocrete and have a high bat uptake rate. The following boxes will be utilised, two per pole:

- ‘Half and Half bat box’ consist of a two-crevice design, and the other half of the box has the Small Hollow design, providing roosting opportunities for a wide range of bat species, or similar (Four no. total)
- Two-crevice bat boxes, or similar. (Four no. total)

In addition to proposed bat box locations the proposals will incorporate three bat house structures. The exact design of these structures is yet to be finalised however it is proposed that one will be a blockwork structure with floor dimensions of 3x3 metres, with a pitched slate/slate tile roof with 1F felt underlay,

[1] https://www.greenwoodsecohabitats.co.uk/shop

bat-access slates and gaps in soffits and facia to facilitate access. The interior of this structure will include layers of spaced plywood or OSB between rafters to provide interior crevices ("squeeze boxes") which will ensure that the structure is suitable for a variety of bat species. A door into this structure will be provided to facilitate access for monitoring and maintenance, as required.

The remaining two bat house structures will be constructed using a timber A-frame design utilising four square wooden corner posts set in concrete approximately 2.5m apart, raising the structure off the ground by approximately 1.8 or higher. The structures will have a pitched A-frame roof, constructed from sheet-metal, lined with OSB, gable walls constructed from wooden cladding, incorporating interior "squeeze box" features and no floor, allowing access from below.

Proposed locations of each of the proposed bat roost features are shown on the project Landscape Masterplan (BSM-ZZ-ZZ-DR-L-0301) which accompanies the EIAR submissions and is included at Appendix II. Proposed artificial bat roost boxes and bat houses are to be located along the southern site boundary to utilise the connectivity of the bluebell stream to the River Liffey, in addition to providing close access to proposed mitigation planting and SUDs features for foraging.

The Lighting Strategy for the proposed development has been designed in accordance with the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (ILP 2021) and Bats and Artificial Lighting in the UK (ILP 2023).

Artificial lighting will only be installed where and when necessary, i.e. when it is needed for safety reasons or to comply with statutory guidelines. There will be no direct illumination of any artificial bat roosts. Lighting will be avoided in areas where existing trees are to be retained and in areas proposed for native woodland buffer planting. Lighting design will aim to use narrow spectrum lights with no UV content; directional downlights illuminating below the horizontal plane; bollard or low level downward directional luminaries; external security lighting should be set on motion-sensors and short (1 minute) timers; and use accessories such as baffles, shields, louvres or adjusting the angle of the lamp where necessary (ILP 2023).

Proposed bat box and house locations will be located within areas of the site which will not be subject to lighting levels greater than 0.1lux associated with the proposed development. Proposed mitigation planting will in the medium term, provide further attenuation of artificial lighting from off-site sources.

Studies have shown that compensation through the placement of bat boxes shows variable success rates, with Schwegler 'woodcrete' models, or similar, displaying rates of occupancy ranging from 17% for tree-mounted boxes, with peak occupancy rates occurring for entrance heights around 4m (Collins et al. 2020). Bat houses, as purpose-built structures for bats, have been recorded to achieve good success rates with enhanced numbers of target species provided for (Garland et al., 2017).

It is noted that the roost proposed for destruction was of low conservation significance, supporting a maximum of two Daubenton's bats in 2023 and a single Common Pipistrelle Bat in 2025. In the context of these findings it is considered that the proposed mitigation strategy will provide a significant enhancement of roosting opportunities on the site for these species, including like-for-like replacement within the proposed 3x3m dedicated bat house structure. Enhancements for a range of further bat species are also likely to be delivered.

It is considered that the provision of the above mitigation features will fully mitigate for the loss of roosts and potential roosts which will occur as a result of the proposed development. Furthermore, these proposals will represent a significant enhancement of the site for roosting bats and will provide opportunities for maternity colonies and individual roosting bats which are not currently supported on the site.

Given the low significance of roosts recorded within the site, and relevant to this license application, in addition to the extent of mitigation proposed it is considered that adequate evidence that actions

permitted by a derogation licence will not be detrimental to the maintenance of the populations of the species to which the Habitats Directive relates at a favourable conservation status in their natural range as is required under Section 54(2) of the European Communities (Birds and Natural Habitats) Regulations has been provided within this document.

Details of any mitigation measures planned for the species affected by the derogation at the location, along with evidence that such mitigation has been successful elsewhere have been provided above.

5 ECOLOGICAL SURVEY AND SITE ASSESSMENT

5.1 Pre-Existing Information on **Species**

The National Biodiversity Data Centre (NBDC) Bat Landscapes Habitat Suitability Index ranges from 0 (unsuitable habitat) to 100 (highly suitable habitat). The site of the proposed development has bat a suitability index of 31.67 for all bat species. The site is considered highly suitable for Leisler's bat (53) and common pipistrelle (49).

Information from the NBDC downloaded from Biodiversity Maps in September 2025 identified a total of 127 No. bat records of the following species within a **5 km² area of the site** of the proposed development: Daubenton's bat *Myotis daubentoniid* (124 No.)*; common pipistrelle Pipistrellus pipistrellus (1 No.):* soprano pipistrelle *Pipistrellus pygmaeus* (1 No.); Leisler's bat *Nyctalus leisleri* (1 No.).

5.2 Status of the Species

A total of five bat species were recorded within the site of the proposed development: common pipistrelle, soprano pipistrelle, Leisler's bat and *Myotis* spp and brown long-eared bat.

The overall conservation status of bat species in Ireland is considered as follows (NPWS 2019):

Bat Species	Overall Conservation Status	Trend in Conservation Status
Liesler's bat	Favourable	Improving
Soprano pipistrelle	Favourable	Improving
Common pipistrelle	Favourable	Improving
Daubenton's bat	Favourable	Improving
Whiskered bat	Favourable	Stable
Natterer's bat	Favourable	Stable
Brown long-eared bat	Favourable	Improving

The Car Based Bat Monitoring Scheme carried out by Bat Conservation Ireland provides data on the population trends and distributions of common pipistrelle, soprano pipistrelle, and Leisler's bat in Ireland and also collects records for Nathusius' pipistrelle, *Myotis* bats and brown long-eared bats.

The scheme highlights that the bat population in Ireland is generally stable and increasing, with long term increases observed for Leisler's bat and soprano pipistrelle and also **a slight but significant increase in common pipistrelle**. Overall results show no long-term decline for any of the species monitored although less common species are considered more difficult to monitor.

5.3 Objective of Survey

Bat Activity Surveys were carried out to determine the assemblage of bat species within the site; the nature of bat behaviour; and the spatial distribution of bat activity within the site.

Tree Climbing PRF Inspection Surveys were carried out to allow closer inspection of PRFs identified during the ground level PRA of trees. The survey aimed to look for evidence of bats including live or dead bats, droppings, staining, odour and/or other physical characteristics and where necessary to reclassify PRFs in accordance with Collins (2023).

Emergence Surveys of structures and trees were carried out to watch, listen and records bats exiting or entering potential roosts. **The primary focus of the updated emergence surveys was to monitor Structure S1, a previously identified Daubenton's day roost, and to provide updated information to inform this Derogation Supporting Information Report.**

5.4 Description of Survey Area

The potential suitability of the site to provide habitat for foraging and commuting bats is considered moderate (Collins 2023). The site itself consists of agricultural grassland with interconnecting hedgerows which could be used by commuting and foraging bats. Foraging opportunities within 250 m consist of similar agricultural landscape in addition to areas unfavourable for foraging including the M7 Road, and various industrial and commercial premises. Potential foraging opportunities in the wider area include the River Liffey approx. 0.7km to the west and the Grand Canal 0.7km to the southeast on the other side of the M7 motorway. These habitats provide suitable commuting routes linking the site to the wider landscape together with suitable foraging habitat for bats.

The identified bat roosts are located within a single structure – Structure S1 (see below).

5.5 Survey Methodology

5.5.1 Preliminary Ecological Appraisal for Bats

A Preliminary Ecological Appraisal for Bats (PEAB) comprising of a desk study and site walkover has been completed for the proposed development.

Information from the NBDC was downloaded from Biodiversity Maps in September 2025. A species list of historical records was generated from a customised polygon within 5 km^2 of the site of the proposed development. The information gathered during the desk study is third party controlled data. RPS cannot guarantee its accuracy and cannot be held liable for any inaccuracies.

The aim of the site walkover was to observe, assess and record the potential suitability of the site of the proposed development to support bat roosting habitat, commuting habitat and/or foraging habitat.

Habitat features were classified as negligible, low, moderate or high in accordance with Bat Conservation Trust (BCT) Good Practice Guidelines (Collins 2023).

5.5.2 Preliminary Roost Assessment of Structures 2023 & 2025

A Preliminary Roost Assessment (PRA) of structures within the site was carried out during daylight hours in October 2022 and July 2025 in accordance with Collins (2023). An external inspection survey of structures was undertaken from ground level to look for potential and actual bat entry/exit points, evidence of bat roosts and signs of bat related activity in order to determine the presence of bats or likely presence of bats.

5.5.3 Preliminary Roost Assessment of Trees 2023 & 2025

A Preliminary Roost Assessment (PRA) of trees was carried out during daylight hours in October 2022 and July 2025 and a Ground Level Tree Roost Assessment (GLTA) carried out in September 2025. A detailed external inspection of trees was undertaken from ground level to identify Potential Roost Features (PRFs) that could be used by roosting bats. Bats rely on the presence of disease and decay; damage; and associations in trees to provide suitable roosting habitat. These three forms of PRF result in the development of a variety of different features that can provide preferred roost sites for bat species (Andrews 2018 and Collins 2016).

- Disease and decay PRFs include woodpecker holes, squirrel holes, knot holes, pruning cuts, tear outs, wounds, cankers, compression forks and butt rots.
- Damage PRFs include lighting strikes, hazard beams, subsidence cracks, shearing cracks, transverse snaps, welds, lifting bark, desiccation fissures and frost cracks.
- Association PRFs include fluting and ivy with stem diameters in excess of 50 mm.

In 2023, these trees were classified as having negligible, low, moderate or high suitability for roosting bats in accordance with the Bat Conservation Trust, Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition) (Collins 2016). The aim of the PRA was to determine if further Tree Climbing PRF Inspection Surveys were required.

5.5.4 Tree Climbing PRF Inspection Survey 2023 & 2025

A Tree Climbing PRF Inspection Survey was carried out by two suitability qualified bat surveyors using tree-climbing equipment, ladders, a torch and endoscope in May and July 2023. The aim of the survey was to allow closer inspection of PRFs identified during the ground level PRA of trees. The survey aims to look for evidence of bats including live or dead bats, droppings, staining, odour and/or other physical characteristics and where necessary to reclassify PRFs in accordance with Collins (2016). Survey results were compared with information and records from the *Bat Roosts in Trees: A Guide to Identification and Assessment for Tree-Care and Ecology Professionals* (Andrews 2018) to aid in the classification and identification of PRFs. An updated Tree Climbing PRF Inspection Survey was carried out September 2025.

5.5.5 Emergence/Re-Entry Surveys of Structures & Trees 2023 & 2025

Emergence/re-entry surveys of structures and trees were carried out to watch, listen and records bats exiting or entering potential roosts. The surveys were carried out by two surveyors between June and August 2023. Update surveys were carried out between July and September 2025. The surveys were carried out when weather conditions were forecast to consist of temperatures >10 °C with little or no

wind or precipitation. The dates, times & meteorological conditions of emergence/re-entry surveys of structures can be found below in Table 2.1.

Night Vision Aids (NVAs) including Canon XA11 Compact Full HD Camcorders and Nightfox Whisker Infrared Camera Units aided by two Nightfox XB5 850NM Infrared LED Flashlights per camcorder were used to record bats. Elekon Batlogger M bat detectors with real time full spectrum recording, an integrated Global Positioning System (GPS) and temperature logger were paired with each camcorder and used to record bat echolocation calls. A Pulsar Axion XM30S handheld thermal imaging monocular was also used by the bat surveyor as a complementary survey aid to provide additional data to the video and acoustic data. The NVA equipment was deployed and monitored by two surveyors during the course of the survey.

Table 2.1: Dates, Times & Metrological Conditions of Emergence/Re-Entry Survey

Date	Structure/ Tree Ref.	Sunset	Sunrise	Start Time	Finish Time	Temperature	Weather Conditions
12/06/23	S3 & S4	21:53	-	21:42	23:52	20-18°C	Light breeze, patchy cloud, dry
13/06/23	S1, S5 & S6	21:54	-	21:35	23:45	17-13°C	Calm, clear skies, dry
29/06.23	S3 & S4	21:57	-	21.55	23. 43	15-14°C	Calm, clear skies, dry
03/08/23	S2, T8, & T15	21.18	-	20.58	23.18	14-16°C	Light breeze, patchy cloud, dry
04/08/23	S1, S5 & S6	-	05.48	03.35	06.03	12-13°C	Light breeze, patchy cloud, occasional light rainfall
10/07/25	S1, S2, S3, S4, S5, & S6	21.56	-	21.41	23.56	19°C	Calm, clear skies, dry
20/08/25	S1, S2, S4, S5, S6, T6 & T15	20.40	-	20.25	22.41	13°C	Calm, patchy cloud, dry
03/09/25	S5, S6, T6 & T15	20.08	-	19.47	22.07	11-12°C	Light breeze, brief patchy light drizzle – bats were still active during these brief periods of light drizzle.

5.5.6 Bat Activity Surveys (2023 & 2025)

Bat Activity Surveys were carried out to determine the assemblage of bat species within the site; the nature of bat behaviour; and the spatial distribution of bat activity within the site. Walked transects were surveyed to record and determine the level of bat activity within the site of the proposed development. The location of transects was determined by site access, health and safety considerations and suitable habitat features for bats. The surveys were carried out when weather conditions were forecast to consist of sunset temperatures of 10 °C or above with little or no wind or precipitation. The dates, times & meteorological conditions of bat surveys can be found below in Table 2.2.

Table 2.2: Dates, Times & Metrological Conditions of Bat Activity Surveys						
Date	Sunset	Sunrise	Start Time	Finish Time	Temperature	Weather Conditions
16/05/23	21:20	-	21.29	22.59	16-13°C	Calm, patchy cloud, dry
12/06//23	21:53	-	21.42	23.41	20-18°C	Light breeze, patchy cloud, dry
29/06/23	21:57	-	21.55	23. 43	15-14°C	Calm, clear skies, dry
03/08/23	21.18	-	21.13	23.10	14-16°C	Light breeze, patchy cloud, dry
10/07/25	21.56	-	21.56	23. 56	19°C	Calm, clear skies, dry
20/08/25	20.41	-	20.40	22.41	13°C	Calm, patchy cloud, dry
03/09/25	20.09	-	20.08	22.09	11-12°C	Light breeze, brief patchy light drizzle – bats were still active during these brief periods of light drizzle.

Elekon Batlogger M bat detectors with real time full spectrum recording, an integrated Global Positioning System (GPS) and temperature logger were used to record bat echolocation calls for later sound analysis using Bat Explorer Software. The number of bats, bat species, bat behaviour and the direction of flight of each bat was also recorded where possible.

In order to undertake analysis of data collected during bat activity surveys, bat echolocation calls were transformed into a Bat Activity Index (BAI) providing an indicator of the overall bat activity at the site. The BAI is expressed as the number of bat passes per unit of time. A single bat pass is defined as 'one ten second recording file which contains at least one bat call'. The BAI standardizes the relative bat activity despite variation in the length of recording each night, bat behaviour or individual bat abundance. The BAI therefore enables determination of temporal, spatial and species-specific patterns of bat activity within the site. It is not possible however to accurately determine the number of individual bats recorded in order to estimate the abundance of bats as it is difficult to distinguish between multiple passes of a single bat and single passes of multiple bats.

5.6 Results

5.6.1 Preliminary Ecological Appraisal for Bats

Information from the NBDC downloaded from Biodiversity Maps in September 2025 identified a total of 127 No. bat records of the following species within a 5 km² area of the site of the proposed development; Dabenton's bat *Myotis* daubentoniid (124 No.)*; common pipistrelle Pipistrellus pipistrellus (1 No.):* soprano pipistrelle *Pipistrellus pygmaeus* (1 No.); Leisler's bat *Nyctalus leisleri* (1 No.).

The potential suitability of the site to provide habitat for foraging and commuting bats is considered moderate. The site itself consists of agricultural grassland with interconnecting hedgerows which could be used by commuting and foraging bats. Foraging opportunities within 250 m consist of similar agricultural landscape in addition to areas unfavourable for foraging including the M7 Road, and various industrial and commercial premises. Potential foraging opportunities in the wider area include the River Liffey approx. 0.7km to the west and the Grand Canal 0.7km to the southeast on the other side of the M7 motorway. These habitats provide suitable commuting routes linking the site to the wider landscape together with suitable foraging habitat for bats.

5.6.2 Preliminary Roost Assessment of Trees

Trees within the site were subject to ground level PRA/Ground Level Tree Assessment to identify PRFs that could provide roosting habitat for bats. There was a total of 20 trees with PRFs identified that could provide suitable habitat for bats. In 2022/23 a total of 19 trees were classified as having Moderate

suitability and a single tree was classified as having Low suitability; The remaining trees onsite were considered to have Negligible suitability to provide roosting habitat for bats. Full details of the PRA can be found in **Appendix I**. The location of the trees can be found in **Figure 1.0: Trees and Structures with Roosting Bat Potential**.

5.6.3 Tree Climbing PRF Inspection Survey (2023)

The 19 trees identified during the PRA identified as having moderate suitability to provide roosting habitat for bats were climbed using rope access techniques or ladders enabling a detailed search and inspection of PRFs using a torch and endoscope.

Following the tree climbing PRF inspection survey, a number of trees were downgraded or upgraded from Moderate bat roosting suitability:

- A total of six trees (T9, T10, T12, T14, T17, T18) were downgraded to Negligible bat roosting suitability due to a lack of cavity size and shelter.
- T7 & T13 were downgraded to Low bat roosting suitability due to a lack of cavity size and/or exposure.
- Two trees (T6 & T15) were upgraded to High bat roosting suitability due to them both supporting larger cavities with suitable characteristics to provide roosting habitat for a larger number of bats such as a maternity colony.
- The remaining 9 trees (T1-T5, T8, T11, T16, T19) remained as having Moderate bat roosting suitability.

No bats or evidence of roosting bats were recorded during the Tree Climbing PRF Inspection Survey.

5.6.4 Tree Climbing PRF Inspection Survey (2025)

The trees which were previous identified as having potential bat roosting suitability in 2023 were inspected again in September 2025. No bats or evidence of bats was recorded. The tree conditions remained largely the same as was in 2023 with exception to Tree T19 which has since fallen.

The results of the Tree Climbing PRF Inspection Survey can be found in **Appendix I**.

5.6.5 Preliminary Roost Assessment of Structures

There are 13 structures on site that will be demolished in order to accommodate the proposed development.

A total of six of these structures have potential suitability to provide roosting habitat for bats. There were no signs of bat related activity recorded at any of these six structures during initial surveys. A map illustrating the location of structures surveyed during the PRA can be found in **Figure 2.2.** The PRA for each structure can be found in **Appendix I**. The six structures identified with potential suitability to provide roosting habitat for bats were subject to further Emergence/Re-entry Surveys as set out below.

5.6.6 Emergence/Re-Entry Surveys of Structures and Trees (2023 & 2025)

The PRA identified a total of six structures with potential suitability to provide roosting habitat for bats. These structures were subject to emergence/re-entry surveys in accordance with *BCT best practice Guidelines* (Collins, 2016) and *NPWS Bat mitigation guidelines for Ireland* (Marnell, F, et al. 2022).

In 2023, two trees (T8 & T15) were subject to emergence surveys. Tree T8 (mature aspen) was only partially surveyed during tree climbing PRF survey, given that a jackdaw nest was discovered. Given that this tree had potential to support moderate bat roosting suitability, a second survey was required. An emergence survey was chosen given the potential presence of nesting birds. T15 (mature crack willow) was considered to support high bat roosting suitability, and therefore in line with Collins (2016), it required a total of three surveys. It had previously been subjected to two climbing close inspection surveys; the third survey comprised an emergence survey.

In 2025, Tree T6 (cavity appeared deeper) and Tree T15 were subject to two emergence surveys using infrared cameras.

Surveys in 2023 identified the presence of one confirmed Daubenton's bat roost on site (Structure 1). In 2025, surveys identified the presence of two Common Pipistrelle bat roosts within Structure S1. No Daubenton's bats were recorded roosting on site in 2025 (see **Figure 2.2**). Maps illustrating the location of structures and trees surveyed during the PRA can be found in **Figures 2.1 – 2.5.**

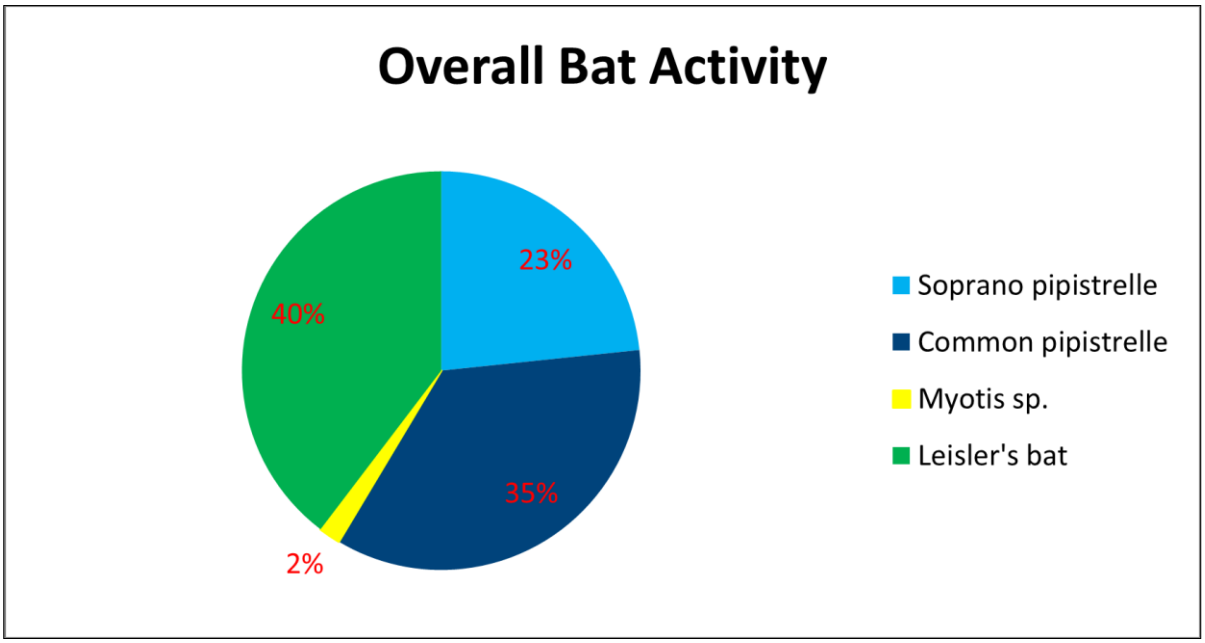
Table 3.1: Bat Emergence Surveys of Structures and Trees

Structure No.	Bat Suitability	Date	Survey Type	Notes
S1 Former Garage/Store	Low/Moderate	13/06/23	Dusk	At 22.43 (approx. 55 minutes after sunset) a single *Myotis* sp., likely a Daubenton's bat was observed emerging from the structure (doorway), and then re-enters via a different doorway seconds later. It continues this behaviour several times before leaving the yard. This is a confirmed bat roost.
		04/08/23	Dawn	At 03.39 a single *Myotis* sp. bat, likely a Daubenton's bat was observed flying into structure via a large open garage type doorway to briefly forage in flight within the interior of the building, before leaving the room approx. 30 seconds later. The bat was observed to continue this behaviour regularly throughout the survey. Another *Myotis* sp. bat was observed to display the same foraging behaviour towards the latter part of the survey. At approx. 04.26, one of the bats leaves the yard. At 04.30, the remaining bat enters under an end roof slate (Plate 2). This is a confirmed bat roost.
		10/07/25	Dusk	No bats were observed emerging from or entering the structure.
		20/08/25	Dusk	At 21.16 a single Common Pipistrelle Bat was observed emerging form an open doorway, dropping down from the interior roof. This is a confirmed bat roost.
S2 Former Stables	Low	03/08/23	Dusk	At 21.47 a single Common Pipistrelle Bat was observed to fly through an open doorway and fly around inside for approx. 50 seconds, likely foraging before leaving through an adjacent doorway. At 22.46 a Myotis sp., likely a Daubenton's Bat displays similar foraging behaviour, leaving approx. 2 minutes later. This is not a confirmed bat roost.
		10/07/25	Dusk	No bats were observed emerging from or entering the structure.
S3 Derelict House	Moderate	12/06/23	Dusk	No bats were observed emerging from or entering the structure.
		29/06/23	Dusk	No bats were observed emerging from or entering the structure.
		10/07/25	Dusk	No bats were observed emerging from or entering the structure.
		20/08/25	Dusk	No bats were observed emerging from or entering the structure.
S4 Thatched/Tin Roof	Moderate	12/06/23	Dusk	A single Brown Long-eared bat silently entered a large ground level window/opening into room at 23.29 (approx. 1h 36 minutes after sunset). The bat then disappeared out of view for

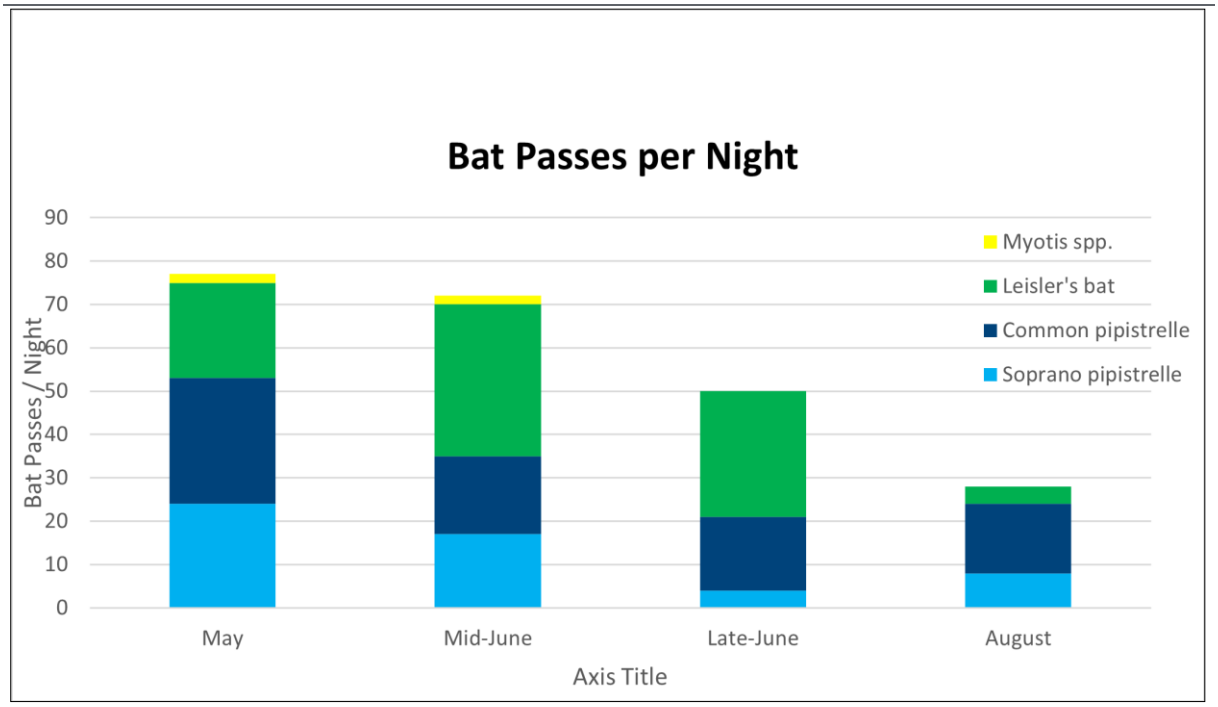
Structure No.	Bat Suitability	Date	Survey Type	Notes
				12 seconds and was then observed briefly flying around inside the room, likely foraging before emerging and leaving the yard. This is not a confirmed bat roost.
		29/06/23	Dusk	No bats were observed emerging from or entering from the structure.
		10/07/25	Dusk	No bats were observed emerging from or entering the structure.
		20/08/25	Dusk	No bats were observed emerging from or entering the structure.
S5 Garage	Moderate	13/06/23	Dusk	No bats were observed emerging from or entering the structure.
		04/08/23	Dawn	No bats were observed emerging from or entering the structure.
		20/08/25	Dusk	No bats were observed emerging from or entering the structure.
		03/09/25	Dusk	No bats were observed emerging from or entering the structure.
S6 Unoccupied House	Moderate	13/06/23	Dusk	No bats were observed emerging from or entering the structure.
		04/08/23	Dawn	No bats were observed emerging from or entering the structure.
		20/08/25	Dusk	No bats were observed emerging from or entering the structure.
		03/09/25	Dusk	No bats were observed emerging from or entering the structure.
Tree T6	PRF-M	20/08/25	Dusk	No bats were observed emerging from or entering the tree.
		03/09/25	Dusk	No bats were observed emerging from or entering the tree.
Tree T8 Mature Aspen	PRF-M	03/08/23	Dusk	No bats were observed emerging from or entering the tree.
Tree T15 Mature Crack Willow	PRF-M	03/08/23	Dusk	No bats were observed emerging from or entering the tree.
		20/08/25	Dusk	No bats were observed emerging from or entering the tree.
		03/09/25	Dusk	No bats were observed emerging from or entering the tree.

5.6.7 Bat Activity Surveys 2023

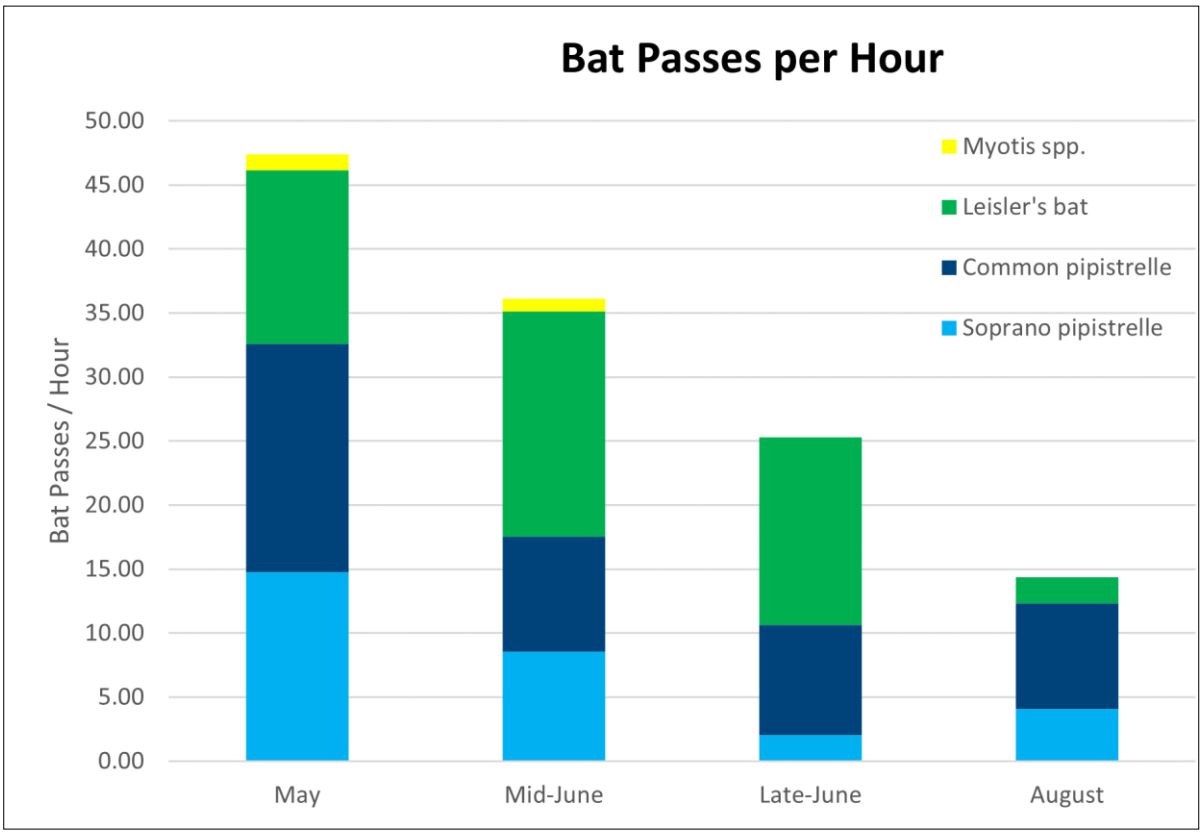
Three bat species were identified to species level, these include: Common Pipistrelle, Soprano Pipistrelle, Leisler's Bat. A total of 4 *Myotis* sp. calls were recorded during the course of bat activity surveys. These calls were not identified to species level as it is often difficult to accurately identify to species level, given that their call characteristics often overlap can be significantly similar in structure. Small numbers of *Myotis* sp. bats and numerous *Myotis sp.* bat calls were recorded within the farmyard during emergence and re-entry surveys. A single Brown Long-Eared Bat was recorded on one occasion during a dusk emergence survey (see Section 4 below). Bat activity levels on site in 2023 are illustrated below in Graphs 1 -3.



Graph 1: Showing the overall bat activity recorded from May to August 2023.



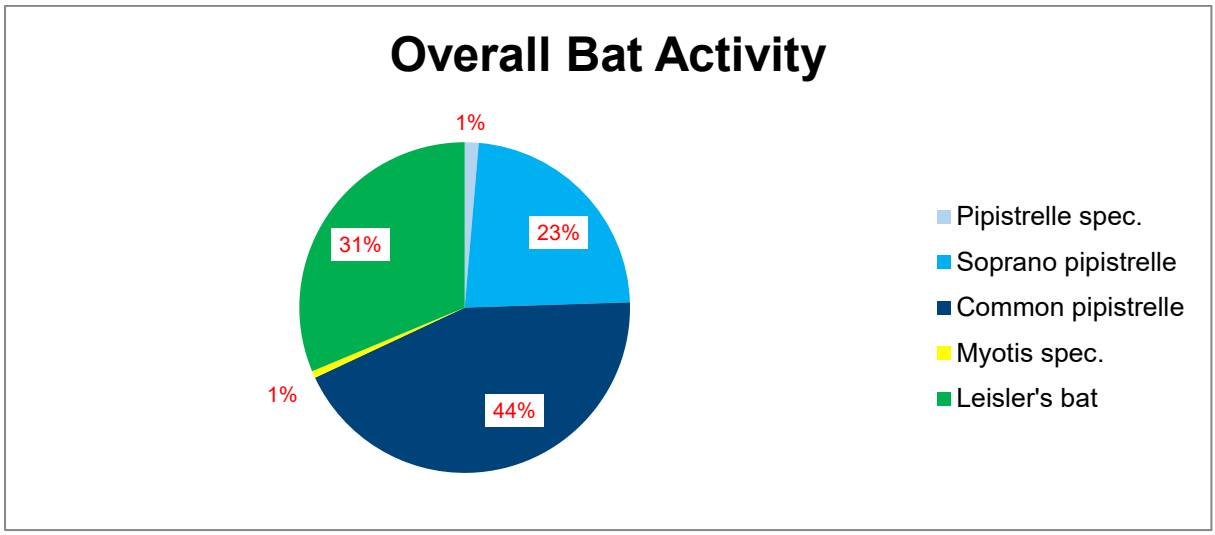
Graph 2: Showing the total number of bat passes recorded per night per month in 2023.



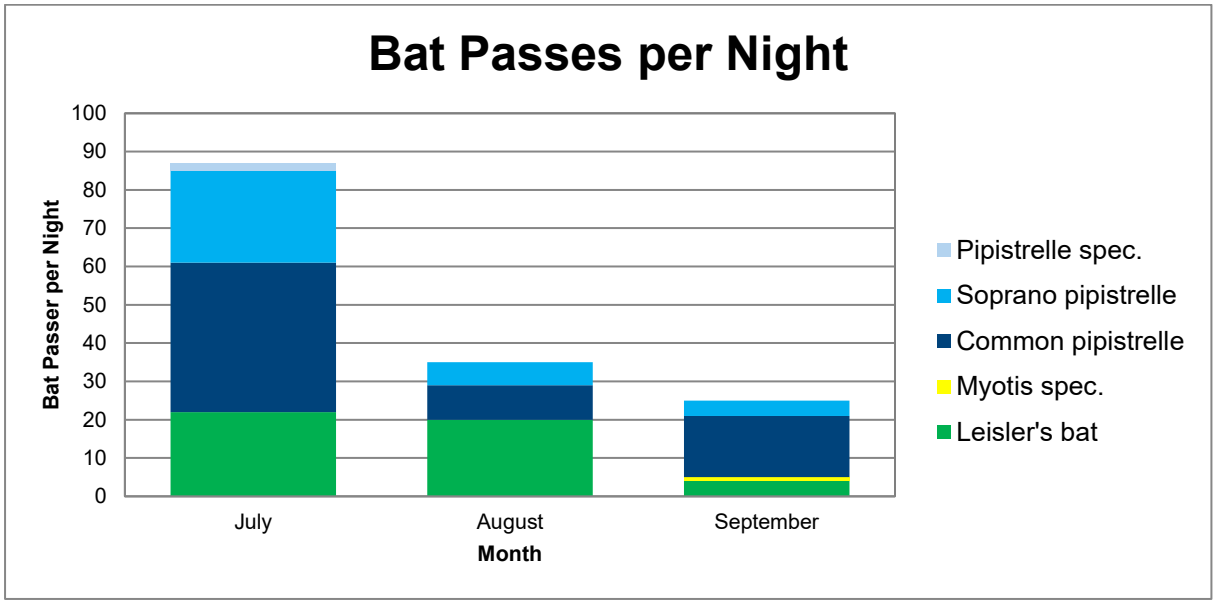
Graph 3: Showing the total number of bat basses recorded per hour in 2023.

5.6.8 Bat Activity Surveys 2025

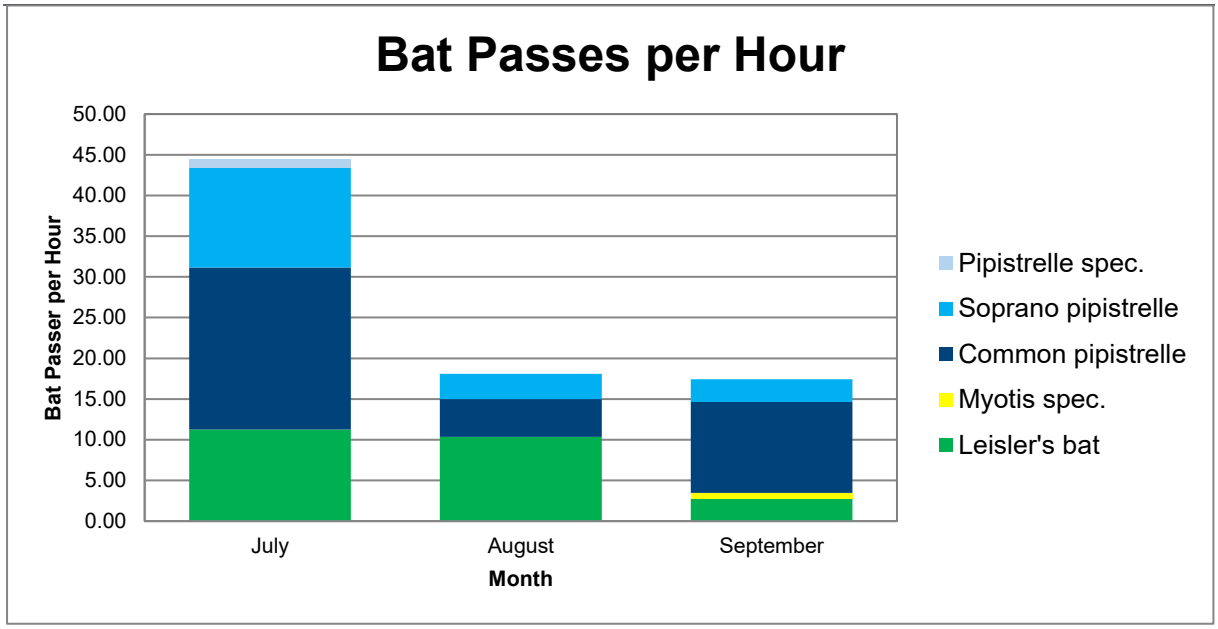
A total of three bat species were identified to species level during Bat Activity Surveys in 2025 including common pipistrelle, soprano pipistrelle and Leisler's bat. A total of two *Pipistrellus* sp. were recorded and one *Myotis* sp. were recorded. These calls were not identified to species level as it is often difficult to accurately identify to species level, given that their call characteristics often overlap can be significantly similar in structure. Bat activity levels on site in 2025 are illustrated below in Graphs 4 -6.



Graph 4: Showing the overall bat activity recorded from July and September 2025.



Graph 5: Showing the total number of bat passes recorded per night per month in 2025.



Graph 6: Showing the total number of bat basses recorded per hour per month in 2025.

5.6.9 Discussion & Analysis of results

Information obtained from the NBDC identified bat records of the following species: Common Pipistrelle, Soprano Pipistrelle, Daubenton's Bat, Natterer's bat, Brown Long-eared Bat and Leisler's Bat. All but one of these species, Natterer's Bat, were confirmed on site during the course of bat surveys in 2023, no Brown Long-eared bats were recorded in 2025. *Myotis* sp. bat calls were recorded infrequently during the activity surveys, with only 4 calls over the course of the bat activity surveys. Due to the similarities and overlap between the characteristics of Irish *Myotis* sp. echolocation calls, it is often difficult to accurately identify *Myotis* sp. bats to species level using echolocation calls alone. *Myotis* sp. bats were recorded during a dusk emergence survey (see below) with calls which most closely resemble those of Daubenton's Bat. The Myotis sp. calls recorded infrequently during the bat activity surveys have not been identified to species level, and therefore, could potentially be both or either Natterer's Bat or Daubenton's Bats. However, even in the absence of historic records of Whiskered Bat *Myotis mystacinus*, the presence of this species cannot be excluded. All Myotis calls (limited number) in 2025 were not identified to species level.

In 2023, Leisler's bat contributed to the highest proportion of bat activity on site with 40% of overall bat calls recorded (see Graph 1). This species was observed foraging along tree tops and out in the open at height, however most activity was not visually observed due to the bat species fast flight and brief overhead passes at height. In 2025, Leisler's bat contributed to 31% of overall bat calls recorded.

Common Pipistrelle contributed to 35% of overall bat calls recorded, followed by Soprano Pipistrelle with 26% of overall calls recorded. Both species were observed foraging at a range of heights, often as low as 2m above ground along hedgerows. Type D antagonistic social calls were occasional heard on all survey nights. These calls are usually produced in flight and are thought to be related to territorial behaviour (Middleton, et al. 2014). In 2025, Common Pipistrelle contributed to the highest proportion of bat activity on site with 44% of overall bat calls recorded.

In 2023, only 2% of bat calls recorded during the four bat activity surveys came from *Myotis* sp. bats. In 2025, only 1% of bat calls recorded came from *Myotis* sp. Bats. This may be in part due to Myotis spp. typically emitting relatively quiet calls which can be difficult to record. This is likely also the case for Brown Long-eared bats on site.

In 2023, bat activity levels was highest during the first survey in May (See Graphs 2 & 3) and were found to decline on each consecutive survey visit. In 2025, bat activity levels were highest during July, and then also declined on each consecutive survey visit. The level of bat activity recorded was lower than expected given the quality/size of vegetated field boundaries, with a relatively low number of individual bats seen during the early portion of each activity survey

The removal of a significant proportion of linear features including hedgerows and treelines in addition to grazed grasslands will reduce foraging opportunities for the immediate local bat population. The site is bounded to the north and south by industrial developments, and the high traffic M7 Motorway to the east. It is highly likely that the local bat population utilise the vegetated linear features, namely hedgerows and treelines to the west, in the lands adjacent to the site as commuting corridors to River Liffey. Given that the site is located at the periphery of typically suboptimal habitats, namely industrial and commercial and a motorway, the loss of linear features within the site is considered unlikely to cause significant severance or fragmentation impacts of the wider landscape. Impacts to foraging and commuting bat populations are considered to be fairly localised.

In 2022/23, a total of 19 trees were assessed to have Moderate bat roosting suitability during the ground level PRA with a further one assessed as low (Collins 2016). Six of these trees were downgraded to Negligible bat roosting suitability due to the trees either having superficial cavities or cavities which lack sufficient size and shelter to support roosting bats, even for short term use. Two trees were downgraded to Low bat roosting suitability due to the presence of shallow cavities with inadequate shelter and limited roosting suitability. Two trees were upgraded to High bat roosting suitability due to the trees supporting cavities of sufficient size and characteristics to potentially support a larger number of bats such as a maternity colony. Nine trees remained as having moderate bat roosting suitability. In 2023, No bats or evidence of bat roosting was recorded during the two Tree Climbing PRF Inspection Surveys and dusk emergence survey (Trees T8 & T15). The other tree identified to support high bat roost potential (T6) which was not subject to emergence survey in 2023, is to be retained within the proposed development.

In 2025, an emergence survey was carried out at T6 on a precautionary basis. All trees with exception of Tree T19 which has fallen since 2023 surveys were surveyed again. No bats or evidence of bats was recorded.

Surveying trees for bat roosts can be more challenging than surveying buildings because many species that use trees for roosts are known to frequently exhibit roost switching behaviour (Andrews, H, 2008, Harris and Yalden, 2008, Dietz et al., 2011), and therefore the probability of finding an occupied bat roost is low. It is possible that any of the trees located within the Application Site Boundary which have been confirmed to have bat roosting suitability could be used for roosting purposes at other times throughout the year. For this reason, they must be considered as a potential roosting resource. Section 5 outlines PRF mitigation and proposed compensation measures.

A total of three confirmed bat roosting sites were recorded within the Application Site Boundary, all of which are located in Structure 1. On the 13th of June 2023, at 22.43 (approx. 55 minutes after sunset), a single *Myotis* sp. bat, likely a Daubenton's bat was observed emerging from the structure (open doorway), it then re-entered via a different doorway seconds later. It continued this behaviour several times before leaving the yard. The echolocation calls most closely resembles a Daubenton's bat *Myotis Daubentonii*, however due to the similarities in call structure and frequency ranges between the three *Myotis* sp. present in Ireland, it is often difficult to identify to species level using echolocation calls alone. However, given that there are total of 124 records of Daubenton's Bat within approximately 5 km of the Application Site Boundary, and that the roost on site (Structure 1) is linked to the River Liffey (0.7km) and partially connected to the Grand Canal via linear hedgerows and tree lines (habitat linkage to Grand Canal is dissected by M7 motorway), approx. 0.7km away, it increases the likelihood the bat roosting on site is a Daubenton's Bat.

On the 4th of August 2023 at 03.39 a single *Myotis* sp. bat, likely a Daubenton's bat was observed flying into Structure 1 via a large open garage type doorway to briefly forage in flight, likely travelling the span of the buildings open roof structure (there are two interior dividing walls which stop at the bottom of the roof level, leaving the interior roof structure open along the span of the building), before leaving the room approx. 30 seconds later. The bat was observed to continue this behaviour regularly throughout the survey. A second Daubenton's bat arrived during the latter part of the survey and displayed a similar behaviour, foraging within the structure. At approx. 1 hr 22 before sunrise, one of the bats left the yard. Minutes later, the remaining bat entered under an edge roof slate (Plate 2).

On the 20th of August 2025, a single Common Pipistrelle was recorded emerging from Structure S1 out of an open doorway at approximately 21.16. No roosting Daubenton's bats were recorded.

Given that only individual Daubenton's bats (2023) and a Common Pipistrelle bat (2025) were recorded roosting in Structure 1 during the typical maternity period, it is considered that both roost sites (interior of structure and end roof slate) are used on an occasional basis as day roosts. According to BCT Guidelines (Collins 2016) a day roost is "*A place where individual bats, or small groups of males, rest or shelter in the day but are rarely found by night in summe*r".

On the 3rd of August at approximately 30 minutes after sunset, a single Common Pipistrelle bat was observed flying through an open doorway into Structure 2. The bat was observed flying around inside, likely searching for insects for approx. 50 seconds before emerging through a different doorway. Approximately 1 hr later, a single Myotis sp. bat, likely a Daubenton's Bat was observed displaying similar foraging behaviour for 2 minutes before it left the structure.

On the 12th of June 2023, at 23.29 (approx. 1.36hr after sunset), a single Brown Long-eared Bat was observed on camera silently flying into Structure 4 (S4) through a large window/opening at approx. 1.5m high. The camera footage covers part of the internal room, however the bat quickly disappeared out of view, appearing to drop low. After 12 seconds, the bat was observed slowly flying around inside the room for a few seconds, likely foraging before emerging and emitting a single echolocation call. The bat then flew away from the yard in a southerly direction. This very brief visit is not consistent with a typical night or feeding roost given that the bat was inside the room for no longer than 15 seconds. Brown Long-eared Bats often make no sound and use eyes or ears to hunt by gleaning, (Swift and Racey 2002), and can be difficult to detect when foraging in understorey or other cluttered environments. This is perhaps why only one echolocation call was recorded during the survey.

It is considered that this behaviour, and the behaviour recorded at Structure 2 where a single Common Pipistrelle and *Myotis* sp. Bat was observed briefly flying around within the structure, was brief opportunistic foraging behaviour, and therefore there is no conclusive evidence to suggest that Structures 2 or 4 are bat roosts. In 2025, similar behaviour was observed, namely common pipistrelle sporadically flying inside Structure S2 for seconds at a time, indicating that they were foraging.

It is noted that surveys were slightly constrained by the presence of dense vegetation to the rear of structures S3 and S4 which prevented the use of cameras at these locations. It is noted however that the majority of access points to both of these structures were located along the open, surveyed aspects of the buildings.

The exclusion and subsequent loss of two Daubenton's bat day roost sites and a single Common Pipistrelle roost site within Structure 2 will be required to facilitate the proposed development.

The loss of three bat day roost sites, and other roosting resources within proposed Application Site Boundary will be mitigated and compensated for with measures outlined below. The implementation of such measures will ensure that there will be no significant adverse impact upon the local bat population resulting from the loss of roosting resources.

Proposed compensatory planting and SUDs features will provide significant resources for foraging bats within the operational phase of the proposed development, which will also incorporate a sensitive lighting strategy which will not give rise to adverse effects upon retained and proposed vegetation.

5.7 Population Size Class Assessment

The proposed development site supports two Daubenton's bat day roosts and a single common pipistrelle day roost. These roosts support individual bats, and based on the activity levels within the site in 2023, and 2025, it is unlikely that a larger maternity colony is present within close proximity to the site.

There are currently no threats or pressures on common pipistrelle that are consider significant given the widespread distribution and very large population present in Ireland.

There are currently no threats or pressures on soprano pipistrelle that are consider significant given that the population of this species is increasing significantly and steadily and given the wide distribution and very large population present in Ireland.

Current threats and pressures on Leisler's bat relevant to the proposed development include impact on roosts associated with deliberate/accidental exclusion from houses. The population of this species increasing steadily however it is listed as having Near Threatened status in the Irish Red List (Marnell *et al*., 2009).

Current threats and pressures on **Myotis spp** and **Common Pipistrelle** relevant to the proposed development include renovation/demolition/disturbance of buildings used as day roosts however they are not considered to be having a significant impact on Myotis populations in Ireland due to an effective system of legal protection and understanding among local authorities of the licensing requirements in relation to bat roost disturbance. They relatively low number of bats which use the site will be provided with additional roosting resources and new foraging opportunities with the incorporating of new landscape planting and ponds.

Bat Species	Population Size (Individuals)	Overall Conservation Status	Trend in Conservation Status
Liesler's bat	63,000 - 113,000	Favourable	Improving
Soprano pipistrelle	500,000 - 1,200,00	Favourable	Improving
Common pipistrelle	1,070,000 - 2,400,000	Favourable	Improving
Nathusius' pipistrelle	3000 - 5000	Unknown	Unknown
Daubenton's bat	57,000 - 79,000	Favourable	Improving
Whiskered bat	Unknown	Favourable	Stable
Natterer's bat	Unknown	Favourable	Stable
Brown long-eared bat	62,000 - 97,000	Favourable	Improving
Lesser horseshoe bat	12,791	Favourable	Deteriorating

6 DEROGATION TESTS

6.1 Test 1: Reason for the Derogation

In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

Question 2C(i): Where the reason is for public health and public safety, summarise the evidence provided to support this reason (e.g. documentary evidence of the risk from a chartered structural engineer, tree surgeon, Garda Síochána, qualified health professional etc.)

Response 2C(i)

Not applicable.

Question 2C(ii): Where the reason is for "other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment", summarise the nature of the public interest and how this outweighs the conservation interest of the species under strict protection.

Response 2C(ii)

The derogation licence is being sought for the demolition of a single building (named as Structure 1 in the Bat Survey Report and EIAR) within the site of proposed development which has been recorded to support bat roosts of low conservation significance in 2023 and 2025:

- two separate roosts of individual Daubenton's bats in 2023; and
- one individual Common Pipistrelle bat roost in 2025.

The confirmed bat roosts within Structure 1, will be required to be demolished as part of construction phase of a proposed Data Centre development.

NPWS Guidance for Applicants on Applications for Regulation 54 Derogations for Annex IV species[2] (NPWS, 2025) notes that –

- only public interests, promoted either by public or private bodies, can be balanced against the conservation aims of the Directive, and conversely projects that are entirely in the interest of companies or individuals are not typically considered as being in the public interest; and
- not every form of public interest of a social or economic nature is sufficient, it is reasonable to assume that in most cases the public interest is likely to be overriding only if it is a long-term interest, whereas short-term interests that only yield short-term benefits would not be sufficient to outweigh the long-term interest of species conservation.

This Data Centre development at this location is in the long term public interest. It is not a short term interest and it is not only in the interest of company or individuals.

There continues to be a significant need for Data Centres in Ireland to support both business and social activities, with many large, United States based clients headquartered in Dublin for their European

[2] https://www.npws.ie/sites/default/files/files/Applications-for-Regulation-54-Derogations-for-Annex-IV-species-Guidance-for-Applicants.pdf

operations. The Irish Government Statement on The Role of Data Centres in Ireland's Enterprise Strategy[3] (July 2022) sets out how the twin transitions of digitisation and decarbonisation of the economy and society will be achieved and the necessary role Data Centres will play as core digital infrastructure indispensable in our economy and society. The Government Statement recognises that Data Centres are intrinsic part of almost all aspects of our lives, and sets out how the twin transitions of digitisation and decarbonisation of the economy and society, will be achieved in respect of Data Centres.

Whilst recognising the significance of Data Centres, the Government Statement also recognises the limitations around capacity for further Data Centre development with regards to the energy sector and need to decarbonise the same. The proposed Data Centre development at this site represents delivery of digital infrastructure which is an essential part in the realisation of the ambitions set out at European and national level, to achieve Irelands digital transition.

There is overarching policy support for the provision of data centres within Ireland and specific policy support for the provision of a data centre at the subject site, including:

- The National Planning Framework;
- Climate Action Plan 2025;
- Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy;
- Policy Statement on Security of Electricity Supply;
- National Hydrogen Strategy;
- Ireland's National Biomethane Strategy;
- Regional Spatial and Economic Strategy for Eastern and Midlands Regional Assembly
- Kildare County Development Plan 2023-2029; and
- Naas Local Area Plan 2021-2027.

Chapter 4 of the Kildare County Development Plan 2023-2029 (KCDP) deals with Resilient Economy & Job Creation. Section 4.16 specifically refers to the provision of data centres within the county. Policy RE P11 and EC P18 state that KCC will;

"Support the accommodation of Data Centres at appropriate locations in line with the objectives of the National Planning Framework and the principles for Sustainable Data Centre Development of the Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy (July 2022) subject to appropriate Transport, Energy and Environmental Assessments and all relevant planning conditions. 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 KCDP clearly provides for and supports the provision of data centres in Co. Kildare. The Data Centre Application is for a data centre on a site zoned specifically for this land use.

The Naas Local Area Plan 2021-2027 (Naas LAP) sets out the overall local strategy for the proper planning and sustainable development for the town of Naas. The land use zoning for the site is set out in the Naas LAP, and the subject site is zoned '**P(1) – Data Centre**', which seeks: "*To provide for Data*

[3] https://enterprise.gov.ie/en/publications/publication-files/government-statement-on-the-role-of-data-centres-in-irelands-enterprise-strategy.pdf

Centre development and their associated infrastructure only". The only use considered by the Naas LAP to be 'Permitted in Principle' in lands zoned 'P' is Data Centres.

The development of the subject site fully accords with the land use zoning objectives for this area as set out in the Naas LAP. The proposal to locate a Data Centre at this site is wholly consistent with the planning policy.

6.2 Test 2: Absence of Alternative solutions

Please summarise the alternative solutions that have been considered and why these solutions are deemed unsatisfactory. This must include the option of the "do-nothing" alternative and evidence should be objective and robust. Note that in all cases further information must be provided in the format set out in Part E: Template for Supporting Information.

Assessment of alternatives is also a requirement of the EIA Directive and is addressed in Chapter 4 of the EIAR accompanying the application for development consent of a Data Centre at this site. NPWS (2025) refers to EC guidance on the absence of a satisfactory alternative. Commission Notice C(2021) 7301 Guidance document on the strict protection of animal species of Community interest under the Habitats Directive[4] (EC, 2021) points out that "*only when it is sufficiently demonstrated that potential alternatives are not satisfactory, either because they are not able to solve the specific problem or are technically unfeasible, and when the other conditions are also met, can the use of the derogation be justified*".

EC (2021) also refers to case law in this area and states that this test involves answering three fundamental questions:

- What is the problem or specific situation that needs to be addressed?
- Are there any other solutions?
- If so, will these resolve the problem or specific situation for which the derogation is sought?

The 'Do-Nothing' scenario

Under a 'Do-Nothing' scenario, the site of the proposed Data Centre currently comprises a 37.51 ha landholding chiefly made up of agricultural lands and agricultural buildings bound by treelines and hedgerows. In this scenario the site would remain in its current use. Prevailing planning policy explicitly identifies the site for Data Centre development. The Naas LAP specifically states in relation to data centre development at this site that –

- *Land has been designated between Junction 10 and Junction 9a, located centrally between two of the motorway junctions;*
- *The sites identified in this LAP have the ability to cater for space extensive enterprises contiguous to the existing urban form, proximate to electricity and telecommunication infrastructure;*
- *These lands are identified exclusively for Data Centres, to ensure the location of these types of proposals are controlled proximate to serviced areas of the county;* and

[4] https://op.europa.eu/en/publication-detail/-/publication/a17dbc76-2b51-11ec-bd8e-01aa75ed71a1/language-en

- *The Council will not consider any alternative use on these lands, other than those associated with Data Centres*

As such the 'Do-Nothing' scenario in this case would not fulfil the intended development of the site in accordance with prevailing planning policy. Such an alternative is not satisfactory, and does solve the specific problem that the planning authority intended to be addressed by the zoning of the site for the development of a Data Centre.

The 'Alternative Configuration' Scenario

Whilst responding to the physical characteristics, environmental considerations and a desire to realise the capacity of the site for data centre development, the design of the proposed Data Centre has been subject of an iterative process.

The scale, mass and layout of the proposed Data Centre has been informed by a Site Strategy Masterplan developed with design and technical input from architectural, civil, electrical, and mechanical consultants, taking account of the necessary technical and physical requirements to deliver a functional Data Centre facility which will seek to attract and serve the widest range of end user tenants.

The masterplan design sought to develop a high-quality Data Centre campus with site strategies to allow the development to integrate sympathetically into its surroundings and create a positive and carefully designed site layout. There is a high priority to retain the existing biodiversity throughout the site where this is feasible and to minimise visual impacts where possible on the site boundaries through planting (Data Centre Application - Architectural Design Statement, Volume II, Appendix 4.1)[5]

From the outset, the project planning and environmental consultants have worked closely with the design team to ensure the Project is compliant with necessary planning policy whilst minimising environmental impacts. A comprehensive review of available desktop data along with information derived from project and site-specific technical surveys, has informed every aspect of the design of the Project. Engagement with statutory bodies including Kildare County Council planning authority, has also further influenced many aspects of the Project.

Key site specific considerations, which influenced the design layout from the outset of the process included:

- Bluebell Stream / southern boundary of the site;
- Retention of existing vegetation, particularly at the site boundaries;
- Setback from the M7 motorway to the eastern boundary;
- Exclusion zones associated with existing 220kV powerline.

The above matters shaped the initial Concept Sketch of the proposed Data Centre development configuration and layout. As the design process progressed, it was informed by further site, environmental and technical information including geotechnical site investigations, cut and fill analysis, services infrastructure surveys, landscape, ecology and arboriculture studies.

The next iteration of the design process represented a notable shift in the location and orientation of the Data Centre buildings, Data Centre 1 – 3 facing to the fore of the site (in terms of the main access from the R409) and re-distribution of attenuation ponds across the wider site and an increase in areas of land available for landscaping.

The finalised site layout represents a realisation of the following:

[5] https://idocsweb.kildarecoco.ie/iDocsWebDPSS/ViewFiles.aspx?docid=3042502&format=djvu

- Minimise cut and fill within the site boundary (to ensure excess material is not required to be removed from site);
- Reuse of cut and fill material to develop berms (to enhance screening) along R409 and M7 boundaries;
- Maximising retention of existing hedgerows and trees including some of those which extend into the site from perimeter boundaries;
- A setback of the building line from the M7 (of approximately 51m) as agreed with KCC Roads Planning Section;
- A riparian buffer along the southern boundary (the Bluebell Stream).

Maximising the retention of field boundary vegetation, particularly to the boundary of the site has been a key driver for the overall site layout. It is critical to note that development of the site as a functioning and viable Data Centre development attractive to a range of end user tenants requires removal of vegetation and structures in the centre of the site. Retention of treelines and hedgerows to the external boundaries has been maximised, achieved by ensuring the proposed Data Centre development is scaled and orientated in such a manner to minimise the loss of existing vegetation.

A total of 6 Data Centre buildings are proposed as part of the Project. The proposed development must comprise of 6 Data Centre buildings with associated ancillary infrastructure. The scale of the development is dictated by the demands of the end-user tenants, aiming to provide sufficient capacity to deliver a financially feasible data centre facility for hyperscale clients. A reduction in the number of data centre blocks would render the project not financially viable. In broad terms, a duplicate design has been employed across the 6 buildings, with each comprising of a 2-storey admin block, data hall and external plant yard. The number and scale of the proposed Data Centre buildings is principally dictated by the demands of end user tenants, to include sufficient capacity, servicing and the facility requirements, needed to deliver a functional Data Centre, suitable for hyperscale clients.

The space requirements of the data halls (and associated equipment), the plant yards comprising of gas turbines and associated stacks and air circulation space, along with the various ancillary spaces which form the administration blocks, have all informed the final dimensions of the proposed Data Centre buildings which have remained principally the same throughout the design process. As such, there is no scope to consider alternatives for the Data Centre buildings in terms of their scale and mass which would result in the retention of the structure containing bat roosts at the centre of the site.

As such the 'Alternative Configuration' scenario in this case would not fulfil the intended development of the site in accordance with commercial market drivers of Data Centre tenants. To have realigned the data centre blocks to allow the structure containing the bat roosts which require a Derogation Licence to remain *in-situ* would still result in all vegetated linear features leading to/from the structure to be removed. This would render the structure as an isolated roost with no ecological connectivity to the wider landscape. Such an outcome would again prevent the future use of the site being in accord with prevailing planning policy. Such an alternative is not satisfactory, and does solve the specific problem that the planning authority intended to be addressed by the zoning of the site for the development of a Data Centre.

6.3 Test 3: Impact of a Derogation on Conservation Status

Please summarise the possible impacts on the population of the species that is subject to this application, taking into account all the mitigation and/or compensation measures that are to be undertaken. Evidence that such mitigation has been successful elsewhere should be provided where relevant. Mitigation measures being relied upon must ensure that the

derogation will not be detrimental to the maintenance of the populations of the species to which the Habitats Directive relates at a favourable conservation status in their natural range. Note that in all cases further information must be provided in the format set out in Part E: Template for Supporting Information.

This section should be read in conjunction with NI2615 Herbata Derogation Licence Supporting Information Report (above) which provides all of the relevant information required.

The site, despite supporting a range of features with potential to support high levels of bat activity and roosts, was recorded to support relatively limited bat activity, of a low number of widespread bat species and only a single structure supporting two Daubenton's bat day roosts, and one common pipistrelle bat day roost, all of which were found to support individual bats (see Section 5). The proposed development will result in the loss of these three bat day roosts. It considered that the loss of these small bat day roosts, in the absence of mitigation, would give rise to a moderate adverse and significant effect.

With the implementation of mitigation and compensation measures outlined in Section 4 which in summary includes pre-inspections for roosting bats prior demolition of the roost structure and the incorporation of high-quality artificial bat roost boxes and three artificial bat roost houses, **there will be no significant adverse impacts upon the local bat populations resulting from the proposed scheme. Furthermore, it is considered that the proposals will deliver a significant enhancement for this group post-development and a net positive effect on the local bat population.**

7 MONITORING

Article 16(3)(e) of the Habitats Directive and Regulation 54(7) of the Regulations require the Minister to report to the European Commission on the measures applied to ensure the strict protection of these species and on the results of applying these measures. Derogations require the submission of a report to the NPWS on the activity carried out and details of numbers and species affected. In addition, a derogation may include conditions that require post-completion monitoring of the species concerned and for a report to be provided including the results of such surveys. In all cases, an EU Returns Form and a derogation report must be completed by the applicant and returned to Wildlife Licencing Unit of the NPWS at wildlifelicence@npws.gov.ie. EU Returns Form and Derogation Report.

The post-completion monitoring report will:

- Clearly specify the mitigation measures that have been applied, using plans and photographs where appropriate
- Show results of surveys of the target species, using methods comparable to those undertaken when establishing the baseline population e.g. roost inspections (artificial bat roosts including bat boxes and bat roost houses).
- Identify any corrective measures that have been undertaken to address unforeseen failure to maintain the species populations at the relevant (e.g. local, national) scale.

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Plates

Plate 1: (2023) looking North at Structure (S1) at beginning of survey.

Plate 2: (2023) Looking North at Structure 1 (S1) during darkest part of survey. Red arrow shows the location of a confirmed Daubenton's bat roost access point under an end slate.

Plate 3: (2023) Looking Southwest at Structure 1 (S1) at beginning of survey.

Plate 4: (2023) Looking Southwest at Structure 1 (S1) during darkest part of survey.

Plate 5: (2025) Looking North at Structure 1 (S1) during darkest part of survey. Red arrow shows the location of a Common Pipistrelle bat day roost emergence point.

Plate 6: (2025) Looking Southwest at Structure 1 (S1) during darkest part of survey.

Plate 7: (2023) Looking Southwest at Structure 2 (S2) at beginning of survey.

Plate 8: (2023) Looking Southwest at Structure 2 (S2) during darkest part of survey.

Plate 9: (2023) Looking West at Structure 2 (S2).

Plate 10: (2023) Looking East at Structure 2 (S2) at beginning of survey.

Plate 11: (2023) Looking east at Structure 2 (S2) during darkest part of survey.

Plate 12: (2025) Looking east at Structure (S2) during darkest part of the survey.

Plate 13: (2023) Looking West at Structure 2 (S2) and Structure 1 (S1)

Plate 14: (2023) Looking South towards Structure 3 (S3) at beginning of survey.

Plate 15: (2023) Looking South towards Structure 3 (S3) during darkest part of survey.

Plate 16: (2023) Looking West towards Structure 3 (S3) at beginning of survey.

Plate 17: (2023) Looking West towards Structure 3 (S3) during darkest part of survey.

Plate 18: (2025) Looking South towards Structure 3 (S3) and western gable end of Structure 1 (S1) during darkest part of survey

Plate 19: (2025) Looking West towards Structure 3 (S3) during darkest part of survey

Plate 20: (2023) Looking West towards Structure 4 (S4) at the beginning of the survey.

Plate 21: (2023) Looking West towards Structure 4 (S4) during the darkest part of the survey.

Plate 22: (2023) Looking Northeast towards Structure 4 (S4) at the beginning of the survey.

Plate 23: (2025) Looking West towards Structure 4 (S4) during the darkest part of the survey

Plate 24: (2023) Looking Northeast towards Structure 4 (S4) during the darkest part of the survey.

Plate 25: (2025) Looking Northeast towards Structure 4 (S4) during the darkest part of the survey

Plate 26: (2023) Looking North at Structure 5 (S5) at beginning of survey.

Plate 27: (2023) Looking North at Structure 5 (S5) during the darkest part of the survey.

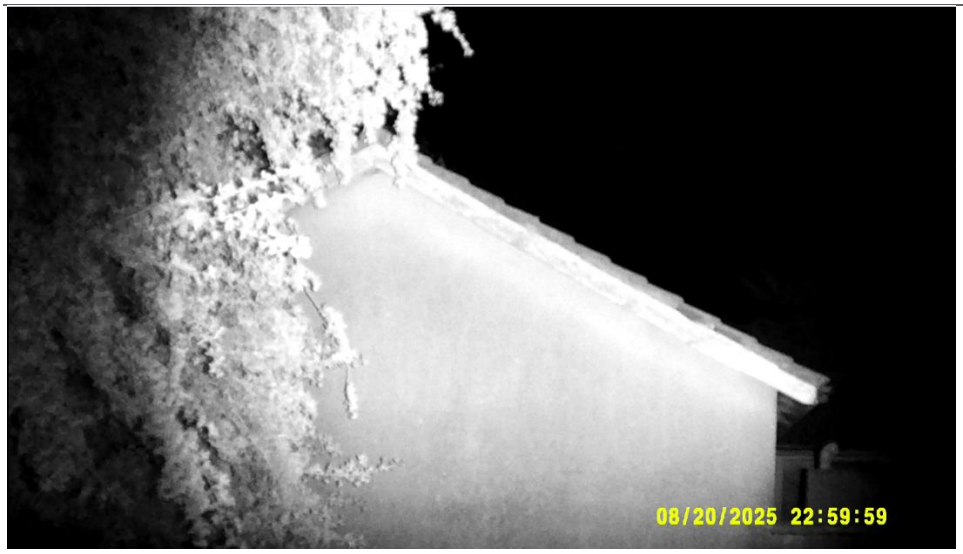


Plate 28: (2025) Looking North at Structure 5 (S5) during the darkest part of the survey

Plate 29: (2023) Looking West at Structure 6 (S6) at the beginning of the survey.

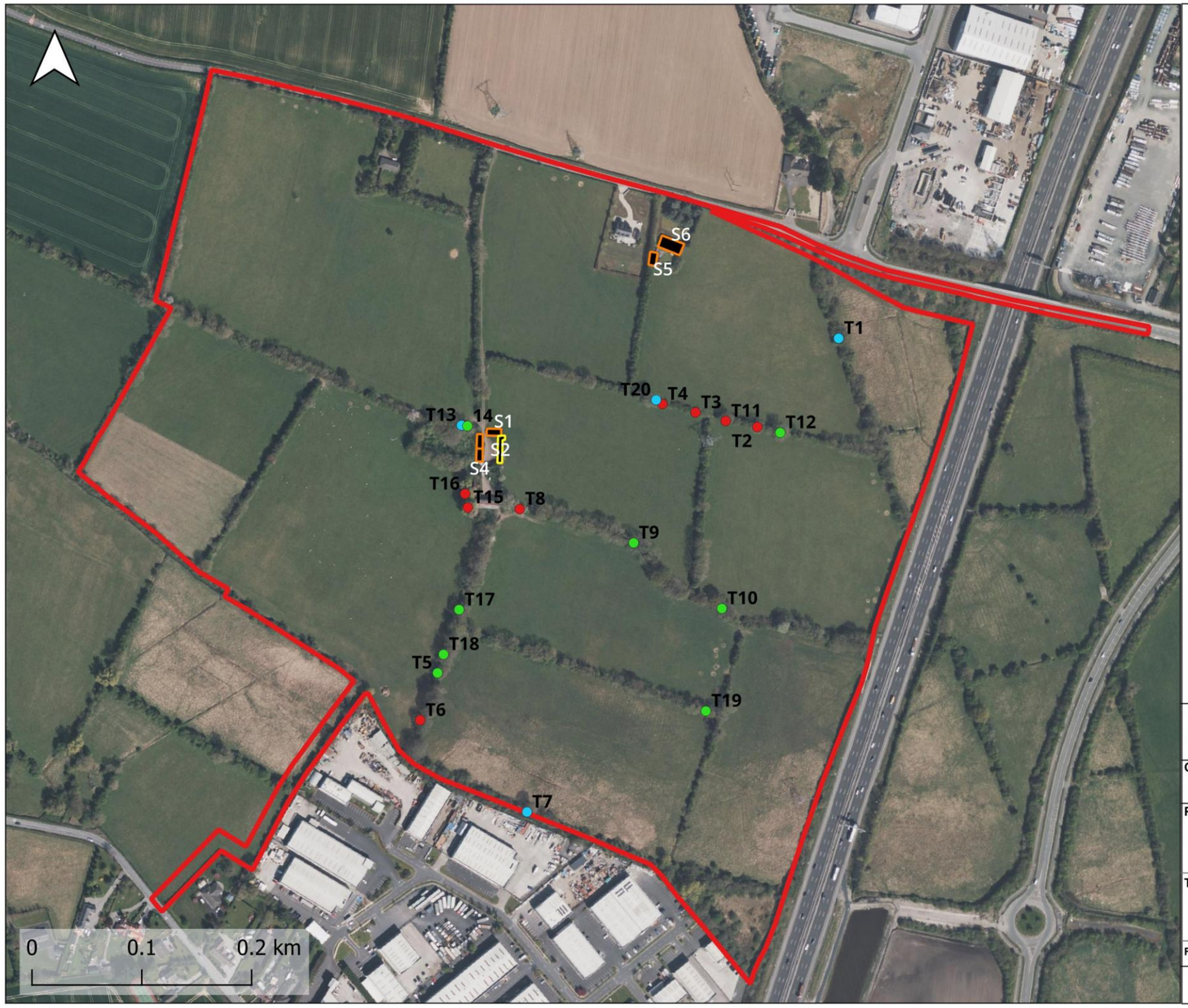
Plate 30: (2023) Looking West at Structure 6 (S6) during the darkest part of the survey.

Plate 31: (2023) Looking West at Structure 6 (S6) during the darkest part of the survey

Plate 32:(2025) Tree T6 Emergence Survey

Plate 33: 2025 Tree T15 Emergence Survey

Appendix I



Legend

- Site Boundary

Trees Roost Classification

- PRF-I
- PRF-M
- Trees with no bat roosting suitability (None)

Structures with Roosting Suitability

- Low Roosting Suitability
- Moderate Roosting Suitability

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Title: Tree climbing PRF Insepection Survey

Figure No. 2.1

Project No.	Date	Revision
NI2615	11.09.2025	D01


Single Common Pipistrelle Bat roost inside structure (2025)
Single Daubenton's Bat roosting under roof slate (2023)
Single Daubenton's Bat roost inside Structure (2023)
S1
S2
S3
S4
0
5
10 m
Legend
Site Boundary
Camera Locations
Camera Field of View
Structures with Bat Roosting Suitability
Low Suitability
Moderate Suitability
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Title: Summary of Emergence/Re-entry Surveys - Structures S1-S4 (2023 & 2025)
Figure No. 2.2
Project No. NI2615
Date 11.09.2025
Revision D01

Legend

Structures with Bat Roosting Suitability

- Moderate Suitability
- Camera Locations
- Camera Field of View

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Title: Summary of Emergence/Re-entry Surveys - Structures S5-S6 (2023 & 2025)

Figure No. 2.3

Project No.	Date	Revision
NI2615	11.09.2025	D01

Legend

- Site Boundary
- Camera Locations
- Tree with Roosting Suitability
- Camera Field of View

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Project: Herbata Data Centre Campus

Title: Dusk Emergence Survey 2025 - Tree T15

Figure No. 2.4

Project No.	Date	Revision
NI2615	11.09.2025	D01


T6
0
5
10 m
Legend
Site Boundary
Camera Locations
Tree with Roosting Suitability
Camera Field of View
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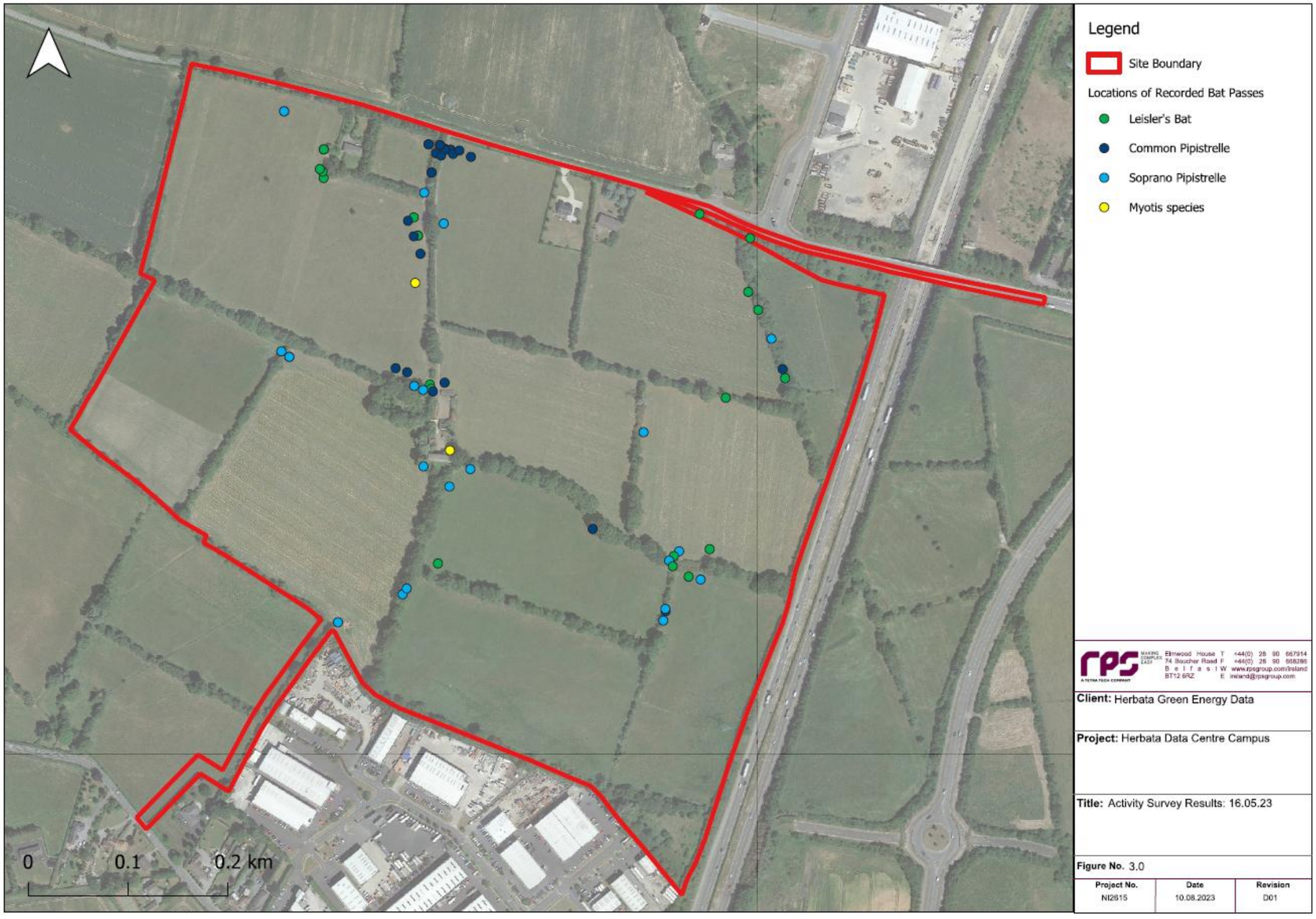
Project: Herbata Data Centre Campus
Title: Dusk Emergence Survey 2025 - Tree T6
Figure No. 2.5
Project No. NI2615
Date 11.09.2025
Revision D01



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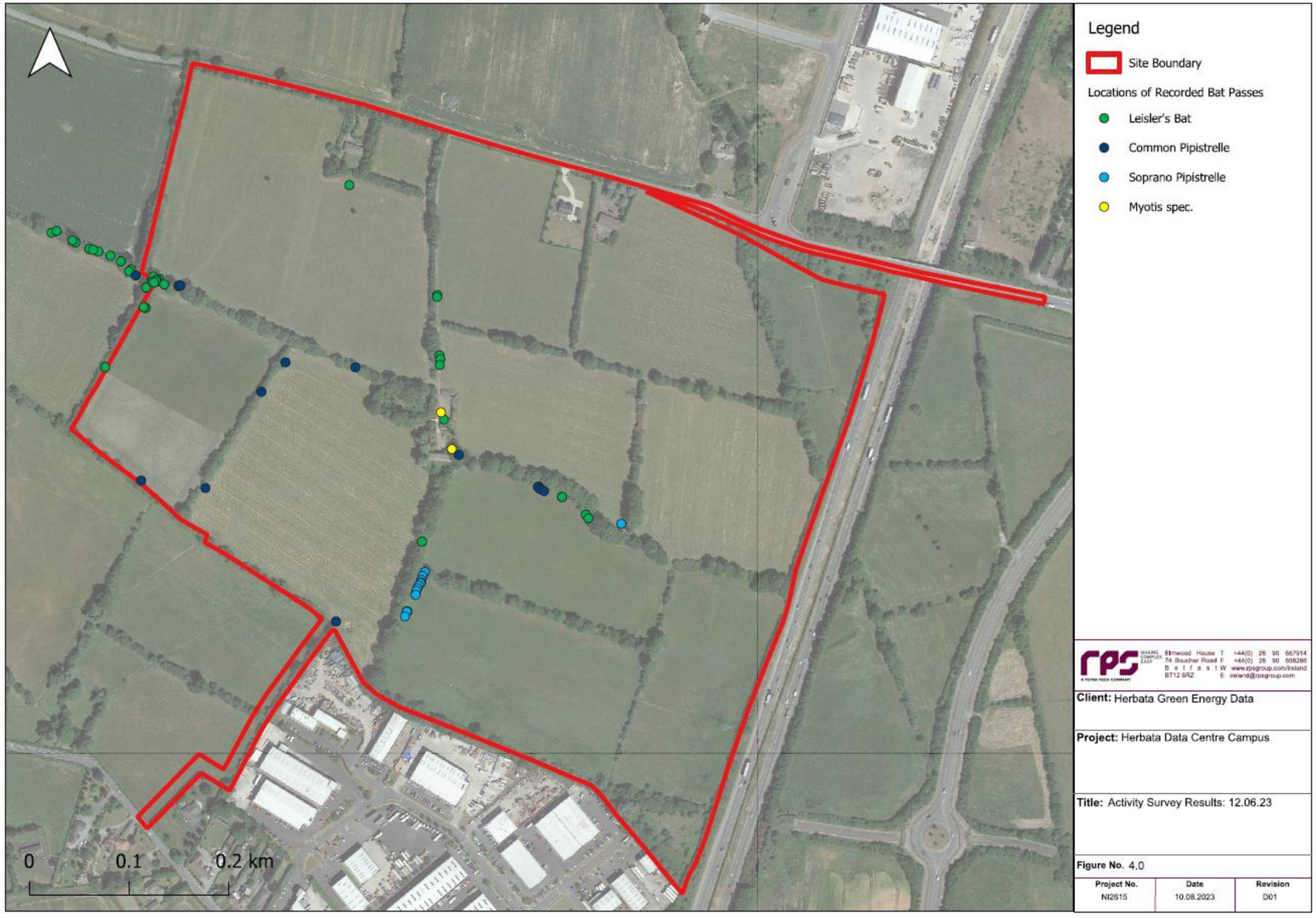
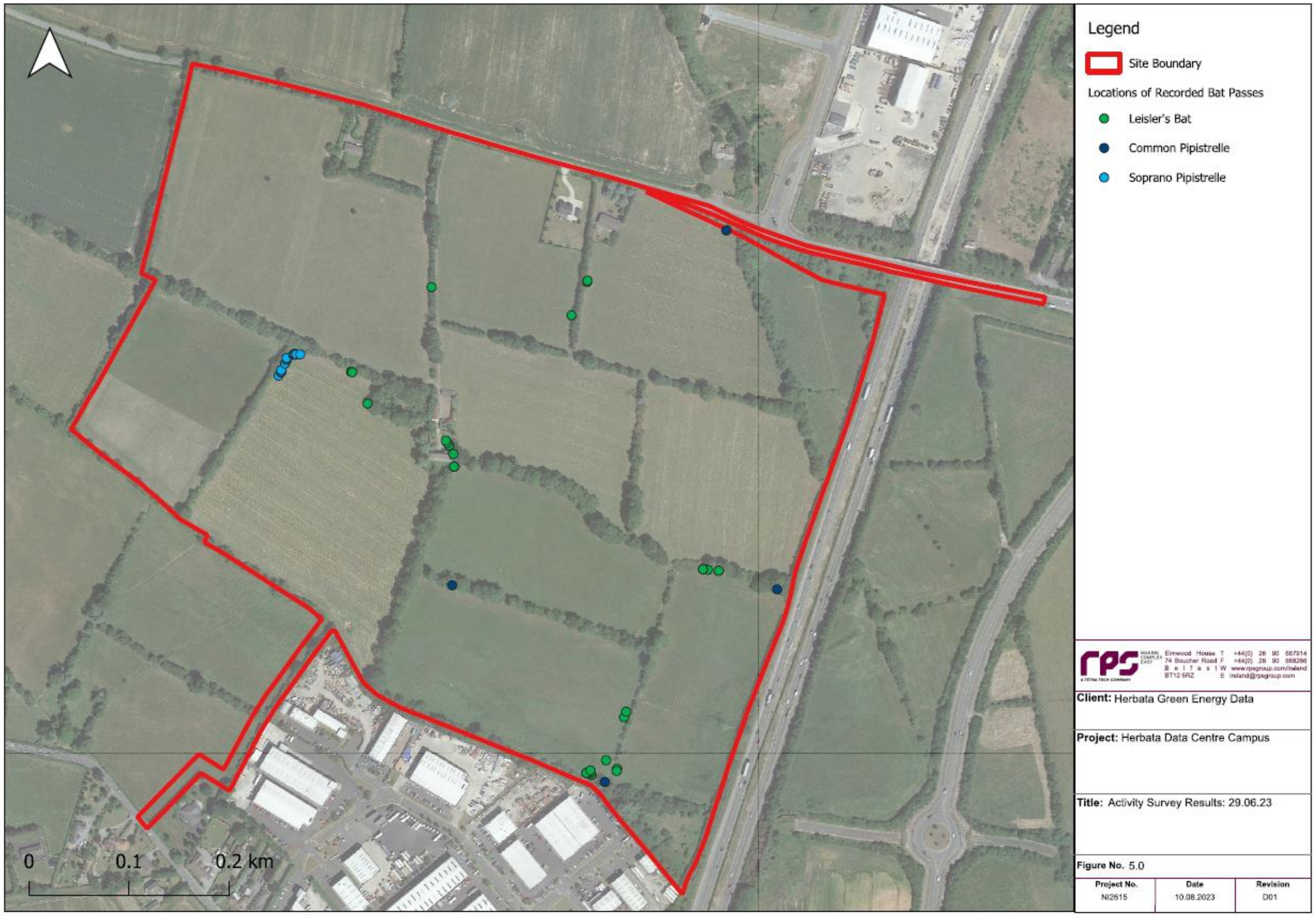
Title: Activity Survey Results: 16.05.23

Figure No. 3.0

Project No.	Date	Revision
NI2615	10.08.2023	D01


Legend
Site Boundary
Locations of Recorded Bat Passes
Leisler's Bat
Common Pipistrelle
Soprano Pipistrelle
Myotis spec.
0
0.1
0.2 km
Client: Herbata Green Energy Data
Project: Herbata Data Centre Campus
Title: Activity Survey Results: 12.06.23
Figure No. 4.0
Project No. NI2615
Date 10.08.2023
Revision D01


Legend
Site Boundary
Locations of Recorded Bat Passes
Leisler's Bat
Common Pipistrelle
Soprano Pipistrelle
0
0.1
0.2 km
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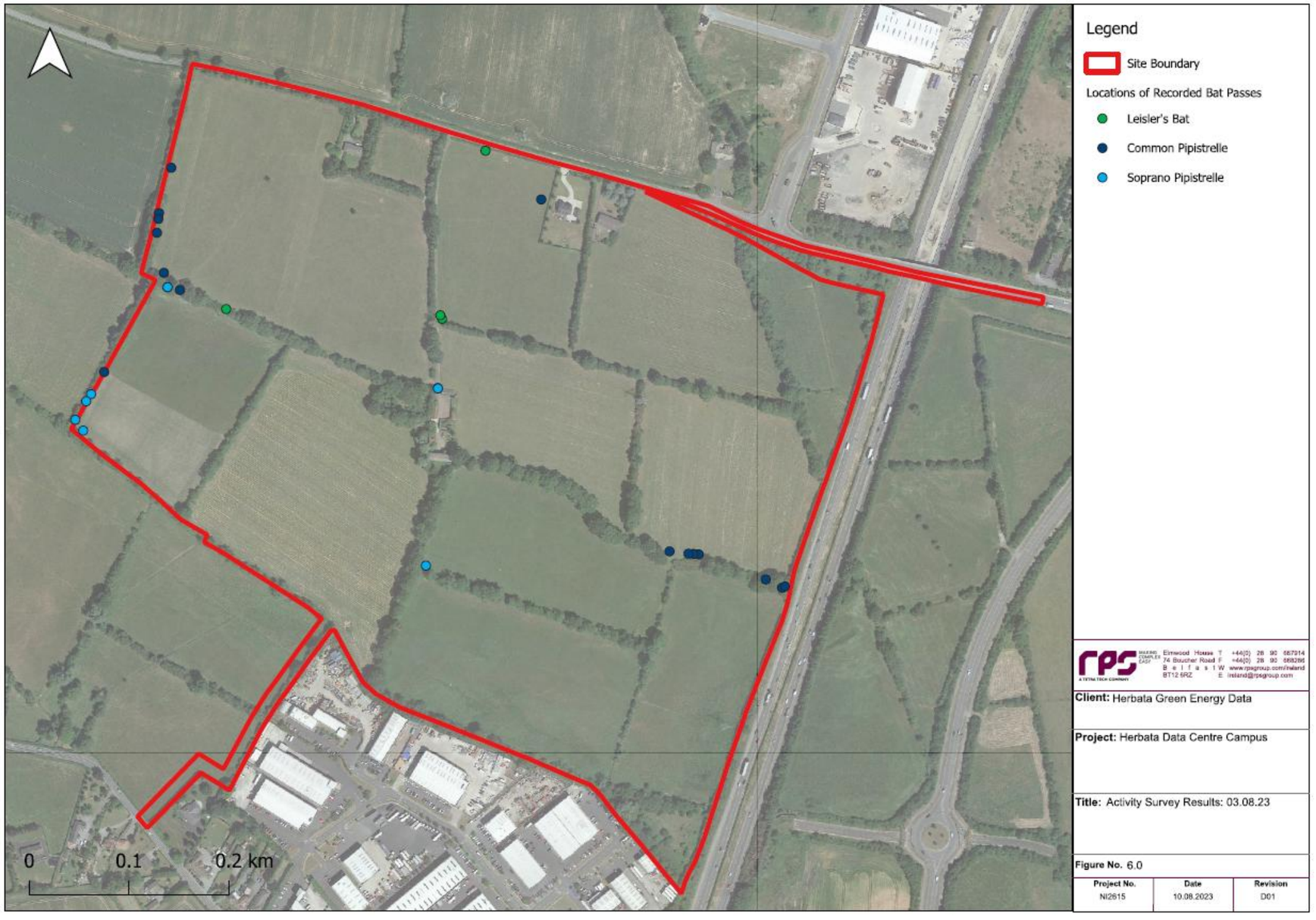
Title: Activity Survey Results: 29.06.23
Figure No. 5.0
Project No.
NI2615
Date
10.08.2023
Revision
D01


Legend
Site Boundary
Locations of Recorded Bat Passes
Leisler's Bat
Common Pipistrelle
Soprano Pipistrelle
0
0.1
0.2 km
Client: Herbata Green Energy Data
Project: Herbata Data Centre Campus
Title: Activity Survey Results: 03.08.23
Figure No. 6.0
Project No. NI2615
Date 10.08.2023
Revision D01

Legend

- Site Boundary

Locations of Recorded Bat Passes

- Leisler's Bat
- Common Pipistrelle
- Soprano Pipistrelle

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Title: Activity Survey Results: 20.08.2025

Figure No. 8.0

Project No.	Date	Revision
NI2615	11.09.2025	D01

Legend

- Site Boundary

Locations of Recorded Bat Passes

- Leisler's Bat
- Common Pipistrelle
- Soprano Pipistrelle

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Title: Activity Survey Results: 10.07.2025

Figure No. 7.0

Project No.	Date	Revision
NI2615	11.09.2025	D01

Legend

- Site Boundary

Locations of Recorded Bat Passes

- Myotis species
- Leisler's Bat
- Common Pipistrelle
- Soprano Pipistrelle

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Title: Activity Survey Results: 03.09.2025

Figure No. 9.0

Project No.	Date	Revision
NI2615	11.09.2025	D01

Table A1.1: Preliminary Roost Assessment of Structures

Structure No.	Date	Photo	Description	Evidence of Bats	Bat Suitability
S1 Former Garage/ Store	10/07/25		Agricultural building, 1-storey, partially rendered stone, pitched slate/asbestos cement slate roof, no felt or roof lining. Several interior gaps in stonework. Gaps in slates along southern wall plate. Relatively tight along the northern pitch with no visible gaps. Used by nesting swallows.	No	**Low/ Moderate**
S2 Former Stables	10/07/25		Agricultural building, 1-storey, rendered stone walls, pitched asbestos cement slate roof, no felt or roof lining, dense Ivy on parts of the roof. Interior is open with no cavities in stonework noted and limited gaps in interior timber offering potential roost opportunities. Interior is divided into several separate segments. Used by nesting swallows.	No	**Low**
S3 Derelict House	10/07/25		Two-storey former dwelling, largely lime-rendered stone. Pitched slate roof partially collapsed. Interior ceilings partially intact with gaps between ceiling and floorboards above. Chimney stacks have several gaps in brickworks, several gaps in slates along eastern aspect and at northern gable. Used by nesting swallows.	No	**Moderate**
S4 Thatched/ Tin Roof	10/07/25		Former thatched dwelling adjacent to S3. Tin has been laid over thatch and the whole roof has subsequently collapsed. Walls are constructed from stone and rubble. Remains of a former chimney stack have gaps in stonework.	No	**Moderate**

S5 Residential Garage	10/07/25		Single-storey garage structure, rendered blockwork walls, pitched tile roof, wooden facia, soffits and bargeboards. Cement under-cloaking at southern gable supports a large gap accessing between battens. No other gaps or other potential roost features noted.	No	**Low/ Moderate**
S6 Unoccupied House	10/07/25		Unoccupied bungalow. Rendered blockwork walls, pitched tile roof, wood facia and bargeboards with plywood soffits. Largely free of gaps, however eastern gable supports gaps in the end of the facia at the south-east corner and several gaps in cement under-cloak near the ridge. A hole is present in the eastern gable window, Appears to be used by nesting jackdaws.	No	**Low/ Moderate**
S7 Former outhouse close to S3	10/07/25		Small former outhouse. Single storey. Blockwork walls, pitched asbestos cement slate roof, no felt or roof lining. No gaps, cavities or other features offering bat roost potential noted.	No	**Negligible**
S8 Derelict former agricultural structure	10/07/25		Small former agricultural building which is derelict with no roof and is constructed from blockwork and stone and heavily colonised by brambles and ivy. No gaps or other features offering bat roost potential were noted to be present.	No	**Negligible**
S9 Derelict former agricultural structure	10/07/25		Former agricultural building. Roof largely collapsed, pitched corrugated metal. No roof lining or timber cavities with potential for roosting bats. Block and stone walls, no gaps or other features with bat roost potential noted.	No	**Negligible**

S10 Derelict former agricultural structure	10/07/25			Steel-framed barn. Corrugated sheet metal walls and roof. Open. No bat potential.	No	**None**
S11 Recently constructed dwelling	10/07/25		No photograph available	Large two-storey dwelling along the northern boundary of the site constructed fairly recently from rendered block. Pitched tile roof with several dormer windows. PVC facia and soffits. All tightly finished. No bat potential.	No	**Negligible**
S12 Recently constructed garage.	10/07/25		No photograph available	1-storey garage, adjacent to S11 constructed fairly recently from rendered block. Pitched tile roof with PVC facia and soffits. All tightly finished. No bat potential.	No	**Negligible**
S13 Occupied dwelling	10/07/25		No photograph available	An occupied dwelling. 1-storey bungalow, constructed from rendered block, pitched and hipped tile roof. PVC and wood facia, soffits and bargeboards. Tightly finished. No bat potential.	No	**Negligible**

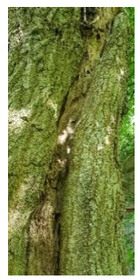
Table A1.2: Preliminary Roost Assessment of Trees & Tree Climbing PRF Inspections Surveys

Tree No.	PRF Inspect-ion Date	Photo	Tree Species	Ground Level Description (2023)	Close Inspection Description (2023 & 2025)	Evidence of Bats	Ground Level PRF Suitability (2023)	Tree Climbing PRF Suitability (2023 & 2025)
T1	15/05/23, 04/07/23 and 04/09/25		Mature Oak	Hazard beams and transverse snap PRFs present - moderate bat roosting suitability (BRS)	2023 • Three top transverse snap PRFs Negligible Bat Roosting Suitability (BRS). • Slightly lower large limb break • With transverse snaps with gaps PRF moderate BRS 2025 • Three top transverse snap PRFs No BRS. • Slightly lower large limb break with transverse snaps with gaps has deteriorated further. Small cracks present going toward main stem for ~ 7 cm wide and 14 cm wide with crack present along roof of branch. Overall relatively exposed and activily bending in the wind. • Has potential to support individual bats in fair weather conditions	No	**MODERATE**	**2023** **MODERATE** **2025** **PRF-I (in fair weather)**

T2	15/05/23, 04/07/23 and 04/09/25	 Ash	Basal rot hollow trunk PRF - moderate BRS	2023 • 15cm x 5cm, debris, moderate BRS. 2025 • Rough texture ~ 0.5 m high, multichambered and goes up ~ 50 cm with debris present. • Has potential to support multiple bats	No	**MODERATE**	**2023** **MODERATE** **2025** **PRF-M**
T3	15/05/23, 04/07/23 and 04/09/25	 Ash	Knot hole PRF at 1m ground level – moderate BRS	2023 • Multi chambered, 8cm x11cm, PRF moderate 2025 • Tear out ~ 1.5 m high on the northeast aspect. Feature goes 12 cm up and 4 cm wide. • Has potential to support a limited number of multiple bats	No	**MODERATE**	**2023** **MODERATE** **2025** **PRF-M (limited to small number of bats)**
T4	15/05/23, 04/07/23 and 04/09/25	 Ash	Basal rot, several cavities, ground level PRF moderate	2023 Entrance 45cm x 30cm, max depth 38cm up into cavity, significantly narrower than external entrance, PRF moderate 2025 • No significant change • Has potential to support multiple bats	No	**MODERATE**	**2023** **MODERATE** **2025** **PRF-M**
T5	15/05/23, 04/07/23 and 04/09/25	 Ash	Hazard beam at 4.5m PRF moderate	2023 • Branch blown down PRF now Negligible 2025 • No significant change	No	**MODERATE**	**2023** **NEGLIGIBLE** **2025** **NONE**

T6	15/05/23, 04/07/23 and 04/09/25		Mature Beech	Basal rot with hollow PRF - moderate BRS	2023 • Basal feature very large, >60cm up interior trunk. Could not be fully surveyed – High BRS. • Thick ivy PRF low. 2025 • No significant change • Has potential to support multiple bats • Cavity travels high, out of reach for full inspection (appears to have decayed further which has increased internal depth) – Emergence survey carried out in August and September 2025, no roosting bats recorded.	No	**HIGH**	**2023** **HIGH** **2025** **PRF-M**
T7	15/05/23, 04/07/23 and 04/09/25		Mature Beech	Several knot holes on northern aspect PRF moderate	2023 • Knot hole on eastern aspect open, PRF negligible. • Knot hole on northern aspect shallow 6cm depth PRF low 2025 • No significant change • Has potential to support individual bats		**MODERATE**	**2023** **LOW** **2025** **PRF-I**
T8	15/05/23, 04/07/23 and 04/09/25		Mature Aspen	Basal rot hollow trunk PRF moderate	2023 • Only partially surveyed due to the discovery of breeding birds • Emergence survey was carried out in 2023 – no bat roost recorded. 2025 • Fully surveyed with no breeding birds present • Large cavity with large opening present alongside • Multiple cavities present within rotten and crumbling wood • Has potential to support multiple bats however it is relatively exposed to harsh weather conditions	No	**MODERATE**	**2023** **MODERATE** **2025** **PRF-M**

T9	15/05/23, 04/07/23 and 04/09/25		Multi-stem Ash	Low transverse snaps and canker at 6m, PRF moderate	2023 • Low transverse snap very narrow exposed cavities and canker aerial PRF negligible 2025 • No significant change	No	**MODERATE**	**2023** **NEGLIGIBLE** **2025** **NONE**
T10	15/05/23, 04/07/23 and 04/09/25		Veteran Oak	Hollow broken branch at 4m, PRF moderate	2023 • Open branch break aerial PRF negligible 2025 • No significant change	No	**MODERATE**	**2023** **NEGLIGIBLE** **2025** **NONE**
T11	15/05/23, 04/07/23 and 04/09/25		Multi-stem Ash	Knot hole at 2m S, and basal rot cavity PRF, moderate	2023 • Tear out 9cm x 6cm, PRF moderate • Basal rot PRF moderate • New knothole on northern aspect 8cm x 8cm, PRF moderate 2025 • Tear out covered in dense dust covered cobwebs with no other significant change • Basal rot ~ 20 cm up and 15 cm wide (highly exposed to potential predation) • New knothole no longer suitable due to further deterioration leaving feature exposed and damp • Tear out PRF has potential to support multiple bats	No	**MODERATE**	**2023** **MODERATE** **2025** **PRF-M**
T12	15/05/23, 04/07/23 and 04/09/25		Multi-stem Ash	Knot hole at 3m on southern aspect, PRF moderate	2023 • Entrance 8cm x 8cm, interior wet, PRF negligible 2025 • No significant change	No	**MODERATE**	**2023** **NEGLIGIBLE** **2025** **NONE**

T13	15/05/23, 04/07/23 and 04/09/25		Mature Beech	Knot hole at 3m on western aspect, PRF moderate	2023 • Knot hole shallow max 6cm depth lots of slugs ,PRF Low 2025 • No significant change • Has potential to support individual bats during fair weather	No	**MODERATE**	**2023** **LOW** **2025** **PRF-I**
T14	15/05/23, 04/07/23 and 04/09/25		Mature Oak	Bark and rotten limbs ground level PRF moderate	2023 • Shallow features aerial PRF negligible 2025 • No significant change	No	**MODERATE**	**2023** **NEGLIGIBLE** **2025** **NONE**
T15	15/05/23, 04/07/23 and 04/09/25		Mature Crack Willow	Basal rot hollow trunk ,PRF moderate	2023 • Basal rot has two large cavities, one lateral and one vertical, 60cm x ≥10cm, low to ground. PRF High. 2025 • No significant change • Has potential to support multiple bats • Cavity travels high, out of reach for full inspection – Emergence survey carried out in August and September 2025, no roosting bats recorded.	No	**HIGH**	**2023** **HIGH** **2025** **PRF-M**
T16	15/05/23, 04/07/23 and 04/09/25		Mature Crack Willow	Basal rot ,PRF moderate	2023 • All cavities subject to endoscope. Some cavities 40cm x 3cm. Other cavities shallow. PRF moderate. 2025 • All cavities subject to endoscope. Cavities have widened due to deterioration to ~ 45 cm long and 15 cm wide with a dry rough dome apex. • Has potential to support multiple bats	No	**MODERATE**	**2023** **MODERATE** **2025** **PRF-M**

T17	15/05/23, 04/07/23 and 04/09/25		Mature Beech	Knot hole at 4.5m, PRF moderate	2023 • Shallow feature no cavity, PRF Negligible 2025 • No significant change	No	**MODERATE**	**2023** **NEGLIGIBLE** **2025** **NONE**
T18	15/05/23, 04/07/23 and 04/09/25		Mature Beech	Knot hole at 3m and basal cavity, PRF moderate	2023 • Superficial features, PRF negligible 2025 • No significant change	No	**MODERATE**	**2023** **NEGLIGIBLE** **2025** **NONE**
T19	15/05/23, 04/07/23 and 04/09/25		Mature dying Aspen	Dying aspen knot holes 3m and 4m N, moderate	2023 • Features at 4m and above unsuitable. Knot hole at 3m int 28cm x 8. Domed apex. Spiders present. Moderate BRS. 2025 • Tree has fallen since last survey period, PRF not visible	No	**MODERATE**	**2023** **MODERATE** **2025** **NONE**
T20	15/05/23, 04/07/23 and 04/09/25		Middle-age Ash	Small knot hole, 1,8m E aspect, 6cm x 6cm. Low	2023 All cavities subject to endoscope. Spired apex. 2025 • No significant change	No	**LOW**	**2023** **LOW** **2025** **PRF-I**

Appendix II

Landscape Masterplan (BSM-ZZ-ZZ-DR-L-0301)


NOTE:
REVISION CLOUDS HIGHLIGHT THE DESIGN CHANGES AS PART OF THE RESPONSE TO RFI
AGRICULTURAL LAND
OSBERSTOWN BUSINESS PARK
ESB SUBSTATION
FFL 84.000
AGRICULTURAL LAND
DC1 FFL 80.000
DC2 FFL 82.250
DC3 FFL 83.750
DC4 FFL 84.000
DC5 FFL 82.000
DC6 FFL 82.000
External Plant Area FFL 79.000
External Plant Area FFL 81.250
External Plant Area FFL 82.750
External Plant Area FFL 83.000
External Plant Area FFL 81.000
External Plant Area FFL 81.000
AGRICULTURAL LAND
M7 BUSINESS PARK
MOTORWAY M7
TEMPORARY CONSTRUCTION ACCESS
LANDSCAPE MASTERPLAN
LEGEND
GENERAL
EXISTING VEGETATION
PROPOSED PERIMETER TREE PLANTING
PROPOSED INTERNAL TREE PLANTING
PROPOSED SCREEN PLANTING
PROPOSED GRASSLAND PLANTING
PROPOSED SUDS PLANTING
PROPOSED ENTRANCE PLANTING
PROPOSED LANDSCAPE TREATMENTS
A0
PLANNING RFI
RKD

Appendix B Consideration of Impacts of Conditions

1.1 Introduction

As mentioned in Section 3 above, in response to certain allegations made in the Third Party Appeals in relation to the Data Centre Application (which is currently under consideration de novo by the Commission on appeal under case reference PL09.323677), for completeness and to assist in informing the EIA to be carried out by the Commission were the Commission to grant planning permission for the Data Centre Application and impose Conditions 4, 5 and 6 of the Kildare County Council decision to grant planning permission, the authors of each chapter of the EIAR considered the impacts of those conditions were they to be imposed by the Commission, and an update in relation to Appropriate Assessment was also provided.

That material is before the Commission in relation to the Data Centre Application (under case reference PL09.323677) and for completeness is also included below.

1.2 Biodiversity

The authors of Chapter 5 (Biodiversity) of the EIAR and its Addendum have considered Conditions 4, 5, and 6 of Kildare County Council's Decision to Grant Planning Permission. These conditions, if they are retained in any grant of permission by the Commission, will not result in any new or different impacts on biodiversity, or any change to the conclusion reached in the EIAR and the EIAR Addendum in relation to impacts on Biodiversity. Compliance with Conditions 4, 5 and 6 will not result in any change to the physical design or construction of the Proposed Development such as would in any way alter the assessment of impacts on aspects Biodiversity set out in the EIAR and the EIAR Addendum or result in any new or different impacts on Biodiversity.

Further, the operation of the Proposed Development in accordance with these conditions equally will not result in any change to the likely significant effects of the Proposed Development on biodiversity receptors or to the conclusions reached in that regard in the EIAR and its Addendum, because these operational changes will not result in any change to the pathways for impacts on biodiversity identified in the EIAR and its Addendum, or the likely significant impacts identified, and would not in any way alter the predicted impacts on biodiversity receptors.

Therefore, for the reasons set out above, those conditions, if they are retained in any grant of permission by the Commission, result in no change to the likely significant impacts on biodiversity, nor any change to the overall conclusion set out in Chapter 5 of the EIAR, and restated in the Addendum to Chapter 5 of the EIAR, which was that the Project has potential to give rise to a range of significant impacts upon natural heritage and biodiversity receptors. No significant adverse impacts are predicted to arise to any sites designated on account of natural heritage or conservation interests.

1.3 Lands and Soils

The authors of Chapter 6 (Lands & Soils) of the EIAR have considered Conditions 4, 5 and 6 attached to Kildare County Council's Decision to Grant Planning Permission. These conditions, if they are retained in any grant of permission by the Commission, will not result in any new or different impacts on lands and soils, or any change in the conclusion made in the EIAR in relation to Lands & Soils. Compliance with Conditions 4, 5 and 6 will not have any impact on the physical design or construction of the Proposed Development such as would in any way alter the assessment of impacts on aspects of Lands and Soils set out in the EIAR or result in any new or different impacts. Further, the operation of the Proposed Development in accordance with these conditions equally will not result in any change to the assessment of impacts on lands and soils set out in the EIAR, because these operational changes do not involve any physical change that could in any way change the assessment of impacts on to Lands & Soils and the operational changes associated with these conditions do not create any pathway for any new or different lands and soils impacts.

Therefore, for the reasons set out above, those conditions, if they are retained in any grant of permission by the Commission, result in no change to the likely significant impacts on lands and soils, nor any change to the overall conclusion set out in Chapter 6 of the EIAR, namely that the construction impact is assessed to be a slight negative short-term impact which is unavoidable given the nature, requirement and design of the Project. In terms of operational impacts, there is a negative permanent imperceptible impact on the local and regional geological environment.

1.4 Water and Hydrology

The authors of Chapter 7 (Water and Hydrology) of the EIAR have considered Conditions 4, 5 and 6 of Kildare County Council's Decision to Grant Planning Permission. These conditions, if they are retained in any grant of permission by the Commission, will not result in any new or different impacts on water and hydrology, nor any change in the conclusion made in the EIAR in relation to Water and Hydrology. Compliance with Conditions 4, 5 and 6 will not have any impact on the physical design or construction of the Proposed Development such as would in any way alter the assessment of impacts on aspects of Water and Hydrology set out in the EIAR or result in any new or different impacts on water and hydrology. Further, the operation of the Proposed Development in accordance with these conditions equally will not result in any change to the assessment of impacts on Water and Hydrology set out in the EIAR, or any new or different impacts, because there is no physical change due to the adoption of the Conditions in relation to Water and Hydrology and the operational changes associated with these conditions do not create any pathway for any new or different water and hydrology impacts.

Therefore, for the reasons set out above, those conditions, if they are retained in any grant of permission by the Commission, result in no change to the likely significant effects on water and hydrology, nor any change to the overall conclusion set out in Chapter 7 (Water and Hydrology) of the EIAR, namely that there is limited impact on the geological environment of the area expected during the operational phase of the development.

The mitigation measures detailed in Chapter 7 will be employed during construction operations and the potential impact to receiving water environment will be reduced to negligible thus reducing the significance of environmental effect to imperceptible.

The site has been designed to mitigate any soil contamination which may occur during the operational phase of the Proposed Development. This includes bunding of all chemical and fuel containers, the discharge of waste process water to the foul drainage network, the containment of firefighting water run-off in detention ponds and the provision of oil and fuel interceptors on drainage networks.

1.5 Air Quality

The authors of Chapter 8 (Air Quality) of the EIAR have considered Conditions 4, 5 and 6 attached to Kildare County Council's decision to grant planning permission. These conditions, if they are retained in any grant of permission by the Commission, will not result in any new or different impacts, nor any change in the conclusion made in the EIAR in relation to Air Quality. Compliance with Conditions 4, 5 and 6 will not have any impact on the physical design or construction of the Proposed Development such as would in any way alter the assessment of impacts on aspects of Air Quality set out in the EIAR or result in any new or different impacts. Further, the operation of the Proposed Development in accordance with these conditions equally will not result in any change to the assessment of impacts on Air Quality set out in the EIAR because there is no physical change due to the adoption of the Conditions in relation to Air Quality. The reduced operation of the gas turbines will result in a corresponding decrease in emissions, including a consequential reduction in nitrogen oxides (NO_x).

Therefore, for the reasons set out above, those conditions, if they are are retained in any grant of permission by the Commission, result in no change to the likely significant effects of the proposed development on air quality, nor any changes to the overall conclusion set out in Chapter 8 (Air

Quality) of the EIAR, namely that there is no potentially significant impact to air quality during the construction and operation stage of the Proposed Development.

Pollutant concentrations are predicted to be within the relevant health-based air quality objectives. Therefore, air quality is acceptable at the receptors surrounding the development site, making it suitable for its proposed uses. The operational impact of the Proposed Development on existing receptors is predicted to be 'negligible' taking into account the changes in pollutant concentrations and absolute levels. Using the significance criteria adopted for this assessment together with professional judgement, the operational air quality effects are considered to be 'not significant' overall.

1.6 Noise and Vibration

The authors of Chapter 9 (Noise and Vibration) of the EIAR and its Addendum have considered Conditions 4, 5 and 6 attached to Kildare County Council's decision to grant planning permission. These conditions, if they are retained in any grant of permission by the Commission, will not result in any new or different impacts on noise and vibration, nor any change in the conclusion made in the EIAR and the EIAR Addendum in relation to Noise and Vibration. Compliance with Conditions 4, 5 and 6 will not have any impact on the physical design or construction of the Proposed Development such as would in any way alter the assessment of impacts on aspects of Noise and Vibration set out in the EIAR or lead to any new or different impacts. Further, the operation of the Proposed Development in accordance with these conditions equally will not result in any change to the assessment of impacts on Noise and Vibration set out in the EIAR and its addendum because there is no physical change due to the adoption of the Conditions in relation to Noise and Vibration and the operational changes required by these conditions do not create any pathway for any new or different noise and vibration impacts.

Therefore, for the reasons set out above, those conditions, if they are retained in any grant of permission by the Commission, result in no change to the likely significant effects of the proposed development on noise and vibration, nor any change to the overall conclusion set out in Chapter 9 of the EIAR, and restated in the Addendum to Chapter 9 of the EIAR, namely that the assessment of operational noise from all aspects of operation of the Proposed Development found a 'Negligible; or 'Negligible/Low' impact at all receptors. The overall significance of effect was found to be 'Minor'. A review of future proposed or approved developments found that no significant operational cumulative effects on noise are expected. No permanent residual noise and vibration impacts are predicted during construction of the Project.

For clarification, application of Conditions 4, 5 and 6 have no relevance to the construction phase of the Proposed Development. To reiterate findings of Chapter 9 (Noise and Vibration) of the EIAR and its Addendum, temporary slight adverse impacts due to construction noise have been identified at the closest receptors to proposed construction works. No permanent residual noise and vibration impacts are predicted during construction of the Project. With construction mitigation measures in place the noise impact of construction activities is predicted to be reduced to temporary minor / moderate.

1.7 Cultural Heritage

The authors of Chapter 10 (Cultural Heritage) of the EIAR and its Addendum have considered Conditions 4, 5 and 6 of Kildare County Council's Decision to Grant Planning Permission. These conditions, if they are retained in any grant of permission by the Commission, will not result in new or different cultural heritage impacts, nor any change in the conclusion made in the EIAR and the EIAR Addendum in relation to Cultural Heritage.

Compliance with Conditions 4, 5 and 6 will not have any impact on the physical design or construction of the Proposed Development such as would in any way alter the assessment of impacts on aspects of Cultural Heritage set out in the EIAR or lead to any new or different impacts. Further, the operation of the Proposed Development in accordance with these conditions equally will not result in any change to the assessment of impacts on Cultural Heritage set out in the EIAR and its addendum because there is no physical change due to the adoption of the Conditions in

relation to Cultural Heritage the operational changes required by these conditions do not create any pathway for any new or different cultural heritage impacts.

Therefore, for the reasons set out above, those conditions, if they are retained in any grant of permission by the Commission, result in no change to the likely significant impacts of the proposed development on cultural heritage, nor to the overall conclusion set out in Chapter 10 of the EIAR, and restated in the Addendum to Chapter 10 of the EIAR, namely that there will be no residual impact on any archaeological or cultural heritage feature.

1.8 Landscape and Visual

The authors of Chapter 11 (Landscape and Visual) of the EIAR and its Addendum have considered Conditions 4, 5 and 6 attached to Kildare County Council's decision to grant planning permission. These conditions, if they are retained in any grant of permission by the Commission, will not result in any new or different impacts on landscape and visual receptors, nor any change in the conclusion made in the EIAR and the EIAR Addendum in relation to Landscape and Visual.

Compliance with Conditions 4, 5 and 6 will not have any impact on the physical design or construction of the Proposed Development such as would in any way alter the assessment of impacts on aspects of Landscape and Visual set out in the EIAR or lead to any new or different impacts. Further, the operation of the Proposed Development in accordance with these conditions equally will not result in any change to the assessment of impacts on Landscape and Visual set out in the EIAR and its addendum because there is no physical change due to the adoption of the Conditions in relation to Landscape and Visual and the operational changes required by these conditions do not create any pathway for any new or different impacts on landscape and visual receptors.

Therefore, for the reasons set out above, those conditions, if they are retained in any grant of permission by the Commission, result in no change to the likely significant effects of the Proposed Development on landscape and visual receptors, nor to the overall conclusion set out in Chapter 11 of the EIAR, and restated in the Addendum to Chapter 11 of the EIAR, namely that overall, when potential construction and operational stage landscape and visual effects are considered for the Project they will not result in any significant landscape and visual effects.

The wider landscape and visual resources of the development's surroundings have the capacity to accommodate a development of this type and scale.

1.9 Traffic and Transportation

The authors of Chapter 12 (Traffic and Transportation) of the EIAR and its Addendum have considered Conditions 4, 5 and 6 of Kildare County Council's Decision to Grant Planning Permission. These conditions, if they are retained in any grant of permission by the Commission, will not result in any new or different traffic and transportation impacts, or any change in the conclusion made in the EIAR and the EIAR Addendum in relation to Traffic and Transportation. Compliance with Conditions 4, 5 and 6 will not have any impact on the physical design or construction of the Proposed Development such as would in any way alter the assessment of impacts on aspects of Traffic and Transportation set out in the EIAR or lead to any new or different impacts. Further, the operation of the Proposed Development in accordance with these conditions equally will not result in any change to the assessment of impacts on Traffic and Transportation set out in the EIAR and its addendum because there is no physical change due to the adoption of the Conditions and the operational changes required by these conditions do not create any pathway for any new or different impacts on Traffic and Transportation.

Therefore, for the reasons set out above, those conditions, if they are retained in any grant of permission by the Commission, result in no change to the likely significant impacts on traffic and transportation, nor to the overall conclusion set out in Chapter 12 of the EIAR, and restated in the Addendum to Chapter 12 of the EIAR, namely that the overall impact of the Proposed Development

upon the surrounding highway network, at both construction and operational phases is considered to be negligible.

1.10 Material Assets – Built Services

The authors of Chapter 13 (Material Assets – Built Services) of the EIAR have considered Conditions 4, 5 and 6 of Kildare County Council's Decision to Grant Planning Permission. These conditions, if they are retained in any grant of permission by the Commission, will not result in any new or different impacts on material assets, nor any change to the conclusion reached in the EIAR in relation to impacts on Material Assets – Built Services. Compliance with Conditions 4, 5 and 6 will not have any impact on the physical design or construction of the Proposed Development such as would in any way alter the assessment of impacts on aspects of Material Assets set out in the EIAR or lead to any new or different impacts. Further, the operation of the Proposed Development in accordance with these conditions equally will not result in any change to the assessment of impacts on Material Assets set out in the EIAR because there is no physical change to the Proposed Development due to the adoption of the Conditions and the operational changes required by these conditions do not create any pathway for any impacts in relation to Material Assets.

Therefore, for the reasons set out above, those conditions, if they are retained in any grant of permission by the Commission, result in no change to the likely significant effects on material assets or to overall conclusion set out in Chapter 13 (Material Assets – Built Services) of the EIAR, namely that the effects of the Proposed Development on the Material Assets – Built Services will be neutral, not significant and permanent.

1.11 Population

The authors of Chapter 14 (Population) of the EIAR have considered Conditions 4, 5 and 6 attached to Kildare County Council's decision to grant planning permission. These conditions, if they are retained in any grant of permission by the Commission, will not result in any new or different impacts on population, nor any change in the conclusion made in the EIAR in relation to Population. Compliance with Conditions 4, 5 and 6 will not have any impact on the physical design or construction of the Proposed Development such as would in any way alter the assessment of impacts on aspects of Population set out in the EIAR or lead to any new or different population impacts. Further, the operation of the Proposed Development in accordance with these conditions equally will not result in any change to the assessment of impacts on Population set out in the EIAR because there is no physical change arising from the adoption of the Conditions and the operational changes required by these conditions do not create any pathway for any new or different impacts in relation to Population.

Therefore, for the reasons set out above, those conditions, if they are retained in any grant of permission by the Commission, result in no change to the likely significant impacts on population, nor to the overall conclusion set out in Chapter 14 (Population) of the EIAR. Chapter 14 of the EIAR assesses the impact of the Proposed Development on the population of the general area of the Proposed Development. Specific aspects examined include population levels, impact on employment and social facilities. The construction phase of the Proposed Development will not have any direct impact on the population of the area or the subject lands. The work force will generally travel to the development site rather than take up residence in the immediate vicinity. No residual negative effects will arise from the Proposed Development which are significant in magnitude.

1.12 Human Health

The authors of Chapter 15 (Human Health) of the EIAR have considered Conditions 4, 5 and 6 attached to Kildare County Council's decision to grant planning permission. These conditions, if they are retained in any grant of permission by the Commission, will not result in any new or different impacts on human health, nor any change in the conclusion made in the EIAR in relation to Human Health. Compliance with Conditions 4, 5 and 6 will not have any impact on the physical design or construction of the Proposed Development such as would in any way alter the assessment of impacts on aspects of Human Health set out in the EIAR or lead to any new or

different human health impacts. Further, the operation of the Proposed Development in accordance with these conditions equally will not result in any change to the assessment of impacts on Human Health set out in the EIAR because there is no physical change arising from the adoption of the Conditions, and the operational changes required by these conditions do not create any pathway for any new or different impacts on Human Health.

Therefore, for the reasons set out above, those conditions, if they are retained in any grant of permission by the Commission, result in no change to the likely significant impacts on human health, nor to the overall conclusion set out in Chapter 15 (Human Health) of the EIAR, namely that the significance of the population health effect is minor adverse (not significant).

With mitigation measures adopted as part of the Proposed Development in place, no adverse effects are anticipated to be significant for public health. In addition, there are a number of positive effects, including potential for significant public health benefits. The Proposed Development would provide a range of minor beneficial and minor adverse effects on population health. Most effects would be experienced by the population closest to the Proposed Development in Naas Rural and Carragh electoral divisions. With appropriate mitigation in place as proposed, no significant adverse public health effects are expected. With measures to enhance access to training and employment opportunities for local vulnerable groups, it is expected that the beneficial socio-economic effects of the Proposed Development would be the dominant public health influence.

1.13 Climate Change

To consider the operation of the Proposed Development in accordance with conditions 4, 5 and 6 of the decision to grant planning permission (should those conditions be retained in any grant of planning permission by the Commission), the following updates and assumptions have been made to the calculation of operational emissions arising from the Proposed Development, in order to present an updated likely emissions scenario reflecting the operation of the Data Centres in accordance with the conditions attached to the Decision to Grant Planning Permission:

- 0% of demand has been assumed to be supplied by the on-site gas turbines. In reality, this will be greater (i.e. where backup power generation is required in accordance with the terms of condition no.4), but any increase would not be material in the context of the climate impact assessment.
- 100% of electricity demand to be drawn from grid electricity. 75% of the electricity demand will be sourced from renewable sources to 2030, and 100% from 2030 (via CPPAs). Where demand will be met by renewable sources, it has been assigned a value of 0 gCO2/kWh. Where the remaining demand will be met by grid electricity, it has been assigned a value of 356.6 gCO2/kWh[1] (aligning with the GHG Protocol methodology for the calculation of market based emissions), which is consistent with the residual emissions arising from the current fuel mix on the national grid.

The market-based emissions method is considered to be the most appropriate to calculate emissions arising from electricity consumption by the Proposed Development given it addresses the use of CPPAs to source renewable electricity, which are the subject of condition nos. 5 and 6, thereby accounting for their associated reduced emissions.

Table 1.1 below presents the updated lifetime emissions arising from the operation of the Proposed Development, compared with those presented in the addendum to Chapter 16 of the EIAR. Arising from conditions no. 4 and no. 5, the Proposed Development is to source 75% to 100% renewable electricity to meet its energy demand via a grid connection (which will be sourced via CPPAs in accordance with Condition No. 6), resulting in a 96% reduction in operational emissions from regulated and unregulated energy demand. The sourcing of 100% of the energy demand from grid electricity for the Proposed Development aligns with the *Government's Statement on the Role of*

[1] AIB (2025) European Residual Mix. Available at: https://www.aib-net.org/facts/european-residual-mix. Accessed September 2025

Data Centres in Ireland's Enterprise Strategy and with the *Kildare County Development Plan 2023-2029*.

Table 1.1: Lifetime (20 year) operational emissions (total regulated and unregulated)

	FI request – updated assessment case[a]	Condition updates[b]
Lifetime operational emissions (from regulated and unregulated demand) (tCO_2e)	2,196,068	94,822[c]
Percentage change from FI request updated assessment case		**-96%**

[a]Accounted for the increased commitment to procure 50% of the Project's energy demand from renewable sources and to source 100% hydrogen and biomethane by 2039, efficiency of turbines were accounted for in the calculations.

[b]Calculation updated to reflect conditions no. 4 and no. 5, informed by phased electricity demand figures provided by HDR.

[c]CPPAs are used to procure 75% renewable electricity to 2030, and 100% from 2030, in accordance with Condition No. 5. Remaining energy is sourced from grid electricity.

To provide further context, the updated emissions have been presented within Table 1.2 below, comparing emissions calculated within the original EIAR assessment, the updated assessment in the addendum to Chapter 16 of the EIAR that formed part of response to the request for further information from Kildare County Council and then the updated assessment presented within this short report. This table is presented in the same manner as Table 16.13 in the addendum to Chapter 16 of EIAR to enable a comparison of emissions.

Table 1.2: Whole lifetime emissions summary

		Chapter 16 of the EIAR - Assessment Case (tCO_2e)	Updated Assessment Case – 20 years (tCO_2e)	Condition updates (tCO_2e)
Applicant Controlled Elements				
Construction	Embodied carbon in construction materials	211,936	179,093	179,093
Operation	Regulated energy use (i.e. space heating and cooling, hot water, ventilation, and lighting)	88,351	10,308	1,131
	Unregulated energy use (i.e. data hall demand)	14,933,067	2,185,760	93,691
	Battery energy storage systems	235,889	38,529	-210,345[a]
Sub-total		**15,469,243**	**2,413,689**	**63,570**
Percentage change from FI request updated assessment case				**-97%**
Tenant Controlled Emissions				
Construction & operation	Embodied carbon in servers	13,177,597	2,125,305	2,125,305
Sub-total		**13,177,597**	**2,125,305**	**2,125,305**
Total		**28,646,840**	**4,538,994**	**2,188,875**
Percentage change from FI request updated assessment case				**-52%**

[a]Emissions arising from the use of battery energy storage systems have been updated in line with the detailed methodology presented in Appendix 16.3 of the EIAR which was before Kildare County Council, which details the scenarios under which the BESS are used and how avoided emissions (denoted with negative values) arise from the displacement of peaking plant generation when exporting electricity onto the national grid. The BESS will be charged in accordance with condition 5, i.e. by 75% renewables (via CPPAs) to 2030, and 100% from 2030, and in that scenario the BESS enable the avoidance of carbon emissions as shown in Table 2 (shown as a negative value), because of their ability to store excess energy generated from renewable sources, and re-export that renewable energy to the national

grid at times of high demand, thereby avoiding the need for peaking plant generation (i.e. reducing the amount of non-renewable electricity generation required to power the grid at times of high demand).

When considered in the context of Ireland's carbon budgets and the Sectoral Emissions Ceiling for Electricity, the operational emissions arising from the Proposed Development's electricity demand comprises 0.043% and 0.43% of each, respectively, within the 2026-2030 budget period.

The total contribution to carbon budgets going forward will be negative (i.e. the Proposed Development will lead to reduced (avoided) emissions) – emissions arising from the Proposed Development's energy demand will be 0 tCO2e as all energy will be sourced from renewable sources through CPPAs. The battery storage installed onsite will be charged using such renewables, discharging to the grid when required to meet peak demand in place of other generators (i.e. gas peaking plants), resulting in their avoidance and associated avoided (negative) emissions. Both the Sectoral Emissions Ceilings for the Electricity Sector and the Commercial Built Environment are presented below. It should be noted that contextualisation of Project emissions against either Sector does not exceed 2%.

Table 1.3 Updated operational emissions (operating in accordance with conditions 4, 5 and 6), including context against Carbon Budgets and Sectoral Emissions Ceilings

	2026-2030
Project Operational Emissions	
Total regulated and unregulated emissions (tCO_2e)	94,822
BESS emissions (tCO_2e)	-8,509
Total operational emissions (tCO_2e)	**86,312**
Carbon Budget	
Carbon Budget (tCO_2e)	200,000,000
Percentage of Carbon Budget	0.043%
Sectoral Emissions Ceiling – Electricity	
Sectoral Emissions Ceiling (tCO_2e	20,000,000
Percentage of Sectoral Emissions Ceiling	0.43%
Sectoral Emissions Ceiling – Built Environment Commercial	
Sectoral Emissions Ceiling (tCO_2e	5,000,000
Percentage of Sectoral Emissions Ceiling	1.7%

While the overall conclusion set out in the addendum to Chapter 16 of the EIAR that formed part of response to the request for further information from Kildare County Council, namely that the whole life effects of GHG emissions resultant from the Proposed Development result in a not significant minor adverse effect, remains unchanged as a result of the updated figures presented arising from conditions 4 and 5, those updated figures nonetheless show a further significant positive reduction in the total lifetime emissions arising from the construction and operation of the Project, with overall lifetime emissions reducing by 52% compared to those presented in that addendum to Chapter 16 of the EIAR.

Further, this assessment takes account of:

- The magnitude of emissions in the context of the Carbon Budgets and Sectoral Emissions Ceilings (which budgets and ceilings in any event take account of projected growth in data centre energy demands), and which comprises a negligible contribution.

- Commitment to procure 75% renewable energy to 2030, and 100% renewable energy from 2030, resulting in enabling the Proposed Development to operate with zero additional emissions from 2030 where it is operating in accordance with conditions 4, 5, and 6 of Kildare County Council's Decision to Grant Planning Permission (if retained in any grant of permission by the Commission). This fully aligns with national decarbonisation objectives and net zero ambitions (see Section 2.6 for further detail);
- Use of BESS, charged by renewable energy, discharging such energy to the electric grid during times of peak demand, replacing energy provision by peaking plants and enabling further decarbonisation of grid electricity and avoidance of carbon emissions.
- Embodied carbon reduction commitments regarding material procurement detailed within Section 16.3 of Chapter 16 of the EIAR.

Section 15 of the Climate Action and Low Carbon Development Act (2015) (as amended)

While the likely significant impacts of the Proposed Development on climate are considered above in the context of Environmental Impact Assessment, that EIA assessment differs from the matters which a relevant body, including the Commission, is required to consider under section 15 of the 2015 Act. Therefore, for completeness and to inform the Commission's consideration of its obligations under section 15 of the 2015 Act, we have set out below how the Commission can be satisfied that in granting approval for the Proposed Development (including if Conditions 4, 5, and 6 of the decision to grant planning permission are retained in any grant of planning permission by the Commission) it would be performing its functions, insofar as practicable, in a manner consistent with all of the matters specified in section 15 of the 2015 Act and would therefore be fully complying with its obligations under the 2015 Act.

In that regard, as the Commission will be aware, Section 15 of the 2015 Act defines the duties of relevant bodies such as the Commission under the 2015 Act, and provides that:

> *"15. (1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—*
>
> *(a) the most recent approved climate action plan,*
>
> *(b) the most recent approved national long term climate action strategy,*
>
> *(c) the most recent approved national adaptation framework and approved sectoral adaptation plans,*
>
> *(d) the furtherance of the national climate objective, and*
>
> *(e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State."*

ACP and Kildare County Council are both "relevant bodies" for the purposes of section 15 of the 2015 Act and are required under section 15 to perform their functions, insofar as practicable, in a manner consistent with the matters specified in section 15 as set out above.

The 2015 Act also made provision for economy-wide carbon budgets for the periods 2021-2025 and 2026-2030 and established pathways to deliver the sectoral emission ceilings (SECs). Both the budgets and ceilings have been referenced throughout the EIAR, EIAR Addendum and in this response for reference. The carbon budgets and sectoral emissions ceilings take account of the projected growth in data centre energy demand, and the projected carbon emissions from the Proposed Development represent a negligible contribution to the relevant carbon budgets and sectoral emissions ceilings. Indeed, the Proposed Development will lead to avoided carbon emissions from 2030 onwards.

The analysis presented in Chapter 16 of the EIAR, the EIAR addendum and in this consideration of the conditions attached to Kildare County Council's Decision to Grant Planning Permission all show that the Proposed Development is fully consistent with all of the matters set out in section 15 of the

2015 Act and that the Commission can grant permission for the Proposed Development while performing its functions, insofar as practicable, in a manner consistent with all of those matters. Each of those matters is further considered below.

The Climate Action Plan 2024 (is to be read in conjunction with the Climate Action Plan 2025) requires that large energy users such as data centres must comply with the following actions:

> *EL/24/22 Implementation of enhanced emissions reporting framework for electricity emissions for large energy users and the system operators dispatch actions.*
>
> *EL/24/23 Incentivise and enable large energy users to participate in flexible demand initiatives designed to enable low/zero carbon demand growth.*

The Proposed Development will comply with any enhanced emissions reporting framework imposed by the State and has demonstrated an energy demand to enable low/zero carbon demand growth. Indeed, Herbata will be a signatory to and operate in full compliance with the Climate Neutral Data Centre Pact which will involve full compliance with the enhanced reporting requirements that apply to data centres under the Energy Efficiency Directive.

CAP25 states that a "*review of the Large Energy Users Connection Policy is ongoing and will ensure that new Large Energy User grid connections do not contribute to energy security challenges and that the power system decarbonises new demand in line with climate targets*". As shown in this analysis, the growth in energy demand for data centres has been factored into the EPA projections for the State which has shown a reduced impact from the electricity generation sector. The Proposed Development will have a negligible impact on carbon budgets (current and future) and sectoral emissions ceilings resulting in a confirmed 'minor adverse' impact in EIA terms. This not significant impact is as a result of the commitments for renewable technologies for the Proposed Development which is fully in line with CAP25 requirements and ambition.

The Long-term Strategy on Greenhouse Gas Emissions Reductions sets out indicative pathways, beyond 2030, towards achieving carbon neutrality for Ireland by 2050. The key provisions of the Strategy for a Pathway to Climate Neutrality by 2050 include the following:

- Deliver significantly higher renewable power capacity mostly through onshore wind, offshore wind, and solar PV;
- Development of a variety of long duration storage technologies to capture of energy from intermittent sources;
- Conversion of electrical power into renewable gases that can later be distributed on an as-needed basis.

The Proposed Development has been designed to be consistent with this long term strategy and will directly support the development and delivery of significant additional renewable energy generation capacity, including energy surplus to the demands of the Proposed Development that will be available to other users on the grid.

The most recent approved National Adaptation Framework (NAF) was published in 2024 based on a review of the 2018 NAF and sets out to expand on the guiding principles that promote smarter, faster and transformative adaptation actions. Action 2 of the NAF required government to request Ministers to submit new sectoral adaptation plans aligning with the NAF within a specified period which are to be delivered as Action 3. The Sectoral Adaptation Plan for the Electricity & Gas Networks Sector was published in 2019 and was used to inform the consideration of climate resilience risk presented in Appendix 16.2 of the EIAR. The finding of this assessment was that the Proposed Development is consistent with these policies and poses negligible risk.

The Climate Action and Low Carbon Development (Amendment) Act 2021 introduced the national climate objective into the 2015 Act which states:

> "*The State shall, so as to reduce the extent of further global warming, pursue and achieve, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy*."

For the purpose of enabling the State to pursue and achieve the national climate objective the Act provides for the development of carbon budgets and sectoral emission ceilings, the annual Climate Action Plans, the NAF and the long term strategies as outlined in this report. In terms of sectoral emissions ceilings, the analysis has shown that the Proposed Development will generate less than 0.5% of the sectoral emissions ceiling for electricity which is a negligible contribution (and indeed the Proposed Development will lead to avoided carbon emissions from 2030 onwards). With this low magnitude of impact the Proposed Development is consistent with the furtherance of the National Climate Objective.

While not a specific policy document, the objective of mitigating GHG emissions and adapting to climate change reflects the wider policy base addressing both climate mitigation and adaption as mandated through the policy documents listed in this section.

In terms of mitigating greenhouse gas emissions, the Proposed Development's electricity demand, where the Proposed Development is operating in accordance with conditions 4, 5, and 6 of Kildare County Council's decision to grant planning permission (should those conditions be retained in any grant of permission by the Commission) will be secured from grid electricity, with 75% of such demand met by renewables by 2030, and 100% by renewables from 2030. As noted, the analysis has shown that the Proposed Development will generate less than 0.5% of the sectoral emissions ceiling for electricity which is a negligible contribution (and indeed the Proposed Development will lead to avoided carbon emissions from 2030 onwards).

Regarding adapting to climate change, the vulnerability of the Proposed Development to climate change has been suitably mitigated through the design process to ensure that the Proposed Development aligns with the National Adaptation Framework and the Sectoral Adaptation Plan.

As such, the Proposed Development is consistent with the objective of mitigating GHG emissions and adapting to climate change.

In summary, this response confirms the validity of the emissions data presented in the application and the contentions by FIE and FEI that this data is incorrect is unsubstantiated. Furthermore, when the impact of the Proposed Development is compared with the relevant emissions ceiling and carbon budgets the resultant impact is very low and confirms the 'minor adverse' impact presented in the EIAR. This minor impact is as a direct result of the commitments to use renewable technologies to power the Proposed Development which is aligned with all national climate policies and projections.

In conclusion, ACP can be satisfied that, in granting permission for the Proposed Development, it would be performing its functions, insofar as practicable, in a manner consistent with all of the matters specified in section 15 of the 2015 Act and would therefore be fully complying with its obligations under the 2015 Act.

1.14 Cumulative Effects and Interactions

In respect of Cumulative Effects and Interactions, if Conditions 4, 5 and 6 are retained in any grant of permission by the Commission, it will not result in any new or different cumulative effects and interactions nor any change in the conclusion made in the EIAR in relation to Cumulative Effects and Interactions.

Compliance with Conditions 4, 5 and 6 will not have any impact on the physical design or construction of the Proposed Development such as would alter the assessment of matters (as set out above in Sections 1.2 – 1.13), therefore compliance with Conditions 4, 5 and 6 will not result in any change to the assessment of Cumulative Effects and Interactions set out in the EIAR.

Therefore, for the reasons set out above, those conditions, if they are retained in any grant of permission by the Commission, result in no change of Cumulative Effects and Interactions as set out in Chapter 17 of the EIAR.

1.15 Appropriate Assessment

In respect of the Proposed Development operating in accordance with condition nos. 4 and 5 of the decision to grant planning permission by Kildare County Council, the following is noted with regard to the matter of Appropriate Assessment.

The NIS considered potential impact pathways on European Sites, and did not identify any potential impact pathway upon European Sites arising from the Project emissions and / or in relation to the energy strategy. Therefore, an energy strategy in line with condition nos. 4 and 5 will have no implications for likely significant effects on European Sites, or for the conclusion of the NIS which remain 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"* (Section 4.6, NIS).