

Response to Submissions

Proposed Herbata 110kV Substation

An Coimisiún Pleanála Case Number: 323929

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Contents

1	Introduction.....	2
1.1	Structure of this Response Report	2
2	Summary of Proposed Development	3
2.1	Background	3
2.2	Need for the Proposed Development.....	4
2.3	Proposed Development	5
3	Response to Submissions	7
3.1	Transport Infrastructure Ireland	7
3.1.1	National Roads Guidelines	7
3.1.2	Road Mitigation for Data Centre Application	7
3.2	Department of Housing, Local Government and Heritage.....	8
3.2.1	Archaeology Requirement	9
3.3	Uisce Éireann	11
3.3.1	Water / Wastewater Connection	11
3.3.2	UÉ Recommendations	11
3.4	Kildare County Council	13
3.4.1	Relevant National, Regional and Local Policies	13
3.4.2	Drainage Facilities and Flooding.....	21
3.4.3	Landscape Status and Visual Impact.....	21
3.4.4	Road Network Capacity and Safety	22
3.4.5	Site Environmental Carrying Capacity.....	22
3.4.6	Community Gain	22
3.4.7	Development Contributions and Special Contribution Conditions.....	23
3.4.8	Recommendations of all Relevant KCC Departments.....	23
3.4.9	Planning Note - Site Layout	23
3.5	KCC Internal Reports.....	26
3.5.1	Transport Mobility and Open Spaces Department.....	26
3.5.2	National Roads Office.....	31
3.5.3	Environment Department.....	31
3.5.4	Heritage Unit.....	36
3.5.5	Fire Service	36
4	Summary and Conclusion.....	37

Figures

Figure 2-1:	KCC and SID Applications (Source: RKD)	4
Figure 2-2:	Proposed Site Layout (Source: RKD).....	6

Appendices

- Appendix A** Letter from An Coimisiún Pleanála
- Appendix B** TII Submission to Data Centre Campus
- Appendix C** Drawing No. 2231-DOB-ZZ-ZZ-DR-C-0350
- Appendix D** Drawing no. BSM-ZZ-ZZ-DR-L-0301
- Appendix E** Bat Derogation Licence

1 Introduction

RPS, West Pier Business Campus, Dún Laoghaire, County Dublin, A96 N6T7, is instructed by the Applicant, Herbata Limited (Herbata) to submit this response to submissions made to An Coimisiún Pleanála (ACP) in relation to the proposed Strategic Infrastructure Development (SID) application under **ACP Case Number ACP- 323929-25** for the proposed Herbata 110kV Substation which comprises of the construction of a 110kV GIS grid substation, the undergrounding of existing 110kV transmission line and ancillary development, located in the townland of Halverstown, Naas, County Kildare.

A total of 4 no. submissions in relation to the SID application were received and subsequently provided to Herbata by ACP. In this regard, we refer to the enclosed letter (see **Appendix A**) received from ACP, dated 13th February 2026 which invites the applicant to respond to the submissions. Submissions were made by Kildare County Council (KCC), Transport Infrastructure Ireland (TII), Uisce Éireann (UÉ) and the Department of Housing, Local Government and Heritage (DHLGH).

This Response Report sets out the Applicant's response to each of the submissions received in order to assist ACP in their consideration of the SID application and includes references to the documentation submitted by the Applicant as part of the SID application where relevant.

1.1 Structure of this Response Report

This Response Report is set out as follows:

Section 1: Introduction

Section 2: Summary of Proposed Development

Section 3: Response to Submissions

Section 4: Summary and Conclusions

2 Summary of Proposed Development

2.1 Background

The subject development comprising a substation and ancillary electrical infrastructure is necessary to provide for the development of an associated data centre. In this regard, the overall development includes two main elements with a separate statutory development consent process for each of these elements, with which Herbata must comply, namely:

- a) The substation (subject application), comprising a grid substation and 110kV transmission connection. These elements are subject of the SID application to ACP (**ACP- 323929-25**), and that application is referred to hereafter as “*the Substation Application*” or the “*proposed development*” throughout this Response to Submissions Report; and,
- b) 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 a planning application submitted to Kildare County Council (KCC) (**Reg. Ref. 2460787**) which is referred to hereafter as “*the Data Centre Application*”. KCC issued a decision to grant planning permission for the Data Centre Application on 20th August 2025, subject to 77 no. conditions. The Data Centre Application has been subject to first and third party appeals and is currently under consideration *de novo* by ACP under case reference **ACP-323677-25**

collectively called the “Project”.

The extent of the two applications is shown in **Figure 2-1**. It can be seen that the two applications overlap (*inter alia* where undergrounding the existing 110kV transmission line) and are integrated and consistent.



Figure 2-1: KCC and SID Applications (Source: RKD)

2.2 Need for the Proposed Development

The proposed development is made up of two elements, the first being a new node on the Irish electricity grid at Naas, which will be handed over and be operated by EirGrid as the Transmission System Operator (TSO); the second element will comprise the transformation to a lower voltage to enable distribution to the associated data centre development.

The purpose of the proposed electricity grid substation is therefore:

- To allow EirGrid in the future to use the spare circuit breakers provided within the new grid substation to feed further capacity in the Naas/Kildare area. The proposed 8-bay substation format provides 4 bays as spare for future development in and around the Naas area.
- To allow the generation provided for the data centre development to export power to the Irish Electricity Grid as and when required.
- To allow the battery storage provided for the data centre site to provide frequency stability to the Irish Electricity Grid as and when required.
- To allow the data centre site to draw new renewable power from the grid.

In this regard, the proposed development shall enhance the local electricity transmission network and is designed to support current power demand and future growth within the area inclusive but not limited to the power requirements for the Applicant’s application for planning permission for the

proposed data centre facility development which is currently under consideration *de novo* by ACP on appeal.

2.3 Proposed Development

The Substation Application consists of the following:

- 110kV GIS Building/Grid Substation Control Building c. 1,252sqm and c. 15.5m in height;
- 4 no. medium voltage (MV) output switch rooms (each MV will be c. 5.5m in height and c. 84sqm in area);
- 4 no. 110kV dual output step down transformers (5.7m in height) separated by isolators;
- 1 no. dropdown tower (maximum 17m in height);
- Upgrade of an existing tower;
- Undergrounding of a 110kV transmission line, including section under R409;
- Removal of 2 no. existing wooden polesets;
- Internal Road Layout;
- Boundary Fences and landscaping;
- Underground Services (Watermain, Surface Water, Foul, Power); and
- All associated site services and ancillary works.

The site area for the proposed works is 3.15ha. The site layout is shown in **Figure 2-2** below.

It should be noted that the proposed development is integrated with the associated data centre development. The water, wastewater and surface water servicing of the proposed substation ties into data centre campus services.

An existing overhead 110kV transmission circuit currently enters the site from the north and west sides of the development site. The proposed underground 110kV cable circuit will run between the existing tower, the proposed 110kV GIS grid substation and the proposed line/cable (L/C) dropdown tower. There are proposed upgrades to the existing tower to facilitate the underground 110kV cable. The obsolete sections of the existing overhead 110kV lines between the existing tower and the proposed dropdown tower including the 2 no. existing wooden polesets will be removed from the site.

Of note when considering the submissions made by TII, UE, DHLGH and KCC are the following:

- The proposed substation will be accessed via the data centre campus access and internal road network. No new access to the public road network is proposed.
- The landscaping proposed as part of the substation application includes the retention and protection of the existing hedgerow along the western boundary and additional landscaping within the SID boundary.
- The EIAR (and EIAR Addendum) did not identify any heritage assets within the SID application site.

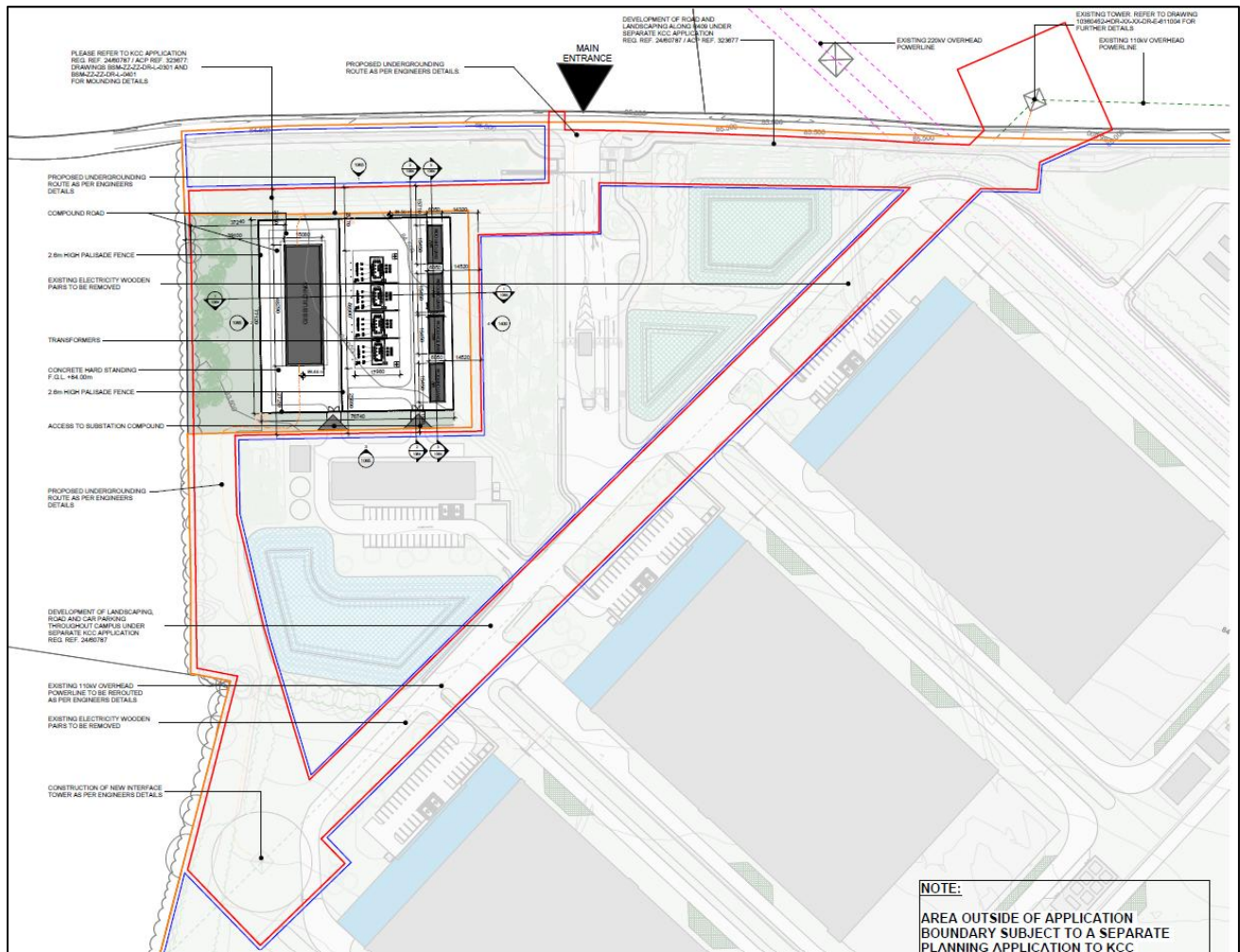


Figure 2-2: Proposed Site Layout (Source: RKD)

3 Response to Submissions

Following the submission of the substation application to ACP on the 4th December 2025, there was a period of seven weeks (excluding the period between the 24th day of December and the first day of January, both days inclusive) of public consultation which ended on 6th February 2026.

During that time period, ACP received 4 no. submissions in regard to the proposed development. Following receipt of these submissions ACP, in a letter dated 13th February 2026, invited the applicant to make a submission on the observations received in relation to the application (see **Appendix A**). Set out below is the Applicant's response to each of the submissions received by ACP.

3.1 Transport Infrastructure Ireland

TII made a submission dated 4th February 2026 to ACP. The submission notes that TII observe no direct interactions with the national road network by the proposed development. The TII submission does not make any recommendations with regard to permitting the proposed development or the attaching of any conditions to a grant of permission.

The following sections respond to the statements / items raised in the submission.

3.1.1 National Roads Guidelines

TII requested that ACP have regard to the provisions of Chapter 3 of the DoECLG *Spatial Planning and National Roads Guidelines* in the assessment and determination of the subject planning application.

Applicant Response

In response to the above, to assist ACP we confirm that the provisions of Chapter 3 *Development Management and Roads* of the DoECLG *Spatial Planning and National Roads Guidelines* have been considered in the design of the subject site and in preparation of the SID application. However, the proposed development is not located on a National Road and is not accessed directly off the public road (R409). As noted in TII's submission the substation application does not directly interact with a National Road and is accessed via the adjacent Data Centre site. Any traffic generated by the proposed development at the operational stage is negligible. Therefore, the Substation Application while not subject to the *Spatial Planning and National Roads Guidelines* is consistent with the guidelines.

The proposed development site is accessed via the adjacent Data Centre site which is the subject of an appeal and is being considered *de novo* by ACP under ref. **ACP-323677-25** (Kildare County Council Reg. Ref. 2460787). Chapter 12 of the EIAR assesses the traffic and transport impacts of the Project including the substation. A *Transport Assessment* (TTA) and *Road Safety Audit* (RSA) for the public road elements of the proposed Data Centre have been submitted as part of the Data Centre Application, and with the SID application as Appendix 12.1 and Appendix 4.2 J, respectively of the EIAR.

3.1.2 Road Mitigation for Data Centre Application

The TII submission notes that:

“the above proposed development is intended to serve an adjoining proposed data centre development that is the subject of current appeal under ref. ACP-323677-25 (Kildare County Council Reg. Ref. 2460787). In submissions to the planning application and appeal of the adjacent proposed data centre development TII identified direct and indirect interactions with the national roads network that require mitigation.

Applicant Response

As set out in the TII submission and explained above, the proposed development is linked to a data centre which was granted permission by KCC and is currently being considered *de novo* on appeal by ACP (**ACP Ref. 323677-25**). In the context of the Data Centre Application, TII prepared a submission, dated 17th July 2025 (included in **Appendix B**), following receipt of the Applicant's response to a Request for Further Information (RFI) in relation to the Data Centre Application, which is the submission identified by TII in its submission on the proposed development

Section 3 of that submission made a recommendation relating to the preparation of a final Construction Environmental Management Plan (CEMP) including a Construction Traffic Management Plan (CTMP) to be submitted for the written agreement of KCC prior to the commencement of the data centre development. The recommendation provided details of items to be addressed in the final CEMP / CTMP. These recommendations were included by KCC as part of Condition 53 to its decision to grant planning permission for the Data Centres, which decision is currently being considered *de novo* on appeal by ACP (**ACP Ref. 323677-25**).

In that regard, it is important to note that a detailed CEMP (included as Appendix 4.5 of the EIAR) and CTMP (included as Appendix 4.6 of the EIAR) have been prepared and were submitted with both the Data Centre Application and the application for approval of the proposed development. This CEMP and CTMP will be updated and finalised by the Contractor who is undertaking the works, consistent with the documents prepared and submitted as part of the application, and including project/construction programme/ methodology specific details.

Obviously, the inclusion of a condition such as that recommended by TII is a matter for the consideration of ACP in the context of the Data Centre Application. However, the Applicant has reviewed Condition 53 attached to the KCC decision to grant planning permission and notes that it reflects normal construction practice and that the matters set out in that condition would be addressed in any event by the appointed contractor when updating and finalising the CEMP and CTMP. The condition is therefore reasonable in the context of the Data Centre Application, and the Applicant confirms that it will be addressed through planning compliance should ACP retain this condition in any future grant of permission to be issued under the separate ongoing appeal (ACP-323677-25).

3.2 Department of Housing, Local Government and Heritage

A submission prepared by the DHLGH Development Applications Unit dated 6th February 2026 was received by ACP. The submission notes that an Archaeological Impact Assessment (AIA) informed by an advance archaeological geophysical survey was carried out in relation to the proposed development by John Cronin and Associates.

The submission also notes that advance archaeological test excavation has not been undertaken and therefore recommends a series of conditions to be attached to any grant of permission that may be issued. These are detailed and responded to below.

Applicant Response

In response to the above, while noting that advance archaeological test excavation has not been undertaken, we confirm that a geophysical survey and a walkover survey of the entire site was completed as a means to identify any potential unknown features and define the extent of the known (Fulacht Fiadh) without disturbance.

The comprehensive geophysical survey was successful in identifying the presence and extents of both known heritage features which appropriately informed the cultural heritage assessment within the EIAR and EIAR Addendum (See Chapter 10 *Cultural Heritage*).

3.2.1 Archaeology Requirement

Archaeological Requirement 1

“All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 10 of the EIAR (date June 2024) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.”

Applicant Response

We confirm that all such mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 10 of the EIAR (date June 2024) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of any approval.

Archaeological Requirement 2

“The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out a pre-development Archaeological Test Excavation for all areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the Department, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works.

a. The archaeologist shall liaise with the Department to establish the appropriate scope of the Archaeological Test Excavation to adequately characterise the character and extent of any potential sub-surface archaeological material within the development site.

b. The report on the Archaeological Test Excavation shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation insitu, preservation by record (archaeological excavation) and/or monitoring may be required.

c. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department, shall be complied with by the developer.

d. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority.”

Applicant Response

The requirements set out in this condition (including licencing of works and test excavations under archaeological supervision) are consistent with the mitigation measures set out within the archaeological assessment as set out in Chapter 10 of the EIAR and EIAR Addendum and with standard practices. We confirm that should this condition be attached to a grant of permission by ACP it is acceptable and we further confirm that it will be addressed as part of normal planning compliance.

Archaeological Requirement 3

“A suitably qualified archaeologist shall be retained to advise on, and establish appropriate Exclusion Zones around the external-most elements of vulnerable Heritage Assets located within the development site (as identified in Chapter 10 of the EIAR or by any subsequent investigations associated with the project).

a. *Exclusion Zones shall be fenced off or appropriately demarcated for the duration of construction works in the vicinity of the monuments. The location and extent of each Exclusion Zone and the appropriate methodology for fencing off or demarcating at each location shall be agreed in advance with the Department and the planning authority.*

b. *No groundworks of any kind (including but not limited to advance geotechnical site investigations) and no machinery, storage of materials or any other activity related to construction will be permitted within Exclusion Zones.”*

Applicant Response

The EIAR and EIAR Addendum did not identify heritage assets (either previously recorded or arising from the geophysical survey) within the SID application site boundary. No exclusion zones or buffers are proposed within the SID Application site boundary in respect of heritage assets referenced within Chapter 10 of the EIAR and Addendum to the EIAR. These matters are relevant to the wider site within the data centre application boundary and are not relevant as presently understood for the substation site. However, in the event of previously unknown heritage assets being identified by subsequent archaeological investigations, the use of exclusion zones can be applied to features that may be found during any subsequent investigations associated with the project. In this regard, the application of this condition is deemed entirely acceptable and broadly consistent with the mitigation measures included within the EIAR and Addendum to the EIAR.

Archaeological Requirement 4

“The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 10 of the EIAR and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.”

Applicant Response

The CEMP (included as Appendix 4.5 of the EIAR) fully reflects the detailed mitigation measures set out in Chapter 10 of the EIAR. Furthermore, the likely archaeological impacts of the proposal have been set out and assessed within the EIAR. Should this condition be attached to a grant of permission by ACP, it is acceptable, and we confirm that it will be addressed as part of normal planning compliance and the CEMP will be updated and finalised by the appointed contractor to include the requested information and ensure consistency with the requirements set out in *Archaeological Requirements 1 – 4 above*.

Archaeological Requirement 5

“The planning authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.”

Applicant Response

In response to the above, we confirm this requirement has been committed to in the EIAR. Section 18.7.3 of the EIAR notes that a preliminary report on the archaeological excavations will be submitted to the National Monuments Service, the National Museum of Ireland and the Planning

Authority which will clearly describe the results of all archaeological works in written, mapped and photographic formats. Following the completion of all required post-excavation analyses, including environmental, artefact studies and dating, a final report on the excavations will be submitted to the above bodies. Therefore, this condition is not considered necessary.

3.3 Uisce Éireann

A submission prepared by UÉ dated 3rd February 2026 was received by ACP. The UÉ submission does not make any recommendations with regard to permitting the proposed development or the attaching of any conditions to a grant of permission. The submission does make an observation on the documents included in the application and a recommendation on the protection of water and wastewater facilities.

The following sections respond to the items raised in the UÉ submission.

3.3.1 Water / Wastewater Connection

The UÉ submission notes the Applicant has not included a proposal for a new water / wastewater connection in this proposed development application and that it is anticipated that there will be no adverse impact on any assets or sources belonging to UÉ.

Applicant Response

The application documentation includes drawing no. 2231-DOB-ZZ-ZZ-DR-C-0350 - *Proposed Foul and Watermain Layout – SID Area* and a *Planning Engineering Report ESB Substation SID* (the Engineering Report) which show and detail the proposed water and wastewater connection. As stated in the Engineering Report with regard to wastewater:

“The proposed foul strategy will be to provide a new local foul drainage network to collect effluent from the substation building and from the MV room gullies and discharge from the Substation site into the adjacent Herbata Data Centre foul drainage network as indicated on engineering drawing 2232-DOB-ZZ-ZZ-DR-C-0350 which conveys flows to a pumping station located on the site and discharges, via a rising main to the existing public foul drainage network located in the L2030 road to the south of the site.”

The Engineering Report states with regard to water:

“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.”

For convenience, a copy of the previously submitted drawing no. 2231-DOB-ZZ-ZZ-DR-C-0350 - *Proposed Foul and Watermain Layout – SID Area* is enclosed in **Appendix C**.

It is also noted that a pre-connection enquiry was previously submitted to UÉ with respect to the proposed development and a Confirmation of Feasibility (CoF) was received from UÉ. The CoF noted that both the water and wastewater proposals for the development were *“Feasible without infrastructure upgrade by Uisce Éireann”*. A copy of the CoF was included in Appendix E of the Planning Engineering Report submitted with the application.

3.3.2 UÉ Recommendations

The UÉ submission states that, *“To ensure adequate provision and protection of water and wastewater facilities, Uisce Éireann recommends the following;”*

Recommendation 1

“Where the applicant seeks a connection to the public network, the applicant shall enter into a connection agreement with Uisce Éireann prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.”

Applicant Response

In response to the above, the Applicant confirms that they will apply for and enter into a connection agreement with UÉ prior to commencement of the development and adhere to the standards and conditions set out in that agreement. As noted in **Section 3.3.1**, it is also noted that a pre-connection enquiry was previously submitted to UÉ with respect to the proposed development and a CoF was received from UÉ (please refer to **Section 3.3.1** for further detail).

Recommendation 2

“There shall be no build over of public infrastructure from these proposals. Separation distances as per Uisce Éireann’s Standards Codes & Practices shall be achieved where public infrastructure is in situ within and/or adjacent to site boundaries.”*

Applicant Response

In response to the above, the Applicant confirms that there is not intended to be and will not be any build over of public infrastructure from these proposals. Separation distances as per UÉ’s Standards Codes and Practices shall be achieved where public infrastructure is in situ within and/or adjacent to site boundaries.

Recommendation 3

*“The development shall not impact public drinking water sources and/or abstraction point(s) and/or abstraction infrastructure**.”*

Applicant Response

In response to the above, the Applicant confirms the development shall not impact public drinking water sources and/or abstraction point(s) and/or abstraction infrastructure.

Recommendation 4

“The design and construction of the Water & Wastewater pipes and related infrastructure to be installed in this Development shall comply with the Uisce Éireann Connections and Developer Services Standard Details and Codes of Practice.”

Applicant Response

In response to the above, the Applicant confirms that the design and construction of the water and wastewater pipes and related infrastructure to be installed in the proposed development shall comply with the Uisce Éireann Connections and Developer Services Standard Details and Codes of Practice.

3.4 Kildare County Council

A submission prepared by KCC dated 6th February 2026 was received by ACP. KCC granted permission for the associated Data Centre Application on 20th August 2025, subject to 77 no. conditions which is currently being considered *de novo* by ACP on appeal.

The KCC submission notes that, *“It is the Planning Authority’s view that the proposed works are required to facilitate the Data Centre development.”* Implicit in the granting of permission for the Data Centre Application is the clearly understood requirement for a substation to facilitate the data centre and therefore it would seem that KCC are in principle agreeable to the granting of approval for the proposed development. This is re-enforced by a number of KCC internal sections making recommendations in regard to conditions to be attached to a future approval (See **Section 3.5**).

The KCC submission does raise a number of specific items which we have detailed and responded to below.

3.4.1 Relevant National, Regional and Local Policies

The KCC submission identifies statutory planning policy documents and specific policies relevant to and supportive of the proposed development at national, regional and local level. The statutory policies are noted below, including any quoted policies or objectives.

- *Large Energy Users Connection Policy*
 - The KCC Submission notes this policy will apply to all new connection applications under the scope of the decision.
- *Climate Action Plan 2025 (CAP 25)*
 - The KCC Submission notes that as per CAP 25, a renewables-led system is at the core of Ireland’s plan to radically reduce emissions in the electricity sector, protect our energy security, and ensure our economic competitiveness and therefore requires the accelerated and increased deployment of new renewable electricity generation capacity and related infrastructure.
- *Ireland’s Integrated National Energy and Climate Plan 2021-2030*
 - The KCC Submission notes this policy seeks to implement energy actions under the Government Statement on the Role of Data Centres in Ireland’s Enterprise Strategy (2022) to ensure that large demand connections are regionally balanced to minimise grid reinforcements.
- *National Planning Framework (First Revision) 2025*

The KCC submission notes the following objectives.

 - *NSO 6: A Strong Economy Supported by Enterprise, Innovation and Skills*
 - *NSO 8: Transition to a Carbon Neutral and Climate Resilient Society*
 - *National Policy Objective 70: Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a climate neutral economy by 2050.*
 - *National Policy Objective 71: Support the development and upgrading of the national electricity grid infrastructure, including supporting the delivery of renewable electricity generating development.*
- *Regional Spatial and Economic Strategy 2019-2031 (RSES)*

The KCC submission notes the following objectives.

- *Regional Policy Objective 8.25: Local Authorities shall support the national objective to promote Ireland as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities at appropriate locations.*

– *Kildare County Development Plan 2023-2029*

The KCC submission notes the following objectives.

- *Policy EC P19: Support the development, reinforcement, renewal and expansion of the electricity transmission and distribution grid to provide for the future physical and economic development of Kildare. Such projects shall be subject to AA screening and where applicable, Stage 2 AA. The developments will have regard for protected species and provide mitigation and monitoring where applicable.*
- *Policy RE P11 and EC P18: 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.*
- *EC O65: Support the reinforcement and strengthening of the electricity transmission and distribution network, including the installation of Battery Energy Storage System plants 2, Synchronous Condenser plants, and associated dispatchable power plants associated with high energy users, to facilitate planned growth and transmission/distribution of a renewable energy focused generation, at appropriate locations and in consultation with relevant stakeholders, where they are adjacent and/or proximate to the grid network.*
- *EC O66: Facilitate the delivery of necessary integration of transmission network requirements to allow linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner.*

– *Naas Local Area Plan 2021-2027*

- *The KCC submission notes the site is Zoned Objective P – Data Centre in the Naas Local Area Plan 2021-2027 – To provide for Data Centre development and their associated infrastructure only. Data Centre is Permitted in Principle Utility Structures are Open for Consideration.*

The KCC submission notes the following objectives.

- *Objective EDO 1.12: (a) Facilitate the location of Data Centre development on land designated P: Data Centre at Caragh Road South and Jigginstown for the identified land use only subject to appropriate environmental assessments, heat mapping, transport impact assessments and consideration of the cumulative impact on the electricity network supply capacity and targeted reductions in greenhouse gas emissions. (b) Any data centre project will be required to include measures to generate energy*

(sustainable, 56 then renewable⁵⁷ in the first instance) on site as part of the overall development proposal.

- *Objectives WH 1.1 (District heating), WH 1.2 (Energy Analysis) and IO 1.4 (Water supply, AA) also refer to Data Centres.*

Applicant Response

The policies and objectives quoted or cited by KCC in their submission support the development of data centres at appropriate locations and support the transition to a renewables-led system. This is consistent with KCC's decision to grant permission, subject to conditions, for the Data Centre Application which forms part of the overall Project that was considered and assessed for EIA and AA purposes. All of the policy documents cited in the KCC submission have been considered in some detail in Section 7 of the *Planning Report* submitted to ACP as part of the SID application.

For the convenience of ACP, the manner in which the proposed development accords with the policy documents referenced by KCC is again briefly summarised below.

3.4.1.1 Large Energy Users Connection Policy

The *Large Energy Users Connection Policy – Decision Paper* (the Decision Paper) was published by the Commission for Regulation of Utilities (CRU) on 12th December 2025. The Substation Application was submitted to ACP on 4th December 2025, before the publication of the Decision Paper. Consequently, the application considered only the *Large Energy Users Connection Policy – Proposed Decision Paper*.

The purpose of the Decision Paper is to set out a potential pathway for connection applications for new data centre customers to the electricity grid with due regard to security of supply and network constraints while minimising, where possible, potential impacts on national renewable energy targets and carbon emissions.

The Decision Paper sets out a range of criteria which inform connection to the grid and are tiered according to size of data centre.

Key criteria include:

- **80% Renewable Requirement:** Data centres above 1 MVA and above 10 MVA, which includes the proposed data centre development, must meet at least 80% of their annual electricity demand from additional (new) renewable generation in Ireland.
- **New, large data centres** must install dispatchable, market-participating, onsite or proximate generation/storage to match their maximum import capacity.
- **Locational Constraints:** Connections in "constrained" regions (notably Greater Dublin, but also Cork, Galway, Limerick, and Waterford) may be refused if they exacerbate grid pressure.

It is noted that there is reference to the Systems Operators (EirGrid in this case) being required to publish a connection agreement process by 31st March. Details of the connection agreement process have yet to be published by EirGrid.

The Data Centre Application and indeed the connected Substation Application comply with the criteria set out in the Decision Paper by sourcing energy from renewable energy generators within Ireland on an additionality basis, whilst also supporting the TSO (Eirgrid) in its objective of maintaining a good level of Security of Supply by the provision of dispatchable generation. Herbata have committed to sourcing new additional renewable energy using CPPAs. In addition, all of the on-site generation will be connected to the grid and be available to the TSO. Herbata confirms that it will follow the prescribed process in seeking to connect with the grid at the appropriate time and when this process is made public, expected at the end of March 2026.

3.4.1.2 Climate Action Plan 2025 (CAP 25)

As noted in KCC's submission, CAP 25 provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050. The KCC submission also notes that a renewables-led system is at the core of Ireland's plan to radically reduce emissions in the electricity sector, protect our energy security, and ensure our economic competitiveness. This requires the accelerated and increased deployment of new renewable electricity generation capacity and related infrastructure.

The proposed development enhances the local electricity grid and will have the flexibility to facilitate the export of energy to the national grid if and when required. We refer to Section 7.1.3 of the *Planning Report* prepared by RPS and submitted with the SID application for further detail.

The climate impacts of the Data Centre Application and the Substation Application are considered and assessed fully in Chapter 16 of the EIAR and the EIAR Addendum which is before ACP. The Substation provides for the connection between the data centre application and the national grid and therefore is an essential part of the overall energy strategy, including facilitating the use of renewables to power the data centre. The Data Centre Application and the Substation Application are consistent with a trajectory towards net zero and therefore align with and support national decarbonisation targets.

3.4.1.3 Ireland's Integrated National Energy and Climate Plan 2021-2030

Ireland's *National Energy and Climate Plan 2021-2030* (NECP) was prepared to incorporate all planned policies and measures that were identified up to the end of 2019, which collectively deliver a 30% reduction by 2030 (from 2005 levels) of non-emissions trading system (ETS) greenhouse gas emissions.

In accordance with the NECP, the proposed development will deliver enhanced transmission infrastructure. Further the associated proposed data centre development will not be reliant upon existing electricity generation to power the proposed data centre. The proposed data centre is proposed to be powered by on-site renewable electricity generation (solar PV), renewable electricity procured through CPPAs from new renewable energy generators, and highly efficient onsite gas turbines. Further, where the proposed data centre operates in accordance with conditions 4, 5 and 6 of KCC's decision to grant planning permission (if those conditions are retained in any grant of permission from ACP), from 2030 onwards 100% of the energy demand of the proposed data centre (where not supplied by on-site solar PV) will be procured through CPPAs from new renewable energy generators. The connection to the electricity grid will enable the delivery of the electricity procured through the CPPAs to the proposed development and the on-site generation to be exported to the grid.

The KCC submission highlights the implementation of the NECP to ensure that large demand connections are regionally balanced to minimise the need for grid reinforcements. In accordance with this, we note that the Substation and associated data centre are located in County Kildare in an area to benefit from planned grid upgrades on a site zoned for a data centre (see **Section 3.4.1.7**). The Kildare-Meath Grid Upgrade (or Capital Project 966) will add a high-capacity 400kV underground electricity connection between Dunstown substation in Co. Kildare and Woodland substation in Co. Meath. The upgrade will enhance electricity transmission within Meath, Kildare and surrounding counties. Planning permission for this project was granted in March 2025 by ACP under **ABP-316372-23**.

3.4.1.4 National Planning Framework (First Revision) 2025

The *National Planning Framework First Revisions* (NPF First Revision) sets out the overall national planning policy objectives and targets for the country over the next 20 years. Ten National Strategic Outcomes (NSOs) articulate the primary objectives of the NPF First Revision, while National Policy Objectives (NPOs) outline more precise ambitions and targets.

As noted in KCC's submission, the NPF First Revision includes: "*it is imperative that the national grid is developed and upgraded to accommodate increasing levels of demand and supply*". The proposed development directly enhances the national electricity grid infrastructure.

As set out in KCC's submission, the overall Project being the Data Centre Application and the Substation Application is supported by a number of policies including:

- "NSO 6 - A Strong Economy Supported by Enterprise, Innovation and Skills
- NSO 8 - Transition to a Carbon Neutral and Climate Resilient Society
- National Policy Objective 70
- National Policy Objective 71"

The Substation Application contributes to the fulfilment of these strategic outcomes and objectives through the delivery of enhanced transmission infrastructure supporting the development of the surrounding area. The proposed substation also supports the development of the adjacent data centre campus, which makes provision for on-site renewable energy production and on-site energy storage. The Substation Application also supports the use of CPPAs which will enable new and additional sustainable sources of energy generation to serve the data centre. The remaining energy requirement (up to 50% of the total energy demands of the proposed data centres) shall be met by gas, a transitional fuel, from the national gas grid. However, where the proposed data centre operates in accordance with conditions 4, 5 and 6 of KCC's decision to grant planning permission (if those conditions are retained in any grant of permission from ACP), from 2030 onwards 100% of the energy demand of the proposed data centre (where not supplied by on-site solar PV) will be procured through CPPAs from new renewable energy generators. The Data Centre Application is currently under consideration *de novo* by ACP on appeal under case reference **ACP-323677-25**.

While not referenced in the KCC submission, it is also relevant that the NPF First Revision identifies district heating as an NPO:

"National Policy Objective 68 - Support the growth and development of efficient district heating, electrification of heating, and utilisation of geothermal energy".

The Data Centre Application includes proposals specifically to facilitate the delivery of low temperature waste heat that could be connected to a future district heating system in Naas.

The proposed development accords fully with NPF policies and objectives.

3.4.1.5 Regional Spatial and Economic Strategy 2019-2031 (RSES)

The Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES) outline the spatial and economic policies and targets for the region. The RSES is a strategic plan and investment framework to shape the future development of the region to 2031 and beyond.

As identified in the KCC submission, the RSES supports the development of data centres:

- "**RPO 8.25: Local authorities shall Support the national objective to promote Ireland as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities at appropriate locations.**"

The Substation Application accords with the above objective as it supports the development of the data centre campus.

As identified in the KCC submission, a guiding principle included in the RSES includes alignment with the national strategy and approach for data centres, that is – right location for use and energy demand.

In accordance with the above, the Substation Application supports the development of the adjoining Data Centre Application (which is currently under consideration *de novo* by ACP on appeal under case reference **ACP-323677-25**) on a site zoned for a data centre (see **Section 3.4.1.7**). The proposed data centre is proposed to be powered by on-site renewable electricity generation (solar

PV), renewable electricity procured through CPPAs from new renewable energy generators, and highly efficient onsite gas turbines. Further, where the proposed data centre operates in accordance with conditions 4, 5 and 6 of KCC's decision to grant planning permission (if those conditions are retained in any grant of permission from ACP), from 2030 onwards 100% of the energy demand of the proposed data centre (where not supplied by on-site solar PV) will be procured through CPPAs from new renewable energy generators.

The KCC submission also notes that data centres are a source of waste heat and the RSES support the micro-generation, geothermal energy, district heating, storage of heat and energy and the role of the electricity transmission and distribution network.

In accordance with the above, the Data Centre Application includes proposals specifically to facilitate the delivery of low temperature waste heat that could be connected to a future district heating system in Naas.

Further to the above, the RSES also provides support for the enhancement of the national electricity transmission grid in line with RSES objectives which are not referenced in the KCC submission, including:

- *“RPO 10.20: Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This Includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.*
- *“RPO 10.22: Support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission/ distribution of a renewable energy focused generation across the major demand centres to support an island population of 8 million people.”*

The Substation Application contributes to the fulfilment of these objectives through the delivery of enhanced transmission infrastructure supporting the resilience of the network, and the increased usage of renewable sources in electricity generation.

Naas is designated as a key town within the RSES and there is clear support for the growth and development of the town. The upgrade of electricity infrastructure underpins this growth:

- *“RPO 4.51: Strengthen the local employment base including through the development of MERITS, Millennium Park in the North West Quadrant and the regeneration of underutilised lands including industrial lands in the northeast of the town.*
- *“RPO 4.53: Support an enhanced role and function of Naas as the County town of Kildare, particularly as a hub for high quality employment, residential and amenities”.*

The delivery of enhanced transmission infrastructure supports the development of Naas and the North West Quadrant in addition to supporting the adjoining data centre buildings which are subject to the Data Centre Application (which is currently under consideration *de novo* by ACP on appeal under case reference **ACP-323677-25**). The overall Project will directly support the generation of c. 225 no. jobs in the ICT sector at the proposed data centre campus, and the Substation Application will also support employment more widely through the provision of an enhanced local electricity transmission network.

The proposed development accords fully with RSES policies and objectives.

3.4.1.6 Kildare County Development Plan 2023-2029

The *Kildare County Development Plan 2023-2029* (the Development Plan) serves as the key planning policy document for the County and includes policy objectives and development standards.

The Development Plan supports economic development, enhancement of electrical infrastructure and the provision of data centres within the county.

As noted in the KCC submission, Chapter 7 of the Development Plan relates to Energy & Communications. Chapter 4 of the Development Plan relates to Resilient Economy & Job Creation. Of particular relevance, we note the following policy and objectives which have been referenced in the KCC submission:

- **“Policy EC P18 and Policy P11:** *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.”*
- **“EC P19:** *Support the development, reinforcement, renewal and expansion of the electricity transmission and distribution grid to provide for the future physical and economic development of Kildare. Such projects shall be subject to AA screening and where applicable, Stage 2 AA. The developments will have regard for protected species and provide mitigation and monitoring where applicable.”*

The KCC submission also quotes in full a number of objectives including EC O65 and EC O66 which support the delivery of Battery Energy Storage System and grid enhancements to enable linkages of renewable energy proposals. The proposed development directly delivers or supports the delivery of infrastructure in accordance with these objectives.

The Development Plan also sets out a number of other objectives which support the Substation Application, including:

- **“EC O64:** *Support and safeguard the efficient and reliable supply of electricity to all homes and businesses in County Kildare”.*
- **EC O70:** *Facilitate the development of grid reinforcements including grid connections and a trans-boundary network into and through the county and between all adjacent counties. Such projects shall be subject to AA screening and where applicable, Stage 2 AA. The developments will have regard for protected species and provide mitigation and monitoring where applicable.”*
- **“RE O14:** *Work with EirGrid and ESB Networks to support the provision of a resilient electricity supply and distribution system to accommodate the future economic growth of the county and to facilitate the transition of heat and transport from fossil fuels to electricity”.*
- **“RE O1:** *Facilitate and support the growth of the economy in Kildare and the Greater Dublin Area in a sustainable manner, and in accordance with the Regional Spatial and Economic Strategy”.*
- **“RE O22:** *Promote the Key Town of Naas as a primary centre of high-quality employment in the County so that its significant residential population will have employment opportunities within easy distance of their homes, thereby reducing outbound commuting.”*

The proposed development enhances the local electricity grid and will have the flexibility to facilitate the export of energy to the national grid if and when required. The delivery of enhanced transmission infrastructure supports the development of Naas and the North West Quadrant in addition to supporting the adjoining Data Centre Application (which is currently under consideration by ACP de novo on appeal under case reference **ACP-323677-25**) on a site zoned for a data centre (see **Section 3.4.1.7**). The overall Project will directly support the generation of c. 225 no. jobs in the ICT sector at the proposed data centre campus, and the Substation Application will also support

employment more widely through the provision of an enhanced local electricity transmission network. An NIS has also been included with the Substation Application which considered and assessed the overall Project and concluded that following an examination, analysis and evaluation of all relevant information, including in particular the nature of the predicted impacts from the Project and the effective implementation of the mitigation measures proposed, that the Project will not adversely affect (either directly or indirectly) the integrity of any European site, either alone or in combination with other plans or projects.

In regard to the above the Substation Application fully accords with the Development Plan.

3.4.1.7 Naas Local Area Plan 2021-2027

As noted in the KCC submission the subject site is zoned 'P', to provide for Data Centre development and their associated infrastructure only.

The Naas LAP fully supports the development of data centres within Naas:

“This Plan promotes Naas as a sustainable international destination for ICT infrastructures such as data centres, in line with Regional Policy Objective 8.25. Two locations have been zoned for Data Centre/Warehouse locations within this Plan. Land has been designated between Junction 10 and Junction 9a, located centrally between two of the motorway junctions. The site will be served by the local road network which would disperse traffic between motorway interchanges to reduce any impacts on the motorway network.... Naas has been chosen as a suitable location for data centre development in recognition of its status as a Key Town. 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. The Council will not consider any alternative use on these lands, other than those associated with Data Centres.”

In accordance with the above, **Objective EDO 1.12** (as quoted in the KCC submission) provides for the development of a data centre at Jigginstown.

The development of a substation at the subject site, as proposed, enables the proposed Data Centre (which is currently under consideration by ACP de novo on appeal under case reference **ACP-323677-25**) and is in accordance with policy set out in the Naas LAP.

The Naas LAP more generally supports *enterprise and employment development and the provision of district heating*. The proposed development also supports the realisation of these objectives, by proposing specifically to facilitate the delivery of low temperature waste heat that could be connected to a future district heating system in Naas.

The KCC submission references but does not provide any detail on objectives WH1.1, WH1.2 which pertain to heat waste and IO1.4 which relates to water use:

“WH 1.1: Support developments which deliver energy efficiency and the recovery of energy that would otherwise be wasted through the use of district heating systems, particularly in the Northwest Quadrant and sites designated specifically for Data Centres, ensuring such developments will not negatively impact upon the surrounding landscape, environment, biodiversity or local amenities.

“WH 1.2: Ensure that all significant development proposals on the sites, designated for Data Centres carry out an Energy Analysis and explore the potential for the development of low carbon district heating networks.”

The proposed Data Centre Application includes proposals specifically to facilitate the delivery of low temperature waste heat that could be connected to a future district heating system in Naas as is evidence in the *Feasibility Assessment - Herbata Data Centre Campus - District Heating Network*

Report prepared by HDR and included with the Data Centre Application, which is currently with ACP.

“IO 1.4: Any project which has the potential to significantly increase the demands on the water supply for the town (e.g. Data Centres) will be required to carry out an Appropriate Assessment to ascertain whether the project has the potential to cause adverse effects on the integrity of any European/Natura 2000 site. EPA and Irish Water abstraction licensing will also require Appropriate Assessment for a project which might significantly affect a European/Natura 2000 site.”

In accordance with this objective, the same NIS has been included with both the Substation Application and the Data Centre Application as it considered and assessed the overall Project

The proposed development accords with local planning policy and supports the delivery of a data centre on lands specifically zoned for this purpose.

3.4.2 Drainage Facilities and Flooding

The KCC submission notes:

“No issues pertaining to the site from surface water drainage and/or flooding perspective.... The proposed Surface Water Drainage Strategy is based on applying GSDS and SuDS best practice to provide an effective drainage design that maximises sustainability and promotes Nature-based solutions.”

Applicant Response

The Applicant welcomes the recognition by KCC that the site is not subject to flooding and that best practice surface water drainage is proposed.

3.4.3 Landscape Status and Visual Impact

The KCC submission notes that the proposed substation is located in a low sensitivity landscape area which has the capacity to generally accommodate a wide range of uses. The submission also notes the proposed substation is lower in height than the proposed data centre halls permitted by KCC. The submission further notes:

“An Coimisiún Pleanála’s attention is brought to the conditions of the permission, which is currently under appeal, and in particular the condition to reduce the size and realign some of the structures on the site. This should be considered in any decision.”

Applicant Response

The acknowledgement by KCC that the location is a low sensitivity landscape area which has the capacity to generally accommodate a wide range of uses is welcome and appropriate.

The impacts of the overall Project including both the Data Centre Application and the Substation Application on the landscape and the visual impacts have been considered in Chapter 11 *Landscape and Visual* of the EIAR and EIAR Addendum which have found that there are no predicted effects on any primary or secondary amenity area and/or scenic views; visual impacts upon viewpoints are limited at the operational stage; no significant impacts associated with glint and glare or lighting. Overall, it is concluded the wider landscape and visual resources of the Project’s surroundings have the capacity to accommodate a development of this type and scale.

This finding accords with the KCC classification of the areas as being one which can accommodate a wide range of uses.

Given the landscape and visual impact assessment of the proposed development, it is considered that there will be no material advantage in the application of conditions to reduce the size and realign some of the structures on the site.

Further, the Data Centre Application is currently under consideration *de novo* by ACP under case reference **ACP-323677-25**. There is no obligation or certainty that ACP will retain any condition as attached to the KCC grant of permission as that condition is under appeal. The attachment of conditions imposed by KCC regarding the size and alignment of the data centre to any grant of permission on a separate appeal is therefore a matter for ACP and of limited relevance to the consideration of the Substation Application from a visual perspective and has been dealt with comprehensively in the First Party Appeal.

3.4.4 Road Network Capacity and Safety

The KCC submission notes the proposed development itself does not have its own independent access from the public road and it is not a traffic generating development.

Applicant Response

The Applicant confirms this statement from the KCC submission is correct. The proposed development will be accessed via the data centre access and internal road network and will generate negligible traffic in the operational phase.

3.4.5 Site Environmental Carrying Capacity

The KCC submission notes that:

“Based on an examination of the EIAR, NIS and relevant accompanying documents, it is considered that there are no significant issues with regard to the environmental carrying capacity of the subject site.”

Applicant Response

The Applicant welcomes the recognition by KCC that there are no significant issues with regard to the environmental carrying capacity of the subject site.

3.4.6 Community Gain

The KCC submission states:

“The Planning Authority welcomes a condition pertaining to community gain. In the context of Section 182B of the Planning and Development Act 2000 (as amended), it is recommended that a condition be attached to any grant of permission requiring the developer to finance €500,000 towards the upgrade of public sports facilities and amenities at K Leisure, New Caragh Court, Jigginstown, Naas which is located approximately 1km to the east of the site and benefits the entire Naas community.”

Applicant Response

In response to the above, we note that the proposed 8-bay substation format provides 4 bays as spare for future development in and around the Naas area. Therefore, the proposed development will enhance the local electricity grid and will have flexibility to facilitate the export of energy to the national grid if and when required. Further, the project will directly support the generation of c. 225 no. jobs in the ICT sector at the proposed data centre campus, and the Substation Application will also support employment more widely through the provision of an enhanced local electricity transmission network. In this regard, we consider the proposed development will benefit the local

community. Therefore, we do not consider the attachment of this condition to any approval as being warranted.

3.4.7 Development Contributions and Special Contribution Conditions

The KCC submission provides suggested wording in relation to development contributions and confirms that there are no recommendations in regard to special contribution conditions.

Applicant Response

The applicant notes the KCC input and has no comments in relation to development contributions and special contribution conditions.

3.4.8 Recommendations of all Relevant KCC Departments

The KCC submission is informed by Internal KCC reports from the Transport, Mobility and Open Spaces Department, the Environment Section, Fire Service and the Heritage Unit. The KCC submission notes, *“there are no significant matters arising from the Internal Sections referred”*.

Applicant Response

The Applicant welcomes KCC confirming that KCC Internal Sections have identified no significant items of concern.

3.4.9 Planning Note - Site Layout

The KCC submission states:

“An Coimisiún Pleanála is advised that the data centre development site layout shall be amended as per conditions attached by KCC in its decision of 20/08/2025, under Planning Reg. Ref. 24/60787. The site layout of the data centre in the submitted documentation retains the site layout as originally proposed. This development is subject to a current appeal 323677-25. The Planning Authority is particularly concerned as relevant conditions were attached to protect the Townland boundary hedgerow and ditch network (the conditions required a reduction in the size, and realignment, of the data centre structures on the site. This should be considered in any assessment / decision.”

Applicant Response

As noted by KCC the site layout of the data centre in the submitted Substation Application documentation retains the site layout as proposed at RFI stage rather than an amended layout which would arise from the application of conditions attached to the notification of decision to grant permission issued by KCC, which is being considered de novo by ACP on appeal.

As further outlined below, the Data Centre layout as proposed at RFI stage is considered to be the appropriate layout to show in the Substation Application as it continues to be the layout proposed by the applicant and delivers very significant areas of new planting, including the planting of c. 44,000 new trees planted and 4.45ha of short meadow and 3.4ha of long meadow.

Moreover, the Data Centre Application as mentioned a number of times above is being considered de novo by ACP on appeal. The conditions referenced by KCC are the subject of a first party appeal before ACP. It is a matter entirely for the consideration of ACP to decide if the proposed layout should be altered through the attachment of condition to any future grant of permission.

Therefore, by reason of the quality of the proposed data centre layout, and the pertinent conditions being the subject of a first party appeal to ACP, it is considered appropriate that the site layout of

the data centre in the submitted substation application documentation retains the site layout as originally proposed.

For the benefit of ACP set out below is brief summation of the appropriateness of the proposed data centre layout.

3.4.9.1 Appropriateness of Data Centre Development as Proposed

As outlined in **Section 3.4.1.7** above, the subject site is zoned 'P(1) – Data Centre' in the Naas LAP. The objective of Land Use Zoning Objective 'P' is "*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 and associated infrastructure. Utility Structures are the only land use 'Open for Consideration'. The Substation Application will deliver infrastructure associated with the development of a data centre.

Data centres and the supporting infrastructure by their nature are large scale developments comprising buildings with particularly large floor areas. This inevitably impacts on existing land use and hedgerows. In zoning lands for data centre development these general impacts are known and accepted by a Planning Authority. The decision of the Planning Authority not to protect the existing hedgerows within the site was a considered and deliberate determination by the Planning Authority and is fully consistent with and supports the zoning of the lands as P1 Data Centre, which zoning as mentioned above naturally necessitates the removal of existing field and townland boundaries, and hedgerows, within the site.

The Data Centre Application accords with planning policy. The hedgerows that are proposed to be removed do not enjoy any protection in planning policy documents, and the Planning Authority in preparing the Naas LAP determined that it was not necessary to protect any of the internal hedgerows within the site of the Data Centre Application.

Notwithstanding that certain existing trees and hedgerows will require removal, the Data Centre Application as has been set out above delivers real and tangible ecological benefits, including:

- More than 44,000 new trees made up of
 - c. 5.4 ha of native woodland; (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 AIPP;
- 3.4ha long meadow to be managed in accordance with AIPP; and,
- 1.38ha of SuDS biofiltration.

In addition, in response to the concerns raised by KCC and subject to the agreement of ACP, c. 3,350 lin.m. of new, native hedgerow is now proposed as part of the First Party Appeal, to be planted within the site along the internal boundary fence lines between the proposed data centre buildings, linking the proposed ponds and linear water courses to be provided as part of the Data Centre Application. This additional native hedgerow planting is significantly in excess of the 1,440 lin.m. of additional hedgerow sought by KCC in Condition 11(c)). The addition of this additional native hedge planting is shown in the enclosed drawing no. *BSM-ZZ-ZZ-DR-L-0301 (Appendix D)* prepared by BSM will provide cover and connectivity for fauna, developing a green infrastructure network through the site.

These significant areas of new planting, grassland and wetland areas, including the extensive planting and landscaping proposals originally included in the design of the Data Centre Application, and the additional planting now proposed as part of the First Party Appeal, will provide a mosaic of habitats throughout the site, providing increased site coverage of a diverse vegetation, offsetting the loss of the townland boundary hedges which currently are in decline. The compensatory planting including areas of woodland, scrub, species rich grassland, hedgerows and SUDs features are likely to fully mitigate for the loss of foraging habitats currently supported on the site for bats.

The existing hedgerows have been carefully examined, and it has been found that all of the hedgerows within the townland boundary are Category C, with their condition being Fair/Poor and gappy in nature. In addition, the condition and categorisation of the trees and hedgerows to be removed is notable. 74% of the trees to be removed (50 no.) are Category C and U trees, with a likely lifespan of less than 10 years. The high proportion of Ash trees (63%) mean that the Ash Dieback disease is likely to cause high mortality amongst the Ash population in the coming years.

The subject townland boundaries do not enjoy any specific protection in local planning policy. No requirement to retain townland boundaries was raised at pre-planning or further information stages. The reports prepared by KCC's Heritage Officer and Ecologist in relation to the Data Centre Application do not seek the retention of the townland boundaries. Onsite surveys identified no particular ecological or cultural quality in the subject townland boundaries. All of this is evidence of the limited cultural heritage value of the existing townland boundaries and the appropriateness of the mitigation measures set out in the EIAR. Further, there is precedent for the removal of substantial sections townland boundaries in Kildare as part of a permitted data centre campus development in Leixlip, with significantly less replacement planting and landscaping proposed in that permitted development than is proposed as part of the Data Centre Application.

The Data Centre Application accords with planning policy and delivers very significant areas of native woodland (5.4ha) and native scrub planting (0.56ha) which will provide a rich habitat for wildlife and biodiversity, including bats. Further, in the context of biodiversity impacts, it is noted that the layout of the proposed data centre as proposed requires the removal of one structure that has been identified as a bat roost. A derogation licence in respect of the removal of this bat roost was issued by the NPWS on 19 January 2026 and is included at **Appendix E** to this report.

3.4.9.1.1 Cultural and Natural Heritage Impacts and Mitigation

The impacts of the Data Centre Application on hedgerows, and the associated cultural heritage and ecological impacts have been fully considered, and mitigation is included within the proposed data centre development. A qualitative analysis of the existing hedgerows across the site has identified the existing compromised quality of the hedgerows and the prevalence of ash trees, causing the existing hedgerows to be extremely susceptible to the impacts of ash die back disease (see Section 3.4.6.2 and Section 3.4.2.1 of First Party Appeal for further detail).

The EIAR and EIAR Addendum assessed the impact of the proposed data centre site layout in respect of biodiversity (Chapter 5). It concluded that residual effects on natural heritage and biodiversity as a result of the Project are associated with the short-term loss of hedgerows and treelines which will occur prior to the establishment of compensatory woodland, scrub and hedgerow planting which will however fully mitigate for such losses in the long term. It is noted that this conclusion does not assess and include the positive impact of an additional c. 3,350 lin.m. new, native hedgerow, proposed as part of the First Party Appeal and subject to the agreement of ACP.

To mitigate the loss of any hedgerow, the Data Centre Application includes measures proposed to enhance natural heritage and biodiversity across the site, including, as part of the First Party Appeal, and subject to the agreement of ACP, the provision of an additional c. 3,350 lin.m. new, native hedgerow to be planted within the site along the internal boundary fence lines between the proposed data centre buildings, linking the proposed ponds and linear water courses that are to be provided as part of the proposed development. This additional native hedge planting is proposed in addition to the extensive planting and landscape proposals included in the original application for planning permission submitted to KCC, and will provide further and enhanced cover and connectivity for fauna, further developing a green infrastructure network throughout the site, in response to the concerns raised by KCC in relation to the removal of existing hedgerows in the Data Centre Application (see drawing no. *BSM-ZZ-ZZ-DR-L-0301* included in **Appendix D**). The additional landscape features proposed as part of the First Party Appeal will further support biodiversity, including wildlife and bats. We refer to Section 3.4.2.3 of First Party Appeal for further detail.

A consideration of the cultural significance of the Halverstown / Jigginstown townland boundary is included in Section 3.4.3 of the First Party Appeal in the Data Centre Application and in Chapter 10 of the EIAR and EIAR Addendum. The following should be noted:

- Townland boundaries are not designated cultural heritage sites and therefore have no statutory protection at a national level, and, in this instance no protection at a regional or local level.
- Chapter 11 Built & Cultural Heritage of the *Kildare County Development Plan 2023-2029* and Section 8 Built Heritage of the *Naas Local Area Plan 2021-2027* do not contain any specific policies or objectives in relation to townland boundaries.

Conditions 8, 9, 11(a) and 11(c) attached to KCC's decision to grant planning permission for the Data Centre Application all seek to retain certain of the existing hedgerows which are proposed to be removed as part of the Data Centre Application. These conditions are subject to a first party appeal. In regard to the information as detailed above, and further in the first party appeal, it is the view of the Applicant that the conditions should not be included in any grant of planning permission issued by ACP.

For these reasons the proposed development application documentation, in so far as it references the data centre application, retains the site layout as proposed at RFI stage.

3.5 KCC Internal Reports

The KCC submission includes 4 no. internal KCC reports. As noted above the KCC submission states "*there are no significant matters arising from the Internal Sections referred.*" For completeness the internal reports are considered below.

3.5.1 Transport Mobility and Open Spaces Department

The internal KCC report prepared by the Roads and Transportation Section outlines that the Department has no objection to the proposed development, subject to ACP attaching 15 no. conditions.

Applicant Response

We note that an assessment of the traffic and transportation aspects of the Project is included in Chapter 12 of the EIAR and the EIAR Addendum.

In response to the above, the Applicant has reviewed the conditions (1-15) recommended by the Transport, Mobility and Open Space Department. Responses to each condition are set out below.

Condition 1

"1. All works involving excavation, trenching, ducting or directional drilling within or under the R409 shall be carried out under a Road Opening Licence submitted through the MRL system to the Naas Municipal District Office.

The licence application shall demonstrate compliance with:

- *Guidelines for Managing Openings in Public Roads (Purple Book 2017);*
- *Chapter 8 Traffic Management Guidelines;*
- *Contractor competence and insurance requirements.*

Reason: In the interest of pedestrian, cyclist and vehicular safety and proper planning."

Applicant Response

We confirm that a Road Opening Licence (ROL) will be obtained as required for the works. We note that the requirement for a ROL is a standard request from the Local Authority for all works in public roadways.

Condition 2

“2. Prior to commencement, the developer shall submit a SID-specific Construction Traffic Management Plan (CTMP) for agreement with the Roads Authority, based on the methodologies of the EIAR and the submitted CTMP (Appendix 4.6).

The CTMP shall include:

- a) Construction haul routes to the R409 (HGVs ≈ 47/day peak)*
- b) Methodology for lane closures and safe management of vulnerable road users on the R409.*
- c) Temporary traffic control signage in accordance with DTTAS Traffic Signs Manual.*
- d) Timing of works to avoid peak hours (as per EIAR Ch. 12.3.1)*
- e) Construction staff parking entirely within the site.*
- f) Procedures for abnormal loads, if required.*

Reason: To ensure safe traffic management during SID works.”

Applicant Response

We confirm that as also set out above, a detailed CTMP has been prepared and submitted with both the Data Centre Application and the application for approval of the proposed development. A CTMP will be prepared by the appointed contractor, including all of the above detail, prior to the commencement in development.

Condition 3

“3. A SID-specific Construction Environmental Management Plan shall be submitted for written agreement, addressing environmental and noise/dust controls during R409 cable works and substation construction.

Reason: In the interest of environmental protection and proper planning.”

Applicant Response

We confirm that all of the necessary requirements for mitigating against noise and dust generation as part of the development works were set out in Chapters 8 and 9 of the EIAR and Chapter 9 of the EIAR Addendum. We confirm that these requirements will be incorporated into the final CEMP for the SID works at the construction stage.

Condition 4

“4. A full time Resident Engineer shall be provided and funded by the Developer to supervise the road works on the R409 Regional Road. The appointment of a full time Residential Engineer shall be the subject of the written agreement of the Planning Authority.

Reason: Full time supervision of the works is deemed to be necessary given the scale and extent of these works and the potential traffic disruption on the R409 Regional Road.”

Applicant Response

We confirm that a full-time Resident Engineer shall be provided and funded by the Developer to supervise the road works on the R409 Regional Road.

Condition 5

“5. Developer shall act as client for the purposes of the Safety, Health and Welfare at Work (Construction) Regulations 2013 (within the meaning of that term as therein defined) for the road works on the R409 Regional Road.

Reason: In the interest of proper health and safety management for the project.”

Applicant Response

We confirm that the Developer shall act as the Client for the purposes of the Safety, Health and Welfare at Work (Construction) Regulations 2013 (within the meaning of that term as therein defined) for the road works on the R409 Regional Road. This is standard procedure for construction projects.

Condition 6

“6. Prior to commencement of development, the Developer shall submit the names and contact details, in writing, of the Project Supervisor for the Design Process and the Project Supervisor for the Construction Stage for the road works on the R409 Regional Road, as appointed under the Safety Health & Welfare (Construction) Regulations, 2013, or any preceding Regulations, to the KCC Transport, Mobility and Open Spaces Department. These details shall be the subject of the written agreement of the Planning Authority.

Reason: The KCC Transport, Mobility and Open Spaces Department requires this information so that any complaints or queries received about the project, particularly in relation to road traffic matters, can be forwarded to the appropriate person.”

Applicant Response

We confirm that the names and contact details of the PSDP and PSCS shall be provided to KCC. This is standard procedure for construction projects.

Condition 7

“7. The Developer shall liaise with the KCC Transport, Mobility and Open Spaces Department in relation to the procurement of a competent contractor to carry out the road works on the R409 Regional Road. The procurement of a competent contractor shall be the subject of the written agreement of the Planning Authority.

Reason: The KCC Transport, Mobility and Open Spaces Department is responsible to ensure that a reputable and competent contractor is employed to carry out the road works on the R409 Regional Road.”

Applicant Response

We confirm that the Developer shall liaise with the KCC Transport, Mobility and Open Spaces Department in relation to the procurement of a competent contractor to carry out the road works on the R409 Regional Road.

Condition 8

“8. The timing of SID construction works within or affecting the R409 shall be coordinated with the R409 improvement works permitted under Reg. Ref. 24/60787 (ACP-323677-25). Any temporary removal or alteration of R409 footpath/cycleway elements shall be reinstated to KCC standards and agreed with the Naas Area Office.

Reason: To ensure the safe implementation of both consents.”

Applicant Response

We confirm that the timing of SID works within or affecting the R409 will be coordinated with the R409 improvement works required as part of the Data Centre Application (currently subject to first and third party appeals and under consideration de novo by ACP under reference number ACP-323677-25) and any temporary measures with respect to the removal or alteration of the R409 footpath/cycleway elements shall be addressed in the finalised CTMP and reinstated to KCC standards and agreed with the Naas Area Office. We confirm that the full extent of proposed works to the R409 have been detailed and assessed in the supporting documents to this application.

Condition 9

“9. Prior to the commencement of development, the developer shall engage in writing with the Naas Municipal District Engineer and arrange for necessary inspections to be carried out on the roads in the vicinity of the site so as to address issues of road deterioration due to heavy construction traffic.

Reason: It is considered appropriate that the developer should carry out repair work to roads in the area, to which damage has been caused as a direct result of heavy construction traffic serving the development. It is important in that regard that the Naas Municipal District Engineer be involved in inspections carried out.”

Applicant Response

The *Construction Traffic Management Plan* included as an appendix to the EIAR and EIAR Addendum includes a series of measures to reduce the impact of construction traffic. We confirm that prior to the commencement of development, the developer shall engage in writing with the Naas Municipal District Engineer and arrange for necessary inspections to be carried out on the roads in the vicinity of the site.

Condition 10

“10. Prior to the commencement of development, the Developer shall obtain a licence for the erection of fencing / hoarding on the public footpath network pursuant to Section 254 of the Planning And Development Act 2000, as amended.

Reason: In the interests of pedestrian and traffic safety, proper planning and sustainable development.”

Applicant Response

There may be a limited need for fencing/hoarding on the public footpath to enable works to be carried out to support the proposed development, and of course we confirm that any necessary licencing for such fencing/hoarding will be obtained in the usual way.

Condition 11

“11. No spoil, dirt, debris or other materials shall be deposited on the public road network, its footpaths and verges by machinery or vehicles travelling to or from the development site during the construction phase. The Developer shall arrange for vehicles leaving the site to be kept clean, and for road sweeping by mechanical sweeper to take place as required.

Reason: In the interest of traffic safety.”

Applicant Response

We confirm that as outlined in Section 5.7 of the submitted CTMP (included as Appendix 4.6 of the EIAR), the developer will ensure the protection and cleaning of the road network, its footpaths and verges.

Condition 12

“12. All contractor parking, storage, loading and unloading shall occur within the site and not on the public road network.

Reason: In the interest of traffic safety.”

Applicant Response

We confirm contractor parking, material storage and loading/unloading will be fully contained within the site and not on the public road network. We refer to Figures 5-1–5-5 and Sections 5, 6 and 7 of the CTMP (included as Appendix 4.6 of the EIAR) which outline the proposed procedures for contractor parking, vehicular access to the site and loading/unloading.

Condition 13

“13. Construction works affecting the public road shall be limited to:

- *08:00–18:00 Monday–Friday*
- *08:00–13:00 Saturday*

No works shall occur on Sundays or public holidays unless approved.

Reason: To protect amenity and maintain traffic safety.”

Applicant Response

Section 4.1.2 of the CTMP (included as Appendix 4.6 of the EIAR) addresses proposed working hours. We confirm that construction works affecting the public road shall be limited to 08:00–18:00 Monday–Friday and 08:00–13:00 Saturday. We confirm that no works shall occur on Sundays or public holidays unless approved.

Condition 14

“14. No surface water from the SID works shall discharge onto the public road network, footpaths or verges.

Reason: To prevent road safety hazards.”

Applicant Response

Full details of existing and proposed drainage arrangements are included in the submission for the SID site on drawing no. 2232-DOB-ZZ-ZZ-DR-C-0250 - *Proposed SW Drainage - SID Area* and for the R409 public road on drawing no. 2232-DOB-ZZ-ZZ-DR-C-0220 - *PR.R409 ROAD SW DRAINAGE LAYOUT* (included in Volume 3 of the EIAR). We confirm that no surface water from the SID works shall discharge onto the public road network, footpaths or verges.

Condition 15

“15. The development shall not impair existing land or road drainage.

Reason: To prevent interference with existing land or road drainage in the interest of proper development.”

Applicant Response

Full details of existing and proposed drainage arrangements were included in the submission for the SID site on drawing no. 2232-DOB-ZZ-ZZ-DR-C-0250 - *Proposed SW Drainage - SID Area* and for the R409 public road on drawing no. 2232-DOB-ZZ-ZZ-DR-C-0220 - *PR.R409 ROAD SW DRAINAGE LAYOUT* (included in Volume 3 of the EIAR). We confirm that the development shall not impair existing land or road drainage.

3.5.2 National Roads Office

The response from KCC National Roads Office states:

“I can confirm the National Roads Office have no comments to make on the above application.”

Applicant Response

The Applicant welcomes the National Roads Office response which identifies no concerns with the Substation Application.

3.5.3 Environment Department

The internal KCC report prepared by the Environment Department notes that the submitted documentation constitutes a reasonable basis for making this SID Application and agrees in principle with the proposed mitigation measures to be implemented as outlined within the Chapters of the EIAR:

- Chapter 6 Lands and Soils
- Chapter 7 Water and Hydrology
- Chapter 8 Air Quality
- Chapter 9 Noise and Vibration (Noise only section assessed)
- Chapter 13 Material Assets – Built Services
- Chapter 15 Human Health
- Chapter 16 Climate Change

The Environment Department has no objection to the proposed development, subject to ACP attaching a number of conditions. These proposed conditions (1 –12) and the applicant’s responses are set out below.

Condition 1

“1. All overground oil, chemical storage tank(s) shall be adequately bunded to protect against spillage. Bunding shall be impermeable and capable of retaining a volume equal to 1.1 times the capacity of the largest tank. Filling and offtake points shall be located within the bund.

Reason: In the interest of public health and the use of best practice guidelines in order to avoid pollution.”

Applicant Response

We confirm that all oil and chemical storage tanks and their filling and offtake points will be protected by impermeable bunds to at least a volume of 1.1 times the capacity of the largest tank at each storage location of each building on the site. All storage tanks will also be double skinned and meet with the relevant IS or EN standards for fuel storage tanks.

Condition 2

“2. Prior to the commencement of development, the applicant shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) in accordance with Appendix C of the “EPA Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021)” including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of proper planning and sustainable development.”

Applicant Response

In accordance with the above, we confirm that a construction stage RWMP is to be prepared by the contractor which will include the above detail.

Condition 3

“3. All foul sewage, trade effluent and soiled water shall discharge to the public foul sewer system.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.”

Applicant Response

We confirm that all foul sewage, trade effluent and soiled water shall discharge to the public foul sewer system. The engineering drawings (2232-DOB-ZZ-ZZ-DR-C-0350 - Proposed Foul and Watermain Layout) and report (10360452-HDR-XX-00-RP-C-000001) confirm this arrangement for the proposed development.

Condition 4

“4. Noise from the construction stages of the development shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations which exceed 70 dB(A) (LAeq 1 hour) between 0800 hours and 1800 hours Monday to Friday inclusive (excluding bank holidays) and between 0800 hours and 1300 hours on Saturdays when

measured at any noise sensitive location in the vicinity of the site. Sound levels from site development works shall not exceed 45 dB(A) (LAeq 1 hour) at any other time.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.”

Applicant Response

We are content that the proposed construction noise limits are achievable, as the construction noise thresholds in the submitted EIAR (Chapter 9 Noise and Vibration) are within the proposed limits.

Condition 5

“5. Noise from the operational stages of the planned development shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations which exceed the following limits:

- a. 55 dB(A) between the hours of 0800 and 1800 Monday to Friday inclusive (excluding bank holidays) and 45 dB(A) at any other time, and*
- b. There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location.*

A detailed Noise Study, with recommendations, shall be carried out by a competent noise/environmental consultant within three months of the development being in full operation and at any other time as may be specified by Kildare Co. Council. The Noise Study shall be submitted for the consent of the Planning Authority.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.”

Applicant Response

The condition aligns with Condition 43 from KCC decision notice in relation to the wider application site. We are content that the proposed operational noise limits are achievable as the predicted operational noise levels within the submitted EIAR (Chapter 9 Noise and Vibration) are within the proposed limits.

Condition 6

“6. A Noise Survey of the site operations shall be carried out annually by a competent Environmental Consultant in accordance with a plan to be agreed with the Planning Authority prior to commencement of operations. A record of the survey results shall be available for inspection by any authorised persons of the Planning Authority, at all reasonable times.

Reason: In the interest of public health, and the use of best practice guidelines in order to avoid nuisance.”

Applicant Response

The Applicant is content with the condition that a competent Environmental Consultant should be appointed to undertake surveys and supports engagement with the Planning Authority to agree a suitable survey plan/methodology.

Condition 7

“7. Applicant shall use “Best Practicable Means” to prevent/minimise noise and dust emissions during the construction and operational phases of the development, through the provision and proper maintenance, use and operation of all machinery all to the satisfaction of the Planning Authority.

Reason: In the interest of public health, and the use of best practice guidelines in order to avoid nuisance.”

Applicant Response

We confirm that the applicant will use best practicable means to prevent/minimise noise and dust emissions during the construction and operation phases, in line with the provision of various environmental guidance set out within the CEMP (included as Appendix 4.5 of the EIAR) and the detailed mitigation measures set out within the Chapter 8 Air Quality and Chapter 9 Noise and Vibration of the EIAR.

Condition 8

“8. All surface water from the carpark areas shall pass through adequately sized and sited petrol/oil interceptor(s) before being discharged to the surface water system. A log of the maintenance of the interceptors (to include dates and invoices) shall be kept on the premises and made available for inspection by council officials.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.”

Applicant Response

We confirm that all surface water from the car park areas will pass through adequately sized petrol/oil interceptors before being discharged to the surface water system and that a log of the maintenance of the interceptors (to include dates and invoices) shall be kept on the premises and made available for inspection by council officials.

Condition 9

“9. Developer to note that the importation of waste Soil & Stone for the purposes of landraising or landscaping requires prior authorisation under Section 39 of the Waste Management 1996, (as amended) once the development has been authorised under this planning application. Prior to commencement, the developer shall outline in detail their proposals in this regard, and no development shall commence until such time as when their waste importation plan has been approved in writing by the Planning Authority.

Reason: In the interest of public health and the use of best practice guidelines in order to avoid pollution.”

Applicant Response

In response to the above, we confirm that it is not proposed to import any waste soil or stone for the purposes of landraising or landscaping. Therefore, this condition is not considered necessary.

Condition 10

“10. Prior to Commencement Notice Stage, the developer shall submit a Construction Phase Surface Water Management Plan in accordance with IFI Publication 2016 “Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters” for the written approval of the Planning Authority. The Plan shall address the collection, control and management of any surface water run-off from the site to prevent any polluting matter, suspended solids and silt, being discharged to any receiving water.

The Plan shall, inter alia, include:

- a. Site Layout Plan at sufficient scale identifying any potential surface water and/or groundwater receptors;*

- b. *The location and design of any proposed mitigation measures; and*
- c. *Proposals for a surface water and/or groundwater monitoring programme, as appropriate.*

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.”

Applicant Response

We confirm that a finalised Construction Phase Surface Water Management Plan in accordance with IFI Publication 2016 “Guidelines on the Protection of Fisheries During Construction Works in and Adjacent to Waters” shall be submitted for written approval of the Planning Authority prior to commencement of the development works. This plan will be based on and fully incorporate all of the detailed mitigation measures for protecting watercourses from silt laden discharge that are included as part of the construction stage surface water management plan included in Section 6 of the CEMP submitted as Appendix 4.5 to the EIAR that accompanied this application.

Condition 11

“11. If a discharge to waters of any silt laden water is proposed as part of the Surface Water Management plan for either the development or the operational stages of the proposal; the Environment Section shall be consulted as such a discharge can only be authorised under Section 4 of the Local Government (Water Pollution) Act 1977, as amended.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.”

Applicant Response

We confirm that no discharge of silt laden waters is proposed as part of the Surface Water Management Plan for either the development or operational stages of the proposal. Mitigation measures for protecting watercourses from silt laden discharge are included as part of the construction stage surface water management plan included in Section 6 of the CEMP submitted as Appendix 4.5 to the EIAR that accompanied this application. The operational stage surface water management plan includes a fully SUDS compliant separate and segregated Surface Water network to gather, treat and discharge SW runoff from the development into watercourses in accordance with GSDSDS best practice as indicated in the submitted engineering drawings (2232-DOB-ZZ-ZZ-DR-C-0250 - Proposed SW Drainage - SID Area) and report (10360452-HDR-XX-00-RP-C-000001).

Condition 12

“12. The EIAR submitted by the applicant has screened for all areas of potential environmental impact and has outlined proposed measures to either minimize or control any envisaged impacts. This has been duly noted and accepted by the Planning Authority.

Reason: In the interest of public health, to avoid pollution and to ensure proper development.”

Applicant Response

The applicant welcomes the recognition of the Planning Authority in respect of the matters addressed within the EIAR including the measures proposed to minimize or control any envisaged impacts.

3.5.4 Heritage Unit

The Heritage Unit internal report states:

“Following my review of the NIS and EIAR for Development: ACP 323929 25 - Proposed development of a 110 kV GIS grid substation, the undergrounding of an existing 110 kV transmission line, and associated ancillary works, located in the townland of Halverstown, Naas, County Kildare, I have no further comments.”

Applicant Response

The Applicant welcomes the KCC Heritage Unit report which identifies no concerns with the Substation Application.

3.5.5 Fire Service

The Fire Service internal report states:

“The Applicant shall obtain a Fire Safety Certificate in accordance with the requirements of the Building Control Act.”

Applicant Response

In accordance with the above, we confirm that the Applicant will obtain a Fire Safety Certificate in accordance with the requirements of the Building Control Act.

4 Summary and Conclusion

This Response Report sets out the Applicant's response to the submissions in relation to the Substation Application (**ACP Case Number ACP- 323929-25**) for a 110kV GIS grid substation, the undergrounding of existing 110kV transmission line and ancillary development, located in the townland of Halverstown, Naas, County Kildare made to ACP.

The proposed development will allow the transformation to a lower voltage to enable distribution to the associated data centre development, which is currently under consideration *de novo* by ACP on appeal under case reference **ACP-323677-25**. Additionally, the proposed development shall enable:

- EirGrid in the future to use the spare circuit breakers provided within the new grid substation to feed further capacity in the Naas/Kildare area. The proposed substation will provide 4 bays for future development in and around the Naas area.
- The generation provided for the data centre development to export power to the Irish Electricity Grid as and when required.
- Battery storage provided for the data centre site to provide frequency stability to the Irish Electricity Grid as and when required.
- The data centre site to draw new additional renewable power from the grid.

It is firstly noted that only 4 no. submissions (from KCC, TII, UÉ and the DHLGH) have been submitted to ACP in relation to the proposed substation and none of these submissions recommend that ACP refuse planning permission. The DHLGH and UÉ submissions make a series of recommendations in regard to the proposed development and attaching conditions to any future grant of planning permission, indicating their support in principle for the proposed development. The applicant has confirmed herein their acceptance of these recommendations (see **Sections 3.2** and **3.3**).

In addition, KCC have confirmed that the various internal sections which have considered the proposed development have concluded there are no significant matters arising. The KCC Roads and Transportation Section and the Environment Department make recommendations in regard to the attaching of conditions to any future grant of planning permission. Again, the applicant has confirmed herein their acceptance of these recommendations (see **Section 3.5**).

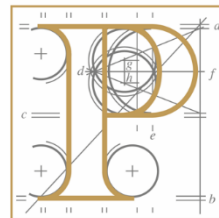
The documentation submitted as part of the Substation Application has fully considered and assessed the potential impacts that the Project, which includes the proposed development, may have in terms of, *inter alia*, climate, cultural heritage, biodiversity, archaeology, traffic and transportation, and drainage and water supply. In this regard, it is submitted that the limited concerns raised in the submissions to ACP are fully addressed in the Response Report and the Substation Application documentation, with relevant sections referenced in this Response Report.

A number of submissions reference the associated Data Centre Application which is currently also before **ACP-323677-25** for its consideration *de novo* on appeal. In response to these submissions, the quality of the data centre design as proposed has been set out in **Section 3.4.9.1** including particularly the planting of c. 44,000 new trees planted and 4.45ha of short meadow and 3.4ha of long meadow.

Appendix A Letter from An Coimisiún Pleanála

Our Case Number: ACP-323929-25

Your Reference: Herbarta Limited



An
Coimisiún
Pleanála

RPS group c/o Michael Higgins
RPS Group Ltd
West Pier Business Campus
Dun Laoghaire
A96N6T7

Date: 13 February 2026

Re: Proposed development of a 110kV GIS grid substation, the undergrounding of existing 110kV transmission line and ancillary development, located in the townland of Halverstown, Naas, County Kildare

Dear Sir / Madam,

Enclosed for your information is a copy of 4 submission(s) received by the Commission from the following in relation to the above mentioned proposed development:

1. Development Applications Unit
2. Transport Infrastructure Ireland
3. Uisce Éireann
4. Kildare County Council

The Commission hereby considers it appropriate to invite you to make a submission on the observations received in relation to the application. Please be advised that any response to the Commission's invitation should not contain any additional reports or supplementary reports and should be confined to the issues raised in the observations received by the Commission. Any submission in relation to the above must be received by the Commission within 4 weeks from the date of this letter (i.e. not later than Friday 13th March 2026).

If you have any queries in relation to the matter please contact the undersigned officer of the Commission.

Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,

Lauren Murphy
Executive Officer
Direct Line: 01-8737275
VA10

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Appendix B TII Submission to Data Centre Campus

Submission Details

Submitter

Name	TII TII
Address	Parkgate Business Centre, Parkgate Street, Dublin 8, D08 DK10
Note	

In relation to application

File Number	2460787
Name	Limited Herbata
Address	Townlands of Halverstown, Jigginstown and Newhall, Naas COUNTY KILDARE.

RECEIVED: 17/07/2025

Kildare County Council - Inspection Purposes Only

**Kildare County Council
Planning Department
Áras Chill Dara
Devoy Park
Naas
Co. Kildare**

Date/Dáta : 17-July-2024

**Re: Planning Ref.: 2460787
Applicant: Herbata Limited**

Dear Sir/Madam,

Transport Infrastructure Ireland (TII) acknowledges receipt of referral of notice of submission of further information in respect of the above application that included matters raised in the original TII submission to the application made in September 2024.

TII's original submission to the application indicated the following:

- Identification of interactions with the M7 in the form of crossings that were indicated as part of the overall project described in the submitted EIAR; and
- Proposed works part of the current application that directly interact with the national road network having regard to the extent and location of the MMArc boundary and the status of the R409 overbridge (Eirspan Name *Naas Road Bridge*, Structure ID *KE-M07-031.00*) as a TII Structure and therefore any works proposed thereon subject to TII technical acceptance and TII Publication compliance.
- Potential interactions of the proposed development on the wider national road network by reason of construction traffic management requirements.

Having regard to the matters raised in the original TII submission to the current application and further information response submitted, TII makes the following observations:

1. M7 Crossings part of the proposed Project

As a result of the further information submitted, TII notes that the project described in the EIAR, of which this planning application forms part, now appears to indicate more numerous crossings of the M7 network by the addition of an indicative heat distribution network (Drawing No. 10360452-HDR-XX-XX-DR-C-082220).

TII's original submission noted that the submitted application is for a data centre development proposing to feed each storage building by on-site natural gas turbines. The submitted Environmental Impact Assessment Report (EIAR) includes a substation that considers for cumulative impact purposes a new high-pressure gas distribution pipeline from an existing GNI installation at Glebe West to the proposed data centre at Halverstown. This proposal indicates a requirement to cross the M7 included in *Gas Networks Ireland Infrastructure Upgrade Outline Report* (ref. 2232-DOB-XX-XX-RP-C-0003, Dec. 2023). TII notes that this report appears to have been resubmitted as part of the further information response.



TII originally observed that this gas pipeline is not part of the proposed project and is to be separately delivered by Gas Networks Ireland. A proposed substation described as a new 110 kV Gas Insulated Switchgear (GIS) grid substation and the undergrounding of an existing 110kV transmission line described as part of this project are stated to be the subject of separate strategic infrastructure development to An Bord Pleanála.

At the time of the preparation of this submission, TII was unable to identify the application direct to An Bord Pleanála for the substation and grid connection necessary for the implementation of the proposed project for the current datacentre proposal made to Kildare County Council. TII is further not aware of any separate gas network or district heating proposals associated with the datacentre development.

In the absence of detailed information on the grid and gas network connections and district heating proposed as part of the the overall project as described in the submitted EIAR, TII are unable to ascertain the impacts on the national road network assets/infrastructure of the project as a whole.

TII advises that technical constraints are encountered where there a multiplicity of public and private infrastructure routing proposals resulting in multiple crossings of the national road network in the vicinity of one another. TII strongly recommends that the project's proposed crossing locations are carefully audited and considered to ensure co-ordination with other large infrastructure projects and crossings.

To meet the requirements of national policy to safeguard investment already made, TII advise that the proposed crossings of the national road network, or impact on areas managed as part of that network must demonstrate protection of the safety, maintenance and operation of the national road network that includes the heavily trafficked M7 at this location. Works associated must demonstrate technical feasibility having regard to TII Publication requirements for network crossings and TII Publications, as appropriate

The Council is reminded that any third party seeking to undertake works within a motorway/dual carriageway will generally require Works Specific Deeds of Indemnities, arrangements for third party access or consent from TII in accordance with Section 53 of the Roads Act, 1993.

2. Current application direct and indirect interactions with the national road network

TII highlighted in its original submission that the current application boundary coincides with the motorway boundary of the M7 at a location within Motorway Maintenance and Renewal Contracts (MMaRC) network Area A and that the application included roads works to the R409 overbridge over the M7 which is a TII Structure (Eirspan Name *Naas Road Bridge*, Structure ID *KE-M07-031.00*).

TII acknowledges consultation by the planning authority in respect of the further information request with respect to national roads matters in March 2025 and also subsequent submission of design information in accordance with TII Publications for works proposed to the overbridge in June 2025 assigned ref. 36792. At the time of the preparation of this submission TII advise that technical acceptance of the design proposal is pending.

3. Recommendation

TII recommends that to ensure the strategic functions of the national road network, in particular the M7 are safeguarded the following conditions are recommended:


1. Prior to commencement of development, a final Construction Environmental Management Plan (CEMP) including a Construction Traffic Management Plan (CTMP) shall be submitted for the written agreement of the planning authority subject to the written agreement of TII which shall include:

- a) record of technical approval by TII of the works proposed to the R409 overbridge (Eirspan Name *Naas Road Bridge*, Structure ID *KE-M07-031.00*) in accordance with TII Publications.
- b) commitment to and methodology for, the preparation and submission of, a post-construction survey along the boundary of the application site that also records extents of the MMaRC Area A.
- c) detailed information on traffic management, including signage (static and VMS) to ensure the strategic function of the national road network is protected.
- d) details of future access and maintenance arrangements for the proposed surface water drainage run.
- e) record of consultation with (MMaRC) Maintenance Area A Contractor, via TII and the relevant road authority Kildare County Council.
- f) confirmation that the works will not impact TII Structures following consultation with structures@tii.ie email; and
- g) record of works specific indemnities, consent and arrangements for third party access as arise following consultation with thirdpartyworks@tii.ie.

Finally, TII strongly advises that Kildare County Council audit and evaluate the multiplicity of public and private infrastructure routing proposals resulting in multiple crossings of the national road network in the vicinity of one another to ensure co-ordination with other large scale infrastructure projects and crossings.

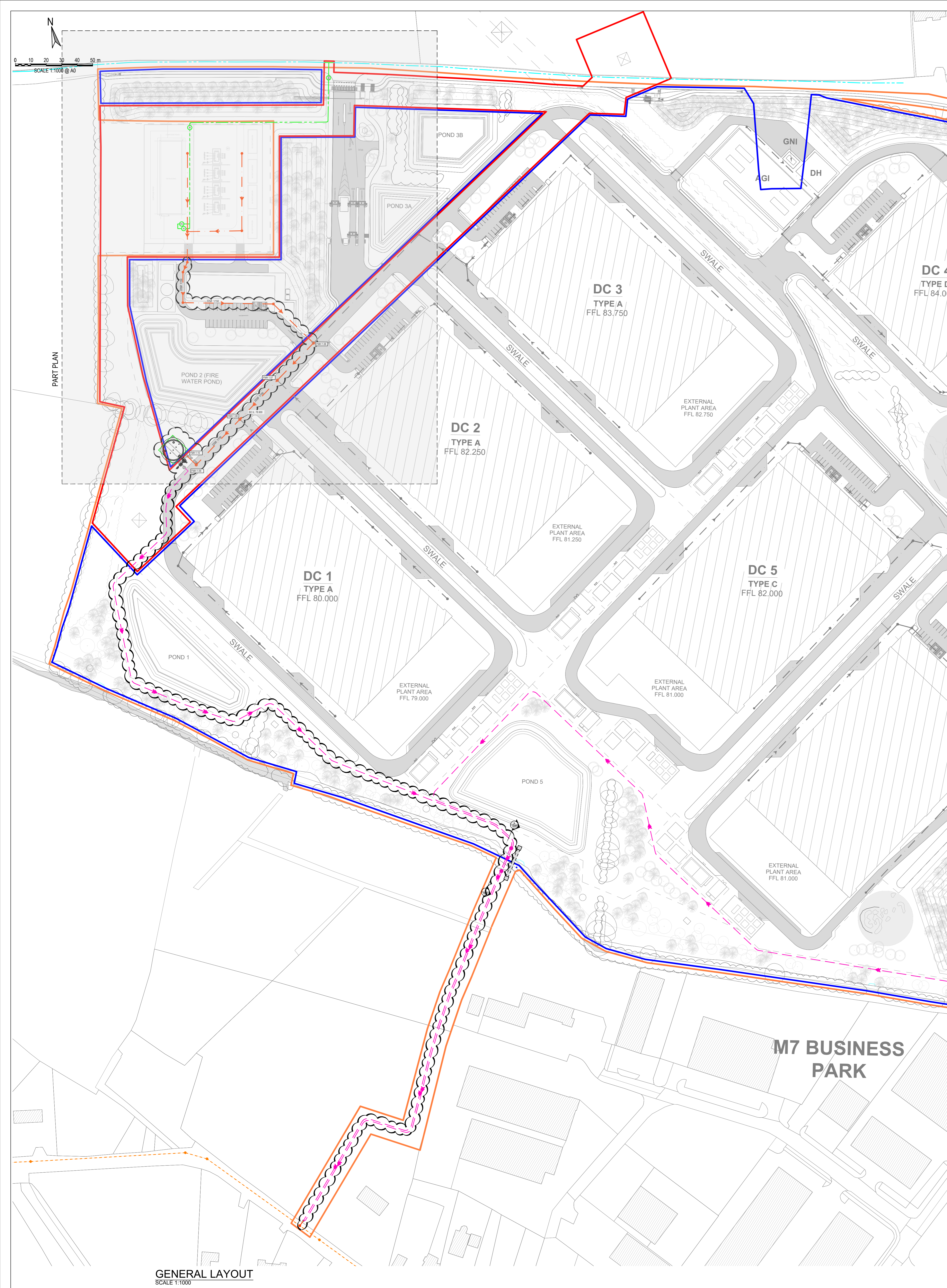
Please acknowledge receipt of this submission in accordance with the provisions of the Planning and Development Regulations, 2001 as amended.

Yours faithfully,

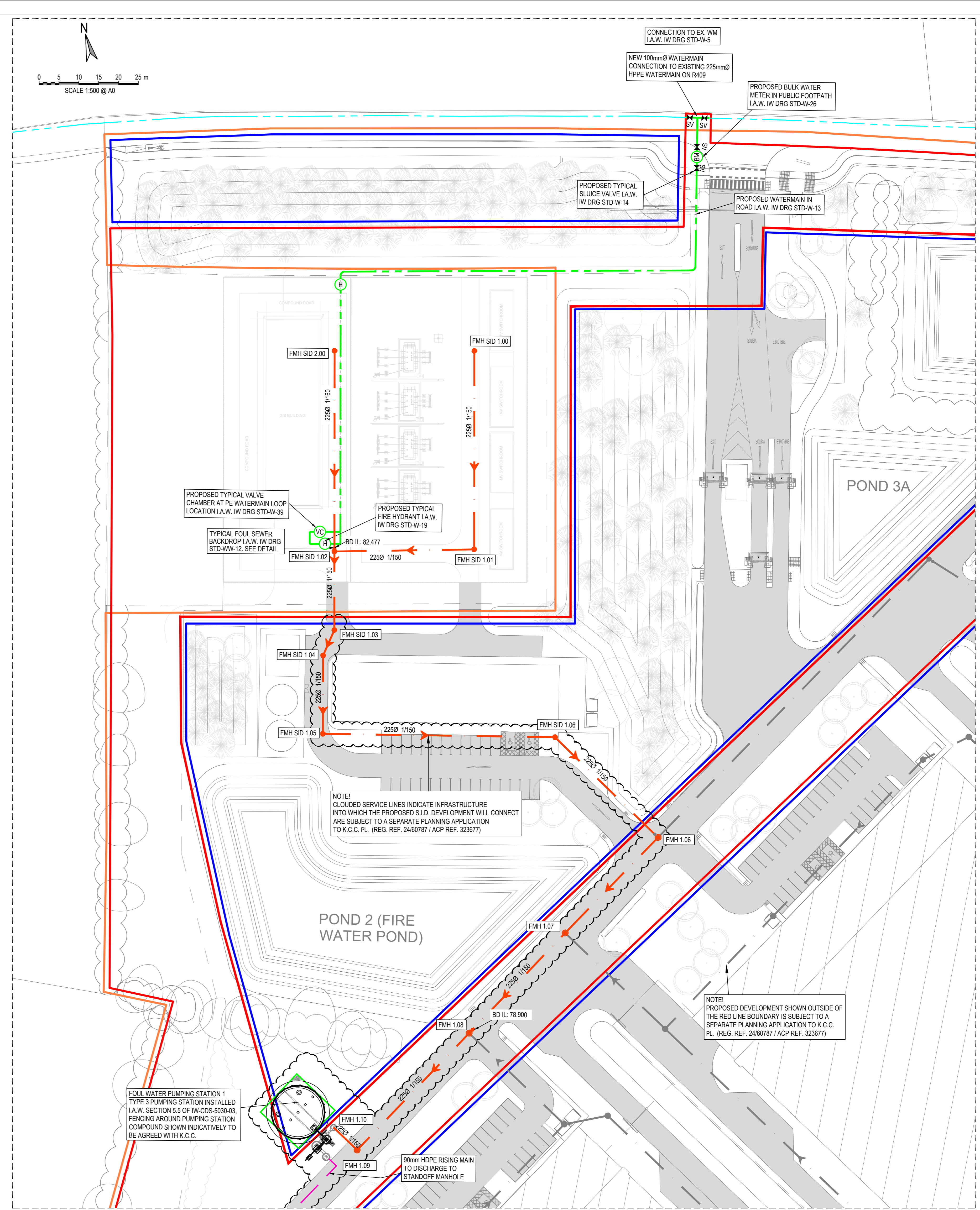


Land Use Planning Unit

Appendix C Drawing No. 2231-DOB-ZZ-ZZ-DR-C-0350



GENERAL LAYOUT
SCALE 1:1000



PART PLAN - FOUL WATER LAYOUT
SCALE 1:500

REF	CD	IL	NOTES
FMH SID 1.00	83.750	82.510	
FMH SID 1.01	83.750	82.178	
FMH SID 1.02	83.750	81.942	
FMH SID 1.03	83.720	81.810	BD FROM FMH SID 2.01 @ IL 82.477
FMH SID 1.04	83.700	81.783	
FMH SID 1.05	83.650	81.531	
FMH SID 1.06	83.650	81.242	DISCHARGE TO FMH 1.06 BD IL 81.000
FMH 1.07	82.939	79.356	BD FROM FMH SID 1.06 @ IL 81.000
FMH 1.07	81.924	79.153	
FMH 1.08	81.127	78.950	BD FROM FMH 1.07 @ IL 78.900
FMH 1.09	80.845	78.881	
FMH 1.10	81.000	78.626	TYPE 3 PUMPING STATION
FMH SID 2.00	83.750	82.793	DISCHARGE TO FMH 1.03 BD IL 82.477

- FOUL WATER LEGEND:**
- PR FOUL DRAINAGE FOR SID BUILDING
 - EXISTING FOUL SEWER
 - PR FOUL DRAINAGE (SEPARATE APPLICATION)
 - PR PLUMBED FOUL RISING MAIN
 - PROPOSED FOUL WATER MH
 - PROPOSED FOUL WATER AJ / IC
 - PROPOSED BACKDROP IN MH
 - EXISTING WATERCOURSE

- WATERMAIN LEGEND:**
- EXISTING WATERMAIN
 - PR DIA. WATERMAIN
 - PR HYDRANT
 - PR BULK WATER METER
 - PR SLUICE VALVE
 - THRUST BLOCKS OMITTED FOR CLARITY. TO BE INSTALLED AS PER I.W. TYPICAL DETAILS

- NOTE 1:** MANHOLE COVER LEVELS ARE APPROXIMATE. ACTUAL COVER LEVELS SHOULD MATCH SURROUNDING FINISHED GROUND LEVELS U.N.O.
- NOTE 2:** PIPES WITH LESS COVER THAN
- 600mm FOR GRASSED AREAS
 - 900mm FOR FOOTPATHS
 - 1200mm FOR ROADS
- TO BE SURROUNDED IN 150mm CONCRETE PROTECTION IN ACCORDANCE WITH IRISH WATER STANDARD DETAIL STD-WW-07
- NOTE 3:** ALL MANHOLE COVERS LOCATED IN GRASS AREAS TO BE SURROUNDED (Min. 200mm SURROUND) IN 100mm THK C20/25 CONCRETE APRON

FOUL PIPE MATERIAL TO BE IN ACCORDANCE WITH IW-CDS-5030-03 SECTION 3.13.2

3.13.2 THERMOPLASTIC STRUCTURAL WALL PIPES, THERMOPLASTIC STRUCTURED WALL PIPES SHALL COMPLY WITH THE PROVISIONS OF IS EN 14741 (2007/2009). PIPES TO BE OF STIFFNESS CLASS B AND TO BE CAPABLE OF DEMONSTRATING A JETTING RESISTANCE OF 2,600 PSI (180 BAR) WITHOUT DAMAGE WHEN TESTED IN ACCORDANCE WITH SECTION 3.3 OF IWS-4-35-01 (2008). SEWER DIAMETERS: 150mm UP TO 450mm. SERVICE CONNECTIONS OF 100mm DIAMETER.

- NOTE 1:** MANHOLE COVER LEVELS ARE APPROXIMATE. ACTUAL COVER LEVELS SHOULD MATCH SURROUNDING FINISHED GROUND LEVELS U.N.O.
- NOTE 2:** PIPES WITH LESS COVER THAN
- 600mm FOR GRASSED AREAS
 - 900mm FOR FOOTPATHS
 - 1200mm FOR ROADS
- TO BE SURROUNDED IN 150mm CONCRETE PROTECTION IN ACCORDANCE WITH IRISH WATER STANDARD DETAIL STD-WW-07
- NOTE 3:** ALL MANHOLE COVERS LOCATED IN GRASS AREAS TO BE SURROUNDED (Min. 200mm SURROUND) IN 100mm THK C20/25 CONCRETE APRON

WATERMAIN MATERIAL TO BE IN ACCORDANCE WITH IW-CDS-5020-03 SECTION 3.9.2

3.9.2 MDPE & HDPE PIPES SHALL BE OF A TYPE PE 80 & HAVE AN SDR-11 OR SDR-17 RATING. THEY SHALL CONFORM TO IS EN 12201 PART 1 & PART 2 (PLASTIC SYSTEMS FOR WATER SUPPLY, DRAINAGE & SEWERAGE UNDER PRESSURE - PART 1: GENERAL, & PART 2: PIPES) & IS EN 12201-3 (PLASTIC SYSTEMS FOR WATER SUPPLY, DRAINAGE & SEWERAGE UNDER PRESSURE - PART 3: FITTINGS).

A0

HERBATA GREEN ENERGY DATA

© Copyright: This drawing is a design and not a reproduction of any other drawing. It is the property of Herbata Green Energy Data and shall remain confidential. It is not to be used for any other purpose without the written consent of Herbata Green Energy Data.

NOTES:

- DO NOT SCALE OFF THIS DRAWING. ALWAYS REFER TO NOTED DIMENSIONS.
- ALL DIMENSIONS ARE TO BE SHOWN ON SITE BEFORE COMMENCEMENT OF WORK. DIMENSIONS SHALL BE SETTING OUT THE WORK.
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS, REPORTS AND SPECIFICATIONS.
- REFER TO ARCHITECT'S DRAWINGS FOR ALL SITE & APPLICATION REQUIREMENTS.
- REFER TO SURVEY DRAWINGS FOR EXISTING SERVICES AND TO BE CONSTRUCTED.
- ALL EXISTING SERVICES TO BE REINSTATED OR CONSTRUCTION OF NEW SERVICES.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LEVELS WITH AN ARCHITECTURAL DRAWING FROM THE TOP OF CONSTRUCTION. ANY DISCREPANCIES TO BE NOTIFIED TO THE ENGINEER & ARCHITECT FOR RESOLUTION.
- CONTRACTOR TO ENSURE ALL WATER & WASTEWATER SERVICES ARE INSTALLED IN ACCORDANCE WITH THE IRISH WATER WATER INFRASTRUCTURE CODE OF PRACTICE & STANDARD DETAIL DOCUMENTS.
- TESTING OF ALL UTILITY SERVICES AND MANHOLES TO BE IN ACCORDANCE WITH IRISH WATER CODE OF PRACTICE FOR WASTEWATER INFRASTRUCTURE SECTION 4.10 TESTING OF UTILITY SERVICES & MANHOLES.

LEGEND:

- AREA TO WHICH APPLICATION RELATES
- AREA SUBJECT OF SEPARATE KCC PLANNING APPLICATION (REG. REF. 24/60787 / ACP REF. 323677)
- OTHER LANDS UNDER CONTROL OF THE APPLICANT

KEY PLAN

STATUS

REF	DATE	DESCRIPTION
P14	06/11/2023	ISSUED FOR PLANNING
P13	06/11/2023	ISSUED FOR PLANNING
P12	06/06/2023	ISSUED FOR PLANNING
P11	13/06/2023	ISSUED FOR PLANNING
P10	18/07/2023	ISSUED FOR PLANNING
P09	10/05/2024	ISSUED FOR PLANNING
P08	26/05/2024	ISSUED FOR PLANNING
P07	03/11/2023	ISSUED FOR PLANNING
P06	09/09/2023	ISSUED FOR PLANNING
P05	09/06/2023	ISSUED FOR PLANNING
P04	06/06/2023	ISSUED FOR PLANNING
P03	20/07/2023	ISSUED FOR INFORMATION
P02	10/07/2023	PROGRESS ISSUE
P01	30/06/2023	KEY PLAN ISSUE

PROJECT: HERBATA DATA CENTRE CAMPUS

CLIENT: NAAS, CO. KILDARE

DWG TITLE: PROPOSED FOUL & WATERMAIN LAYOUT - SID AREA

UNIQUE NO: 2232-DOB-ZZ-ZZ-DR-C-0350

REV: P14 S3 SCALE AS SHOWN @ A0

DATE: 27/06/2023

DR: ME **CHK:** RK

RKD

HR **BSM**

DONNACHADH O'BRIEN & ASSOCIATES CONSULTING ENGINEERS

Appendix D Drawing no. BSM-ZZ-ZZ-DR-L-0301

Appendix E Bat Derogation Licence



NPWS

An tSeirbhís Páircenna
Náisiúnta agus Fíadhúlra
National Parks and Wildlife
Service

**Derogation Number
DER-BAT-2026-46**

**EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS) REGULATIONS, 2011
(S.I. No 477 of 2011)**

DEROGATION

Granted under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, hereinafter referred to as “the Habitats Regulations”.

The Minister for Housing, Local Government & Heritage, in exercise of the powers conferred on him by Regulation 54 of the Habitats Regulations hereby grants to **Gerry Prendergast of Herbata Ltd., 4C Sycamore House, Millenium Park, Naas, County Kildare, W91 T6WE** a derogation. It is stated that this derogation is issued:

- A. 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
- B. As there is no satisfactory alternative, and the action authorised by this derogation will not be detrimental to the maintenance of the population of **bats** referred to below at a favourable conservation status in their natural range.

This derogation authorises the following:

1. Roost disturbance
2. Actions authorised within the derogation

The derogation is issued in respect of the following **bat species**:

- **Common Pipistrelle** **Pipistrellus Pipistrellus**
- **Daubenton’s Bat** **Myotis Daubentonii**



Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Jigginstown and Halverstown, Naas, County Kildare, W91 PK77** for **Gerry Prendergast**
2. All activities authorised by this derogation, and all equipment used in connection herewith, shall be carried out, constructed and maintained (as the case may be) so as to avoid unnecessary injury or distress to any species of **BAT**. Anything done other than in accordance with the terms of this derogation may constitute an offence
3. This derogation may be modified or revoked, for stated reasons, at any time. In addition, the Minister reserves the right to revoke the derogation where updated information indicates that the basis upon which the derogation was granted has materially changed.
4. The mitigation measures outlined in the application report (**Derogation Licence Supporting Document Herbata Data Centre**) together with any changes or clarification agreed in correspondence between NPWS and the agent or applicant, are to be carried out. Strict adherence must be paid to all the proposed measures in the application.
5. The actions which this derogation authorise shall be completed between **1st April – 31st October 2026, inclusive**.
6. The works will be supervised by bat ecologist(s): **David Welsh**
7. If this derogation addresses works that are subject of a planning application, no such works permitted under this derogation can occur until planning permission is granted.
8. If this derogation expires prior to works permitted under this derogation commencing, a new application must be sought in advance, including the provision of any updated data or reports.
9. This derogation shall be produced for inspection on a request being made on that behalf by a member of An Garda Síochána or an authorised NPWS officer appointed under Regulation 4 of the Habitats Regulations.
10. The local **NPWS Conservation Ranger – Killian Brennan** , killian.brennan@npws.gov.ie, must be contacted prior to the commencement of any activity, and if bats are detected on site during the course of the work, under the terms of this derogation.
11. On completion of the actions which this derogation authorises, all recordings of bat species affected will be made using the standardised Returns form and must be submitted to the NPWS **within four weeks of the expiry date of this derogation**. Included with the Returns form, a report will also be submitted to wildlife.reports@npws.gov.ie detailing results of works and success of mitigation. **Both documents must be submitted to constitute a derogation return.**

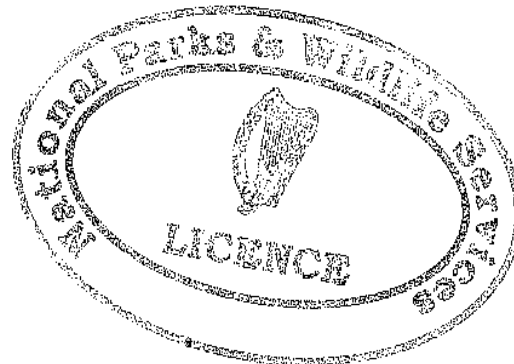


For the Minister for Housing, Local Government & Heritage

(an officer authorised by the Minister to sign on his behalf)

19 January 2026

Any query in relation to this derogation should be sent to reg54derogations@npws.gov.ie





Derogation Assessment

Name of Applicant: Gerry Prendergast

Location/Name of Project: Areas in Jigginstown & Halverstown, County Kildare, W91 PK77

Tick the following prohibition as chosen on the application:

(a) Deliberately capture or kill any specimen of the relevant species in the wild	<input type="checkbox"/>
(b) Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	<input type="checkbox"/>
(c) Deliberately take or destroy eggs of the relevant species in the wild	<input type="checkbox"/>
(d) Damage or destroy a breeding or resting place of such an animal, or	<input checked="" type="checkbox"/>
(e) 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.	<input type="checkbox"/>
(a) Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	<input type="checkbox"/>
(b) 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.	<input type="checkbox"/>

Test 1: A reason(s) listed in Regulation 54 (a)-(e) applies to the proposed activity

i. Tick which reason the applicant claims should be applied to the derogation

(a) In the interests of protecting wild flora and fauna and conserving natural habitats,	<input type="checkbox"/>
(b) To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property	<input type="checkbox"/>
(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,	<input checked="" type="checkbox"/>
(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, or	<input type="checkbox"/>
(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.	<input type="checkbox"/>



ii. Test 1: Conclusion

Please tick the following where it applies:

There is a valid reason(s) listed in Regulation 54 (a)-(e) which applies to the proposed activity:	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion:

The application form and associated documentation provided by the applicant has been reviewed in full. The application relies on regulation 54(2)(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’* as the reason chosen for a derogation that they believe applies to the proposed activity.

In the detail provided, it is clear that the applicants are relying on the imperative reasons of overriding public interest, including those of a social or economic nature aspect of Reason C. As outlined in the accompanying report, the derogation is required for the proposed demolition of a single structure to facilitate construction of a Data Centre at Jigginstown, Naas, Co. Kildare.

The report highlights the Naas Local Area Plan (2021 – 2027), noting the subject site is zoned to provide for Data Centre development and therefore within the planning policy. The report also notes the Kildare County Development Plan (2023 – 2029). The development plan states that it is the policy of the council to support the accommodation of Data Centres at appropriate locations and 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 environmental Assessments and all relevant planning conditions.

Furthermore, the Government statement on the role of Data Centres in Irelands Enterprise Strategy notes that Data centres are core digital infrastructure and play an indispensable role in our economy and society.

The applicants have provided evidence as to the nature and scale of the public interest including those of a social or economic nature for the proposed works and the proposed activity is necessary to achieve these overall objectives. Based on the above this application has passed Test 1 and can now proceed to Test 2 |



Test 2: Absence of a satisfactory alternative

Please tick the following where it applies and add a comment below to support the recommendation:

The applicant has provided satisfactory evidence that alternative solutions have been considered and have given reasons why the proposed approach is the only satisfactory alternative:	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion (If you wish to add additional conditions please complete pg. 6):

The purpose of the derogation is to allow the following activity to take place: Construction of a data centre. The site is designated for this specific use within KCC DP. The applicants have provided clear evidence that this facility at this location matches with National and Local government strategy and policy and that the proposed development meets the overriding public interest requirement of the derogation process.

The specific situation that needs to be addressed is the location of bat roosts, particularly within structure one on the subject site. The Bat roost is located centrally on the site. The applicant’s state that given the scale and the arrangement requirements of the data centre it is not possible to incorporate this building into the overall design for the site. The building and the roost need to be destroyed in order to facilitate the proposed development.

The alternative solutions suggested by the applicant are. The applicants have not provided detailed alternative solutions. They have provided arguments as to why reduction in the number of data halls or rearrangement of the proposed development would not be commercially viable. The application states following these arguments – *“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.”*

The applicant highlights that any reduction in the number of data centre ‘halls’ would make the proposed development not commercially viable. No alternative site arrangements have been submitted with this application that would result in the retention of the existing bat roost. It is noted that the applicants have highlighted the commercial constraints on reducing the number of data halls and/or other site rearrangement and have made a cogent argument that no alternative solution exists.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered as noted above.

Based on the assessment of the application documentation, it is regarded that the applicant has considered all available alternative solutions and at this time no other alternative solutions are apparent.

Having weighed the possible solutions to solve the applicant’s problem against the effects of a derogation on the species concerned, it is concluded that the application has Test 2 and can proceed to Test 3

Upon completion of your assessment, please return this Recommendation to WLU to continue the application process.



Test 3: Impact of a derogation on conservation status of the species

Please tick the following where it applies and add a comment below to support the recommendation:

The derogation would NOT be detrimental to the maintenance of the populations of the species in question at a favourable conservation status in their natural range.	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion. (If you wish to add additional conditions please complete pg. 6)

One of the buildings proposed for destruction supports a minor roost of c.2 Daubenton’s bats and a single Common Pipistrelle Bat. Both of these species are widespread in Ireland and in favourable conservation status.

Suitable mitigation is planned including the provision of high-quality artificial bat boxes and three dedicated bat houses.

It is considered that the provision of the above mitigation may help enhance 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 minor significance of roosts recorded within the site, in addition to the extent of mitigation proposed, it is considered that the works will not be detrimental to the maintenance of the populations of the bat species in question at a favourable conservation status in their natural range

If the answer above is Yes then the derogation may be granted, providing Tests 1 and 2 have also been met.

Upon completion of your assessment, please return this Recommendation to WLU to continue the application process.



Derogation decision

The application for a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011), as amended, has been assessed by officials in the Department and the following decision has been made:

Tick box where appropriate:

There is no satisfactory alternative

and the derogation is not 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.

Therefore, a derogation may be granted to the applicant, since it is—

(a) in the interests of protecting wild fauna and flora and conserving natural habitats

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

(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,

(d) for the purpose of research and education, of repopulating and re-introducing these species and for the breeding operations necessary for these purposes, including the artificial propagation of plants, or

(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.

OR This application has been refused as one or more of the conditions set out above have not been met



The following conditions should be attached to the derogation:

- 1.
- 2.
- 3.
- 4.

[add additional conditions where required]

Signed: .

Date: January 19, 2026

Position: Ecologist