



An
Bord
Pleanála

Application Form for Permission / Approval in respect of a Strategic Infrastructure Development

1.

Please specify the statutory provision under which your application is being made:

S.182 – Electricity Transmission Development

2. **Applicant:**

Name of Applicant:	Art Data Centres Ltd.
Address:	Avonlea, Demesne, Lucan, Co. Dublin, K78 Y3Y5
Telephone No:	(0)87 629 6827 (Andrew Warren)
Email Address (if any):	awarren@tommcnamara.ie

3. Where Applicant is a company (registered under the Companies Acts):

Name(s) of company director(s):	Deborah Delaney
Registered Address (of company)	Avonlea, Demesne, Lucan, Co. Dublin, K78 Y3Y5
Company Registration No.	631970
Telephone No.	(0)87 629 6827 (Andrew Warren)
Email Address (if any)	awarren@tommcnamara.ie

4. Person / Agent acting on behalf of the Applicant (if any):

Name:	John Spain Associates
Address:	39 Fitzwilliam Place, Dublin 2
Telephone No.	(01) 662 5803
Mobile No. (if any)	087-9298702
Email address (if any)	sblair@johnspainassociates.com

Should all correspondence be sent to the above address? (Please tick appropriate box)

(Please note that if the answer is "No", all correspondence will be sent to the Applicant's address)

Yes: [**X**] No:[]

Contact Name and Contact Details (Phone number) for arranging entry on site if required / appropriate:

James O'Donoghue - JODonoghue@tommcnamara.ie

5. Person responsible for preparation of Drawings and Plans:

Name:	Mr Pedro Santos
Firm / Company:	Clifton Scannell Emerson Associates Consulting Engineers
Address:	3rd Floor The Highline, Bakers Point, Pottery Road, Dun Laoghaire, Co. Dublin, Ireland, A96 KW29.
Telephone No:	(01)288 5006
Mobile No:	N/A
Email Address (if any):	N/A
Details all plans / drawings submitted – title of drawings / plans, scale and no. of copies submitted. This can be submitted as a separate schedule with the application form. Please refer to separate schedule of drawings.	

6. Site:

Site Address / Location of the Proposed Development (as may best identify the land or structure in question)	The proposed development is located within the townlands of Tooreen, Cahernalough, Knockanean, Ballymacahill, Muckinish, and Rosslevan to the north east of Ennis, on the Tulla Road (R352), Co. Clare	
Ordnance Survey Map Ref No. (and the Grid Reference where available)	-OS 4265 -OS Map 4265-A -OS Map 4265-C	
Where available, please provide the application site boundary, as shown in the submitted plans / drawings, as an ESRI shapefile in the Irish Transverse Mercator (ITM IRENET95) co-ordinate reference system. Alternatively, a CAD file in .dwg format, with all geometry referenced to ITM, may be provided. DWG Provided		
Area of site to which the application relates in hectares	Application site area is c. 9 hectares.	
Site zoning in current Development Plan for the area:	<p>Clare County Council:</p> <ul style="list-style-type: none"> • Primarily 'Enterprise ENT3' • The existing Ennis Substation is located on lands zoned for 'Utilities' • Part of the route of the proposed underground transmission cables are located on a public road which are unzoned lands. 	
Existing use of the site & proposed use of the site:	<p>The proposed substation site, route of the underground transmission cables, and connection points to the existing overhead transmission lines takes in undeveloped / greenfield land / agricultural land / private roadway / public roadway.</p> <p>Data Centre and Energy Generation Campus (proposed under separate application) together with proposed associated grid substation and transmission line connections.</p>	
Name of the Planning Authority(s) in whose functional area the site is situated:	Clare County Council	

7. Legal Interest of Applicant in respect of the site the subject of the application:

Please tick appropriate box to show applicant's legal interest in the land or structure:	Owner	Occupier
	Other X	

Where legal interest is "Other", please expand further on your interest in the land or structure.
Please refer to form attachment.
If you are not the legal owner , please state the name and address of the owner and supply a letter from the owner of consent to make the application as listed in the accompanying documentation.
Please refer to form attachment
Does the applicant own or have a beneficial interest in adjoining, abutting or adjacent lands? If so, identify the lands and state the interest.
No.

8. Site History:

Details regarding site history (if known):
<p>Has the site in question ever, to your knowledge, been flooded?</p> <p>Yes: [] No: [X]</p> <p>If yes, please give details e.g. year, extent:</p> <p>Are you aware of previous uses of the site e.g. dumping or quarrying?</p> <p>Yes: [] No:[X]</p> <p>If yes, please give details:</p>

Are you aware of any valid planning applications previously made in respect of this land / structure?		
Yes: [<input checked="" type="checkbox"/>] No: [<input type="checkbox"/>]		
If yes, please state planning register reference number(s) of same if known and details of applications		
Reg. Ref. No:	Nature of Proposed Development	Nature of Final Decision of Application Grant of Refusal by Planning Authority / An Bord Pleanála

<p>Clare County Council Reg. Ref.: P21-757</p>	<p>Development comprising:</p> <ul style="list-style-type: none"> • <i>The demolition of an existing single storey with pitched roof farm dwelling house together with 8 No. farm outbuildings on the overall site.</i> • <i>The construction of 6 No. two storey data centre buildings with three storey plant/office levels and associated ancillary development that will have a combined gross floor area of 118,740 sqm. These data halls are maximum 19m high and will consist of the data halls and air handling units and offices and ancillary plant and support.</i> • <i>Each of the six data centre buildings will include data halls, associated electrical and mechanical plant rooms, loading bays, maintenance and storage spaces, office administration areas, pump rooms, water storage tanks, and plant, as well as backup (standby) generators (11 No. per building) for emergency use only situated along one elevation of each building. The standby diesel generators will have associated 8 m high flues. Each generator will also include local diesel storage tanks with a single refueling area to serve the proposed emergency generators.</i> • <i>A gas powered energy centre and Above Ground Installation (AGI) 4,674 sqm in size . The energy centre will primarily comprise 18 no. lean-burn natural gas engines, 2 No. pump rooms, and fuel storage compound. Each generator will have its own flue of 25m height. The energy centre and buildings within the compound will be 12 m high, single storey with mezzanine level. The buildings will house ancillary office,</i> 	<p>Response to a Clarification of Further Information was submitted 9th of June 2022</p>
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	<p>welfare facilities and associated parking.</p> <ul style="list-style-type: none"> • A two storey Vertical Farm Building. The vertical farm will be c. 2,430 sqm and 12m high. It will comprise c. service area of 1,444 sqm, handling area of 844 sqm and ancillary areas. • Solar Panels located on each of the data centres and Rainwater harvesting included in the development. • Undergrounding of two existing overhead 110kV electricity transmission lines. <p>Ancillary site development works,</p>	
<p>If a valid planning application has been made in respect of this land or structure in the 6 months prior to the submission of this application, then any required site notice must be on a yellow background in accordance with Article 19(4) of the Planning and Development regulations 2001 as amended.</p> <p>N/A – previous valid planning application was made more than 6 months prior to the submission of this application.</p>		
<p>Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development?</p>		
<p>Yes: [] No:[X]</p> <p>If yes please specify</p> <p>An Bord Pleanála Reference No.: _____</p>		

9. Description of the Proposed Development:

<p>Brief description of nature and extent of development</p>	<p>The proposed development primarily comprises the provision of a new 110 kV Gas Insulated Switchgear (GIS) grid substation, two 110 kV underground transmission cables connecting to existing 110 kV overhead lines to the north of the proposed substation, and two 110kV underground transmission cables connecting to the existing Ennis 110kV grid substation (located to the east of the M18 and to the north of the Tulla Road (R352)), along with associated and ancillary works.</p> <p>The proposed development is located within the townlands of Tooreen, Cahernalough, Knockanean, Ballymacahill, Muckinish, and Rosslevan to the north east of Ennis, on the Tulla Road (R352), Co. Clare. The application site has a total area of c. 9.0 hectares.</p> <p>The proposed development is described as follows:</p> <p>The proposed new 110 kV GIS grid substation is to be located on lands at Cahernalough, to the north east of Ennis, and to the north of the Tulla Road (R352). The proposed 110kV GIS grid substation is located to the north east of a proposed data centre development subject to a separate concurrent application to Clare County Council under Reg. Ref.: P21-757. An EPA-Industrial Emissions Directive (IED) licence will be applied for to facilitate the operation of the development proposed under Reg. Ref.: P21-757.</p> <p>The proposed substation consists of two storey 110kV GIS grid substation building (with a gross floor area of 1,431 sq.m.) enclosed within a 2.6 metre high security fence; a single storey client control building (with a gross floor area of 467 sq.m), 2 No. 110kV hybrid GIS circuit breakers; 2 no. 110/10kV dual output step down transformers (separated by isolators and metering equipment), and 4 No. medium voltage output switch rooms for distribution to the site and connection to the onsite energy center generators (proposed under concurrent application Reg. Ref.: P21-757), all within a 2.6m high fenced compound.</p> <p>Two existing overhead 110 kV transmission cables circuits traversing the site from south-west to north-east will be undergrounded via 2 no. dropdown. masts with two proposed 110kV underground transmission cables (within ducts) to connect the proposed dropdown masts with the proposed 110kV GIS grid substation. Each of the two new circuits will terminate in a cable – overhead line/cable (L/C) interface compound containing air-insulated electrical equipment mounted on concrete plinths. Adjacent to each L/C interface compound, an overhead line tower will be erected to facilitate connection of the new underground cables to the two existing 110 kV overhead lines. Each proposed dropdown mast will be c. 17 metres in height, set on concrete</p>
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	<p>foundations. The obsolete sections of the two existing overhead 110kV lines from the proposed dropdown towers to the existing Ennis 110kV substation, including the supporting poles /masts will be removed / demolished.</p> <p>Two proposed 110kV underground transmission cables (within ducts) will run from the proposed 110 kV GIS grid substation, connecting to the existing Ennis 110 kV Grid Substation via a route southwards along the proposed main campus internal road (proposed under concurrent application Reg. Ref.: P21-757), then turning west along the Tulla Road (R352) until they reach the existing Ennis 110kV grid substation.</p> <p>The development includes enabling works and services diversions; adjacent access paths to serve the proposed transmission cables; joint bays; connections to the proposed and existing substations; landscaping; security fencing; lightning masts; provision of internal access arrangements within the substation compound; services, and all associated construction and ancillary works.</p> <p>An Environmental Impact Assessment Report and a Natura Impact Statement have been prepared and submitted in respect of this application.</p>
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10. In the case of mixed development (e.g. residential, commercial, industrial, etc), please provide breakdown of the different classes of development and a breakdown of the gross floor area of each class of development:

Class of Development:	Gross Floor Area in m ²
N/A	N/A

11. Where the application relates to a building or buildings:

Gross floor space of any existing buildings(s) in m ²	0 sq.m
Gross floor space of proposed works in m ²	1,898 sq.m (GIS building and Client Control Building)
Gross floor space of work to be retained in m ² (if appropriate)	0 sq.m
Gross floor space of any demolition in m ² (if appropriate)	0 sq.m

12. In the case of residential development please provide breakdown of residential mix: Not Applicable

Number of	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4 + Bed	Total
Houses							
Apartments							
Number of car-parking spaces to be provided		Existing:		Proposed:		Total:	

13. Social Housing: Not Applicable

Please tick appropriate box:	Yes	No
<i>Is the application an application for permission for development to which Part V of the Planning and Development Act 2000 applies?</i>		X
<p>If the answer to the above question is “yes” and the development is not exempt (see below), you must provide, as part of your application, details as to how you propose to comply with section 96 of Part V of the Act.</p> <p>If the answer to the above question is “yes” but you consider the development to be exempt by virtue of section 97 of the Planning and Development Act 2000, a copy of the Certificate of Exemption under section 97 must be submitted (or, where an application for a certificate of exemption has been made but has not yet been decided, a copy of the application should be submitted).</p> <p>If the answer to the above question is “no” by virtue of section 96 (13) of the Planning and Development Act 2000, details indicating the basis on which section 96 (13) is considered to apply to the development should be submitted.</p>		

14. Where the application refers to a material change of use of any land or structure or the retention of such a material change of use: Not Applicable

Existing use (or previous use where retention permission is sought)
<u>Not Applicable</u>
Proposed use (or use it is proposed to retain)
<u>Not Applicable</u>
Nature and extent of any such proposed use (or use it is proposed to retain).
<u>Not Applicable</u>

15. Development Details:

Please tick appropriate box:	If answer is yes please give details	YES	NO
Does the proposed development involve the demolition of a Protected Structure(s), in whole or in part?			X
Does the proposed development consist of work to a protected structure and / or its curtilage or proposed protected structure and / or its curtilage?			X
Does the proposed development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?			X
Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994.			X
Does the application relate to work within or close to a European Site or a Natural Heritage Area?			X
Does the development require the preparation of a Natura Impact Statement?		X NIS Submitted	
Does the proposed development require the preparation of an Environmental Impact Assessment Report?		X (EIAR submitted with this application)	
Do you consider that the proposed development is likely to have significant effects on the environment in a transboundary state?			X
Does the application relate to a development which comprises or is for the purpose of an activity requiring an integrated pollution prevention and control license			X
Does the application relate to a development which comprises or is for the purpose of an activity requiring a waste license?			X
Do the Major Accident Regulations apply to the proposed development?			X
Does the application relate to a development in a Strategic Development Zone?			X
Does the proposed development involve the demolition of any habitable house?			X

16. Services:

Proposed Source of Water Supply: <i>Please refer to CSEA Engineering Report</i>
Existing connection: <input type="checkbox"/> New Connection: <input checked="" type="checkbox"/> Public Mains: <input checked="" type="checkbox"/> Group Water Scheme: <input type="checkbox"/> Private Well: <input type="checkbox"/> Other (please specify): _____ Name of Group Water Scheme (where applicable): _____
Proposed Wastewater Management / Treatment: <i>Please refer to CSEA Engineering Report</i>
Existing: <input type="checkbox"/> New: <input checked="" type="checkbox"/> Public Sewer: <input checked="" type="checkbox"/> Conventional septic tank system: <input type="checkbox"/> Other on site treatment system: <input type="checkbox"/> Please Specify: _____
Proposed Surface Water Disposal: <i>Please refer to CSEA Engineering Report</i>
Public Sewer / Drain: <input type="checkbox"/> Soakpit: <input type="checkbox"/> Watercourse: <input checked="" type="checkbox"/> Other: <input type="checkbox"/> Please specify:

17. Notices:

Details of public newspaper notice – paper(s) and date of publication
Copy of page(s) of relevant newspaper enclosed Yes: [<input checked="" type="checkbox"/>] No:[<input type="checkbox"/>] The newspaper notice for the proposed development was published in The Clare Champion on the 16th of June 2022 and the Examiner on the 22nd of June 2022.
Details of site notice, if any, - location and date of erection
Copy of site notice enclosed Yes: [<input checked="" type="checkbox"/>] No:[<input type="checkbox"/>] The locations of the site notices erected are indicated on the site location map submitted herewith. The site notices were erected on the 2nd of June 2022.
Details of other forms of public notification, if appropriate e.g. website
A stand-alone website has been created: http://sid.artdatacentres.com

18. Pre-application Consultation:

Date(s) of statutory pre-application consultations with An Bord Pleanála <ul style="list-style-type: none">• Pre-Application Meeting on the 16th of September 2021
Schedule of any other pre application consultations –name of person / body and date of consultation to be provided as appropriate and also details of any general public consultations i.e. methods, dates, venues etc. This can be submitted as a separate schedule with the application form. Enclosed: Yes: [<input checked="" type="checkbox"/>] No:[<input type="checkbox"/>] Please refer to Planning Report Schedule of prescribed bodies to whom notification of the making of the application has been sent and a sample copy of such notification. Enclosed: Yes: [<input checked="" type="checkbox"/>] No:[<input type="checkbox"/>] Copy of notification letters submitted herewith.

Copies of the application, along with letters of notification were issued to the following prescribed bodies as requested within the Board Inspector's report on the pre-application consultation process:

- **Minister of Housing, Local Government and Heritage**
- **Minister for Environment, Climate and Communications**
- **Clare County Council**
- **Transport Infrastructure Ireland**
- **Irish Water**
- **An Chomhairle Ealaíon**
- **Failte Ireland**
- **An Taisce**
- **Heritage Council**
- **Commission of Regulation of Utilities, Water and Energy**
- **Health Service Executive**
- **Irish Aviation Authority**
- **Health & Safety Authority**

19. Confirmation Notice:


Copy of Confirmation Notice

Attach a copy of the confirmation notice in relation to the EIA Portal where an EIAR accompanies the application. **Please refer to JSA Cover Letter for copy of EIA Portal Confirmation. The EIA Portal ID number for this application is 2022113.**

20. Application Fee:

Fee Payable	€100,000 (copy of EFT payment enclosed)
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I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and that the application documents being deposited at the planning authority offices, and any other location specified by the Board in pre application consultations, including a website (if any) will be identical to the application documents being deposited with the Board.

Signed: (Applicant or Agent as appropriate)	
Date:	23 rd June 2022

General Guidance Note:

The range and format of material required to be compiled / submitted with any application in respect of a proposed strategic infrastructure development shall generally accord with the requirements for a planning application as set out in the Planning and Development Regulations, 2001 to 2018 and those Regulations should therefore be consulted prior to submission of any application.

September 2018

Form Attachment

Question 7 - Legal Interest of Applicant in respect of the site the subject of the application:

The applicant has entered into legal agreements in respect of the lands on which the proposed 110kV Grid Substation, undergrounding of existing overhead lines, dropdown compounds, and part of the associated underground transmission line connections will be located.

The remainder of the development is located within public roads and the existing Ennis 110kV Grid Substation compound.

The following is noted in relation to Question 7 of the Planning Application Form.

1. The application procedure in respect of strategic infrastructure development pursuant to *Section 182A* is provided for under Article 214 of the Planning and Development Regulations, 2001, as amended ("*the 2001 Regulations*"). There is no equivalent provision to Article 22(2)(g) of the 2001 Regulations, which imposes a requirement to enclose, with a planning application under section 34 of the 2000 Act, the written consent of any landowner whose land is included in the planning application, where the said land is not owned by the applicant himself. This was confirmed by the High Court in *n North East Pylon Pressure Campaign Limited .v. An Bord Pleanala and Others*.¹
2. There is no prescribed application form in respect of strategic infrastructure development, whether under *Section 182A*, or otherwise. An application form is made available by the Board for strategic infrastructural development, which refers to landowner consent. However, it is clear that this could not and does not impose any legal requirement to submit the written consent of any third party landowner whose land is included within the application site as there is no regulatory requirement in that regard. This is addressed at paragraph 21 of the judgment in *North East Pylon* as follows:

*"21. As to An Bord Pleanála's 'Application Form for Permission/Approval in respect of a Strategic Infrastructure Development' there is: (i) no such form prescribed by law; (ii) for the reasons stated previously above, no requirement that a person making application under s.182A of the Act of 2000 obtain landowner consent; and (iii) no way that the said form could change this legal position – in and of itself the form is something of a legal nothing. Be that as it may, the applicants have pointed to Box 7 of the said form as support of their argument as to the need for landowner consent."*²

¹ [2017] IEHC 338.

² Emphasis added.