

Coinhairle Chontae na Mí

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Meath County Council

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AN BORD PLEANÁLA

LDG- _____

ABP- _____

03 AUG 2021

Fee: € _____ Type: _____

Time: _____ By: post

PLANNING SECTION

29th July 2021

An Bord Pleanála
64 Marlborough Street
Dublin 1

File Number:

21/663

ABP: -310729-21

Applicant:

Tunis Properties LLC

Appellant:

Third Party

Development Address:

Drogheda IDA Business & Technology Park,
Donore Road,
Drogheda,
Co Meath

Development Description: The proposed development consists of the following: construction of a two storey (with mezzanine levels at both storeys) data storage facility building with a maximum overall height of c. 25 metres, containing data halls, associated electrical and mechanical Plant Rooms, a loading bay, maintenance and storage space, office administration areas, screened plant and solar panels at roof level, all within a building with a total gross floor area (FGA) of c. 28,566 sq.m. The proposed data storage facility building will be located to the north of the data storage facility building previously permitted under Reg. Ref: LB/191735 and to the south of the gas insulated switchgear substation compound proposed under An Bord Pleanála Ref: 308628-20. Emergency generators (26 no.), emission stacks and associated plant are provided in a fenced compound adjacent to the data storage facility, along with a single emergency house supply generator. MV Building (with a GFA of 249 sq.m), water storage tanks, diesel tanks and filling area, all located adjacent to the proposed data storage facility building. Construction of associated internal access roads and circulation areas, provision of temporary construction access arrangements, footpaths, provision of 50 no. car parking spaces and 26 no. cycle parking spaces within a bicycle shelter. Landscaping and planting, bin store, and all associated site works including underground foul and storm water drainage, and utility cables, on an application site area measuring 3.58 hectares. An Environmental Impact Assessment Report (EIAR) has been prepared and will be submitted to the Planning Authority with the planning application and

the EIAR will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority

Dear Sir/Madam,

1.0 THE APPLICATION & BACKGROUND

- 1.1 Planning permission is sought for a data centre under PA ref. 21/0663 and as described in the statutory notices.
- 1.2 By Chief Executive Order (No. 1301/21), Meath County Council, as planning authority for the area, issued a decision to grant planning permission on 04/06/21 subject to the conditions set out in Appendix A attached hereto.
- 1.3 In accordance with section 37(1)(a) of the Planning & Development Act 2000 (as amended) ('the PDA 2000'), a 3rd Party (prescribed body) appealed the decision of the planning authority to An Bord Pleanála on 01/07/21 under ref. ABP-310729-21.
- 1.4 In accordance with section 129(2)(a) of the PDA 2000, this submission forms the planning authority response to the 3rd Party Appeal.

2.0 TYPE OF APPEAL & COMMENTS ON ISSUES RAISED

2.1 The planning authority acknowledges the *do novo* scope of appeal by virtue of section 37(1)(b) of the PDA 2000 as outlined in the correspondence from An Bord Pleanála dated 05/07/21.

2.2 The planning authority has reviewed the issues raised by the 3rd Party as outlined in their appeal submission dated 01/07/21 and is satisfied that these issues have been substantively addressed in the Planning Report dated 04/06/21. The EIA contained therein has been carried out in accordance with the EIA Directive as transposed into domestic law and has been adopted as the assessment of the planning authority.

2.3 The proposed development accords with the national, regional and local planning policy context for ICT infrastructure and specifically data centres and the planning authority is satisfied that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of the properties in the vicinity, would not be likely to have significant effects on the environment or the ecology of the area. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

2.4 The planning authority position remains that as set out in the aforementioned Planning Report in that planning permission ought to be granted subject to the 15 conditions set out in the Schedule to the Chief Executive's Order.

3.0 CONCLUSION & CONTINGENCY

3.1 The Board is respectfully requested to uphold the decision of the planning authority to grant planning permission as per the conditions set out in Appendix A, or other similar such conditions, in the interests of the proper planning and sustainable development of the area.

3.2 It is not considered that a contingency submission is required in this instance.

Yours faithfully,



On Behalf of Meath County Council

Comhairle Chontae na Mí

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Appendix A

1. The development hereby permitted shall be carried out and completed in accordance with the plans and particulars lodged with the Planning Authority on the 12/04/21 except where conditions hereunder specify otherwise. Where such conditions require details to be agreed with the Planning Authority, the applicant shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in strict accordance with the agreed particulars.

REASON: To ensure a satisfactory standard of development in accordance with the approved plans.

2. All mitigation measures and monitoring in respect of the development hereby permitted shall be implemented as outlined in the Environmental Impact Assessment Report (EIAR) and other plans and particulars date received 12/04/21 and in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions hereunder. The developer shall appoint a professional person with appropriate ecological and construction expertise as Environmental Manager to ensure that the mitigation measures identified in the above documents are implemented in full.

REASON: In the interests of clarity and environmental protection.

3. (a) Prior to the commencement of the development hereby permitted, the applicant shall agree a Construction Stage Traffic Management Plan with the planning authority.

(b) The applicant shall implement the remedial and mitigation measures identified in section 13.18 of the EIAR.

REASON: In the interests of road safety and convenience of road users.

4. Building materials, design detail and textural finishes shall be in accordance with the submitted drawings and documentation. Any changes to the materials, detailing and finishes to the buildings from that detailed on the drawings date received 12/04/21 shall only proceed with the written agreement of the planning authority. In the event of such changes being made by the developer, details including samples, where deemed necessary, of the revised materials, colours and textures of all the external finishes to each component of the scheme shall be made available for the Planning Authority for their consideration.

REASON: In the interests of visual amenity.

5. (a) The site shall be landscaped in accordance with the scheme submitted to the planning authority on the 12/04/21. All hard and soft landscaping shall be implemented in full, within the first planting season following completion of the development.

(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.

REASON: In the interests of visual amenity.

6. Prior to the commencement of development on site the applicant shall submit a lighting design for the written agreement of the Planning Authority, this design shall include the internal lighting of the site and include measures for the minimising of obtrusive light and glare. The lighting design shall be in accordance with "Meath County Councils: Public lighting Technical Specification & Requirements" The proposed landscape design and layout shall take into consideration the agreed public lighting design and no existing or new trees shall be planted within falling distance of a public lighting column.

REASON: In the interest of public safety and residential amenity.

7. All measures as outlined in the Construction Environmental Monitoring Plan (CEMP) shall be fully implemented for the duration of the construction phase. The CEMP shall include but not be limited to operational controls for dust, noise and vibration, waste management, protection of soils and groundwaters, protection of flora and fauna, site housekeeping, emergency response planning, site environmental policy, environmental regulatory requirements and project roles and responsibilities. The CEMP shall also address extreme of weather (drought, wind, precipitation, temperature extremes) and the possible impacts on receptors and mitigation of same. The CEMP shall be treated as a live document and communicated to all site personnel.

REASON: In the interest of appropriate environmental management.

8. Appropriate preventative measures should be detailed within the CEMP to ensure that non-native invasive species (aquatic and/or terrestrial) are not introduced into the site. These measures should follow as relevant the manual 'The Management of Noxious Weeds and Non-Native Invasive Plant Species on National Roads' by NRA (2010) and take cognisance of 'The Best Practice Management Guidelines' produced by Invasive Species Ireland (Maguire et al, 2008).

REASON: In the interest of appropriate environmental management.

9. The following requirements and standards shall apply to waste management arising during the construction and operation of the proposed development:
 - (a) The Applicant shall prepare a Waste Management Plan (WMP) for the proposed development for the written agreement of the Planning Authority prior to the commencement of any site activity. The WMP shall include but not be limited to project description, legislation requirements, demolition waste, construction phase waste, categories of construction waste, anticipated hazardous waste, non-construction waste, segregation of waste streams, estimated waste generated, waste hierarchy and adherence to same, roles and responsibilities and communication of WMP, details of recovery and disposal sites, details of waste hauliers, record keeping and documentation, waste audit procedures. The WMP shall be prepared in accordance with “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects” (2006) and “Guidelines for the Management of Waste from National Road Construction Road Projects” (Rev. 2014), the WMP shall also take cognisance of the current Regional Waste Management Plan in particular to the upper tiers of the Waste Hierarchy. All waste generated on site shall be recovered/ disposed off at an authorised facility and transported by an authorised collector. The WMP shall be treated as a live document and communicated to all relevant personnel.
 - (b) All waste generated during construction, including surplus excavation material to be taken off-site, shall be only recovered or disposed of at an authorised site which has a current Waste Licence or Waste Permit in accordance with the Waste Management Acts, 1996 to 2008. This shall not apply to the reuse of excavated material within the applicant’s site boundary.
 - (c) The applicant shall ensure that all waste removed from the site is collected and transported by an authorised collector. The applicant shall ensure that all activities pertaining to the collection and transportation of waste are as detailed on the waste collection permit.
 - (d) The applicant shall manage all waste streams during the construction and commissioning stage of the project in accordance with the DOECLG “ Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects” (2006) and shall take cognisance of the current Regional Waste Management Plan in particular to the upper tiers of the Waste Hierarchy.

- (e) The Applicant shall provide to the Local Authority, on completion of the works, a comprehensive report detailing the management of the all waste streams generated during the construction and commissioning stages of the project. This shall include but not be limited to type of waste streams, amount of each waste stream generated, destination of waste streams (including final destination if applicable), percentage of waste re-used, recycled, recovered and disposed, and prevention and minimisation initiatives undertaken.
- (f) In the event it is necessary to import soil and stone or topsoil for any element of the proposed development to Applicant shall ensure a Certificate of Registration or Waste Facility Permit as per the Waste Management (Facility and Registration) Regulations 2007, as amended is secured in advance of the works.

REASON: In the interest of effective and efficient waste management.

10. The following standards and requirements shall apply in relation to air and climate change during the construction and operation of the proposed development:
 - (a) Dust emissions shall not exceed 350mg/m²/day.
 - (b) The Applicant shall also include in the CEMP mitigation measures for extreme weather conditions that may affect air quality, in this case extreme high temperatures resulting in drought conditions, and where there may be restrictions on the use of water for conventional dust suppression.
 - (c) The Applicant shall record the actual construction vehicle and plant emissions to air, this shall include all plant used on site and all deliveries to and from the site for the duration of the construction of the project.
 - (d) The Applicant, contractor and sub-contractors shall endeavour to utilise low energy and low emissions vehicles and plant where possible, this shall be detailed in the CEMP.
 - (e) Burning of waste, including green waste, is prohibited on site.
 - (f) Should a developed area, either existing or future, become suitable for a district heating system the Applicant shall provide the necessary infrastructure, technology and plant from the Data Centre to the boundary of the site for connection by others.

REASON: In the interest of air quality management and climate change adaptation.

11. The following requirements shall apply regarding surface water and groundwater protection during the construction and operation of the proposed development:
 - (a) The Applicant shall agree, in writing, with the Local Authority a protocol for reporting and managing accidental spillages during construction and operation stage that may cause soil contamination or ground or surface water pollution.
 - (b) All hydrocarbons, chemicals and oils storage tanks required for the construction and decommissioning stages shall be bunded to a volume not less than the greater of the following:
 - i. 110% of the capacity of the largest tank within the bunded area; or
 - ii. 25% of the total volume of substance which could be stored within the bunded area.
 - (c) Refuelling of plant and machinery shall take place at dedicated refuelling areas only as detailed in the CEMP.
 - (d) The Applicant shall ensure adequate supply of spill kits and hydrocarbon absorbent pads are stocked on site
 - (e) The dedicated bunded area shall be located at least 30m from watercourses.
 - (f) The applicant shall include as part of the Construction Environmental Management Plan measures to ensure silts, washwaters, chemical, etc. are not discharged to ground or surface waters.

REASON: In the interest of surface and groundwater protection.

12. The following requirements shall apply regarding noise and vibration during the construction and operation of the proposed development:
 - (a) During the construction phase noise levels at noise sensitive locations shall not exceed 70dB(A) between 0700 to 1900 hours Monday to Friday and 0800 to 1400 hours Saturday and 45dB(A) at any other time. Noise exceedance activities must be agreed in writing with Meath County Council prior to the activity taking place.

- (b) The construction works shall be carried out in accordance with the noise guidance set out by BS 5228-1:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites and the NRA Guidelines for the treatment of Noise and Vibration in National Roads Schemes.
- (c) The applicant and/or his contractor shall establish protocol for informing residents at noise sensitive receptors of scheduled noise emitting activities outside normal working hours and shall maintain for inspection a noise complaints register.
- (d) The applicant and/or his contractor shall give consideration to utilising low noise and vibration emitting construction plant and tools.
- (e) The applicant shall, at a minimum for construction noise, employ noise mitigation measures as detailed in the outline CEMP, these shall be developed as necessary.
- (f) During the day to day operational phase noise levels when measured at noise sensitive receptors as identified in the EIAR shall not exceed the following limits:
 - i. 55dB $L_{Aeq, 15min}$ (daytime),
 - ii. 50dB $L_{Aeq, 15min}$ (evening) and;
 - iii. 45dB $L_{Aeq, 15min}$ (night time)
- (g) Testing of the emergency generators shall take place between the hours of 08.00 and 17.00 Monday to Friday, testing shall not be permitted on Saturdays, Sundays or public holidays.
- (h) Vibration from the construction activities shall be limited to the following:
 - i. At Less than 10Hz, 8mm/s
 - ii. At 10 to 50 Hz, 12.5mm/s
 - iii. At 50 to 100Hz, 20mm/s

This is the allowable vibration (in terms of peak particle velocity) at the closest part of sensitive property to the/a source of vibration.

REASON: In the interest of noise and vibration management.

13. The following requirements shall apply in relation to land and soils:

- (a) Prior to the construction of the building the applicant shall prepare an earthworks schedule/plan and programme (either as part of the WMP or as a separate document) for written agreement with the Planning Authority identifying the extent of 17 05 04 material on site and its treatment, should material be required to be removed from site, the programming of the removal, the waste carriers and destination sites requires detailing. The Applicant shall ensure there is a robust document tracking system to trace all movements of 17 05 04.
- (b) The applicant shall include, in the CEMP, mitigation measures for extreme weather conditions that may affect earthworks moving and stockpiling, in this case extreme high temperatures resulting in drought conditions, and where there may be restrictions on the use of water for conventional dust suppression and heavy precipitation which may result in slope instability or fines run-off from stockpiled material.

REASON: In the interest of protection of land from pollution.

- 14. Prior to commencement of any development works on the subject lands, the applicant shall prepare a detailed Environmental Emergency Response Plan for the construction and commissioning stage of the proposed project. This shall be treated as a live document and communicated to all site personnel.

REASON: In the interest of appropriate environmental management.

- 15. No additional signage shall be erected on the lands or buildings without the appropriate authorisation of the planning authority.

REASON: In the interests of visual amenity.

