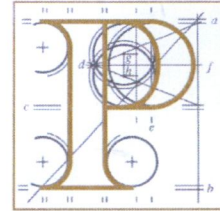


Our Case Number: ABP-312793-22



An
Bord
Pleanála

LAND USE, PLANNING
& TRANSPORTATION DEPT.

28 MAR 2024

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Date: 27 MAR 2024

Re: 110kV Gas Insulated Switchgear (GIS) Substation compound and 110kV transmission lines along with associated and ancillary works.
Within Profile Park Business Park and partly within Grange Castle Business Park, Dublin 22.

Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned case. A copy of the order is enclosed.

In accordance with section 146(3) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act 2000, as amended.

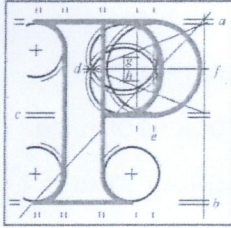
If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,

Evan McGuigan
Executive Officer
Direct Line:

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



An
Bord
Pleanála

Board Order ABP-312793-22

Planning and Development Acts, 2000 to 2022

Planning Authority: South Dublin County Council

Application for approval under section 182A(1) of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report, lodged with An Bord Pleanála on the 17th day of February, 2022 by Vantage Data Centers DUB11 Limited, care of Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin.

Proposed development: The proposed development primarily comprises the provision of two number 110 kilovolt underground transmission lines and a 110 kilovolt Gas Insulated Switchgear substation compound along with associated and ancillary works and is described as follows:

- The proposed 110 kilovolt Gas Insulated Switchgear substation compound is to be located on lands to the south of those that are subject of an application for 2 number data centres under South Dublin County Council Register Reference Number: SD21A/0241 and to the south of Falcon Avenue within Profile Park, and within an overall landholding bound to the north by Falcon Avenue, Profile Park; to the west by Casement Road, Profile Park; and to the east and south by undeveloped lands; and partly by the Digital Reality complex to the south-east within Profile Park, Clondalkin, Dublin 22. The site of the proposed development has an area of circa 3.19 hectares.
- The proposed 110 kilovolt Gas Insulated Switchgear substation compound includes the provision of a two storey Gas Insulated Switchgear substation

building (with a gross floor area of 1,477 square metres) (known as the Kilcarbery substation), three transformers with associated ancillary equipment and enclosures, a single storey Client Control Building (with a gross floor area of 51.5 square metres), lightning masts, car parking, associated underground services and roads within a 2.6 metre high fenced compound and all associated construction and ancillary works.

- One proposed underground single circuit 110 kilovolt transmission line will connect the proposed Kilcarbery 110 kilovolt Gas Insulated Switchgear substation to the existing 110 kilovolt Barnakyle Substation to the west. The proposed transmission line covers a distance of approximately 274 metres within the townlands of Aungierstown and Ballybane, and Kilbride and will pass under the internal road network within Profile Park to where it will connect into the Barnakyle substation.
- One proposed underground single circuit 110 kilovolt transmission line will connect the proposed Kilcarbery 110 kilovolt Gas Insulated Switchgear substation to the existing 110 kilovolt underground Castlebaggot - Barnakyle circuit to the west within the Grange Castle South Business Park. The proposed transmission line covers a distance of approximately 492 metres within the townlands of Aungierstown and Ballybane, and Kilbride and will pass both under, and to the north of the internal road network within Profile Park and Grange Castle Business Park South where it will connect into the Castlebaggot - Barnakyle circuit at a proposed new joint bay.
- The proposed development includes the connections to the two substations (existing and proposed) as well as to the Castlebaggot - Barnakyle circuit, associated underground services, and all associated construction and ancillary works.

All located within Profile Park Business Park and partly within Grange Castle Business Park, Dublin.

Decision

APPROVE the proposed development under section 182A of the Planning and Development Act, 2000, as amended, for the following reasons and considerations and subject to the conditions set out below, and

DETERMINE under section 182B of the Planning and Development Act, 2000, as amended, the sum to be paid by the undertaker in respect of costs associated with the application, as set out in the Schedule of Costs below.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) European Union legislation including in particular:
- the relevant provisions of European Union Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment, and
 - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
- (b) National legislation including in particular:
- Section 182A of the Planning and Development Act 2000 (as amended).
- (c) Regional Policy including in particular:
- the Regional Spatial and Economic Strategy for the Eastern and Midlands Region.
- (d) Local planning policy including in particular:
- the provisions of the South Dublin County Development Plan 2022-2028.

(e) The following matters:

- the nature, scale and design of the proposed works as set out in the application for approval and the pattern of development in the vicinity,
- the documentation and submissions of the planning authority, the Environmental Impact Assessment Report and associated documentation submitted with the application, and the range of mitigation and monitoring measures proposed,
- the submissions and observations made to An Bord Pleanála in connection with the application,
- other relevant guidance documents,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites, and
- the report and recommendation of the Inspector including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment screening and Environmental Impact Assessment.

Appropriate Assessment:

In conducting a screening exercise for Appropriate Assessment, the Board considered the nature, scale and context of the proposed development, the documentation on file, in particular the Appropriate Assessment Screening Report submitted in support of the proposed development, the submissions on file and the assessment of the Inspector in relation to the potential for significant effects on European Sites. In undertaking the screening exercise, the Board accepted the analysis and conclusions of the Inspector. The Board concluded that, by itself and in combination with other developments in the vicinity, the proposed development would not be likely to have significant effects on any European Site in view of the sites' conservation objectives. In reaching this conclusion, the Board took no account

of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

Environmental Impact Assessment:

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and other associated documentation submitted in support of the application,
- (c) the submissions from the applicant, the observers/ prescribed bodies in the course of the application, and
- (d) the Inspector's report.

The Board agreed with the summary of the results of consultations and information gathered in the course of the Environmental Impact Assessment, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the applicant, and the submissions made in the course of the application as set out in the Inspector's report. The Board was satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation which are incorporated into the Board's decision.

Reasoned Conclusion of the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of European Union Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant

direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below.

The main significant effects, both positive and negative, are:

- Positive impacts on **population and human health** in terms of the local economy from increased spending and jobs during the construction period.
- Construction phase impacts on population and human health will be mitigated by a range of measures and through implementation of the Construction Environmental Management Plan.
- Potential adverse impacts on **biodiversity** during the construction phase from site clearance, soil-stripping and earthworks, and from surface water carrying silt, hydrocarbons or other chemicals into surface water drainage. A range of mitigation measures will be put in place for the construction phase to prevent water pollution and impacts on flora and fauna.
- Potential long-term positive impacts on **land** through change of use from former agricultural lands to enterprise and employment lands in accordance with the land use zoning objective.
- Potential impacts on **cultural heritage and the landscape** will be mitigated during the construction stage through archaeological monitoring of ground works. Excavation of an area measuring 50 metres by 50 metres will take place in order to preserve by record the identified oval or circular enclosure on site in advance of construction works commencing.

Having regard to the above, the Board is satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment. The Board is satisfied that the reasoned conclusion is up to date at the time of making the decision.

Proper Planning and Sustainable Development:

It is considered that subject to compliance with the conditions set out below, the proposed development would accord with European, national, regional and local planning and related policy, it would not have an unacceptable impact on landscape, cultural heritage or ecology, it would not seriously injure the visual or landscape amenities of the area or of property in the vicinity, and it would be acceptable in terms of water and drainage impacts. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the undertaker shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures identified in the Environmental Impact Assessment Report and other plans and particulars submitted with the planning application, shall be implemented in full by the undertaker in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: In the interests of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. The proposed connection point for drainage serving the 110 kilovolt Gas Insulated Switchgear substation shall be to manholes on Falcon Avenue via an underground attenuation tank. Water supply and drainage arrangements shall otherwise comply with the requirements of the planning authority for such works in respect of both the construction and operational phases of the proposed development.

Prior to commencement of the proposed development, and following consultation with Uisce Éireann, the undertaker shall agree with the planning authority proposals for all works as they affect water and drainage services, together with written commitment to undertake the proposed development in accordance with this agreement.

Reason: In the interests of environmental protection and public health.

4. The landscaping proposals shall be carried out within the first planting season following commencement of construction of the proposed development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. The landscaping and screening shall be maintained at regular intervals.

Reason: To blend it into its surroundings in the interest of visual amenity.

5. Prior to commencement of the development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed in writing with the planning authority, generally in accordance with the Outline CEMP included in the Environmental Impact Assessment Report. The CEMP shall incorporate the following:

- (a) a detailed plan for the construction phase incorporating, inter alia, the construction programme, supervisory measures, noise, dust and surface water management measures, including appointment of a Site Noise

Liaison Officer, construction hours and the management, transport and disposal of construction waste,

- (b) a comprehensive programme for the implementation of all monitoring commitments made in the planning application and supporting documentation during the construction period,
- (c) an emergency response plan, and
- (d) proposals in relation to public information and communication.

A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of environmental protection and orderly development.

6. The undertaker shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the undertaker shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operations (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the planning authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

7. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, a Traffic Management Plan and a Waste Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of orderly development and the protection of the environment.

8. Prior to the commencement of the development, the undertaker shall submit to, and agree in writing with, the planning authority, a report detailing mitigation measures to be employed ensuring that the proposed development and any associated cranes at construction stage, shall have no impact on the safety of flight operations at Casement Aerodrome. The mitigations shall have due regard to the contents of the submission received by An Bord Pleanála on the 21st day of March 2022 from the Irish Aviation Authority (dated 14th day of March 2022).

Reason: In the interests of orderly development and safety.

Schedule of Costs

In accordance with the provisions of section 182B of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is **€76,861**.

A breakdown of the Board's costs is set out in the attached Appendix 1.



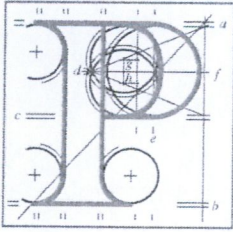
Tom Rabbette

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this ^u 27 day of ~~March~~ ^u ~~March~~ 2024



An
Bord
Pleanála

Board Order –
Appendix 1

ABP-312793-22

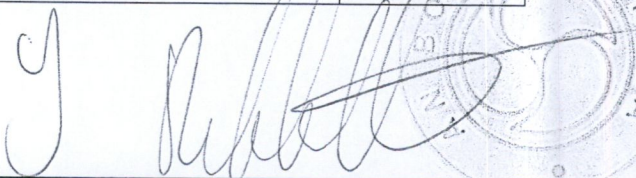
Strategic Infrastructure Development

Costs of determining the Application

Case Number: ABP-312793-22

Proposed Development: 110kV Gas Insulated Switchgear (GIS) Substation compound and 110kV transmission lines along with associated and ancillary works, within Profile Park Business Park and partly within Grange Castle Business Park, Dublin 22.

Board Costs		
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) – €3,346 Inspector 2 (application) – €20,793	€24,139
(2)	Costs invoiced to Board	N/A
	Total chargeable costs	€24,139
Board Fees		
(3)	Application Fee – €100,000 Pre-application Consultation Fee – €1,000	€101,000
(4)	Observer fees paid	€0
	Total	€101,000
	Net amount due to be refunded to applicant	€76,861

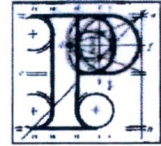


Tom Rabbette

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 27th day of March 2024



Judicial Review Notice

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000, as amended, contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that any application for leave to apply for judicial review must be made within 8 weeks of the date of the decision of the Board, save for decisions made pursuant to a function transferred to the Board under Part XIV of the Planning and Development Act 2000, where any application for leave to apply for judicial review must, as set out in sub-section 50(7), be made within 8 weeks beginning on the date on which notice of the decision of the Board was first sent (or as may be the requirement under the relevant enactment, functions under which are transferred to the Board, was first published). These time periods are subject to any extension which may be allowed by the High Court in accordance with sub-section 50(8).

Section 50A(3) states that leave for judicial review shall not be granted unless the Court is satisfied that (a) there are substantial grounds for contending that the decision is invalid or ought to be quashed and (b) the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

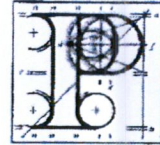
Section 50B contains provisions in relation to the costs of certain judicial review proceedings in the High Court; pursuant to Section 50B(1), Section 50B applies to the following proceedings:

- (a) proceedings in the High Court by way of judicial review, or of seeking leave to apply for judicial review, of—
- (i) any decision or purported decision made or purportedly made,
 - (ii) any action taken or purportedly taken,
 - (iii) any failure to take any action, pursuant to a statutory provision that gives effect to
 - I. a provision of the EIA Directive 85/337/EEC as amended to which Article 10a (as inserted by Directive 2003/35/EC) of that Directive applies,
 - II. the SEA Directive 2001/42/EC, or
 - III. a provision of the IPPC Directive 2008/1/EC to which Article 16 of that Directive applies, or
 - IV. Article 6(3) or 6(4) of the Habitats Directive; or
- (b) an appeal (including an appeal by way of case stated) to the Supreme Court from a decision of the High Court in a proceeding referred to in paragraph (a);
- (c) proceedings in the High Court or the Supreme Court for interim or interlocutory relief in relation to a proceeding referred to in paragraph (a) or (b).

The general provision contained in section 50B(2) is that in proceedings to which the section applies each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant, to the extent that the applicant succeeds in obtaining relief, against a respondent or notice party, or both, to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on www.citizeninformation.ie

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.



Fógra faoi Athbhreithniú Breithiúnach

Athbhreithniú breithiúnach ar chinntí an Bhoird Pleanála faoi fhorálacha na nAchtanna um Pleanáil agus Forbairt (arna leasú).

Ní fhéadfaidh duine ar mian leis nó léi agóid a dhéanamh in aghaidh bhailíocht chinneadh de chuid an Bhoird é sin a dhéanamh ach trí athbhreithniú breithiúnach. Tá forálacha in Alt 50, 50A agus 50B den Acht um Pleanáil agus Forbairt 2000, arna leasú, maidir le dúshláin i leith bhailíocht chinneadh an Bhoird.

Ní féidir bailíocht cinnidh arna ghlacadh ag an mBord a cheistiú ach amháin trí iarratas a dhéanamh ar athbhreithniú breithiúnach faoi Ordú 84 de Rialacha na nUaschúirteanna (S.I. Uimh. 15 de 1986). Ceanglaíonn fo-alt 50(6) den Acht um Pleanáil agus Forbairt 2000 go gcaithfear aon iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach a dhéanamh laistigh de 8 seachtaine ó dháta chinneadh an Bhoird, seachas cinntí a dhéantar de bhun feidhme aistriú chuig an mBord faoi Chuid XIV den Acht um Pleanáil agus Forbairt 2000, i gcás nach mór aon iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach, mar atá leagtha amach i bhfo-alt 50(7), a dhéanamh laistigh de 8 seachtaine ag tosú ar an dáta ar ar tugadh fógra faoi chinneadh an Bhoird ar dtús (nó mar a cheanglófar faoin achtú ábhartha, ar aistríodh feidhmeanna faoi chuig an mBord, a foilsíodh den chéad uair). Tá na tréimhsí ama seo faoi réir aon síneadh a fhéadfaidh an Ard-Chúirt a cheadú de réir fho-alt 50(8).

Sonraítear in alt 50A(3) nach ndeonófar cead d'athbhreithniú breithiúnach mura bhfuil an Chúirt sásta (a) go bhfuil forais shubstantiúla ann chun a áitiú go bhfuil an cinneadh neamhbhailí nó gur chóir é a chur ar neamhní agus (b) go bhfuil leas leordhóthanach ag an iarratasóir san ábhar is ábhar don iarratas nó i gcásanna a bhaineann le measúnú tionchair timpeallachta ar comhlacht é a chomhlíonann critéir shonraithe.

Tá forálacha in alt 50B maidir le costais imeachtaí athbhreithnithe bhreithiúnaigh áirithe san Ard-Chúirt; de bhun Alt 50B(1), tá feidhm ag alt 50B maidir leis na himeachtaí seo a leanas:

- (a) imeachtaí san Ard-Chúirt mar athbhreithniú breithiúnach, nó trí chead a lorg chun iarratas a dhéanamh ar athbhreithniú breithiúnach, ar—
- (i) aon chinneadh nó cinneadh airbheartaithe a rinneadh nó a airbheartaítear a rinneadh,
 - (ii) aon ghníomh a rinneadh nó a airbheartaítear a rinneadh,
 - (iii) aon mhainneachtain aon ghníomh a dhéanamh, de bhun forála reachtúla a thugann éifeacht
 - I. d'fhoráil de Threoir EIA 85/337/CEE arna leasú lena mbaineann Airteagal 10a (arna cur isteach le Treoir 2003/35/CE) den Treoir sin,
 - II. do Threoir SEA 2001/42/CE, nó
 - III. d'fhoráil de Threoir IPPC 2008/1/CE a bhfuil feidhm ag Airteagal 16 den Treoir sin maidir léi, nó
 - IV. d'Airteagal 6(3) nó 6(4) den Treoir maidir le Gnáthóga; nó
- (b) achomharc (lena n-áirítear achomharc de chás ráite) chun na Cúirte Uachtaraí i gcoinne breithe ón Ard-Chúirt in imeacht dá dtagraítear i mír (a);
- (c) imeachtaí san Ard-Chúirt nó sa Chúirt Uachtarach le haghaidh faoisimh eatramhach nó idirbhreitheach i ndáil le himeacht dá dtagraítear i mír (a) nó (b).

Is í an fhoráil ghinearálta atá in alt 50B(2) ná go n-íocfaidh gach páirtí in imeachtaí lena mbaineann an t-alt a chostais féin. Féadfaidh an Chúirt, áfach, costais a dhámhachtain in aghaidh aon pháirtí in imthosca sonraithe. Tá foráil ann freisin go ndéanfaidh an Chúirt costais imeachtaí nó cuid de chostais den sórt sin a dhámhachtain d'iarratasóir, a mhéid a éiríonn leis an iarratasóir faoiseamh a fháil, i gcoinne freagróra nó páirtí fógra, nó an dá cheann, a mhéid a chuir an chaingean nó an t-easnamh ar thaobh an fhreagróra nó an pháirtí fógra go páirteach leis an bhfaoiseamh atá á fháil.

Tá eolas ginearálta ar nósanna imeachta athbhreithnithe bhreithiúnaigh ar fáil anseo a leanas, www.citizensinformation.ie.

Séanadh: Mar eolas atá an méid thuas ceaptha. Ní airbheartaíonn sé a bheith ina léirmhíniú ceangailteach ó thaobh dlí ar na forálacha ábhartha agus bheadh sé inmholta do dhaoine atá ag smaoineamh ar chaingean dlí comhairle dlí a lorg.