



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

CHIEF EXECUTIVE'S REPORT TO THE ELECTED MEMBERS ON SUBMISSIONS RECEIVED TO THE PROPOSED VARIATION NO. 1 TO THE CLARE COUNTY DEVELOPMENT PLAN 2017-2023

To give effect to the Government Policy Statement on the Development of Data Centres in Ireland by identifying in a plan led manner the preferred location of a Data Centre in County Clare.



Prepared in accordance with Section 13(4) of the Planning and Development Act, 2000 (as amended)

21st February 2019

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Section 1: Introduction

The Clare County Development Plan 2017-2023 is the principal policy document of the Planning Authority which sets out an overall strategy for the proper planning and sustainable development of the county.

Clare County Council published notice of the proposed Variation No. 1 to the Clare County Development Plan 2017-2023 in accordance with the requirements of Section 13(2)(b) of the Planning and Development Act, 2000 (as amended) and the proposed Variation was placed on public display from 21st December 2018 to 29th January 2019 inclu. Notice and copies of the proposed Variation were also issued to the Minister for Housing, Planning and Local Government, the Minister for Culture, Heritage and the Gaeltacht, An Bord Pleanála, the Southern Regional Assembly and all other prescribed authorities, adjoining local authorities and other statutory bodies.

The proposed Variation provides for the following changes to;

(1) Volume 1 - Written Statement of the Clare County Development Plan 2017-2023:

- To incorporate the use and development of data centres and power generating infrastructure into the enterprise zoning definition, the following additional text is proposed to be added into the zoning objective for enterprise as set out in Chapter 19, *"data centres,"* and *"power generating infrastructure as well"*

(2) Volume 3(a) Ennis Municipal District – Written Statement and Settlement Plans of the Clare County Development Plan 2017-2023:

- Amend the zoning objective for the lands currently identified as Industrial IND1 to Enterprise ENT3 at Toureen and extend the Enterprise ENT3 zoning objective to 45ha, onto lands currently identified as being in the open countryside;
- Zone an area of approximately 10 hectares as Buffer Space at Toureen;
- Replace text in Section 1.5.2 associated with lands currently identified in the Ennis Settlement Plan as Industrial Zoning (IND1) with text associated with the extended site identified as Enterprise (ENT3) to read as follows:

Project Ireland 2040 - National Planning Framework sets out the strategic importance of data centres in Irelands' Enterprise Strategy. Having regard to the Government Statement on 'The Role of Data Centres in Ireland', which in particular recommends having a plan-led approach to data centres, this 55ha site has been identified and zoned as Enterprise (45ha) and for Buffer Space (10ha) with a specific use for a Data Centre Campus due to its proximity to the electricity sub-station, its proximity to the M18 motorway and adjoining regional road network, the location of the site relative to the Gas Pipeline, the availability of Dark Fibre and the proximity of the site to Shannon International Airport and Ennis Town.

This site is zoned to accommodate a Data Centre campus which consists of one or more structures, used primarily for the storage, management and dissemination of data and the provision of associated power electricity connections and energy generating infrastructure.

- Replace text currently in Section 2.13.5 relating to lands at Toureen with new additional text and in addition to that set out above, include mitigation arising from the Strategic Environmental Assessment, Habitat Directive Assessment and Strategic Flood Risk Assessment.

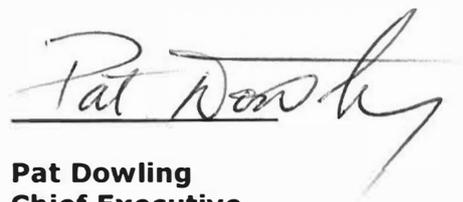
The reason for the proposed Variation is to give effect to the Government Policy Statement on the Development of Data Centres in Ireland by identifying in a plan led manner the preferred location for a Data Centre in County Clare.

In total **17no.** written submissions were received by the Planning Authority within the statutory time period.

This Chief Executive's Report forms part of the statutory procedure for the making of a Variation to the Clare County Development Plan 2017-2023. Its purpose is to report on the outcome of the statutory consultation process (as prescribed under Section 13 of the Planning and Development Act 2000, as amended). This report lists the persons or bodies who made submissions or observations as well as any persons or bodies consulted by the Planning Authority. It summarises the issues raised in the submissions and gives my response as the Chief Executive to the issues raised, taking account of the proper planning and sustainable development of the area, the statutory obligations of the local authority, and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

There are 4 no. main sections in this Chief Executive's Report. The first two sections cover an introduction and the legislative requirements for this stage of the Variation process. Section 3 consists of summaries of the main issues raised in the 17 no. written submissions received by the Planning Authority, together with my opinion on each individual submission. Section 4 outlines information on the next stage of the variation process.

This report is herein submitted to you, the Elected Members of Clare County Council, on the 21st February 2019 in accordance with the requirements of Section 13 (4) of the Planning and Development Act 2000, (as amended), for your consideration.

A handwritten signature in black ink, appearing to read 'Pat Dowling', written over a horizontal line.

Pat Dowling
Chief Executive

Section 2: Legislative Requirement

The purpose of this section is to set out the legislative requirements governing this stage of the process of making Variation No. 1 to the Clare County Development Plan 2017-2023. In addition, the requirement for Strategic Environmental Assessment, Appropriate Assessment and Strategic Flood Risk Assessment throughout the Variation process are introduced.

Planning and Development Act, 2000 (as amended)

Section 13(4) of the Planning and Development Act, 2000 (as amended) sets out the requirements in relation to the preparation of a Chief Executive's Report. Under this section of the Act, the Chief Executive is required to prepare a report on the submissions and observations received during the public consultation period.

The Chief Executive's Report must;

- I. List the persons or bodies who made submissions or observations under this section
- II. Summarise the following from the submissions or observations made under this section:
 - I. Issues raised by the Minister, and
 - II. Thereafter, issues raised by other bodies or persons
- III. Give the response of the Chief Executive to the issues raised having regard to the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of Government or of any Minister of Government.
- IV. Summarise the issues raised and recommendations made by the relevant regional assembly in its written submission prepared in accordance with Section 27C and outline the recommendations of the Chief Executive in relation to the manner in which those issues and recommendations should be addressed in the development plan.

This Chief Executive's Report complies with the requirements of the Planning and Development Act, 2000 (as amended) and is submitted to the Members for their consideration.

Strategic Environmental Assessment

Strategic Environmental Assessment (SEA) is the formal, systematic evaluation of the likely significant effects of implementing a plan or program before a decision is made to adopt the plan or programme. An SEA has been carried out in relation to the proposed Variation No.1 in response to the requirements of the EU Directive of 2001 on the Assessment of the Effects of Certain Plans and Programs on the Environment, Directive 2001/42/EC, which came into effect on 21st July 2004. The enabling statutory instruments (S.I) which transpose these Directives into Law in Ireland are the European Communities (Environmental Assessment of Certain Plans and Programs) Regulations 2004 (S.I. No. 435 of 2004), as amended, and, the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004), as amended.

In complying with the SEA Directive (2001/42/EC) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004, as amended, information on likely significant effects on the environment of implementing the proposed Variation No. 1 has been prepared in the form of an SEA – Environmental Report.

Following the period of consideration of the proposed Variation No.1, including the SEA Environmental Report and this Chief Executive's Report, should you the Members resolve to make the Variation with modifications which constitute Material Alterations to the proposed Variation No.1 then the Planning Authority shall determine whether a Strategic Environmental Assessment needs to be carried out in respect of one or more of these proposed modifications.

Appropriate Assessment

An appropriate assessment is the process whereby a plan or project is assessed in view of its potential impacts on the conservation objectives of European Sites. This includes the preparation of the proposed Variation No.1 of the Clare County Development Plan 2017-2023.

A European Site is a site protected under the EU Habitats Directive and/or EU Birds Directive for the habitats and species it supports. There are two main types of European Sites, namely Special Protection Areas (SPA's) which support birds and wetlands, and Special Areas of Conservation (SAC) which support a range of habitats and species.

Screening for appropriate assessment should be undertaken to assess the potential for impacts on European sites as a result of implementing the proposed Variation.

If the screening for appropriate assessment identifies likely impacts on European Sites, or cannot rule out likely impacts, then an appropriate assessment is required. The Appropriate Assessment may require mitigation measures to avoid, remove, or minimise likely impacts. A screening for appropriate assessment of the proposed Variation No.1 determined that likely significant effects on designated European sites could not be ruled out and that an appropriate assessment is required. This was undertaken and a Natura Impact Report (NIR) prepared which, along with the SEA Environmental Report, informed the formulation of the proposed Variation No.1 and accompanied the documentation which was placed on public display on 21st December 2018. This report should be read in conjunction with the NIR and SEA Environmental Report.

Following the period of consideration of the proposed Variation No.1, including the Natura Impact Report and this Chief Executive's Report, should you the Members resolve to make the Variation with modifications and if Material Alterations are proposed to Variation No.1, then the Planning Authority shall determine whether an appropriate assessment needs to be carried out in respect of one or more of these proposed modifications in accordance with the requirements and recommendations of the Habitats Directive.

Strategic Flood Risk Assessment

The preparation of the proposed Variation No.1 to the Clare County Development Plan 2017-2023 has been subject to a specific Strategic Flood Risk Assessment (SFRA) for the lands at Toureen, which was placed on public display from the 21st December 2018 to 29th January 2019. The Clare County Development Plan 2017-2023 was subject to a SFRA as part of its preparation and this document should be referred to also. The SFRA is an assessment of flood risk, taking into account factors including local knowledge, site walkovers and flood risk indicators. The SFRA has been undertaken and prepared in accordance with The Planning System and Flood Risk Management - Guidelines for Planning Authorities (Department of the Environment, Heritage and Local Government and Office of Public Works, 2009) and Department of the Environment, Community and Local Government Circular PL 2/2014.

The SFRA has informed the Variation process, and all recommendations including the provision of a buffer space around the lake to the front of the Toureen Lands have been integrated into the proposed Variation.

Section 3.0 Summaries of Submissions and Chief Executive's Response to the Issues Raised.

Introduction

On the 21st December 2018, the Planning Authority put on display the proposed Variation No.1 to the Clare County Development Plan 2017-2023. The process commenced with a statutory notice in the local newspaper and the subsequent commencement of the required public consultation having regard to the provisions of Section 13 of the Planning and Development Act 2000, as amended.

As Chief Executive, I would like to take this opportunity to thank everyone who took the time to make a submission on the proposed Variation. The views, opinions and suggestions from all persons and bodies that have made submissions have been taken into consideration.

In all, 17 no. formal written submissions were received by Clare County Council within the statutory timeframe. No submission was received from the Southern Regional Assembly.

In the following part of Section 3, I have provided a summary of the issues raised in each of the formal written submissions. In addition, for each individual submission, I put forward my response on the issues raised, taking account of the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area, and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

Accordingly, please find below a summary of the issues raised in each of the submissions together with my Chief Executive's responses and recommendations.

In this report except where the contents otherwise states-

- 'AA' means appropriate assessment
- 'CCC' means Clare County Council
- 'CDP' means the Clare County Development Plan 2017- 2023
- 'DCHG' means Department of Culture, Heritage and the Gaeltacht
- 'DHPLG' means Department of Housing, Planning, and Local Government
- 'ESB' means Electricity Supply Board
- 'LA' means Local Authority
- 'NHA' means Natural Heritage Area
- 'NIR' means Natura Impact Report
- 'PA' means Planning Authority
- 'SAC' means Special Area of Conservation
- 'SEA' means Strategic Environmental Assessment
- 'SPA' means Special Protection Area
- 'TII' means Transport Infrastructure Ireland

Ref.01 Department of Housing, Planning and Local Government

Summary of the Issues raised in the Submission

The Department welcomes Clare County Council's proactive approach regarding the identification of specific lands for use as a Data Centre Campus in line with the Department of Business, Enterprise and Innovation policy statement outlining Ireland's commitment to taking a plan led approach to the development of Data Centres.

The Planning Authority is reminded to have regard to any issues raised separately by the Southern Regional Assembly, TII, OPW, Department of Arts, Heritage and the Gaeltacht, NPWS, EPA and Irish Water. Clare County Council must satisfy itself that it has met the relevant requirements as appropriate and that the proposed Variation is fully compliant with its obligations under the SEA Directive, Habitats Directive and planning legislation and guidelines. Specifically in regard to this Variation the Department would recommend consultation between Energy Providers and the Commission for Energy Regulation.

Chief Executive's Response:

I thank the DHPLG for their submission and for its support of this proposed Variation No.1 and I would like to assure the Department that I have had regard to all issues raised in submissions made to this proposed Variation, including the statutory bodies who made submissions which included TII, EPA, Department of Arts, Heritage and the Gaeltacht. I also note that a submission has been received from Eirgrid which is dealt with later in this report.

Chief Executive's Recommendation:

I recommend no change to the Variation as proposed arising from this submission.

AA and SEA Screening of Chief Executive's Recommendation:

As I recommend no change to the Variation therefore no screening for AA and SEA is required.

Ref.02 Environmental Protection Agency (EPA)

Summary of the Issues raised in the Submission

Reference is made to the guidance document "SEA of Local Authority Land Use Plans – EPA Recommendations and Resources". Reference is also made to the previous submission dated 22nd October 2018 which is requested to be taken into consideration. Acknowledgement is made of the requirement to prepare a Construction and Environmental Management Plan and Traffic Management Plan for the construction and operational phase of site development. Clarity is requested as to whether other plans/surveys referred to including Hydrological Assessment, Surface Water Management Plan, Pollution Control Plan, Air Quality Impact Assessment, Bat Surveys, Otter Survey, Landscape and Biodiversity Management Plan, Invasive Species Control Management Plan etc will be carried out during the lifetime of the Variation.

A commitment should be included to ensure that adequate and appropriate critical infrastructure including water supply is in place in advance of any development associated with the Variation. The implications of Climate Change should be considered.

Consideration of alternatives and site selection and assessment of the alternatives against the Strategic Environmental Objectives identified in the SEA is requested.

A request has been made to assess the full range of likely significant environmental effects of implementing the Variation, including the potential for cumulative effects in combination with other relevant plans, programmes and projects. Where potential for likely significant effects are identified there should be appropriate mitigation measures to avoid or minimise these. Together with a clear commitment to implement the mitigation measures.

The Monitoring Programme should be flexible to take account of specific environmental issues and unforeseen adverse impacts should they arise and should consider cumulative effects as well as positive and negative effects with effective remedial actions built in.

The recommendations of the most recent State of the Environment Report "Ireland's Environment – An Assessment 2016" EPA 2016 should be considered in finalising the Variation.

Future amendments to the Variation should be screened.

Once the Variation is adopted an SEA Statement will be required to be completed which summarises how environmental considerations have been integrated into the Variation, how the Environmental Report, submissions, observations and consultations have been taken into account during the preparation process. The Statement must also set out the reasons for choosing the Variation adopted in light of other reasonable alternatives dealt with and the measures decided upon to monitor the significant environmental effects of implementation of the Variation.

A list of the other consultees under the SEA Regulations has been provided.

Chief Executive's Response:

I am familiar with the EPA guidance document referred to and have had regard to and incorporated the relevant recommendations of same in finalising the Variation process. I have reviewed the submission of the 22nd October 2018 as part of the Variation process.

I welcome the EPA's commitment to the Construction and Environmental Management Plan and Traffic Management Plan required to be completed for the construction and operational phase of development and I want to clarify that the other plans/ surveys referred to such as Otter Survey, Biodiversity and Landscape Plan will be undertaken specifically for the lands that are the focus of this Variation in the event that development proposals are forthcoming. I also refer to objective *CDP 2.1 of the Clare CDP 2017-2023: It is an objective of the development plan:*

a) To require the preparation and assessment of all planning applications in the plan area to have regard to the information, data and requirements of the Natura Impact Report, SEA Environmental Report and Strategic Flood Risk Assessment Report contained in Volume 10 of this development plan;

b) To require projects to be fully informed by ecological and environmental constraints at the earliest stage of project planning and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;

c) To require compliance with the objectives and requirements of the Habitats Directive, the Bird Directive, Water Framework Directive, all other relevant EU Directives and all relevant transposing legislation.

Should development proposals be forthcoming for development of lands as a result of this Variation process, regard must be had to the requirements of the Clare County Development Plan 2017-2023 in relation to water service infrastructure and in this regard I bring your attention to the existing objectives in place under *CDP 8.24 of the Clare CDP 2017-2023: Water Services.*

It is an objective of the development plan:

a) To work closely with Irish Water to identify and facilitate the timely delivery of the water services required to realise the development objectives of this plan;

b) To facilitate the provision of integrated and sustainable water services through effective consultation with Irish Water on the layout and design of water services in relation to the selection and planning of development areas and the preparation of master plans;

c) To ensure that adequate water services will be available to service development prior to the granting of planning permission and to require developers to consult Irish Water regarding available capacity prior to applying for planning permission;

d) To ensure that development proposals comply with the standards and requirements of Irish Water in relation to water and waste water infrastructure to facilitate the proposed development.

In addition Chapter 18 of the Clare CDP 2017-2023 "Climate Change Adaptation, Flood Risk and Low Carbon Strategy" remains unchanged and will be considered in all project level proposals.

The reasons for identifying the lands as the preferred location are listed but I note the EPA's point regarding the lack of clarity as to how ecological and other environmental constraints were taken into account in selecting the site. Through the Natura Impact Report and SEA, consideration of alternatives were considered and a detailed commentary and assessment on how the preferred alternative was selected has been included. I refer you to this document. The seven sites identified by Clare County Council and the further 16 identified through Expressions of Interest were assessed at Strategic Level against each of the Strategic Environmental Objectives (including Biodiversity SEOs) and a commentary was provided for each one in terms of proximity to

European Sites, existing landcover and both natural and cultural heritage resources. It is considered that at a strategic plan-level this approach is in line with requirements and does in fact provide a commentary on environmental constraints considered through the assessment process whilst balancing the needs and requirements for the objectives of the Variation.

Both the SEA Environmental Report and the NIR have recommended mitigation measures and these have been carried over into the text of the Variation.

Chapter 10 of the SEA ER sets out the Monitoring considerations, where the actual impacts of the proposed Variation are assessed against the Strategic Environmental Objectives and their associated targets and objectives. A monitoring table has been included which includes targets, overall aims, indicators, data sources and identifies the agency/body responsible for monitoring. A GIS environmental database was recommended as part of the monitoring programme and I am to advise you that this is already in place in the Planning Department and will be updated with all information regarding monitoring as it is made available.

The submission lists the requirements to be included in an Environmental Report as provided for in S.I.436 of 2004 and these have been adhered to in the preparation of the Environmental Report which sets out in Table 1 how and where within the report these requirements have been included. I note the submission provides information on requirements for the SEA Statement and procedures upon adoption of Plan and it is the intention that this will be prepared and circulated to the Environmental Authorities upon completion of the Variation process in the event that you the elected members make this Variation,

At this stage I am not recommending that there will be any further amendments to the Clare County Development Plan 2017-2023. However, should there be any future amendments they will be subject to a similar Variation process and regard will be had to best practise in place at that time. The EPA will be consulted in accordance with the statutory requirements as part of that process.

Chief Executive's Recommendation:

I recommend no change to the Variation as proposed arising from this submission.

AA and SEA Screening of Chief Executive's Recommendation:

As I recommend no change to the Variation therefore no screening for AA and SEA is required.

Ref.03 Department of Culture, Heritage and the Gaeltacht

Summary of the Issues raised in the Submission

Nature conservation observations are made by the Department in its role as a prescribed body and as the authority with overarching responsibility for nature conservation and the nature directives. It is stated that the submission is made to assist the Council in meeting obligations and commitments in relation to nature conservation, European sites, biodiversity, environmental protection and the proper planning and sustainable development when carrying out SEA and AA and for finalising the plan.

The submission notes that the mitigation contained in the SEA ER and the NIR has been incorporated into the Variation text in the form of listed protective measures, including future survey and assessment requirements.

The submission considers that there is a lack of clarity as to how ecological and other environmental constraints were taken into account in selecting the site.

The Toureen site is located 850m from a bat roost site at Knocanean and 1900m from a second roost site at Knocknaskibbole. These bat houses/roosts were constructed or redeveloped as mitigation/compensation in connection with the N18/N85 Ennis bypass project. There should be no net loss of potential Lesser Horseshoe Bat feeding habitat with the 2.5km radius of the site as derived from SAC conservation objectives and 3km radius as derived from the Clare CDP 2017-2023. It is requested that the location of the two roosts should be identified on maps and inconsistencies relating to loss of habitat to be further addressed and mitigated at plan level.

The 25 European sites identified as being at risk from the proposed Variation is considered to be overly precautionary and appears to be derived from a blanket application of a 15km 'buffer' around the zoned lands and is without adequate supporting data, analysis and explanation. As a result there is a lack of clarity as to what European sites are actually at risk and in what way, which may impact the precision of the Appropriate Assessment carried out. The NIR lacks scientific data and analysis for examining potential effects.

A concern is expressed that the consideration of potential in-combination effects is limited to plans and to one project at a distance from the site ie the Killaloe Bypass.

Chief Executive's Response:

The presence of bat roosts (regard was had in the SEA to all bat roosts located within a 20km radius) and the potential for bat feeding habitat has been considered in the proposed Variation process through the AA and the SEA processes which have informed the content of the proposed Variation. A range of mitigation measures have been incorporated to ensure that any development proposal on this site will have to be subject to detailed bat surveys and assessments together with habitat mapping and ecological assessments.

I refer to page 47 of the Strategic Environmental Assessment – Environmental Report where figure 5.5 identifies all bat roosts located within a 20km radius of the site, which includes the referred to bat roost sites. In the interest of clarity I have included below a map of a zoomed in 2.5km radius of the Toureen lands with all bat roosts shown.

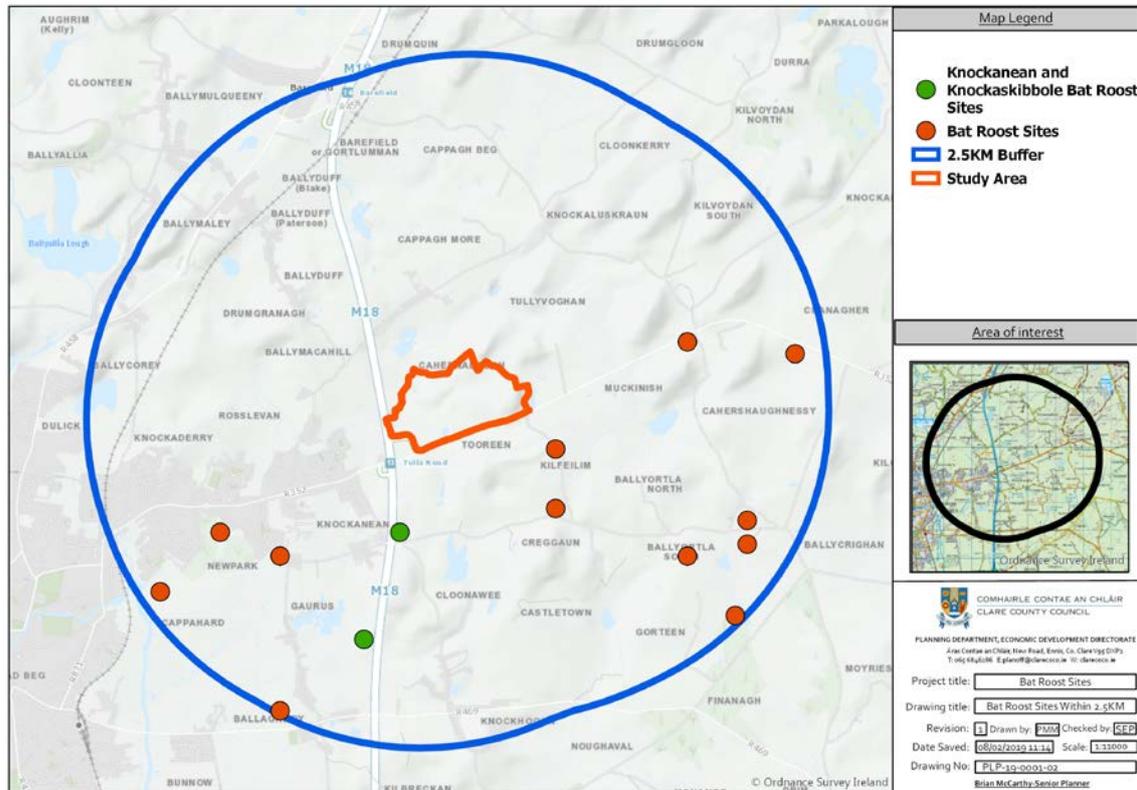


Fig.1 Bat Roost Sites with 2.5km of Proposed Variation Site at Toureen

The AA considered the likely significant impacts of the proposed landuse zoning and proposed text amendments, on 25 European sites. While this may be considered a precautionary assessment I consider it is prudent to have considered all possible sites that may be impacted. A list of European Sites that could be significantly affected by the implementation of the proposed Variation was produced having regard to sites occurring within a 15km radius of all areas within the County either with an existing or proposed Enterprise zoning objective (which includes the lands at Toureen) as part of the AA Screening process. A total number of 91 European Sites occur within a 15km radius of the Enterprise land use zonings across the county. The establishment of a 15km buffer area surrounding each of these areas is in line with the DAHLG recommended procedures for identifying European Sites and was applied. The buffer distance of 15km was also considered sufficient to ensure all potential impacts to European Sites arising from the implementation of the proposed Variation were taken into account.

The AA Screening Statement was prepared and determined that an Appropriate Assessment was required as it identified potential significant effects on a number of European sites within the zone of influence of the Toureen site. On foot of this determination an appropriate assessment was undertaken and a Natura Impact Report prepared which includes an assessment of the proposed Variation to establish where any significant environmental effects on European sites may arise. I am satisfied with the assessment and that the recommendations identified in the NIR have informed and been integrated into the proposed Variation. This is based on the fact that there are no

potential impact pathways linking the areas to be zoned as Enterprise to other European Sites beyond a 15km radius of these areas.

With regard to the concern expressed in the submission that the consideration of potential in-combination effects is limited to plans and to one project at a distance from the site ie the Killaloe bypass, I am satisfied that the most up to date and most relevant information available was used to inform the NIR and SEA ER. There are no projects within the immediate area which would have had an influence on the consideration of cumulative and in-combination effects of the proposed variation.

I am satisfied that the proposed Variation will not significantly impact on the qualifying interests of the European Sites.

Chief Executive's Recommendation:

I recommend no change to the Variation as proposed arising from this submission.

AA and SEA Screening of Chief Executive's Recommendation:

As I recommend no change to the Variation therefore no screening for AA and SEA is required.

Ref.04 Transport Infrastructure Ireland (TII)

Summary of the Issues raised in the Submission

Reference is made to the DoECLG Spatial Planning and National Road Guidelines, requiring that planning authorities must exercise particular care in their assessment of development/local area plan proposals relating to the development objectives and/or zoning of locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road.

National Strategic Outcome 2 of the National Planning Framework includes the objective to maintain the strategic capacity and safety of the national road network. It is also an investment priority of the National Development Plan 2018-2027 to ensure that the extensive transport networks which have been greatly enhanced over the last two decades are maintained to a high level to ensure quality levels of service, accessibility and connectivity to transport users.

Junction 13 on the M18 is identified as having a compact geometric layout and it is critical that particular care is taken in the assessment of development proposals relating to development objectives and/or zoning proposals.

The strategic function of national roads is to be maintained by limiting the extent of development that would give rise to the generation of short trip traffic on national roads or alternatively by ensuring that trip demand from future development would be primarily catered for on the non-national road network. In relation to development at national road junctions official policy requires that planning authorities must make sure that development which is consistent with planning policies can be catered for by the design assumptions underpinning such junctions and interchanges, thereby avoiding potentially compromising the capacity and efficiency of the national road/associated junctions and potentially leading to premature and unacceptable reductions in the level of service available to road users.

The TII welcomes the identification of the Enterprise Zoned lands at Toureen for a "specific use for a Data Centre", which the TII in its experience notes has a very different employment density than the other land uses facilitated by Enterprise Zoning, having a lower trip generation and trip demand on transport infrastructure. The requirement for a Traffic Management Plan for the construction and operation phase of the development is noted and welcomed by the TII.

The TII has recommended that consideration be given to a reduction in the zoning designation in the vicinity of the M18 surface water attenuation ponds and have identified an area on a map where they have requested that the Enterprise Zoning objective be altered to "Buffer Space" zoning objective.

Access to utilities and services will need to be fully considered and reference is made to previous correspondence to Clare County Council regarding the use of service ducts on national road infrastructure.

Chief Executive's Response:

I have had regard to the DoECLG Spatial Planning and National Road Guidelines, the National Planning Framework and the National Development Plan 2018-2027 in the preparation of this Variation.

I note that should any development proposals be made on the lands at Toureen on foot of this Variation, the TII will have an opportunity to make comments/submissions on the details of the development proposal at a project level.

I also want to clarify that the previous correspondence referred to in the TII submission (copy included in Appendix II) related to a separate development at a different location.

As part of the work carried out by the Planning Authority in the preparation of the proposed Variation, site investigations were conducted in the drafting of the Strategic Flood Risk Assessment, the SEA Environmental Report and the Natura Impact Report. The area of land which TII has requested would be subject to a change in zoning objective was not identified as a potential buffer area nor as an area subject to flooding. In that regard I am satisfied that there are sufficient assessments required (and included for in the text of the Variation) to ensure that detailed site assessments would be carried out in advance of any development proposals being prepared. Requirements include for a Construction and Environmental Management Plan to include a Flood Risk Assessment and a Surface Water Management Plan for the construction and operation phase of any development together with a Pollution Prevention Plan and shall incorporate principles of Sustainable Urban Drainage Systems. Also required is an Ecological Impact Assessment and a Habitat Survey for the site. I consider that all of these mitigation measures are sufficient to identify any site specific issues on the lands identified by the TII relating to the surface water attenuation ponds and development proposals will have to be considered on the basis of same. The TII will also be in a position to comment on the site specific proposals and site layout and design at that stage.

I am satisfied that there are sufficient control measures incorporated into the proposed text of the proposed Variation to address site specific issues that may arise at project stage.

I note the TII position regarding the provision of Service Ducts on the National Road Infrastructure.

Chief Executive's Recommendation:

I recommend no change to the Variation as proposed arising from this submission.

AA and SEA Screening of Chief Executive's Recommendation:

As I recommend no change to the Variation therefore no screening for AA and SEA is required.

Ref.05 Cllr. Johnny Flynn

Summary of the Issues raised in the Submission

A Supports the general principle of Data Centres in Ennis and Clare together with the National Planning Framework and the Government Statement on the Role of Data Centres in Ireland. Cllr. Flynn supported the 2017 call for expressions of Interest for potential sites for development of Data Centres in the County.

B Cllr Flynn expresses serious reservations regarding the proposed Variation with regard to the absence of specific requirements and mitigation measures written into the wording of the text of the variation to cover:

- a lack of any requirement to provide buffer zones to mitigate impacts on adjoining residences and businesses.
- Improvements to junctions on the M18 and R352.
- Flood risk reduction downstream of site ENT3 to road network and properties.
- Improvements to public water, waste water and surface water infrastructure.
- Target of green or low carbon data centre.

The lands associated with the Variation at Toureen suffers from a number of infrastructural deficits such as poor infrastructure in terms of problems at Junctions on the M18 and R352, not being served by public waste water treatment, location of flood risk zone A and B areas on site and downstream of Toureen and no storm water infrastructure.

Cllr Flynn expressed serious reservations that without further specific mitigation measures being adopted in the wording of the Variation to ensure that prior to development the following likely significant negative effects for these lands will be reduced or removed:

- Downstream flooding at M18, R352 at Aughavaddy Bridge and Gaurus Bridge and residences along the R352
- Improve and upgrade road safety junctions at Junction 13 of the M18 R352 Junctions at Ballymachill Cross and Corrovorrin
- Buffer zones between the development and existing residences, businesses etc to prevent noise pollution, light pollution, loss of residential amenity
- Upgrade capacity to Clonroadmore Wastewater Treatment Plant and Drumcliff Water Treatment Plant and in particular the water storage reservoir capacity
- A target for Green Energy sources to be used to achieve Low Carbon status

Cllr Flynn supported the current Industrial zoning of 8.5ha of lands in Toureen as part of the Clare County Development Plan 2017-2023 process.

The submission makes observations on the Flood Risk Assessment. The road at Aughavaddy bridge has suffered from flooding with adjoining households believing that the flooding risks are greater since surface water from the M18 was diverted to enter the river close to the bridge. Additional water flows downstream of the bridge in the Ballymachill River at Gaurus Bridge and will require deepening of the Riverbed by removal of rock outcrop at the Gaurus Bridge. Areas downstream of those identified in the SFRA are in Flood Zones A & B as well.

Cllr Flynn makes observations on Climate Change and to the definition of same by IPCC as "..... any change in climate over time, whether due to natural variability or as a result of human activity".

Cllr Flynn believes Junction 13 is of inadequate layout to deal safely with the current traffic. In addition junctions on the R352 into Ennis such as Ballymachill Cross and Corrovirron Junction are also inadequate in terms of dealing with current traffic levels to and from the M18. R352 link in and out of Ennis to Junction 13 of the M18 has a daily vehicular usage of between 15,000 and 16,000.

Site 5 an Ennis site in Table 10 of the SEA ER states as one of the problems "The site is not currently served by public sewer, inhibiting its development until such time as this is provided and that there is connection to and adequate capacity ...".

Reference to Strategic Environmental Objective in Section 6, and Table 10 of the SEA ER have been made with regard to impacts of humans, residents etc.

Chief Executive's Response:

I wish to thank Cllr Johnny Flynn for his considered submission and I note his support for the principle of development of Data Centres in Ennis and Co. Clare. I also acknowledge reservations set out in the submission and I would like to respond to each as follows.

With regard to providing buffer zones to remove negative impacts to adjoining residences and businesses, I am of the opinion that this is a consideration for development management at the planning application stage whenever a specific detailed development proposal is made and where an assessment can be made of the impact of any proposal on the residential and other amenities of the area. As such I do not consider that additional text or buffer zones should be included in the proposed Variation.

Improvements to Junctions on the M18 are within the remit and the responsibility of the TII who have not raised any issue with regard to junction capacity in their submission on this Variation at this plan stage. The Traffic Management Plan for the construction and operational phase of development to be submitted with development proposals will inform any requirements required to other junctions along the R352 and will be part of the planning application assessment process.

I value the detailed knowledge of Cllr Flynn in relation to local flooding issues in the Toureen area and the concerns that any proposed development on these lands may impact at other locations within the vicinity. The proposed Variation sets out the requirement for a hydrological assessment to be submitted with any future development proposal which will determine the effects if any of a proposed development on ground waters both within and off-site. As such I consider that the proposed Variation clearly sets out the requirement for this to be assessed and addressed as part of any future planning application.

Any proposed development of these lands will be required through development management and in accordance with the objectives of the County Development Plan to ensure adequate provision is made to service the development. Irish Water and Clare County Council as the responsible authorities for public water, wastewater and surface water infrastructure will have an opportunity at project stage to consider development proposals and comment as appropriate on their relevant infrastructure. I do not consider it appropriate to include additional text in the proposed Variation which seeks the upgrade of significant town infrastructure as part of the development objective for these lands. This is an overall objective for the Ennis and Environs area which is provided for in the current County Development Plan.

I note the comments Cllr Flynn has made with regard to climate change and the suggestion to include text in the Variation as suggested to "Achieve the target of Green or Low Carbon Data Centre". Requirements regarding power and energy supplies concerning particular zoned lands are considered to be part of the project level detail which would be submitted as part of any future planning application. There are a range of objectives in the current County Development Plan to support and promote green energy which can be incorporated into specific detailed proposals. I do not consider it appropriate or necessary to include additional text in the proposed Variation as suggested.

Chief Executive's Recommendation:

I recommend no change to the Variation as proposed arising from this submission.

AA and SEA Screening of Chief Executive's Recommendation:

As I recommend no change to the Variation therefore no screening for AA and SEA is required.

Ref.06 Residents Group (incorporating 40 signatures)

Summary of the Issues raised in the Submission

The submission objects to the proposed Variation on the following grounds:

The visual impact on the amenities of the surrounding area and surrounding dwellings from the development of a data centre and power generating infrastructure. The M18 forms a boundary between the urban and rural areas, with this area being a quiet, scenic country location for local residents, and community members enjoying tranquil surroundings.

The impact on the monument within the site from the zoning of lands for a Data Centre. An exclusion zone is recommended around this monument similar to that in place around the small lake located on site. This is to protect heritage and to prevent the destruction of the monument as would be the case should the land be zoned for a Data Centre.

The wooded area to the east of the site is home to species of bat. Increased noise and light pollution during the construction and operational phases would be detrimental to the Bat population in the area.

The pond on the site is fed by numerous springs in the area. The Residents Group would have grave concerns regarding ground water pollution in the area and of the pond. The location of diesel fed back-up generators to facilitate the development is noted. The large surface car parking areas could lead to ground water pollution.

A data centre and power plant by way of its height, sound, lighting, would be detrimental to those who walk, cycle, run and enjoy the countryside.

The Variation does not have regard to the volume of existing households which would be adversely impacted by the proposed development, nor were they consulted in advance.

Local residents who run businesses from their homes would be adversely impacted.

Traffic volumes would increase as a result of the proposed development during the construction and operation phase which would negatively impact the local residents by way of noise, traffic and general disruption.

Junction 13 is not adequately designed to cater for current traffic volumes, the proposed development would add significantly to traffic in the area. If the Variation is to be considered Clare County Council are requested to carry out a traffic impact study and the junction should be upgraded in the proposed Variation zoning.

Vague reference to a number of proposed structures as well as additional proposed purposes require clarity.

Clare County Council is requested to investigate other suitable sites in the environs of Ennis to see if a brown field site would be more suitable.

The Residents are objecting strongly to the proposed Variation.

Chief Executive's Response:

I wish to thank the residents group for their submission and address the issues raised as follows.

The issue of the visual impact on the surrounding amenity and local residents of a proposed development on the Toureen lands will be a consideration of any development proposal and will be subject of assessment through the development management process.

In response to the reference to the M18 acting as a natural boundary between urban and rural I note that currently the Clare County Development Plan 2017-2023 includes land zoned for Industrial uses on part of the lands to which this proposed Variation relates. The principle of land use zoning being provided for at this location is therefore already in place.

I note the location of a monument on the lands subject of this proposed Variation and concur with the recommendation that the monument should be protected from development by applying an exclusion around it. This is provided for in the proposed Variation and the text proposed for site ENT3 includes for *"A buffer will be required to be provided with regard to the location of a National Monument (CL-034-007) on site"*.

The Residents Group suggests that the wooded area to the east of the site is home to bat species. In response I note that a considerable area has been identified and proposed to be zoned as a buffer space. Specific text has been included in the proposed Variation for the following *"The hedgerows and scrub area on this site provide a potential foraging and commuting area for wildlife including Lesser Horseshoe bats. Future developments proposals must be informed by a series of bat surveys to record the known usage of the site by in particular Lesser Horseshoe bats and ensure that there is no net loss of supporting habitat. The surveys must include a full light spill modelling study. Any habitat loss must be offset by additional landscape planting to ensure connectivity across the landscape."* I consider that this text will ensure that the necessary surveys and assessments will be undertaken at project stage which will ensure the protection of bat habitat (including supporting habitat).

I note the concerns of the Residents Group regarding ground water pollution, notwithstanding the buffer area that has been shown around the lake on site and in recognition of this issue the text of the proposed Variation as proposed includes a specific requirement that development proposals would include *"A hydrological assessment to determine the effects of the development on ground waters and groundwater quality"* to *"be submitted with development proposals for the site"*. I am satisfied that this requirement will inform any project level proposals.

With regard to the specific details in relation to height, lighting, traffic etc of any proposed development on the Toureen lands, I note that the Residents Group would have an opportunity to view the proposals and to make submissions if they saw fit on specific project level detail at planning application stage.

In response to the statement that the residents were not consulted in advance of this variation, I bring your attention to the statutory public consultation process associated with proposing a Variation to the Clare County Development Plan 2017-2023. I confirm this process commenced for this proposed Variation on 21st December 2018 through to 29th January 2019 during which time all the documentation associated with the proposed Variation was publically advertised and placed on public display and on the Clare County Council website. This process provides the opportunity for interested parties to make submissions on the proposed Variation and the Residents Group has participated in this process by making their submission and my response is presented on foot of their submission.

I note the concerns regarding the increase in the volume of traffic and the potential to negatively impact on the residents as a result. The text of the Variation requires that all development proposals for the lands at Toureen would be accompanied by *"A Traffic Management Plan for the construction and operation phase of development"*. I am satisfied that this is sufficient to inform project level proposals and no additional text is required to be inserted in the Variation as proposed.

The proposed Variation has been referred to the TII for their comments and observations and a submission was made in this regard. No objection has been raised by TII to the proposed Variation on the basis of junction capacity, stating in its submission that in their experience Data Centre development has a very different employment density than other Enterprise uses and has a lower trip generation and demand on available transport infrastructure. It should also be noted that Clare County Council do not have the authority to propose and design upgrade works to Junction 13 as TII is the national body with the remit and responsibility for such works.

Reference is made in this submission to an excerpt of the proposed Variation wording of "one or more than one structure". This wording is included in the proposed Variation to allow for the design and layout of any potential development to be tailored to specific site characteristics that may present once a detailed proposal is in preparation for the site. Should any future development proposals be forthcoming, there will be an opportunity for the Residents Group to comment on specific development proposals through the provisions of the development management process.

A range of alternatives were considered in preparing this proposed Variation and the Strategic Environmental Assessment – Environmental Report includes an assessment of the alternatives considered which informed the zoning policy approach and site location. This process identified the lands at Toureen as the preferred location for a Data Centre development.

Finally, I wish to draw the Members' attention to the existing zoning objective on 8.5ha of the Toureen lands which have been zoned by you for "Industry" in the CDP 2017-2023, this I consider has established the principle of land use zoning at this general location. I would suggest that a Data Centre by virtue of its use would generate little by way of traffic, noise and general disruption once operational, in comparison to the Industrial type land uses that could be facilitated on part of the subject lands.

Chief Executive's Recommendation:

I recommend no change to the Variation as proposed arising from this submission.

AA and SEA Screening of Chief Executive's Recommendation:

As I recommend no change to the Variation therefore no screening for AA and SEA is required.

Ref.07 Michelle Casey

Summary of the Issues raised in the Submission

This submission objects to the proposed Variation. The development of a Data Centre and power generating infrastructure would impact the visual amenity of the area and surrounding houses. The development is considered to be premature due to a lack of water, sewerage and road infrastructure. No consultation by the Planning Authority was carried out. The developer has not put forward any package to the property owners to address all the negative impacts this will cause. Ms Casey states that if the Variation proceeds without objection both the Planning Authority and Developer can ignore the legitimate concerns and needs of adjoining residents.

Ms. Casey has lived in Toureen for over 25 years and her parents have operated a business here for over 30 years, the development of the Data Centre and associated infrastructure is a major concern to them, their family and their business.

Chief Executive's Response:

I thank Ms. Michelle Casey for her submission and I acknowledge the issues raised and also that her parents operate a commercial business at this location.

With regard to the issue raised relating to the provision of waste water, sewerage and road infrastructure I advise that these will be matters considered at project level through the development management process as part of any future development proposals for the lands at Toureen. I note the proposed Variation incorporates the requirement for a Traffic Management Plan (refer to the submission made by the TII (submission Ref. 04 and their comments in this regard), for the construction and operation phase of any development of the lands and for adequate wastewater treatment and disposal measures to accompany development proposals for the site. I am of the opinion that the proposed wording of the Variation provides for the necessary assessments and measures required at the project level and that no additional text is required.

The statutory public consultation process associated with this proposed Variation commenced on 21st December 2018 through to 29th January 2019 during which time all the documentation associated with the proposed Variation was publically advertised and placed on public display and on the Clare County Council website, providing the opportunity for interested parties to make submissions on the proposed Variation. Ms. Casey has participated in this process by making a submission and my response is presented here on foot of the submission.

In terms of any developer package for property owners in the area, I advise that any discussions between property owners and potential developers of the lands is outside of the remit of the Planning Authority's role and is not a matter to be taken into account as part of this process.

Chief Executive's Recommendation:

I recommend no change to the Variation as proposed arising from this submission.

AA and SEA Screening of Chief Executive's Recommendation:

As I recommend no change to the Variation therefore no screening for AA and SEA is required.

Ref.08 Olive Casey

Summary of the Issues raised in the Submission

This submission objects to the proposed Variation. The development of a Data Centre and power generating infrastructure would impact the visual amenity of the area and surrounding houses. The development is considered to be premature due to a lack of water, sewerage and road infrastructure. No consultation by the Planning Authority was carried out. The developer has not put forward any package to the property owners to address all the negative impacts this will cause. Ms. Casey states that if the Variation proceeds without objection both the Planning Authority and Developer can ignore the legitimate concerns and needs of adjoining residents.

Ms. Casey has lived in Toureen for over 25 years and her husband has his business here for over 30 years, the development of the Data Centre and associated infrastructure is a major concern to them, their family and their business.

Chief Executive's Response:

I thank Ms. Olive Casey for her submission and I acknowledge the issues raised and also her longstanding connection with the area as well as her husband's business located in the area.

With regard to the issue raised relating to the provision of waste water, sewerage and road infrastructure I advise that these will be matters considered at project level through the development management process as part of any future development proposals for the lands at Toureen. I note the proposed Variation incorporates the requirement for a Traffic Management Plan (refer to the submission made by the TII (submission Ref. 04 and their comments in this regard), for the construction and operation phase of any development of the lands and for adequate wastewater treatment and disposal measures to accompany development proposals for the site. I am of the opinion that the proposed wording of the Variation provides for the necessary assessments and measures required at the project level and that no additional text is required.

The statutory public consultation process associated with this proposed Variation commenced on 21st December 2018 through to 29th January 2019 during which time all the documentation associated with the proposed Variation was publically advertised and placed on public display and on the Clare County Council website, providing the opportunity for interested parties to make submissions on the proposed Variation. Ms. Casey has participated in this process by making a submission and my response is presented here on foot of the submission.

In terms of any developer package for property owners in the area, I advise that any discussions between property owners and potential developers of the lands is outside of the remit of the Planning Authority's role and is not a matter to be taken into account as part of this process.

Chief Executive's Recommendation:

I recommend no change to the Variation as proposed arising from this submission.

AA and SEA Screening of Chief Executive's Recommendation:

As I recommend no change to the Variation therefore no screening for AA and SEA is required.

Ref.09 Stephen Casey

Summary of the Issues raised in the Submission

This submission objects to the proposed Variation. The development of a Data Centre and power generating infrastructure would impact the visual amenity of the area and surrounding houses. The development is considered to be premature due to a lack of water, sewerage and road infrastructure. No consultation by the Planning Authority was carried out. The developer has not put forward any package to the property owners to address all the negative impacts this will cause. Mr Casey states that if the Variation proceeds without objection both the Planning Authority and Developer can ignore the legitimate concerns and needs of adjoining residents.

Mr. Casey has lived in Toureen for over 25 years and his parents have operated a business here for over 30 years, the development of the Data Centre and associated infrastructure is a major concern to them, their family and their business.

Chief Executive's Response:

I thank Mr. Stephen Casey for his submission and I acknowledge the issues raised and also that his parents have operated a commercial business at this location for many years.

With regard to the issue raised relating to the provision of waste water, sewerage and road infrastructure I advise that these will be matters considered at project level through the development management process as part of any future development proposals for the lands at Toureen. I note the proposed Variation incorporates the requirement for a Traffic Management Plan (refer to the submission made by the TII (submission Ref. 04 and their comments in this regard), for the construction and operation phase of any development of the lands and for adequate wastewater treatment and disposal measures to accompany development proposals for the site. I am of the opinion that the proposed wording of the Variation provides for the necessary assessments and measures required at the project level and that no additional text is required.

The statutory public consultation process associated with this proposed Variation commenced on 21st December 2018 through to 29th January 2019 during which time all the documentation associated with the proposed Variation was publically advertised and placed on public display and on the Clare County Council website, providing the opportunity for interested parties to make submissions on the proposed Variation. Mr. Casey has participated in this process by making a submission and my response is presented here on foot of the submission.

In terms of any developer package for property owners in the area, I advise that any discussions between property owners and potential developers of the lands is outside of the remit of the Planning Authority's role and is not a matter to be taken into account as part of this process.

Chief Executive's Recommendation:

I recommend no change to the Variation as proposed arising from this submission.

AA and SEA Screening of Chief Executive's Recommendation:

As I recommend no change to the Variation therefore no screening for AA and SEA is required.

Ref.10 Edward Casey

Summary of the Issues raised in the Submission

This submission objects to the proposed Variation. The development of a Data Centre and power generating infrastructure would impact the visual amenity of the area and surrounding houses. The development is considered to be premature due to a lack of water, sewerage and road infrastructure. No consultation by the Planning Authority was carried out. The developer has not put forward any package to the property owners to address all the negative impacts this will cause. Mr Casey states that if the Variation proceeds without objection both the Planning Authority and Developer can ignore the legitimate concerns and needs of adjoining residents.

Mr. Casey has lived in Toureen for over 25 years and has had his business here for over 30 years, the development of the Data Centre and associated infrastructure is a major concern to them, their family and their business.

Chief Executive's Response:

I thank Mr. Edward Casey for his submission and I acknowledge the issues raised and also that he has lived and operated a business at this location for many years.

With regard to the issue raised relating to the provision of waste water, sewerage and road infrastructure I advise that these will be matters considered at project level through the development management process as part of any future development proposals for the lands at Toureen. I note the proposed Variation incorporates the requirement for a Traffic Management Plan (refer to the submission made by the TII (submission Ref. 04 and their comments in this regard), for the construction and operation phase of any development of the lands and for adequate wastewater treatment and disposal measures to accompany development proposals for the site. I am of the opinion that the proposed wording of the Variation provides for the necessary assessments and measures required at the project level and that no additional text is required.

The statutory public consultation process associated with this proposed Variation commenced on 21st December 2018 through to 29th January 2019 during which time all the documentation associated with the proposed Variation was publically advertised and placed on public display and on the Clare County Council website, providing the opportunity for interested parties to make submissions on the proposed Variation. Mr. Casey has participated in this process by making a submission and my response is presented here on foot of the submission.

In terms of any developer package for property owners in the area, I advise that any discussions between property owners and potential developers of the lands is outside of the remit of the Planning Authority's role and is not a matter to be taken into account as part of this process.

Chief Executive's Recommendation:

I recommend no change to the Variation as proposed arising from this submission.

AA and SEA Screening of Chief Executive's Recommendation:

As I recommend no change to the Variation therefore no screening for AA and SEA is required.

Ref.11 Tom Hannan

Summary of the Issues raised in the Submission

The submission is in objection to the proposed Variation. The submission suggests the development of a data centre and power generating infrastructure would seriously impact the visual amenities of the area and surrounding houses. The area currently is quiet, scenic and tranquil. The M18 and associated road realignments provide a natural boundary between the urban and the country. The proximity, potential height, sound, lighting of the data centre and power plant would be detrimental to the community and residents who walk, cycle, run and enjoy the open countryside.

The size of the proposed rezoning does not consider the volume of existing houses in the area that would be adversely impacted by the magnitude of the proposed development, nor were they consulted in advance. Local residents would be negatively impacted by noise, traffic and general disruption.

Vague reference to the number of proposed structures as well as additional proposed purposes aside from the primary stated purpose remains unclear, leading to potentially additional detrimental impact to residents and the surrounding area.

Chief Executive's Response:

I thank Mr. Tom Hannan for his submission and note the contents of same. I wish to remind the Members of the existing zoning objective on 8.5ha of the Toureen lands which have been zoned by you for "Industry" in the CDP 2017-2023, this I consider has established the principle of land use zoning at this general location. I suggest that a Data Centre by virtue of its use would generate little by way of traffic, noise and general disruption once operational, in comparison to the Industrial type land uses that could be facilitated on part of the subject lands.

Specific concerns raised regarding impacts on residential amenity, height, sound, lighting, noise, traffic and general disturbance would all need to be considered as part of the detailed proposals that would accompany a project level assessment rather than the plan level.

Regarding reference in this submission to an excerpt of the proposed Variation wording of "one or more than one structure" this has been included in the proposed Variation to allow for the design and layout of any potential development to be tailored to specific site characteristics that may present once a detailed proposal is in preparation for the site. I would like to assure Mr. Hannan that should any future planning applications be forthcoming, there will be an opportunity to comment on development proposals through the provisions of the development management process.

Chief Executive's Recommendation:

I recommend no change to the Variation as proposed arising from this submission.

AA and SEA Screening of Chief Executive's Recommendation:

As I recommend no change to the Variation therefore no screening for AA and SEA is required.

Ref.12 Jack Hannan

Summary of the Issues raised in the Submission

The submission is in objection to the proposed Variation. The submission suggests that the development of a data centre and power generating infrastructure would seriously impact the visual amenities of the area and surrounding houses. The area currently is quiet, scenic and tranquil. The M18 and associated road realignments form a natural boundary between the urban and the country. The proximity, potential height, sound, lighting of the data centre and power plant would be detrimental to the community and residents who walk, cycle, run and enjoy the open countryside.

The size of the proposed rezoning does not consider the volume of existing houses in the area that would be adversely impacted by the magnitude of the proposed development, nor were they consulted in advance. Local residents would be negatively impacted by noise, traffic and general disruption.

Vague reference to the number of proposed structures as well as additional proposed purposes aside from the primary stated purpose remains unclear, leading to a potential additional detrimental impact to residents and the surrounding area.

Chief Executive's Response:

I thank Mr. Jack Hannan for his submission and note the contents of same. I wish to remind the Members that the existing zoning objective on 8.5ha of the Toureen lands which have been zoned by you for "Industry" in the CDP 2017-2023, this I consider has established the principle of land use zoning at this general location. I suggest that a Data Centre by virtue of its use would generate little by way of traffic, noise and general disruption once operational, in comparison to the Industrial type land uses that could be facilitated on part of the subject lands.

Specific concerns raised regarding impacts on residential amenity, height, sound, lighting, noise, traffic and general disturbance would all need to be considered as part of the detailed proposals that would accompany a project level assessment rather than the plan level.

The reference to the "one or more than one structure" has been inserted to allow for the design and layout of any potential development to have regard to site specific circumstances that may present once a detailed proposal is in preparation for the site. Should a planning application be forthcoming Mr. Jack Hannan and others will have an opportunity to comment on the proposals made.

Chief Executive's Recommendation:

No change recommended to the Variation as proposed arising from this submission.

AA and SEA Screening of Chief Executive's Recommendation:

As I recommend no change to the Variation therefore no screening for AA and SEA is required.

Ref.13 Tara Hannan

Summary of the Issues raised in the Submission

The submission is in objection to the proposed Variation. The submission suggests that the development of a data centre and power generating infrastructure would seriously impact the visual amenities of the area and surrounding houses. The area currently is quiet, scenic and tranquil. The M18 and associated road realignments form a natural boundary between the urban and the country. The proximity, potential height, sound, lighting of the data centre and power plant would be detrimental to the community and residents who walk, cycle, run and enjoy the open countryside.

The size of the proposed rezoning does not consider the volume of existing houses in the area that would be adversely impacted by the magnitude of the proposed development, nor were they consulted in advance. Local residents would be negatively impacted by noise, traffic and general disruption. Ms Hannan is a homemaker and this is her actual place of work which would be unduly impacted.

Vague reference to the number of proposed structures as well as additional proposed purposes aside from the primary stated purpose remains unclear, leading to a potential additional detrimental impact to residents and the surrounding area.

Chief Executive's Response:

I thank Ms. Tara Hannan for her submission and note the contents of same. I wish to remind the Members of the existing zoning objective on 8.5ha of the Toureen lands which have been zoned by you for "Industry" in the CDP 2017-2023, this I consider has established the principle of land use zoning at this general location. I suggest that a Data Centre by virtue of its use would generate little by way of traffic, noise and general disruption once operational, in comparison to the Industrial type land uses that could be facilitated on part of the subject lands.

Specific concerns raised regarding impacts on residential amenity, height, sound, lighting, noise, traffic and general disturbance would all need to be considered as part of the detailed proposals that would accompany a project level assessment rather than the plan level.

The reference to the "one or more than one structure" has been inserted to allow for the design and layout of any potential development to have regard to site specific circumstances that may present once a detailed proposal is in preparation for the site. Should a planning application be forthcoming Ms. Tara Hannan and others will have an opportunity to comment on the proposals made.

Chief Executive's Recommendation:

I recommend no changes to the Variation as proposed arising from this submission.

AA and SEA Screening of Chief Executive's Recommendation:

As I recommend no change to the Variation therefore no screening for AA and SEA is required.

Ref. 14 Declan Hannan

Summary of the Issues raised in the Submission

The submission is in objection to the proposed Variation. The submission suggests that the development of a data centre and power generating infrastructure would seriously impact the visual amenities of the area and surrounding houses. The area currently is quiet, scenic and tranquil. The M18 and associated road realignments form a natural boundary between the Urban and the country. The proximity, potential height, sound, lighting of the data centre and power plant would be detrimental to the community and residents who walk, cycle, run and enjoy the open countryside.

The size of the proposed rezoning does not consider the volume of existing houses in the area that would be adversely impacted by the magnitude of the proposed development, nor were they consulted in advance. Local residents would be negatively impacted by noise, traffic and general disruption.

Vague reference to the number of proposed structures as well as additional proposed purposes aside from the primary stated purpose remains unclear, leading to a potential additional detrimental impact to residents and the surrounding area.

Chief Executive's Response:

I thank Mr Declan Hannan for his submission and note the contents of same. I wish to remind the Members of the existing zoning objective on 8.5ha of the Toureen lands which have been zoned by you for "Industry" in the CDP 2017-2023, this I consider has established the principle of land use zoning at this general location. I suggest that a Data Centre by virtue of its use would generate little by way of traffic, noise and general disruption once operational, in comparison to the Industrial type land uses that could be facilitated on part of the subject lands.

Specific concerns raised regarding impacts on residential amenity, height, sound, lighting, noise, traffic and general disturbance would all need to be considered as part of the detailed proposals that would accompany a project level assessment rather than the plan level.

The reference to the "one or more than one structure" has been inserted to allow for the design and layout of any potential development to have regard to site specific circumstances that may present once a detailed proposal is in preparation for the site. Should a planning application be forthcoming Mr. Declan Hannan and others will have an opportunity to comment on the proposals made.

Chief Executive's Recommendation:

I recommend no change to the Variation as proposed arising from this submission.

AA and SEA Screening of Chief Executive's Recommendation:

As I recommend no change to the Variation therefore no screening for AA and SEA is required.

Ref.15 Anne Falvey

Summary of the Issues raised in the Submission

This submission is in objection to the proposed Variation. The change in the area from farmland to industrial will greatly impact on the biodiversity of the area. Adjacent woodland and wildlife will be negatively impacted well beyond the proposed zoned area. The zoning of this greenfield site when there are brownfield sites available would mark a backward step by Clare County Council who should be custodians of the County. Ms. Falvey has requested to be kept informed of developments/decisions in relation to this matter.

Chief Executive's Response:

I thank Ms. Falvey for her submission and I acknowledge the content of same. I also note her concerns with regard to the impact of development on the lands at Toureen and on the bio-diversity of the area. There are a number of measures built into the Variation wording to protect bio-diversity namely that as part of any development proposals the following must be included

- *At the southern boundary of the site is a mesotrophic lake, which will require protection through the provision of a buffer incorporating the dense clump of trees to the west of the lake and shall be included in an overall Landscape Management Plan for the site.*
- *A Construction and Environmental Management Plan shall be submitted as part of development proposals on site. This shall include a Flood Risk Assessment, a Surface Water Management Plan for the construction and operation phase of the development, a Pollution Prevention Plan and shall incorporate principles of Sustainable Urban Drainage Systems. During the construction phase of developments on site where applicable all relevant best practice guidelines shall be adhered to.*
- *An Air Quality Impact Assessment with reference to potential impacts on European Sites and the surrounding area within the zone of influence of the proposed development shall be submitted, this shall inform an Appropriate Assessment Screening report and/or Natura Impact Report.*
- *The hedgerows and scrub area on this site provide a potential foraging and commuting area for wildlife including Lesser Horseshoe bats. Future development proposals must be informed by a series of bat surveys to record the known usage of the site by in particular Lesser Horseshoe bats and ensure that there is no net loss of supporting habitat. The surveys must include a full light spill modelling study. Any habitat loss must be offset by additional landscape planting to ensure connectivity across the landscape.*
- *Impacts of development of the site on conservation interest bird species of surrounding SPAs and breeding birds should be avoided, through protection and retention of breeding bird habitat in accordance with the Wildlife Acts. Development proposals for the site shall be accompanied by bird surveys (to include a winter bird survey) to assess the use of the site by bird species and where disturbance and/or displacement are predicted appropriate mitigation measures shall be identified. Hedgerow and treeline pruning or removal shall be conducted outside the breeding bird season (March 01st through August 31st).*

- *An Ecological Impact Assessment (designed by an appropriately qualified landscape architect and ecologist) and a Habitat Survey shall form part of development proposals for the site.*
- *A Landscape and Biodiversity Management plan shall be submitted to provide landscape, visual and environmental screening and enhancement measures through planting and design.*
- *An Invasive Species Survey and Management plan (if required) shall accompany development proposals for the site.*
- *Development proposals shall also include an Otter Use Survey of the site, and where disturbance and/or displacement are predicted appropriate mitigation measures shall be identified.*
- *A buffer will be required to be provided with regard to the location of a National Monument (CL-034-007) on site.*

I consider the inclusion of these measures to be sufficient at a plan level to protect biodiversity. They will inform any development proposal that may emerge on site and Ms Falvey will have an opportunity to comment on their content at any future project level stage.

Following consideration of my Chief Executive's Report it will be made available on-line on Clare County Councils website so that Ms Falvey and others can be kept informed of the Variation making process.

Chief Executive's Recommendation:

I recommend no change to the Variation as proposed arising from this submission.

AA and SEA Screening of Chief Executive's Recommendation:

As I recommend no change to the Variation therefore no screening for AA and SEA is required.

Ref.16 Diarmuid Hanratty

Summary of the Issues raised in the Submission

The submission states that the development of a data centre is an ambitious plan and if properly located and delivered it would bring employment and could act as a catalyst for other employers to locate and develop in this county bringing prosperity to the region. Toureen is the wrong site for such a great opportunity. The submission is in objection to the proposed Variation.

The zoning in the open countryside, outside the obvious barrier of the M18 represents poor planning. It would open the door to industrial or residential development in an area which is predominantly farm or woodland.

Mr. Hanratty states that local residents have already endured hardship by Clare County Council in the closing/blocking of local roads to lay a 110KV cable to facilitate a privately owned windfarm in West Clare, without consultation or regard for local residents. Clare County Council subsequently gave free rein to the contractors to dig up this cable prior to its commissioning. No reason was ever given to residents for this series of events. The privately funded for profit wind farm was given priority over local residents. Concerns raised over the safety of having a 110,000v cable laid 4 inches under a public footpath was not adequately addressed. The contractor gave wrong and misleading information to residents when requested for details. The lack of oversight and supervision by Clare County Council alarms Mr. Hanratty in that the proposed data centre will require a minimum 80MW connection, most likely from the nearby ESB 110KV station. This will involve the laying of more 110KV cables locally.

The proposed zoning would see a significant increase in traffic volumes on the Tulla Road during construction and operation. The local residents would be negatively impacted by the noise, traffic and general disruption to everyday living for a lengthy unspecified time without consultation or regard for what residents have already had to put up with.

Clare County Council is requested to investigate other suitable sites in the environs of Ennis/Shannon to see if an existing industrial site would be more suitable. To rezone agricultural lands in the countryside is not acceptable given the amount of potential development lands within the Ennis/Shannon areas.

Mr Hanratty has requested to be kept informed of any decisions in relation to this matter.

Chief Executive's Response:

I thank Mr. Hanratty for his submission and I acknowledge the content of same. I also note his views regarding the disruption to road users and local residents from the road opening works required to facilitate the grid connection through Ennis. Specific works required to facilitate a grid connection for a Data Centre are not known at this plan level stage and would only become evident once a development is being proposed for the site. In the event that development proposals are forthcoming there will be an opportunity for Mr. Hanratty and others to make observations on the specific detail of the proposals.

As part of the proposed Variation it is proposed that a traffic management plan would be prepared for the construction and operational phase of development on the Toureen site. At that stage details specific to traffic volumes can be assessed and commented on. This level of detail is not available at this plan level stage.

As part of this Variation process Clare County Council has looked at alternative sites across the county for locating Data Centres. This current site was found to be the preferred location. Details of the alternative sites considered are set out in the Strategic Environmental Assessment – Environment Report.

Following consideration of my Chief Executive's Report it will be made available on-line on Clare County Councils website so that Mr Hanratty and others can be kept informed of the Variation making process.

Chief Executive's Recommendation:

I recommend no change to the Variation as proposed arising from this submission.

AA and SEA Screening of Chief Executive's Recommendation:

As I recommend no change to the Variation therefore no screening for AA and SEA is required.

Ref.17 Eirgrid

Summary of the Issues raised in the Submission

Eirgrid is responsible for the safe, secure, and reliable transmission of electricity, and operates the electricity transmission grid, bringing power from where it is generated to where it is needed across Ireland. The grid also provides electricity to business and industry that use large amounts of electricity.

Eirgrid supports the plan led approach to the development of Data Centres, where suitable locations throughout Ireland are promoted for investment that minimise the need for deep reinforcements of the energy grid. Data Centres are large consumers of electricity and pose particular challenges to future planning and operation of a sustainable power system.

Eirgrid requests additional emphasis and support for the electricity transmission grid's importance in supporting data centres be included in the Variation. It is requested that additional clarity is given on the term "power generating infrastructure", which should be expanded to include "transmission" infrastructure which is required to support data centres. Eirgrid considers that policies and objectives which support a safe, secure and reliable supply of electricity need to be explicit in the Variation in order to assist Eirgrid in successfully implementing its Grid Development Strategy- Your Grid – Your Tomorrow (2017)

Eirgrid have offered to be available to provide expert and focused input from a strategic energy policy perspective.

Chief Executive's Response:

I welcome this submission and acknowledge the role of Eirgrid in electricity service provision across the country.

A request has been made that clarity be given on the use of the term "power generating infrastructure". Data Centres, to ensure a consistent and non-interrupted power supply will be required to have power generating infrastructure on site. The use of the term has been included to allow for development proposals to utilise the best practice infrastructure available at the time of development, which is considered to be appropriate for a high level plan making stage such as this proposed Variation. Details of specific proposals must be set out a project level when a planning application is made.

Notwithstanding the requests made I do not consider it necessary to include text within the wording of the proposed Variation to "support" the "electricity transmission grids" importance in supporting data centres. Nor is it considered that the existing text would be amended to include "transmission Infrastructure". I am satisfied that the wording of the Variation as proposed is sufficient.

Chief Executive's Recommendation:

I recommend no changes to the Variation as proposed arising from this submission.

AA and SEA Screening of Chief Executive's Recommendation:

As I recommend no change to the Variation therefore no screening for AA and SEA is required.

Section 4: Information on the Next Stage of the Variation

In accordance with Section 13 of the Planning and Development Act, 2000 (as amended), you the Members must consider the proposed Variation No.1 and my Chief Executive's report within 6 weeks of the date it was submitted to you. i.e on or before 4th April 2019.

Within this 6 week period, you the Members can, by resolution, make the Variation with or without modifications, or can refuse to make the Variation. If modifications to the Variation are proposed and those modifications are considered to be a material alteration to the Variation, the Planning Authority shall determine if a Strategic Environmental Assessment or appropriate assessment, or both such assessments, are required in respect of these changes. I shall not later than 2 weeks after a determination that such assessment is required, specify the period considered necessary to carry out such assessments.

The Planning Authority shall publish notice of the proposed material alteration and, where appropriate, the making of a determination that an SEA and/or AA is required, indicating the places and times where the relevant documents may be inspected and inviting submissions or observations which will be taken into account by the Planning Authority before the Variation is made. The documents must be available for inspection for a period of not less than 4 weeks.

A further modification to the variation may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European Site. A further modification shall not be made where it refers to an increase in the area of land zoned for any purpose or an addition to or deletion from the Record of Protected Structures.

Following consideration of the proposed Variation No. 1 and my Chief Executive's report, where the planning authority, after considering a submission, observation or recommendation from the Minister or the Regional Assembly, decides not to comply with any recommendation made in the proposed Variation and CE report, it must inform the Minister or Regional Assembly, as the case may be, as soon as practicable by notice in writing, setting out the reasons for the decision.

The consideration of this Chief Executives Report and the making of the proposed Variation No. 1 to the Clare County Development Plan 2017-2023 will be on the agenda for the March Clare County Council meeting to facilitate you, by resolution, to make the proposed Variation No 1, with or without the proposed amendments. The Variation if adopted will take effect from the date it is made.

Appendix I Public Notice and Newspaper Notice of Proposed Variation

PROPOSED VARIATION NO. 1 TO THE CLARE COUNTY DEVELOPMENT PLAN 2017-2023

Notice is hereby given pursuant to Section 13(2)(b) of the Planning and Development Act 2000 (as amended) that Clare County Council has prepared a proposed Variation No.1 to the Clare County Development Plan 2017-2023.

Pursuant to the Strategic Environmental Assessment Directive (2001/42/EC) and the Planning and Development (Strategic Environmental Assessment) Regulations, 2004, S.I. no. 436/2004, as amended by S.I. no. 201/2011, the Planning Authority has undertaken a Strategic Environmental Assessment of the proposed Variation No.1

Pursuant to Article 6 of the Habitats Directive 92/ 43/EEC the Planning Authority has undertaken an Appropriate Assessment and prepared a Natura Impact Report for the proposed Variation No.1 .

A Strategic Flood Risk Assessment of the proposed Variation No.1 has also been prepared.

The proposed variation provides for the following changes to:

(1) Volume 1 - Written Statement of the Clare County Development Plan 2017-2023:

- To incorporate the use and development of data centres and power generating infrastructure into the enterprise zoning definition, the following additional text is proposed to be added into the zoning objective for enterprise as set out in Chapter 19,
"data centres," and "power generating infrastructure as well "

(2) Volume 3(a) Ennis Municipal District – Written Statement and Settlement Plans of the Clare County Development Plan 2017-2023:

- Amend the zoning objective for the lands currently identified as Industrial IND1 to Enterprise ENT3 at Toureen and extend the Enterprise ENT3 zoning objective to 45ha, onto lands currently identified as being in the open countryside;
- Zone an area of approximately 10 hectares as Buffer Space at Toureen;
- Replace text in Section 1.5.2 associated with lands currently identified in the Ennis Settlement Plan as Industrial Zoning (IND1) with text associated with the extended site identified as Enterprise (ENT3) to read as follows:

Project Ireland 2040 - National Planning Framework sets out the strategic importance of data centres in Irelands' Enterprise Strategy. Having regard to the Government Statement on 'The Role of Data Centres in Ireland', which in particular recommends having a plan-led approach to data centres, this 55ha site has been identified and zoned as Enterprise (45ha) and for Buffer Space (10ha) with a specific use for a Data Centre Campus due to its proximity to the electricity sub-station, its proximity to the M18 motorway and adjoining regional road network, the location of the site relative to the Gas Pipeline, the availability of Dark Fibre and the proximity of the site to Shannon International Airport and Ennis Town.

This site is zoned to accommodate a Data Centre campus which consists of one or more structures, used primarily for the storage, management and dissemination of data and the provision of associated power electricity connections and energy generating infrastructure.

- Replace text currently in Section 2.13.5 relating to lands at Toureen with new additional text and in addition to that set out above, include mitigation arising from

the Strategic Environmental Assessment, Habitat Directive Assessment and Strategic Flood Risk Assessment.

The Proposed Variation Document that accompanies this proposed Variation provides detail on the above.

The reason for the proposed variation is to give effect to the *Government Policy Statement on the Development of Data Centres in Ireland* by identifying in a plan led manner the preferred location of a Data Centre in County Clare.

Copies of the proposed variation including the Proposed Variation Document, the Strategic Environmental Assessment (SEA) - Environmental Report and Non-Technical Summary, the Appropriate Assessment - Natura Impact Report and Strategic Flood Risk Assessment may be inspected during normal opening hours from **Friday 21st December to Tuesday 29th January 2019 (inclusive)** at the following locations:

- Áras Contae an Chláir, New Road, Ennis;
- De Valera Library, Ennis and Local Study Centre, Harmony Row, Ennis;
- All public libraries;
- All Municipal District Offices;
- Clare County Council's website www.clarecoco.ie

Written submissions or observations (two copies) with respect to the proposed variation to the Plan, which will be taken into consideration before the making of the variation, including submissions on the SEA Environmental Report and Non-Technical Summary, the Habitats Directive Assessment – Natura Impact Report and the Flood Risk Assessment may be made to:

Planning Department, Clare County Council, Áras Contae an Chláir, New Rd., Ennis, Co. Clare or by email to **forwardplan@clarecoco.ie** (max. document size by email: 6 MB) on or before **4p.m. on Tuesday 29th January 2019**

Submissions should be clearly marked "**Submission to the Proposed Variation No.1 to the Clare County Development Plan 2017-2023**".

NB. As this is a public consultation process, submissions may be made available for public viewing and consequently personal details such as address, email address, and phone number should be submitted on a separate sheet accompanying any submissions or observations.



PROPOSED VARIATION NO. 1 TO THE CLARE COUNTY DEVELOPMENT PLAN 2017-2023

Notice is hereby given pursuant to Section 13(2)(b) of the Planning and Development Act 2000 (as amended) that Clare County Council has prepared a proposed Variation No.1 to the Clare County Development Plan 2017-2023.

Pursuant to the Strategic Environmental Assessment Directive (2001/42/EC) and the Planning and Development (Strategic Environmental Assessment) Regulations, 2004, S.I. no. 436/2004, as amended by S.I. no. 201/2011, the Planning Authority has undertaken a Strategic Environmental Assessment of the proposed Variation No.1.

Pursuant to Article 6 of the Habitats Directive 92/ 43/EEC the Planning Authority has undertaken an Appropriate Assessment and prepared a Natura Impact Report for the proposed Variation No.1.

A Strategic Flood Risk Assessment of the proposed Variation No.1 has also been prepared.

The proposed variation provides for the following changes to:

- (1) Volume 1 - Written Statement of the Clare County Development Plan 2017-2023:
 - To incorporate the use and development of data centres and power generating infrastructure into the enterprise zoning definition, the following additional text is proposed to be added into the zoning objective for enterprise as set out in Chapter 19, "data centres," and "power generating infrastructure as well "
- (2) Volume 3(a) Ennis Municipal District – Written Statement and Settlement Plans of the Clare County Development Plan 2017-2023:
 - Amend the zoning objective for the lands currently identified as Industrial IND1 to Enterprise ENT3 at Toureen and extend the Enterprise ENT3 zoning objective to 45ha, onto lands currently identified as being in the open countryside;
 - Zone an area of approximately 10 hectares as Buffer Space at Toureen;
 - Replace text in Section 1.5.2 associated with lands currently identified in the Ennis Settlement Plan as Industrial Zoning (IND1) with text associated with the extended site identified as Enterprise (ENT3) to read as follows:

Project Ireland 2040 - National Planning Framework sets out the strategic importance of data centres in Ireland's Enterprise Strategy. Having regard to the Government Statement on 'The Role of Data Centres in Ireland', which in particular recommends having a plan-led approach to data centres, this 55ha site has been identified and zoned as Enterprise (45ha) and for Buffer Space (10ha) with a specific use for a Data Centre Campus due to its proximity to the electricity sub-station, its proximity to the M18 motorway and adjoining regional road network, the location of the site relative to the Gas Pipeline, the availability of Dark Fibre and the proximity of the site to Shannon International Airport and Ennis Town.

This site is zoned to accommodate a Data Centre campus which consists of one or more structures, used primarily for the storage, management and dissemination of data and the provision of associated power electricity connections and energy generating infrastructure.
 - Replace text currently in Section 2.13.5 relating to lands at Toureen with new additional text and in addition to that set out above, include mitigation arising from the Strategic Environmental Assessment, Habitat Directive Assessment and Strategic Flood Risk Assessment.

The Proposed Variation Document that accompanies this proposed Variation provides detail on the above.

The reason for the proposed variation is to give effect to the *Government Policy Statement on the Development of Data Centres* in Ireland by identifying in a plan led manner the preferred location of a Data Centre in County Clare.

Copies of the proposed variation including the Proposed Variation Document, the Strategic Environmental Assessment (SEA) - Environmental Report and Non-Technical Summary, the Appropriate Assessment - Natura Impact Report and Strategic Flood Risk Assessment may be inspected during normal opening hours from Friday 21st December to Tuesday 29th January 2019 (inclusive) at the following locations:

- Áras Contae an Chláir, New Road, Ennis;
- De Valera Library, Ennis and Local Study Centre, Harmony Row, Ennis;
- All public libraries;
- All Municipal District Offices;
- Clare County Council's website www.clarecoco.ie

Written submissions or observations (two copies) with respect to the proposed variation to the Plan, which will be taken into consideration before the making of the variation, including submissions on the SEA Environmental Report and Non-Technical Summary, the Habitats Directive Assessment – Natura Impact Report and the Flood Risk Assessment may be made to:

Planning Department, Clare County Council,
Áras Contae an Chláir, New Rd., Ennis, Co. Clare or by email to forwardplan@clarecoco.ie (max. document size by email: 6 MB) on or before **4p.m. on Tuesday 29th January 2019**.

Submissions should be clearly marked "**Submission to the Proposed Variation No.1 to the Clare County Development Plan 2017-2023**".

NB. As this is a public consultation process, submissions may be made available for public viewing and consequently personal details such as address, email address, and phone number should be submitted on a separate sheet accompanying any submissions or observations.



Appendix II Copies of Submissions received from Prescribed Bodies

004

An Roinn Tithíochta,
Pleanála agus Rialtais Áitiúil
Department of Housing,
Planning and Local Government



29th January 2019

Brian McCarthy
Clare County Council,
Planning Team,
Áras Contae an Chláir
New Road,
Ennis,
Co Clare.

Re: Proposed Variation No.1 to Clare CDP 2017 2023

A Chara,

I am directed by the Minister for Housing and Urban Development to refer to your recent letter in relation to the above and set out hereunder observations on behalf of the Minister

The proposed Variation is to give effect to the Government Policy Statement on the Development of Data Centres in Ireland by identifying in a plan led manner the preferred location of a Data Centre in County Clare

On the 7th June 2018 the Department of Business, Enterprise and Innovation, in conjunction with other relevant government departments, published a policy statement outlining Ireland's commitment to taking a plan-led approach to the development of Data Centres. The Framework was pursued as part of objectives for wider economic growth and regional development, which also included the amendment of the Planning and Development (Strategic Infrastructure) Act to include Data Centres and measures to streamline judicial review of strategic infrastructure projects.

While noting the substantial size (55 hectares) of land proposed for zoning as Enterprise (45ha) and Buffer Space (10ha) to the east of Ennis town for the specific use as a Data Centre Campus the Department recognises the land take required for this form of development. The Department welcomes the proactive approach that Clare County Council are taking regarding



the identification of specific lands for use as a Data Centre Campus.

The wording of the Variation establishes that these identified lands are used solely for the specific intended use of a Data Centre Campus and in that regard the Department has no further comments to make, at this time.

The Planning Authority is reminded to have regard to any issues raised separately by the Southern Regional Assembly (SRA), Transport Infrastructure Ireland, Office of Public Works, Department of Arts, Heritage and the Gaeltacht, NPWS, EPA, and Irish Water. In this regard, Clare County Council must satisfy itself that it has met the relevant requirements as appropriate, and that the proposed Variation is fully compliant with its obligations under the SEA Directive, Habitats Directive and planning legislation and guidelines. Specifically in regard to this Variation the Department would recommend consultation between Energy Providers and the Commission for Energy Regulation.

The officials of the Department are available to discuss the matters raised above and in the first instance; you are advised to contact Ms. Laura Courtney, Planning Adviser on 01-8882203.

Is mise le meas

Niall Cussen
Chief Planner,
Forward Planning Section



Regional Inspectorate,
Inniscarra,
County Cork, Ireland
Cigireacht Réigiúnach, Inis Cara
Chontae Chorcaí, Éire
T: +353 21 487 5540
F: +353 21 487 5545
E: info@epa.ie
W: www.epa.ie
LoCall: 1890 33 55 99

Mr Brain McCarthy
Senior Planner
Planning Department
Clare County Council
Aras Contae an Chlair
New Road
Ennis
Co Clare

17th January 2019

Our Ref: SCP181001.2

Re. Proposed Variation No.1 to the Clare County Development Plan 2017-2023 and SEA Environmental Report

Dear Mr McCarthy,

We acknowledge your notice, dated 20th December 2018, in relation to the Proposed Variation No.1 to the Clare County Development Plan 2017-2023 (the Variation) and SEA Environmental Report.

The EPA is one of five statutory environmental authorities under the SEA Regulations. In our role as an SEA environmental authority, we focus on promoting the full and transparent integration of the findings of the Environmental Assessment into the Plan and advocating that the key environmental challenges for Ireland are addressed as relevant and appropriate to the plan. Our functions as an SEA environmental authority do not include approving or enforcing SEAs or plans.

As a priority, we focus our efforts on reviewing and commenting on key sector plans. For land use plans at county and local level, we provide a 'self-service approach' via the attached guidance document '*SEA of Local Authority Land Use Plans – EPA Recommendations and Resources*'.

This document is updated regularly and sets out our key recommendations for integrating environmental considerations into Local Authority Land Use Plans. We suggest that you take this guidance document into account and incorporate the relevant recommendations, in finalising and implementing the Variation.



In this regard, we refer you to our previous submission, dated 22nd October 2018, which should also be taken into account at this time.

Specific Comments on the Variation

We acknowledge the commitment to preparing a Construction and Environmental Management Plan and Traffic Management Plan for the construction and operational phases of site development.

Where possible, you should clarify whether other plans/surveys referred to, including Hydrological Assessment, Surface Water Management Plan, Pollution Control Plan, Air Quality Impact Assessment, Bat Surveys, Bird Surveys, Otter Survey, Landscape and Biodiversity Management Plan, Invasive Species Control Management Plan etc., will be carried out during the lifetime of the Variation.

We note section 5.11.5 *Water Services Infrastructure*, and Irish Water's responsibility in relation to the Ennis Water Supply. A commitment should be included to ensure that adequate and appropriate critical infrastructure, including water supply, is in place in advance of any development associated with the Variation. The need for resilient water services and supply infrastructure, capable of dealing with more extreme weather events (such as those which occurred in recent years) and are likely to occur again, due to climate change, should be considered.

Content of the Environmental Report

The SEA Regulations set out the information to be contained in an Environmental Report.

Assessment of Alternatives

You should describe the alternatives considered and how the selection and assessment of these has led to the selection of the preferred alternative. You should assess the alternatives against the 'Strategic Environmental Objectives' identified in the SEA ER.

Assessment of Environmental Effects

You should assess and document the full range of likely significant environmental effects of implementing the Variation, including the potential for cumulative effects in combination with other relevant Plans/ Programmes and Projects.

Mitigation Measures

Where you have identified the potential for likely significant effects, you should provide appropriate mitigation measures to avoid or minimise these. You should ensure that the Variation includes clear commitments to implement the mitigation measures.

Monitoring

The Monitoring Programme should be flexible to take account of specific environmental issues and unforeseen adverse impacts should they arise. It should consider and deal with the possibility of cumulative effects. Monitoring of both positive and negative effects should be considered. The monitoring programme should set out the various data sources, monitoring frequencies and responsibilities.



If the monitoring identifies adverse impacts during the implementation of the Variation, Clare County Council should ensure that suitable and effective remedial action is taken.

State of the Environment Report – Ireland’s Environment 2016

In finalising the Variation and integrating the findings of the SEA into the Variation, the recommendations, key issues and challenges described in our most recent State of the Environment Report Ireland’s Environment – An Assessment 2016 (EPA, 2016) should be considered, as relevant and appropriate.

Future Amendments to the Variation

You should screen any future amendments to the Variation for likely significant effects, using the same method of assessment applied in the “environmental assessment” of the Variation.

SEA Statement – “Information on the Decision”

Once the Variation is adopted, you should prepare an SEA Statement that summarises:

- How environmental considerations have been integrated into the Variation;
- How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Variation;
- The reasons for choosing the Variation adopted in the light of other reasonable alternatives dealt with; and,
- The measures decided upon to monitor the significant environmental effects of implementation of the Variation.

You should send a copy of the SEA Statement with the above information to any environmental authority consulted during the SEA process.

Environmental Authorities

Under the SEA Regulations, you should also consult with:

- The Minister for Housing, Planning and Local Government,
- The Minister for Agriculture, Food and the Marine, and the Minister for Communications, Climate Action and Environment, where it appears to you as the competent authority that the plan or programme, or modification to a plan or programme, might have significant effects on fisheries or the marine environment,
- The Minister for Culture, Heritage and the Gaeltacht where it appears to you as the competent authority that the plan or programme, or modification to a plan or programme, might have significant effects in relation to the architectural or archaeological heritage or to nature conservation, and
- any adjoining planning authority whose area is contiguous to the area of a planning authority which prepared a draft plan, proposed variation or local area plan.



If you have any queries or need further information in relation to this submission, please contact me directly. I would be grateful if you could send an email confirming receipt of this submission to: sea@epa.ie.

Yours Sincerely,

A handwritten signature in cursive script that reads 'David Galvin'.

David Galvin
SEA Section
Office of Evidence and Assessment



Your Ref: **Proposed Variation No.1 to the Clare County Development Plan 2017-2023**

Our Ref: **FP2018/112**

(Please quote in all related correspondence)

29 January 2019

Director of Services-Planning
Clare County Council
Áras an Chontae Chláir
New Road
Ennis
Co Clare
V95 DXP2

Re: Submission to the Proposed Variation No.1 to the Clare County Development Plan 2017-2023.

A chara

On behalf of the Department of Culture, Heritage and the Gaeltacht, I refer to correspondence received in connection with the above.

Outlined below are heritage-related observations/recommendations of the Department under the stated heading(s).

Nature Conservation

The Department refers to Clare County Council's notification regarding proposed Variation No. 1 to Clare County Development Plan 2017-2023. The variation is to give effect to government policy on the development of data centres in Ireland and identifies, in a statutory land use plan, the preferred location for a data centre campus at Toureen, Ennis, Co. Clare.

The following observations are made by the Department in its role as a prescribed body under planning legislation and as the authority with overarching responsibility for nature conservation and the nature directives (i.e. the Birds and Habitats Directives). The observations are not exhaustive and are intended to assist the Council in meeting obligations and commitments in relation to nature conservation, European sites, biodiversity and environmental protection, and proper planning and sustainable development, when carrying out the Strategic Environmental Assessment (SEA) and the appropriate assessment (AA), if necessary, and when finalising the plan.

It is noted that the proposed variation is accompanied by NIR (by Doherty Environmental Consultants), SEA Environmental Report and Strategic Flood Risk Assessment. Mitigation



contained within these reports has been incorporated into the variation in the form of listed protective measures, including future survey and assessment requirements.

Proposed variation and site selection

The proposed variation makes minor changes to the text of the Written Statement, and zones lands for a data centre campus and associated power generating infrastructure at Toureen, on the north-eastern side of Ennis, east of the M18 motorway. The reasons for identifying the lands as the preferred location are listed but it is noted that there is a lack of clarity as to how ecological and other environmental constraints were taken into account in selecting the site. The SEA Environmental Report includes information about many of the sensitive ecological receptors at and adjacent to the site (see also below).

Likely effects on the environment – biodiversity

The zoned lands are primarily farmland and have an overall area of 55ha, of which 10ha is categorised 'buffer space'. The lands comprise a network of fields with hedgerow boundaries, and patches of woodland within and adjacent to the site. There are two small lakes close the southern site boundary (the R352), and some areas of wetlands. Habitat information and mapping are available in SEA Section 5.3.8 and Figure 5.7.

The zoned lands are 850m and 1900m from the bat houses/roosts at Knockanean and Knocknaskibbole, respectively, and these were constructed or redeveloped as mitigation/compensation in connection with the N18/N85 Ennis bypass project. Both bat roosts are within the 2.5km radius within which there should be no net loss of potential Lesser Horseshoe Bat feeding habitat (derived from SAC conservation objectives), and within the 3km radius specified in Clare County Development Plan. Other recorded bat roosts in Ennis and surrounds are shown in SEA Figure 5.5. There would be a more robust basis for identifying Toureen as the preferred site for data centre developments if these bat roosts were identified in associated maps and if inconsistencies relating to losses of habitat were further addressed and mitigated at plan level.

Likely effects on European sites

The NIR identifies 25 European sites as being at risk from the proposed variation (on its own), and lists these in Table 0.1.1. This is overly precautionary and appears to derive from the blanket application of a 15km 'buffer' around the zoned lands, but without adequate supporting data, analysis and explanation. As a result, there is a lack of clarity as to what European sites are actually at risk, and in what way. This generalised approach will, in turn, limit the precision of the appropriate assessment that has to be carried out. The NIR lacks scientific data and analysis which would provide an objective basis for examining any potential effects of the variation on European sites in view of their conservation objectives, and which would support the conclusions reached. It is also a concern that the consideration of potential in combination effects is limited to plans and one project at a distance from the site, i.e. the Killaloe Bypass.



You are requested to send further communications to this Department's Development Applications Unit (DAU) at manager.dau@chg.gov.ie (team monitored); if this is not possible, correspondence may alternatively be sent to:

The Manager
Development Applications Unit (DAU)
Department of Culture, Heritage and the Gaeltacht
Newtown Road
Wexford
Y35 AP90

Is mise, le meas

A handwritten signature in black ink, appearing to read 'Diarmuid Buttiner'. The signature is written in a cursive, somewhat stylized script. Below the signature is a horizontal line.

Diarmuid Buttiner
Development Applications Unit

Planning Department
Clare County Council
Áras Contae an Chláir
New Road
Ennis
Co. Clare
V95 DXP2



Dáta | Date
23 January, 2019

Ár dTag | Our Ref.
TII18-104264

Re: Submission to Proposed Variation no. 1 to the Clare County Development Plan, 2017 – 2023

Dear Sir/Madam,

TII welcomes referral of proposed variation no. 1 to the Clare County Development Plan, 2017 – 2023.

The Authority notes that the proposed variation relates to zoning of lands in proximity to M18 Junction 13 and associated text changes to the adopted Development Plan. The following observations are provided for the Councils consideration:

1. Background and Context

Policy related to development at national road interchanges and junctions is set out in Section 2.7 of the DoECLG Spatial Planning and National Roads Guidelines. The Guidelines require that planning authorities must exercise particular care in their assessment of development/local area plan proposals relating to the development objectives and/or zoning of locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road.

TII seeks to ensure that official national objectives are not undermined and that the anticipated benefits of the investment made in the national road network are not jeopardised. National Strategic Outcome 2 of the National Planning Framework includes the objective to maintain the strategic capacity and safety of the national roads network. It is also an investment priority of the National Development Plan, 2018 – 2027, to ensure that the extensive transport networks which have been greatly enhanced over the last two decades, are maintained to a high level to ensure quality levels of service, accessibility and connectivity to transport users.

M18 Junction 13 has a compact geometric layout, therefore, in accordance with the provisions of official policy, it is critical that particular care is taken in the assessment of development proposals relating to development objectives and/or zoning proposals at the location concerned.

2. Proposed Variation no. 1

The proposed variation proposes the designation of extensive additional lands with an 'Enterprise' zoning objective adjoining the R352 in proximity to M18 Junction 13, which, as identified above, is a compact junction. There is a requirement, in accordance with the provisions of official policy, to ensure that the strategic function of national roads is maintained by limiting the extent of development that would give rise to the generation of short trip traffic on national roads or alternatively by ensuring that trip demand from future development will be primarily catered for on the non-national road network.

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Bonneagar Iompair Éireann
Ionad Gnó Gheata na Páirce
Sráid Gheata na Páirce
Balle Átha Cliath 8
Éire, D08 DK10



Transport Infrastructure Ireland
Parkgate Business Centre
Parkgate Street
Dublin 8
Ireland, D08 DK10



info@tii.ie



www.tii.ie



+353 (0)1 646 3600



+353 (0)1 646 3601

In relation to development at national road junctions, official policy requires that planning authorities must make sure that such development which is consistent with planning policies can be catered for by the design assumptions underpinning such junctions and interchanges, thereby avoiding potentially compromising the capacity and efficiency of the national road/associated junctions and possibly leading to the premature and unacceptable reduction in the level of service available to road users.

Having regard to the above, TII acknowledges the consultation that has taken place with Clare County Council in relation to this subject variation proposal, including the preparation of a required evidence base, in addition to the evidence based M18 junction capacity assessments undertaken as part of the Development Plan Review.

TII welcomes that the proposed variation development objective restricts the new proposed 'Enterprise' lands to a 'specific use for a Data Centre'. In TII's experience, Data Centre development has a very different employment density than the other land uses facilitated by the 'Enterprise' zoning objective and has a lower trip generation and trip demand on available transport infrastructure. The requirement for a Traffic Management Plan for the construction and operation phase of development is also noted, and welcome.

In relation to the extent of the designated zoning objective, TII recommends consideration be given to a reduction in the zoning designation in the vicinity of the M18 surface water attenuation ponds and in that regard that the area marked in red below be altered from an 'Enterprise' zoning objective to be included in the 'Buffer Space' zoning objective.

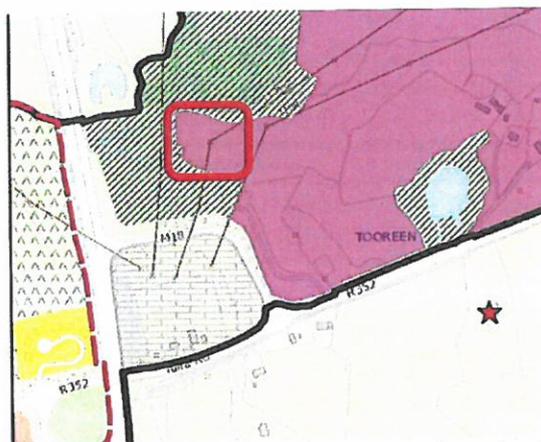


Fig. 1: requested zoning alteration marked in red to be amended to 'Buffer Space' zoning objective

3. Other Matters

Access to utilities and services will need to be fully considered. Any crossing of a motorway requires approval under Section 53 of the Roads Act. In addition, TII has previously written to Clare County Council in relation to the use of service ducts on national road infrastructure; please find a copy of previous correspondence. The position outlined in the attached letter remains the position of the Authority.

Conclusion

The Authority acknowledges the work undertaken by the Council in preparing the proposed variation and welcomes the consultation undertaken in that regard. TII requests that the observations outlined above, including in relation to the slight reduction in the 'Enterprise' zoning designation in proximity to the M18 surface water attenuation ponds, are taken into consideration in the assessment of the proposed variation in the interests of giving effect to the provisions of official policy to ensure planned development can be catered for in a manner complementary to safeguarding the strategic function of the national road network in the area.

Yours sincerely,

Michael McCormack
Senior Land Use Planner





Ms. Carmel Kirby
Director of Services
Clare County Council
New Road
Ennis
Co. Clare

Dáta | Date
26 November, 2018

Ár dTag | Our Ref.
PAS18564

Re. **Use of national road service ducts (Planning application ref. 18564)**

Dear Ms. Kirby,

TII has been approached by a Consulting Engineer ('Agent') on behalf of an applicant for planning permission seeking to utilise service ducts on the N85 River Fergus overbridge structure. The applicant seeks to use the service duct for the purpose of facilitating disposal of foul water from a proposed development site, subject to a current application for planning permission, at Kilbrecken, Ennis to connect into the existing foul network in Ennis.

Ducting installed along national road schemes as part of national roads programme related works is primarily intended for road-related purposes. Where surplus capacity exists over and above the existing and potential future road-related needs of TII and/or the road authority for the area such ducting is made available in accordance with TII's "Guide to the use of Underground Road Capacity on National Roads for Electronic Communications Infrastructure", to assist in the delivery broadband nationwide.

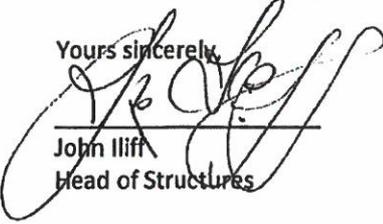
In this instance, TII has advised the Agent that there is no spare duct capacity on the N85 River Fergus overbridge structure for the purpose proposed. The Agent has been advised to liaise directly with Clare County Council to resolve this matter and seek alternatives related to a planning application being considered by the Council.

The Council, as always in cases such as this, can liaise directly with TII through the appropriate channels and established practice if necessary in accordance with established procedures.

The Agent has been advised that TII is not in a position to engage directly with private development interests/applicants in the manner requested.

I trust that the foregoing is of assistance to you in relation to this matter.

Yours sincerely,


John Illiff
Head of Structures

cc. **Francis Fidgeon CST Group, Chartered Consulting Engineers, 1 O'Connell St, Sligo**

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Planning Department,
Clare County Council,
Áras Contae an Chláir,
New Rd.,
Ennis,
Co. Clare.

forwardplan@clarecoco.ie

www.eirgrid.com
The Oval, 160 Shelbourne Road
Ballsbridge, Dublin D04 FW28, Ireland
Telephone +353 1 677 1700
Email info@eirgrid.com

28th January 2019
[By Email]

Re: Submission to the proposed Variation No. 1 to the Clare County Development Plan 2017-2023

Dear Sir/Madam,

Thank you for referring the above variation to EirGrid for comment. EirGrid welcomes the opportunity to make a submission to the proposed Variation No. 1 to the Clare County Development Plan 2017-2023 and requests that this submission is taken into consideration in the finalisation of the variation

EirGrid is responsible for the safe, secure and reliable transmission of electricity – now and in the future. EirGrid develops, manages and operates the electricity transmission grid. This brings power from where it is generated to where it is needed throughout Ireland. The grid also supplies power to industry and businesses that use large amounts of electricity and powers the distribution network. The distribution network in turn supplies electricity to homes, businesses, schools, hospitals, and farms.

EirGrid supports a plan-led approach to the development of data centres. A plan-led and strategic approach should ensure that suitable locations throughout Ireland are promoted for investment that minimise the need for deep reinforcements on the energy grid. Data Centres are large consumers of electricity and pose particular challenges to the future planning and operation of a sustainable power system. The Government recognises these challenges in its *Statement on The Role of Data Centres in Ireland's Enterprise Strategy*.

In this context, EirGrid notes the several key policies and objectives in the variation and would welcome additional emphasis and support for the electricity transmission grid's importance in supporting data centres. It is requested that additional clarity is given on the term 'power generating infrastructure'. It should be expanded to include 'transmission' infrastructure which is required to support data centres. EirGrid considers that policies and objectives which support a safe, secure and reliable supply of electricity need to be explicit in the variation in order to assist EirGrid in successfully implementation of its Grid Development Strategy - Your Grid, Your Tomorrow (2017b).

EirGrid is available to collaborate with the planning authority and to provide expert and focused input into the preparation of the variation, particularly from a strategic energy policy perspective. Should you have any comments in regard of this submission please contact the undersigned. EirGrid once more welcomes the opportunity to participate in the making of the variation and looks forward to any further engagement.

DIRECTORS

John O'Connor
Chairman
Dr Theresa Donaldson
Deputy Chair
Mark Foley
Chief Executive
Shane Brennan
Tom Coughlan
Lynne Crowther
Michael Hand
Eileen Maher
Liam O'Halloran
John Trethowan

Tom Finn
Company Secretary

EirGrid Plc
The Oval
160 Shelbourne Road
Ballsbridge
Dublin D04 FW28
Ireland
Company Registration
No. 338522

Yours sincerely,

Tomás Bradley, MRTPI
Senior Planner
tomas.bradley@eirgrid.com

References

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