



Planning Ref: 2560594

10 September 2025

Planning Section
Wicklow County Council

Dear Sir/Madam

Re: 2560594 1 no. ICT facility building with a gross floor area (GFA) of c. 36,655 sq.m and a total parapet height of c.19.5m. 2 no. ICT facilities each with a GFA of c. 4,428 sq.m and a total parapet height of c. 10.5m and associated works AT east of Avoca River Park, Arklow, Co. Wicklow

Comment

The Heritage Council was established in 1995 as a statutory body under the Heritage Act 1995 with a Council (the Board of the body) appointed by the Minister. The Heritage Council is a prescribed body under the provisions of the Planning and Development Acts 2000-2010 and S.I. No. 600/2001 of the Planning and Development Regulations, section 28 inter alia, in accordance with its functions under Section 6 of the Heritage Act, 1995. We seek to provide submissions on forward planning, development management and strategic infrastructure developments as they relate to Ireland's heritage, namely built, cultural and natural heritage.

The Heritage Council's comments are confined to the ecological and climate change aspects of this proposal. We therefore have paid particular attention to the following:

- Appropriate Assessment Screening Opinion
- Environmental Impact Assessment Report specifically:
 - Chapter 7 Biodiversity
 - Chapter 9 Climate

Biodiversity

From the outset it is important to state that ecological considerations for planning proposals can broadly fit into two categories of assessment – 1). Appropriate Assessment for Natura 2000 sites (Special Areas of Conservation or Special Protection Areas) and 2). Ecological Assessment for national designations, sites, features, species or habitats of national or local significance.

This is reflected in planning policy, as evidenced by the following objectives in the Wicklow County Development Plan 2022-2028:

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CPO 17.4 - To contribute, as appropriate, towards the protection of designated ecological sites including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs); Wildlife Sites (including proposed Natural Heritage Areas); Salmonid Waters; Flora Protection Order sites; Wildfowl Sanctuaries (see S.I. 192 of 1979); Freshwater Pearl Mussel catchments; and Tree Preservation Orders (TPOs)

CPO 17.7 To maintain the conservation value of all proposed and future Natural Heritage Areas (NHAs) and to protect other designated ecological sites in Wicklow

CPO 17.8 Ensure ecological impact assessment is carried out for any proposed development likely to have a significant impact on proposed Natural Heritage Areas (pNHAs), Natural Heritage Areas (NHAs), Statutory Nature Reserves, Refuges for Fauna, Annex I habitats, or rare and threatened species including those species protected by law and their habitats. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.

CPO 17.12 To protect non-designated sites from inappropriate development, ensuring that ecological impact assessment is carried out for any proposed development likely to have a significant impact on locally important natural habitats, species or wildlife corridors. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.

International Designations (SACs/SPAs)

With respect to any likely significant impacts on Special Areas of Conservation and/or Special Protection Areas, we note the screening conclusions submitted with the application documentation with respect to the most relevant sites i.e. Buckroney-Brittias Dunes and Fen SAC, and Kilpatrick Sandhills SAC. There is a hydrological connection between the site via the Avoca River, and the Irish Sea, however we cannot disagree with the conclusion of the Screening Opinion that given the “large distance of removal on the Avoca River and the large receiving marine water buffer separating the proposed development from the designated sites” that there would not be likely significant effects on the qualifying interests of both SACs from the development. However, we would defer to the NPWS on this matter.

National Designations/ Sites/ locally important habitats

There is also a need to fully consider the other ecological considerations beyond the international SAC/SPA designations, the latter of which accounts for only a minority of the ecological network of the country. There are many nationally and locally important ecological sites and features that exist outside the designated site network, which require a separate ecological assessment based on standard evaluation methodologies for such assessments. This can be incorporated into the Biodiversity Chapter of an EIAR.

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Following a review of Chapter 7 on Biodiversity within the EIAR, it is the view of the Heritage Council that the following merit attention in this chapter:

- Arklow Town Marsh proposed Natural Heritage Area (pNHA) – *national importance*
- Avoca River Valley proposed Natural Heritage Area (pNHA) – *national importance*
- Avoca River (FW2 Depositing Lowland Rivers) – assumed *county importance* to *national importance*
- Ballyraine Wet Woodland (as identified in the Wetlands Survey of Wicklow 2011) – *County Importance*
- The Mixed Broadleaved Woodland (WD1) and associated areas of Scrub (WS1) on site – assumed *Locally Important Higher Value*

These features need to be assessed based on the habitat evaluation methodology provided by the TII Guidelines (formerly NRA) for Assessment of Ecological Impacts of National Road Schemes (NRA, 2009). The chapter does detail this evaluation methodology on page 7-15 and 7.16 of the EIAR but does not use it to identify what are the key ecological receptors (KERs), which is standard practice in ecological assessment. This is essential to the assessment before a discussion of proposed impacts are discussed.

With respect to the two pNHAs, and the discussion of “Potential Impacts of the Proposed Development” detailed in Section 7.5, there is no assessment or mention of the Avoca River Valley pNHA nor the Arklow Town Marsh pNHA. The latter is of special relevance as it is immediately adjacent to the development site, with a clear and apparent hydrological connection (although this is not the only pathway of impact).

The Avoca River Valley pNHA is upstream of the development. The site synopsis for this pNHA details that its importance relates primarily to woodland habitats, however it noted that previously air pollution emanating from downstream (assumed airborne), near Arklow resulted in damage to the habitat. Therefore, there is at least a requirement for the Biodiversity Chapter of the EIAR to rule out the possibility of impacts on this pNHA.

In terms of the Arklow Town Marsh pNHA, the biodiversity chapter needs to account for the ecologically important features of the Arklow Town Marsh pNHA [001931], and not just the hydrological surface water elements (as per the hydrology chapter). The importance of this site is that it is a good example of a large wetland site and has botanical interest.

Secondly, ecological features such as the Avoca River itself, which forms the southern boundary of the site should undergo ecological assessment, and not just as a potential conduit/pathway of impacts on SACs/SPAs downstream. In this regard, there is a need to demonstrate the proposal’s impacts on this watercourse, and how the scheme has complied with Inland Fisheries Ireland (IFI)’s guidance i.e. *Planning for Watercourses in the Urban Environment* and *Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters*.

These ecological features have been noted in Chapter 3 Alternatives and also in Chapter 6 Hydrology but they need to be assessed fully in the Biodiversity Chapter. It is acknowledged that a

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Water Framework Directive (WFD) screening has been carried out and the hydrology chapter assesses to some degree impacts on the River Avoca, and both pNHAs. However, it should be also fully assessed as a key ecological receptor in the biodiversity chapter based on the suggested evaluation methodology in that chapter.

With respect to the broadleaved woodland to the southern corner of the site, and associated scrub habitats, the Heritage Council consider such a habitat feature as being of *local importance higher value*. This area is included in the Wetland Survey for County Wicklow. Therefore, it is recommended that it be retained as part of the development proposals, particularly given its position as a buffer between the development site and the Arklow Town Marsh pNHA. This appears to be proposed as per the relevant drawings which is welcome and needs to be secured by condition.

While the Ballyraine Wet Woodland has also been included in the Wicklow Wetland Survey and is considered to be of 'county importance'. This is located directly opposite the development site and requires assessment.

Climate

The main greenhouse gas emissions will be associated with the use of electricity for the operation of the data centre and infrequent operation of the backup generators. Given the effects that climate change has, and is having, on habitats and ecosystems, the Heritage Council support measures that reduce emissions, as this supports our ambitions for the conservation and restoration of our natural heritage.

Whilst renewable energy rollout is critical to meeting the country's climate targets, both under the Climate Action Plan 2024 and our international commitments, it is equally important that sectors seek to reduce their energy demands in the first instance.

The Heritage Council are of the view that growth in certain sectors, resulting in unfettered demands for energy, will result in the need for more energy generating infrastructure, irrespective of the source of energy. The climate assessment for this proposal essentially suggests that the climate impacts of the scheme are somewhat reliant on a secure source of renewable energy from the grid¹, even though it is highly likely that all sectors have the same competitive ambition. This cumulative demand inevitability leads to more proposals for such infrastructure (including renewables) in more environmentally sensitive sites. This is evident in some recent applications to An Coimisiún Pleanála², while this proposal has specifically noted links to the Arklow Bank Wind Park.

¹ A renewable share of 68.3% is assumed for the assessment but it is also stated that the operator is committed to utilising 100% renewable electricity and therefore "in reality the calculated electricity GHG emissions from grid electricity are a worst-case scenario and in reality, if the 100% renewables are used the impact will be significantly less"

² <https://www.pleanala.ie/en-ie/case/321697>

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Therefore, whilst the facility may in time use renewables to power operations, the level of demand for energy locks in further energy infrastructure development. And should the requirement for which continue to grow, so too will the need for further energy infrastructure, therefore inviting more conflict with landscape, ecology and cultural heritage.

Accordingly, the Heritage Council believe that such proposals which are assessed as resulting in varying yearly averages of 39,636 - 69046 tonnes of CO₂eq per year (table 9.12)³, with the overall project considerably more (Table 9.13), contribute as far as reasonably practical to the onsite generation of renewables.

With this in mind, it is important that the proposed development has included in the scheme ground mounted photovoltaic panels, which are located to the east of the road, and it appears also on the roof of the ICT facility. According to the EIAR, this however will only contribute to 927 tonnes CO₂/year of carbon savings, a small fraction of the energy required to operate the proposed development.

In this regard the Heritage Council would seek clarification on the possibility of increased renewable energy generation on site, specifically in relation to the beehive buildings, which according to Drawing P24-210K-02-PH2-ZZZ-DR-KDS-AR-1001, do not include roof top panels. In addition, the possibility to include PV panels on the relocated compound and the already permitted energy centre roof should also be explored. Combination with other renewable sources could be considered. This is justified given the demand the proposal puts on the country's climate obligations (GHG and energy infrastructure requirements)⁴, and because it is one of the main mitigation measures that has underpinned an EIAR finding of *a not significant impact*. It is also needed to be in line with the Wicklow County Development Plan's strategic principles regarding climate action.

Conclusions

The Heritage Council believes that there are shortcomings in relation to the ecological assessment for the development. To comply with the aforementioned policies, further information should be sought which includes an updated Biodiversity Chapter incorporating a full ecological assessment of the impacts that the proposal will have, specifically on the following features/sites of interest, based on the 2009 NRA evaluation methodology:

- Arklow Town Marsh proposed Natural Heritage Area (pNHA) – *National Importance*
- Avoca River Valley proposed Natural Heritage Area (pNHA) – *National Importance*
- Avoca River (assumed FW2 Depositing Lowland Rivers) – *County Importance to National Importance*
- Ballyraine Wet Woodland (as identified in the Wetlands Survey of Wicklow 2011) – *County Importance*

³ Proposed Development Scenario with Overall Project Scenario significantly more.

⁴ 2022 Guidance (IEMA, 2022), does note that Where GHG emissions cannot be avoided, the goal of the EIA process should be to reduce the project's residual emissions at all stages; and Where GHG emissions remain significant, but cannot be further reduced, approaches to compensate the project's remaining emissions should be considered

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An Chomhairle Oidhreachta
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Yours sincerely

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