



An
Bord
Pleanála

Board Direction
BD-000732-18
ABP-300752-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 19th 2018.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to:

- The zoning of the subject site in the South Dublin County Development Plan 2016 – 2022, which is “to provide for enterprise and employment related uses”;
- The established nature of Grange Castle Business Park within which the subject site is located, and the existing pattern of development in the vicinity, including data halls currently under construction;
- The planning history of the overall lands, and in particular the planning permission for the data hall under planning register reference number SD17A/0141;
- The documentation submitted with the application and appeal, including the mitigation measures proposed for the construction and operation phases of the development,

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the South

Dublin County Development Plan 2016 – 2022, would not seriously injure the amenities of the area, would not be prejudicial to public health, would not lead to a risk of flooding, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board considered the Screening Report for Appropriate Assessment submitted with the application and all other relevant submissions and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on European Sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale and location of the proposed development, as well as the report of the Inspector. In completing the appropriate assessment screening, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other plans or projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives and that a Stage 2 appropriate assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- The nature, scale and extent of the proposed development;
- The environmental impact assessment report and associated documentation submitted in support of the application;
- The submissions from the Planning Authority, the appellant and the prescribed bodies in the course of the application; and
- The Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submission made in the course of the application.

The Board considered, and agreed with the Inspectors reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated, as follows:

- **Population and Human Health:** The proposed extension of the facility will potentially extend the construction period which could give rise to increased vehicular traffic, noise, and dust generation. It is not considered that the proposal will have an impact on the numbers employed, rather it will prolong employment. The potential impact will be mitigated by the proposed landscaping, as well as the production of a detailed construction management plan to mitigate noise and dust during construction which can be subject to a condition as well as monitoring.
- **Land, Soil, Geology and Hydrogeology:** The main vulnerability arising is the removal of protective topsoil during construction which may provide a more direct pathway to the bedrock from accidental leaks. This can be mitigated by specific provisions to be agreed with the planning authority in a Construction Management Plan, which shall incorporate the mitigation measures outlined in the environmental impact assessment report.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the

mitigation measures referred to above, and other measures set out in the environmental impact assessment report and, subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusion in relation to Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below:

- a. The proposed development is consistent with national, regional and local planning policy, notably the South Dublin County Development Plan 2016 – 2022.
- b. The proposed development is situated in an established Business Park and is reasonably removed from nearby sensitive receptors. The proposed development will not, therefore, have any significant adverse impact on the residential amenities of adjacent properties.
- c. The proposed development comprises an extension to a permitted data hall structure. The proposed development will not therefore give rise to significant visual or landscape effects or indirect effects on heritage and/or tourism.
- d. Traffic arising from the development will result in a very modest increase in traffic on the local road network, relative to existing levels, and, subject to compliance with conditions in respect of the management of construction and operational traffic, would not be unacceptable, therefore, in terms of pedestrian and traffic safety.

The Board concluded that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

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

Reason: In the interest of clarity.

2. The mitigation measures and commitments identified in the environmental impact assessment report, and other plans and particulars submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

Prior to the commencement of development, the developer shall submit a schedule of mitigation measures identified in the Environmental Impact Assessment Report, to the planning authority for its written consent.

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

3. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permissions planning register reference number SD17A/0141, SD17A/0027, SD16A/0345, SD16A/0214, and SD16A/0176 and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, dust minimisation measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

5. As PA condition 12 (with reason)

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

8. The access from the R120 to the west of the development shall remain closed to vehicular and pedestrian traffic at all times, except when required for access to the site by the emergency services.

Reason: In the interest of orderly development and traffic safety and convenience.

9. All planting/landscaping required to comply with the specification of the landscaping scheme submitted to the planning authority shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of visual amenity.

10. Where the erection of cranes over 45m above ground level is required, notification shall be provided to the Air Corps Air Traffic Services.

Reason: In the interest of air traffic safety.

11. Lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of the environment, amenity and public safety.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the

planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member _____ **Date:** 20th July 2018
Philip Jones