

An
Coimisiún
Pleanála

Commission Order
PL-501133-DF-26

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: FW26A/0021E

Appeal by South Dublin Routing 4 No.2 Limited in relation to the application by Fingal County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 21 of its decision made on the 13th day of March 2026.

Proposed Development: The application for planning permission relates to an existing and permitted under Fingal County Council planning register reference: FW17A/0167 (for demolition of existing warehouse and construction of three number data centres and associated works), permission under Fingal County Council planning register reference FW18A/0114 (Amendments to the permitted three number data centres and associated works), permission under Fingal County Council planning register reference FW24A/0246E (Amendments to permitted plant yards, energy centres, loading areas and ancillary works)] data centre development. Permission is sought for construction of a data centre building [DUB01b] which will result in the amalgamation of the permitted DC2 and DC3 buildings (FW17A/0167 & FW18A/0114) and include the provision of the permitted Energy Centre EC3 (FW24A/0246E).

The data centre building will include data halls, offices, staff areas, storage areas, plant areas, roof plant, solar PV at roof top level and green roof above office space. The building will have a maximum parapet height of 15.07 metres. The total floor area of the proposed DUB01b is circa 22,295 square metres. EC3 will have a gross floor area of circa 1433 square metres, parapet height of 12.67 metres and flues height of 28.0 metres. Permission is also sought for a 10MVA/38kV substation with a maximum height of circa 4.5 metres and gross floor area of 173 square metres, substation maintenance access, heat recovery infrastructure, carpark area with circa 57 number carspaces including three number accessible car spaces, and 24 number EV car parking spaces with charge points. A total of 48 number covered bicycle spaces are also proposed. Permission is also sought for all landscaping (including biodiversity area), drainage, waste storage area, internal and external accessways. The development will be completed within five years of the date of the permission being sought.

Decision

The Commission, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 21 and directs the said Council to AMEND condition number 21 and the reasons therefor.

Reasons and Considerations

Having regard to:

- (a) the Fingal County Council Development Contribution Scheme 2026-2030, in particular Paragraphs 22-25; and



- (b) the submissions made in the first party appeal and planning authority response,

and to the facts of the case as set out in the appeal documentation and associated submissions, which confirm the following:

The applicable square metreage forming the basis for the levy calculation is a total of 23,053 square metres, of which 22,296 square metres of applicable buildings, 757 square metres of applicable space for parking (surface car-parking development description at page 7 of the Fingal County Council Development Contribution Scheme 2026-2030 refers).

There is 9,960 square metres of applicable 'demolition' floorspace for which a credit remains due to the applicant. The deduction of 9,960 square metres from 23,053 square metres results in 13,093 square metres of remaining increase in new build floor area over the old, in respect of which a development contribution falls to be paid. This equates to a figure of €1,376,859.88 (13,093 square metres x €105.16).

The Commission considered that the terms of the Development Contribution Scheme were not correctly applied in respect of condition number 21 of Fingal County Council planning register reference number FW26A/0021 and that the planning authority is directed to amend condition number 21 as set out below:

21. The developer shall pay to the planning authority a financial contribution of €1,376,859.88 (one million three hundred and seventy six thousand eight hundred and fifty nine euro and eighty eight cents) 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.

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.

In reaching the determination the Commission generally agreed with the inspector that the decision should be to amend condition 21 and agreed, as per the recommendation of the inspector, that the applicable square metreage forming the basis for the levy calculation is 23,053 square metres determined from the detail contained within the current application and by reference to the relevant provisions of the Fingal County Council Development Contribution Scheme 2026-2030.

On the issue of 'allocating' the remaining applicable demolition floorspace credit due, the Commission considered the totality of the documentation on file including the submission of the planning authority dated the 7th day of May 2026 which states that, 'Fingal County Council agrees to apply the full demolition exemption to the contributions assessed under FW18A/0114 and apply any credit adjustment to the FW26A/0021 invoice'. In effect this confirms that the ultimate payment will be for the floorspace as correctly assessed by the inspector above, with an agreed credit for the demolition floorspace remaining (9,960 square metres).

While the Inspector did not take this 'demolition credit' off within the confines of condition 21 of the current permission, and in this regard noted that 'the current grant of permission does not include any demolition proposals', the Commission considered that the wording of the statutory planning notices



provides clear and sufficiently linked reference to the substance (including demolition) of the parent permissions for the overall site (FW17A/0167 and FW18A/0114). As a consequence, the necessity of the demolition to facilitate the current development under this application is established, and the spirit and intent of item 23 (t) of the Fingal County Council Development Contribution Scheme 2026-2030 is met by embedding this 'demolition credit' within the final calculation set out in the amended condition 21.

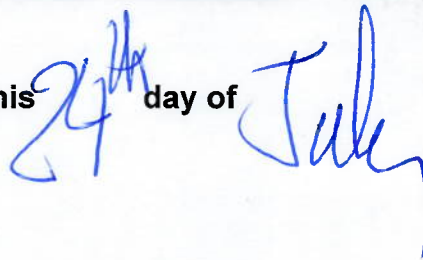
In this regard the Commission has determined that the calculated demolition area of 9,960 square metres is capable of being deducted from the figure of 23,053 square metres, which the inspector records as the applicable square metreage forming the basis for the levy calculation. In reaching this determination, the Commission notes that the planning authority has accepted that the 'demolition credit' is due and will in effect reduce the actual payment under condition 21 by that due amount. The Commission also noted and agreed with the inspector, that an allocation of financial contribution was due for parking proposed in the current application, by reference to the relevant provisions on non-residential surface car parking contained within the Fingal County Council Development Contribution Scheme 2026-2030.



Chris McGarry

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this



day of

2026