



Planning and Development Acts 2000 to 2020

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD19A/0042

Appeal by John Power of “Lock Cottage”, The Grange, Lucan, County Dublin against the decision made on the 23rd day of October, 2019 by South Dublin County Council to grant subject to conditions a permission to EdgeConnex Ireland Limited care of Gilligan Architects Limited of 20 Anglesea Road, Ballsbridge, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Phased development that will include four single storey data halls all with associated plant at roof level: 32 standby generators with associated flues (each 15 metres high), associated office and service areas, service road infrastructure and car parking, Electricity Supply Board sub-station/transformer yard with an overall gross floor area of 17,685 square metres, temporary gas powered generation plant within a walled yard containing 19 generator units with associated flues (each 17 metres high) to be located to the west of the proposed data halls on a site within the townland of Ballymakailly, Phase 1 - two single storey data halls (6,950 square metres) with roof plant and 16 stand-by generators with associated flues (each 15 metres high) as well as associated water tower and pump room and other

services, single storey goods receiving area/store and single storey office area (1,522 square metres) located attached and to the north-east of the data halls, temporary gas powered generation plant with 15 generators with associated flues (each 17 metres high) to be located within a compound to the west of the proposed data halls, attenuation pond, two-storey Electricity Supply Board sub-station (494 square metres) with associated transformer yard and single storey transformer building (247 square metres) within compound, Phase 2 - two single storey data halls (6,950 square metres) with roof plant and 16 stand-by generators with associated flues (each 15 metres high) as well as associated water tower and pump room and other services, single storey goods receiving area/store and single storey office area (1,522 square metres) located attached and to the east of the data halls under this Phase and attached and to the north of the offices proposed under Phase 1, four additional generators with associated flues (each 17 metres high) to be constructed within the temporary gas powered generation plant, also ancillary site works, connections to existing infrastructural services as well as fencing, signage, vehicular access off the realigned R120 to provide a new vehicular access into the site as well as internal service roads and entrance gates, car park for 39 car parking spaces (including four disabled car parking spaces), sheltered bicycle parking to serve the development. The development will be enclosed with landscaping to all boundaries of the overall site of 22.1 hectares. Application for enabling works to facilitate this development has been made under planning register reference number SD19A/0004. An Environmental Impact Assessment Report (EIAR) has been submitted with this application. An EPA-Industrial Emissions (IE) licence will be applied for to facilitate the operation of Phase 2 of the permission. All within the townland of Ballymakailly, Newcastle Road, Lucan, County Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the following:

- (a) the policies and objectives in the South Dublin County Development Plan 2016-2022, including the zoning objectives for the site,
- (b) the nature, scale and design of the proposed development,
- (c) the pattern of existing and permitted development in the area,
- (d) the established nature of the wider Grange Castle Business Park adjacent to the site, and
- (e) the submissions received with the application and the appeal,

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 residential amenities of property in the vicinity or the visual amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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 and all other relevant submissions and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated 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 and appeal.

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

Landscape and Visual Impact: Localised significant visual impact from intermittent sections of the realigned R120 Adamstown Road to the east, the Green Route of the Grand Canal Way at the lock gate and towpath directly to the north of the site, and from adjacent residential properties to the east, of the development cannot fully be avoided, mitigated, or otherwise addressed by means of condition. Mitigation measures proposed include earth modelling, tree planting and the creation of a large wetland and woodland habitat which will provide a high level of visual screening, and the colour palette chosen for the building will further reduce the visual impact.

This has to be considered in the context of a highly moderated working landscape which is relatively robust. Furthermore, the visual character of the wider landscape has changed and will change further as a consequence of the existing data centre and other types of developments, within the Business Park.

Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the localised visual impact from the adjoining residential properties, it is considered that the environmental effects would not justify a refusal of planning permission, having regard to the overall benefits of the proposed development and in particular having regard to the context which is that of an already highly moderated working landscape.

Population and Human Health: The proposed phased development 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 a significant 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, dust and traffic during construction which can be subject to a condition.

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 through implementation of a Construction Environmental Management Plan.

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.

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 located at an acceptable remove 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 will not, therefore, give rise to significant visual or landscape effects or indirect effects on heritage and/or tourism, and the proposed development includes significant landscaping and planting.
- (d) Traffic arising from the development will result in a 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 be acceptable, therefore, in terms of traffic safety and convenience.

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, as amended by the further plans and particulars submitted on the 29th day of August, 2019, 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, and as identified in the schedule of mitigation measures identified in the Environmental Impact Assessment Report, submitted to the planning authority on the 29th day of August, 2019, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

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

3. Prior to commencement of development, full details, including drawings and samples, of:
 - (a) all proposed external finishes to the proposed buildings, including to the flue stacks,
 - (b) all proposed signage to serve the development, and
 - (c) all site fencing (which shall be coloured in a dark green colour only), shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional development, other than that shown on the submitted drawings, shall take place above roof parapet level including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennae or equipment, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity, and to allow the planning authority to assess any such further development through the statutory planning process.

5. All service cables associated with the proposed development (such as electrical and communication cables) shall be located underground.

Reason: In the interest of visual amenity.

6. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority –
 - (a) details and drawings of the entrances from the site to the public roads, which shall comply with the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport in 2013, and
 - (b) details of the location, type, design, and construction of the proposed gated access points in the security fence line.

Reason: In the interests of pedestrian and cyclist permeability and safety across the proposed entrances to the site, and of traffic safety.

7. Water supply and drainage arrangements, including the 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.

8.
 - (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
 - (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

9. 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.

10. The developer shall implement the recommendations of the archaeological report prepared by AMS-CRDS submitted as further information received by the planning authority on the 29th day of August, 2019 relating to further test trenches. The following shall apply:
 - (a) the developer shall employ a qualified Archaeologist, licensed to carry out archaeological monitoring of all sub-surface works carried out within the proposed development site. This shall include the archaeological monitoring of the removal of topsoil, the excavation of trench for foundations, services and access roadway, associated with the development,
 - (b) the Archaeologist shall prepare and submit a report, describing the result of the archaeological monitoring, to the planning authority and the Department of Culture, Heritage and the Gaeltacht within six weeks following completion of archaeological monitoring, and

- (c) if archaeological material is discovered during the course of the archaeological monitoring, the developer shall facilitate the archaeologist in recording the material. The developer shall also be prepared to be advised by the Department with regard to the appropriate course of action, should archaeological material be discovered.

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.

11. Prior to any disturbance, or any pre-demolition works commencing on the disused farm buildings, a pre-demolition survey for bats shall be undertaken by an ecologist with appropriate qualifications, training and experience in bat surveys. The bat survey shall be undertaken in accordance with the provisions of the 'Bat Mitigation Guidelines for Ireland – Irish Wildlife Manuals Number 25', issued by the Department of the Environment, Heritage and Local Government in 2006 or any document that might supersede it. Should bats be found, the developer shall make contact with the National Parks and Wildlife Service and seek advice regarding the necessity of a bat derogation licence before works to demolish can proceed. Similarly, prior to any removal of trees or hedgerows, a bat expert shall be on site to address any bats inadvertently found during felling.

Reason: To monitor and protect bat species in the area.

12. A project ecologist with the necessary expertise in habitat management and bat protection issues shall be engaged to oversee the protection of biodiversity both during construction and for a monitoring period of five years following the completion of the proposed development. Annual reports shall be submitted to the planning authority.

Reason: In the interest of protecting habitats and bats.

13. (a) The landscaping proposals as submitted to the planning authority on the 5th day of February, 2019 shall be carried out within the first planting season following substantial completion of external construction works.

(b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

14. Having regard to the proximity to Casement Aerodrome, operation of cranes shall be co-ordinated with Air Corps Traffic Services, no later than 28 days before use.

Reason: In order to ensure the safety of aviation operations in the adjacent aerodrome/airport.

15. 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. The lighting scheme shall be designed to minimise potential glare and light spillage and lighting shall be positioned and/or cowled away from residential properties, public roads, and any bat roosts with bat activity.

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

16. The operational noise level shall not exceed 55 dB(A) Leq 1 hour (corrected for any tonal or impulsive component) at the nearest noise sensitive locations, including dwellings, between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) Leq 1 hour at any other time. All sound measurement shall be carried out in accordance with ISO 1996-1:2016 "Acoustics - Description, measurement and assessment of environmental noise - Part 1: Basic quantities and assessment procedures". Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity of the site.

17. No development shall take place under this permission until the developer has lodged with the planning authority details of future-proofing of the building fabric and safeguarding of pipe network routes up to the site boundaries, to facilitate future connection to district energy networks in the area. Drawings submitted shall clearly demonstrate future-proofing of the site in this regard.

Reason: In the interest of reducing energy demand and providing for future development of sustainable energy provision and in the interest of the proper planning and sustainable development of the area.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory protection of any tree/hedgerow on and immediately adjacent to the site and to make good any damage caused during the construction period, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory protection/replacement of trees/hedgerows for a period of three years from the substantial completion of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the protection of trees and hedgerows immediately adjacent to the site.

19. 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 the 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.

Dave Walsh

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.