

An
Coimisiún
Pleanála

Commission Order
ABP-317802-23

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD22A/0333.

Appeal by Edgeconnex Ireland Limited care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 20th day of July 2023, by South Dublin County Council to refuse a permission for the proposed development.

Proposed Development: Construction of two adjoined single storey data centres with associated office and service areas with an overall gross floor area of 15,274 square metres comprising of the construction of two adjoined single storey data centres with a gross floor area of 12,859 square metres that will include a single storey goods receiving area / store and single storey office area (2,415 square metres) with PV panels above, located to the east of the data centres as well as associated water tower, sprinkler tank, pump house and other services; The data centres will also include plant at roof level; with 24 standby diesel generators with associated flues (each 25 metres high) that will be located within a generator yard to the west of the data centres; New internal access road and security gates to serve the proposed development that will provide access to 36 new car parking spaces (including four electric and two disabled spaces) and sheltered bicycle parking to serve the new data centres; New attenuation ponds to the north of the proposed

data centres; Green walls are proposed to the south and east that will enclose the water tower and pump house compound; The development will also include ancillary site works, connections to existing infrastructural services as well as fencing and signage; The development will include minor modifications to the permitted landscaping to the west of the site as granted under Planning Register Reference SD19A/0042 / ABP reference PL06S.305948 and Planning Register Reference SD21A/0042; The site will remain enclosed by landscaping to all boundaries; The development will be accessed off the R120 via the permitted access granted under Planning Register Reference SD19A/0042 / ABP Ref. PL06S.305948 and SD21A/0042, all on a site within the townland of Ballymakailly, West of Newcastle Road (R120), 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.

Reasons and Considerations

The Commission made its decision consistent with:

- the Climate Action and Low Carbon Development Act 2015, as amended; and,
- the Climate Action Plan 2024 and Climate Action Plan 2025,

and had regard to the following;

- (a) The policies and objectives set out in the National Planning Framework, including the National Planning Framework First Revision, April 2025;

- (b) the policies and objectives of the South Dublin County Development Plan, 2022-2028 including the 'EE' (Enterprise and Employment) zoning objective that pertains to the subject site,
- (c) the established use on wider landholding, of which the proposed development will represent the third and final phase,
- (d) the proposal's general compliance with the agreed principles contained within the Statement on the Role of Data Centres in Ireland's Enterprise Strategy, July 2022,
- (e) the existing 'Flexible Demand' offering that benefits the proposed development which are only provided in constrained areas,
- (f) the potential to utilise significant renewable energy generation on site and the conditions that apply to the Power Plant that will serve the proposed data centre (Condition numbers 3(ii) and (iii) of planning authority register reference SD22A/0289), which will facilitate this transition,
- (g) the overall design and layout of the development which has sought to provide extensive mitigatory tree and hedgerow planting throughout the site and within the wider Facility Campus,
- (h) the submissions in response to further information requests,
- (i) the report and recommendation of the Planning Inspector,

it is considered that, subject to compliance with the conditions set out below, including conditions which will require the applicant to enter into a Corporate Power Purchase Agreement (PPA) with a renewable energy provider for the proposed data centre prior to it commencing operations and a restriction on

the use of fossil diesel within the proposed 24 number standby generators, the proposed development has satisfied the Commission that the applicant has a fixed connection agreement to connect to the grid and that the building the subject of this appeal is therefore not an “islanded” development dependent solely on onsite energy generation; has incorporated strong energy efficiency measures to reduce its carbon footprint; has demonstrated engagement with PPAs; has demonstrated that there is sufficient capacity within the relevant water, wastewater and electricity network to accommodate the proposed use; has sought to protect and enhance the biodiversity and ecological value of the existing Green Infrastructure network, where possible; would not seriously injure the residential or visual amenities of the area; would be acceptable in terms of the safety and convenience of pedestrians and road users; and, would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Commission noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector’s report in respect of identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans and projects, on these European Sites in view of the sites’ conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Commission completed an Environmental Impact Assessment of the proposed development, taking into account:

- (a) the nature, scale, location, and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted with the application,
- (c) the content of the appeal, the reports of the planning authority, and the submissions received from third parties and prescribed bodies, and
- (d) the report of the Planning Inspector.

Reasoned Conclusions on the Significant Effects

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Commission is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Commission agreed with the summary and 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 submissions made in the course of the planning application. The Commission is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation, including environmental conditions, and these are incorporated into the Commission's decision.

The Commission 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 would be mitigated, as follows:

Population and Human Health

Slight, but short term direct and indirect negative effects arising from the construction phase of the proposed development on residential amenity. These effects will be mitigated by the implementation of standard good construction practices, management of construction traffic and adherence to noise and vibration limits. Slight and long-term positive effects will arise through job creation.

Biodiversity

The significant direct and indirect effects of the development on biodiversity are the loss of the dry meadow and grassy verges (GS2) habitat type and hedgerows arising from the footprint of the development and the potential loss of commuting and foraging routes for bats (hedgerow removal). To mitigate the loss of these habitats, the proposed development has proposed to provide replacement hedgerow planting within the site and the creation of new wetland habitats through the provision of attenuation basins and bio swales within the appeal site and parkland area to the site's north. In addition, the impacts will be mitigated by the application of best practice construction methodologies, as set out in the project documentation and the application of proposed site- and species-specific mitigation measures, such that no significant adverse effects arise.

Land, Soil, Water, Air and Climate

It is not anticipated that any impacts will arise on land and soils following the implementation of the mitigation measures. As such the impact (EPA, 2022) is considered to have a long term-imperceptible significance.

In terms of water, the absence of any substantial direct pathway to a water course and the implementation of mitigation measures will ensure that the predicted impacts on the surface water environment do not occur during the construction phase and that the residual impact will be short term, imperceptible and neutral. In addition, the mitigation measures will ensure that the predicted impacts on the surface water environment do not occur during the operational phase and that the residual impact will be long term, imperceptible and neutral.

In terms of Impacts on Air Quality, the mitigation measures that will be put in place during construction will ensure that the impact of the development complies with all EU ambient air quality legislative limit values which are based on the protection of human health, with the impact being short-term and imperceptible. For the operational phase, the results of the modelling assessment have found that ambient concentrations of NO₂, due to emissions from the gas generators, scheduled testing of diesel generators on site and standby operation of the diesel generators, are below the air quality limit values. Thus, it is predicted that the impact of the proposed development on air quality will be long-term, negative and not significant.

In terms of the construction phase, the potential impact on climate change is deemed to be short-term, imperceptibly negative and not significant in relation to Ireland's obligations under the EU 2030 target due to the scale and temporary nature of the construction works and the intermittent use of equipment. For the operational phase, the gas engines will fully operate under the EU-wide Emission Trading System (ETS). Through a series of measures including project replacement, a reduction in residual emissions through best practice and the implementation of a series of adaptive design measures, the net impact of the proposed development is deemed to be not significant. Given that the use of electricity to power the facility will achieve net zero by 2050 and the commitment to offset all interim fossil fuel derived GHG emissions by the purchase of Corporate Power Purchase Agreements (CPPAs) the predicted impact to climate is deemed to be indirect, long-term, negative and minor adverse.

Material Assets, Cultural Heritage, and the Landscape

In terms of material assets, a long-term, neutral and moderate effect on power and electrical supply has been identified.

Potential direct impacts on unknown features of archaeology may arise during the construction phase. However, these impacts will be mitigated by archaeological monitoring of groundworks and compliance with the various mitigation measures.

In the context of landscape, the initial removal of a section of the agricultural field to be replaced with the proposed development would be considered a negative impact on the landscape character. However, the permitted and proposed landscape measures will significantly improve the quality of the landscape character in this area. In the long-term as the habitats establish, and the impact of the change in the landscape is reduced, the impact on the landscape character of this area would be considered positive in nature.

The Commission is, therefore, satisfied that subject to the implementation of the proposed mitigation measures as set out in the Environmental Impact Assessment Report, and compliance with the conditions set out below, that the proposed development would not have any unacceptable direct, indirect, or cumulative effects on the environment.

Conclusions on Proper Planning and Sustainable Development

The National, regional policy clearly sets out support in principle for the development of data centres, and the South Dublin County Development Plan 2022-2028, sets out clear requirements for space extensive land uses. The Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy, July 2022, identifies data centres as core infrastructure and enablers of a technology rich innovative economy and of significant importance from a national and international perspective. Having regard to relevant policy and the information submitted, the Commission considered that the applicant has

demonstrated that the proposed development would be in accordance with the twin transitions of “digitisation and decarbonisation” and the principles outlined in the Government Statement. The applicant has also demonstrated, to the satisfaction of the Commission, that an agreement is in place that provides for the proposed development to connect to the grid, and in addition the applicant has provided a commitment to enter a Power Purchase Agreement and therefore accords with South Dublin County Development Plan 2022- 2028.

The Commission considered, subject to compliance with the conditions set out below, including conditions which will require the Applicant to enter into a Corporate Power Purchase Agreement (PPA) with a renewable energy provider for the proposed data centre prior to it commencing operations and a restriction on the use of fossil diesel within the proposed 24 number standby generators, 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 and as amended by the further plans and particulars received by the planning authority on the 26th day of May 2023, 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.

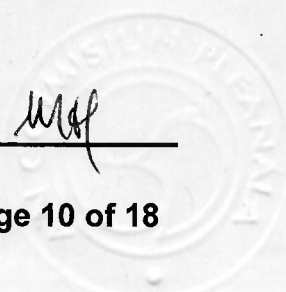
2. The mitigation measures identified in the Environmental Impact Assessment Report (EIAR) submitted (and revised EIAR dated May 2023) and other plans and particulars submitted with the planning application, shall be implemented in full by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this permission.

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

3. Prior to the commencement of development, the developer shall submit details to demonstrate how a connection to a future district heating network will be facilitated on site. A draft agreement shall be submitted to the planning authority which affirms that they are willing to connect to the future district heating network should it become available in the future.

Reason: In the interest of the proper planning and sustainable development of the area.

4. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority, details of a Corporate Purchase Power Agreement that the developer has entered into, in accordance with the principles set out in the Renewable Electricity Corporate Power Purchase Agreements Roadmap (DECC, 2022). These principles require that the agreement should deliver additional GHG emissions reductions, not including existing renewable energy projects; are a complementary and separate funding source to the RESS scheme and therefore will assist in lowering electricity costs.



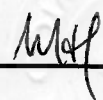
The Agreement will specify the following:

- (a) The new renewable energy projects to be funded shall be located in Ireland and full details of these including consent details shall be provided.
- (b) The new renewable energy generation shall relate to energy that is not being generated at the date of grant of this permission.
- (c) The amount of electricity generated by the new renewable energy projects, shall be equal to or greater than, the electricity energy consumed from fossil fuel sources by the data centre in operation.

Reason: To ensure that the renewable energy produced, associated with the development, is additional to current renewable energy projects and is sufficient, at a minimum, to offset the energy consumed by the development, generated from fossil fuels, in the interest of Climate Action and sustainable development.

- 5. The 24 number standby generators shall be powered by renewable fuel sources and there shall be a restriction on the use of fossil diesel. Prior to the operation of the development, the developer shall submit to the planning authority, written confirmation of what renewable fuel source is to be utilised (Hydrotreated Vegetable Oil or other renewable diesels).

Reason: In order to power the proposed development through renewable energy.



6. The developer shall comply with the following general requirements:
- (a) The developer shall submit full details in relation to all external finishes. This shall include revisions to the northern elevation of the data centre to provide the cladding elements of varying colours along the entirety of the facade. Additional articulation of the eastern (front) elevation is also required (i.e. further glazing and/or variation in materials).
 - (b) Site boundary details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (c) Cables within the site shall be located underground.
 - (d) No additional signage or advertising shall be erected on the lands or buildings without a prior grant of planning permission.
 - (e) The developer shall put in place a pest control contract for the site for the duration of the construction works.

Reason: In the interest of residential and visual amenity.

7. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Final detailed design of the pond edge detail and planting plan shall be submitted to the planning authority (Water Services and Parks and Public Realm Sections) prior to the commencement of development.

Reason: To prevent flooding and in the interests of sustainable drainage.

8. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

9. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:

- (a) collection and disposal of construction waste,
- (b) surface water run-off from the site, and
- (c) environmental management and mitigation measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures.

A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The CEMP shall be prepared in conjunction with, and signed off by, the project ecologist and shall incorporate the relevant mitigation measures included within Appendix 2.2 of the EIAR dated May 2023. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of environmental protection.

10. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of amenity and public safety.

11. The developer shall engage with the Property Management Branch of the Department of Defence to undertake a preliminary screening assessment to confirm that the proposed development and any associated cranes that would be utilised during its construction would have no impact on the safety of flight operations at Casement Aerodrome.

Reason: In the interests of orderly development and safety.

12. (a) The developer shall provide eight number EV charging spaces with the remaining spaces to be ducted for future charging points. (Section 12.7.5 of the SDCC Development Plan 2022-2028).
- (b) The developer shall provide adequate bicycle parking spaces with reference to the Minimum Bicycle Parking Rates set out in Table 12.23 of the SDCC Development Plan 2022-2028.
- (c) The developer shall submit amended proposals for the pedestrian and cyclist routes within the site to improve accessibility to the footpath and cycle infrastructure along the R120.

Reason: In the interest of the proper planning and sustainable development of the area.

13. A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

14. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

15. Site development and building works shall be carried out between the hours of 0700 and 1900 Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

16. The landscaping scheme shown on the application drawings, and the revised drawings submitted to the planning authority on 26th day of May 2023, shall be implemented within the first planting season. 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 interest of residential and visual amenity.

17. Prior to the commencement of development, revised landscaping proposals shall be submitted which incorporate additional measures to enhance Green Infrastructure, biodiversity and the ecology values of the site. In tandem, the Applicant shall submit an updated Green Space Factor (GSF) Worksheet for the proposed development, detailing how they have achieved the appropriate minimum Green Space Factor (GSF) scoring established by the land use zoning. This shall include, but is not limited to, the following;

- (a) The provision of a bird and bat boxes within the subject site;
- (b) Replacement of the formal hedge along the eastern boundary of the Facility Campus with a native hedge.

Reason: In the interest of visual amenity and to enhance the ecological value of the site.



18. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. The schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

19. The developer shall liaise with Parks and Public Realm Section and other relevant departments in relation to provision of Public Art within the parkland area to the north of the site.

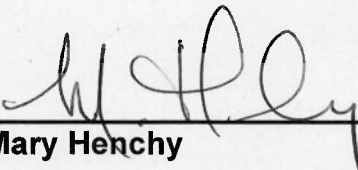
Reason: In the interest of visual amenity and to accord with the policy of the current county development plan.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 Coimisiún Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

21. 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 Coimisiún 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.



Mary Henchy

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



Dated this 31st day of July 2025.