



An
Coimisiún
Pleanála

Commission Order
ABP-318180-23

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: FW22A/0308

Appeal by John Conway and Louth Environmental Group care of BKC Solicitors of 252 Harold's Cross Road, Harold's Cross, Dublin, and by others against the decision made on the 18th day of September, 2023 by Fingal County Council to grant subject to conditions a permission to Universal Developers LLC care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development:

- Construction of three data centre buildings (Data Centre E, Data Centre F, and Data Centre G), with a gross floor area (GFA) of circa 1,425 square metres, circa 20,582 square metres and circa 20,582 square metres respectively, each over two levels (with Data Centre F and G each including two mezzanine levels);
- Data Centre F and G will be located in the north-western portion of the overall landholding, with a primary parapet height of circa 19.8 metres and each will accommodate data halls, associated electrical and mechanical plant rooms, a loading bay, maintenance and storage space, office administration areas, with plant and solar panels at roof level;

- Data Centre E (which will be ancillary to Data Centre F and G) will be located within the south-western portion of the overall landholding, with a primary parapet height of circa 13.1 metres and will accommodate data halls, associated electrical and mechanical plant rooms, a loading bay, maintenance and storage space, office administration areas, with plant at roof level;
- Emergency generators and associated flues will be provided within compounds adjoining each of the three data centre buildings (one number for Data Centre E, 19 number for Data Centre F, and 19 number for Data Centre G);
- The development includes one diesel tank and two filling areas to serve the proposed emergency generators;
- Provision of ancillary structures including two MV buildings, water storage tanks and three bin stores;
- Construction of access arrangements and internal road network and circulation areas, footpaths, provision of car parking (105 number spaces), motorcycle parking (12 number spaces) and bicycle parking (56 number spaces), hard and soft landscaping and planting (including alteration to a landscaped berm to the north of proposed Data Centre E), lighting, boundary treatments, and all associated and ancillary works including underground foul and storm water drainage network, and utility cables.

All located to the north of the data centre permitted/constructed under An Bord Pleanála Register Reference PL06F.248544/Fingal County Council Register Reference FW17A/0025, to the west of the two data centres permitted under Fingal County Council Register Reference FW19A/0087, and to the north and west of the 220kV Gas Insulated Switchgear substation permitted under An Bord Pleanála Register Reference 306834-20. The site is within an overall landholding bound to the south by the R121/Cruiserath Road, to the west by the R121/Church Road and to the north by undeveloped land and Cruiserath Drive, 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

Having regard to:

- (a) the Climate Action Plan 2025;
- (b) National Planning Framework First Revision (2025);
- (c) Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy;
- (d) HT (High Technology) land use zoning objective which applies to the site;
- (e) the location of the development within a wider development with an established data centre use;
- (f) the existing grid connection on the site and the existing infrastructure within the site to supply the proposed development;
- (g) a pre-existing agreement with the transmission service operator to provide power to the development;
- (h) the initial agreement with the transmission service provider which considered the overall power demand for the entire development which was then factored into the national demands under the Sectoral Ceiling Emissions;
- (i) the mitigation measures proposed for the operational phase of the development including the limited use of on-site generators;
- (j) the evidence provided to demonstrate compliance with the Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy;

- (k) the infrastructure within the site to deliver a District Heating System in accordance with Objective DMS0259 of the Fingal Development Plan 2023 - 2029 and with the Fingal Climate Action Plan 2024 - 2029,
- (l) its compliance with the requirements of Objective DMS092 of the Fingal Development Plan;
- (m) the new information submitted by the applicant and third parties under sections 131 and 132 of the Planning and Development Act 2000 (as amended), and
- (n) the Commission for Regulation of Utilities Direction to System Operators related to Data Centre Grid Connection Processing (CRU/21/124) 2021 and the decision paper on the Large Energy Users connection policy (CRU2025236) published by the Commission for Regulation of Utilities on the 12th day of December 2025,

it is considered that, subject to compliance with the conditions set out below, and the requirement for the developer to enter into a Corporate Purchase Power Agreement with a renewable energy provider prior to the operation of the data centre, the proposed development would be in accordance with the objectives and policies of the Fingal Development Plan 2023-2029, would be acceptable at this location and would have no unacceptable impacts on the environment or property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

Environmental Impact Assessment

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

- (a) the nature, scale, location, and extent of the proposed development,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the submissions received from the applicant, planning authority, prescribed bodies and observers in the course of the application, and
- (d) the Planning Inspector's report and addendum report.

The Commission considered that the Environmental Impact Assessment Report (EIAR) and Addendum Report on Climate, 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 agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report, the Addendum Report on Climate, and associated documentation submitted by the applicant and submissions made in the course of the application.

Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information contained above, and in particular to the EIAR, addendum EIAR and supplementary information provided by the applicant, to third party submissions and prescribed bodies in the course of the application, the Commission considered that the main significant direct and indirect effects of the proposed development on the environment, and will be mitigated as follows;

Climate

The proposed development has potential to impact negatively on Climate as a result of the Greenhouse Gas (GHG) emissions from electricity generation to power the data centre. Mitigation measures for the construction and operational phases of the development have been included in the assessment and are assessed fully in the relevant section above. Subject to the implementation of these measures the residual impact on climate from the construction and operational phases would be minor adverse and non-significant.

The Commission completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars submitted with the planning application, as amended by the further information received on the 3rd day of August, 2023, except as may be otherwise 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 period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

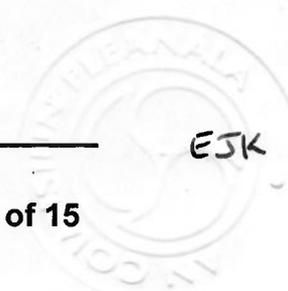
Reason: In the interest of clarity.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), and the addendum EIAR, shall be implemented in full.

Reason: To protect the environment.

4. The recommendations set out in the inward noise impact assessment shall be carried out in full.

Reason: In the interest of public health.



5. Prior to commencement of development, the developer 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.
- (a) The new renewable energy projects shall be located in Ireland and full details of these projects, 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 this grant of permission.
 - (e) The amount of electricity generated by the new renewable energy projects shall be equal to, or greater than, the electricity requirements of the data centres in operation at any given time.

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.

6. Prior to the commencement of development, the developer shall submit details for the written agreement of the planning authority which demonstrate that the lowest possible numbers of generators with the lowest possible nitrogen oxide emissions have been selected for the site while achieving the required power for the site.

Reason: In the interest of sustainable development.

7. (a) Testing of generators across the full site shall take place in sequence. At no stage shall testing of generators occur concurrently.
- (b) Subject to availability, the fuel for use by the generators shall be renewable diesel.

Reason: In the interest of sustainable development.

8. A strategy in relation to the use of cranes during construction shall be agreed in writing with the Irish Aviation Authority (IAA) and the Dublin Airport Authority (DAA) prior to commencement of any development on site.

Reason: In the interests of aviation safety and public safety.

9. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

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

10. 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 (developer) are willing to connect to the future district heating network should it become available in the future.

Reason: In the interest of sustainability.

11. (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 or soakpits.

Reason: In the interest of public health.

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

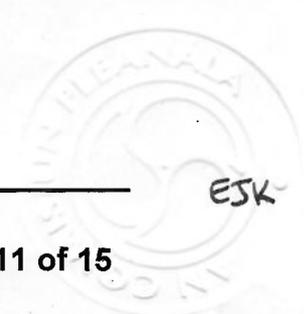
Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

13. Details of the materials, colours and textures of all the external finishes to the proposed development and any signs shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual amenity.



15. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

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

Reason: In order to safeguard the residential amenities of property in the vicinity.

17. 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.

Reason: In the interests of public safety and amenity.

18. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating; and
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

19. The developer shall implement all the recommendations pertaining to tree retention and management, as outlined within the submitted tree report and 'Tree Survey and Protection Plan' and Drawing Number 220721-P10.

Reason: To secure the protection of trees on the site and to ensure the provision of amenity afforded by appropriate landscape design.

20. Prior to the occupation of the development, a Mobility Management Plan (MMP) shall be submitted to, and agreed in writing with, the planning authority. This Plan shall provide for incentives to encourage the use of public transport, cycling and walking by residents/occupants/staff employed in the development. The mobility strategy shall be prepared and implemented by the operator of the facility.

Reason: In the interest of encouraging the use of sustainable modes of transport.

21. 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 interests of sustainable transport and safety.

22. 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.

Eamonn James Kelly

Eamonn James Kelly

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this *19th* day of *December*, 2025.