



An
Bord
Pleanála

Inspector's Report ABP-300752-18

Development

Amendment and completion of the permission granted under SD17A/0141 to facilitate a 125sq.m extension to the north and south of the permitted stand-alone single storey data hall of 1,515sq.m to create an extended stand-alone single storey data hall of 1,640sq.m and ancillary works.

Location

Site within the townlands of Ballymakailly & The Grange, Newcastle Road, Lucan, Co. Dublin

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD17A/0392

Applicant(s)

EdgeConneX Ireland

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party

Appellant(s)

John Power

Observer(s)

None

Date of Site Inspection

15th May 2018

Inspector

Ciara Kellett

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1.0 Site Location and Description

- 1.1. The appeal site is located within the Grange Castle Business Park in Dublin 22. Grange Castle Business Park is bounded by the R136 road to the east and the R120 road to the west. The Grand Canal forms the northern boundary and the R134 road forms the southern boundary.
- 1.2. The EdgeConneX data centre campus within the Grange Castle Business Park is located c.2.6km due north of Casement Aerodrome and c.800m south of Adamstown and the Kildare railway line. The Clonburris Strategic Development Zone (SDZ) area is located to the north of the Grand Canal. The campus is located immediately east of the R120 Adamstown Road. The site shares this boundary with a number of dwellings.
- 1.3. The campus is accessed from the internal roads serving the Grange Castle Business Park off the R136. The Microsoft Data Centre lies to the south of the site, with a food manufacturing facility lying beyond that; Takeda Ireland Ltd. lies to the east of the site with Griffols and Pfizer pharmaceutical plants further to the east; and, Google Data Centres lie to the south-east of the site.
- 1.4. Phase 1, 2 and Phase 3 of the data centre are currently under construction and located immediately to the south of the subject Phase 3/Data Hall 3. An overhead ESB powerline runs just north of Phase 3 in an east-west direction. A large pylon lies to the north of the site. While electricity supply upgrades are being developed the site has permission for a temporary gas generator in the grounds of the Takeda facility to the east and another permission, should the need arise, to develop a temporary generator in their own grounds to the east of Phase 3.
- 1.5. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. The proposal is for amendments to the previously permitted data hall granted permission by South Dublin County Council under Reg. Ref. SD17A/0141, identified as Phase 3.

- 2.2. The amendments include extending the facility by 125sq.m which will increase the area of the standalone single storey data hall from 1,515sq.m to 1,640sq.m. The extension will occur to the north (increase in length of c.1m) and south (increase in length of c.2.17m) of the permitted data hall. It is proposed to increase the height of the data hall by 1.96m and its adjacent compound by 1.2m. Internal alterations are proposed. No changes to the plant at roof level are proposed. There is a minor repositioning to the north of the 4 no. standby generators with associated flues (each 15m in height).
- 2.3. The location of the sprinkler tank and pump room are revised as well as revisions to the permitted service road and new access gate to provide vehicular access to the data hall and 3 no. car parking spaces already permitted. Modifications to the landscaping are proposed.
- 2.4. The application includes for modifications to the former access off the R120 Adamstown road that will allow emergency access only at this point. The number of car parking spaces is reduced from 26 to 25 serving this element of the proposal. No changes to the permitted attenuation pond to the north of the site are proposed.
- 2.5. No changes to the external finishes are proposed. They will remain primarily metal cladding.
- 2.6. A number of documents accompanied the application including: an Environmental Impact Assessment Report; a Pollution Control Method Statement; a Flood Risk Assessment; an Engineering Planning Report; a Transport Assessment; an Appropriate Assessment Screening Report; a Heat Recovery Feasibility Report; a Planning Letter and, a Landscape Works Specification & Management Plan.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority decided to grant permission subject to 18 conditions. Conditions of note include no.2, which requires that the development comply with the conditions of the previously approved permissions. Of particular note with respect to this appeal is condition no.15. It states:

The drainage infrastructure, including the disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section and or Irish Water as appropriate. A maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of works on site the applicant, owner or developer shall lodge with the Planning Authority:

- 1. Fully detailed revised plans detailing and providing for all the drainage requirements set out below, along with;*
- 2. The written confirmation of the Council's Water Services Section (and or Irish Water if appropriate) of their agreement to these revised plans, and;*
- 3. A written commitment to carry out the development fully in accordance with the required revised plans, and*
- 4. The receipt for all these requirements has been acknowledged in writing as an acceptable lodgement from the applicant, owner or developer by the Planning Authority.*

The revised plans required to be lodged with the Planning Authority shall provide for all the following:

- a) A report to show what calculations, surface areas, type and runoff coefficients were used to determine what attenuation was required and what is being used for attenuation of previous planning application SD16A/0214 and SD16A/0345. For example how was attenuation calculation of 1,100m² calculated for previous planning applications SD16A/0214 and SD16A/0345. Current attenuation for current planning application shows that required attenuation proposed of 140m³ should be increased by 240%.*
- b) A revised drawing showing the surface water attenuation available and required. The drawing should include the location of all AJs, manholes, pipe size, material type and direction of flow and attenuation pond and capacity of same.*
- c) All floor levels of proposed building shall be a minimum of 500mm above the highest known flood level for the site.*

- d) *There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.*
- e) *The drainage infrastructure, including the disposal of surface water, shall comply fully with all the technical requirements of the Council's Water Services Section or Irish Water as appropriate.*
- f) *All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage works which (as of December 2017) can be viewed/downloaded from <http://www.sdcc.ie/> and Irish Water Standard details available at (<http://www.water.ie/help-centre/connections/Wastewater-infrastructure-standard-details>). Standard details for Wastewater Infrastructure and the Building Regulations 2010 Technical Guidance Document H.*

Select Documents from top menu and document type publication and search then Drainage Works as keywords and click "Apply" of the requirements of Irish Water (as may be amended from time to time).

Reason: *In the interests of public health, safety and in order to ensure adequate and appropriate surface water drainage provision.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority decision. In summary, it states:

- Site is located in zoning EE 'To provide for enterprise and employment related uses' and as such the principle of use is acceptable at this location.
- Proposal increases floor area by 125sq.m with an additional height of 1.95m which includes a parapet screen. Four no. proposed flues from the generator compound will be visible above the roof parapet ridge having a total height of 15m.
- Development will not represent a negative visual impact on the landscape.
- Closest dwellings are along the R120 to the west and the cottage at the 12th Lock to the north. The permitted proposal (under SD17A/0141) would be located a

minimum of 19m north of the northernmost property on the R120. Proposed extension would reduce this distance to c.17.75m and increase its height by almost 2m. Notes that the dwelling has permitted use as a family home with a B&B accommodation. It currently has an unauthorised use as multiple-occupancy residential units. Having regard to the orientation of the data hall to the north, consider overbearing and overshadowing impact is mitigated.

- 12th Lock Cottage is 129m to the north. Planting screening would mitigate any visual impact. Development would not be out of context and significant impacts on residential amenities are not anticipated.
- Use of access from R120 is maintained for emergency purposes only. A Part 8 proposal has been approved for the realignment of the R120 road. Section of the site has been CPO'd by the Council to facilitate the road improvement scheme. Applicant states this will be a temporary land take that will revert back some 12 months following completion. Provision made for 3 car parking spaces including the 26 spaces on the overall site. No objection from Roads.
- Landscaping plan submitted. Details can be addressed through conditions.
- North-east corner is located in Flood Zone A and B. Flood Risk Assessment states development will not pose flooding issues. Proposed to reconfigure the previously permitted attenuation pond to account for local topography. Environmental Services and Irish Water have no objection.
- No report received from Department of Defence. Under previous applications, a condition required notification of any cranes above 45m. Appropriate to include a similar condition.
- Appropriate to impose a condition on archaeological testing and monitoring.
- Overall development will have 28 generator stacks which includes 12 associated with the temporary gas generation farm and 16 no. standby diesel generators associated with the three phases of development. Residual impacts on air quality and climate will be insignificant.
- Noise monitoring carried out – appropriate to attach conditions.
- No details of signage have been provided. Condition requiring provision of lighting with low impact on bats should be attached.

- AA: No possibility of any significant effects on European sites.
- Water quality and Fisheries Habitat Protection: Condition requiring development to be carried out in line with mitigation measures of the EIAR.
- A Heat Recovery Feasibility document has been submitted. Closest potential locations for District Heating networks are Clonburris (400m) and Clondalkin (5.5km). Report concludes that the development of a waste recovery system is not technically feasible due to limitations of temperature within the condensing circuit particularly in winter and limitations on noise and finance. Previous permissions on site required conditions regarding future proofing for the potential provision of low carbon district energy network and the submission of an Energy Report to include information on the projected annual energy demand of the proposal in order to inform the evidence base to develop low carbon energy options.
- Information contained within the EIAR allows for the adequate assessment of the potential impacts of the proposed development on the receiving environment and complies with the Planning and Development Regulations.
- Concludes that the proposal is acceptable and would not adversely impact on residential amenity or impact on adjoining watercourses.
- Recommends permission is granted.

The decision was in accordance with the Planner's recommendations.

3.2.2. Other Technical Reports

- **Surface Water Drainage:** No objections subject to conditions (no report on file).
- **EHO:** No objections subject to conditions
- **Roads Section:** No objections subject to conditions

3.3. Prescribed Bodies

- **Irish Water:** No objections subject to conditions
- **Inland Fisheries:** No report
- **Irish Aviation Authority:** No report

3.4. Third Party Observations

A submission was made from the appellant. The appeal is addressed in Section 6 below but in summary the submission states:

- This planning application and previous applications have been proposed on a piecemeal basis.
- Data centres are now accepted to be contributing to climate change. Heat emitted should have a value to the local area which could benefit horticulture, aquaculture, local food production and district heating.
- Questions what is the Energy Reuse Effectiveness of the proposed data centres. Refers to numerous articles in various publications.
- Suggestions for energy reuse made including developing a masterplan for Clonburriss as an end-node for waste heat.

4.0 Planning History

There is a detailed planning history associated with the site. In summary, permissions of note include:

- **Reg. Ref. SD17A/0141:** Permission was granted in August 2017 for the development of a data hall of 1,515sq.m (the extension to this data hall is the subject of the current appeal). The data hall will include plant at roof level and associated support services, and 4 standby generators with associated flues (each 15m high). The development includes ancillary site works, a new water tower, pump room and connections to existing Grange Castle infrastructural services as well as fencing, signage, and an extension to the permitted service road as granted under Reg. Ref. SD16A/0214 to provide vehicular access as well as 3 car parking spaces to serve this development. Includes modifications to the permissions granted under SD16A/0214 and SD16A/0345 - revised landscaping to all frontages as well as modifications to the attenuation pond. An Environmental Impact Statement (EIS) accompanied the application.
- **Reg. Ref. SD17A/0027:** Permission was granted in April 2017 for an amendment to permission granted under SD16A/0345 to relocate the temporary gas powered

generation plant from lands to the rear of the Takeda Ireland complex to the east of the site (if ever required to be moved). The generation plant was permitted for a temporary period while awaiting connection to upgraded utility network. An EIS was lodged with that application.

- **Reg. Ref. SD16A/0345:** Permission was granted in January 2017 for the construction of a new single storey data hall of 4,176sq.m as an extension to the immediate south of the data hall and single storey office (5,776sq.m) permitted under Reg. Ref. SD16A/0214 to create an overall development of 9,952sq.m. The new data hall includes plant at roof level, associated support services, 5 standby generators with associated flues (each 15m high) and services road. The development also includes a temporary gas powered generation plant within a walled yard containing 12 generator units with associated flues (each 15m high) to be located within and to the rear of the Takeda Ireland complex to the east side of the site. The development also includes a new two storey ESB substation (507sq.m) with associated transformer yard and single storey transformer building (157.5sq.m) to replace aforementioned temporary gas generation plant located to north of entrance into the site from Grange Castle. The development also includes ancillary site works, including attenuation pond, connections to existing Grange Castle infrastructural services as well as fencing, signage, and new vehicular access to the generator farm and sub-station off the permitted service road as granted under Reg. Ref. SD16A/0214. The development to be enclosed with landscaping to all frontages. An EIS was submitted with this application.

- **Reg. Ref. SD16A/0214:** Permission was granted in September 2016 for the construction of a single storey data centre (4,435sq.m) with plant at roof level, associated support services and 6 standby generators with associated flues (each 15m high), and single storey office and loading bay (1,341sq.m) as well as an electricity sub-station (63sq.m) with a total floor area of 5,839sq.m. The development includes ancillary site works, including attenuation tank, to connect to existing Grange Castle infrastructural services as well as fencing, signage, services road, entrance gate, 26 car parking spaces including 2 disabled car parking spaces, as well as sheltered bicycle parking. The development to be enclosed with landscaping to all frontages. An EIS was submitted with this application. An application for

enabling works to facilitate this development has been made under Reg. Ref. SD16A/0176.

- **Reg. Ref. SD16A/0176:** Permission was granted in August 2016 for enabling works on the site including the demolition of the existing storage and outbuildings (3,118sqm) and other temporary buildings on the site; and it's clearing as well as the diversion of existing services, including existing culvert, that traverses the site; and to level the site for future development.

5.0 Policy Context

5.1. South Dublin County Development Plan 2016 - 2022

- 5.1.1. Chapter 1 refers to Core Strategy, Chapter 4 refers to Economic Development & Tourism and Chapter 11 refers to Implementation.
- 5.1.2. Section 1.12.0 refers to Employment Lands. It states *The Economic Strategy for the County seeks to ensure that there is a sufficient supply of zoned and serviced lands at suitable locations to accommodate future demand for enterprise and employment investment across a diverse range of sectors.*
- 5.1.3. Section 4.1.1 of Chapter 4 states with respect to Grange Castle:

The Citywest Business Campus and Grange Castle Business Park are modern business parks located in the west of the County with capacity to attract large scale industries of regional and national significance, due to the availability of large plot sizes, infrastructure and corporate park style environments. These areas have attracted some of the largest industrial facilities in the County and house several blue-chip national and multi-national corporations. Significant investment has been made over the past two decades in infrastructure and services to support these economic areas.

ET1 Objective 3 states:

To support the continued development of economic clusters to the west of the County by prioritising compatible and complementary enterprise and employment uses that would not undermine the established character of these areas.

ET3 Objective 2:

To prioritise high tech manufacturing, research and development and associated uses in the established Business and Technology Cluster to the west of the County (Grange Castle and Citywest areas) to maximise the value of higher order infrastructure and services that are required to support large scale strategic investment.

- 5.1.4. Table 11.10 of Chapter 11 lists uses that are permitted in principle, open for consideration and not permitted. Data centres are not specifically identified but science and technology based enterprises, warehousing, and industry are. Section 11.2.5 refers to Enterprise and Employment Areas. It states:

Enterprise and employment areas are characterised by a structure that is distinctly different to those of other urban areas. Most industrial estates are characterised by large functional buildings that are set back from the street, extensive areas of hard surfacing and security fences. A number of industrial estates, and in particular newer business parks, incorporate extensive areas of open space to create a more attractive parkland-like setting.

5.2. Natural Heritage Designations

- Rye Valley/Carton SAC (Site Code 001398) is located c.4.4km north-west
- Glenasmole Valley SAC (Site Code 001209) is located c.9.7km to the south
- Wicklow Mountains SAC (Site Code 002122) is located c.11.5km south
- Wicklow Mountains SPA (Site Code 004040) is located c.14.5km south

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was lodged by a third party who lives in the locality. In summary it states:

- Applicant has not included best practice in planning. The application is for alterations and previous applications have been proposed on a piecemeal basis.

- Further Additional Information is required by the Council's Water Services Section. Notes they are requesting a report to show what calculations were used to determine attenuation of previous applications and why current attenuation proposed of 140m³ should be increased by 240% - see Condition 15a. Query why such a serious matter is only being addressed at this late stage of the sites development.
- Best planning practice would have been to obtain the information and be completely satisfied with the drainage design before planning permission was approved.
- This is important for the site that has a flooding history since the late '70s when an open ditch was filled in with a 225mm diameter pipe.
- Appellant includes photos taken showing the extent of flooding on the 6th November 2000.
- Attachments to the appeal include: Letter of objection to housing in Finnstown, Irish Times articles, conclusions on Griffeen river flooding by consultants, and Guardian newspaper articles on flood defences.
- Requests that the 'Precautionary Principle' be applied until such time that the applicant submits the requested additional information on the attenuation and any other drainage matters to the satisfaction of the Council.

6.2. Applicant Response

The applicant responded to the appeal. In summary, it states:

- Appellant makes a number of inaccurate and unsubstantiated statements in the appeal all of which have been dealt with in the application and the decision of the Planning Authority and in this response.
- Question grounds of appeal under section 138 of the P&D Act. Request the Board to question the reasoning and validity of the appeal given that the first point raised is a matter relating to compliance of condition no.15. The other matter relates to flooding history which has been comprehensively addressed in all applications including the subject application which relates solely to a 125sq.m extension of the permitted data hall granted under Reg. Ref. SD17A/0141. Request the Board to

dismiss the appeal as being an inaccurate representation of the attenuation and flooding matters relating to the site.

- Submit that the applicant has employed best practice in the planning and design of the site. Proposed data centres are designed in a manner that provides their clients with their specific requirements. This approach has also been taken to the overall planning and environmental impact assessment process. Each application has addressed both in terms of attenuation, flooding and environmental impact, the individual and cumulative impact of all applications.
- Places appeal in context. Notes earlier permissions formed phase 1, 2 and 3. Attenuation pond of 1,382m³ was permitted in first application which addressed needs of phase 1 and 2 with over-capacity of 282m³. Phase 3 which forms the parent permission required an additional 140m³ of attenuation. Pond was redesigned to a more kidney shape in order to achieve the same ecological benefits with a greater capacity of 1,630m³. There is an overprovision of 390m³ prior to making the subject application. All applications were accompanied by documents addressing attenuation of the site.
- Refer the Board to the report undertaken by Consulting Engineers which accompanied the response. Planning history of development of attenuation pond discussed. A table is included in the appeal indicating the required attenuation, cumulative attenuation permitted, required cumulative attenuation and spare capacity of attenuation. Consider that the appellant and the Local Authority have misinterpreted the attenuation required. They both fail to recognise the correct additional attenuation for the subject application being 1m³ which is partly due to the engineering planning report addressing the attenuation requirements of both the parent permission and the revised application. It should have read as being 141m³ for both applications. The Local Authority have not taken into account the attenuation provided under previous permissions which has a surplus of 389m³. The attenuation pond permitted under the previous permissions and unaltered under this application has a permitted capacity of 1,630m³ for a demand of 1,241m³, therefore there is an overprovision of 389m³.
- With respect to flooding, the Flood Risk Assessment identified a small area at the north-east of the site as being susceptible to flooding. The 1 in 1000 flood level was

identified as being at 59.81m. The finished floor levels are all above this by a minimum of 0.5m.

- The site and surrounding area is now developed with significant levels of attenuation systems including the land that the appellant states there is a 225mm pipe running across. Extensive site investigations found no evidence of an existing pipe. The hydrological system of the site and area has changed significantly since the appellant took the photo in 2000. The assessments conclude that there is no flood risk and therefore no need to invoke the precautionary principle on the site.
- Conclude that the appeal is without due grounds and is not supported by any up to date evidence of flooding of the site. The application is for a 125sq.m extension and a change in height. It is not the data hall in its entirety - that was granted under Reg. Ref. SD17A/0141.

6.3. Planning Authority Response

The Planning Authority responded confirming their decision and consider that the issues raised in the appeal have been covered in the planner's report.

6.4. Further Responses

6.4.1. The appellant was provided an opportunity to respond to the first party response to the appeal. In summary it includes:

- Restates concerns with attenuation figures and 'piecemeal' approach to planning applications.
- Refers to Water Services Planning Report relating to SD16A/0176 and comments therein in relation to surface water culverts.
- States that the data centre has been built on top of the Ballymakaily stream and considers that it is not clear how the applicant proposes to cater for drainage from this spring – considers the provision of a land drain at least is required along the western boundary of the site to protect existing gardens from pluvial flooding.
- Refers to flooding and response from applicant to the appeal. Photos of 225mm pipe which the applicants state was not in existence provided.

- Refers to earlier planning permissions to relocate Griffeen river to facilitate the size of sites within the Grange Castle Business. Additional photos of flooding in 1999 provided.
- Attenuation is causing flooding west of the R120 and appears to be happening again with more regularity. Canal can be used as flood relief for flooding in areas way beyond the catchment area and this can cause localised flooding.
- Articles on climate change referenced.

7.0 Assessment

7.1. Introduction

- 7.1.1. I draw the Board's attention to the fact that this appeal relates to an extension to a data hall that has already been granted planning permission by the Council under Reg. Ref. SD17A/0141 (referred to as the Phase 3 'parent permission'). The subject application is for amendments to that permission as summarised in Section 2 above, which includes an extension of 125sq.m in area to the north and south of the data hall (increase in floor area from 1,515sq.m to 1,640sq.m), as well as increasing the parapet height by 1.96m. The adjoining compound parapet height is also raised by 1.2m. Other ancillary works are proposed.
- 7.1.2. An Environmental Impact Statement (EIS)¹ accompanied the earlier application for the data hall in the first instance, under Reg. Ref. SD17A/0141. An Environmental Impact Assessment Report (EIAR)² has accompanied this application. Having regard to the fact that the parent permission for the data hall (Reg. Ref. SD17A/0141) was subject to an Environmental Impact Assessment, I am of the opinion that for the minor increase in area proposed as well as the ancillary works, that an EIAR is not mandatory in this instance. I am of the view that it does not meet the threshold set

¹ Note this application was submitted prior to 16th May 2017 and therefore provisions of the 2011 EIA Directive applied

² This application was submitted after 16th May 2017 and therefore the provisions of the 2014 EIA Directive apply

out in Schedule 5, Part 2, Class 13 of the Planning and Development Regulations, 2001 as amended³.

7.1.3. Notwithstanding this, and having regard to Article 102 of the Planning and Development Regulations⁴ I propose to complete the EIA section of this report.

7.1.4. The assessment below is carried out as follows: Section 8 of my report is a Planning Assessment of the case, Section 9 is the Environmental Impact Assessment and Section 10 is the Appropriate Assessment.

8.0 Planning Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. I am satisfied that the principle of development is in compliance with the relevant statutory plans and guidelines. The issues can be dealt with under the following headings:

- Procedural Matters
- Attenuation pond
- Flooding issues

8.1. Procedural Matters

8.1.1. The applicant submits that the grounds of appeal should be questioned under Section 138 of the Planning and Development Act, 2000, as amended. They question the reasoning and validity of the appeal given that the first matter relates to compliance with a condition of the planning permission granted, and the other relates to flooding on the site.

³ Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and (ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

⁴ Where a planning application for sub-threshold development is accompanied by an EIS, the application shall be dealt with as if the EIS had been submitted in accordance with section 172(1) of the Act.

- 8.1.2. With respect to the validity of the appeal, Section 138 states that the Board may dismiss appeals (in summary): a) if vexatious, frivolous or without substance or is made with the sole intention of delaying the development or securing payment of money, gifts etc. or b) where the Board is satisfied that the appeal should not be considered further having regard to the nature of the appeal or any previous permission which is relevant.
- 8.1.3. I am satisfied that the appeal should not be dismissed under Section 138. I consider that the applicant has raised legitimate concerns regarding the proposal in terms of the nature of the appeal with respect to proper planning and sustainable development.
- 8.1.4. With respect to the appellant's contention that the applicant has submitted applications on a piecemeal basis which does not allow for best planning practice, I have had regard to the planning history and address as follows.
- 8.1.5. The planning history of the site is set out in detail in section 4 of this Report. As the Board will note, there have been a number of planning applications on the site with respect to different phases of development. The first phase of development for a data hall was permitted in September 2016 under Reg. Ref. SD16A/0241. That was for a single storey data centre (4,435sq.m) and ancillary works. That planning application was accompanied by an EIS. A second planning application Reg. Ref. SD16A/0345 was granted for an extension of 4,176sq.m to the immediate south of the previously permitted data hall to create an overall development of 9,952sq.m. This extension application was also accompanied by an EIS. Finally, a third data hall application was permitted under Reg. Ref. SD17A/0141. That third data hall is the parent permission for the current application for an extension. The application for the third data hall was accompanied by an EIS.
- 8.1.6. As can be seen the planning applications for each data hall were accompanied by an EIS. The applicant states that the individual and cumulative impact of each application was addressed within the relevant accompanying documentation. I note that the earlier planning applications all met with positive decisions from the Planning Authority. I do not consider it unusual that there are a number of planning applications for development on the overall site – this is quite normal for industrial type development. I will address in further detail the adequacy of the EIAR below,

however having regard to the assessment of the cumulative impact, I am satisfied that the subject EIAR has adequately assessed the cumulative impact of the entire development. I have not reviewed the EIS's submitted with the previous applications referred to above, but having regard to the positive decisions made by the Planning Authority, it can be concluded that those applications were in accordance with the proper planning and sustainable development of the area.

8.1.7. Furthermore, I note that the development is situated on land use zoning 'EE' - Enterprise and Employment Areas – in the South Dublin County Development Plan 2016 – 2022. The type of development proposed and currently under construction was envisaged within this land use zoning. In addition to being a plan-led development, the Development Plan itself was subject to a Strategic Environmental Assessment.

8.1.8. In conclusion, I am of the view that the proposed development is in compliance with the relevant planning legislation. (Note: I will address the appellant's reference to piecemeal development with respect to attenuation pond below.)

8.2. Attenuation Pond

8.2.1. The appellant refers to condition no.15(a) appended by the Council to the subject permission. The wording of the condition is repeated in full in section 3.1 above. The condition requests a report and in particular '*A report to show what calculations, surface areas, type and runoff coefficients were used to determine what attenuation was required and what is being used for attenuation of previous planning application SD16A/0214 and SD16A/0345. For example how was attenuation calculation of 1,100m² calculated for previous planning applications SD16A/0214 and SD16A/0345. Current attenuation for current planning application shows that required attenuation proposed of 140m³ should be increased by 240%*'. The appellant queries how such a serious matter is only addressed at this late stage of the process. He considers that best planning practice would have been to obtain Additional Information and for the Authority to be completely satisfied with the drainage design before permission was approved.

8.2.2. The applicant considers that the appellant and the Local Authority have misinterpreted the attenuation required for the subject application. The applicant

provides a table indicating the planning permissions already approved, the required attenuation and the spare capacity of the attenuation pond. For ease of understanding the background and capacity of the attenuation pond, I have copied the table provided by the applicant.

Planning Ref.	Required attenuation	Cumulative attenuation permitted	Required cumulative attenuation	Spare capacity of attenuation
SD16A/0214 – Phase 1 Data Hall	800m ³	1,382m ³	800m ³	582m ³
SD16A/0345 – Phase 2 Data Hall extension	300m ³	1,382m ³	1,100m ³	282m ³
SD17A/0141 – Phase 3 – parent permission for subject application	140m ³	1,630m ³	1,240m ³	390m ³
SD17A/0392 – subject extension	1m ³	1,630m ³	1,241m ³	389m ³

8.2.3. As can be seen from the table above the applicant contends that the attenuation pond permitted under previous applications, and unaltered under the subject application, has a permitted capacity of 1,630m³ and therefore has an overprovision of 389m³.

8.2.4. I agree with the appellant's concerns with respect to the Council only now seeking information about how the volume of 1,100m³ for the first two permissions was derived, when a grant of planning was issued for those two applications. The applicant states in the response to the appeal, that the drainage infrastructure including the disposal of surface water has been accepted by the Council as being satisfactory as borne out by the fact that the compliance submission submitted for SD17A/0141 was accepted as satisfactory by the Council. Unfortunately, the Council have not provided any further information in their response to the appeal to clarify this situation.

8.2.5. Notwithstanding this, the facts are that the earlier Planning Applications have been granted and the applicant has not proposed any changes to the attenuation pond as part of this planning application. The subject application proposes 125sq.m

extension which I consider to be a de-minimus increase in hard surface area with respect to the entire campus.

- 8.2.6. Based on the information on file and the fact that the extension is minor in nature, I am satisfied that the proposed extension will not affect the proposed attenuation. I consider that if the Board are of a mind to grant permission, a condition requiring the applicant to comply with the requirements of the planning authority for such works and services is appropriate to append.

8.3. **Flooding Issues**

- 8.3.1. The appellant states that the site has a flooding history ever since the late 1970's when an open ditch was filled in with only a 225mm diameter pipe. Photos of flooding on 06/11/2000 are submitted with the appeal, as well as other articles on flooding, flood studies and a reference to the Irish Courts stating citizens have a constitutional right to environmental protection.
- 8.3.2. The applicant contends that the site and surrounding area is now developed with significant levels of attenuation systems, including the land that the appellant states there is a 225mm pipe running across. It is further stated that the hydrological system of the site and area has changed significantly since the appellant took the photo in 2000. The assessments conclude that there is no flood risk and therefore no need to invoke the precautionary principle on the site.
- 8.3.3. The Flood Risk Assessment which accompanied the planning application concludes that the development of the site will be carried out in a sustainable manner. It states that the site falls into category Flood Zone C. It notes that the record of fluvial flooding on the site is located in the north-east corner of the site c.220m away from the development under construction. It notes that the 1:1000 year flood level is indicated at being 59.81m OD which is 1.69m lower than the finished floor level of the nearest building, the proposed ESB substation and transformer compound which is near the entrance into Grange Castle Business Park. It is stated that all surface water on-site will be sustainably managed and discharged off-site via approved run-off rates in the Local Authority sewer network.
- 8.3.4. I am satisfied that the site is located within Flood Zone C and the development can be classed as "less vulnerable". Similar to the above, I consider that the impact of an

additional 125sq.m area will have a de-minimus effect on the overall site and any flooding potential therein.

8.4. Conclusion

- 8.4.1. In conclusion, I am satisfied that the minor increase in area proposed will not have an impact on the services and infrastructure currently serving the site. The development proposes a minor increase to the already permitted data hall identified as being Phase 3. I am satisfied that while the planning applications have been submitted individually, the subject application has been assessed in terms of the cumulative impact as well as a standalone application. It is therefore in accordance with the proper planning and sustainable development of the area.

9.0 Environmental Impact Assessment

9.1. Introduction

- 9.1.1. The Environmental Impact Assessment Report (EIAR) accompanying the application has been prepared by Marston Planning Consultancy, and is presented in the grouped format in two bound documents. The Non-Technical Summary (NTS) is set out as a separate chapter which is required to provide a summary of the EIAR in non-technical language. The second bound document of the EIAR includes appendices where appropriate.
- 9.1.2. This application was submitted after 16 May 2017, the date for transposition of Directive 2014/52/EU amending the 2011 EIA Directive. The Directive has not, however, been transposed into Irish legislation to date. In accordance with the advice on administrative provisions in advance of transposition contained in Circular letter PL1/2017, it is proposed to apply the requirements of Directive 2014/52/EU.
- 9.1.3. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.
- 9.1.4. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application.

A summary of the results of the submissions made by the planning authority, and the appellant has been set out at Section 6 of this report.

- 9.1.5. This EIA has had regard to the application documentation, including the EIAR, the appeal lodged and the planning assessment completed in Section 8 above.

9.2. Alternatives

- 9.2.1. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment,

Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

- 9.2.2. The matter of alternatives is addressed in Chapter 4 of the EIAR. The chapter states that at the outset of the overall project, the applicant undertook a detailed assessment of a number of countries and following the decision to locate in Ireland, an assessment of alternative sites. Grange Castle was chosen.
- 9.2.3. With respect to the alternative design, following the granting of Phase 1 and Phase 2 applications the land left over was in the south-western corner of the northern part of the site, to the immediate north of Phase 1 and 2. The alternative location for the temporary generator will provide future data halls, if required, when there is no longer a need for the generator when the power supply upgrade is completed.
- 9.2.4. With respect to processes it is stated that data server technology is essentially the same around the world.

9.2.5. Having regard to the sites EE land use zoning and the already permitted parent permission, I am satisfied that the matter of the examination of alternatives has been satisfactorily addressed.

9.3. **Likely Significant Direct and Indirect Effects**

9.3.1. The likely significant direct and indirect effects of the development are considered under the following headings, after those set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and Human Health
- Biodiversity
- Lands and Soils including soils, geology and hydrogeology
- Water including flood risk assessment
- Air including Noise and Vibration and Air Quality
- Climate
- Landscape and Visual Impact
- Cultural Heritage
- Material Assets to include traffic and transportation and waste management
- Significant Interactions.

9.4. **Population and Human Health**

9.4.1. Population and Human Health is considered in Chapter 6 of the EIAR. The components considered include land use, population, employment and amenity aspects. Further potential impacts on population and human health are also considered under Noise and Vibration, Air Quality and Climate and Landscape and Visual Impacts. Impacts on property are addressed under Material Assets.

9.4.2. With respect to land use, this is a request for an amendment to a parent permission on land zoned EE with data halls already under construction. The residential properties to the west are in quasi residential use acting as hostelrys for workers, as well as three houses to the south-west and fronting onto the R120 Road in

residential use. An additional two houses are located to the south of the canal on either side of the road.

- 9.4.3. With respect to population it is noted that there has been very little population growth in the immediate area as there is very little undeveloped residentially zoned lands within the Electoral Division of Clondalkin – Dunawley, as the western part of the ED is covered by the Grange Castle Business Park. There has been significant growth in the greater area of South Dublin of 12.9% between 2011 – 2016. The extended Clonburris SDZ and other residentially zoned land extend down to the immediate north of the site and the canal.
- 9.4.4. It is noted that tourism is not a major industry in the immediate environs of the site. The primary area of landscape amenity is the Grand Canal
- 9.4.5. With respect to characteristics of the project which could impact on population and human health, it is noted that the application includes for revisions to the former access off the R120 that will allow emergency access only from this point of the site. Revised landscaping and boundary treatment are proposed at this entrance and day-to-day access will not be available from this entrance. The nature of Phase 1 and 2 will not change as a result of this application.
- 9.4.6. In terms of potential impact of the construction stage, the overall development will result in the creation of a large construction site which could have an impact on the amenity of nearby residents, users of the Grand Canal and workers within nearby facilities. The extension of the facility will potentially extend the construction period. Other potential local impacts are increased vehicular traffic, noise, dust generation and increased employment. It is not considered that the proposal will have an impact on the numbers employed, rather it will prolong employment.
- 9.4.7. During the operation stage, the proposal will not result in an increase in the permanent population of the area. It will sustain the employment created by Phase 1 and 2.
- 9.4.8. It is expected, as noted in Chapter 10, Section 10.84 – 10.86, that during operation noise generated will amount to background noise and will largely be imperceptible to any users of the canal and residents. Section 10.86 states that there will be no significant noise expected and there is no anticipated risk of long term exposure to noise on human health. Chapter 11 of the EIAR considers air quality and climate.

During construction the predicted impact of fugitive emissions of dust will be insignificant and pose no nuisance at nearby receptors. The operational phase assumes the proposed gas generation farm is in operation and both location options were modelled. The results indicate that the ambient ground level concentrations are below the relevant ambient air quality standards for NO₂.

- 9.4.9. The increased planting and separation distances will ensure that the proposal will only appear in very local views. It will not have a negative impact on the amenity of the canal.
- 9.4.10. The 'do nothing' scenario has no significant effect on the land use. The 'do nothing' scenario will have a negligible effect.
- 9.4.11. In terms of mitigation, during construction no mitigation measures are required beyond the normal landscaping, noise and construction mitigation. No adverse impacts relating to employment are predicted during construction.
- 9.4.12. No mitigation is proposed beyond the landscaping during operation. Impacts on employment during operation will be slightly positive as the proposal will help sustain the jobs from Phase 1 and 2.
- 9.4.13. With respect to predicted impacts the extended construction phase of the overall development is likely to have a slight but short term negative impact on the local community and population. Community facilities will be used more regularly as a result of the temporary working population resident in the local area which will have a slight positive impact on the local economy.
- 9.4.14. During operation the proposal will facilitate the creation of a more intensive use for the lands and employment from Phase 1 and 2 will be sustained.
- 9.4.15. In the worst case scenario, the failure of the proposal to proceed will not lead to any profound, irreversible or life threatening consequences.
- 9.4.16. I have considered all the documentation in relation to Population and Human Health. I am satisfied that any potential impact would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Population and Human Health.

9.5. Biodiversity

- 9.5.1. Biodiversity is considered in Chapter 7 of the EIAR. The applicant's consultants previously completed ecological assessments of the site in May and August 2016, as well as ecological assessments at adjacent sites located in Grange Castle Business Park in 2013, 2015 and 2016 and an updated inspection in April and October 2017.
- 9.5.2. The site is currently under construction and the only semi-natural habitats remaining include the portion of grassland to the north and north-west and hedgerows along the perimeter. The Grand Canal (pNHA) is located c.15m to the north of the site but is not hydrologically linked to the site. The closest European site is the Rye Water Valley/Carton SAC which is located c.4.4km north-west.
- 9.5.3. Potential impacts during construction could arise from further site clearance, soil stripping and earthworks; surface water carrying silt or hydrocarbons into the existing culvert which ultimately discharges to the River Griffeen; noise, dust, lighting or other physical disturbance.
- 9.5.4. No additional hedgerow loss is predicted in addition to that already taken. The footprint of the proposed extension is in areas of buildings, artificial surfaces and recolonising bare ground. The additional loss of habitat is not significant.
- 9.5.5. Bats can be adversely affected by lighting. Potential impact on bats is significant at a local level. Sight clearance could result in injury to pygmy shrew and hedgehog. However given the limited extent of habitat loss adverse impacts are likely to be within the site at a local scale. Birds are likely to be habituated to the noise, vibration and increased human presence on the site.
- 9.5.6. Potential impacts during operation may arise from lighting, noise, electromagnetic or air emissions. The design parameters of the site mean it will not give rise to any emissions of hot air, noise or electromagnetism to any perceptible effect on sensitive receptors.
- 9.5.7. With respect to cumulative effects the developed aspect of the proposed site is relatively small in comparison to other developments in the locality.
- 9.5.8. With respect to mitigation, standard construction mitigation measures are proposed. As per the existing phases hedgerows and treelines will be maintained and

strengthened. The attenuation pond is designed with the aim of creating a native wetland habitat.

- 9.5.9. During operation mitigation includes lighting proposals to adhere to advice provided in guidance documents.
- 9.5.10. No significant residual impacts are predicted with the successful implementation of mitigation measures. Appropriate monitoring following construction is proposed.
- 9.5.11. I have considered all the documentation in relation to biodiversity. (Impact of the proposed development on European sites is also considered in the appropriate assessment below). I am satisfied that any potential impact would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of biodiversity.

9.6. Land, Soil, Geology and Hydrogeology

- 9.6.1. Chapter 8 refers to land, soil, geology and hydrogeology. The site is currently under construction and the northern portion of the site is being used for construction activities. The site is relatively flat. There is a fall c.2-4m from the southern boundary to the north towards the canal and a slight fall of c.3m from west to east on the northern portion of the site. The site is within the Eastern River Basin District in Hydrometric Area no.09 and within the River Liffey catchment. The most significant drainage system is in the vicinity of the River Griffeen c.350m east of the site. Site specific information has been derived from geophysical survey of ground conditions and site investigation drilling and trial pitting undertaken during Spring 2016. The importance of the bedrock and soil features is rated as Low Importance. Sampling of groundwater and soils did not indicate any evidence of extensive contamination of the site.
- 9.6.2. Public water mains and sewers will serve the site. Interpretative cross sections have been finalised for the site with views appropriate to the site in terms of the geological and hydrogeological environment.
- 9.6.3. The potential impacts are addressed in both Chapter 8 and 9 of the EIAR. During construction accidental spillages which are not mitigated may result in contamination

of soils and groundwater. Surface water may contain silt. During operation there will be no discharges to groundwater or the soil. Indirect discharges could occur. This could have a long term imperceptible effect with a neutral impact on quality. No effect is predicted from the Do-Nothing scenario.

- 9.6.4. During construction standard mitigation measures are proposed. An environmental management plan will be prepared and followed during the operational phase.
- 9.6.5. There are no likely predicted significant effects on the geological or hydrogeological environment associated with the proposed development following the implementation of the mitigation measures. The impact is considered to have a long term imperceptible significance. I have also addressed this aspect in Section 8 Planning Assessment above.
- 9.6.6. 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. During operation capping will provide additional protection.
- 9.6.7. I have considered all the written submissions made in respect of land, soil, geology and hydrogeology. I am satisfied that any potential impact would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of land, soil, geology and hydrogeology.

9.7. **Hydrology**

- 9.7.1. Hydrology is addressed in Chapter 9. I have read this chapter in conjunction with all other chapters and have had particular regard to chapter 8. It is stated that a section of the Griffeen River was realigned during the construction of the Business Park and associated access roads, and it now runs alongside the local access road in a northerly direction to the east of the Takeda facility. A small spring fed tributary rose within the site and ran along the eastern boundary of the overall site. The enabling works on the site have moved this culvert and replaced it with a 450mm stormwater culvert which will divert stormwater around the western side of the development area and will connect into the existing culvert on the northern boundary.

- 9.7.2. From a review of the EPA Envision database the status of the Griffeen river at the nearest monitoring station is poor but no subsequent monitoring has taken place since 2004. The most up to date status of the river Liffey at the nearest point is good.
- 9.7.3. As noted above, water and waste are served by mains. The Flood Risk Assessment identifies the development as less vulnerable.
- 9.7.4. Potential impacts during construction include increased run-off and sediment loading and contamination of local water courses. During operation potential impacts include increased surface water run-off, contamination of surface water, foul and water supply. The Do-Nothing scenario will result in no effect.
- 9.7.5. Mitigation includes best practice construction measures. During operation the drainage system has been designed appropriately including the attenuation pond.
- 9.7.6. Predicted impacts are considered negligible during both construction and operation. Worst case scenario is from potential spillages onsite during construction. The Griffeen River is not used for water supply purposes but would require remediation.
- 9.7.7. I have considered all the written submissions made in respect of hydrology, in addition to those specifically identified in this section of the report. I am satisfied that any potential impact would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of hydrology.

9.8. **Noise and Vibration**

- 9.8.1. Noise and vibration are addressed in Chapter 10 of the EIAR. Noise surveys have been undertaken at locations reflective of noise sensitive locations. The primary sources of noise during construction of the overall development will be from extensive excavation and the erection of new buildings. During operation it will be building services noise, emergency site operations and additional vehicular traffic.
- 9.8.2. In the absence of Irish guidance regard has been had to British Standards relating to noise and vibration during construction. Information is provided relating to values which, if exceeded, signify a potential significant effect at the facades of residential

receptors. It is noted that in exceptional circumstances there may be a requirement that certain construction works are carried out during the night time.

- 9.8.3. Potential impact during operation is addressed. If noise levels are less than 50dBA at night and 55dBA during the day the key objective to avoid, prevent and reduce the harmful effects due to long term exposure to noise is addressed. EPA noise criteria would require 45dBA at night.
- 9.8.4. A number of generators are proposed for emergencies when grid power supplies fail. It is common practice to allow a relaxation of noise limits associated with emergency plant operations.
- 9.8.5. During operation it is proposed that the site will not exceed 55dBL_{Art}(15 mins) during daytime, 50dBL_{Art}(15 mins) evening and 45dBL_{Aeq}(15 mins) at night.
- 9.8.6. In order to mitigate the likely noise impact, a schedule of noise control measures has been formulated for both construction and operational phases. During construction various mitigation measures will be applied as well as a variety of practical noise control measures. During operation, noise from external plant will be minimised by incorporating appropriate attenuation measures for stacks and exhausts. No mitigation measures are required for vehicular traffic. There is no anticipated risk of long term exposure to noise on human health resulting from the proposed development.
- 9.8.7. During construction it is predicted that there will be some impact on nearby noise sensitive properties due to noise emissions from site traffic and other activities. Appropriate mitigation measures will ensure it is kept to a minimum. Any impacts will be temporary and short term in nature. During operation, measures will be employed to ensure that any emissions from plant will not exceed the adopted criterion at the façade of any nearby noise sensitive location.
- 9.8.8. In a Do Nothing scenario there would be no change. Background noise may increase over time.
- 9.8.9. I have considered all the documentation in respect of noise and vibration. I am satisfied that any potential impact would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development

would not have any unacceptable direct, indirect or cumulative impacts in terms of noise and vibration.

9.9. Air Quality and Climate

- 9.9.1. Air Quality and Climate are addressed in Chapter 11 of the EIAR. Air dispersion modelling was carried out using AERMOD to assess the concentrations of Nitrogen Dioxide and the consequent impact on human health. Two scenarios were assessed in the EIAR in order to quantify the impact from the EdgeConneX site (including emergency diesel generators for phase 1, 2 and 3 and the gas generator development) as well as the predicted impact from the cumulative worst case scenario which quantified the impact on ambient NO₂ concentrations from the EdgeconneX site, as well as the existing EPA licenced sites (Takeda and Pfizer) which are located in the vicinity. These emission points emit air pollutants on a continuous basis. Other nearby facilities have 'potential' emission points as they will only operate under exceptional circumstances. The two location options for the temporary gas generation compound were also considered.
- 9.9.2. Modelling for NO₂ was undertaken in detail. No detailed modelling was undertaken for CO, PM₁₀, PM₂₅ and benzene because emissions from these pollutants are significantly lower than NO_x emissions from generators relative to their ambient air quality standards, and thus ensuring compliance with NO₂ ambient limits will ensure compliance with all other pollutants. Continuous operation of the temporary gas generation plant was assumed.
- 9.9.3. The potential impacts during construction involve excavation over the site and erection of new buildings. There is potential for greenhouse gas emissions from construction vehicles etc. During operation the primary sources of air and climatic emissions are deemed long term and involve the use of the emergency operation and testing of the generators.
- 9.9.4. Mitigation measures have been formulated for both phases. During construction, standard construction mitigation measures are proposed in order to ensure no dust nuisance occurs. During operation stack heights have been designed to ensure that an adequate height will aid dispersion of the plume. The air impact assessment has demonstrated that mitigation measures are not required. Emissions of greenhouse

gases are not expected to be significant due to the infrequent testing and emergency operation of the generators. This also applies to the gas generators.

- 9.9.5. During construction the predicted impact of fugitive emissions of dust will be insignificant and pose no nuisance at nearby receptors.
- 9.9.6. The operational phase assumes the proposed gas generation farm is in operation and both location options were modelled. The results indicate that the ambient ground level concentrations are below the relevant ambient air quality standards for NO₂.
- 9.9.7. In terms of climatic impacts, on-site emissions of greenhouse gases from the emergency generators are not expected to be significant. The results of the air dispersion modelling study show that the residual impacts on air quality and climate will be insignificant.
- 9.9.8. I have considered all the documentation in respect of air quality and climate. I am satisfied that any potential impact would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of air quality and climate.

9.10. **Landscape and Visual Assessment**

- 9.10.1. Landscape and Visual Assessment is considered in Chapter 12 of the EIAR. The assessment accounts for the scheme under construction as well as the alternative generator locations. The Phase 3 data hall currently permitted is also included. It is noted that the site is located on the edge of two landscape types – the landscape to the east and south is characterised by built developments and new tree lined roads. To the west the landscape is that of a traditional agricultural landscape with medium to large field patterns. To the north beyond the canal lies the urban fringe.
- 9.10.2. The site is most visually prominent from R120 road to the west and particularly in the vicinity of the bridge over the canal. It is stated that the site is not visible in the wider landscape due to the flat nature of the topography, the scale of the local built development and the significant number of trees. There are no protected trees or tree groups within the lands. There are no views or prospects that include the subject

lands. The Landscape Character Assessment of South Dublin County designates the lands as being in the 'Newcastle Lowlands Character Area'. This is listed as having a medium landscape sensitivity due to the vulnerability of the agricultural landscape to urban pressures. The subject lands are located in the east of the area within the Urban Fringe character type and outside the area described as an agricultural landscape.

- 9.10.3. During construction there is the potential to impact visually due to the introduction of new structures, impact character due to change of use, and potential visual impacts due to change in ground levels and earthworks. During operation, there is the potential for visual impacts due to new buildings, a change of character, visual impact of landscape proposals and impact due to trees and vegetation.
- 9.10.4. The mitigation measures have influenced the design of the scheme. Earth modelling and large tree planting is proposed to provide a high level of visual screening and the colour palette chosen aims to further reduce the visual impact.
- 9.10.5. Predicted impact during construction, through the conversion of the site from an agricultural field landscape to a building site, is likely to be perceived in the short term as a negative loss of landscape character particularly by sections of the local community. It would be considered moderate in magnitude and short term in its duration.
- 9.10.6. During operation the landscape measures proposed will improve the quality of the landscape due to the amount of native woodland, scrub and grassland habitats to be created. This will have a positive impact on the landscape character of the area and the wider environment of the canal and canal walks. In the long-term as the habitats establish, the impact of change in the landscape is reduced and the impact on the landscape character of this area would be considered positive in nature. The site is zoned for this type of development and there have been recent built developments of a larger scale in the local vicinity. In this context the proposal would be considered a continuation of the existing trend.
- 9.10.7. A Visual Impact Assessment including photomontages of the 'before' and 'after' are provided. The images include the data hall and the temporary generator location in both locations.

9.10.8. In the 'Do Nothing' scenario the northern section of the site would continue to be left in a 'transition state'.

9.10.9. I have considered all the documentation in respect of landscape and visual impact. I am satisfied that any potential impact would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of landscape and visual impact.

9.11. Traffic and Transport

9.11.1. Traffic and Transport is addressed in Chapter 13 of the EIAR. The methodology adopted is referred to which refers to the overall development of the campus. It is noted that the main access into the site is now from the Grange Castle Business Park. Access from the R120 is restricted to emergency use only.

9.11.2. Works under the Part 8 proposal of South Dublin County Council for the improvement of the R120 road are noted. Baseline data is provided.

9.11.3. Trip generation and traffic distribution is estimated for the full development. The potential impact of the trip generation, traffic impact, car parking, walking and cycling infrastructure and construction traffic are considered as well as the 'do nothing' scenario.

9.11.4. Mitigation includes the preparation of a Construction Management Plan during construction. During operation the Business Park offers suitable travel by sustainable modes which employees will be encouraged to avail of.

9.11.5. The predicted impact of the general workforce during construction of 100 – 120 is considered. It is considered that construction will have a negligible impact on pedestrian and cycle infrastructure. During operation it is considered that the proposal would have an impact of less than 1% at the R136 roundabout and less than 5% on the Grange Castle Business Park arm of the junction. It is not considered necessary to undertake any further junction assessment.

9.11.6. Mitigation includes preparation of a Construction Management Plan during construction and encouraging employees to avail of the sustainable modes of transport during operation.

9.11.7. I have considered all the documentation in relation to traffic and transport. I am satisfied that potential impacts have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of traffic and transport.

9.12. Cultural Heritage

9.12.1. Cultural Heritage is addressed in Chapter 14 of the EIAR. The methodology used applies to the full site. Desk based, site based and geophysical surveys of the site were carried out. Archaeological test excavations were undertaken. It is noted that the site formerly comprised of a scaffolding yard with concrete hardstanding and various light industrial buildings.

9.12.2. The receiving environment comprises a radius of 1.5km and is characterised by monuments dating to the medieval period. Excavations have uncovered a number of prehistoric sites.

9.12.3. Potential impacts on cultural heritage during construction include ground disturbance associated with the construction of the data hall and the ancillary developments. The operational phase will have no impact on archaeology or cultural heritage. Neither will the 'Do Nothing' scenario.

9.12.4. Mitigation measures include archaeological testing where ground disturbance works are planned. No remedial measures are required during operation.

9.12.5. It is possible that ground disturbance may impact on previously unrecorded subsurface features. No predicted impacts will occur during the operational phase.

9.12.6. I have considered all the documentation in respect of cultural heritage. I am satisfied that any potential impact would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not

have any unacceptable direct, indirect or cumulative impacts in terms of cultural heritage.

9.13. Waste Management

- 9.13.1. It is not anticipated that the facility will generate significant quantities of waste. The strategic targets for waste management are set out in the Eastern-Midlands Region Waste Management Plan 2015 – 2021. The South Dublin County Development Plan contains several objectives in relation to waste management.
- 9.13.2. A detailed Construction and Demolition Waste Management Plan (C&D WMP) has been prepared. It is expected that there will be very little spoil generated during this phase of development. Excavated material will be reused on site for infilling and landscaping works where possible.
- 9.13.3. During operations the proposal will give rise to a variety of waste streams. The majority of waste will be generated from packaging for equipment deliveries to the facility which is likely to be at its peak in the early months of operation. A Waste Generation Model has been used to estimate the quantities.
- 9.13.4. Mitigation include the implementation of the C&D WMP and correct management of waste during operation.
- 9.13.5. During construction phase the predicted impact is expected to be neutral, short-term and imperceptible. During operation this will be neutral, long-term and imperceptible.
- 9.13.6. Worst case scenario in construction and operation would represent poor waste storage and segregation and an increased volume of waste being sent for disposal at landfill.
- 9.13.7. I have considered all the documentation in respect of waste management. I am satisfied that any potential impact would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of waste management.

9.14. Other Material Assets

- 9.14.1. Assessment of Traffic and Waste have been addressed in section 9.12 and 9.13 above. Other material assets are generally considered to include: Ownership and access; Local settlement; Electricity supply; Transport; Water supply and sewerage; Waste; Telecommunications; Agriculture; Tourism and Natural Resources. Several of these have already been addressed in the EIAR.
- 9.14.2. Supply of telecommunications, water and sewerage are sufficient to serve the development. It is permitted to construct a temporary gas generator as a result of the limited capacity available on the electricity utility network in the area. The temporary plant will operate until such time as load demand can be accommodated on the electrical utility grid which is expected in 2019.
- 9.14.3. Mitigation measures proposed include the establishment of an interface between all the relevant service providers within the local area during the construction phase of the development.
- 9.14.4. The proposal will not have any significant impact on material assets including utilities and natural resources. The impact can be classed as long term and negligible with respect to material assets. While I consider that for Data Centres the power requirement is significant, the site has been designed for and the infrastructure developed (or in the process of being developed) for an industrial development of this nature.
- 9.14.5. I have considered all the documentation in respect of material assets. I am satisfied that any potential impact has been appropriately addressed in terms of the application. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of material assets.

9.15. Interrelations between the factors

- 9.15.1. I have also considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis.
- 9.15.2. In my assessment of each environmental topic I have considered the likelihood of significant effects arising as a consequence of interrelationships between factors.

Most interactions e.g. the impact of noise and air quality on the population and human health are addressed under individual topic headings. Given the generally modest impacts which are predicted to occur having regard to the nature of the proposed development, mitigation measures, or as a consequence of proposed conditions, I do not foresee any likelihood of any of these interrelationships giving rise to significant effects on the environment.

9.15.3. In conclusion, I am satisfied that there are no such effects and, therefore, nothing to prevent the granting of permission on the grounds of interaction between factors.

9.16. Reasoned Conclusions of Significant Effects

9.16.1. Having regard to the examination of the environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submission from the planning authority, prescribed bodies and appellant in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are 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.
- **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 the development of a Construction Environmental Management Plan.

I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

10.0 Appropriate Assessment

10.1.1. An Appropriate Assessment (AA) screening report prepared by Scott Cawley has been submitted by the applicant.

10.1.2. I follow the staged approach to screening for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government:-

1. Description of the plan or project and local site or plan area characteristics.
2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
3. Assessment of likely significant effects-direct, indirect and cumulative, undertaken on the basis of available information.
4. Screening statement with conclusions.

10.2. *Project Description and Site Characteristics*

10.2.1. The proposed development is as described in the report above and in the application submissions as revised.

10.2.2. Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives:

Four Natura Sites are identified as being within a 15km radius of the site. The sites are:

Site Code, Site Name and Designation	Approx. distance from the site	Conservation Objectives; Qualifying Habitats and Species	Relevant source-pathway-receptor links between proposed development and European site?
001398 Rye Valley/Carton SAC	c.4.4km north-west	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. Petrifying springs with Tufa formation; Narrow-mouthed Whorl snail; Desmoulin's Whorl Snail	This SAC lies c.4km upstream of the site. It is within a separate river sub basin to the development. Therefore it is deemed very unlikely that the proposal would impact on the SAC in anyway
001209	c.9.7km south	To maintain or restore the	No, Due to distance and the

Site Code, Site Name and Designation	Approx. distance from the site	Conservation Objectives; Qualifying Habitats and Species	Relevant source-pathway- receptor links between proposed development and European site?
Glenasmole Valley SAC		favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. Semi-natural dry grasslands and scrublands facies on calcareous substrates; Molinia meadows on calcareous, peaty or clayey- silt-laden soils; Petrifying springs with Tufa formation	absence of a hydrological link or any other linkage between the site and the SAC.
002122 Wicklow Mountains SAC	11.5km south	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) Natural dystrophic lakes and ponds Northern Atlantic wet heaths with <i>Erica tetralix</i> European dry heaths Alpine and Boreal heaths Calaminarian grasslands of the <i>Violetalia calaminariae</i> Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) Blanket bogs (* if active bog) Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) Calcareous rocky slopes with chasmophytic vegetation Siliceous rocky slopes with chasmophytic vegetation Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles	No, Due to distance and the absence of a hydrological link or any other linkage between the site and the SAC.
004040 Wicklow	14.5km south	To maintain or restore the favourable conservation	No, Due to distance and the absence of a hydrological

Site Code, Site Name and Designation	Approx. distance from the site	Conservation Objectives; Qualifying Habitats and Species	Relevant source-pathway-receptor links between proposed development and European site?
Mountains SPA		<p>condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Merlin (<i>Falco columbarius</i>) Peregrine (<i>Falco peregrinus</i>)</p>	link or any other linkage between the site and the SAC.

10.3. *Assessment of likely Effects*

10.3.1. The applicant’s Screening Report identifies if there are possible impacts on the European sites based on the source-pathway-receptor approach. Direct effects are ruled out because the site is substantially removed from all the Natura 2000 sites in the area and I consider this to be reasonable given the distances involved. There is no hydrological or other links identified.

10.3.2. The proposed development will not have any significant impacts, direct or indirect, on the qualifying species or habitats of the Natura 2000 sites listed above.

10.3.3. In terms of cumulative impacts, the site is located on appropriately zoned lands and, taken in the context with existing development, is not considered to result in likely significant cumulative effects.

10.4. *Screening Statement and Conclusions*

10.4.1. In conclusion having regard to the foregoing, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

11.0 Recommendation

11.1.1. I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

12.0 Reasons and Considerations

Having regard to:

- The written submission made in respect of the application
- The established nature of Grange Castle Business Park
- The parent permission and data halls currently under construction
- 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 and would be acceptable in terms of traffic safety. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

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.

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 the development 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 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 traffic safety.

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

13.0 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 agreement.

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. (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.

6. 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.

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 is to 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. Prior to the commencement of development on site, a Construction Environmental Management Plan shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of orderly development, the environment and public health.

10. 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.

11. 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.

12. 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.

13. 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.

Ciara Kellett
Inspectorate

8th June 2018