



An
Bord
Pleanála

Inspector's Report ABP-305447-19

Development	Secure fencing and gates to perimeter of site plus associated site development works.
Location	4027 & 4029, Citywest Avenue, Citywest Business Park, Dublin 24
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD19A/0215
Applicant	BT Communications Ireland Ltd.
Type of Application	Planning Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant	BT Communications Ireland Ltd.
Date of Site Inspection	16 th , December 2019
Inspector	Paddy Keogh

1.0 Site Location and Description

- 1.1. The site of the proposed development which has a stated area of 1.659 ha. is located on a prominent corner site (adjoining a roundabout) at the junction of Citywest Avenue and Kingswood Road in Citywest Business Park.
- 1.2. The site contains an existing two-storey light industrial building occupied by BT Communications Ireland Ltd. The the overall development of Citywest Business Park is on-going. The appeal site, in common with many other units at Citywest, is an attractive modern building set in an attractively landscaped setting that combines semi-mature trees and areas of artificial mounding.

2.0 Proposed Development

- 2.1.1. The proposed development is described in the submitted public notices as an application for planning permission for new secure fencing and gates to perimeter of site plus associated site development works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of a decision to refuse planning permission for the proposed development was issued by the planning authority per Order dated 29th, August 2019. The single reason for refusal was as follows:

The South Dublin County Development Plan 2016 – 2022 sets out ‘Key principles for development within enterprise and employment zones’ and cites issues as they relate to Open Space and Landscape, namely:

- *Developments within Business Parks maintain and promote a parkland like setting with high Quality Landscaping.*
- *Natural buffer zones and defensive planting are used to define private open space and the use of fencing to the front of the building minimised. Where fences interface with the public domain they should be of a high quality and incorporate elements of landscaping for screening.*

The context of the application site and Citywest Business Park is of units set in attractive open parkland with extensive landscaping and unfenced enclosures. The proposed fencing is extensive rather than minimised and

not of high quality and does not incorporate elements of landscaping for screening.

Having regard to this, and the key principles above, the proposed fencing would (a) contravene Council policy relating to the key principles, (b) be a visual aberration in the context of the surrounding area and (c) be obtrusive and set an undesirable precedent for the area. Thus, the proposed development would seriously injure the amenities of property in the vicinity and be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

A report from the planning authority Senior Planner dated 29th, August 2019 includes:

- The subject site is zoned 'EE' in the South Dublin Development Plan 2016 - 2022 ('the Development Plan'). The objective of this zoning is 'To provide for Enterprise and Employment related uses'.
- The proposed development does not comply with policies as set out in the Development Plan (see Table 11.18 'Key principles for development within enterprise and employment zones'; ET3 Objective 5 'To ensure that all Business Parks and industrial area are designed to the highest architectural and landscaping standards...'; HCL15 Objective 3 'To protect existing trees, hedgerows and woodlands which are of amenity and biodiversity value and/or contribute to landscape character...' etc.) and is not deemed to be suitable for the site.
- The proposed fencing is 2.4 m. high and the overall design of the fencing and gate structure is not in keeping with Development Plan policy and zoning objectives.
- The context of the site within Citywest Business Park is of units set in open parkland with extensive landscaping and unfenced enclosures. The proposed fencing would be a visual aberration in this context and would be obtrusive and set an undesirable precedent for the area. The proposed fencing is

extensive rather than minimised and not of high quality and does not incorporate elements of landscaping for screening.

- Concerns of the Parks Department in relation to the proposed fencing are noted.

The decision of the planning authority reflects the recommendation of the Senior Planner.

3.2.2. Other Technical Reports

Water Services Department – Report dated 7th, August 2019 indicates no objection to the proposed development.

Roads Department – Report dated 5th, July 2019 indicates no objection to the proposed development.

Parks Department – report dated 14th, July 2019 expresses concerns in relation to a number of aspects of the proposed development viz. (i) the erection of a 2.4 m high green fence to encompass the perimeter of the site is not considered to be a suitable installation and will detract from significant amenity views in the local area, (ii) the proposed fence enters the root zone of existing trees. No details of protection measures for existing trees have been submitted. The Report recommends conditions (including the lodgement of a tree bond) to be attached to any grant of planning permission that may issue from the planning authority.

4.0 Planning History

Subject Site:

Reg. Ref. S00A/0357 - Planning permission granted by the planning authority for a development consisting of an advanced facility including two-storey offices for industrial and related uses, with provision for sub-division into two units, ESB sub-station and associated site development works with access from new interchange.

Reg. Ref. S00A/0730 – Planning permission granted by the planning authority for the construction of a mezzanine floor over the production warehouse area, amendments to facades, construction of service yard, wall and gates, plant and equipment

housing, ESB switch and transformer rooms, relocation of entrance to site northwards and signage.

5.0 Policy Context

5.1. South Dublin County Council Development Plan 2016-2022 ('the Development Plan')

5.1.1. The site of the proposed development is zoned 'EE' in the Development Plan. The stated objective of this zoning is 'To provide for enterprise and employment related uses'.

5.1.2. Policy ET3 Objective 5 seeks:

To ensure that all Business Parks and Industrial areas are designed to the highest architectural and landscaping standards and that natural site features, such as watercourses, trees and hedgerows are retained and enhanced as an integral part of the scheme.

5.1.3. Policy G2 Objective 2 seeks:

To protect and enhance the biodiversity value and ecological function of Green Infrastructure network.

5.1.4. Policy G2 Objective 2 seeks:

To preserve, protect and augment trees, groups of trees, woodlands and hedgerows within the County.

5.1.5. **Section 11.2.5** states that a Design Statement accompanying development proposals in Enterprise and Employment ('EE') zones should address the criteria set out in Table 11.18

5.1.6. **Table 11.18** lists a schedule of criteria under headings including 'Access & Movement', 'Open Space & Landscape' and 'Built Form and Corporate Identity' geared towards providing for a high standard of design, finish and landscaping for new industrial area and for the upgrading of existing industrial areas.

5.2. Natural Heritage Designations

- 5.2.1. Glenasmole Valley Special Area of Conservation (SAC) (Site Code 001209) is c. 8km south of the site.
- 5.2.2. Wicklow Mountain SAC (Site Code 002122) is c. 10 km south-east of the site.
- 5.2.3. Wicklow Mountain SPA (Site Code 004040) is c. 10 km south-east of the site.
- 5.2.4. South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) is c. 16 km. to the east of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The submitted grounds of appeal include:
 - The Architect agents for the proposed development have been involved in two other development for data centres within Citywest Business Park. (Reg. Ref, SD18A/0301 (150m from the appeal site) and SD17A/0441 (for KDCR (Ireland) Ltd.). Planning permission for perimeter fences was granted by the planning authority in both these cases.
 - The Manager's Order in respect of SD17A/0441 stated 'There are semi-mature trees in the grass margin to the roadside. In addition, there is an existing berm located immediately inside the roadside. Given the location and positioning of the existing trees and the berm, the proposed boundary

treatments are considered acceptable in principle, subject to the condition that the applicant submit a detailed landscape masterplan prior to commencing'.

- It is incorrect of the planning authority to state that the proposed development does not incorporate elements of landscaping and screening.
- The Citywest Avenue boundary of the appeal site has a 1.5m soft margin with a line of trees, a pedestrian and cycle path and then a naturally shaped mound which is grassed and planted with specimen trees. The proposed fence along this southern boundary is behind the mound and starts approximately 9 metres back from the road kerb at the KDCR boundary. The fence will be further screened with a 2.0 m. high hedge to be planted on the public road side of the fence. The natural mound widens to c. 18 m. at the corner of Citywest Avenue and Kingswood Road which will offer greater screening to the proposed fence. Therefore, it is proposed to drop the hedge to 1.5 m. in this area.
- The initial section of Kingswood Road, from the roundabout as far as the vehicular entrance to the subject site, has a similar aspect as that along Citywest Avenue and will be treated in a similar fashion.
- There is limited space for a mound along the latter section of Kingswood Road. Nonetheless, there is still a strong line of trees in the soft margin and the fence will be screened with a 2.0 m. high hedge on the public road side. This treatment is similar to the fence and screen hedge approved on the adjoining KDCR site under Reg. Ref. SD17A/0441.
- Data Centre business has evolved considerably since the building was built in the late 1990's and security is now a paramount concern. The enhanced security to be provided by the proposed fence has become a critical aspect of their strategy for the next 15 years and has become a mandatory requirement for the sustainability of the established business.
- KDCR and BT Communications are competitors. The presence of a fence (versus the lack of a fence) places KDCR at a significant commercial and competitive advantage.

- The risk of data breaches may lead to BT Communications reviewing their position in the Irish market with regrettable consequences in terms of employment.
- The applicant's concerns are detailed in a letter from the Head of Data Centre and Security Management at BT Communications Ireland Ltd.
- The proposed fencing is to the same specification as that permitted under SD17A/0441 for KDCR.
- The proposed development incorporates elements of landscaping and screening as required under Development Plan policy.
- The appellant contends that the proposed fence and screen hedging is in keeping with the surrounding area and will not be a visual aberration.
- The Board are urged to grant planning permission for the proposed development on the basis of OPTION 1 as originally proposed. However, details of an alternative OPTION 2 (alternative route for a portion of the fence) accompany the submitted grounds of appeal. The appellant would accept a grant of planning permission based on OPTION 2. However, the latter alternative is sub-optimal from the appellant's point of view in that OPTION 2 will result in maximizing the public domain at the cost of effectively reducing the appellants site and the future development potential of a portion of the appellant's site.

6.2. Planning Authority Response

- 6.2.1. A submission from the planning authority per letter dated 26th, September 2019 states that the planning authority confirms its decision and the issues raised in the appeal have been covered in the Planner's Report.

7.0 Assessment

- 7.1.1. The main issues of this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Visual Amenity
- Appropriate Assessment

7.2. Visual Amenity

- 7.2.1. The planning authority's single reason for refusal of the proposed development relates essentially to the perceived adverse impact of the proposed development on the visual amenities of the area. The reason for refusal cites Development Plan policy set out at ET3 Objective (development in Business Parks should be to a high standard of design and landscaping) and criteria listed in Table 11.18 (*'Key principles for development within enterprise and employment zones'*). The reason concludes that the proposed development by reason of its design and lack of landscaping would be visually obtrusive, a visual aberration at this location and set an undesirable precedent for similar development within the business Park.
- 7.2.2. The submitted grounds of appeal highlight the increasing importance of security to the successful management and operation of Data Centres. (A letter from the Head of Data Centre and Security Management accompanies the submitted grounds of appeal).
- 7.2.3. The grounds of appeal contend that the decision of the planning authority failed to have due regard to the landscaping proposal included in the application submitted to the planning authority viz. hedges (between 1.5 and 2m. in height) will be grown in front of the proposed 2.4 m. high green paladin (post and mesh) fence. It is submitted that subject to such landscaping the proposed development will not adversely impact on the visual amenities of the area. The grounds of appeal point out that a similar fence has been permitted by the planning authority (Reg. Ref. SD17A/0441) on the immediately adjoining site to the west of the appeal site also a Data Centre (KDCR (Ireland) Ltd.= Unit 4033).
- 7.2.4. Citywest Business Park is still in the process of development. However, a large number of units have been completed and are now occupied. It is evident when travelling through the Business Park that considerable attention to detail has been given to ensuring a high standard of landscaping of individual sites and the open spaces within the overall development. Trees on and surrounding the BT

Communications site are now semi-mature and green spaces (including artificially created mounds) are neatly maintained. This attests to the success of the planning authority in ensuring compliance with Development Plan policies and objectives geared towards to achievement and maintenance of a high quality of design and landscaping within the Business Park. Many of these policies and objectives have been cited in the report from the planning authority Senior Planner on the current application (e.g. Policy ET3 Objective 5 and the criteria as set out in Table 11.18).

- 7.2.5. In this context, I consider that development should not be permitted that would undermine the high standards of design and landscaping that have been achieved throughout the Business Park to date. Nonetheless, as has been pointed out in the submitted grounds of appeal, security fences have been permitted elsewhere in the Business Park notably on the adjoining site to the west of the appeal site. The security fence on the adjoining site is of a similar design to that currently being proposed. I acknowledge the fact that the appeal site occupies a more visually prominent corner site (corner of Citywest Avenue and Kingswood Road) in the context of the overall Business Park than the adjoining site to the west. Nonetheless, I consider that, subject to satisfactory landscaping, the proposed security fence and landscaping (screen hedge to the front) can be assimilated into the site without undue injury to the visual amenities of the area.
- 7.2.6. The grounds of appeal point out that the proposed section of fence along this southern boundary will be located behind a mound and starts approximately 9 metres back from the road kerb at the KDCR boundary. This section of fence will be further screened with a 2.0 m. high hedge to be planted on the public road side of the fence. The mound widens to c. 18 m. at the corner of Citywest Avenue and Kingswood Road which will offer greater setback and screening to the proposed fence. Therefore, it is proposed to drop the hedge to 1.5 m. in this area. On balance, I consider that the analysis presented by the appellant in relation to this section of fence is reasonable.
- 7.2.7. The grounds of appeal point out that there is limited space for a mound along the northern section of eastern boundary of the site onto Kingswood Road. It is argued that there is still a strong line of trees in the soft margin and the fence will be screened with a 2.0 m. high hedge on the public road side (similar to the fence and screen hedge approved on the adjoining KDCR site under Reg. Ref. SD17A/0441). I

consider that this section of proposed fence will be the most problematic in terms of its visual impact in light of the attractive character of this location which currently contains attractive semi-mature trees. The submitted grounds of appeal are accompanied by details of possible revisions to (the setting back of) the proposed section of fence at this location (Option 2). This option will leave a portion of the applicant's site outside the proposed fence. The applicant would prefer to construct the fence as originally proposed (Option 1) on the grounds that Option 2 might restrict the future development potential of the applicant's site. On balance, I consider that the revisions proposed under Option 2 will significantly reduce the visual impact of the proposed development at this location. I consider that the construction and landscaping of the proposed fence per Option 2 would accommodate the security needs of the Data Centre without undue injury to the visual amenities of the area. Accordingly, I consider that planning permission for the proposed fence should be granted on the basis of Option 2. This option does not affect the applicant's tenure of their site or preclude the applicant from making future planning applications for development on their site. Any future proposal can be determined on its merits having regard to the visual impact of any such proposals.

7.2.8. Finally, I note that while the report from the planning authority Parks Department dated 14th, July 2019 expresses concerns in relation to the visual impact of the proposed fence and the potential for damage to the roots of existing trees the report does not recommend that planning permission for the proposed be refused.

7.2.9. The proposed development does not attract a S.48 (*Planning & Development Act, 2000*) financial contribution under the terms of the current South Dublin County Council Development Contribution Scheme.

7.3. **Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission for the proposed development be granted for the reasons and considerations and subject to the conditions as set out below.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development and to the existing character and pattern of development in the vicinity of the site it is considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the visual amenities of the area by reason of visual obtrusiveness, would be generally in accordance with policies and objectives of the South Dublin County Council Development Plan 2016 – 2022 in relation to the protection of amenity including ‘Key principles’ for development within lands zoned for Enterprise & Employment lands set out in Table 11.18 of the said plan and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

- (1) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars accompanying the grounds of appeal received by An Bord Pleanála on 13th, September 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- (2) The proposed fence shall be erected in accordance with ‘OPTION 2 (ROUTE C to E)’ as shown on Drg. No. AB 0110/2 Rev: B accompanying the submitted grounds of appeal received by An Bord Pleanála on 13th, September 2019.

Reason: In the interest of clarity and in the interest of visual amenity.

- (3) The fence shall be landscaped in accordance with the scheme of landscaping indicated on the plans and particulars lodged with the planning application and as amended by the submitted grounds of appeal received by An Bord Pleanála on 13th, September 2019 in respect of the amendments in accordance with 'OPTION 2 (ROUTE C to E) as required by condition No. 2 of this grant of planning permission. Any planting that fails within 5 years of the date of planting shall be replaced by similar hedge species.

Reason: In the interest of visual amenity.

- (4) Prior to the commencement a Method Statement in relation to the construction of all spot foundations associated with the construction of the proposed fence shall be submitted to and agreed in writing with the planning authority.

Reason: In order to prevent damage to the roots of existing mature and semi-mature trees on the site in the interests of amenity.

Paddy Keogh
Planning Inspector

17th December 2019