



An
Bord
Pleanála

Inspector's Report ABP-317918-23

Development	The change of use from warehouse to data repository facility and all associated site works.
Location	Unit 1, M50 Business Park, Ballymount Avenue, Dublin 12.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD22A/0460
Applicant(s)	Creighton Properties LLC.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party versus decision.
Appellant(s)	John Conway and Louth Environmental Group.
Observer(s)	None.
Date of Site Inspection	29 October 2024.
Inspector	Stephen Rhys Thomas.

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Appendix 1 EIA Pre-Screening

Appendix 2 EIA Screening Determination

1.0 Site Location and Description

- 1.1. The site is located in the M50 Business Park in the Ballymount area of South Dublin Council. The business park is located to the east of the M50 and accessed from junction 10 of the motorway via the Calmount Road. The site can be readily access from numerous other roads in the general vicinity. The business park comprises a number of large warehouse type buildings set out around a central access road. The appeal site is located at the entrance to the park and backs onto the Calmount Road and Ballymount Road Upper. The site boundaries are well landscaped with mature trees and shrubs and a stout security fence, with two existing vehicular gateway entrances along the internal business park road. The site interior comprises yard space, car parking and wide landscaped margins. The warehouse building is well maintained and the character of the area is similarly maintained to a good standard with large buildings of a commercial, storage and industrial nature.

2.0 Proposed Development

- 2.1. The applicant proposes to change the use of the existing building from a warehouse to a data repository facility on a site of 0.8915 Hectares, the detail of works are as follows:

- Alterations to external facades,
- provision of a new 1100mm parapet,
- reclad roof,
- internal alterations,
- refurbishment of the existing office space,
- solar panels at roof level, 136 sqm total surface area, located over the office component of the existing building
- external plant at ground and roof levels and equipment to include 12 condenser modules, condenser modules are located adjacent to the western and southern sides of the building.

- an emergency back-up generator and associated fuel storage tank, located at the north wester corner of the existing building.
- transformer, located at the north wester corner of the existing building.
- extension to the existing sub-station (c. 13sq.m), located at the north eastern corner of the site.
- 2 sprinkler tanks and pumphouse, located adjacent to the north eastern side of the building.
- 22 parking spaces including 2 electrical vehicle charging points and two disability spaces,
- bicycle parking shelter and bin store located on the northern eastern boundary,
- landscaping, planting and new security fence,
- external lighting and CCTV,
- altered vehicular gates, two existing entrance ways.
- permeable hard surfaces,
- alterations to internal foul sewerage and water supply networks,
- provision of SUDs compliant surface water drainage system

2.2. Further Information Received: 16 May 2023

- 2.2.1. The information submitted did not alter the scope and design of that already proposed.

2.3. Clarification of Further Information Received: 07 Jul 2023

- 2.3.1. The information submitted did not alter the scope and design of that already proposed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority issued a notification to grant permission subject to 17 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis for the planning authority's decision can be summarised as follows:

Report 1

- In terms of land use policy, the applicant should submit further information to determine the difference between data centre and data repository facility.
- Power supply arrangements should be clarified.
- Solar panels, though supported by the development plan, impact on aircraft safety should be assessed.
- No significant visual impact from the proposed development.
- Office use as part of the overall development, acceptable.
- In terms of the City Edge Strategic Framework, the proposed landscape plans are acceptable.
- Further information is required with respect to landscaping matters and development plan green and public realm objectives.
- Information that concern footpaths, dropped kerbs and turning requirements for emergency vehicles is required.
- An EIAR and NIS are not required.

In accordance with the Planner's recommendation, further information was requested to address the matters above.

Report 2

- Public Section require clarification of further information (report not found oon file)
- Roads section require clarification of further information with regard to fire access to the rear of the building.

Report 3

- All matters relating to clarification of further information have been addressed, permission recommend.

3.2.2. Other Technical Reports

- Roads Department – further information and clarification of further information required and conditions recommended.
- Water Services – no objections.
- EHO – no objections.
- Parks – *report referred to Planner's Report, further information required.

3.2.3. Conditions

Conditions 1 and 2 refer to what permission has been granted for. Other notable conditions that require details to be agreed include:

- Landscaping, conditions 3, 4, 5 and 7
- Surface Water, conditions 6 and 10
- Roads and Parking, condition 8
- Glint and Glare Assessment, condition 11
- Construction phase, conditions 14, 15 and 16

Conditions 9, 12, 13 and 17 are standard conditions that relate to Uisce Éireann, roof plant, signage and development contribution respectively.

3.3. Prescribed Bodies

Uisce Éireann – no objections.

3.4. Third Party Observations

- 3.4.1. A single submission was received, the matters raised in the submission are similar to the grounds of appeal. In summary the issues relate to development plan compliance, electricity supply, environmental impact assessment (an EIAR is required), climate action and that an NIS is required.

4.0 Planning History

4.1. Site

- 4.1.1. PA ref: SD22A/0010 Permission for the change of use of an existing office and workshop area (c. 83.8sq.m) at ground floor level to a storage area
- 4.1.2. PA ref: SD21A/0008 Permission for a change of use of c.12.25sq.m of floorspace within the existing warehouse building on site, from warehouse use to use for the temporary storage of shredded electrical & electronic equipment and components.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The South Dublin County Council Development Plan 2022-2028 is the operative statutory plan for the area, the site is subject to zoning objective: 'EE' - 'To provide for Enterprise and Employment Related Uses'. Warehousing, Science and Technology Based Enterprises, Office-Based Industry and Office less than 100 sq.m are all permitted in principle under this zoning objective. Offices 100 – 1,000 sq.m and Offices over 1,000 sq.m are open for consideration under this zoning objective. According to a Ministerial Directive dated 18 November 2022, Data Centres are open for consideration under the 'EE' zoning objective. Part (1)(b) of that direction refers, as follows:

Amend the land use zoning objectives in tables 12.4, 12.8 and 12.10 to reinstate data centre use class as an 'open for consideration' use class in the REGEN, Enterprise and Employment (EE) and Major Retail Centre (MRC) zoning objectives.

- 5.1.2. Other relevant policies and objectives include:

Section 1.8 Climate Action

Policy CA1: Climate Action (CA)

To support the implementation of International and National objectives on climate action including the Climate Action and Low Carbon Development Acts (and any amending legislation), the 'Climate Action Plan 2021' (and any updated Plans) and ensure that South Dublin's Climate Change Action Plan and County Development Plan are aligned.

Section 2.6 Core Strategy

Policy CS2: City Edge Regeneration Lands Deliver a development framework for the regeneration of the City Edge lands in conjunction with Dublin City Council which underpins the strategic aims of the National Planning Framework and Regional Spatial and Economic Strategy

CS5 Objective 2 To ensure that, insofar as possible, space extensive enterprise is located on lands which are outside the M50 and which do not compromise labour intensive opportunities on zoned lands adjacent to public transport.

Section 9.3 Space Extensive Land Use

Certain types of development are particularly land hungry. Typically, these land use types have lower employment opportunity although it is recognised that there may be potential to add value as promoted in objective EDE5 Objective 4 above. Space extensive enterprise should not compete for lands which are more suitable for labour intensive enterprise by reason of their location adjacent to public transport nodes or within existing built up, compact growth areas. Alongside warehousing, data centres are one of the most space extensive land use types in the County. Dublin is one of the fastest growing data centre markets in Europe with a significant element of this growth in South Dublin County. It is recognised that the requirement for data centres is increasing with social and technology needs such as 5G, smart cities and artificial intelligence. Technology is constantly evolving with Cloud computing now shifting to Edge computing and a need for smaller data centres closer to cities and end users.

Space extensive land uses generally have a higher carbon footprint, whether because of transport related uses or the large amounts of energy demanded by them. The Development Plan will encourage, through its policies, high energy users to demonstrate ways to reduce or negate reliance on fossil fuels and to redistribute energy for other end users where such potential exists.

Policy EDE7: Space Extensive Land Use Recognise the need for land extensive uses and ensure that they are located within appropriate locations having regard to infrastructural, transport and environmental considerations and the need for orderly growth.

EDE7 Objective 1: To ensure that, insofar as possible, space extensive enterprise is located on lands which are outside the M50 and which do not compromise labour intensive opportunities on zoned lands adjacent to public transport.

EDE7 Objective 2: To require that space extensive enterprise demonstrates the following:

- The appropriateness of the site for the proposed use having regard to EDE7 Objective 1;
- Strong energy efficiency measures to reduce their carbon footprint in support of national targets towards a net zero carbon economy, including renewable energy generation;
- Maximise on site renewable energy generation to ensure as far as possible 100% powered by renewable energy, where on site demand cannot be met in this way, provide evidence of engagement with power purchase agreements in Ireland (PPA);
- Sufficient capacity within the relevant water, wastewater and electricity network to accommodate the use proposed;
- Measures to support the just transition to a circular economy;
- Measures to facilitate district heating or heat networks where excess heat is produced; A high-quality design approach to buildings which reduces the massing and visual impact;
- A comprehensive understanding of employment once operational;

- A comprehensive understanding of levels of traffic to and from the site at construction and operation stage;
- Provide evidence of sign up to the Climate Neutral Data Centre Pact.

5.2. **National Policy**

Climate Action Plan 2024

Climate Action Plan (CAP) 2024 builds upon CAP 2023 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings. The Plan provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and reach net zero by no later than 2050, as committed to in the Climate Action and Low Carbon Development (Amendment) Act 2021. The County Development has been written in the context of the CAP 2021 and its implementation will be in accordance with subsequent CAP publications.

5.3. **Natural Heritage Designations**

- 5.3.1. There are no designated sites in the immediate vicinity of the appeal site.

5.4. **EIA Screening**

- 5.4.1. EIAR not required, appendices 1 and 2 refer.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. The third party appeal can be summarised as follows:
- The development should have an EIAR, given the energy intensive nature of the project. An EIA screening exercise was carried out but the request for an EIAR from an internal department was ignored. Concern is expressed about the environmental impact of data centres/repositories in general and in this area, national grid worries are expressed and permission should be refused because an EIAR was not prepared to address the following issues:

- The high electricity consumption of data centres. During a climate emergency, and that this data centre will burn gas.
 - There are too many data centres in the Dublin area.
 - Demand for energy from data centres will amount to 27% in 2029, this effects the national target of 70% from renewables.
 - Ireland will continue to miss targets and face carbon emission fines.
 - Data centres emit a significant proportion of carbon emissions, 2.2% of national emissions by 2025.
 - Renewables have not been able to keep ahead of demand.
 - The development is contrary to proper planning and sustainable development.
- The development materially contravenes CS5 Objective 2, Policy EDE7 Objective 1 and 2 of the development plan. The site for the data centre development is inside the M50 and permission should be refused. The development is considered to be a data centre and materially contravenes the plan for the following reasons:
 - Data centres should be located outside the M50, even if they are considered to be 'open for consideration'.
 - Warehouse and data centre are different use classes. As the development is for a change of use to data repository facility, the previous use should not be referenced and demonstrates that development will take place.
 - The development provides 22 workstations in a building of 3,500 sqm, given that the site is located inside the M50 more job intensive uses should be prioritised.
 - It is stated that the development will have no adverse environmental effect in the EIAR, but no EIAR was submitted with the application.

6.2. Applicant Response

6.2.1. The applicant prepared a response to the appeal and can be summarised as follows:

Part A

- An EIA Screening Report was prepared in accordance with guidelines, and Schedule 7A of the regulations. The development is not of a type that requires a mandatory EIAR and falls below the threshold for infrastructure projects. The EIA Screening Report concluded that there is no likelihood of significant effects on the environment arising from the proposed development. The Parks Department refer to the need for an EIAR, but the Planner considered AA and EIA screening and concluded an EIAR was not necessary. Direct, indirect and cumulative effects have been taken into account in section 5.11 of the EIA Screening Report.
- The development will not employ gas fired generators on site, electricity will be sourced from the grid or from a back-up generator when required. Greenhouse gas emissions and Emission Trading Scheme, the project is not significant in terms of Ireland's national annual carbon dioxide emissions. The applicant sources their energy from almost entirely renewable sources. The proposed development is a low energy user, and a low CO2 emitter.
- Data centres are open for consideration in the EE zoning, the report of the OPR and the Minister's Direction are noted.
- The CAP strategy is to increase renewable energy and emission targets are a matter of policy not project specific. It is not the Boards remit to assess if a national policy has been effective when considering individual projects. The applicant hopes to be net zero by 2040, ten years ahead of the Paris climate agreement.

Part B

- The planning authority did not consider the development to materially contravene their own development plan in relation to accessibility, and the lands should not be considered as suitable for high intensity users, CS5 Objective 2 and EDE 7 Objective 1 refer.
- EDE 7 Objective 2, the site is not close to a high frequency public transport system.

- The employment levels are on a par with the existing warehouse use and elsewhere in the surrounding area.
- The difference between data centre and data repository facility are explained in section 2.2.1 of the further information response. Data centres allow instantaneous access to data whilst material must be required from archive at a data repository facility, this requires less energy.
- The employment potential of the proposed development matches other existing development in the area and accords with the employment policies and objectives in the development plan.

6.2.2. The applicant goes on to address other issues raised in the third party's observations on the initial planning application and can be summarised as follows:

- It is not necessary to notify the Commission for Regulation of Utilities for the development proposed. Existing supply infrastructure will be used and loads will not exceed a total peak power demand of 1.3MW, as per the existing connection agreement with ESB. The development falls below the threshold for Eirgrid's Data Centre Connection offer process.
- An AA Screening Report concluded an NIS was not necessary, the planning authority agreed.
- Water demand for the development amounts to 1,100 litres per day, the existing daily permitted water demand is 1,200 litres per day, this is far below the third party's assumption of 1 million litres per day demand. No water service issues were raised by the planning authority or Irish Water.
- Eirgrid plan for power outages and balance as necessary, there is no evidence presented to state that data centres cause power outages. As a low energy user, the data repository facility cannot be compared to a data centre in terms of energy use.

6.3. Planning Authority Response

6.3.1. The planning authority confirm their decision to grant permission, and the issues raised in the appeal have been addressed in the Chief Executive's Order.

6.4. Observations

6.4.1. None.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The planning authority issued a notification to grant permission. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, having inspected the site, and having regard to the relevant policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Environmental Impact of the Development
- Land Use Zoning
- Conditions
- Other Matters

7.2. Environmental Impact of the Development

7.2.1. The appellant's principal concern is that the applicant should have prepared an Environmental Impact Assessment Report (EIAR), I address this matter under section 5.4 and appendices 1 and 2 of my report. In summary, the appellant has wide ranging concerns about the environmental impact created by data centres and their proliferation, energy consumption and the danger to Ireland's inability to meet emission targets. All of these concerns hinge on the notion that the proposed development is for a data centre, known for their high energy usage, which the applicant maintains that it is not. The planning authority sought further information in order to ascertain the nature of the development as a data repository facility, how it differs from a conventional data centre and its associated energy usage. The planning authority accepted the applicant's documentation and were satisfied that the development was not in the same category as a data centre in terms of its characteristics and specifically energy use.

7.2.2. For clarity, the applicant proposes to use an existing storage and ancillary office building for the purposes of a data repository. According to the applicant's response to the planning authority's request for further information, a data repository differs from a data centre in a number of ways. Primarily, access to data is limited and not continuous as it is for data centres. Taped media will be stored on site within a

controlled environment and limited access provided to clients, at less cost and less energy use. The applicant likens the storage of taped media to that of any other type of product stored within a warehouse, as is already the case now. I note the difference between data centre and data repository as it is described by the applicant. Specifically, the applicant provides a connection agreement between ESB Networks and the eventual client, it details a maximum import capacity of 1700kVA and that no special requirements are necessary, all other information is redacted. It is understood that a reduction in power requirement will be sought and that the maximum design peak power demand stands at 1.3MW, and this may not be required when operational. From the statistics provided by the applicant data stored on tape as opposed to continuously run servers has significant energy savings and reductions in carbon emissions.

- 7.2.3. In terms of the actual physical characteristics of the storage methodology, it is explained that taped media will be assembled in two libraries, drawing number J2139-KTA-22-XX-DR-A-2004 refers. Tape media drives are stored in racks similar to server racks. The racks are arranged in rows and within a temperature and humidity controlled environment, facilitated by the new plant and equipment assembled around the exterior of the building.
- 7.2.4. The applicant prepared an Energy Statement in which it is explained that the future users of the facility have high aspirations for reducing energy use and meeting climate targets. These aims would meet the policies and objectives set out in the county development plan. Section 2 of the energy statement sets out in detail the electrical design elements of the facility. The development will avail of existing connection infrastructure, namely a medium voltage substation adjacent to the site and drawing a total peak demand of 1.3 MW. Power will be sourced from renewable sources as far as is possible. A single containerised diesel powered back-up generator will be deployed on the site, to be used during power outages and run periodically for maintenance purposes. Low energy lighting will be used throughout the site. Section 3 explains that the taped media will be stored within a humidity and temperature controlled environment. This will entail the use of water for humidification at an annual usage of 100m³ and that energy efficient fans will be used. In terms of office accommodation and the overall building envelope, a nearly

zero energy building is aimed for and a PV array will serve the office, lighting and other general services.

- 7.2.5. At the beginning of this section of my report and within the appendices, I explained that the proposed development avoids the requirement to prepare an EIAR. With reference to the appellant's broader concerns about the nature of the proposed development and its impact upon the environment, climate change and meeting emission targets, I find the appellant's contentions and fears to be largely unfounded. This is because the proposed development is not a 'data centre' in the conventional sense and the information advanced by the applicant within the original material submitted during the planning application process confirms this to be the case. Viewing the proposed development in terms of its impact upon climate change and adversely impacting emission targets, I am not satisfied that this case is very much different from any other storage (cold or ambient) activity that would be undertaken at this particular location. The proposed development will not demand any more energy than that has already been planned for in terms of the existing service infrastructure, correspondence from Uisce Éireann and ESB Networks confirms this. I note the appellant's concerns and at first glance the proposed development would appear to resemble a conventional data centre. However, I am satisfied that the planning authority undertook the necessary investigative steps to ascertain the true nature of development and I have read and digested all the material produced by the applicant. I reach the same conclusion as the planning authority and anticipate that the proposed development will consume similar amounts of energy and water as any other storage facility and I am satisfied that the decision of the planning authority should be confirmed. Finally, given that this site is located on lands zoned for industrial and warehousing activities, I am satisfied that the development would be in the interests of the proper planning and sustainable development of the area.

7.3. Land Use Zoning

- 7.3.1. The appellant's view that the proposed development should be considered on a par with a data centre, and consequently materially contravene the development plan with respect to CS 5 Objective 2, Policy EDE 7 Objective 1 and 2, forms the basis for the second part of the grounds of appeal. I have already considered the nature of the development and agreed with both the applicant and planning authority that it is not a data centre in the conventional sense. The facility will store data on taped media,

accessible by request and stored in a controlled environment, a depository. As such the argument around the location of data centres inside or outside the M50 is a redundant one.

- 7.3.2. For clarity and to avoid doubt, the site is located on lands that are subject to land use zoning objective 'EE' - 'To provide for Enterprise and Employment Related Uses'. I see that Warehousing, Science and Technology Based Enterprises, Office-Based Industry and Office less than 100 sq.m are all permitted in principle under this zoning objective. I also note that this application is primarily for a change of use of storage type and the office accommodation that remains will be largely unchanged, 22 workstations are proposed. I am satisfied that the proposed development will fit at least one of the definitions above and does not constitute a data centre for the purposes of the county development plan. Incidentally, I note that by Ministerial Directive dated 18 November 2022, Data Centres are open for consideration under the 'EE' zoning objective. Part (1)(b) of that direction refers, as follows:

Amend the land use zoning objectives in tables 12.4, 12.8 and 12.10 to reinstate data centre use class as an 'open for consideration' use class in the REGEN, Enterprise and Employment (EE) and Major Retail Centre (MRC) zoning objectives.

- 7.3.3. However, as I have already stated I am satisfied that data centre and its implications are not under consideration in this application. Consequently, I am satisfied that the proposed development is not a space extensive enterprise and will simply confirm an existing land use within an existing warehouse building not close to public transport, CS5 Objective 2 and Policy EDE7 Objective 1 are therefore met. Even though this is not a space extensive enterprise, most of the criteria set out by Policy EDE7 Objective 2 are met, insofar as the proposed development has identified areas where energy efficiency measures to reduce their carbon footprint in support of national targets towards a net zero carbon economy, including renewable energy generation on site has been advanced. It has been established that there is sufficient capacity within the relevant water, wastewater and electricity network to accommodate the use proposed, correspondence and internal reports on file confirm this. I find that there is no contravention of the development plan, material or otherwise, and the proposed development can be considered as being permitted in principle at this location on lands zoned EE. There is no justification for the Board to

refuse permission for reasons to do with contravention of the development plan in this instance.

7.4. Conditions

7.4.1. The planning authority, during their assessment of the planning application sought further information and clarification of further information with respect to landscaping, ecology, surface water drainage, roads and green infrastructure. The applicant duly submitted this material in addition to that already submitted with the initial planning application documentation. I note that the planning authority attached the following conditions:

- Landscaping, conditions 3, 4, 5 and 7
- Surface Water, conditions 6 and 10
- Roads and Parking, condition 8
- Glint and Glare Assessment, condition 11
- Construction phase, conditions 14, 15 and 16

7.4.2. A number of these conditions require further engagement with the planning authority when it may not be necessary. I have already outlined why I am satisfied that permission should be granted for the development as proposed. In addition, I am satisfied that a significant amount of detail has been submitted by the applicant and further consultation and agreement may not be required. Where conditions advanced by the planning authority require further engagement and where I consider that to be unnecessary, the following assessment is relevant:

- Condition 3 Boundary Treatment – I note that a comprehensive landscaping plan has already been submitted and I also note that the existing site is securely fenced and heavily landscape at its margins. A general condition that ensures the proposed landscape works are implemented in full and that boundary treatments comply with the standards of the planning authority is sufficient.
- Condition 5 – Planting Plan – A planting plan can be incorporated within a general landscaping condition.

- Condition 6 – Sustainable Urban Drainage (SUDs) – This is an existing site with large areas of hardstanding, landscaping as well as wide planted and well maintained green buffer areas. If SUDs are to be incorporated in what little new development is to take place, then such new infrastructure should simply accord with the requirements of the planning authority, no further engagement should be necessary.
- Condition 7 Green Space Factor – GI 5 Objective 4 requires the implementation of a Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500 sq m. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network. Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: Implementation and Monitoring, Section 12.4.2 of the Development Plan). The proposed development seeks to change the use of an existing building set within a mature landscaped and well maintained campus setting. What little new development that will take place is either within the envelope of the existing building or ancillary structures with minimal floor areas. There is no rational reason to include GSF in this instance.
- Condition 8 Roads and Parking – The measures outlined in this condition can simply be implemented and revised plans submitted for reference purposes if necessary.
- Condition 11 Glint/Glare – This condition requires further engagement with third parties. A glint/assessment has already been prepared and I am satisfied that its findings of no hazardous glint and glare effects on Dublin Airport or Casement Aerodrome is plausible. No further assessment is required.
- Condition 14 – Construction Demolition Resource Waste Management Plan – Such plans are standard and require the preparation of a document in accordance with best practice guidance, no further engagement is required.

- 7.4.3. Some conditions restrict development or for which planning consent would normally be required, I am minded to omit certain conditions that are not necessary, as follows:

Condition 12 Further Development – Roof top mounted infrastructure normally requires planning consent or may be subject to exempted development criteria. In this instance, I have not identified any sensitive visual amenities in the area that require protection. The site is located in a business park within an industrial and commercial area of the county, I see no reason to attach a condition that may restrict minor works at roof top level.

- 7.4.4. All remaining conditions applied by the planning authority are relevant and should be attached, conditions 1, 2, 9, 10, 13, 15, 16 and 17 all refer.

7.5. Other Matters

- 7.5.1. Climate Action Plan – The appellant has made a great deal about the impact of data centres on the environment in general and the part they play in affecting the State's ability to reach emission targets. The applicant responds in detail to all of the points raised, and I note the arguments advanced and wider issues around data centres and energy use. I also note that for certain development types, the Climate and Low Carbon Development Act 2015 as amended (the Climate Act) is a factor in assessment, and that the Board should consider if the development is consistent with the applicable Climate Action Plan (currently 2024). In this instance, I note that the current county development plan under Policy CA1: Climate Action (CA), seeks to support the implementation of International and National objectives on climate action including the Climate Action and Low Carbon Development Acts (and any amending legislation), the 'Climate Action Plan 2021' (and any updated Plans) and to ensure that South Dublin's Climate Change Action Plan and County Development Plan are aligned. Taking all of these factors into account, I am satisfied that the proposed development is not likely to be inconsistent with the Climate Action Plan and this is based upon compliance with the current statutory plan for the area that already takes into account the Climate Action Plan 2021 and any updated Plans.

8.0 AA Screening

- 8.1. I have considered the change of use from warehouse to data repository facility and all associated site works, on a site of 0.8195 Hectares, in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located within an existing business park, the Glenasmole Valley SAC (site code 001209) is 6km to the south.
- 8.3. The proposed development comprises the change of storage use at an existing facility and the installation of new plant and machinery, section 2.0 of my report provides a detailed description of development. No specific nature conservation concerns were raised in the planning appeal, macro environmental concerns were raised and have been addressed at appendices 1 and 2 of my report.
- 8.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- the small scale and nature of the development,
 - the intervening distance from the nearest European site and lack of connections
 - Taking into account the screening report/determination by the planning authority
- 8.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

It is recommended that permission be GRANTED subject to conditions for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to zoning objective: 'EE' - 'To provide for Enterprise and Employment Related Uses', the provisions of the South Dublin County Development Plan 2022-2028, and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 received by the planning authority on the 16th day of May 2023 and the 7th day of July 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2, Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

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

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

4. (a) Car parking and bicycle parking provision in accordance with the layout, finishes and quantity of spaces indicated on Drawing [xx] submitted to the planning authority with the application shall be provided upon the [first occupation or stated % occupation of units]. The dimensions of the circulation aisles, car parking spaces and the details of the bicycle parking spaces shall be subject to the written agreement of the planning authority.

(b) The number of EV car parking spaces shall comply with the requirements of the planning authority, a total of four EV charging spaces shall be provided before the facility is operational and all other car parking spaces shall be provided with ducting and access points to facilitate future charging points.

Reason: To ensure that there is adequate car parking and bicycle parking spaces to serve the development, and to provide parking facilities for all likely users of the development in order to avoid on-street parking and congestion.

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

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

6. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking

during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

7. Prior to commencement of development, a Construction Environmental Management Plan (CEMP) relating to noise and vibration shall be submitted to and agreed in writing with the planning authority. The CEMP shall include a site location map showing the nearest noise sensitive locations, give details of the predicted noise and vibration impact in addition to proposed mitigation measures. The CEMP and noise abatement measures shall comply with the recommendations of BS 5228, 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'. The noise sensitive locations shall be taken to be the nearest residential buildings unless otherwise agreed in writing with the planning authority.

Reason: In order to protect the employment amenities of property in the vicinity.

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

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

9. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority

prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

10. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

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

11. 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:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

Reason: In the interest of amenities, public health and safety and environmental protection.

12. The landscaping scheme shown on drawing number J2139-MAC-22-XX-DR-L-0001, as submitted to the planning authority on the 16th day of May, 2023 shall be carried out within 6 months of the date of commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephen Rhys Thomas
Senior Planning Inspector

31 October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317918-23		
Proposed Development Summary	The change of use from warehouse to data repository facility and all associated site works, on a site of 0.8195 Hectares.		
Development Address	Unit 1, M50 Business Park, Ballymount Avenue, Dublin 12.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	✓	The development is of a class specified in Part 2, but it does not exceed the threshold.	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	✓	10. Infrastructure projects, (a) Industrial estate development projects, where the area would exceed 15 hectares, and (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a	Industrial estate development, storage facility, on a site of 0.8195 Hectares, at a business park.
			Conclusion
			No EIAR required, however, the applicant has submitted Section 7 A documentation and a Preliminary

		business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.		Examination is therefore required
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		
Yes	✓	Screening Determination required

Inspector: _____

Date: _____

Appendix 2

EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference - ABP-317918-23		
Development Summary	The change of use from warehouse to data repository facility and all associated site works, on a site of 0.8195 Hectares.	
Yes / No / N/A	Comment (if relevant)	
1. Was a Screening Determination carried out by the PA?	Yes	EIA not required
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening Report.
4. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	County Development Plan was subject to : Strategic Flood Risk Assessment Strategic Environmental Assessment Report SEA Environmental Report Appendix III - Non-Technical Summary SEA Statement Consolidated Natura Impact Report AA Conclusion Statement with Determination

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No. The proposed development involves the change of storage use, to the storage of taped media within a temperature and humidity control environment. There is a clear consistency in the nature of development in the surrounding area, primarily comprising other storage and industrial premises.	No
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	No. the existing building will be reused and reconfigured internally, some minor changes to the yard space, car parking area and installation of external plant will take place.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes. The facility will use energy and water in the storage process, but not at excessive levels or significantly different to that already planned for by existing service infrastructure in the area.	No.

1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Plant/machinery used will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for the construction activity on the site. Any impacts would be local and temporary in nature and the implementation of standard construction practice measures outlined would satisfactorily mitigate potential impacts.	No.
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	The development involves the change of use within an existing building. Construction machinery may give rise to potentially harmful materials, such as fuels and oil leak. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature.	No.
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No Surface water will be managed on site and discharge to ground in accordance with a Surface Water Management Plan. Operation of the proposed works that include standard construction activity, will satisfactorily mitigate emissions from spillages.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	During the construction phase to this development, on site plant will be maintained and comply with relevant standards.	No. Measures in place to ensure emissions are kept within appropriate parameters.

1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	The development is likely to give rise to dust emissions. Such impacts would be temporary and localised in nature and the application of standard measures to control same, would satisfactorily address potential risks on human health.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of the development. Any risk arising will be localised and temporary in nature. The site is not at risk of flooding.	No
1.10 Will the project affect the social environment (population, employment)	The development would not result in an increase in population, but may marginally increase employment in this area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No.	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of	The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that a Stage 2 Appropriate Assessment (production of an NIS) is not necessary.	No

which is an objective of a development plan/ LAP/ draft plan or variation of a plan		
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	Surveys information submitted with Schedule 7A information found no evidence of sensitive species on the site or in the vicinity likely to be affected.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No evidence of historical/archaeological features on the site	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No other such resources not already outlined by the submitted AA Screening Report are on or close to the site.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Site is not located within a flood zone. Hydrological Assessment has been submitted and shows that there will no impacts to surrounding surface or groundwater resources.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No evidence of these risks.	No
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the	The site is served by a local road network. The construction phase will be managed by	No

location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	a traffic plan and operational traffic impacts will be minimal and not dissimilar to the baseline scenario. No significant contribution to traffic congestion is anticipated to arise from the proposed development.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	The site is not in close proximity to a hospital/schools. There is no negative impact anticipated as a result of the proposal.	No
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No
3.3 Are there any other relevant considerations?	No	No
C. CONCLUSION		
No real likelihood of significant effects on the environment.	✓	EIAR Not Required
Real likelihood of significant effects on the environment.		

D. MAIN REASONS AND CONSIDERATIONS

Having regard to:

- (a) the nature and scale of the proposed development, which is below the threshold in respect of classes 10. Infrastructure projects, (a) Industrial estate development projects, where the area would exceed 15 hectares, and (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere, of the Planning and Development Regulations 2001 as amended;
- (b) The location of the site on lands that are the subject of an existing storage facility, and the existing pattern of development in the vicinity,
- (d) The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) and the absence of any relevant connectivity to any sensitive location,
- (e) the separation distance between the site and any known Archaeological Protection zone,
- (f) the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- (g) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),
- (h) the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be considered significant effects on the environment.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____