



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320651-24

<b>Development</b>	Installation of energy storage units at an existing datacentre facility.
<b>Location</b>	Keppel Data Centre, Citywest Avenue, Citywest Business Campus, Dublin 24.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD23A/0339
<b>Applicant(s)</b>	Grid Beyond Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant, subject to conditions.
<b>Type of Appeal</b>	First Party v. Condition No. 6 – Development Contributions.
<b>Appellant(s)</b>	Grid Beyond Limited.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	21st January 2025.
<b>Inspector</b>	Terence McLellan

## **1.0 Site Location and Description**

- 1.1. The appeal site has a stated area of c. 1.67ha and is located within the Citywest Business Park on the northern side of Citywest Avenue, approximately 100 metres to the west of Kingswood Road. The industrial warehouse building on site is in use as a data centre, The building occupies a significant portion of the site. Secure entry is provided and there is a large surface level car park on the western side. There are a number of existing buildings and generators located within the rear portion of the site. The wider area is characterised by buildings and uses typically associated with business parks/industrial estates, including another data centre, offices, and warehouse/manufacturing facilities.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for the installation of energy storage units consisting of two new battery storage units, two new HV power skids (PCS transformer and HV RMU), and two new MV transformers, including all ancillary and enabling development. The energy storage units would be located to the rear/north-east of the existing data centre.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Notification of the Decision to Grant Permission was issued by South Dublin County Council on the 29<sup>th</sup> July 2024 subject to six generally standard conditions. Condition 6 refers to development contributions under Section 48 of the Act and reads as follows:

6. Financial Contribution. The developer shall pay to the Planning Authority a financial contribution of €38, 784.24 (thirty-eight thousand seven hundred eighty-four euros and twenty-four cents), in respect of public infrastructure and facilities benefiting development within 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 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-

2011 (as amended). The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

**Reason:** The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

### 3.2. Planning Authority Reports

3.2.1. The first Planner's Report initially requested Additional Information with regards to:

- Energy consumption/supply and justification for amendments to the previous permission, reference SD22A/0013.
- Full details of energy conservation.
- Provision of a Drainage Report and additional SuDS features.

3.2.2. Additional Information was submitted on the 1<sup>st</sup> July 2025 to the satisfaction of the Planning Authority, as set out in the second Planner's Report, and a grant of permission was recommended subject to conditions.

3.2.3. **Other Technical Reports:**

- **Parks and Public Realm:** No comments.
- **Roads Department:** No objection.
- **Water Services:** Requested Further Information regarding provision of a Drainage Report and SuDS/attenuation. Following submission of FI, no objections raised.

### 3.3. Prescribed Bodies

3.3.1. **Uisce Éireann:** No response.

### 3.4. Third Party Observations

- 3.4.1. No submissions were received in response to the planning application.

## 4.0 Planning History

### *Subject Site*

- 4.1. **ABP-313603/Planning Authority Reference SD22A/0013** – Permission was granted by South Dublin County Council in April 2022 for the installation of an energy storage unit comprising the placement of three ISO 40ft. shipping containers containing back up storage units. There was a First Party appeal against Condition 2 which reads as follows:

*This permission shall be for a temporary period of three years, starting on the date of the final grant of permission. Any continued use after this date shall be the subject of a new planning application.*

**Reason:** *To ensure that the shipping container structures do not remain as a permanent feature in this area of the Citywest Business Park.*

- 4.2. The Board granted permission in August 2023, omitting Condition 2. It should also be noted that the Board applied a development contributions condition which was not appealed.

### *Other Sites*

- 4.2.1. Following a review of case type history, there are a number of battery energy storage system appeals across a number of Counties whereby the Board have consistently applied a development contributions condition.

## 5.0 Legislative Context

### 5.1. Planning and Development Act 2000, as amended

#### Section 48 Development Contributions

- 5.1.1. (1) A Planning Authority may, when granting a permission under Section 34, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is

provided, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding for the infrastructure and facilities).

- 5.1.2. (2)(a) Subject to paragraph (c), the basis for the determination of a contribution under subsection (1) shall be set out in a development contribution scheme made under this section, and a planning authority may make one or more schemes in respect of different parts of its functional area.
- 5.1.3. (10) (a) Subject to paragraph (b), no appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with a scheme made under this section.
- 5.1.4. (10)(b) An appeal may be brought to the Board where an applicant for permission under section 34 considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the planning authority.
- 5.1.5. (13) (a) Notwithstanding sections 37 and 139, where an appeal received by the Board after the commencement of this section relates solely to a condition dealing with a special contribution, and no appeal is brought by any other person under section 37 of the decision of the planning authority under that section, the Board shall not determine the relevant application as if it had been made to it in the first instance, but shall determine only the matters under appeal.
- 5.1.6. (13)(b) Notwithstanding section 34(11), where an appeal referred to in paragraph (a) is received by the Board, and no appeal is brought by any other person under section 37, the authority shall make the grant of permission as soon as may be after the expiration of the period for the taking of an appeal, provided that the person who takes the appeal furnishes to the planning authority, pending the decision of the Board, security for payment of the full amount of the special contribution as specified in the condition referred to in paragraph (a).

## **6.0 Policy Context**

### **6.1. South Dublin County Development Plan 2022-2028**

- 6.1.1. The South Dublin County Development Plan (CDP), 2022-2028 was made on 22nd June 2022 and came into effect on 3rd August 2022. The site is located within an area zoned 'EE' of the current CDP, the objective of which is "To provide for enterprise and

employment related uses”. The lands immediately to the north, west and east of the site are also zoned ‘EE’. The lands to the south of the subject site are zoned ‘RES-N’, the objective of which seeks “To provide for new residential communities in accordance with approved area plans”. A ‘Cycleway Proposal (Cycle South Dublin)’ is located to the south of the appeal site along Citywest Avenue.

6.1.2. Chapter 9 (Economic Development and Employment) of the current CDP is relevant to the consideration of the application given the nature of the use and the applicable zoning objective. Relevant policy and objectives include:

- Policy EDE1: Overarching Support sustainable enterprise and employment growth in South Dublin County recognising the County’s role in the Dublin region as a driver of economic growth.
- EDE1 Objective 3: To ensure that there is a sufficient supply of zoned and serviced lands at suitable locations to accommodate a range of enterprise and employment development types and to promote compact growth by strengthening the integration between employment, housing and transportation.

6.1.3. Section 9.3 (Space Extensive Land Use) of the current CDP acknowledges that alongside warehousing, data centres are one of the most space extensive land use types in the County. It is stated that 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.

- 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.

6.1.4. The vision included within Chapter 10 (Energy) of the current CDP seeks to “Deliver a green society and circular economy adaptable to new technologies, a home and place of employment for people and industries striving towards reducing their carbon footprint”. Relevant policies and objectives of the current CDP include:

- Policy E3: Energy Performance in Existing and New Buildings Support high levels of energy conservation, energy efficiency and the use of renewable energy sources in new and existing buildings including the retro fitting of energy efficiency measures in the existing building stock in accordance with relevant building regulations, national policy and guidance and the targets of the National and South Dublin Climate Change Action Plans.
- E3 Objective 1: To reduce the need for energy, enhance energy efficiency and secure the use of renewable energy sources in refurbished and upgraded dwellings, and other buildings through the design and location of new development, in accordance with relevant building regulations and national policy and guidance.
- E3 Objective 2: To prioritise the retrofitting of buildings over demolition and reconstruction where possible to reduce the large quantities of embodied carbon energy generated from building materials when building from the ground up.
- E3 Objective 3: To require all new development to be designed to take account of the impacts of climate change, and that energy efficiency, energy provision and renewable energy measures are incorporated in accordance with national building regulations and relevant policy and guidelines.
- E2 Objective 4: To support and facilitate the actions and targets of the National and South Dublin Climate Action Plans where they relate to private and public buildings in the County.

## 6.2. South Dublin County Development Contributions Scheme 2021-2025

### 6.2.1. Schedule of Charges:

Description of Development	Amount of Contribution
Residential Development	€126.46 per square metre
Industrial/Commercial Development	€119.52 per square metre

6.2.2. Section 11 sets out the circumstances whereby no contribution or a reduced contribution apply.

### **6.3. Relevant Guidelines**

6.3.1. The following key national planning policy documents and Section 28 Ministerial planning guidelines are of relevance:

- Development Contributions Guidelines for Planning Authorities, January 2013
- Development Management Guidelines for Planning Authorities, June 2007
  - Section 7.12 Conditions requiring development contributions (Sections 48 and 49 of the Planning Act)
  - Section 8.12 Contribution Conditions
- Circular Letter PD 5/2007 Development Contributions.

### **6.4. Natural Heritage Designations**

6.4.1. The nearest designated site is the Glenasmole Valley Special Area of Conservation (SAC) (Site Code: 001209) c. 4.8km to the south of the site. The proposed Natural Heritage Area (pNHA): Lugmore Glen is also located c. 2.3km to the south of the site. The proposed Natural Heritage Area (pNHA): Glenasmole Valley is also located c. 4.8km to the south of the site.

### **6.5. EIA Screening**

6.5.1. Under the provisions of section 48(13)(a) the Board shall determine only the matters relating solely to the contribution condition. Preliminary examination and/or EIA is therefore not required.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

7.1.1. A First Party appeal has been submitted by RW Nolan & Associates, for and on behalf of the Applicant, Grid Beyond Limited of 3015 Lake Drive, Citywest Business Park, Dublin 24, against the decision of South Dublin County Council to apply Condition 6 which reads as follows:

6. The developer shall pay to the Planning Authority a financial contribution of €38,784.24 (thirty-eight thousand seven hundred eighty-four euros and twenty-four cents), in respect of public infrastructure and facilities benefiting development within 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 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended). The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

**Reason:** The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

7.1.2. The grounds of appeal can be summarised as follows:

- Condition 6 is unreasonable, inappropriate, and would be to the detriment of the development if enforced.
- The Development Management Guidelines state that 'great care should be taken, however, to ensure that standard conditions are used only where they actually apply or that they are properly adapted to meet the needs of particular cases, and that the availability of sets of standard conditions does not lead to automatic inclusion of unnecessary conditions in particular cases'.
- The proposed development is considered a green infrastructure addition to an existing data centre facility, ancillary to its operation and in support of the National Climate Action Energy Plan and energy use/CO2 emissions policies.
- The batteries would charge directly from the grid, generally during night time hours and would be deployed during peak energy demand to reduce loading on the grid.

- The Applicant is drastically improving the sustainability of the existing data centre on site.
- The development does not include any works to the existing permitted data centre and only seeks to maximise green energy strategies/sustainability and reduce the overall carbon impact of the facility.
- The Applicant is committed to supporting the transition to net zero energy consumption through deployment of energy efficient technology, they have contracted with a new build solar farm in Cork, and they work with Greencoat Renewables to support an increased provision of green energy technologies.
- The inclusion of such a severe financial contribution condition for an ancillary green energy system calls in to the question the viability of future similar projects as the financial burden is simply unreasonable.
- The proposed battery facility is not a standalone commercial venture which should be subject to a financial contribution, it is ancillary green energy infrastructure to reduce the overall carbon impact of an existing data centre.
- A similar application in Fingal was not subject to financial contributions as it was not considered necessary due to the nature of the proposed development as ancillary sustainable green infrastructure.

## **7.2. Planning Authority Response**

- 7.2.1. The Planning Authority confirms its decision and considers that the issues raised in the appeal have been dealt with in the Chief Executive's Order.

## **8.0 Assessment**

- 8.1.1. The appeal is made under the provisions of Section 48(10)(b) of the Planning and Development Act, 2000 as amended, and therefore the Board is restricted to consideration of Condition No. 6 only and cannot consider the proposed development de novo. The assessment is therefore confined to the application of the terms of the South Dublin County Council Development Contribution Scheme 2021 – 2025 and any index related increase that may be in place in February 2023. The Board's remit in appeals against financial contribution conditions is restricted to the proper application

of the adopted scheme and any discussion in regard to the merits of the scheme are not necessary on this basis.

- 8.1.2. Section 11 of the South Dublin County Development Contributions Scheme 2021-2025 sets out the various instances and circumstances whereby no contribution or reduced contributions would apply. The Applicant has not made reference to the detail of the South Dublin County Development Contributions Scheme in the grounds of appeal. I have had full regard to criteria 11(i) - 11(xxviii) of the Scheme.
- 8.1.3. The Applicant submits that a development contribution condition should not have applied on the basis that the proposal is ancillary green energy infrastructure to improve the sustainability of the existing data centre on the site. It is stated that the Applicant seeks to maximise green energy strategies to reduce the carbon footprint of the site and that the imposition of a development contribution condition would harm the future viability of such projects. The grounds of appeal make reference to a similar application in Fingal where a development contribution condition was not applied as financial contributions were not deemed necessary due to the nature of the development as sustainable green infrastructure ancillary to the data centre.
- 8.1.4. Having reviewed the Fingal case referred to by the Applicant, I am of the view that conclusions cannot be drawn from the case referred to by the Applicant and the decision does not carry any significant weight in the context of the current appeal, not least as it refers to a different development contributions scheme. Furthermore, no informed rationale was provided by Fingal County Council for not applying the condition and there is no information on file to support the Applicant's view regarding the reasoning for the removal of the condition. In any event, the current appeal should be determined in line with the terms of the South Dublin County Development Contributions Scheme.
- 8.1.5. Although I accept that the proposal is ancillary to the overall operation of the data centre, once operational it would form an integral part of its day to day running in terms of energy supply. Clearly there would be financial benefits to the operators in addition to the benefits of improving sustainability and energy performance. However, this would not exempt the development from development contributions. I consider the proposal to be a low carbon technology rather than a form of green infrastructure, it is not renewable energy, and the function of the energy storage system would be to draw

energy from the grid regardless of the generating source and store it for later use. Furthermore, I note that the Board applied the development contribution condition on its previous decision in respect of energy storage on this site. In any event, the merits of the development are not relevant in the determination of the appeal and having reviewed proposal against the terms of the South Dublin County Development Contributions Scheme, having particular regard to Section 11, I am satisfied that none of the exemptions contained therein would apply to the proposed development and I find that the scheme has been applied correctly.

## **9.0 Recommendation**

9.1. I recommend that the Board attach Condition 6.

## **10.0 Reasons and Considerations**

10.1. Having regard to:

- a. Section 34(5) of the Planning and Development Act 2000, as amended,
- b. The provisions of the South Dublin County Council Development Contribution Scheme 2021-2025,
- c. Section 48 of the Planning and Development Act 2000, as amended,
- d. The planning application, and the documentation submitted as part of the appeal.

10.2. The Board consider that the Planning Authority correctly applied the terms of the Development Contributions Scheme and it is therefore considered appropriate to direct South Dublin County Council to attach Condition 6 as follows:

6. The developer shall pay to the Planning Authority a financial contribution of €38,784.24 (thirty-eight thousand seven hundred eighty-four euros and twenty-four cents), in respect of public infrastructure and facilities benefiting development within 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 2021 - 2025, made under Section 48 of the

Planning and Development Acts 2000-2011 (as amended). The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

**Reason:** The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

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.

---

Terence McLellan  
Senior Planning Inspector

25<sup>th</sup> June 2025