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**NOTIFICATION OF DECISION TO GRANT PERMISSION**

**PLANNING & DEVELOPMENT ACT 2000, AS AMENDED**

Decision Order No. PF/2130/23	Decision Date 18 September, 2023
Register Ref. FW22A/0308	Registered 3 August, 2023

**Area:** Blanchardstown Mulhuddart

**Applicant:** Universal Developers LLC

**Development:**

Universal Developers LLC, intend to apply for a seven year planning permission for development on a site at Cruiserath Road, Dublin 15. The application site is located to the north of the data centre permitted / constructed under An Bord Pleanála Reg. Ref.: PL06F.248544 / Fingal County Council Reg. Ref.: FW17A/0025, to the west of the two data centres permitted under Fingal County Council Reg. Ref.: FW19A/0087, and to the north and west of the 220kV Gas Insulated Switchgear substation permitted under An Bord Pleanála Reg. Ref.: 306834-20. The site is within an overall landholding bound to the south by the R121 / Cruiserath Road, to the west by the R121 / Church Road and to the north by undeveloped land and Cruiserath Drive.

The proposed development consists of the following:

- Construction of three data centre buildings (Data Centre E, Data Centre F, and Data Centre G), with a gross floor area (GFA) of c. 1, 425 sq.m, c. 20, 582 sq.m, and c. 20, 582 sq.m respectively, each over two levels (with Data Centre F and G each including two mezzanine levels);
- Data Centre F and G will be located in the north-western portion of the overall landholding, with a primary parapet height of c. 19.8 metres and each will accommodate data halls, associated electrical and mechanical plant rooms, a loading bay, maintenance and storage space, office administration areas, with plant and solar panels at roof level;
- Data Centre E (which will be ancillary to Data Centre F and G) will be located within the south-western portion of the overall landholding, with a primary parapet height of c. 13.1 metres and will accommodate data halls, associated electrical and mechanical plant rooms, a loading bay, maintenance and storage space, office administration areas, with plant at roof level;
- Emergency generators and associated flues will be provided within compounds adjoining each of the three data centre buildings (1 no. for Data Centre E, 19 no. for Data Centre F, and 19 no. for Data Centre G);
- The development includes one diesel tank and two filling areas to serve the proposed emergency generators;
- Provision of ancillary structures including two MV buildings, water storage tanks and three bin stores;
- Construction of access arrangements and internal road network and circulation areas, footpaths, provision of car parking (105 no. spaces), motorcycle parking (12 no. spaces) and bicycle parking (56 no. spaces), hard and soft landscaping and planting (including alteration to a landscaped berm to the north of proposed Data Centre E), lighting, boundary treatments, and all associated and ancillary works including underground foul and storm water drainage network, and utility cables.

An EPA-Industrial Emissions Directive (IE) licence will be applied for to facilitate the operation of the proposed development. An Environmental Impact Assessment Report (EIAR) will be submitted to the Planning Authority with the planning application and the EIAR will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority.

AI received 03/08/23

**Location:** Cruiserath Road, Dublin 15.

**Floor Area:** 43011 Sq Metres

**Time extension(s) up to and including 15 November, 2023**

**Additional Information Requested / Received 17-Feb-2023 / 03-Aug-2023**

In pursuance of its functions under the above mentioned Act, as Planning Authority, the County Council for the County of Fingal did by Order dated as above make a decision to **GRANT PERMISSION** in respect of the above proposal.

Subject to the **(24)** conditions on the attached Pages.

### Conditions and Reasons

1. The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application and Additional information received on 3rd August 2023, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2. a) The use of the development shall be strictly adhered to, as indicated on the submitted plans, drawings and documentation (data halls). The offices shall remain ancillary to the data hall use permitted.  
b) Any change of use, subdivision or amalgamation, in particular additional mezzanine areas, whether or not such change or subdivision would otherwise constitute exempted development, under the Planning and Development Regulations 2001(as amended) shall not be undertaken without a prior grant of permission.#

REASON: To avoid any misunderstanding as to the proper construction of this permission and to regulate the use of the development and to ensure proper planning control is maintained.

3. The duration of this permission shall be for a period of seven years from the date of grant of permission.

REASON: In the interests of clarity.

4. Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority sample details of the proposed finishes, design and colours of all elements of the proposed development. Trade brochures shall be submitted, and sample panels shall be erected on the site.

REASON: In the interests of visual amenity.

5. The recommendations set out in the Inward Noise Impact Assessment shall be carried out in full.

REASON: In the interests of public health.

6. The following shall be complied with:
  - a) No surface water / rainwater shall discharge into the foul water system under any circumstances.
  - b) The surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.

REASON: In the interests of public health and in order to ensure adequate drainage provision.

7. Where the Developer proposes to connect to a public water/waste water network operated by Uisce Eireann, the Developer shall sign a connection agreement with Uisce Eireann, prior to the commencement of the development.

REASON: In the interest of proper planning and the sustainable development of the area.

8. The following shall be complied with in full:
  - a) Prior to the commencement of development the developer shall submit for the written agreement of the Planning Authority a Detailed Construction Traffic Management Plan prepared by the main contractor.
  - b) A revised Mobility Management Plan shall be submitted for the written agreement of the Planning Authority, one year from first occupancy of the proposed development. The Plan shall identify measures to be implemented by the development to promote sustainable travel and reduce the need for reliance on the private car.

REASON: In the interest of the proper planning and sustainable development of the area.

9.
  - a) To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention and management as outlined within the submitted tree report and 'Tree Survey and Protection Plan', Drawing no. 220721-P10 by Charles McCorkell.
  - b) A tree bond of €50, 000 shall be lodged with the Planning Authority prior to the commencement of development in order to ensure that the trees are protected and maintained in good condition throughout the course of development. This bond will be held by Fingal County Council for a period of one year post construction which may be extended in the event of possible construction related defects. Prior to the release of this bond, certification from the appointed arboricultural consultant shall be provided to the Planning Authority in relation to tree protection and woodland planting in accordance with the agreed plans.

REASON: To ensure the provision of amenity afforded by appropriate landscape design.

10. Prior to the commencement of development, the developer shall submit a detailed landscape plan for the written agreement of the Planning Authority and shall comply with the following:
  - a) All hard and soft landscape proposals shall ensure that there is no conflict between proposed tree planting and underground services including SuDS. No tree planting shall take place within 7 metres of proposed lamp standards.
  - b) All planting comprised in the development shall be carried out in the first planting season following the completion of the development.
  - c) Any planting failures shall be replaced by the developer until such time that the planting is established.

d) The project Landscape Architect shall be retained by the developer for the duration of the project to supervise the implementation of the landscape plans from start to finish and to sign off upon full completion, providing the Planning Authority with the required Certificate of Effective Completion.

REASON: To ensure the provision of amenity afforded by appropriate landscape design.

11. To minimise the impact on air quality, health and climate, prior to the determination of the number and type of emergency generators on site, prior to commencement of development, the developer shall submit details for the written agreement of the Planning Authority which demonstrate that the lowest possible numbers of generators with the lowest possible nitrogen oxide emissions have been selected for the site while achieving the required power for the site.

REASON: In the interests of sustainable development.

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

REASON: In the interests of sustainable development.

13. Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority details of a Corporate Purchase Power Agreement that the developer has entered into which demonstrates that the energy consumed by the development on site is matched by new renewable energy generation in line with the Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy. The Agreement shall comply with the following:
  - a) The new renewable energy projects shall not be supported by government, consumer or other public subsidies;
  - b) The new renewable energy projects shall be located in Ireland and full details of these including consent details shall be provided;
  - c) The new renewable energy projects shall be provided by the applicant's group, that is Amazon.com, Inc.
  - d) The new renewable energy generation shall relate to energy that is not being generated at the date of grant of this permission.
  - e) The amount of electricity generated by the new renewable energy projects shall be equal to or greater than the electricity requirements of the data centres in operation at any given time.
  - f) The new renewable energy projects shall be fully operational prior to the commencement of operation of the data centres having regard to the phased nature of the proposed development.

REASON: In the interests of sustainable development.

14. All of the avoidance, remedial, mitigation and monitoring measures set out in the Environmental Impact Assessment Report including the Addendum Environmental Impact Assessment Report and other particulars accompanying the application shall be implemented by the Developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this permission.

REASON: In the interest of clarity and the protection of the environment during the construction and operation phases of the development.

15. Prior to commencement of development, a final Construction Environmental Management Plan (CEMP) shall be submitted for the written agreement of the Planning Authority. The CEMP shall include all of the mitigation measures set out in the EIAR, using the nomenclature of the EIAR, other planning documentation as required and as specified in the other conditions set out in this decision. The CEMP shall be accompanied by a Mitigation Implementation Schedule. The Schedule shall contain a numbered list of all the definitive construction and operation-related mitigation measures to be implemented, the company / person(s) responsible for implementation of each measure and the timing / duration of each mitigation measure. The CEMP / Mitigation Implementation Schedule shall be supported as appropriate, by mapping outlining the location of the mitigation measures.

REASON: In order to ensure protection of the local environment.

16. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority, a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021). The RWMP shall include details of the various waste streams and expected tonnages which will be generated during site clearance, demolition and construction phases and any proposed exportation or importation of soil and stone material including destination/source locations, quantities and if any material will be assessed under By-Product notification. The RWMP shall also include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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 interests of sustainable waste management.

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

REASON: In the interest of aviation safety and public safety.

18. a) Noise abatement measures shall comply with the recommendations of B.S.5228: 2009+A1:2014 'Code of Practice for noise and vibration control on construction and open sites. Noise levels attributed to the construction work when assessed at the nearest noise sensitive location shall comply with the threshold limit values at

the nearest noise sensitive receptor. The appropriate threshold value (category A, B, or C) shall be determined based on an assessment of the background noise level in the area. The threshold values apply to the sum of both the ambient and construction noise levels.

b) The acoustic mitigation measures addressed in the outline construction environmental management plan shall be adhered to in full. The air quality mitigation measures addressed in the outline construction management plan shall be adhered to in full. The construction environmental management plan shall be made available on request to Fingal County Council. The CEMP shall include a record of daily environmental checks.

c) The cumulative noise emissions from the development shall not exceed the background noise level by more than 5dB(A) during the day, evening, and night periods. Clearly audible and impulsive tones shall be avoided irrespective of the noise level.

d) Generator testing shall be carried out during daytime periods (i.e., between 08:00 to 19:00hrs) Monday to Friday and shall not exceed a free field level of 55dB LAeq, 1hr at nearby residential noise sensitive locations. No more than one generator shall be tested at a time.

REASON: In the interest of proper planning and sustainable development of the area.

19. No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

REASON: To protect the visual amenities of the area.

20. The following requirements shall be complied with in full:
- (a) The hours of operation on all construction sites shall be restricted to between 0800 hours to 1900 hours Monday to Friday, and between 0800 hours to 1400 hours on Saturdays.
  - (b) No activities shall take place on site on Sundays or Bank Holidays.
  - (c) Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Fingal County Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Fingal County Council.

REASON: In the interest of public health and in the interest of residential amenity.

21. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

REASON: In the interest of orderly development and the visual amenities of the area.

22. Prior to commencement of development revised plans, drawings and specifications shall be submitted to, and agreed in writing with, the Planning Authority that demonstrate that the permitted development has the potential and infrastructure provisions and design to recycle heat generated into a district heating scheme in the event of such a scheme being implemented for the wider area.

REASON: In the interest of sustainability.

23. All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense.

The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of Fingal County Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.

REASON: To protect the amenities of the area.

24. Prior to Commencement of development the developer shall pay the sum of €2,087,247.75 (updated at date of commencement of development, in accordance with changes in the Tender Price Index) to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of payments shall be agreed in writing with the planning authority prior to the commencement of development.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.

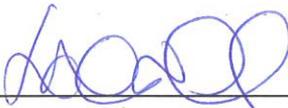
Note on above Condition:

Please note that with effect from 1st January 2014, Uisce Éireann are now the Statutory Body responsible for both water and waste water services (excluding surface water). Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. A separate charge will be levied by Uisce Éireann in relation to the provision of water and/or wastewater treatment infrastructure and connections to same. Further details are available on

Reg. Ref. FW22A.0308

the Uisce Éireann website [www.water.ie](http://www.water.ie) , Tel. (01) 6021000.

Signed on behalf of the Fingal County Council

  
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for Senior Executive Officer

19 September, 2023

NOTES:

A number of the conditions attached to the planning permission may need compliance submissions to be lodged and agreed prior to commencement of development. Failure to comply with a condition of the planning permission is an offence under Section 151 of the Planning and Development Act 2000. Copies of each compliance submission should be made in triplicate.

The applicant is required to remove Site Notice on receipt of Notification from Planning Authority of decision.

Please note all observations/submissions have been taken into consideration when making this decision.

Please also note that consent under the above Planning legislation does not imply consent under the Building Control Regulations. The onus is on all practitioners to ensure full compliance with the Building Control Regulations (In certain circumstances design changes may require planning permission).

It should be further noted that planning permission is required in respect of changes to a Protected Structure or the exterior of a building in an Architectural Conservation Area which materially affects the character of the building/ structure.



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## **Information Note - Public Water and Wastewater Networks**

### **Connections**

On the 1<sup>st</sup> of January 2014 Uisce Éireann became the statutory body with the responsibility for all water services, both water and wastewater. The provision of a water services connection will be carried out by Uisce Éireann in partnership with each Local Authority.

Any persons seeking a connection to any of Uisce Éireann's networks should make an application in the first instance to their Local Authority who will act on behalf of Uisce Éireann in processing the application.

A Connection Agreement between Uisce Éireann and the applicant will be required, prior to any connection being agreed, and will set out the conditions and charges to be applied to the connection. Details, including availability of application forms, are to be found on each Local Authority website.

It should be noted that Planning Authorities can no longer levy water and wastewater development charges and that these will now be incurred as part of the connection charge, if applicable.

Under the provisions of Section 55(1)(a) of the Water Services Act 2007 (the Act) it is an offence for a person to cause or permit the connection of a premises to the public water supply network, either directly or indirectly, or to otherwise take a water supply without the agreement of Uisce Éireann.

Similarly, under the provisions of Section 61(1) (a) of the Act, it is an offence for a person to cause or permit the connection of a premises to the public wastewater collection network, either directly or indirectly, without the agreement of Uisce Éireann.

# INFORMATION for the purposes of Building Control;-

- IMPORTANT NOTE NOW THAT YOU HAVE RECEIVED PLANNING PERMISSION or ARE INTENDING TO CARRY OUT BUILDING WORKS.

BEFORE ANY BUILDING WORKS TAKES PLACE ON YOUR SITE YOU WILL NEED TO CHECK THE FOLLOWING [Pre-Development Planning Conditions, Commencement Notice, Construction Products Regulations \(CPR\) \(Regulation \(EU\) No. 305/2011\)](#) .

- IF SOME OR ANY OF THESE ARE OMITTED YOUR BUILDING MAY BE AN UNAUTHORISED BUILDING AND YOU MAY BE GUILTY OF AN OFFENCE AND/OR YOU MAY BE SUBJECT TO PENALTIES.
- YOU SHOULD ALSO BE AWARE THAT IF YOU OMIT TO SUBMIT A VALID COMMENCEMENT NOTICE TO YOUR LOCAL AUTHORITY YOU MAY BE UNABLE TO GET A COMPLETION CERTIFICATE AND THIS MAY HAVE SERIOUS LONG TERM CONSEQUENCES.

*(The information is for guidance purposes only and does not purport to be a legal interpretation or constitute legal or professional advice.)*

## 1. Pre-Development Planning Conditions;

1. If there are any Pre-Development conditions on the schedule of conditions attached to your planning permission you should give your immediate attention to them prior to the commencement of your development.

**Note:** All conditions must be complied with in full as failure to do so will render your permission invalid and may result in the initiation of enforcement proceedings for compliance with same

## 2. Commencement Notice; [www.localgov.ie](http://www.localgov.ie)

In accordance with the Building Control Regulations you are obliged to submit a Commencement Notice prior to commencement of the development and it must be received by the BCA not less than 14 days and not more than 28 days before you wish to commence. Commencement Notice forms may be downloaded from [www.localgov.ie](http://www.localgov.ie), @ **BCMS**. Please complete same and submit on-line to BCMS.

- (a) A completed copy of the commencement notice which must be signed by the owner of the works and must (refer to section 9 [S.I. No 9 of 2014](#)) be to be accompanied by the following;
  - a. General Arrangement Drawings
  - b. A schedule of design documents as are currently prepared or to be prepared
  - c. An online- assessment via the Building Control Management System of the proposed approach to compliance with the requirements of the Building Regulations 1997 to 2014;
  - d. The preliminary inspection plan
  - e. A Certificate of Compliance (Design)
  - f. Notices of Assignment in respect of the Builder who will carry out the works and of the Assigned Certifier who will inspect and certify the works, and
  - g. Certificates of Compliance signed by the Builder and the Assigned Certifier undertaking to carry-out their roles in accordance with the requirements of the Building Regulations.

With regard to the above, please note that:

1. The Designer and the Assigned Certifier must be a [Chartered Engineer](#), or [Registered Architect](#) or [Registered Surveyor](#)
2. A Competent Builder must execute the work

3. Your drawings must show details of how your Building will comply with the Building Regulations - drawings submitted for planning permission purposes are not typically building control compliance drawings.
4. The commencement notice and accompanying documentation must be filed electronically via the online Building Control Management System. Where notices and documentation are submitted in written format, the building control authority will arrange for scanning and uploading of same for which an administrative charge will apply and statutory deadlines relating to such notices may be delayed by up to seven days.

(Note: Statutory approvals relating to fire safety and disabled access continue to apply where relevant and are not affected by the above changes).

For more information; <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/>

### **3. Construction Products Regulations (CPR) (Regulation (EU) No. 305/2011)**

**CE MARKING of construction products covered by harmonised European Standards is mandatory, when the construction product is placed on the market.**

You need to ensure that you appoint competent professionals.

Whilst the CPR concerns itself with the conditions which apply when placing a construction product on the market, clients, specifiers, designers and builders etc. should be aware of the following when incorporating construction products into building works:

1. When drawing up specifications, refer to the harmonized technical specifications and specifically to the performance requirements of individual characteristics when necessary,
2. When choosing the products most suitable for their intended use in construction works, review the manufacturer's Declaration of Performance,
3. Check National Annexes or Standard Recommendations which give guidance on appropriate minimum performance levels for specific intended uses of the product in Ireland. NSAI host this information at [www.nsai.ie](http://www.nsai.ie), and

**NOTE; All works should be carried out using "proper materials...which are fit for the use for which they are intended and for the conditions in which they are to be used" to ensure compliance with the Building Regulations. For further information on the Building Regulations see <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/>**

## **Construction Products Regulation**

The Department of Housing, Planning & Local Government has in relation to the Construction Industry and Brexit produced two documents to raise awareness among specifiers, designers and builders of the need to look for CE marking on construction products and the accompanying Declarations of Performance.

The following is a link to an Information Leaflet: Brexit - Construction Products Regulations:

<https://www.housing.gov.ie/corporate/brexit/brexit-construction-products-regulation>

The following is a link to Construction Industry – Be Prepared FAQ document :

[https://www.housing.gov.ie/sites/default/files/publications/files/construction\\_industry\\_-\\_be\\_prepared\\_for\\_no\\_deal\\_brexit\\_-\\_frequently\\_asked\\_questions.pdf](https://www.housing.gov.ie/sites/default/files/publications/files/construction_industry_-_be_prepared_for_no_deal_brexit_-_frequently_asked_questions.pdf)

Reg. No. FW22 A 0308

**NOTES**

**(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION**

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

**(B) APPEALS**

1. An appeal against the decision may be made to An Bord Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to:  
**The Secretary, An Bord Pleanála, 64 Malborough Street, Dublin 1.**
2. An appeal lodged by an applicant or his agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals, a copy of the acknowledgement of valid submission issued by F.C.C. must be enclosed with the appeal.
3. A party to an appeal making a request to An Bord Pleanála for an oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (f) below).
4. Where an appeal has already been made, another person can become an "observer" and make submissions or observations on the appeal. A copy of the appeal can be seen at the Planning Authority's office.
5. If the Council makes a decision to *grant permission/ retention/ outline/ permission consequent on the grant of outline* and there is no appeal to An Bord Pleanála against this decision, a final grant will be made by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
6. Fees payable to An Bord Pleanála from 5<sup>th</sup> September 2011 are as follows:

**Case Type****Planning Acts****(a) Appeals against decisions of Planning Authorities****Appeal**

(i) 1 <sup>st</sup> party appeal relating to commercial development where the application included the retention of development	€4,500 or €9,000 if an EIS or NIS involved
(ii) 1 <sup>st</sup> party appeal relating to commercial development (no retention element in application)	€1,500 or €3,000 in EIS or NIS involved
(iii) 1 <sup>st</sup> party appeal non-commercial development where the application included the retention of development.	€660
(iv) 1 <sup>st</sup> party appeal solely against contribution condition(s) – 2000 Act Section 48 or 49	€220
(v) Appeal following grant of leave to appeal (An application for leave to appeal is also €110)	€110
(vi) An appeal other than referred to in (i) to (v) above.	€220
(b) Referral	€220
(c) Reduced fee for appeal or referral (applies to certain specified bodies)	€110
(d) Application for leave to appeal (section 37(6)(a) of 2000 Act)	€110
(e) Making submission or observation (specified bodies exempt).	€50
(f) Request for oral hearing under Section 134 of 2000 Act	€50

**NOTE: the above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above).**

Fees apply to: All third party appeals at 7(a)(iv) above except where the appeal follows a grant of leave to appeal; First party (section 37 appeals) planning appeals not involving commercial or retention development, an EIS or NIS. All other (non section 37) first party appeals.

These bodies at 7(c) above are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority.

**NB.** This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fee under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at **(01) 8588 100**.