

An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdublincoco.ie

RKD Architects
59, Northumberland Road
Ballsbridge
Dublin 4

NOTIFICATION OF DECISION TO GRANT PERMISSION
PLANNING AND DEVELOPMENT ACT 2000 (as amended) & PLANNING
REGULATIONS THEREUNDER

Decision Order Number: 1463	Date of Decision: 10-Nov-2021
Register Reference: SD21A/0203	Date: 13-Oct-2021

Applicant: Microsoft Operations Ireland Ltd.

Development: Modifications and minor additions to previously approved scheme (Planning Register Reference SD20A/0283) at this site of c.16.23ha (in total) comprising of the following changes to previously approved scheme SD20A/0283; Approved Central Administration Building (CAB), relocation of building to the east by approx. 7m; reconfiguration and setting out of building plans at all levels (including roof level) resulting in increase in building footprint of approximately 170sq.m (from 1,424sq.m to 1,594sq.m) associated changes to building elevations (design and finishes); approved single storey Cafeteria Element, additional basement level below cafeteria to accommodate plant; 9 rooflights (2.8 m diameter) and 9 rooflight (1.8m diameter), inclusion of MEP Plant on roof level including new flue extending approx. 1m above parapet; approved four-storey Office element, parapet at roof level to be raised by approx. 1.1m (increased from approved 19.5m in height to proposed 20.6m); overall increase in GIFA of 395sq.m; reconfiguration of area available for PV panels and sedum roof finish in order to accommodate required MEP equipment at roof levels. approved Data Centres - DUB14 and DUB15, reconfiguration and setting out

affecting building locations and plans at all levels (including roof level) resulting in reduction in overall building footprint (for each building) by 48sq.m (from 13,442sq.m to 13,394sq.m), associated changes to staircases design, building elevations design and finishes, increase in parapet height of Vent Houses (at roof level) by approx. 350mm and omission of previously proposed zone of sedum roof finish; overall decrease in GIFA of 1,352sq.m in respect of DUB 14 and decrease of 1,453sq.m in respect of DUB 15; all plant equipment at ground level - reduced in height compared to approved layout so that the screening is deemed not required; DUB 14, reduction in height of approved flues by approx. 650mm, reduction in number of flues from 11 approved to 8 proposed; DUB 15, change to level of ground floor and associated increase in overall building height of approx. 700mm (parapet height increased from approved +83.0m O.D. to proposed +83.7m O.D.); reconfiguration of associated external plant at ground level (including generators / E-Houses & transformers) flues, omission of approved Modular Electrical Rooms (MERs) and associated screening serving approved Data Centres DUB14 &15; relocation, modifications to design and expansion of approved Water Treatment Building and associated plant to include, Water Treatment Tanks, 2 sprinkler tanks and relocated approved pump house (contained in the main Water Treatment Plant building) and 1 generator with additional proposed flue stack (height 30.75m) and 1 transformer; Gas Generator Compound - Relocation & reconfiguration of previously approved gas generator compound including, additional 4 generators (from 20 approved to 24 proposed), omission of approved E-houses; additional 7 electrical rooms, additional 7 flues (from 5 approved to 12 proposed); modifications to approved layout of internal site roads, yards and footpaths; relocation and modifications to design of approved Sprinkler Tanks and Pump Houses, Pump House serving DUB 14, relocated into proposed Water Treatment Building and compound, redesign of approved larger tank into proposed two smaller tanks; Pump House serving DUB 15, relocated to south of DUB15 the north facilitate space for electrical equipment redesign of

approved larger tank into proposed two smaller tanks; relocation of Approved Gas Networks Ireland (GNI) gas skid & compound including approved 3 kiosk buildings; modifications to approved car park layouts and landscaping design; modifications to location and design of approved bicycle shelters; modifications to site development works, including underground water and building services provision, landscaping, internal security and compound enclosure fencing, and associated works; the remainder of the development (including permitted temporary construction car parking) to be carried out in accordance with parent permission SD20A/0283. An Environmental Impact Assessment Report (EIAR) has been submitted with this application; The application relates to a development which comprises an activity requiring an integrated pollution prevention and control (IE) licence relating to lands located west of the existing MS Data Centre Campus and also a site located north of the main entrance to the business park from Grange Castle Road.

Location: Grange Castle Business Park, Nangor Road, Clondalkin, Dublin 22

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 13-Sep-2021 /13-Oct-2021

Clarification of Additional Information Requested/Received:

DECISION TO: Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, for the reasons set out in the First Schedule hereto, to **GRANT PERMISSION** for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said decision is subject to the said conditions.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the condition(s) set out hereunder is thereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons:

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 13/10/21, 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. Previous Permissions
The applicant shall comply with all conditions of previous permissions SD13A/0265, SD14A/0194 and SD15A/0343, SD16A/0087, SD16A/0088, SD17A/0318, SD20A/0283 unless otherwise stated.
REASON: In the interest of clarity and the proper planning and sustainable development of the area.
3. Landscape Plan
 - (a) The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping which accompanied the further information proposals submitted, unless otherwise agreed in writing with the Public Realm Section prior to commencement of development.
 - (b) Further agreement of landscape plans/specification details with the Public Realm Section shall include the following:
 - i. Woodland Planting Density s to be proposed at 3-4/m² to create high biodiversity value in the first few years.
 - ii. Meadow grasslands to be 50% native grasses and 50% native wildflower species.
 - iii. The planting of an additional 44 trees throughout the site (for clarity, these shall be in addition to the woodland tree area and the trees placed in planters).
REASON: In the interest biodiversity, amenity and sustainable development.
4. (A) Parking
 - (1) The proposed development shall make provision for the charging of electric vehicles.
 - (2) 100% of surface car parking spaces shall be provided with electrical ducting and termination points to allow for the provision of future charging points.
 - (3) 10% of surface car parking spaces shall be provided with electric vehicle charging points.
Prior to the commencement of development details of how it is proposed to comply with Items 1-3, including details of the design of, and signage for, the electric charging points

(where they are not in areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(B) All surface level Bicycle Parking shall be covered.

REASON: In the interest of sustainable transport.

5. Construction Traffic Management Plan

Prior to commencement of development a developed Construction Traffic Management Plan shall be agreed with the roads department. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

REASON: In the interests of residential amenity, public safety, compliance with Development Plan policy and the proper planning and sustainable development of the area.

6. Pavement

All parking bays shall be constructed using a porous surface material.

REASON: In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.

7. Mobility Management Plan

A Mobility Management Plan shall be completed within six months of opening of the development. The Mobility Management Plan shall be agreed with the Planning Authority and the agreed plan, along with the written agreement of the Planning Authority shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

REASON: In the interest of sustainable transport.

8. Construction Waste and Demolition Management Plan

Prior to commencement of development a developed Construction Waste and Demolition Management Plan shall be agreed with the roads department. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

REASON: In the interests of residential amenity, public safety, compliance with Development Plan policy and the proper planning and sustainable development of the area.

9. Foul

Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority a revised wastewater drainage layout drawing showing the angle of connection to the existing public wastewater network being a maximum of 45 degrees and shall be in the direction of flow.

REASON: The proposed connection angle to the existing public wastewater network is too acute and in the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

10. Water Services

No industrial water or potable water supplied from the public watermains network shall enter the storm water network. Only clean untreated and uncontaminated rainwater shall enter the stormwater network. All treated water and process cooling water shall be discharge to the public wastewater drainage network.

All design of overground fuel storage tanks shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works Section 17-GUIDELINES FOR THE BUNDING OF OVERGROUND OIL STORAGE TANKS

REASON: In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.

11. Drainage - Irish Water.

(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

12. Drainage - Surface Water.

The disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section. In this regard, prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:

(a) Fully detailed foul and surface water drainage plans for the proposed development as approved showing location of all manholes, AJs etc located within the site boundary up to and including point of connection to the public sewer that fully accords with the requirements Council's Water Services Section and or Irish Water,

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(c) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

(d) The soakaway design to be submitted shall be certified to BRE Digest 365 standard by a suitably qualified person carrying professional indemnity insurance and shall include documented evidence of infiltration test results to demonstrate that the soakaway complies with the requirements of BRE Digest 365.

The revised plans shall provide for a soakaway to be located within the curtilage of the property and this shall be:

(i) at least 5m from any buildings, public sewers or structures and not in such a position that the ground below foundations is likely to be adversely affected.

(ii) at least 5m from the nearest road boundary and not within 3m of the boundary of the adjoining site.

(iii) a minimum of 10m from any sewage treatment percolation area.

(iv) at least 10m from any stream / river / flood plain.

In addition only rainwater shall be discharged to soakaways.

REASON: In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.

13. Cranes.

Given the proximity to Casement Aerodrome, the operation of cranes shall be coordinated with Air Corps Air Traffic Services, no later than 28 days before use, contactable at airspaceandobstacles@defenceforces.ie or 01-4037681.

REASON: In the interests of aviation safety.

14. Bird Control Measures

Given the proximity to Casement Aerodrome, the developer shall implement adequate bird control measures during the construction phase to mitigate the effects of birds on Air Corps flight operations.

REASON: In the interests of aviation safety.

15. Lighting

Prior to the commencement of development, the applicant shall agree in writing a public lighting scheme with the Planning Authority.

REASON: In the interests of public safety and amenity, to prevent light pollution and in the interests of the proper planning and sustainable development of the area.

16. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €5,153,728.26 (Five million, one hundred and fifty three thousand, seven hundred and twenty eight Euro and twenty six cent), 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 contribution shall be paid prior to commencement of development, or in such phased payments as the Planning Authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.

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.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014 the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001, as amended.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001, as amended, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.

Brian Connolly
for Senior Planner

12-Nov-2021

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 related 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 two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations. 200 I should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
2. 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. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ 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.
4. 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 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development.....€4,500.00 or €9,000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)..... €660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) €220.00
 - (e) Application for leave to appeal..... €110.00
 - (f) Appeal following a grant of leave to appeal..... €110.00
 - (g) Referral €220.00
 - (h) Reduced fee (payable by specified bodies) €110.00
 - (i) Submission or observations (by observer) €50.00
 - (j) Request from a party for an Oral Hearing..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at Telephone 01-858 8100