

Planning Department
South Dublin County Council
County Hall Tallaght,
Dublin 24,
D24 A3XC

28 January 2022

Your ref: SD16A/0345 and Our ref: 47570.17
SD19A/0342

MHC-27349209-3

Matter: Application by EdgeConneX Ireland Limited for the retention and continuance of the use for a further two years of the temporary gas powered generation plant, that is located to the rear of the Takeda Ireland complex, that is sited within a walled yard of 2,836sqm containing 12 no. generator units with associated flues (each 15m high), that was permitted initially for a period of three years under Reg. Ref. SD16A/0345; and subsequently extended for an additional period of 2 years from the 4th February 2020 under Condition no. 2 of permission granted under SD19A/0342. Vehicular access to the generation plant will remain from the permitted service road into the Edgeconnex site and Grange Castle Business Park as originally permitted for development within the townland of Grange at this site to the rear of Takeda Ireland Limited, Grange Castle, Lucan, Co. Dublin.

Dear Sir/Madam

We act for EdgeConneX Ireland Limited (**EIL**) and are writing in respect of the above application. To accompany the application, we have set out the current property position of our client in respect of the land the subject of this application (the Land).

As you are aware, Regulation 22(2)(g) of the Planning and Development Regulations 2001-2021 (S.I 600 of 2001) provides a planning application referred shall be accompanied by:

- (g) where the applicant is not the legal owner of the land **or structure concerned** —
- (i) the written consent of the owner to make the application, or.....”

In this instance the Applicant is the owner of the “structures concerned”. Having erected the said structures it sought planning permission and received a retention grant in respect of same (Final Grant no. 0099, 4 February 2020) for a period of two years, which said permission will expire on 4 February 2022. In the interest of full disclosure, the Applicant is currently occupier of the Lands pursuant to a lease detailed below.

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Partners: Declan Black (Managing) | Christine O'Donovan (Chair) | Mark Adair | Jenny Ahern | Catherine Allen | Liam Brazil | Sonya Bruen | Susan Bryson | Nicola Byrne | Vanessa Byrne | Niamh Caffrey | Niamh Callaghan | Neil Campbell | William Carmody | Rachel Carney | Eoin Cassidy | Gemma Coady | Tanya Colbert | Niall Collins | Ger Connolly | Keelin Cowhey | Melanie Crowley | Tom Davy | Muireann Dennehy | Robert Dickson | William Dillon Leetch | Shane Dolan | Michael Doran | Conor Durkin | John Farrell | James Fenelon | Helen Ferguson | Oliver FitzGerald | Rowena Fitzgerald | Jamie Fitzmaurice | Frank Flanagan | Conor Fottrell | Karol Fox | Conall Geraghty | Stephen Gillick | Ailbhe Gilvarry | Edward Gleeson | Micheál Grace | Liam Gudera | Edel Hartog | Wendy Hederman | Michaela Herron | Brian Horkan | Margaret Hughes | Brian Johnston | Peter Johnston | Lisa Joyce | Rachel Kavanagh | Martin Kelleher | Gerard Kelly | Tara Kelly | Marcus Kennedy | Niamh Keogh | Rory Kerrane | SC | Claire Lord | Michael Madden | David Mangan | Robert McDonagh | Brian McElligott | Justin McKenna | Peter McLay | Niall Michel | Colin Monaghan | Deirdre Munnelly | Alice Murphy | Deirdre Nagle | Jevan Neilan | Philip Nolan | Ronald Neville | David Ormsby | David O'Donnell | Frank O'Flynn | Ian O'Hertly | Nicholas Metcalfe | Sara O'Reilly | Doragh O'Shea | Maurice Phelan | Kevin Power | Sinead Power | Elizabeth Quinn | Shane Reynolds | Judith Riordan | Liam Riordan | Paul Rochford | Elizabeth Ryan | Osin Tobin | Barry Walsh | **Of Counsel:** Una Burke | Paul Egan SC

We enclose a copy of a lease granted by Takeda Ireland Limited (**Takeda**) to EIL on 20th of December 2016, which was renewed 6th of November 2019 (also enclosed) and again on the 25th February 2021 (also enclosed) (the **Leases**). The Leases granted EIL various rights including the right to *"the construction, installation, maintenance, repair, renewal, removal, replacement, testing and operation of the Tenant's equipment and uses ancillary or preparatory thereto"*. The current Lease is due to expire on 31 January 2022 and is therefore currently extant.

EIL has also been seeking to extend its lease and currently Takeda have confirmed the Lease will be extended to 31 March 2022. EIL is seeking to extend it further as it will require use of the Lands until the connection to the grid pursuant to the terms of EIL's grid connection agreement with ESB Networks is finalised. EIL was only notified of this on 17 December 2021 and has proceeded with utmost haste to ensure it can continue to operate the gas generation equipment in a lawful manner.

As Takeda has not currently provided an extension beyond 31 March 2022, EIL has, through an abundance of caution, commenced the process of seeking a statutory lease from the Circuit Court and issued a notice of intention to claim relief on 28 January 2022. On the basis that EIL has 5 years continuous user as a business user on the Land, it is reasonably optimistic of a positive outcome. Any Lease granted by the Court in such circumstances is for a period of 5 to 35 years.

As EIL is the owner of the structures on the land, within in the meaning of the 2001 Regulations, it does not require a letter of consent from the Landlord in respect of this application and its interest is clearly sufficient to meet the threshold of having an interest in the Land sufficient to ground its application to extend its existing rights to use the Land in the manner provided for in the Lease. It is a further extension of two permissions (reg. ref: SD16A/0345 and SD19A/0342) and it is currently being operated as authorised both under the planning permission and under a licence to generate (reference: 2017/03-01) issued by the Commission for Energy Regulation (as it was). The gas powered generation plant planning permission is required for a further two years, to allow further time for EIL to connect to the grid.

Accordingly, EIL's legal interest complies with the statutory requirements to make this application and to extend the existing permission. If any further information is required, please don't hesitate to let us know and, in this regard, we note the Council can request further information pursuant to s34(8)(b) of the Planning and Development Act 2000 (as amended).

Yours faithfully



MASON HAYES & CURRAN LLP