

Comhairle Chontae Atha Cliath Theas

PR/0378/22

Record of Executive Business and Chief Executive's Order

Register Reference:	ED22/0001
Correspondence Name & Address:	PM Group Killakee House, Belgard Square, Tallaght, Dublin 24
Development:	Entrance upgrade comprising: (1) 3 heavy duty barriers & controls with 3 new smaller traffic arms and 3 road blockers; (2) Upgrade includes removal of existing island and construction of a smaller central island in a new position and all ancillary works in relation to the upgrade.
Location:	Townlands of Aungierstown & Ballybane, lying at the entrance of the existing facility in, Newcastle, Clondalkin, Dublin 22.
Applicant:	Google Ireland Limited

Description of Site and Surroundings

The subject site is comprised of a data storage facility, warehouse building and a HV substation with ancillary buildings.

Zoning

The subject site is subject to zoning objective EE - 'To provide for enterprise and employment related uses'.

Proposal

This Section 5 Declaration application includes:

- Cover Letter.
- Application Form.
- Site Location Map.
- Existing Entrance Photos.
- Existing and Proposed Layout Plan and Cross Sections.
- Proposed Barrier details.

This is an application requesting a Section 5 Declaration on whether the following works are or are not exempted development;

Amendments to the existing vehicular entrance arrangement comprised of:

- Installation of 3 heavy duty traffic barriers and ancillary controls with 3 new smaller traffic arms and 3 road blockers.
- Removal of existing island and construction of a smaller central island in a new position

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- All ancillary works in relation to the upgrade.

Relevant Planning History

SD14A/0023 - Townlands of Aungierstown & Ballybane, lying to the west of the existing facility in, Newcastle, Clondalkin, Dublin 22.

Construction of a two storey data storage facility (30,361sq.m.), a double height warehouse building (1,670sq.m) and a HV Substation area with two buildings; 1 no. 2 storey building (968sq.m.) and 1 no. single storey building (190sq.m) and associated site development works. Permission is also sought for a new site access and entrance gates, a security gatehouse, security gates, load bank garage, perimeter fencing, internal roadways, sprinkler tank, pump house, 10KV substation, water and fuel tanks, attenuation ponds, hard and soft landscaping, 83 no. new car parking spaces and bicycle shelter with ancillary site works. The highest point of any of the buildings is within 20m of the original ground level with the 25 no. stacks at 25m. Provision for a temporary construction entrance and haul road off the Baldonnel Road to the south of the site has been allowed for; an EIS (Environmental Impact Statement) will be submitted with this application, all on a 11.25 ha site. **Decision:** Grant Permission, subject to conditions.

SD14A/0284 - - Townlands of Aungierstown & Ballybane, lying to the west of the existing facility in, Newcastle, Clondalkin, Dublin 22.

Alterations to previously granted Reg. Ref. SD14A/0023 consisting of alterations to the position of the security gatehouse and security gates, internal roads layout, attenuation ponds, access road to the two storey substation; alterations to the double height warehouse elevations plus an additional internal mezzanine level (floor area 165sq.m); alterations to the single storey substation building (increase in additional floor area of 88sq.m and compound area; alterations to the height of the Load Bank Garage Building; additional 27 car parking spaces; removal of previously granted MV substation to north west of site; all associated site development works required as part of the above mentioned alterations. **Decision:** Grant Permission, subject to conditions.

Pre-Planning Consultation

None recorded.

Relevant Enforcement History

None recorded.

Assessment

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

Is the proposal development?

Section 2(1) in this Act, except where otherwise requires –

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'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

'structure' as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, and –

- (a) Where the context so admits, includes the land on, in or under which the structure is situated.

Section 3(1) defines 'development' as 'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land'.

The proposed development on site therefore constitutes 'works' and 'development'.

There is no category in the Planning and Development Regulations 2001 (as amended) or Planning and Development Act 2000 (as amended) which includes the:

- Installation of heavy duty traffic barriers, ancillary controls, traffic arms and road blockers.

Is the proposal exempted development?

Part 1 of Schedule 2 of the Regulations provides a table of general exempted development.

The Applicant contends that the proposal falls under Class 21, Part 1 of Schedule 2 of the Regulations which reads as follows:

(a) Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process, or on land used as a dock, harbour or quay for the purposes of any industrial undertaking—

(i) the provision, rearrangement, replacement or maintenance of private ways or private railways, sidings or conveyors,

(ii) the provision, rearrangement, replacement or maintenance of sewers, mains, pipes, cables or other apparatus,

(iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.

(b) Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building.

The Planning Authority considers that the removal of a traffic island and the installation of traffic barriers, ancillary controls, traffic arms and road blockers and

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the entrance to the site, does not fall within the development described in Class 21 of the Regulations as outlined above. Furthermore, it is considered that the proposal would materially change the access/egress arrangements for the subject site and would therefore need to be subject to a complete assessment by the Planning Authority to ensure there are no adverse impacts to the safety of the adjacent road network.

The removal of a traffic island and the installation of traffic barriers, ancillary controls, traffic arms and road blockers are not listed in Part 1 of Schedule 2 of the Regulations. As such, the proposal cannot be considered exempted development.

Conclusion:

It is considered that the proposed development would not be exempted development having regard to the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

Recommendation:

The applicant should be informed that the proposed development would not be considered as Exempted Development and therefore would require planning permission.

Colm Harte

**Colm Harte,
Senior Executive Planner**

ORDER: That the applicant be informed that the proposed development of entrance upgrade comprising: (1) 3 heavy duty barriers & controls with 3 new smaller traffic arms and 3 road blockers; (2) Upgrade includes removal of existing island and construction of a smaller central island in a new position and all ancillary works in relation to the upgrade at Townlands of Aungierstown & Ballybane, lying at the entrance of the existing facility in, Newcastle, Clondalkin, Dublin 22. is development and is not considered to be exempted development under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) and therefore does require planning permission.

Date: 24/3/22

Eoin Burke
Eoin Burke, Senior Planner