

Comhairle Chontae Atha Cliath Theas

PR/0522/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0013

Application Date: 17-Jan-2022

Submission Type: Additional
Information

Registration Date: 24-Mar-2022

Correspondence Name and Address: RW Nowlan & Associates 37, Lower Baggot Street,
Dublin 2.

Proposed Development: The installation of an energy storage unit at an existing data centre facility. The development involves the placement of three ISO 40ft. shipping containers containing back up storage units at Keppel Data Centre, Citywest Avenue, Citywest Business Park, Dublin 24

Location: 4033, Citywest Avenue, Citywest Business Park,
Dublin 24

Applicant Name: Energy Optimisation Solutions Limited

Application Type: Permission

(CM)

Description of site and surroundings

The site is situated in the Citywest Business Park and fronts onto Citywest Avenue to the south. The site accommodates an industrial warehouse in use as a data centre. The building is finished in light grey cladding. Car parking is provided to the west of the building with the main entrance to the southern elevation. A plant area is situated along the eastern side of the building. Another unit is present to the east of the site. Evergreen trees are present between the two premises.

Site Area: Stated as 1.67 Ha.

Site Visit: 14/03/22

Proposal

The installation of an energy storage unit at an existing data centre facility.

Zoning

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

SEA Monitoring

No overlaps indicated with the relevant layers.

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Consultations Received

Roads	No objection.
Environmental Services	No objection, subject to conditions.
Irish Water	No objection, subject to conditions.
Public Realm	No report received.

Observations/Representations/Submissions

None Received.

Planning History

SD18A/0453: Permission granted for new external plant and equipment zone to the side of the existing building & include some louvre screening plus associated site development works.

SD17A/0441: Permission granted for new secure fencing & gates to perimeter of the site plus internal alterations to car park & service road plus associated site development works

S00A/0730: Permission granted for construction of a mezzanine floor over the production warehouse area, amendments to facades, construction of service yard, wall and gates, plant and equipment housing, ESB switch and transformer rooms, relocation of entrance to site northwards and signage.

SD0A/0357: Permission granted for an advance facility including two storey offices for industrial and related uses, with provision for sub-division into two units, ESB sub-station, and associated site development works with access from new interchange.

S00A/0215: Permission granted for modifications to existing building - Register Reference No. S99A/0723. The modifications include the extension of the first floor area within the existing structure, external plant enclosure, ESB sub-station, revised site entrance location and associated site development works with access from the new interchange on Naas Road.

S99A/0723: Permission granted for modification to previously approved building including two-storey offices for industrial and related uses- Register Reference No. S99A/0478. The modifications include the sub-division of the building into three units, provision of additional two-storey offices, alterations to the facades and associated site development work with access from the new interchange on Naas Road, Brownsbarn.

S99A/0478: Permission granted for one of two previously approved buildings on a revised site location, including two storey offices for industrial and related uses, gross floor area 11,000sq.m, ESB sub-station and associated site development works with access from new interchange on Naas Road.

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Planning Enforcement

None.

Pre-Planning Consultation

None recorded or indicated on the application form.

Relevant Policy in the South Dublin County Development Plan 2016 – 2022

Chapter 4 Economic Development and Tourism

Policy ET1 Overarching

Policy ET3 Enterprise and Employment

Chapter 10 Energy

Policy E1 Responding to European and National Energy Policy & Legislation

Section 10.2.1 & Policy E3 Energy Performance in Existing Buildings

Section 10.2.2 & Policy E4 Energy Performance in New Buildings

Section 10.2.3 & Policy E5 Waste Heat Recovery & Utilisation

Section 10.2.5 Solar Energy

Chapter 11 Implementation

Section 11.2.3 Environmental Hazard Management

Section 11.2.3 (ii) Noise

Section 11.4.1 Bicycle Parking Facilities

Section 11.4.2 Car Parking Standards

Section 11.8.2 Appropriate Assessment

Relevant Government Policy

Ministerial Guidelines and Policy

Project Ireland 2040 National Planning Framework, Government of Ireland (2018).

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

Urban Design Manual, Department of the Environment, Heritage and Local Government, (2008).

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Design Manual for Urban Roads and Streets Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).

Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment - Guidelines for Regional and Planning Authorities (2004)

Departmental Circulars, Department of Housing, Planning and Local Government (2020 - 2022) – as listed:

- PL02/2020: Covid-19 Measures
- PL03/2020: Planning Time Periods
- PL04/2020: Event Licensing
- PL05/2020: Planning Time Periods
- PL06/2020: Working Hours Planning Conditions
- PL07/2020: Public Access to Scanned Documents
- PL12/2021: Government Policy Statement on Security of Electricity Supply

Assessment

The main issues for assessment are:

- Zoning and Council Policy
- Visual Impact
- Energy
- Access, Transport and Parking
- Public Realm
- Water Services
- Screening for Environmental Impact Assessment
- Screening for Appropriate Assessment

Zoning and Council Policy

The site is subject to land-use zoning objective 'EE' – “To provide for enterprise and employment related uses.”

The proposed development comprises energy storage units which are ancillary to, though it must be considered an integral part of, the existing data centre use.

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It appears from the planning history (see above) that the data centre use on the site has not been authorised via a planning permission. The proposed development may be considered an intensification of that use and would certainly be a further facilitation of that use.

The proposed use is therefore not acceptable pending clarification or regularisation of the overall use of the site as a data centre.

The applicant should be requested to provide any supporting information as **additional information** to indicate that the data centre has been authorised under the Planning Act or any other process. If the use is unauthorised, permission for retention of the data centre use and any physical alterations made on the site should be sought. The Planning Authority is not in a position to grant permission to anything that intensifies or facilitates an unauthorised use.

Visual Impact

The proposed development would take the form of 3 'ISO 40ft. industrial containers' (this relates to ISO standard 668:2020, a standard detail for shipping containers). The site otherwise contains a number of generator buildings which appear to be permanent in nature and construction. The proposed containers could only be permitted as a temporary measure pending permission and development of a permanent accommodation, for a period of 3 years.

The applicant should indicate the long-term plans for energy storage at the site and whether permanent premises are envisaged for the future. This can be done by way of **additional information**.

Energy

Energy policy in the South Dublin County Development Plan 2016 - 2022 promotes high levels of energy conservation particularly in association with renewable energy:

Policy E3

It is the policy of the Council to promote high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing buildings.

Policy E4

It is the policy of the Council to ensure that new development is designed to take account of the impacts of climate change, and that energy efficiency and renewable energy measures are considered in accordance with national building regulations, policy and guidelines.

The source of the energy to be stored under the proposals is therefore a relevant concern for the Planning Authority and the applicant should provide some clarity on this by way of **additional information**.

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The contents of Planning Circular 12/21 are also noted. The circular notes the following excerpt from the Government Policy Statement on Energy Security:

“It is appropriate for additional electricity transmission and distribution grid infrastructure, electricity interconnection and electricity storage to be permitted and developed in order to support the growth of renewable energy and to support security of electricity supply.”

It is considered however that the long-term use of the site as a data centre should be authorised, and if there is an existing energy generation plant on the site, this too should be regularised through the planning system as a priority.

Access, Transport and Parking

The Roads Department has stated no objection to the proposed development. This is noted.

Public Realm

The Public Realm Department has confirmed that it has no comment to add concerning the proposed development. This is noted.

Water Services

The Environmental Services Department and Irish Water has each stated no objection subject to standard conditions relating to standard details of works. This is noted.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can therefore, be excluded at preliminary examination and a screening determination is not required.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established business park and comprises energy storage units.

Having regard to:

- the scale and nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

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it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Conclusion

The proposed development is not acceptable if the overall use of the site as a data centre, possibly with energy generation facilities, is not authorised. The applicant should clarify the status of the ongoing activity on the site by way of **additional information**.

Recommendation

Request Additional information.

Additional Information

AI was requested on 14th march 2022 and supplied on 24th march 2022.

Further Consultations

None.

Further Observations

None.

Assessment of Additional Information

Item 1

It appears from the planning history that the data centre use on the site has not been authorised via a planning permission. The proposed development may be considered an intensification of that use and would certainly be a further facilitation of that use.

The proposed use is therefore not acceptable, pending clarification or regularisation of the overall use of the site as a data centre.

The applicant is requested to provide any supporting information as additional information to indicate that the data centre has been authorised under the Planning Act, 2000 as amended, or prior legislation. If the use is unauthorised, permission for retention of the data centre use and any ancillary development should be sought. The Planning Authority is not in a position to grant permission to anything that intensifies or facilitates an unauthorised use.

Response

The applicant has argued that the original permission, which describes industrial and related uses, covers a data centre use.

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Assessment

The above argument is not accepted as there are considerable differences between certain industrial uses. It was not apparent at the time of the original assessment what particular use was permitted in 1999. However, documents for an alteration to the parent permission in 2000 (S00A/0730) have since been retrieved which reveal that the use at that time was described as thus:

The proposal consists of the modification of the existing design submitted as S00A/0357 to create a single building to house and service colocation rooms for MFN Ireland Limited. Colocation rooms contain banks of computers which store information accessed through the internet and are heavily serviced with power and cooling. The room from grid line 12 back on the ground floor and the plant and equipment yard are full of equipment to service the Colocation rooms. There is a small amount of office space between grid lines 1 and 4 of ground and mezzanine level. The room functions are identified on the drawings and will have relatively small occupancy.

The above shows that data centre use was intended at the time and these details regularise the planning permission for the site.

Item 2

The proposed containers could only be permitted as a temporary measure pending permission and development of a permanent accommodation, for a period of 3 years. The applicant is requested to indicate the long-term plans for energy storage at the site and whether permanent premises are envisaged for the future.

Response

The applicant intends to permanently house the energy storage units in industrial containers.

Assessment

The Planning Authority would not typically grant permanent permission to structures such as industrial containers as they are considered to be temporary structures. It is considered to be appropriate that permission is granted on a temporary basis; permanent features should be housed within permanent structures on the site. In this regard it should also be noted that Citywest Business Park has been developed as a modern, landscaped business park and in accordance generally with policies now contained in section 11.2.5 of the County Development Plan.

Item 3

The applicant is requested to clarify the source of the energy to be stored on-site, how that energy has been generated and whether a connection to the public grid is envisaged as part of the development.

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Response

The applicant has clarified that the energy will be drawn from the grid. The applicant also notes their intention to apply for solar panelling in the near future.

Assessment

This is acceptable.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can therefore, be excluded at preliminary examination and a screening determination is not required.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established business park and comprises energy storage units.

Having regard to:

- the scale and nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Other Considerations

Bonds & Contributions

Commercial Floor Area of 108sq.m. proposed, temporary permission being granted for 3 years.

SEA Monitoring

Development Type: Commercial

Floor Area (Sq.m.): 108

Site Type: Urban Consolidation/Brownfield

Site Area (Ha.): 1.67

Conclusion

The proposed development is ancillary to an established use and is acceptable. The use of industrial storage containers is not considered to be acceptable on a permanent basis and therefore a temporary grant of permission is recommended.

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Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, 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 condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

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 conditions set out hereunder in the Second Schedule is hereby 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 24th March 2022, save as may be required by other conditions herewith.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Duration of permission.
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.
3. 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

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provision.

4. Operational Noise.

(a) Noise due to the normal operation of the proposed development, expressed as LAeq over 15 minutes at the façade of any noise sensitive location, shall not exceed the daytime background level i.e. 0700 – 1900 by more than 10 dB(A) and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 .

Clearly audible and impulsive tones at noise sensitive locations during evening and night as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be avoided irrespective of the noise level.

(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.

(c) All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

5. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health

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Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

6. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

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 developer should ascertain and comply with the requirements of Eirgrid and any connection agreements in place or which are required to be agreed.

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: The applicant is advised that where industrial effluent is produced or stored a licence may be required under the provisions of the Waste Management Act.

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

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the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

NOTE: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

NOTE: The applicant shall notify the Irish Aviation Authority and the Department of Defence regarding any cranes likely to penetrate ICAO surfaces.

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REG. REF. SD22A/0013

LOCATION: 4033, Citywest Avenue, Citywest Business Park, Dublin 24

jjohnston

Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: 20/4/22



Eoin Burke, Senior Planner