

TOBIN Consulting Engineers
Block 10-4
Blanchardstown Corporate Park
Dublin
D15 X98N

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

Decision Order Number:	0918	Date of Decision:	19-Jul-2022
Register Reference:	SD21A/0167	Date:	25-May-2022

Applicant: Shane Minehane, Greener Ideas Limited

Development: Construction of a gas fired power plant with an electrical output of up to 125MW with associated balance of plant, equipment and buildings including; an Engine Hall building with a height of 18.9m, comprising 6 gas engines and ancillary infrastructure; an Electrical Annex Building with a height of 18.7m; a Workshop building with a height of 5.1m; a Tank Farm building with a height of 5.68m; a Security hut with a height of 3.27m; an Exhaust Stack with a height of 31.8m; a Gas AGI including a kiosk with height of 3.3m; Radiator Coolers with a height of 8.46m; 2 electrical transformers with a height of 4.98m; Tanks including 2 x Diesel Oil Storage Tanks (volume of 2500m³ combined); SCR Urea Tank (26m³); Lube Oil Storage Tank (26m³); Lube Oil Maintenance Tank (26m³); Pilot Oil Tank (26m³); Fire Water Storage Tank (1000m³); Effluent Collecting Tank (26m³); Underground Surface Water Attenuation Tank (490m³); 2 new access onto the existing private road network with Profile Park; 12 parking spaces, footpaths, landscaping; fencing and all other associated site development plant and equipment and other works including surface water and foul wastewater drainage. An EIAR was submitted with this application.

Location: Profile Park, Baldonnell, Dublin 22

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 19-Aug-2021, 07-Apr-2022

**Clarification of Additional
Information Requested/Received:**

11-Mar-2022, 25-May-2022

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 11 March 2022, Clarification of Further Information received on 7 April 2022, 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. Materials.
 - (a) Notwithstanding the submitted details, the materials and finishes of all proposed structures and including the flues shall be submitted for written agreement with the Planning Authority prior to commencement of work on site.
 - (b) The applicant shall submit for the written agreement of the Planning Authority details of the flues at a scale of not less than 1:20. The applicant shall liaise with the Planning Authority regarding appropriate materials, prior to the commencement of development.
REASON: In the interest of visual amenity.
3. Roads.
 1. Prior to the commencement of development, the applicant shall submit a developed Construction Traffic Management Plan for the written agreement of the Planning Authority.
 2. Prior to the commencement of development, the applicant shall submit a developed Construction & Demolition Waste Management Plan (C&DWMP) for the written agreement of the Planning Authority.
 3. Prior to the commencement of development, a Public Lighting Design for the development must be submitted and agreed by the Public Lighting team of SDCC.
 4. A Mobility Management Plan is to be completed within six months of opening of the

proposed development. The Mobility Management Plan shall be submitted for the written agreement of the Planning Authority.

5. The applicant shall provide a 5% of vehicular parking spaces for mobility impaired users, and 10% vehicular parking spaces to be equipped with electrical charging points,
a. Car parking spaces dedicated for electrical charging shall be demarcated with “RRM 034” as per Chapter 7 Road Markings

REASON: In the interest of sustainable transport.

4. Waste Heat.

(a) Proposals for waste-heat recovery and ongoing delivery to a local heat-network shall be provided and implemented on site as relevant, in conjunction with the commencement and operation of the proposed development. Prior to the commencement of development, a timeframe for implementation of waste heat proposals shall be submitted for the written agreement of South Dublin County Council, unless otherwise agreed in writing.

(b) Such proposals shall include all necessary infrastructure for waste heat recovery from the proposed development and delivery through a primary waste-heat water circuit to either, the boundaries of the site or to an Energy Centre (when constructed as part of local heat network distribution) for connection to heat network. Such proposals shall be submitted for the written agreement of South Dublin County Council, unless otherwise agreed in writing.

(c) Where waste heat recovery and utilisation proposals have been explored and, subject to the written agreement of South Dublin County Council, have been deemed to be technically or otherwise unfeasible, details of future proofing of the building fabric, heat recovery and conversion systems and safeguarding of pipework/infrastructures routes up to the site boundaries to facilitate future waste heat connection to a local district heating network, shall be submitted for the written agreement of South Dublin County Council or as otherwise agreed in writing.

REASON: To promote the utilisation and sharing of waste heat and comply with Policy E5 of the South Dublin County Development Plan 2016-2022.

5. Irish Water.

(a) All works shall comply with the Irish Water Standard Details and Code of Practice for Water Infrastructure.

(b) All works shall comply with the Irish Water Standard Details and Code of Practice for WasteWater Infrastructure.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

6. Surface Water.

(a) Prior to commencement of development, the applicant shall submit a drawing showing where and how surface water discharge from site will be limited to a maximum of 3.8 litres/second.

(b) Prior to the commencement of development, the applicant shall submit revised drawings which provide adequate SuDS and omit the underground attenuation and petrol interceptors, unless otherwise agreed in writing by the Planning Authority.

(c) All fuel storage proposals on site shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Section 17. All process water and any effluent from the development shall not discharge to the surface water drainage network.

7. Drainage.

(a) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.

(b) All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

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

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.

8. Archaeological Monitoring, Recording and Reporting

1. The applicant is required to engage the services of a suitably qualified archaeologist to carry out archaeological excavation and monitoring under licence at the development site. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent;

2. Full archaeological excavation ('preservation by record') will be conducted by the archaeologist of pit identified in a previous phase of testing at the site. The immediate area around the feature shall be stripped of topsoil under archaeological supervision to identify any possible additional associated archaeological features in its immediate vicinity;

3. All topsoil removal and associated groundworks shall be monitored by the archaeologist. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent;

4. Should significant archaeological features be found, any works which would affect them shall cease pending agreement with the Department as to how they are to be dealt with. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation), or further monitoring may be required;

5. Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the Department.

REASON: To facilitate the recording and protection of any items of archaeological significance that the site may possess.

9. Signage.

No advertising sign(s) or structure(s) (including any signs installed to be visible through windows), banners, canopies, flags, or other projecting elements shall be erected except those, which are exempted development, without the prior approval of the Planning Authority or An Bord Pleanála on appeal.

REASON: In the interest of visual amenity, compliance with development plan policies and the proper planning and sustainable development of the area.

10. Ecology.

(i) Prior to the commencement of any permitted development, the developer shall engage the services an independent, qualified ecologist to implement the management recommendations of the Biodiversity Management Plan.

(ii) The applicant shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development.

(iii) The ecologist shall inform the planning authority in writing when the recommendations of the BMP have been implemented. This shall include the creation of

wildlife shelters, bat boxes, bird boxes, hibernaculae, invertebrate banks and their final locations.

REASON: In the interest of protecting the ecology and biodiversity.

11. Mitigation Measures

The mitigation measures and commitments identified in the Environmental Impact Assessment Report (EIAR) and other plans and particulars submitted with the planning application, as amended by the additional information received on 11 March 2022 and Clarification of Further Information received on 7 April 2022, shall be implemented in full by the developer, except as otherwise may be required in order to comply with other conditions.

REASON: In the interest of the protection of the environment.

12. Further Development.

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

REASON: To protect the visual amenities of the area.

13. Department of Defence.

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

(b) Due to the proximity to Casement Aerodrome, the developer should produce a Wildlife Aviation Impact Assessment and implement adequate bird control measures during the construction phase to mitigate the effects of birds on Air Corps flight operations.

(c) Due to the proximity to Casement Aerodrome, mitigations may be required in relation to the management of wildlife attracted to attenuation ponds or other water features. Should negative effects of bird activity on Irish Air Corps operations arise, the owner must put measures in place to mitigate these effects to an acceptable level.

(d) Due to the proximity to Casement Aerodrome, Military Air Traffic Services requests an Aviation Impact Assessment on all potential emissions. Prior to the commencement of development, the applicant shall submit this assessment for the written agreement of the Planning Authority. The assessment should cover the possible effects of exhaust plumes or any other associated impact on flight operations at Casement Aerodrome.

REASON: In the interests of aviation safety.

14. Inland Fisheries.

(a) The applicant shall ensure that best practice should be implemented at all times in relation to any activities that may impact on surface water or riparian habitats. Any discharges to surface streams present on or near the site must not impact negatively on the system. Comprehensive surface water management measures must be implemented at the construction and operational stage to prevent any pollution of local surface waters. Prior to the commencement of development, the applicant shall submit a statement for the written agreement of the Planning Authority indicating how they comply in this regard.

(b) Prior to the commencement of development, the applicant shall submit a site-specific Construction Environmental Management Plan (CEMP) for the written agreement of the

Planning Authority. This should identify potential impacts and mitigating measures on the aquatic environment, it should provide a mechanism for ensuring compliance with environmental legislation and statutory consents. The CEMP should detail and ensure Best Construction Practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water either directly or indirectly through the storm water drainage network and measures to minimise the generation of sediment and silt.

(c) The applicant shall ensure construction works are planned in a manner which prevents extensive tracts of soils from being exposed at any time and arrangements must be made for the control and management of any contaminated water resulting from construction.

(d) The applicant shall ensure that that the receiving foul and storm water infrastructure has adequate capacity to accept predicted volumes from this development during construction and post construction phases with no negative repercussions for the quality of any receiving waters.

(e) The applicant shall ensure compliance with Inland Fisheries guidelines.

(f) All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

REASON: In the interests of protecting the natural environment.

15. Environmental Health

1. Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

2. During the construction / 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.

3. Prior to commencement of the development the applicant is required to submit an Acoustic Verification report to the Environmental Health Department of South Dublin County Council. The report must confirm whether the development is capable of complying with Council's standard operational noise criteria, set out below:

Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time.

(a) This Acoustic Verification report should comprise of noise monitoring data at any noise sensitive locations. It should also include the cumulative noise level whereby the existing noise levels are included in the assessment of the developments overall impact.

(b) The Acoustic Verification report should include performance specifications for any changes/modifications which have been incorporated in order to reduce operational noise levels during the night time period.

The report must include a statement certifying whether the development or proposed use is fully capable of complying with the requirements of the noise control conditions and criteria as set out within the planning consent.

4. No heavy construction equipment/machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 on Saturdays nor after 19:00 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any work outside of these hours shall only be permitted following a written request to the Planning Authority and 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 unwanted noise outside the hours stated above.

5. The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise vibration on site so as would give reasonable cause for annoyance to any person in any adjoining unit or public place in the vicinity.

REASON: In the interests of public health and residential amenity.

16. Services to be Underground.

All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site.

REASON: In the interests of the visual amenities of the area, the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

17. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €179,644.44 (one hundred and seventy nine thousand six hundred and forty four euros and forty four cents), 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 contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

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 is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

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: 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.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

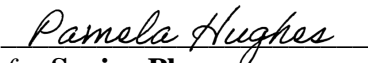
The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

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.


for **Senior Planner** **22-Jul-2022**

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, 2001 should be consulted.

(A) 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).
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. 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:
 2. 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