

Brian Coughlan
West Pier Business Campus
Dun Laoghaire
Co. Dublin

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

Decision Order Number: 0972	Date of Decision: 02-Aug-2022
Register Reference: SD21A/0217	Date: 05-Jul-2022

Applicant: Digital Netherlands VIII B. V.

Development: 10 year permission for development consisting of removal of an existing unused waste water treatment facility on site and the erection of two data centre buildings, gas powered energy generation compound, and all other associated ancillary buildings and works; the two data centre buildings, DUB 15 and DUB 16, will comprise a total floor area of c. 33,577sq.m over two storeys; the first 2 storey data centre building (DUB15), located to the southwest of the site, will comprise 16,865sq.m data storage use, ancillary office use and associated electrical and mechanical plant rooms, loading bays, maintenance and storage space; a second 2 storey data centre building (DUB16), located to the southeast of the site, will comprise 16,712sq.m data storage areas, ancillary office use and associated electrical and mechanical plant rooms, loading bays, maintenance and storage space; both data centre buildings will reach a height of 20m; emergency generators and associated emission flues and plant are proposed in compounds adjacent to each data centre building; gas powered energy generation is proposed to the north east corner of the site to provide electricity for the proposed development; the application proposes to re-route and widen an existing watercourse constructed following an earlier planning permission; it is proposed to reroute this watercourse along the eastern and southern boundary of the site; landscaping is proposed to the south of the site to screen the buildings; fencing and security gates are proposed around the site; new access roads within the site are proposed along with 71 car parking spaces and 26 cycle spaces, bin stores, site lighting, and all associated works including underground foul and storm water drainage attenuation and utility cables and all other ancillary works;

a Natura Impact Statement will be submitted to the planning authority with the application.

Location: Profile Park, Nangor Road, Clondalkin, Dublin 22

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 28-Sep-2021, /24-Mar-2022,

Clarification of Additional Information Requested/Received: 20-Apr-2022 / 05-Jul-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 24 March 2022, Clarification of Further Information received on 5 July 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. Roads.
 1. The applicant shall provide 5% of vehicular parking spaces for mobility impaired users, and 10% vehicular parking spaces to be equipped with electrical charging points.
 2. Prior to 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 commencement of development, the applicant shall submit a developed Construction Traffic Management Plan for the written agreement of the Planning

Authority.

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. All external bicycle parking spaces shall be covered.

REASON: In the interest of sustainable transport.

3. Drainage.

(a) 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.

(b) 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.

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. Ecology.

Prior to the commencement of any permitted development, the developer shall appoint and retain an appropriately qualified and experienced Ecological Clerk of Works, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement. The Ecological Clerk of Works shall oversee the implementation of ecological recommendations as set out in the Ecological Impact Assessment.

REASON: In the interests of biodiversity and green infrastructure provision.

6. Irish Water Connection Agreement.

(a) Prior to the commencement of development the applicant or developer shall enter into water connection agreement with Irish Water.

(b) Prior to the commencement of development the applicant or developer shall enter into wastewater connection agreement with Irish Water and the owner of the private foul drainage infrastructure.

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

7. SuDS

Prior to the commencement of development, the developer shall submit revised proposals for agreement with the Planning Authority that utilise above ground natural source control feature(s) such as filter strips/swales or basins that eliminate the need for below ground oil interceptors and proprietary systems. The applicant shall refer to SDCC Sustainable Drainage Explanatory Design and Evaluation Guide (sections 7.4.5 and 7.4.7).

REASON: In the interests of sustainable drainage.

8. Landscape Plan/Planting Plan

The Landscape Plans once agreed, shall be implemented in full, within the first planting season following completion of the development (completion of construction works on site).

a) Revised SuDS proposals incorporating further source control in lieu of petrol interceptors to be shown as integrated into the landscape plans. Details to be provided as relevant.

b) The applicant shall retain the services of a suitably qualified Landscape Architect throughout the duration for the site development works.

c) All hard and soft landscape works shall be completed in full accordance with the approved Landscape Plan.

d) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

e) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'.

f) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

g) The applicant's Landscape architect shall provide a certificate of completion with the approved landscape proposals within six months of substantial completion of the development.

REASON: To ensure satisfactory landscape treatment of the site which will enhance the biodiversity and appearance of the site, in accordance with the green infrastructure and environmental policies and objectives contained within of the CDP 2016-2022.

9. Department of Defence.
 1. Given the proximity to Casement Aerodrome, 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
 2. Due to 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.
 3. Given the proximity to Casement Aerodrome this area may be subject to a high level of noise from aircraft operating in the vicinity of the aerodrome.
 4. Given the proximity to Casement Aerodrome, the selection of trees and shrubs should avoid plants that produce fruit and seed desired by wildlife. Avoid the creation of areas of dense cover for roosting by flocking species of birds.
REASON: In the interests of aviation safety.
10. 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.
11. 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.
12. 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.
13. Archaeological Monitoring, Recording and Reporting
The applicant, owner and developer shall implement the recommendations of 'Interxion DUB15/16 (RKD 20245) Archaeological Assessment', prepared by Reliqua, dated June 2021).
The following shall apply:
 - (a) The applicant/owner/developer shall employ a qualified Archaeologist, licensed to carry out Archaeological Monitoring of all ground disturbance / sub-surface works carried out within the proposed development site. This will include the archaeological monitoring of the removal of topsoil, the excavation of trenches for foundations, services, access roadway, etc. associated with the proposed development.
 - (b) The archaeologist shall prepare and submit a report, describing the result of the Archaeological Monitoring, to the Local Authority and the Department of Culture, Heritage and the Gaeltacht within six weeks following completion of Archaeological

Monitoring.

(c) Should archaeological material be discovered during the course of Archaeological Monitoring, the applicant shall facilitate the archaeologist in fully recording the material. The applicant shall also be prepared to be advised by the Department with regard to the appropriate course of action, should archaeological material be discovered.

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

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. 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.

4. Diesel generators must be attenuated to achieve a maximum sound pressure level at 1m from any point of the generator of 75dBA

5. Dry air chillers must be attenuated to achieve a maximum sound pressure level at 1m from any point of the chiller of 55dBA.

6. Condensers and AHUs must be attenuated to achieve a maximum sound pressure level at 1m from any point of 70dBA.

7. A minimum 9m high noise wall must be constructed around all diesel generator yards, with louvres as detailed in appendix A of acoustic report by Arup, dated 28th of January 2022. 8. A minimum 4m high solid noise parapet must be constructed on the main data centre buildings to shield receptors from chiller noise.

9. 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 protecting the amenities of the area.

16. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €1,657,587.84 (one million six hundred and fifty seven thousand five hundred and eighty seven euros and eighty 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 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 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.

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**

03-Aug-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