

John Spain Associates
39, Fitzwilliam Place
Dublin 2

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

Decision Order Number:	1174	Date of Decision:	19-Sep-2022
Register Reference:	SD22A/0311	Date:	26-Jul-2022

Applicant: K2 Strategic Infrastructure Ltd

Development: Amendments to the development permitted under Reg. Ref. SD18A/0301 comprising of alterations to the permitted two storey data centre building including internal reconfiguration, alterations to finished floor levels, alterations to the building footprint to provide for the relocation of an internal staircore to the south of the building, and the replacement of the enclosed first floor level with an open screened roof mounted plant space (resulting in a reduction of 4,091sq.m in the gross floor area (GFA) of the data centre building); Associated alterations to the facade of the data centre building, including alterations to fenestration, cladding, step-out in the southern facade to accommodate a staircore, and a reduction in the eastern building parapet height of c. 2 metres; Provision of a canopy over the loading docks on the east facade; Alterations to the permitted generator compound, generators, and flues, including a reduction in the number of generators (5 now proposed), and provision of MV rooms within the generator compound; Provision of an ESB substation compound in the north-eastern portion of the site, comprising a single storey substation building (with a GFA of c. 125sq.m), within a 2.6 metre high security fence, 2 transformers, client control building (with a GFA of c. 47sq.m), and associated access arrangements; The ESB substation compound will be accessed from Kingswood Drive; Omission of the permitted sprinkler tank, pump room and 10kV Substation, reconfiguration of the permitted car parking, and revisions to permitted boundary treatments; Associated alterations to landscaping, access and internal road arrangements, services, lighting, and layout, and all associated and ancillary works.

Location: Site at Kingswood Drive and Kingswood Road within the Citywest Business Campus, Naas Road, Dublin 24

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: /

Clarification of Additional Information Requested/Received: /

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 2022 - 2028 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 in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, 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. Parent Permission
All conditions attached to the permission granted under Reg. Ref. SD18A/0301, to which this application will have the effect of creating modifications to, shall apply, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the previous permission.
3. Amendments.
Prior to the commencement of development the applicant/developer shall submit the following for the written agreement of the Planning Authority:
Revised plans that incorporate all of the following amendments-

(a) Revised drawings showing the vehicular access to the sub-station compound from Kingswood Drive omitted. An access shall be provided to the sub-station compound from the internal road onsite. Landscaping along Kingswood Drive should be amended to replace the omitted access. There is an existing surface water sewer (appears privately owned) along the eastern boundary of the site. Any changes to the location of the ESB substation building, as a result of the changes to access, should take into account the appropriate setback from this sewer.

(b) Detailed plans and elevations of the proposed canopy with all relevant dimensions of this structure shown.

(c) The 'proposed south elevation' drawing at the bottom of drawing sheet no. 21174-RKD-ZZ-ZZ-DR-A-1300 should be revised to state, 'proposed north elevation'.

(d) Revised boundary treatments showing the retention and protection of the southern tree line.

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

4. Charging of Electric Vehicles

The applicant will ensure that no fewer than 20% of the total number of car parking spaces onsite make provision for the charging of electric vehicles.

REASON: In the interest of sustainable transport and in the interests of proper planning and sustainable development.

5. Implementation of Landscape Plans

(a) Prior to the commencement of development the applicant/developer shall submit revised Landscape Plans for the written agreement of the Planning Authority, following consultation with SDCC's Public Realm Section and Heritage Officer if needed, showing the trees along the southern boundary indicated for protection under the Tree Protection Plan as protected and enhanced with further planting. The landscaping along the eastern boundary shall be amended to include further planting to enhance the existing hedgerow and mitigate for the previous loss of hedgerow along the boundary.

(b) The Landscape Plans approved under (a) above shall be implemented in full, within the first planting season following completion of the development (completion of works on site) or following completion of each phase of the development if the development is phased.

(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

REASON: To ensure the provision, establishment and maintenance of a reasonable

standard of landscape in accordance with the approved designs.

6. Landscaping Maintenance

Prior to any occupation of the development, a scheme for the maintenance of the landscape scheme for the lifetime of the development shall be submitted to the Planning Authority for approval. All works shall be maintained in accordance with the agreed scheme.

The scheme shall include the following:

- i) methods for the proposed maintenance regime;
- ii) detailed schedule;
- iii) details of who will be responsible for the continuing implementation
- iv) details of any phasing arrangements

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area

7. SUDS (Sustainable Drainage Systems)

A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation. Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.
- A drawing to show how surface water shall be attenuated to greenfield run off rates.
- Submit a drawing to show what SuDS are proposed. Examples of SuDS include permeable paving, filter drains, bio-retention tree pits, rains gardens, swales or other such SuDS.
- SUDs Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.
- The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, in accordance with the policies and objectives of the County Development Plan 2022-2028.

8. Tree Protection

All tree protection measures outlined in the submitted Tree Report and associated Tree Protection Plan prepared by Arborist associates shall be implemented in full by the applicant. In addition, no development shall commence on site, including works of demolition or site clearance until:

- (a) All trees to be retained shall be protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with

BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction;

(b) Any works within the branch spread of the trees shall be by hand only. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing. Any trees that are damaged or felled during construction work must be replaced with semi mature trees of the same or similar species.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

REASON: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

9. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €645,001.56 (Six hundred and forty five thousand and one euros and fifty six 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 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.

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.

Pamela Hughes **20-Sep-2022**
for **Senior Planner**

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