

Comhairle Chontae Atha Cliath Theas

PR/0101/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0109

Application Date: 19-Apr-2022

Submission Type: Additional
Information

Registration Date: 18-Jan-2023

Correspondence Name and Address:

Henry J Lyons Architecture & Interiors 51-54, Pearse Street, Dublin 2

Proposed Development:

Retention of the generator compound (391sq.m) consisting of three generators along with three transformers and ancillary 3 diesel tanks and perimeter treatment on a permanent basis on the southern perimeter of the site with Orchard Avenue; The development also consists of the retention of 3 signs (10.94sq.m) as follows: retention of 1 sign (0.57sq.m) on plinth at the corner of Bianconi Avenue and the N82/Citywest Road; retention of 1 sign (4.58sq.m) on the eastern elevation of Block D facing the N82/Citywest Road and retention of 1 sign (5.79sq.m) on the northern elevation of Block M facing Bianconi Avenue. The development will include retention of all revisions to the permitted landscaping and site development works required.

Location:

Bianconi Avenue, Citywest Business Campus, Saggart, Co. Dublin

Applicant Name:

Xilinx Ireland Unlimited Company

Application Type:

Retention

(CM)

Description of site and surroundings

Site Area: 6.5 Hectares.

Site Description:

The subject site is located at Xilinx Ireland, Bianconi Avenue, within an established Business Estate, in a standalone unit set on a large, landscaped campus site. The pattern of development in the vicinity comprises large campus style business units.

Site Visit: 31/5/22

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Proposal

Retention of the generator compound (391sq.m) consisting of three generators along with three transformers and ancillary 3 diesel tanks and perimeter treatment on a permanent basis on the southern perimeter of the site with Orchard Avenue;

The retention of 3 signs (10.94sq.m) as follows:

- retention of 1 sign (0.57sq.m) on plinth at the corner of Bianconi Avenue and the N82/Citywest Road;
- retention of 1 sign (4.58sq.m) on the eastern elevation of Block D facing the N82/Citywest Road and
- retention of 1 sign (5.79sq.m) on the northern elevation of Block M facing Bianconi Avenue.

The development will include retention of all revisions to the permitted landscaping and site development works required.

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.

Consultations Received

Roads	No objection.
Environmental Services	Requests Additional Information.
Irish Water	Requests Additional Information.
Public Realm	No objection.

Observations/Representations/Submissions

None Received.

Planning History

SD16A/0064

SDCC **granted** permission for Change of use of 6,299sq.m of the existing interlinked complex of buildings of 18,984sq.m from a mix of ancillary warehouse, packaging, logistics and research and development uses within Blocks E, G and K to an independent office based industry use that would function independently to the remaining Xilinx facility and could be sub-let and subdivided; subdivision and sub-letting of part of block G at second floor level; removal of mezzanine in block G; amendment of Condition no. 6 of S94A/0344 and S99A/0908 so that the

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new independent office based industry use of 7,890sq.m can be sub-let and subdivided and so that the existing office space (10,893sq.m) is not integral or ancillary to the non-office uses that are subject of this change of use application; minor elevation changes including a new entrance, to blocks E and G; the remaining Xilinx facility (10,893sq.m) will continue as per its permitted uses; the new office based industry use will be served by the reconfigured 197 car parking spaces of the 568 permitted car parking spaces serving the site with vehicular access via the existing secondary entrance off Bianconi Avenue; 371 spaces will continue to serve the remaining Xilinx facility.

SDCC also **granted permission for retention** for the generator compound (391sq.m) consisting of three generators along with three transformers and ancillary 3 diesel tanks and perimeter treatment on a permanent basis on the southern perimeter of the site with Orchard Avenue.

Subject Site

SD07A/0564

Retention of an enclosed external plant area for the liquid nitrogen storage tank constructed on the south portion of site adjoining Orchard Avenue and (b) planning permission to extend period of permission granted under planning Reg. Ref. SD04A/0850 for a temporary generator compound along with revised perimeter treatment: compound is located on the boundary of the land on the south perimeter with Orchard Avenue and consists of three generators along with three transformers and 3 no. ancillary diesel fuel tanks.

Decision: Grant permission subject to conditions.

Relevant Condition:

The period of this permission shall be five years from the date of a final grant of permission.

REASONS: In the interests of maintaining orderly development

SD05A/0293

For new surface mounted external flue that will terminate 1.285m above roof level and fixed to southern elevation of their existing facility.

Decision: Grant permission subject to conditions.

SD05A/0249

Change of use of existing warehouse to children's indoor adventure play area, together with alterations to existing premises.

Decision: Grant permission subject to conditions.

SD04A/0857

Retention of structures completed at Bianconi Avenue, City West Business Campus, Saggart, Co. Dublin and permitted under permissions: Reg. Ref. S99A/0908 and Reg. Ref. No.

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S00A/0370. The structures completed contain changes from the original permission as follows: Minor elevational changes to the west elevation of Blocks G, N and K with an external canopy over access doors on the west elevation of Block K. Minor elevational changes to the east elevation of Block M and Block D and minor elevational changes to the south elevation of Blocks G, N, K and M. Changes to the north elevation of Blocks D, G and E to accommodate the new function as external wall from previously approved internal wall. Permission is also sought to retain ancillary car parking, located to the north of the site for 234 spaces and associated works serving the facility, providing in total 568 spaces to the site and for retention of the existing site entrance on to Bianconi Avenue. Permission is also sought for the retention of the single storey Inergen Bottle Store located to the west of Block K and south of Block N and also for the basement maintenance workshop to the west of Block G.

Decision: Grant permission subject to conditions.

SD04A/0850

Retention of temporary generator compound at Orchard Avenue on the southern boundary of lands at Bianconi Avenue, Citywest Business Campus for a period of five years. Compound is located on the boundary of the land on the south perimeter with Orchard Avenue and consists of three generators along with three transformers and ancillary No. 3 diesel fuel tanks.

Decision: Grant permission subject to conditions.

SD02A/0698

Illuminated fascia sign at high level on east facade of Block 4(M) at their premises.

Decision: Grant permission subject to conditions.

S01A/0245

To widen the main front entrance to their existing facility.

Decision: Grant permission subject to conditions.

S00A/0413

Extension to the expansion of an existing facility.

Decision: Grant permission subject to conditions.

S00A/0370

Minor extension to the expansion of existing facility for which planning permission was grant (S99A/0908, April 10th, 2000). The extension comprises additional area of entrance porch, re-location of one loading dock from the south facade of Block G to the west facade of Block K, additional link corridor and plant room at first floor level over existing boiler house, additional security control room at first floor level between Block G and the multi-storey car park. The total area of extensions is 212.3sq.m.

Decision: Grant permission subject to conditions.

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S99A/0908

Mixed use expansion of an existing facility at their premises at Logic Drive, Bianconi Avenue, Citywest Business Campus, Saggart, Co. Dublin. The building use to include software and hardware development, data processing, technical research and development, training, publishing, financial and administrative headquarters, including all associated amenities ancillary to each use. Associated site works include alterations to the existing landscaping and the provision of additional surface car parking, the closing of an existing entrance off Bianconi Avenue, the provision of one new 6m wide entrance off Bianconi Avenue and one new 16.5m wide entrance off Orchard Avenue. The new buildings to comprise a full height glazed street connecting 3 three-storey blocks (21,276sq.m), extensions to the existing production/test facility (2,160sq.m) and the warehouse-shipping area (4,792sq.m), a two- storey extension to the administrative offices (3,170sq.m), roof level plant rooms and screened enclosures and five level multi-storey car park.

Decision: Grant permission subject to conditions.

Relevant condition:

In so far as the proposed development contains a significant amount of office space this office space shall be used solely as an integral part or as an ancillary part of the industrial use of the premises and in any case shall not be sublet or subdivided for separate use.

REASON: In the interest of the proper planning and development of the area.

S94A/0344

Construction of a new facility to consist of an interlink complex of buildings, including a single storey production and storage building, 2 two storey office blocks for production administration and for research and development, a single storey entrance pavilion, a canteen block and a services block with an adjacent nitrogen storage tank. The development will be set in a landscaped site with a lake providing water storage for the fire protection installation together with access roads, car parking, an external sign at the site entrance and miscellaneous works.

Decision: Grant permission subject to conditions.

Relevant condition:

In so far as the proposed development contains a significant amount of office space this office space shall be used solely as an integral part or as an ancillary part of the industrial use of the premises and in any case shall not be sublet or subdivided for separate use.

REASON: In the interest of the proper planning and development of the area.

Planning Enforcement

None.

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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 11.2.5 Signage

Section 11.4.1 Bicycle Parking Facilities

Section 11.4.2 Car Parking Standards

Section 11.8.2 Appropriate Assessment

Schedule 6: Outdoor Advertising Strategy

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.

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

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

Government Policy Statement on Security of Electricity Supply (PL 12/2021), Department of Housing, Planning and Local Government, 2021.

Assessment

The main issues for assessment are:

- Zoning and Council Policy
- Visual and Environmental Impact (Compound)
- Signage
- Access, Transport and Parking
- Public Realm
- Water Services
- Screening for Appropriate Assessment
- Screening for Environmental Impact 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.

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 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.

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Visual and Environmental Impact (Compound)

The gas generator has been the subject of previous permissions. Most recently, in 2016, the compound was permitted for retention on a permanent basis; however, the full permission was not delivered. On that occasion, the SDCC planner stated:

Planning permission was previously granted on a temporary basis for the generator compound (register references SD04A/0850 and SD07A/0564). The compound is well screened and creates no visual amenity impacts. There is no planning reason to restrict the life of this permission and therefore permission should be granted.

The above comments have been corroborated by site visit and the comments remain valid.

It is also noted that the provision of such facilities is supported by the Government Policy Statement on Energy Security (circular no. 12/2021).

The retention of the gas generator compound is considered to be acceptable.

Signage

The site is located in 'Zone 2' as per Schedule 6 of the South Dublin County Development Plan 2016 – 2022. Three new signs are proposed for retention: a sign on the 'plinth' at the north-east corner of the site. Signage is also proposed for retention on the building's eastern and northern elevations, high up on the building.

The signs on the building are internally at night, showing the letters 'AMD' in white, whereas they appear black during daytime. The plinth signage is at ground level and is not internally lit.

Having regard to section 4.0 "Illuminated Signs and Advertising" and section 7.0 "Advertising Development Management Standards" of Schedule 6 of the plan, **it is considered that the proposed signage is acceptable for retention in principle**, given the location, scale and design of the signage, and the consequent lack of detrimental impacts considered to arise from it.

With regard to illumination at night-time, this is a matter that should be assessed subject to impact on biodiversity (as per section 7.0 of Schedule 6 of the Plan). As the sign is already in place, it is considered that the most appropriate course of action at this stage is to grant permission but to **condition** that the sign is not illuminated at night.

Night-time illumination can be the subject of a separate permission and with appropriate ecological surveys undertaken if the applicant wishes to pursue it.

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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 has sought additional information on the basis of sustainable drainage, seeking information regarding SuDs features to offset the impact of the compound. It is considered inappropriate to apply this approach in the case of a previously permitted element of a permitted scheme. The 2016 permission does not include a condition on Suds.

Irish Water have sought that the applicant obtain an official letter from them stating agreement to the location of the compound, due to its proximity approx. 1m from a 200mm public watermain. It is appropriate that this matter is settled prior to a grant of permission; therefore, additional information should be sought.

Screening for Environmental Impact Assessment

The subject site is located in Citywest Business Park, approximately 6km from the nearest Natura 2000 site (the Glenasmole Valley SAC).

The proposed development comprises the installation of an energy storage unit at an existing data centre facility.

Having regard to:

- the nature of the development;
- the small scale of the development;
- the location of the development;
- and its location relative to any waterways which may provide pathways to Natura 2000 sites in the county or in Dublin Bay;

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.

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Screening for Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

Other Considerations

Bonds & Contributions

The proposed development is for **retention** of 391m² of generators for **commercial** use. Application also includes signage (no assessable area). Assessable area is 391m² (for retention).

SEA Monitoring

Development Type: Commercial
Floor Area (Sq.m.): 391
Site Type: Urban Consolidation/Brownfield
Site Area (Ha.): 6.5

Conclusion

The proposed signage and retention of the generator compound would be acceptable in principle, subject to the signage not being illuminated at night, and in accordance with previous decisions on the site. The location of the gas generator compound in close proximity to an Irish Water asset requires agreement with Irish Water prior to a grant of permission.

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 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.

Therefore, additional information should be sought.

Recommendation: Request further information

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(DF)

Further Information

Further Information was requested on the 13/05/2022.

- A request for an extension of time to respond to the Request for Further Information was received on the 09/12/2022 from Henry J Lyons Architecture & Interiors, the agent acting on behalf of the applicant.
- The applicant was granted a time extension up to and including 21/03/2023 to respond to the request for Further Information.
- Further Information was received by the planning authority on the 19/01/2023.

Consultations

No reports required.

Submissions/Observations

No further submissions/observations received.

Assessment of Further Information

Item 1a Requested:

"1. a) The gas compound appears to be 1 metre from a 200mm uPVC public watermain located under the footpath to the south of the site. Irish Water Standard Details for water Infrastructure require 3m clear distance from a main of this size.

Therefore, the applicant is requested to obtain and submit the written agreement of Irish Water to the proposed development."

Applicant's Response:

"Following discussions with Irish Water it was agreed that a Diversion application needed to be made to them on the 10th November 2022 by Gordon White Consulting Engineers Ltd. This application for the diversion included details of the generator compound in question, the position of the existing 200mm watermain that runs along the footpath, and the nature and extent of the proposed diversion of the watermain, which was proposed to be c.3m. An excerpt of this is shown below and was agreeable to Irish Water."

Assessment:

Following the discussions held between the applicant and Irish Water. The planning authority consider that **Item 1a** has been addressed, subject to conditions.

Item 1b Requested:

"b) The applicant is requested to provide any supporting information to demonstrate that the data centre has been authorised under the Planning Act or any other process. If the use is

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unauthorised, planning permission for retention of the data centre use and any physical alterations made the site is required."

Applicant's Response:

"We respectfully submit that this planning application does not relate to a data centre and is simply relating to the retention of new signage and the retention of the generator compound, which had already previously been permitted on site. No element of the application relates to a data centre use, and no data centre use is currently ongoing within the Xilinx campus. The function of the generator compound is to provide back-up power to the overall Xilinx campus, if it was ever required, and therefore forms critical infrastructure to the functioning of the large campus. It also provides an important fire and life safety function. This element of the AI request appears to have been made in error and we therefore request the Planning Authority to dismiss this element of the AI request."

Assessment:

The applicant's response regarding clarification of the overall use of the campus site, is noted. In the event the use was unauthorised, permission for retention and any physical alterations made to the site should be sought from the planning authority.

This assessment reverts to the application's development description, plans, particulars, and specifications lodged with the application. In this regard, it is considered that **Item 1b** has been addressed, subject to conditions.

South Dublin County Development Plan 2022 – 2028

A new Development Plan came into effect for South Dublin on 3rd August 2022. As a result, the development has been reassessed against the plans and policies of this new plan. The site is still subject to land-use zoning objective 'EE' – *"To provide for enterprise and employment related uses."* The proposal broadly aligns with the policies and objectives of the 2022 – 2028 Development Plan.

Chapter 9 Economic Development and Employment

Policy EDE1 Overarching

Policy EDE3: Innovative Economy

Chapter 10 Energy

Policy E1 Responding to European and National Energy Policy & Legislation

Section 10.2.1, 10.2.2 & Policy E3 Energy Performance in Existing and New Buildings

Section 10.2.5 & Policy E6 Waste Heat Recovery & Utilisation

Policy E7 Solar Energy

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Chapter 12 Implementation and Monitoring

Section 12.3.1 Appropriate Assessment

Section 12.11.4 Environmental Hazard Management

Section 12.11.4 (ii) Noise

Section 12.5.7 Signage – Advertising, Corporate and Public Information

Section 12.7.1 Bicycle Parking / Storage Standards

Section 12.7.4 Car Parking Standards

Other Considerations

Bonds & Contributions

The proposed development is for **retention** of 391m² of generators for **commercial** use.

Application also includes signage (no assessable area).

Assessable area is 391m² (for retention).

€112.57 rate per metre for commercial

Because the site is not commercial floor area it is exempt from financial contributions.

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2022-2028,
- the established character of the area; and
- the nature and scale of the proposed development.

It is considered that, subject to the conditions set out below, the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 Retention 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 2022 -

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2028 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.
 - a) The development shall be retained and completed fully in accordance with plans, particulars and specifications lodged with the application, save as may be required by other conditions attached hereto.
 - b) Permission is only granted for items specified in the description of development.
REASON: To ensure that the development is in accordance with the permission and that effective control is maintained and to clarify the extent of the permission.
2. Signage Not Internally Lit.
The signage shall not be internally illuminated.
REASON: In the interest of residential amenity, and the proper planning and sustainable development of the area.
3. Signage.
Other than as set out in the description of development, no other 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.
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

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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.

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.

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 or other relevant legislation.

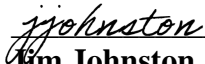
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REG. REF. SD22A/0109

LOCATION: Bianconi Avenue, Citywest Business Campus, Saggart, Co. Dublin



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 Retention 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: 30/01/23



Gormla O'Corrain,
Senior Planner