

MARSTON

PLANNING CONSULTANCY

Senior Administrative Officer,
Land use, Planning and Transportation Department
South Dublin County Council
County Hall
Town Centre
Tallaght
Dublin 24

12th January 2023

Our Ref: 21047

Re. Planning and Development Act 2000-2022 and the statutory regulations (as amended). Application by Vantage Data Centers DUB11 Ltd. for development for the demolition of the abandoned single storey dwelling and associated outbuildings (206sqm); and the construction of 2 no. two storey data centres with plant at roof level of each facility and associated ancillary development that will have a gross floor area of 40,589sqm, plus a temporary gas powered generation plant if required; at this site of 8.7 hectares to the south of the New Nangor Road (R134); and on land within the townlands of Ballybane and Kilbride within Profile Park, Clondalkin, Dublin 22.

Planning Authority Register Ref. SD21A/0241

Date of final grant: 19th July 2022

FORMAL COMPLIANCE SUBMISSION

Dear Sir / Madam,

We, Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin 18 are instructed by Vantage Data Centers DUB11 Ltd. to make the following compliance submission in respect of all of the Conditions attached to SDCC Planning Ref. SD21A/0241. We can confirm we are familiar with the conditions attached to the Final Grant issued by South Dublin County Council on 19th July 2022.

To ensure clarity we have listed each of the conditions attached to the decision to grant and addressed each issue in the order that they appear. We have set these out in numerical order. We refer the Planning Authority that this compliance submission addresses the prior to commencement development conditions under Conditions 2, 3, part 4, 5, 8, 9, part 11, 16, and 19.

A further compliance submission will be made addressing conditions part 4, 7, part 11, and 17 subsequently. This will ensure that compliance submissions are made addressing all conditions of the permissions prior to the commencement of development.

SDCC PLANNING REF. SD21A/0241

Condition no. 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 21 March 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.

Response

The applicant notes the content of Condition 1 above and proposes to carry out the development, subject to any future applications, in accordance with the plans and particulars lodged with the application on the 31st

August 2021, and as amended with the plans and particulars lodged with the Planning Authority on the 21st March 2022.

Condition no. 2

Amendments.

Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

Revised plans that incorporate all of the following amendments-

(a) the proposed flues, associated with the multi fuel generation plant, shall be reduced in height to no more than 25m unless otherwise agreed in writing by the Planning Authority. The location of the flues within the multi fuel generation plant may be altered to accommodate this; Flue Details. 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.

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

Response

Following the receipt of the permission, the applicant through Marston Planning consulted with the Senior Executive Planner to outline the rationale and reasoning for the 30m heights of the flues that are associated with the Multi-Fuel Generation Plant (MFGP).

In accordance with the above condition the applicant has undertaken further analysis and assessment of the ability to lower the flues to being no more than 25m or a height in between, as well as seeking to ensure that the capacity of the flues and plant meet EU standards under EN 15259:2007.

Internal combustion engines such as the ones proposed to be used at the Permitted Development site have restrictions that limit its efficient use, and where if altered would negatively impact upon engine performance. Some of these negative effects would include an increase in noxious emissions, and there would also be a drop in operating efficiency resulting in higher fuel usage. It would also affect the maintenance requirements on the engine, increasing oil changes and shortening engine component life.

Irrespective of these issues and concerns, the applicant in seeking to address the implicit aim of the condition to reduce the flues to 25m in height, unless otherwise agreed with the Planning Authority, several options were assessed and considered that included:

- **Reducing the diameter of the flue.** Based on the design as submitted at Additional Information stage, and with the silencer requirements for noise control, the diameter of the flues would need to be reduced to 0.7m – a reduction of 40%, to facilitate any reduction in the height of the 30m flues. Their current design is based on directing hot exhaust gases away from the engine to a desired emission point. The reduction would have a significant detrimental impact on the performance and efficiency of the generators thus negating the function and efficiency of the Plant. This was therefore dismissed as a viable option to facilitate the reduction in the flue heights.
- **Removing or reducing the size of the silencers.** The reduction in the size of the silencers would result in a much higher noise emissions from the generators that would significantly exceed that allowable under Condition no. 18 of the permission. The average weighted sound power level at the exhaust gas outlet is 128 Lwa [dB]. Whilst this option would facilitate the flue height to be reduced, it would result in unacceptable noise emissions that are contrary both to the EIAR mitigation measures and impacts, as well as Condition no. 18 of the permission. This was therefore dismissed as a viable option to facilitate the reduction in the flue heights.
- **Apply CEMS monitoring that is non-compliant with the requirements of EN15259.** This EU standard (EN15259) is a statutory requirement to be met for the measurement of stationary source emissions in terms of air quality. The application of EN15259 is particularly relevant in relation to monitoring of particulate releases such a NOx emissions from the combustion of liquid fuels such as Hydrolysed Vegetable Oil (HVO) or diesel, which are required as back-up fuels under the Secondary Fuel Obligations applied by the Commission for Regulation of Utilities (CRU) in this instance. The non-meeting of this statutory requirement and having NOx emissions above that required by law was therefore dismissed as a viable option to facilitate the reduction in the flue heights.

The more stringent the requirements for noise and NOx emissions the more restrictive the silencer and SCR become to exhaust gas flow. The Grange Castle site has very low limits for noise and NOx emission meaning these items take up a large share of the engine manufacturers permitted restriction for exhaust gas restriction. We submit that the sizing and routing of the exhaust pipework is critical. It is not possible to reduce the exhaust pipework size any more than we have proposed under the application / Additional Information response as a small diameter pipe would present more restriction to engine putting us over the manufacturers limit.

The rationale for the design height of the flues of the Multi-Fuel Generation Plant to be at 30m was due to the need for the Plant to meet EN 15259. Clearly this would not apply to all Power Plants given that all do not operate in a manner where they have an input of over 50MWth and would operate for over 1,500 hours a year. This operational characteristic of the Plant will require Continuous Emissions Monitoring (CEMS) to demonstrate compliance with the Environmental Protection Agency (EPA) Industrial Emission license, required for operation. The additional height at 30m enables the flues to adequately disperse exhaust fumes away from the chillers and nearby residential properties. This would not be possible if the flues were at 25m.

The need for the position and therefore the height of the flues is due in part to the required redesigned MFGP that was required following the request for Additional Information of the Planning Authority under this application; and the change to data centre grid connection policy in late 2021.

We acknowledge that the general height of flues within Grange Castle and surrounding areas is around 25m, apart from the Pfizer development, which is significantly above that, and what is proposed in this instance. However, this is an unusual and exceptional site that is limited, despite the entirety of the site being zoned EE, by the stream passing through it. The location of the MFGP is also uniquely positioned in being significant distances from the public road at c. 180m from the new Nangor Road to the north, and c. 550m from the Baldonnel Road to the south, so that the alteration from 25m to 30m is not easily discernable to the naked eye.

We respectfully submit that the compliance response, having taken all of the above into consideration, sets out that MFGP flues cannot be lowered below 30m and still be able to meet the required EU standards, and due to all of the above, their height does not in any way form a precedent for the increase in flues within the wider area to being 30m in the future.

The detailed analysis has led to the design of the MFGP being fully designed out, and these are set out as part of the compliance submission. These immaterial changes are clearly defined fully in accordance with this condition.

Condition no. 3

(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.

Response

Proposals for waste-heat recovery from the Permitted Development and its delivery to a local heat-network, if established are set out under a Waste Heat Recovery Statement for the Permitted Development undertaken

by Burns and McDonnell. This Statement sets out in detail a number of future proofing design mechanisms that will enable and facilitate the Permitted Development to connect into a local heat-network in the future, if one is established. The summary of this statement is that the Permitted Development has been future proofed for potential connection to a future local district heating network.

Space has been allocated within the Permitted Development for a dedicated plantroom for the provision of plate heat exchangers. This would facilitate the future connection of flow and return district heating pipework from outside the site. The source side would be connected to the return line of the chilled water circuit serving the data hall spaces. The user side would connect into the district heating network.

The Permitted Development has adequate space below ground to route the district heating pipework from outside the site to the district heating plantroom. This future proofing pipework will be installed from day one from the plantroom to the edge of the site, to facilitate the connection to the critical chilled water loop connected to a plate heat exchanger and thus eliminate the risk of intrusive works in the future to allow the heat recovery connection.

Design modifications required are as follows:

- Design, coordination and installation of above ground source-side pipework;
- Design, coordination and installation of plate heat exchanger plantrooms on site, as well as lodging the associated planning permissions, if required;
- Selection and installation of circulating pumpsets and plate heat exchangers;
- Coordination and installation of user-side pipework from the edge of the site;
- Calculations for required pump pressure;
- Development of schematics; and
- Additional scope to electrical and controls/automation.

Furthermore, if the future district heating network does not get built, the proposed development will still use this waste heat as the primary heat source for space heating within the data centre buildings. A water source heat pump is used to upgrade the temperature of this water such that it is suitable for space heating.

The use of a waste heat recovery system for the Permitted Development is currently not feasible, although it can be achieved in the future once district heating infrastructure is installed. Provisions have been made at the design stage to install the additional underground pipework and include space allocations for dedicated plantrooms to house the heat exchangers. The heat output from the data center is likely to be seasonal, with the maximum output occurring during periods where the ambient air temperature is high.

Condition no. 4

Roads.

(1) 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.

(2) The minimum width of footpaths shall be 1.8m wide to aid mobility impaired users.

(3) All external bicycle parking spaces shall be covered.

(4) 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.

(5) 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;

REASON: In the interest of sustainable transport.

Response

We can confirm that the applicant / operator of the Permitted Development will undertake a Mobility Management Plan within 6 months of the opening of the entire Permitted Development in accordance with point (1) of this condition.

We can also confirm that the minimum width of footpaths will be 1.8m wide throughout the development. We can also confirm that the bicycle parking spaces will all be covered and are located to the east of both the permitted data centres. We can also confirm that 5% of the car parking spaces will be provided for the mobility impaired; and 10% will be equipped with electrical charging point in accordance with points (2), (3) and (5) of

this condition. These details are further outlined within Drawing no. DUB11-DR-SP-A004-V2-PL-BMD that accompanies this compliance submission.

Prior to the commencement of construction a Site Specific Construction and Demolition Waste Management Plan will be submitted by the appointed contractor. This Plan will address all of the above cited issues, and will be subject to a separate and stand-alone compliance submission.

Condition no. 5

(a) Prior to commencement of development, the applicant shall submit a revised drawing showing what catchment area is draining to each attenuation pond. The applicant shall show the size in m2 of each surface type in each separate catchment area.

(b) Prior to commencement of development, the applicant shall submit a revised drawing showing additional SuDS such as swales, filter drains, tree pits. The applicant shall, with reference to ghd SDCC Sustainable Drainage Explanatory Design and Evaluation Guide (sections 7.4.5 and 7.4.7), examine how concrete paving on footpaths can be replaced with permeable paving. The applicant shall examine how pipes and oil interceptors can be replaced by SuDS features (the use of below ground petrol interceptor tanks is not best practice SuDS and should be avoided). Prior to submission of revised drawing and report, the applicant shall contact water services to discuss revised surface water drawing and attenuation calculations.

(c) Prior to commencement of development, the applicant shall clarify in a report and drawing what the expected depth of water in diverted stream will be at location North West of site at shallowest point of stream. Prior to submission of the revised report and drawing of diverted stream, the applicant shall contact water services prior to submission of drawing and report to discuss a revised stone design and width of stream north west of site.

(d) Any revised stream route shall comply with requirements of Inland Fisheries

(e) Prior to commencement of development obtain a Section 50 from OPW of proposed rerouted stream.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate surface water drainage

Response

We refer the Planning Authority to the attached copies of the Proposed Catchment Layout Plan (Drawing no. DUB11.1-DR-SP-C131-V2-WS4-PIN) and the 'letter' by Pinnacle Consulting Engineers that accompanies this compliance submission. This drawing sets out the catchment that is drawing to each attenuation feature and outlines in square metres the area of each surface type within each catchment fully in accordance with part (a) of this condition.

In accordance to point (b) of this condition we refer the Planning Authority to Drawing no. DUB11.1-DR-SP-C130-V3-WS4-PIN that outlines additional SuDS drainage measures in accordance with the new SDCC Sustainable Drainage Explanatory Design and Evaluation Guide. This has included the replacement of the majority of the concrete footpath areas around the two data centres with a permeable paving footpath.

In accordance with point (c) we wish to confirm for the clarity of the Planning Authority that the stream is not to be diverted in any way, shape or form. The proposed diversion as applied for under the originally made application was omitted as part of the response to the Additional Information request of the Planning Authority. Information pertaining to the depth of water along the length of the unaltered stream has been provided as part of the documentation which accompanied the revised FRA, as carried out by Kilgallen & Partners, that was submitted as part of the Additional Information response within the planning process.

In accordance with points (d & e) we wish to confirm that as no element of the stream is to be diverted and therefore, there is no requirement to consult with Inland Fisheries or seek to obtain a Section 50 from the OPW for the stream, which is only required where a watercourse is to be rerouted, which is not the case in this instance.

Condition no. 6

(a) All floor levels shall be a minimum of 500mm above the highest known flood level for the site.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(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.

Response

The applicant notes the content of Condition 6 above and commits to carry out the development in accordance with the need to ensure that all floor levels will be a minimum of 500mm above the highest known flood level for the site; with a complete separation of foul and surface water drainage systems, with all new precast surface water manholes having a minimum thickness of 150mm Concrete Class B; and that all works will comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

Condition no. 7

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.

Response

A prior to commencement of development compliance submission will be made prior to the commencement of development once in receipt of the above connection agreements from Irish Water.

Condition no. 8

Archaeological Monitoring, Recording and Reporting

The applicant, owner and developer shall implement the recommendations of Volume 2 'Landscape, Visual and Built Heritage Impact Assessment' of the Environmental Impact Assessment Report (EIAR) relating to archaeology and associated 'Report on Archaeological Assessment' (dated 8 March 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.

Response

We can confirm that the applicant, owner and developer will implement the recommendations of Volume 2 'Landscape, Visual and Built Heritage Impact Assessment' of the Environmental Impact Assessment Report (EIAR) relating to archaeology and associated 'Report on Archaeological Assessment' (dated 8 March 2021).

We can also confirm that an Archaeologist that is licensed to carry out archaeological monitoring of all ground disturbance / sub-surface works that are permitted to be undertaken within the site has been appointed. The archaeologists that have been appointed are Archaeological Consultancy Services Unit (ACSU), Unit 21,

Boyne Business Park, Termon Abbey, Drogheda, Co. Louth. Their archaeological monitoring will cover all ground works. Their remit includes the submission of a report describing the result of the monitoring to the Department of Culture, Heritage and the Gaeltacht within six weeks following completion of Archaeological Monitoring. We can confirm that the applicant is fully aware of their obligations if archaeological material is discovered as per part (c) of this condition.

Condition no. 9

(i) Prior to the commencement of any permitted development, the developer shall engage the services of 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

Response

We can confirm that the applicant has engaged the services of an independent, qualified ecologist to implement the management recommendations of the Biodiversity Management Plan. The appointed Ecologists are Neo-Environmental, Unit 3, The Courtyard Business Park, Galgorm Castle, BT42 1HL and they can be contacted on 0044-282-5650413. We can confirm that Neo-Environmental will inform the planning authority in writing when the recommendations of the BMP have been implemented. This will include the creation of wildlife shelters, bat boxes, bird boxes, hibernaculae, invertebrate banks and their final locations.

Condition no. 10

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 21 March 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.

Response

We can confirm that all 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 submitted on the 21st March 2022, will be implemented in full by the applicant, except as otherwise may be required in order to comply with other conditions as set out under this compliance submission.

Condition no. 11

Retention of Arborist / Tree and Hedgerows Protection

(i) Prior to the commencement of any permitted development, the developer shall engage the services of an independent, qualified arborist, for the entire period of construction activity.

(ii) The applicant shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans

(iii) To ensure the protection of trees to be retained with the site the applicant shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the Tree Survey, Tree Protection Plan and Arboricultural Method Statement/Tree Protection Strategy in the Arborist Associates Ltd tree report dated 15th 7December 2021. This will include the preparation of a Construction Stage Method Statement as per page 12 of the report. The Method Statement shall incorporate the recommendations in 3.6.4, P6 of the report pertaining to the retention on Hedge 5 and Tree No. 0817, 0818 and Tree No.1.

(iv) Prior to the commencement of development, the arborist shall submit photographs and confirmation that fencing for retained trees meets BS5837:2012 'Trees in Relation to Design,

Demolition and Construction –Recommendations' for the written agreement of the Public Realm Section

(v) All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work –Recommendations.

(vi) The clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season (1st day of March to the 31st day of August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000.

(vii) The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees.

(viii) A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report.

(ix) The certificate shall be submitted to the planning authority for written agreement upon completion of the works.

REASON: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

Response

We can confirm that a suitable qualified arborist has been engaged and appointed to undertake and implement all of the above conditions. The appointed arborist will be Conor O'Callaghan of Treespace, Raleigh, Rockborough, Macroom, Co. Cork, P12 Y037. In accordance with this condition, the arborist will submit a set of photographs and will confirm in a separate compliance submission that fencing for the trees to be retained meets BS5837:2012 'Trees in Relation to Design, Demolition and Construction –Recommendations'.

Condition no. 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

Response

This condition is noted, and we can confirm that no additional development will occur above parapet level unless authorised by a further grant of planning permission.

Condition on. 13

Landscape Proposals

(i) The landscape plan (Drawing No. Dub11.1-DR-SP-C150-V0-WS2-KFA) as submitted to the Planning Authority in March 2022 shall be carried out within the first planting season following substantial completion of overall construction works. Greyed areas at river crossings to be treated with river washed cobbles as per KFLA email 14/04/2022.

(ii) All Planting shall be adequately protected from damage until establishment. Any plants which die, are removed or become seriously damaged or diseased, within a period of 3 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority

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

(iv) 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: In the interests of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design.

Response

We can confirm that a suitably qualified landscape architect will be retained throughout the duration of the development works to ensure the implementation of the landscape plan (Drawing no. Dub11.1-DR-SP-C150-V0-WS2-KFA) to be carried out within the first planting season following substantial completion of the overall permitted development. We can confirm that all other aspects of this will be complied with in full and a certificate of compliance from the landscape architect will be provided within six months of the substantial completion of the development.

Condition no. 14

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.

Response

The applicant notes the content of Condition 14 and confirms that all public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment will be located underground throughout the entire site.

Condition no. 15

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.

Response

The above condition is noted and confirmed.

Condition no. 16

Department of Defence

(1) Operation of cranes during construction should be coordinated with Military Air Traffic Services, no later than 28 days before use, contactable at airspaceandobstacles@defenceforces.ie or 01-4037681

(2) A bird hazard management plan for the construction phase should be established and communicated to the Irish Air Corps Bird Control Unit (BCU), in order to reduce the presence of any hazardous birds that may arrive during the construction phase of the development. BCU are contactable at bcu@birdcontrol.ie.

(3) A long-term bird hazard management plan that aims to disturb and prevent possible hazardous waterfowl nesting or rooftop gull nesting at the site should be established and communicated to the Irish Air Corps Bird Control Unit. Prior to the commencement of development, this shall be submitted for the written agreement of the Planning Authority.

(4) 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.

(5) Should negative effects of bird activity on Irish Air Corps operations arise during the construction or operation phase, the site owner must put measures in place to mitigate these effects to a level acceptable to the Irish Air Corps.

REASON: In the interests of aviation safety.

Response

A long term Bird Hazard Management Plan for the construction and operation of the Permitted Development has been undertaken by Ramboll and accompanies this compliance submission. A copy of this Bird Hazard Management Plan has also been communicated to the Irish Air Corps Bird Control Unit in order to reduce the presence of any hazardous birds that may arrive during the construction phase. This hazard plan also sets out aims to disturb and prevent possible hazardous waterfowl nesting or rooftop gulls nesting at the site, and has also been communicated to the Irish Air Corps Bird Control Unit. The applicant will also ensure that the selection of trees and shrubs, through the appointed landscape architect, will avoid plants that attract wildlife, and avoids the creation of areas of dense cover for roosting. If issues of excessive bird activity arise during the construction or operation phase of the Permitted Development, the applicant will put in place measures to mitigate these effects to a level that is acceptable to the Irish Air Corps.

Condition no. 17

(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 the receiving foul and stormwater 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.

Response

Prior to the commencement of construction a Construction and Environmental Management Plan will be submitted by the appointed contractor. This Plan will address all of the above cited issues, and will be subject to a separate and stand-alone compliance submission.

Condition no. 18

Environmental health - Noise

(1) Noise levels arising from construction activities shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting a person in any premises in the neighbourhood.

(2) The development must not give rise to any impulsive or tonal noise at any noise sensitive locations.

(3) 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.

(4) No equipment or 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 hours on Saturdays nor after 19:00 hours on weekdays and 13:00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays. Any 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) Where intrusive machinery is required to be used at short notice, the main contractor shall ensure that nearby sensitive locations are informed prior to works commencing.

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

(7) 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

(8) The mitigation measures and commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted as part of this planning application, shall be monitored and implemented in full by the developer.

REASON: *In the interests of protecting the amenities of the area*

Response

The applicant notes the content of Condition 18 above and proposes to carry out the development, subject to any future applications, in accordance with the restrictions specified under this condition. The applicant commits to working within the specified hours, and will seek the written consent from the Planning Authority prior to undertaking any works outside of the above stipulated hours.

Condition no. 19

The developer shall pay to the Planning Authority a financial contribution of €3,711,598.32 (three million seven hundred and eleven thousand five hundred and ninety eight euros and thirty two 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.*

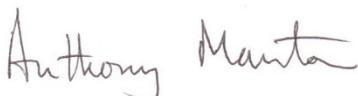
Response

This condition is noted. The applicant proposes to make payment of 25% of the contribution of the financial contribution of **€3,711,598.32** payable under the provisions of Section 48 of the Planning and Development Act 2000 that is applicable to the development commencing in 2023. It is intended to pay a further 25% by the end of June 2023; 25% by the end of December 2023; and with the final payment to be made by the end of June 2024. The Permitted Development is due to be completed by the end of 2024 / Q1 2025. It is our understanding that an invoice for this amount will be sent following the submission of the commencement notice.

CONCLUSION

We would be grateful if you would confirm in writing, to this office, that these proposals are acceptable to South Dublin County Council as compliance with the relevant requirements of Planning Permission Register Reference SD21A/0241 as granted by South Dublin County Council on the 27th January 2017 and further to the agreed compliance consultations that have been issued and undertaken with officials of South Dublin County Council.

Yours faithfully,



Anthony Marston
Marston Planning Consultancy

LIST OF ENCLOSURES (3 COPIES OF EACH PRESENTED)

Revised elevations and plans for the Multi Fuel Generation Plan by Hyphen Architects (Condition no. 2)

Waste heat recovery statement by Burns & McDonnell (December 2022) (Condition no. 3)

Proposed site plan indicating footpath widths, covered bicycle parking spaces and car parking spaces for mobility impaired and those equipped with electrical charging points (Drawing no. DUB11-DR-A004-V1-PL-BMD) (Condition no. 4)

Proposed catchment layout (Drawing no. DUB11.1-DR-SP-C131-V2-WS4-PIN); Proposed External Works Plan (Drawing no. DUB11.1-DR-SP-C130-V3-WS4-PIN); and accompanying report from Pinnacle Consulting Engineers (Condition no. 5)

Arborist statement by Treespace and photographs showing and confirming fencing is in compliance with BS5837:202 (Condition 11(iv))

Long term Bird Hazard Management Plan by Ramboll (Condition no. 16)