

Henry J Lyons Architects, Anth
51-54, Pearse Street
Dublin 2

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

Decision Order No.	0845	Date of Decision	20-Jul-2023
Register Reference	SD22A/0333	Date	26-May-2023

Applicant:

EdgeConneX Ireland Limited

Development:

Construction of 2 adjoined single storey data centres with associated office and service areas with an overall gross floor area of 15, 274sq.m comprising of the construction of 2 adjoined single storey data centres with a gross floor area of 12, 859sq.m that will include a single storey goods receiving area / store and single storey office area (2, 415sq.m) with PV panels above, located to the east of the data centres as well as associated water tower, sprinkler tank, pump house and other services; The data centres will also include plant at roof level; with 24 standby diesel generators with associated flues (each 25m high) that will be located within a generator yard to the west of the data centres; New internal access road and security gates to serve the proposed development that will provide access to 36 new car parking spaces (including 4 electric and 2 disabled spaces) and sheltered bicycle parking to serve the new data centres; New attenuation ponds to the north of the proposed data centres; Green walls are proposed to the south and east that will enclose the water tower and pump house compound; The development will also include ancillary site works, connections to existing infrastructural services as well as fencing and signage; The development will include minor modifications to the permitted landscaping to the west of the site as granted under SDCC Planning Ref. SD19A/0042 / ABP Ref. PL06S.305948 and Ref. SD21A/0042; The site will remain enclosed by landscaping to all boundaries; The development will be accessed off the R120 via the permitted access granted under SDCC Planning Ref. SD19A/0042 / ABP Ref.

PL06S.305948 and SD21A/0042; An Environmental Impact Assessment Report (EIAR) has been submitted with this application.

Location: Site within the townland of Ballymakailly, West of Newcastle Road (R120), Lucan, Co. Dublin

Time extension(s) up to and including:

Additional Information Requested/Received: 10-Oct-2022, 29-Mar-2023/26-May-2023,

Clarification of Additional Information Requested/Received: 10-Oct-2022, 29-Mar-2023/26-May-2023,

DECISION: Pursuant to the Planning and Development Act 2000 (as amended), dated as above a decision to **REFUSE PERMISSION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

REASON(S)

1. Having regard to the existing insufficient capacity in the electricity network (grid), the lack of a fixed connection agreement to connect to the grid, the lack of significant on site renewable energy to power the proposed development, the lack of evidence provided in relation to the applicant's engagement with Power Purchase Agreements (PPAs) in Ireland, and the reliance on a gas powered plant to provide energy to the development, it is considered that the applicant has failed to demonstrate that the proposed use is acceptable on EE zoned lands, in accordance with EDE7 Objective 2 and Section 12.9.4 of the South Dublin County Development Plan 2022-2028. In this regard the proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development does not comply with GI1 Objective 4, GI2 Objective 2, GI2 Objective 4, NCBH11 Objective 3 and GI5 Objective 4 the South Dublin County Development Plan 2022-2028 in relation to the retention and protection of existing green infrastructure and provision of green infrastructure.

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.

Register Reference: SD22A/0333

Signed on behalf of the South Dublin County Council.

Yours faithfully,

F. Campbell

21-Jul-2023

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. 200 I 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
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€110.00
 - (f) Appeal following a grant of leave to appeal
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€110.00
 - (g) Referral
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€220.00

(h) Reduced fee (payable by specified bodies)

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€110.00

(i) Submission or observations (by observer)

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€50.00

(j) Request from a party for an Oral Hearing

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€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