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

Decision Order Number:	0906	Date of Decision:	03-Aug-2023
Register Reference:	SD22A/0460	Date:	07-Jul-2023

Applicant: Creighton Properties LLC

Development: The change of use from warehouse to data repository facility, alterations to external facades, provision of a new 1100mm parapet, re clad roof, internal alterations, refurbishment of the existing office space, solar panels at roof level, external plant at ground and roof levels and equipment to include 12 condenser modules, an emergency back-up generator and associated fuel storage tank, transformer, extension to the existing sub-station (c. 13sq.m), 2 sprinkler tanks and pumphouse, bin store, 22 parking spaces including 2 electrical vehicle charging points, bicycle parking shelter, landscaping, planting, new security fence, external lighting, CCTV, altered vehicular gates, permeable hard surfaces, alterations to internal foul sewerage and water supply networks, provision of SuDS compliant surface water drainage system and all associated site works.

Location: Unit 1, M50 Business Park, Ballymount Avenue, Dublin 12

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 17-Feb-2023/16-May-2023

Clarification of Additional Information Requested/Received: 09-Jun-2023 /07-Jul-2023

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 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 the 16th of May 2023 and Clarification of Further Information received on the 7th of July 2023, 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. Permission Granted.
Permission is hereby granted solely for the use of the development as a data repository facility, as set out in the plans, particulars and specifications lodged with the application, and as amended by Further Information received on the 16th of May 2023 and Clarification of Further Information received on the 7th of July 2023, save as may be required by the other conditions attached hereto.
REASON: In the interest of clarity, consistency and the proper planning and sustainable development of the area.
3. Boundary Treatment
Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority details of any proposed boundary treatment indicating the layout, design, materials and type of boundary treatment to be erected. Development shall be carried out in accordance with the submitted details and maintained as approved.
REASON: In order to ensure high quality landscaping for the boundaries of the site in the interests of visual amenity in accordance with the South Dublin County Development Plan 2022-2028.

4. Landscape Plans

The landscaping scheme agreed with the Planning Authority shall be implemented in full, within the first planting season following completion of the development, in addition:

- (a) All hard and soft landscape works shall be completed in full accordance with the submitted plans.
- (b) 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).
- (c) 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.
- (d) 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 satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, improve amenity and reduce the visual impact of the development, in accordance with the policies and objectives contained within the South Dublin County Development Plan 2022-2028.

5. Planting Plan

Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority a detailed Planting plan. This planting plan shall include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period and shall also clearly setting out the following:

- (i) Location of species types, schedule of plants noting species, planting sizes and proposed numbers/densities where appropriate
- (ii) Implementation timetables.
- (iii) Detailed proposals for the future maintenance/management of all landscaped areas

REASON: In the interests of biodiversity, amenity, compliance with the South Dublin County Development Plan 2022-2028, the provision, establishment and maintenance of a reasonable standard of landscape and the proper planning and sustainable development of the area.

6. Sustainable Urban Drainage (SUDS)

Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority a Site Layout and Drainage Plan demonstrating the provision of additional natural SUDS features as part of the drainage system for the development such as green/blue roofs, rain gardens, detention basins, filter drains, swales, permeable paving, grasscrete, tree pits etc.

In addition, the applicant shall provide the following:

- Removal/reduction of underground attenuation where possible.
- Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposals for the catchment in the residential areas.
- Submit construction details in plan and cross sectional and details of gradients/side slopes of proposed Sustainable Drainage Systems (SuDS) features for the development.

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 South Dublin County Development Plan 2022-2028.

7. Green Space Factor

Prior to the commencement of development, the applicant/developer shall liaise with South Dublin County Council's Public Realm section to determine what additional Green Infrastructure measures can be provided. Following this and prior to the commencement of development, the applicant shall submit these details for the written agreement of the Planning Authority.

REASON: Ensuring that new development meets minimum standards for the provision of GI, in accordance with policy GI5 Objective 4 and other relevant policies of the South Dublin County Development Plan 2022-2028.

8. Roads & Parking

(a) Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority revised plans showing at least 4 no. car parking spaces provided with electric vehicle charging and the remainder of the car parking spaces constructed to be capable of accommodating future charging points.

(b) Prior to commencement of development, the applicant shall submit a final detailed Construction Traffic Management Plan to be prepared by the appointed works contractor for the written agreement of the Planning Authority.

(c) 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.

REASON: To ensure compliance with the South Dublin County Development Plan 2022-2028 and in the interest of sustainable transport.

9. Irish Water Connection Agreement.

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

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

10. Water & Drainage

(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(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.

11. Glint/Glare Assessment regarding Aviation.

Prior to the commencement of development, the applicant/owner shall submit the following to the Planning Authority:

(a) Written confirmation that the applicant has forwarded a Glint and Glare Assessment which considers the predicted effect of the proposed solar panels on sensitive aircraft receptors of the proposed development to the Irish Aviation Authority/Department of Defence or relevant airport authority.

(b) The written agreement of the Irish Aviation Authority/Department of Defence or relevant airport authority, which states that:

(i) The proposed construction works - inclusive of cranes - will not affect the safety, efficiency or regularity of aircraft generally and/or of Air Corps operations.

(ii) The proposed development - inclusive of the solar panels - will not affect the safety, efficiency or regularity of aviation operations or the emergency services (e.g. Coast Guard helicopters) operated in the vicinity of Tallaght Hospital.

REASON: In the interests of public safety, protecting the environment and in the interests of the amenities of the area.

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 or agreed in writing by the Planning Authority prior to the commencement of development.

REASON: To protect the visual amenities of the area.

13. 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.

14. Construction and Demolition Resource Waste Management Plan

Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record.

The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

15. Minimise Air Blown Dust.

During the construction and or 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. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

16. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 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 construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the 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 unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

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, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

17. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €279,849.02 (Two hundred seventy-nine thousand eight hundred forty-nine euros and two cent), 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.

NOTE: The applicant shall notify the Irish Aviation Authority and the Department of Defence regarding any cranes likely to penetrate ICAO surfaces.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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 **03-Aug-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, 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