

Brock McClure Planning and Development Consultants
63, York Road
Dun Laoghaire
Co. Dublin

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

Decision Order No.	0921	Date of Decision	08-Aug-2023
Register Reference	SD22A/0156	Date	14-Jun-2023

Applicant:

Equinix (Ireland) Ltd

Development:

10 year permission on a site is bounded to the east and south by Grange Castle Golf Club, to the north by Nangor Road (R134) and to the west by an estate road known as Falcon Avenue) for modifications to the permitted data centre granted under SDCC Reg. Ref. SD21A/0186 comprising the following, reconfiguration and alterations to the data centre building to include removal of front of house offices at third floor level, alterations to floor levels at second floor to provide consistency between front of house and data halls, parapet height increase of front of house to c.16.8m, provision of storage at second floor level in lieu of relocated internal generators to the external generator yard and associated elevational alterations; extension of loading dock at ground floor level by c.60sqm in area with minor height increase to c.5.3m; removal of 3 air plenums to the front (north) elevation and provision of screening to generator flues in lieu of omitted plenums; alterations at roof level to include removal of 2m high gantry screening; alterations to the permitted generator plant yard to the north of the data centre to include the removal of fuel tanks, reconfiguration of plant and generators, provision of 2 additional external generators (increase from 5 to 9 external generators), provision of 4 additional external plant rooms, provision of diesel pump tank cabinets and stepover, relocation of generator yard doors and enlarged generator yard to accommodate the proposed modifications; increase in plant areas by c.77sq.m; reconfiguration of plant within the permitted chiller plant yard to the south of the data centre; removal of 1 sprinkler/water tank and removal of stairs and door to

the side of the waste compound; reconfiguration of car parking and motorcycle spaces and removal of 1 accessible space. 64 total number of car parking spaces; the proposal also includes provision of on-site gas power generation compound (c.2, 604sq.m in area) in the area previously reserved for a future data centre; the compound comprises 7 modular plant rooms (totalling c.180sq.m in area), 10 gas fired generators and associated flues c.14.7m high, gas skid, associated modular plant, boundary treatment surrounding the compound c.6.5m high and 2 vehicular access points including general and emergency access; all associated site development works, services provision, drainage works, access, landscaping and boundary treatment works; no buildings are proposed above the existing ESB and SDCC wayleaves to the west and north of the site; the overall Gross Floor Area of the development is reduced by c.44sq.m to c.9, 795sq.m from previously permitted under SDCC Reg. Ref. SD21A/0186; the application is accompanied by a Natura Impact Statement.

Location: Plot 100, Profile Park, Nangor Road, Clondalkin, Dublin 22

Time extension(s) up to and including:

Additional Information Requested/Received: 25-Jul-2022 /21-Oct-2022,

Clarification of Additional Information Requested/Received: 17-Nov-2022/26-Apr-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.

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/0156

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Pamela Hughes 09-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