

**Marston Planning Consultancy**  
c/o – Anthony Marston  
23 Grange Park  
Foxrock  
Dublin 18  
D18 T3Y4

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

Final Grant Order No.:	<b>0761</b>	Date of Final Grant:	<b>03-Sep-2020</b>
Decision Order No.:	<b>0624</b>	Date of Decision:	<b>29-Jul-2020</b>
Register Reference:	<b>SD20A/0121</b>	Date:	<b>16-Jul-2020</b>

**Applicant:** UBC Properties LLC

**Development:** Permission for a period of ten years for development at this site of 16.5 hectares that is located within lands in the Grange Castle South Business Park and includes the residential property of Ballybane, Old Nangor Road on land within the townlands of Milltown; Ballybane and; Aungierstown and Ballybane; and bounding Baldonnel Road to the west; both the Old and New Nangor Road to the north; and Grange Castle South Access Road to the South, Baldonnel, Dublin 22. The development will consist of the following: (1) The demolition of the existing two storey dwelling of Ballybane and associated farm buildings (565sq.m) and the construction of 3 two storey data centres with mezzanine floors at each level of each facility and associated ancillary development that will have a gross floor area of 80,269sq.m on an overall site of 16.5hectares. (2) 1 two storey data centre (Building A) that will be located to the south-west of the site and will have a gross floor area of 28,573sq.m. and will include 26 emergency generators located at ground floor level within a compound to the northern side of the data centre with associated flues that will be 25m in height. The facility will also include 26 ventilation shafts which will be located above the northern end of each emergency generator that will measure 20m in height. (3) 1 two storey data centre (Building B) which will be located to the north-west of the site, and to the immediate north of Building A and will have a gross floor area of 21,725sq.m and which will include 18 emergency generators located at ground floor level within a compound to the northern side of the data centre with associated flues that will be 25m in height. The facility will also include 18 ventilation shafts which will be located above the southern end of each emergency generator that will measure 20m in height. (4) 1 two storey data centre (Building C) which will be constructed last, will be located to the eastern part of the site on a north-south axis and will have a gross floor area of 28,573sq.m. It will include 26 emergency generators located at ground floor level within a compound to the western side of the data centre with associated flues that will be 25m in height. The facility will also include 26 ventilation shafts that will be located above the western end of each emergency generator that will measure 20m in height. (5) Each of the three data centres will

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include data storage rooms, associated electrical and mechanical plant rooms, loading bays, maintenance and storage spaces, office administration areas, and plant including PV panels at roof level as well as a separate house generator for each facility which will provide emergency power to the admin and ancillary spaces. Each data centre will also include a diesel tank and a refuelling area to serve the proposed emergency generators. (6) The overall height of each data centre apart from the flues and plant at roof level is c. 19.85m above the finished floor level. (7) 1 temporary and single storey substation (29sq.m). (8) 3 single storey MV buildings (each 249sq.m - 747sq.m in total) which manage the supply of electricity from the substations to each data centre and are located to the immediate west of the generator compound within buildings A and B, and to the south of the generator compound withing building C. (9) 8 prefabricated containerised electrical rooms (65sq.m each and 520sq.m overall) that are stacked in pairs to the immediate south of the temporary substation. (10) Ancillary site development works, which will include attenuation ponds and the installation and connection to the underground foul and storm water drainage network and installation of utility ducts and cables which will include the drilling and laying of ducts and cables under Baldonnel stream. Other ancillary site development works will include hard and soft landscaping, lighting, fencing, signage, service road, entrance gate, sprinkler tank house (72sq.m), security hut (30sq.m) and 150 car parking spaces and 78 sheltered bicycle parking spaces. The development will be enclosed with landscaping to all frontages including a wetland to the west. The development will be accessed from the Grange Castle South Access Road from the south via the Baldonnel Road. An Environmental Impact Assessment Report (EIAR) has been submitted with this application.

**Location:** Townlands within Grange Castle South Business Park, Baldonnel, Dublin 22

**Time extension(s) up to and including:**

**Additional Information Requested/Received:** 14-Jul-2020 / 16-Jul-2020

A Permission has been granted for the development described above, subject to the following conditions.

### **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 16th July 2020, 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. Parking.
  - (a) A total of 150 vehicle parking spaces shall be provided at the development in accordance with the plans and particulars submitted.
  - (b) The proposed development shall make provision for the charging of electric vehicles. In the case of the proposed car parking spaces 100% of spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points, and 16no.

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car parking spaces must be provided with electric vehicle charging points initially. Details of how it is proposed to comply with these requirements including details of the design of, and signage for, the electric charging points (where they are not in areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(c) A total of 9 mobility impaired vehicle spaces shall be provided at the development.

(d) A total of 78 sheltered bicycle parking spaces shall be provided at the proposed development in accordance with the plans and particulars submitted with the application.

**REASON:** In the interest of sustainable transport.

**3. Mitigation Measures.**

All mitigation measures set out in the documentation submitted in support of the application, including in particular those set out in the Environmental Impact Assessment Report (EIAR), shall be implemented in full.

**REASON:** In the interest of the protection of the environment.

**4. Planting.**

All landscaping and planting shall be carried out for the entire site in Phase 1 of development.

**REASON:** In the interests of the visual amenities of the area.

**5. Surface Water.**

(a) Prior to commencement of development the applicant shall submit for the written agreement of the Planning Authority details of the location of proposed culverts and examine if part or all of any proposed culvert can be changed to an open channel.

(b) Prior to commencement of development confirm in writing with water services the surface water attenuation calculations for areas of proposed development.

**REASON:** In the interest of public health and to ensure adequate surface water facilities.

**6. Flood Risk.**

(a) The site is located in a flood zone area of 1 in 1,000 year flood risk. All suitable measures outlined in the Site Specific Flood Risk Assessment shall be taken to minimise the risk of increased flooding either up stream or downstream of proposed development.

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

(c) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

(d) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

**REASON:** In the interest of public health and to ensure adequate flood protection.

**7. Crane Operation.**

Prior to the commencement of development, the applicant shall engage with Casement Aerodrome to ensure that any crane operations do not impact on flight procedures. A minimum of 30 days prior notification of erection of cranes shall be provided to the Irish Aviation Authority and Department of Defence in this regard.

**REASON:** In the interests of aviation safety.

**8. Archaeological Monitoring, Recording and Reporting**

The applicant, owner and developer shall implement the recommendations of the Section 13 of the Environmental Impact Assessment Report (EIAR) relating to archaeology.

The following shall apply:

(a) The applicant/owner/developer shall employ a qualified Archaeologist, licensed to carry

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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.

**9. Mobility Management Plan.**

A developed Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be agreed in writing with the roads department and the agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

**REASON:** In the interest of sustainable transport.

**10. Construction Environment Management Plan  
Construction Environmental Management Plan (CEMP)**

No development shall take place under this permission until the applicant, owner or developer has:

- (i) Agreed with Inland Fisheries Ireland and lodged with the Planning Authority a project-specific Construction Environmental Management Plan;
- (ii) Submitted a commitment to complete the development in accordance with the agreed Construction Environmental Management Plan, and;
- (iii) These requirements have been lodged with and this has been acknowledged in writing by the Planning Authority.

The required details are as follows:

The Construction Environmental Management Plan should include, but not be limited to:

- (a) Identify potential impacts and mitigating measures;
- (b) Provide a mechanism for ensuring best construction practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water and measures to minimise the generation of sediment and silt;
- (c) At a minimum, the plan should include the measures outlined in Section 8 of the EIAR.

**REASON:** In the interest of River Protection and the proper planning and sustainable development of the area.

**11. Construction and Demolition Waste Management Plan.**

Prior to the commencement of development, the applicant shall provide a revised and precise standalone project construction and demolition waste management plan containing figures relating to the quantity of excavated waste in tonnes arising on site including proposal for minimisation /reuse/recycling. The applicant shall also provide figures for the Quantity of anticipated hazardous waste arising on site.

In the preparation of this plan, applicant shall consult Appendix 3 –An example of Indicative C&D Waste Management Plan in the Best Practise Guidelines on the preparation of Waste

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Management Plans for construction and demolition Waste in Developments.

At the end of construction, applicant shall make sure that all plants and equipment are decommissioned and that no waste should be left or buried on site.

REASON: In the interests of public safety and amenity.

## 12. Environmental Health.

- (a) 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.
- (b) 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.
- (c) 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.
- (d) Noisy plant shall be situated as far away from sensitive properties as possible during the construction stage.
- (e) Following commencement of the development the applicant is required to submit an Acoustic Verification report to South Dublin County Council. The report must confirm whether the development complies with Councils noise criteria relevant to this proposal: 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.
- (1) Acoustic design criteria or performance specifications that have arisen from the acoustic report or any subsequent acoustic assessment shall be finalised and verified by a suitably qualified acoustic consultant.
- (2) This Acoustic Verification report should comprise of noise monitoring data at any noise sensitive locations. It should also include the cumulative noise level whereby the existing noise levels are included in assessment of the developments overall impact.
- (f) The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise or noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining premises or public place in the vicinity.
- (g) 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.
- (h) The developer shall ensure that adequate community consultation is carried out prior to construction commencing on site. This should include distribution of information in the form of a letter or leaflet to all surrounding receivers including residential and commercial. All nearby receivers must be provided with the following information:

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- Overall schedule of works to include approximate timeframes
  - Name and contact details of contractor responsible for managing complaints
  - Hours of operation- including any scheduled times for heavy machinery Where intrusive machinery is required to be used at short notice, the main contractor shall ensure that nearby receivers are informed prior to works commencing.
  - (i) Should any unexpected contamination be encountered in soils or groundwater with visual or olfactory signs of contamination, works in that area should cease immediately. Examples of such materials include; buried barrels or containers, soil or water with an unusual colour or odour, builders rubble containing asbestos, or soil with a distinctive diesel or oil based component. A risk assessment should be completed by a suitably qualified consultant to assess the risks to human health and the environment. Should unacceptable risks be identified then appropriate remedial works must be conducted and agreement sought from the relevant regulatory bodies.
  - (j) A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance.
- REASON:** In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

### 13. Lighting.

- (i) The lighting scheme for the proposed development shall be designed to BS5489: European Lighting Standard EN13201 and the SDCC Specification for Public Lighting Installations in Residential and Industrial Developments: February 1997.
  - (ii) The lighting scheme shall be designed to minimise potential glare and light spillage and shall be positioned and/or cowed away from any bat roosts or areas with bat activity.
  - (iii) Construction lighting shall be designed so as to be directional and focused on working areas.
  - (iv) Security lighting shall use infra-red illumination CCTV and not use visible floodlighting.
- REASON:** In the interest of bat protection, as any interference with protected species such as bats and disturbances or destruction of their roosting sites, in particular, is a prosecutable offence under the EU Habitats Directive and S.I. No. 477 of 2011 (European Communities (Birds and Natural Habitats) Regulations 2011) and in the interests of public safety and amenity, to prevent light pollution, and in the interests of the proper planning and sustainable development of the area.

### 14. Energy

No development shall take place under this permission until the applicant, owner or developer has submitted the following details for the agreement of the Planning Authority and this has been acknowledged by the Planning Authority:

- (a) Details of future proofing of the site, including safeguarding of any future pipe network routes up to the site boundaries / boundaries with adjoining roadways, shall be submitted, to facilitate future connection to potential low carbon district energy schemes in Grange Castle Business Park and adjoining lands. Drawings submitted shall clearly demonstrate future-proofing of the site in this regard.

**REASON:** In the interests of energy efficiency, climate change mitigation and the proper planning and sustainable development of the area.

### 15. 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.

16. 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.

17. 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.

18. 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.

19. Flue Details.

Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority details of the false wall and flue at a scale of not less than 1:20.

REASON: In the interest of visual amenity.

20. Trees

Prior to the commencement of development, an Arboricultural Implication Assessment shall be submitted to the Planning Authority for agreement in writing. This shall review the development proposals and provide an assessment of the potential for tree retention within the context of the proposed development. Based on the information contained within the Arboricultural Implication Assessment, an Arboricultural Method Statement and Tree Protection Plan shall be submitted which shall control and guide the proposed site works in a manner that will be least detrimental to existing trees and hedgerows on site thus maximising tree sustainability.

REASON: In the interests of proper planning and sustainable development, compliance with Development Plan policy, visual amenity and the protection of existing trees and biodiversity.

21. Landscape.

The site shall be landscaped in accordance with a detailed scheme of landscaping, details of which shall be submitted to and agreed in writing with the Public Realm Section prior to the commencement of development.

i. The landscaping scheme shall provide a detailed design of SUDs features including swales and integrated tree pits.

ii. The landscape scheme shall include a detailed planting plan

iii. The landscape scheme shall include details of hard and soft landscaping including levels,

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sections and elevations.

The Landscape Masterplan shall include the following:

- i. A scaled Landscape Masterplan with cross-sections (where appropriate) showing the general layout and hard and soft landscape treatment of all external areas/spaces (including front and rear gardens), boundaries, structures and features. This shall be generally provided at a maximum scale of 1/200.
- ii. Details of Hard Landscape Design (where applicable) for boundaries, (walls, fences, screens), lighting, seating, kerbing, edging, surfacing and water features.
- iii. Details of Soft Landscape Design: detailed Planting Plan(s) and Planting Schedule(s) [species/varieties, quantities, sizes, rootball presentation, spacings]
- iv. A Landscape Specification for all materials (hard and soft landscaping), workmanship and landscape maintenance (18 months minimum period post Practical Completion).
- v. A timescale for implementation of all proposals, including specified landscape maintenance operations; Landscape Contract(s) to include an 18-months Defects Liability clause, (hard and soft landscaping) after Certified Practical Completion (by the landscape consultant)

**REASON:** In the interests of amenity, compliance with Development Plan policy, the provision, establishment and maintenance of a reasonable standard of landscape and the proper planning and sustainable development of the area.

**22. Implementation of Landscape Proposals.**

The Landscape Masterplan and associated plans once agreed in writing, shall be implemented in full within the first planting season following completion of the development (completion of construction works on site) and prior to the occupation of the new buildings.

- All hard and soft landscape works shall be completed in full accordance with the approved landscape plans.
- 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).
- 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'
- 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.
- Planting material should be from Irish Grown Nursery Stock and the importation of planting material should be avoided where possible.

**REASON:** In the interests of amenity, compliance with Development Plan policy, the provision, establishment and maintenance of a reasonable standard of landscape and the proper planning and sustainable development of the area.

**23. The developer shall pay to the Planning Authority a financial contribution of €7,185,936.81 (Seven million, one hundred and eighty five thousand, nine hundred and thirty six Euro and eighty one 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 2016 - 2020, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).**

The contribution shall be paid prior to commencement of development, or in such phased



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payments as the Planning Authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2016 - 2020.

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](mailto:customerservice@water.ie).

#### NOTES :

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 requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

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.

- (1) All buildings must be designed and constructed in accordance with the Building Regulations 1997.
- (2) Building Control Regulations require a Commencement Notice. Please log onto [www.localgov.ie](http://www.localgov.ie) and click on BCMS link.
- (3) A Fire Safety Certificate must be obtained from the Building Control Authority, where applicable.
- (4) Free Standing Walls must be designed and constructed in accordance with IS 325: Code of Practice for use of Masonry Part 1: Structural use of reinforced Masonry. The Owner must also ensure that the construction of all walls is supervised by a competent person.

Signed on behalf of South Dublin County Council.



for Senior Planner

04-Sep-2020