

Stephen Moylan,  
Kavanagh Tuite Architects  
Terminus Mills  
Clonskeagh  
Dublin 6

**THIS IS AN IMPORTANT LEGAL DOCUMENT AND SHOULD BE PLACED WITH YOUR TITLE DEEDS**

Application No.	3096/18
Registration Date	24-May-2018
Decision Date	18-Jul-2018
Decision Order No	P3212
Date of Final Grant	23-Aug-2018
Grant Order No	P0419
Location	Former Diamond Innovations site (Unit 1C), Clonshaugh Business & Technology Park, and adjacent lands, Dublin 17
Proposal	The development will comprise: 1) The construction of a new two-storey c.16,860 sq.m building for use as data storage facilities containing: data storage rooms, electrical & mechanical plant rooms and support areas including offices and welfare facilities, loading bays, back-up generators and water storage tanks; mechanical plant at roof level is screened from view on all sides by permanent screens. The facility will also include: 2) 40 no. car parking spaces; 3) Amendment to previously permitted site landscaping and associated site infrastructure - Planning Permission Reg.Ref. DCC 4449/16. An EIS will be submitted to the Planning Authority with the planning application and the EIS will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy, during public opening hours at the offices of Dublin City Council.
Applicant	Mullins Development LLC
Application Type	Permission

**AMENDED NOTIFICATION OF GRANT OF PERMISSION**

**PERMISSION** for the development described above has been granted under the Planning & Development Acts 2000 (as amended) subject to the following conditions.

**Condition(s) and Reasons for Condition(s)**

1. Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made thereunder are concerned the development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as

19-Dec-2018

approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.

Reason: To comply with permission regulations.

2. The developer shall pay the sum of €1,180,440.94 to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority as provided for in the approved Section 48 (Planning and Development Act 2000 as amended) Contribution scheme for Dublin City Council.

The amount due is payable on commencement of development. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.

3. Development shall not commence until a landscape scheme prepared by a suitably qualified person comprising full details of the size, species and location of all trees and shrubs to be planted and the treatment of all external ground surfaces, has been submitted to and agreed in writing by the Planning Authority and implemented in the first planting season following completion of the development and any trees and shrubs which die or are removed within 3 years of planting shall be replaced in the following planting season. (The landscaping scheme shall have regard to the Guidelines for Open Space Development and Taking in Charge, available from the Parks and Landscape Services Division).

Reason: In the interests of amenity, ecology and sustainable development.

4. Any external lighting shall comply with the light pollution/nuisance tolerances set out for E3 Environmental Zones as defined in the ILP's Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (as amended)

Reason: In the interests of orderly development.

5. The requirements of DCC's Roads & Traffic Planning Division shall be undertaken as follows:

a) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

b) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interests of traffic safety.

6. The requirements of DCC's Drainage Division shall be undertaken as follows:

a) The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads).

b) A connection from this development to the public Surface Water sewer network will only be granted when the developer has obtained the written permission of the Drainage Division and fulfilled all the planning requirements including the payment of any financial levies. All expense associated with carrying out the connection work are the responsibility of the developer. - Developers are not permitted to connect to the public drainage network system without written permission from the Drainage Division. Any unauthorised connections shall be removed by the Drainage Division at the developer's expense. A licence will be required from the Drainage Division to allow the connection work to be carried out. Permission of the Roads Dept must also be obtained for any work in the public roadway.

c) The development is to be drained on a completely separate system with separate connections to the public foul and surface water systems.

d) A clear distance of five metres shall be maintained between the existing public trunk sewer running through the site and all structures. The exact location of this pipeline must be accurately determined onsite prior to construction work commencing. No additional loading shall be placed on this sewer. Any damage to it shall be rectified at the developer's expense.

e) Permanent discharge of groundwater to the drainage network is not permitted.

f) The development shall incorporate Sustainable Drainage Systems in the management of stormwater. Full details of these shall be agreed in writing with Drainage Division prior to the commencement of construction.

g) The surface water outfall manholes from this development must be constructed in accordance with the Code of Practice for Development Works – Drainage.

h) All surface water discharge from this development must be attenuated to an agreed rate in writing with Dublin City Council Drainage Division.

i) An appropriate petrol interceptor shall be installed on the internal drain from the car park. Please refer to section 20 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

j) Dublin City Council's Drainage records are indicative and must be verified on site. The

19-Dec-2018

Developer must carry out a comprehensive site survey to establish all drainage services that may be on the site. If drainage infrastructure is found that is not on Dublin City Council's records the Developer must immediately contact Dublin City Council's Drainage Division to ascertain their requirements. Detailed "as-constructed" drainage layouts for all diversions, extensions and abandonment of the public drainage network; in both hard and soft copy in an approved format; are to be submitted by the Developer to the Drainage Division for written approval. See section 5 of the above-mentioned Code of Practice for more details.

k) All private drain fittings such as, downpipes, gullies, manholes, Armstrong Junctions, etc. are to be located within the final site boundary. Private drains should not pass through property they do not serve.

Reason: In the interests of public health

7. a) The developer shall retain a suitably qualified licensed archaeologist to advise regarding the archaeological implications of site clearance, demolition and/or construction methodology and to make appropriate recommendations for mitigation including detailed survey as necessary.

b) The developer shall allow for the resolution of archaeology (both on site and necessary post excavation) in the project budget and timetable.

c) The developer's archaeologist shall undertake licensed archaeological monitoring of all demolition and sub-surface works associated with the development including the breaking and removal of any floor slabs, levelling of ground etc.

d) The archaeologist shall consult with and forward their Method Statement in advance of commencement to the City Archaeologist.

e) In the event of archaeological features being located in the course of the monitoring, the developer shall facilitate the archaeologist in fully recording such features, including if necessary the archaeological excavation of such features. In the event of significant archaeological features on site, the archaeologist retained by the developer shall immediately contact the City Archaeologist. The City Archaeologist (in consultation with the National Monuments Service, Department of Arts Heritage and Gaeltacht) shall determine the further archaeological resolution of the site.

f) A written and digital report (on compact disc) containing the results of the archaeological monitoring shall be forwarded on completion to the City Archaeologist and National Monuments Service, Department Arts Heritage and Gaeltacht.

g) Following submission of the final report to the City Archaeologist, where archaeological material is shown to be present, the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council) and lodged with the Dublin City Library and Archive, 138-44 Pearse Street, Dublin 2.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

8. a) Prior to the commencement of any works, a Construction and Demolition Waste Management Plan must be furnished to and approved by Dublin City Council having regard to Circular WPR 07/06 - Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects - published by the DECLG, July 2006

b) In the event that hazardous soil, or historically deposited waste is encountered during the construction phase, the contractor must notify Dublin City Council and provide a Hazardous/Contaminated Soil Management Plan, to include estimated tonnages, description of location, any relevant mitigation, destination for disposal/treatment, in addition to information on the authorised waste collector(s).

c) Prior to the commencement of any storage of waste on site, the applicant must consult with the Waste Regulation Unit of Dublin City Council.

d) Monthly reports regarding the management of the waste during works, must be forwarded electronically to the Waste Regulation Unit of Dublin City Council [waste.regulation@dublincity.ie](mailto:waste.regulation@dublincity.ie)

e) The works must comply with the following:

- i) Waste Management Act 1996, as amended.
- ii) Dublin City Council Waste Bye-Laws 2013 (Bye-Laws for the storage, presentation and collection of Household and Commercial waste) or any revision thereof.
- iii) Eastern & Midlands Regional Waste Management Plan 2015-2021.
- iv) Best Practice Guidelines on the Preparation of Waste Management Plans for the Construction and Demolition Projects – DECLG 2006.
- v) Waste Management (Hazardous Waste) (Amendment) Regulations S.I. No 73/2000
- vi) National Hazardous Waste Management Plan 2014-2020
- vii) Article 27 of the European (Waste Directive) Regulations S.I. No 126 of 2011
- viii) Any other relevant Waste Management related regulations
- ix) Dublin City Development Plan (Current Version)

REASON: In order to ensure a satisfactory standard of development.

9. a) The requirements set out in the Bye-Laws for the Storage, Presentation and Collection of Household and Commercial Waste, 2013 or any revision thereof must be adhered to and, in particular, the requirement to segregate waste into separate fractions to facilitate the collection of dry recyclables, organic kitchen/garden waste and residual waste in line with Waste Management (Food Waste) Regulations 2009 (S.I. 508/2009), and the Waste Management (Food Waste) Amendment Regulations S.I. 190 of 2015, and the Eastern - Midlands Region Waste Management Plan 2015-2021.

b) The following are also requirements:

i) Receptacles that are designed for reuse, with the exception of in specific areas designated by a local authority as being only suitable for the collection of non-reusable receptacles such as bags, ideally of 1,100L capacity, must be used.

ii) Adequate storage space for a minimum of 1 No. 1,100 Litre receptacle.

iii) Sufficient space must be provided to accommodate the separate collection of dry recyclables and organic food/garden waste

iv) Adequate space and height for a standard Refuse Collection Vehicle (RCV) to access site.

v) Sufficient access and egress must be provided to enable receptacles to be moved easily from the storage area to an appropriate collection point on the public street nearby.

vi) Receptacle storage areas must not be visible from or on a public street.

vii) The receptacle storage areas should be designed so that each receptacle within the storage area is accessible to occupants/employees of the development (including people with disabilities)

viii) Suitable wastewater drainage points should be installed in the receptacle storage area for cleaning and disinfecting purposes

ix) Waste storage areas should not present any safety risks to users and should be well-lit

x) Adequate ventilation of waste storage areas so as to minimise odours and potential nuisance from vermin/flies

REASON: In order to ensure a satisfactory standard of development.

10. (a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 ' Noise Control on Construction and open sites Part 1. Code of

practice for basic information and procedures for noise control.'

(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

11. (a) The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays - 7.00a.m. to 6.00p.m.

Saturday - 8.00a.m. to 2.00p.m.

Sundays and Public Holidays - No activity on site.

(b) Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Dublin City Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

12. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

1. Your attention is drawn to the requirements of the attached "Codes of Practice".

Schedule A: Drainage Division  
Schedule B: Roads, Streets & Traffic Division  
Schedule C: Air Quality Monitoring and Noise Control Unit



19-Dec-2018

N.B. It should be clearly understood that the granting of Planning Permission does not relieve the developer of the responsibility of complying with any requirements under other Codes or legislation affecting the proposal, including the requirements of the Building Regulations, and Waste Management Acts.

2. A person shall not be entitled solely by reason of a grant of Planning Permission to carry out any development.

3. A grant of Planning Permission does not entitle a person to construct a development that would oversail, overhang or otherwise physically impinge upon an adjoining property without the permission of the adjoining property owner.

4. Please find attached an information note from Irish Water regarding the public water & waste water network.

**NOTES TO APPLICANT:**

- The decision of Dublin City Council in respect of this development does not imply or infer any approval or right to connect to or discharge wastewater to the public sewer network or the right to connect to the public water supply. The Applicant shall, prior to the commencement of Development, make all necessary arrangements with and get all necessary approvals from Irish Water in relation to wastewater discharges and water connections.
- 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 relate 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 8 weeks beginning on the date of the Planning Authority's decision on the second application.
- Where applicable the development contribution rates shall be fixed from the 1<sup>st</sup> of January 2016 to the 31<sup>st</sup> of December 2017. Consideration may be given to applying indexation to rate of contribution effective from 1<sup>st</sup> of January 2018 in consideration of the SCSJ Construction Price Index
- In relation to Compliance conditions three copies of compliance drawings will be required by the Planning Authority.

**Signed on behalf of the Dublin City Council**

\_\_\_\_\_ **for Assistant Chief Executive**

**Date**

\_\_\_\_\_