

DEPUTY PLANNING OFFICER

APPLICATION NO. 3874/15
PROPOSAL The development will comprise: (1) The construction of a new two-storey c.16,700 sq.m building for use as electrical rooms for electronic operations, mechanical plant rooms and support areas including offices and welfare facilities, a loading bay, back-up generators and a water tank farm. The facility will also contain new external plant areas including
(2) An electrical substation;
(3) and electrical transformer compound with associated control room;
(4) A diesel fuel tank farm and loading bay with associated pump house; and
(5) A sprinkler water tank with associated pump house;
(6) A security entrance kiosk;
(7) The repositioning and widening of 2 no. vehicular and pedestrian entrances;
(8) 36 no. car parking spaces, boundary railings/fencing, landscaping and
(9) Ancillary works. Mechanical plant at roof level of the main building is screened from view on all sides. The combined gross floor area of all proposed buildings is c. 16,900 sq.m. A separate application for planning permission for the demolition of existing buildings has been lodged with Dublin City council- Reg. Ref. no. 3634/15.

LOCATION Former Diamond Innovations site (Unit 1C), Clonshaugh Business & Technology Park, Dublin 17

APPLICANT Amazon Data Services Ireland Ltd

DATE LODGED 23-Oct-2015

ZONING ,

APPLICATION TYPE Permission

DM/NC

15/12/2015

Date of Site Inspection 25/11/15

Site Notices (yellow) in order.

Pre Planning Meeting
Aug & Sept 2015

Zoning

The subject site would be located in an area zoned Z6 in the 2011-2017 Dublin City Development Plan, with the objective 'To provide for the creation and protection of enterprise and facilitate opportunities for employment creation.'

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Site Description

The subject site is located in Clonshaugh Business and Technology Park. It comprises vacant industrial buildings and associated hard surface car park. It is located in the north western segment of the business park adjacent to the M1 motorway. Approximately half the land area of the site, situated to the north of the buildings is undeveloped and is traversed by a main drain, and overhead power lines. The undeveloped portion of the site is scrub vegetation.

The site was previously occupied by the now decommissioned GE Superabrasive facility. The area of the datahall will be located to the north of extant structures on site and to the north of the diverted main sewer line on undeveloped lands. The proposed transformer compound, sprinkler compound, and backup diesel-fuel compound will be dispersed towards the eastern site boundary north of the extant derelict complex on undeveloped lands.

Proposed Development

- Construct a new two storey 16,700sqm building for use as electrical rooms for electronic operations. (DUB054)

Site Planning History

Reg. Ref.	Decision/Description
3634/15	PP GRANTED to the demolition of the existing industrial buildings and ancillary structures on the site. The total floor area of buildings proposed to be demolished is 16,500sq.m.
1430/07	Removal of existing car park (285 spaces) to right hand side and extension of existing car park (20 spaces) to provide 180 car parking spaces to front of existing industrial Unit 10 Townland of Willsborough

Observations

Prescribed Bodies:

Irish water: Conditions recommended.

Third Parties: One - from Swords Property Investments Ltd who state that they have conceived a long term vision for delivering a high quality and vibrant enterprise hub on its lands capitalising on Clonshaugh's strategic geographical location (not attached), and are concerned at the subject proposal's impacts on the development potential of adjoining lands. The submission is summarised as follows:

Height, scale and bulk will lead to severe overshadowing of adjoining lands

The existing wayleaves and access entitlements are negatively affected – as the applicant's submitted version does not legally correspond with the objector's submission.

Flooding issues are raised as a concern – as non-compliant with the GDSD and the Development Plan. The adequacy of onsite attenuation is questioned.

It is considered that the proposed development and future developments

cumulatively will result in a considerable draw in electrical supply infrastructure - with implications for employment opportunities on adjoining lands. It is considered that these issues ignored in the planning application

Planning issues raised will be dealt with within the substance of the following assessment.

Interdepartmental Report

Drainage Division: No objection subject to conditions.
RTPD (Roads): No objection subject to conditions.
City Archaeologist: No objection subject to conditions.

Planning Assessment

The proposed development would be acceptable in principle under the Z6 zoning for the area. The 3rd party issue raised over wayleaves is noted. The Planning Authority notes that wayleaves were indicated on the submitted site plan, but any dispute over them would be a civil matter. It should however be noted that as per Section 34(13) of the Planning & Development Act 2000(as amended) that conferment of permission on any piece of land does not necessarily give on either right to develop it. A combined datahall campus has been previously developed by the applicant at DUB050, DUB051, & DUB010 near the main entrance to the estate.

Design & Integration

The development of DUB054 will be located to the north and rear of the existing vacant factory complex on open lands that are open to view from the north and west from the M1 and M50. The existing factory buildings which are to be demolished (Reg. Ref. 3634/15 refers) were still mainly in place while drainage alignment works were taking place to the north of them. It is intended that the site of the main extant buildings will make way for two more datahall buildings similar, at least in footprint, to the subject proposal. It is considered that the design and future arrangement of the datahall campus is appropriate to the Z6 zoned lands setting with an overall visual benefit for the wider area and for one of the main approaches to the city by way the eventual removal of the existing industrial buildings and stacks and their replacement by the campus of clean-lined contemporary designed light industrial type buildings. The proposed metal panel finish to the primary façade will be light grey with darker accents to lessen the visual impact of the building volume. A boundary treatment and landscaping plans have been submitted with the proposal. Finishes as well as landscaping proposals can be agreed at compliance stage.

It is considered that the associated structures including the temporary ESB substation will not material impact on the visual amenities of the area either.

Amenity Impacts

It is not considered that the proposed development of the main datahall structure and associated structures due to their heights and/or relative distance to adjoining 3rd party boundaries would unduly obstruct access to daylight or sunlight to adjoining developments existing or potential. No consideration can be given of the impact on the indicated developments on site as part of a future datahall campus.

The applicant has submitted a Noise Impact Assessment of DUB054's proposed normal 24/7 operations and also for whenever generators kick-in under emergency conditions - with their consultants noting that as based on the existing noise environment predicted noise levels would be within best practice tolerances at the nearest noise sensitive locations including residential locations, and also for adjacent industrial/commercial premises.

An Air Quality Report has been submitted - using *air dispersion modelling* to examine ambient receptors (residential), and air intakes (AHUs) onsite – which concluded that the maximum one hour ground level concentrations will not exceed relevant odour threshold

level at the worst case scenarios for residential receptors and at AHUs on site.

The issue of electricity capacity/supply as raised by the 3rd party observer to the application is not consideration for the planning authority.

Drainage/Water Supply

DCC's Drainage Division and Irish Water have raised no objections to the proposal and recommend conditions.

Archaeology

An archaeological desk-based study has been submitted with the proposal – which notes that there are no recorded national monuments on site. The report notes that the site contains a relic townland and parish boundary of local heritage importance which it is considered will not be impacted upon by the proposed development. The report considers that there is moderate potential for prehistoric archaeological remains and also moderate potential for remains associated with the former C18th Willsborough House or earlier C18th structures to survive within the site – but that the proposed development will not impact on the setting of any designed or undesignated heritage assets within the study area. The report recommends that a geophysical survey etc be undertaken within the site. Relevant heritage protection conditions can be attached.

Due to the large size of the development (c.16,700 sq.m) there is potential for sub-surface works to disturb undocumented archaeology.

City Archaeologist's Report

A report entitled 'Archaeological Desk-Based Assessment, DUB54' was carried out by AECOM dated October 2015.

Section 8.1.1 mentions there is moderate potential for the remains of Willsborough House to be unearthed during the course of excavations.

Given the above information the site should be archaeologically monitored according to the following conditions

Appropriate Assessment

Under Article 6 (3) of the EU Habitats Directive and Regulation 30 of SI no. 94/1997 "European Communities (Natural Habitats) Regulations (1997)" any plan or project which has the potential to significantly impact on the integrity of a Natura 2000 site (i.e. SAC or SPA) must be subject to an Appropriate Assessment. This requirement is also detailed under Section 177 (U) of the Planning and Development Acts (2000- 2010).

A screening statement for Appropriate Assessment has not been submitted with the subject proposal. One however was submitted for the previous application on site for the demolition of the existing industrial buildings and ancillary structures on the site which concluded that as per the information submitted on their *Screening Assessment Matrix and No Significant Effects Matrix*, that no significant effects would be experienced on any Natura 2000 site from this project involving the demolition of the buildings at DUB54 (Reg. Ref. 3634/15 refers). A waste management plan was also submitted with the demolition application and the EPA who had examined the existing site as part of the decommissioning process for the previous operation were noted as having stated that the site did not present any environmental risks.

In this instance the subject project represents the next stage of the previous project i.e. the construction of the datahall and associated structures. As noted in the previous AA screening report 14no. Natura 2000 sites exist within 15km of the proposed development or have a hydrological linkage of 25km or less. No Natura 2000 site is located on site or adjacent to the site – with the two closest sites being North Dublin Bay SAC and North Bull Island SPA. It is noted that there are no open water courses on the site - with the Santry River located 300m away to the south. It is stated that the site is known to drain into the local sewerage network and not any drainage channels or rivers and as before it is noted that therefore no

transmission pathway exists. While the previous AA screening report did not overtly identify the subject proposal as part of cumulative impacts, it is considered that the subject proposal will likewise have no significant impacts on Natura 2000 sites within 15km of the site on its own or cumulatively. It is therefore considered that an Appropriate Assessment (Phase 2) is not required for the subject site.

EIS/EIA screening

The applicant has also submitted a screening for an Environmental Impact Assessment of the proposal including outline assessments of likely significant impacts on relevant environmental factors during construction and operational phases of the development. It is agreed in this instance that the proposal represents a sub-threshold form of development as per the mandatory categories of development that are set out in Schedule 5 of the P&D Regulations 2001(as amended) and that the tests set out in Schedule 7 of the P&D Regulations 2001(as amended) for sub-threshold development do not apply to this proposal considering the nature and location of the development, and also noting the limited intensification of development proposed from what was previously permitted on site. As such it is not recommended that a full EIS be sought in this instance.

Traffic/Access/Parking

The RTPD (Roads) report as follows:

This is an application for a proposed server centre 'Dub 54' totalling 9,562sqm for Amazon Data Services in the Clonshaugh Business and Technology Park. The submission notes that approximately 15 full time staff will be employed at the facility.

A Transport Assessment has been submitted as part of the application. It is proposed to provide a total of 38 car parking spaces at the site.

A total of 12 cycle parking spaces are also proposed in the development which is considered suitable having regard to the location of the site and the numbers of staff.

The TA notes that vehicular access to the site will be broadly in line with the existing access arrangements. There are currently 2 vehicular accesses serving the site. The main entrance to the site will be situated off the existing industrial estate road that runs along the southern frontage of the site. At the main entrance a security hut will regulate vehicular traffic into the site. An emergency access/egress point is also proposed at the south east corner of the site. The access is proposed broadly in the same location as the existing vehicular access, with a minor relocation of approximately 10m to the east of the existing access. The internal road carriageway has been designed to approximately 7m width, to accommodate two way traffic including HGVs accessing and exiting the site.

Swept path analysis for HGVs has been included as part of the application.

This division has no objection to the proposed development

Conclusion:

Recommendation

Having regard to the zoning provisions of the current Development Plan, it is considered that the proposed development, would not injure the amenity of property in the vicinity, and subject to compliance with the conditions set out below it is considered that the proposed development accords with both the City Development Plan and the proper planning and sustainable development of the area.

It is recommended that planning permission be **granted** subject to the following conditions.

Conditions:

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 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 €28,024.00 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.

Note:

From the 1st of January 2014, Irish Water are now the statutory body responsible for both water supply and waste water services, including the collection of any charges that may be associated with the provision of these services.

- Accordingly the level of contributions applied by Dublin City Council to decisions from the 1st of January 2014, under the current Section 48 Development Contribution Scheme have been reduced by 25% (per square metre of approved development), to take into account the contribution associated with these services. The reduction has been applied to this decision.
- Dublin City Council retains control and responsibility for surface water and flood alleviation works.

3. Prior to the commencement of development, details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority.

Reason: In the interests of orderly development and the visual amenities of the area.

4. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the

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area in general.

5. 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.

6. Notwithstanding the provisions of the Planning & Development Regulations 2001 (As Amended), no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.

Reason: In the interests of visual amenity.

7. The requirements of the 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

8. The requirements of the 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 (see 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) The developer shall limit surface water discharge from site in accordance with the requirements of the Drainage Division as set out in the Greater Dublin Strategic Drainage Study's "Technical Document on New Development".

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- e) 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 commencement of construction.
- f) Where pipelines are to be taken-in-charge by Dublin City Council, as-constructed drawings of all pipelines complete with CCTV surveys, to a standard specified by Drainage Division, must be submitted to Drainage Division for written sign-off. This must be submitted no later than the completion of each phase of the development works on site.
- g) The developer shall submit an appropriate flood risk impact assessment for the proposed development, which identifies and proposes solutions to mitigate the potential risks from all sources including fluvial, pluvial and groundwater. Reference should be made to the DEHLG/OPW Guidelines on the Planning Process and Flood Risk Management published in November 2009. Flood risks from 30-year and 100-year storms shall be addressed. The developer shall confirm in writing to the Drainage Division that the development has been designed such that the risk of flooding to the development has been reduced as far as is reasonably practicable, and that the proposals do not increase the risk of flooding to any adjacent or nearby area (over the risk of flooding from a greenfield site).
- h) 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.
- i) Dublin City Council's Drainage records are indicative and must be verified on site. The 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.
- j) 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.
- k) There shall be no discharge of effluent to Dublin City Council sewers except under and in accordance with a licence granted by Dublin City Council/Irish Water as required by the Local Government (Water Pollution) Acts, 1977 and 1990.
- l) The outfall manholes from this development must be constructed in accordance with the Code of Practice for Development Works – Drainage.
- m) All surface water discharge from this development must be attenuated to a discharge rate to be agreed in writing with Dublin city council drainage division.
- n) All over ground oil storage tanks shall have a bund structure in accordance with Section 17 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6

Reason: In the interests of public health

9. The requirements of Irish Water shall be undertaken as follows:

- a) Where the applicant proposes to connect directly or indirectly to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water

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prior to the commencement of the development and adhere to the standards and conditions set out in that agreement

Note: In the interests of Public Health and Environmental Sustainability, the Irish Water Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

Reason: In the interests of public health

10. The applicant shall liaise with the Irish Aviation Authority and the Dublin Airport Authority with regard to the provision of external site lighting

Reason: In the interests of orderly development.

11. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Roads Streets & Traffic Department and the Noise & Air Pollution Section.

Reason: To ensure a satisfactory standard of development.

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

Mondays to Fridays - 7.00am to 6.00pm

Saturday - 8.00 a.m. to 2.00pm

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.

13. (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.

14. 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

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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.

15. Archaeology

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.