

DEPUTY PLANNING OFFICER

APPLICATION NO.	4185/18
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; and (3) associated landscaping and site infrastructure.
LOCATION	Former Diamond Innovations site (Unit 1C), Clonshaugh Business & Technology Park, and adjacent lands, Dublin D17
APPLICANT	Mullins Development LLC 251, Little Falls Drive, Wilmington, DE, USA, 19808
DATE LODGED	17-Oct-2018
ZONING	,
APPLICATION TYPE	Permission

DM / AD**11 December 2018****Site Notices (Yellow):** in order (7/11/18)**Pre Planning Meeting**

None recorded

Zoning

The subject site would be located in an area zoned Z6 'Employment/Enterprise' in the 2016-2022 Dublin City Development Plan, with the objective '*To provide for the creation and protection of enterprise and facilitate opportunities for employment creation.*'

Site Description

The subject site, which has a stated area of 146,780m² (enlarged from 96,237m² prior to application Reg. Ref. 4449/16), is located within the Clonshaugh Business and Technology Park. It is located in the north western segment of the business park and is bordered by the M50 to the west. To the north are open greenfield lands associated with the M1-M50 interchange, which overlooks the northern portion of the site. To the south is the Business Estate Road connecting the site to the rest of Clonshaugh Business Park, Oscar Traynor Road (R104) and Clonshaugh Road. Directly east of the ADSIL site is the Port Tunnel Business Park (comprising SME commercial units/office units) and a variety of commercial premises and warehouses. The applicant's EIAR notes that Clonshaugh Business Park is occupied by a wide variety of commercial users including Allergan (pharmaceutical), Butlers Chocolate (factory & café), and Brinks Ireland (security).

The EIAR notes that physically the development site is relatively flat (typically just over 50m OD Malin) however the site falls c.3m from west to east.

The site is industrial in nature and is presently partially completed – with Building A-DUB 054 (Reg. Ref. refers) now fully operative and Building B -DUB 064 (Reg. Ref. 4449/16 refers) still under construction but partially operational. Grounds works for the 'twin' of the subject

development i.e. Building C 074 permitted under Reg. Ref. 3096/18 appear to have commenced in Q4 2018 as predicted in the EIAR.

From the EIAR, it is noted that the subject site was previously owned and operated by GE Superabrasives, latterly Diamond Innovations Ireland Operations (DIIO), for over 25 years. The company made a variety of industrial diamond and related abrasive products. The site ceased manufacturing in 2013 and closed in 2014. During 2014 the facility underwent an extensive closure and decommissioning process under the oversight of the Environmental Protection Agency (EPA) in accordance with the requirements of the DIIO Integrated Pollution Prevention and Control licence (P0532-01). The site was put up for sale and acquired by ADSIL in 2015. All the DIIO buildings were demolished in 2016 (Reg. Ref. 3634/15 refers). Prior to the DIIO operation it is understood the site was greenfield/undeveloped agricultural land. Clonsaugh Business Park was established by the IDA in the early 1980's and has been developed ever more intensively since that time.

The EIA Report (EIAR) which updates the previous EIAR (Reg. Ref. 3096/18 Refers), submitted with the application notes that:

The c.16m high 16,700m² Building A (DUB 054) contains Data Storage Rooms and associate services and plant and is now fully operational since 2017. (Reg. Ref. 3874/15 etc. refers).

The c.11.4m high 14,000m² Building B (DUB 064) a similar purposed building is still under construction with one data storage room operational. (Reg. Ref. 4449/16 etc. refers).

The c.16m high 16,860m² Building C (DUB 074) is permitted but not constructed – with works to start in Q4 2018 and fully operational by Q4 2021. (Reg. Ref. 3096/18 refers). Construction of a new 110kv substation is due to commence shortly (Reg. Ref. 3875/15 & 3288/16 refers).

Amazon Data Service Ireland Limited (ADSIL) who were the applicants for the existing Buildings A & B, and have given the applicant Mullins Development LLC consent to seek planning permission. (as they did for permitted Block C), have a number of other data centre buildings nearby in the estate – and are one of the largest single occupants of the Z6 lands in this estate area. There are a number of other smaller data centres in the wider estate operated by other 3rd parties. ADSIL will operate the proposed development.

Proposed Development

- Construction of a new 2-storey 16m high c.16,860m² building (Building D – DUB 084) 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.

- 40 no. car parking spaces; and (3)
- associated landscaping and site infrastructure.

The applicant anticipates that subject planning permission that work will commence in Q4 2020 and will be fully operational by Q4 2022.

The EIAR has been published on the portal

Site Planning History

<u>Reg. Ref.</u>	<u>Decision/Description</u>
3096/18	<p>PP GRANTED for</p> <ul style="list-style-type: none">Construction of a new 16m high 2-storey c.16,860m² building – <u>Building C</u> for use as data storage facilities containing:<ul style="list-style-type: none">data storage rooms, electrical & mechanical plant rooms and support areas including offices and welfare facilities, loading bays, back-up generators and water storage tanks;<p><i>mechanical plant at roof level is screened from view on all sides by permanent screens.</i></p>40 no. car parking spaces;Amendment to previously permitted site landscaping and associated site infrastructure - Planning Permission Reg. Ref. DCC 4449/16.An EIS has been submitted to the Planning Authority
0268/17	<p>EXPP: We request the Planning Authority to consider whether the addition of a prefabricated container within the generator area of the data storage facility for the purposes of providing modular plant, electronic equipment and machinery space, and ancillary site works: (i) Is or is it not development as defined by Section 3 of the Planning and Development Act 2000, as amended; and (ii) In the case where the installation of this container is considered to constitute development is exempted development having regard to Class 21 of the Planning and Development Regulations 2001-2017.</p>
4449/16	<p>PP GRANTED for:</p> <ul style="list-style-type: none">New 11.43m high c.14,107m² (c.58m x c.246m) building (DUB 64) <u>Building B</u> accommodating:<ul style="list-style-type: none">electrical rooms for electronic operations;mechanical plant rooms;support areas including offices and welfare facilities;a loading bay;18 external back-up generators - <i>located on the northern side of the proposed building.</i><p>Emissions from the generators will be via 6 no. 25m high triple-flu arrays</p>A water tank farm.30 no. car parking spaces;Relocation of an attenuation area to the western side of the site (from southern side)The addition of an 8m acoustic screen to the existing transformer compound (Reg. Ref.3288/16).

- Changes to previously approved perimeter security boundary railings and fencing including a fenced vehicle lock with double gates placed at the main site entrance.

This change is consequent on the enlargement of the site of the existing DUB 54 building (Reg. Ref.3874/15) to form the current site by the addition of lands to the east and west.

- Security hut at the site entrance has been amended by the addition of a services room.
- Landscaping and associated ancillary works

- E0069/16 Alleged Breach of Working hours
- 3599/16 PP GRANTED for a regular array of mechanical ventilation units mounted at roof level which will project above the main parapet by no more than 800mm.
- This application follows from Condition 4 attached to an existing Planning permission (Reg. Ref. No. 3874/15) which requires that a separate permission be obtained for additional development above roof level. The proposed development comprises:*
- 3288/16 PP GRANTED for Amendments to a previously issued Planning Permission (Reg. Ref. No. 3874/15), including:
- The construction of a new c. 11.2m high 2-storey substation building (690 sqm);
 - The addition of a transformer bay and associated fire wall to the transformer compound and reorientation of the compound on a north-south axis;
 - The enlargement of the single-storey c.4.4m high client control building by 30 sq. m and its relocation to the north end of the compound;
 - The consequent rearrangement of the compound access road and fencing; the combined gross floor area of all additional proposed buildings is 720 sq
- 3874/15 PP GRANTED to construct a new two storey 16,700sqm building for use as electrical rooms for electronic operations. (DUB054) **Building A**
- 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 PP GRANTED for the 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 1C Townland of Willsborough

Observations

Prescribed Bodies: None
Third Parties: None

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

Design & Integration

The subject proposal will be located on part of the now demolished and cleared Diamond Abrasive complex and will be located to the south of Building B and like Building C will be read against the larger Building B to the rear – which is now nearing completion described above (Reg. Ref. 4449/16e refers) which in turn is located to the south of Building A also described above (Reg. Ref. 3874/15 etc. refers).

The applicant's previous masterplan had indicated that a further data centre (Building D) would be located to the south east of the now permitted Building C a near identical datahall building (Reg. Ref. 3096/18 refers)

As noted proposed Building D will be read in conjunction with its permitted twin data storage centre (future Building C) and will jointly front the complex as it addresses the main entrance to the south of Building B and will be likewise similarly finished and treated in the campus idiom. The proposed landscaping and floorscape will merge with the existing campus-wide treatment.

The proposed primarily 16m high datahall with plant/flues over will come within the Development Plan's height restrictions for the Clonshaugh Industrial estate and the Outer City.

It is not considered that the proposal for the new data hall, associated surface parking and amendments to landscaping will materially affect the visual amenities of the area on its own or cumulatively with existing, permitted and anticipated developments.

The applicant notes that total development (including future potential development) will provide for a floor area of c.65, 425m² and a plot ratio of 0.446 which is below the Development Plan's recommended plot ratio range of 2.0-3.0 for Z6 zoned lands. Site coverage will be c.28.1% for proposed and future development which is below the indicative 60% coverage for developments on Z6 zoned lands.

It is not considered that the proposal will have any negative impacts on nearest residential or adjoining light industrial operations in terms of overlooking, undue loss of daylight, undue overshadowing. The applicant has also undertaken an *External lighting Report*. This report notes that security and environmental lighting will be designed so as to ensure there is no obtrusive glare, light spillage, or other light nuisance.

The EIAR notes that area has been subject to impacts associated with construction of the existing units as well as historic development. The EIAR notes that there is still a possibility of sub-surface archaeological features surviving within the site boundary. Archaeological surveying and testing is recommended by the EIAR.

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 Act 2000 (as amended)

A screening report for Appropriate Assessment has been submitted with the latest subject proposal – which has also helped inform the EIAR submitted with the subject application.

The AA screening report notes that 11no. Natura 2000 sites exist within 15km of the proposed development which will have limited biological connectivity and no hydrological linkage to them. 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. The main impacts are predicted to be from construction activity but with appropriate mitigation measures, which are adequately detailed in the EIS and within its appraisal of the relevant environmental factors, then it is considered that the residual impacts from pollution of surface or ground water during construction is extremely low. It was noted that there are no open water courses on the site that would act as transmission pathways - with the Santry River located 300m away to the south. The proposed development will connect into the existing drainage network. DCC's Drainage Division has no objections to the proposal subject to conditions

The AA screening report also assesses the subject proposal as part of cumulative developments within the area. The screening which considers that the subject proposal will have no significant impacts on Natura 2000 sites within 15km of the site on its own or cumulatively. It is agreed from the information provided that an Appropriate Assessment (Phase 2) is not required for the subject development.

Environmental Impact Assessment

The EIA Directive and Section 172 of the Planning & Development Act 2000(as amended) require that an assessment of environmental effects of a project are carried out by the competent authority –which in this instance is Dublin City Council (DCC).

During an EIA screening process earlier in the master planning of the site DCC had agreed that the parent and subsequent proposals cumulatively represented 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 would not be met considering the nature and location of the development, and also noting the limited intensification of development proposed from what previously existed and was permitted on site.

However under Reg. Ref. 4449/16 for proposed Building 'B' (DUB64) an EIS was submitted on the basis that the parent site area on which the proposal was to take place was 146,780m² (enlarged from 96,237m²) which approached the mandatory requirement for an EIS under 10(a) of Part II, Schedule 5 of the Planning & Development Regulations 2001(as amended) i.e. where the area of industrial estate development projects, (Infrastructure projects) would exceed 15 hectares.

The subject EIA Report (EIAR) notes that it has been prepared in accordance with the requirements of EIA Directive 2011/92/EU as amended by the 2014 EIA Directive (2014/52/EU) and the Environmental Protection Agency (EPA) Draft "*Guidelines on the Information to be Contained in Environmental Impact Assessment Reports*" (2017).

The EIAR notes that the applicant/and their relevant specialists have previously met and consulted with DCC over the last few years with regard to the ongoing masterplan development of the data storage campus. The EIAR notes that aforementioned specialists have liaised with typical statutory bodies (including Irish Water, Eirgrid, ESB, NPWS etc)

As per Section 171A of the P&D Act and Art.3(1) of the 2014 Directive - the EIA is required to identify, describe and assess in an appropriate manner, in light of each individual case and in accordance with Articles 4 to 11 of the Environmental Impact Assessment Directive, the direct and indirect effects of a proposed development on the following:

- (a) Human beings, flora and fauna,
- (b) Soil, water, air, climate and the landscape,
- (c) Material assets and the cultural heritage, and
- (d) The interaction between the factors mentioned in paragraphs (a), (b) and (c).

I am of the opinion that the EIAR submitted with the planning application is comprehensive and complies with the statutory requirements set out in Article 94 and Schedule 6 of the Planning and Development Regulations 2001 (as amended) and also complies with the 2017 updated Draft EPA Guidelines as they relate to environmental impact assessment. The EIAR has in my opinion - identifies, describes and assesses the key likely significant environmental impacts relating to the proposed development and these are set out briefly below. As required a Non-Technical summary of the main EIAR submission has been submitted with the application.

Chapter 3 of the EIAR adequately provides a description of the proposed development as required by the 2017 Draft EPA guidelines. The Chapter provides details of: the construction programme (4 stages are described) associated with the development of the datahall; along with the Commissioning of the Proposed Development; the Operation of the Proposed Development; Decommissioning of the Project; Description of Other Developments;

The EIAR notes that the total peak construction population on site is estimated to be of the order of c. 400 staff (average 275). Site staff will include management, engineers, construction crews, supervisors and indirect staff. Some 'after normal hours' work may take place during the summer. The EIAR notes that subject to grant of planning permission, construction work for the proposed development of proposed Block D is anticipated to commence in Q4 2020 and be fully commissioned by end of Q4 2022.

In terms of decommissioning the EIAR notes that the proposed development will have a lifespan of at least 10-20 years. Upon closure all building a plant etc. will be fully de contaminated and decommissioned in accordance with prevailing best practice. The buildings, once rendered environmentally safe, will more than likely be retained and sold on for future use following closure

The EIAR notes that the operator is committed to running its business in the most environmentally friendly way as possible. The EIAR notes that in addition to the environmental benefits inherently associated with running applications in the cloud including long term commitment to achieved 100% renewable energy usage. The applicant notes that Eirgrid have confirmed that there is sufficient capacity in area to meet the proposal's additional energy requirements.

The EIAR notes that the proposed development and site will not be vulnerable to major accidents and/or natural disasters.

The proposal will not be a SEVESO/COMAH facility and is not an EPA regulated activity in terms of the Industrial Emissions Directive.

Chapter 4 of the EIAR adequately provides information and conclusions on Planning & Alternatives (countries, locations, layouts, processes)

Environmental Factors

Chapters 5-15 of the EIAR provides an assessment of the various impacts or risks of the project at construction, operational and phases upon Environmental Factors encountered in the area Chapter 16 also examines the Interactions between impacts of the 11 Environmental factors (which are considered to generally respond to those outlined in Article 3 of the Directive):

- Population & Human Health
- Land, Soils, Geology & Hydrogeology
- Hydrology
- Biodiversity; Flora & Fauna
- Air Quality & Climate
- Noise & Vibration
- Landscape and Visual
- Archaeology, Architectural & Cultural Heritage
- Traffic and Transportation
- Material Assets
- Waste Management

Each Chapter on the Environmental Factors is methodically and similarly structured - i.e. the methodology employed; description of the receiving environment; potential and predicted impacts of the development in terms of construction and operations; remedial and mitigation measures and residual impacts.

The appraisals have involved specialist studies and evaluations. It is considered that the information and data provided in the main EIAR and appendices is substantial and adequate.

Overall Conclusions Regarding the EIAR

It is considered that the submitted EIAR provides the appropriate information in terms of substance and adequacy having regard to the specific characteristics of the project and the proposed scale of the development.

The EIAR has also adequately in my view considered the issue of alternatives in assessing the development i.e.: Alternative project countries/locations; Alternative designs/layouts; and Alternative processes as well as the 'Do nothing' scenarios. Where relevant the EIAR identifies the monitoring programme for relevant environmental factors.

I consider that the EIAR submitted with the application has correctly and adequately identified and described in detail and systematically the key likely significant effects which may arise from the proposed development during both the construction and operational phases having particular regard to the relevant environmental factors.

I also agree with the EIAR conclusions that the proposed development (in addition to the potential 96 full time jobs for Blocks B & C) will provide employment opportunities (estimated 400 construction, 30 operational jobs, & c.10 maintenance contractors/visitors) and associated economic and social benefits.

A continuation of the ongoing landscape programme will create a modern campus layout populated with buildings with a clean and crisp architecture. I would agree with the conclusion that the EIAR concludes that the landscape and visual effects will range from *moderate to imperceptible*, will be *long term* and will be *neutral*.

It is noted that the local environment is still currently experiencing construction traffic related to Block B, and that this will be overlapped and superseded by work on permitted Block C (now commenced) with a likewise scenario for subject Block D if permitted. Construction traffic will also overlap with the current and eventual (less intensive) operational traffic as datahalls become operational. It is agreed that subject to ongoing mitigation measures that construction traffic

impacts from combined proposed and indicative future development will be *short term negative and not significant*. It is agreed that traffic impact will be *long term, neutral and imperceptible* as the operational traffic volumes will be below the thresholds stated in the TII's 2014 *Guidelines for Traffic & Transport Assessments*.

Inevitably slight negative impacts are likely to arise during the construction program e.g. from dust emissions, greenhouse gasses, noise and vibration however these impacts will be temporary in nature. Along with the proposed CEMP a dust minimisation plan (9.6) will be employed during the construction phase. It is noted that Noise emissions during construction will be limited to the agreed working day and duration of the project and which will be experienced against the existing ambient background of the urban location located next to a motorway and motorway interchange. The EIAR notes that during the operational phase of the entire facility that the number of hours the 71 no. emergency back-up generators (which are predicted to be rarely used) can run before there is an exceedance of the air quality standard for NO₂ is assessed for the entire site (both permitted and proposed buildings) not one individual building. The addition of the back-up generators for Building D therefore reduces the number of hours from 191 to 98.

I consider any such adverse impacts will be minimal and will be further reduced by the employment of various mitigation measures set out in the EIAR in order to alleviate construction impacts on the surrounding area.

It is agreed that the noise generated from **operational impacts** will not be significantly negative or long term.

In general it is agreed that there will be **largely negligible or neutral impact** from the operational phase of the development when best practice mitigation measures as detailed are applied

Chapter 16 of the EIAR has also assessed potential cumulative impacts for each environmental scenario and where they may arise in relation to other developments including:

Other developments on the site i.e. the existing data storage facilities- Buildings A, B, the permitted Substation; & the permitted Building C;

(Permanent power supply will be from proposed underground double circuit 110kV transmission cable installation from the existing Belcamp 220kV and 110kV Substation to the permitted 110kV Substation located on the site. The provision of the cable installation will be subject to its own planning application and EIA Report)

Other developments in the locality i.e. developments in the area that have been granted planning permission in the past three years within both the Dublin City Council and Fingal County Council local authority areas see table 4.1 & 4.2 Chapter 4 of the EIAR). This also includes the unlikely scenario of the construction of the transmission cable at the same time as the proposed development.

I am satisfied that the proposed development subject to the employment of the identified appropriate mitigation measures for each environmental aspect as set out in the various chapters of the EIAR and referred to where relevant in my report will result in a development that will not cumulatively have a significant environmental impact on the receiving environment.

The final chapter of the EIAR Chapter 17 sets out the interactions of the likely significant effects of the proposed development on particular aspects of the environments during both construction and operational phases. The interactions have been assessed in accordance with best practice guidelines. The EIAR has presented an accurate and reasonable assessment of these interactions in my view which concludes that the majority of interactions are neutral.

The residual effects identified under the various sections of the documents are acceptable in my view and are unlikely to have a significant environmental impact on the receiving environment. It is considered that the proposed development either by itself or cumulatively with other developments in the masterplan/campus area will not have a significant impact on the receiving environment.

In summary therefore having regard to the contents of the EIAR and the various appendices attached to the main document together with the submissions on file I am satisfied that there is sufficient information in respect of this application to carry out a full EIA and I would agree with the conclusions contained therein that the proposed development would not adversely impact on the receiving environment subject the implementation of mitigation measures proposed and compliance with any conditions attached to my report and recommendation.

Conclusion:

Recommendation

Having regard to the zoning provisions of the 2016-2022 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 €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. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit or a bond of an insurance company/bank .

(a) to secure the satisfactory maintenance, completion and any reinstatement of services/infrastructure currently in the charge of Dublin City Council, including roads, open spaces, car parking spaces, public lighting, sewers and drains.

or

(b) to secure the satisfactory completion of services until taking in charge by a Management Company or by the Local Authority of roads, footpaths, open spaces , street lighting, sewers and drains to the standard required by Dublin City Council.

The form and amount of the security shall be as agreed between the planning authority and the developer, coupled with an agreement empowering the planning authority to apply such security or part thereof.

In the event that land to be used as open space is taken in charge, the title of any such land must be transferred to Dublin City Council at the time of taking in charge.

Reason: To achieve a satisfactory completion of the development.

4. 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.

5. 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.

6. The requirements of the Transportation 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.

7. 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 (available from www.dublincity.ie Forms and Downloads).

b) The development is to be drained on a completely separate system with surface water discharging to the public surface water system.

c) 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.

d) 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 Surface Water 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.

e) There shall be no discharge of trade effluent to Dublin City Council sewers except under and in accordance with a licence granted by Sanitary Authority as required by the Local Government (Water Pollution) Acts, 1977 and 1990.

f) Total surface water discharge from the site must be attenuated to 55.2 litres per second as per drainage masterplan agreed under planning application No. 4449/16.

g) 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

- h) The development shall incorporate Sustainable Drainage Systems in the management of surface water as detailed in the Engineering Planning Report – Drainage & Water prepared by Clifton Scannell Emmerson Associates, dated 14 September 2018.
- i) The developer shall ensure that an appropriate Flood Risk Assessment (FRA), in accordance with the OPW Guidelines and the Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment, is carried out for the proposed development
- j) All private drainage 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.

8. 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.

- 9. 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

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 the interests of public health.

10. 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 the interests of public health.

11. a) During the construction and demolition phases, the proposal 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.

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. 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 another 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 developer's 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.