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39 Fitzwilliam Place  
Dublin 2

Notification of Grant of Permission  
PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED

Final Grant Order No.: PF/1314/18	Date of Final Grant : 28-Aug-2018
Decision Order No. : PB/0362/18	Date of Decision: 26-Jul-2018
Register Reference: FW18A/0078	Registration Date : 06-Jun-2018

**Applicant:** Maris Developments LLC

**Development:**

- Demolition of an existing industrial building on the subject site with a gross floor area (GFA) of 3,988 sq.m, along with 2 no. existing ancillary structures, and all associated site clearance works;
- Construction of a new data storage facility with a GFA of 8,657 sq.m over two storeys (including a mezzanine level) with plant at roof level. The data storage facility building has parapet heights of 20.50 metres and 15.13 metres, with flues and lift overrun extending to a maximum overall height of 22.90 metres; the building will accommodate data storage rooms, electrical rooms, mechanical plant rooms, stair and lift cores, office administration areas, and staff facilities;
- Provision of emergency generators with associated flues within a fenced compound, diesel top-up tank and fuel piping;
- All associated site works including internal access road, new access to the adjacent site to the north, 19 no. car parking spaces, cycle parking, pump room with GFA of 21.3 sq.m, foul and storm water drainage, new boundary treatment, security fencing, lighting, underground cables, upgrading of existing transformers and landscaping.

Location: Kingston Technology Building, IDA Blanchardstown Business and Technology Park, Ballycoolin Road and Snugborough Road, Blanchardstown, Dublin 15

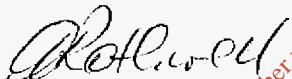
Submitted Floor Area: 8677 sq.m.

Time extension(s) up to and including

Additional Information Requested / Received /

Permission has been granted for the development described above, subject to the (14) condition(s) on the attached pages.

Signed on behalf of the Fingal County Council

  
for Senior Executive Officer

28-Aug-2018

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Conditions and Reasons

1. The development shall be carried out in its entirety in accordance with the plans, particulars, specifications, and information lodged with the application on the 06/06/18 save as may be required by the other conditions attached hereto.

Reason: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2.
  - i) The use of the development shall be strictly adhered to, as indicated on the submitted plans, drawings and documentation (datahalls). The offices and associated structures shall remain ancillary to the datahall use permitted.
  - ii) Any change of use, subdivision or amalgamation, whether or not such change or subdivision would otherwise constitute exempted development, under the Planning and Development Regulations 2001-2018 shall not be undertaken without a prior grant of permission.

Reason: (i) to avoid any misunderstanding as to the proper construction of this permission (ii) to regulate the use of the development and to ensure proper planning control is maintained.

3.
  - i) Prior to the commencement of development the applicants shall submit the following details in writing to and obtain agreement in writing from the Planning Authority:
    - (a) Details and samples of the materials, colours and textures of all the external finishes to all of the proposed buildings and plant.
    - (b) Details of the proposed signage within the site.
  - ii) No additional advertising sign(s) or structure(s) shall be erected on the site or on the façade of the proposed structures except those agreed above, without a prior grant of planning permission.
  - iii) No additional plant/equipment other than what is indicated on the drawings submitted on the 06/06/18 shall be placed on the roof of the building.
  - iv) Solar panels or similar shall be located on the roof.

Reason: In the interest of the proper planning and development of the area.

4. Prior to the occupation of the proposed development on site the applicants shall submit for the written agreement of the Planning Authority a Construction Management Plan.

Reason: In the interest of traffic and pedestrian safety and proper planning and sustainable development.

5. Prior to the commencement of development the applicants shall be submitted to and agreed in writing with the Planning Authority details of a piece of Public Art or a financial contribution in lieu of same.

Reason: In the interest of amenity.

6.
  - i) All public services to the proposed development including electrical, telephone cables and equipment shall be located underground throughout the entire site where possible.
  - ii) The building shall be district heating enabled.

Reason: In the interest of amenity.

7. The Landscape Masterplan by BSM, drawing no. 300 received on the 06/06/18 informed by the Landscape Design Report shall be completed in full.
  - a) All hard and soft landscape works shall be completed in full accordance with the approved Landscape Masterplan and associate Landscape Design Report.
  - b) The proposed Beech hedge planting along the southern boundary shall be replaced to consist of a hedge planting mix with 75% Hawthorn and 25% of at least four other species such as Willow, Blackthorn, Hazel, Holly, Dog rose, Whin and Guelder Rose.
  - c) The proposed shrub planting Prunus "Otto Luyken" shall be replaced with Sarcococca hookeriana in the interest of diverse & flower-rich habitats.
  - d) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock.
  - e) New tree planting shall be planned, designed, sourced, planted and managed in accordance with 'BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations'.
  - f) Any tree, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
  - g) The project Landscape Architect shall be retained by the developer for the duration of the project, to pay periodic site visits to ensure that construction works will not compromise the proposed landscape development; to supervise the implementation of the landscape plans from start to finish and to sign off upon full completion, providing the Planning Authority with the required Certificate of Effective Completion.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

8. A landscape management plan including management responsibilities and maintenance schedules (in particular irrigation treatment) for all landscaped areas

shall be submitted to and approved in writing by the Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved on commencement of the development hereby permitted unless otherwise approved in writing by the Planning Authority.

Reason: To ensure that the landscape of the development becomes well established and is satisfactorily managed and maintained in the long term in the interests of the visual amenity of the area.

9. i) No heavy construction equipment/machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 8.00a.m. to 7.00p.m., Monday to Friday, and 8.00 a.m. to 2.00p.m. on Saturdays. No activities shall take place in site on Sundays or Bank Holidays. No activity, which would reasonably be expected to cause annoyance to residents in the vicinity, shall take place on site between the hours of 7.00p.m. and 8.00a.m. No deliveries of materials, plant or machinery shall take place before 8.00a.m. in the morning or after 7.00p.m. in the evening.
- ii) During construction operations developers shall have regard to B.S.5228: Part 1:1997 'Noise and Vibration control on construction and open sites- Code of practice for basic information and procedures for noise and vibration control'. All equipment used on site shall be fitted with effective silencers and/ or sealed acoustic covers. Construction noise levels shall be monitored continuously and a threshold value of 65dB LAeq, 1hr free-field at residential noise sensitive locations in the vicinity of the development shall be adopted. When noise levels exceed this threshold steps shall be taken by the contractor to review the works and implement additional mitigation measures where practicable.
- iii) If there is any occasion when construction work must be carried on outside daytime hours, this department, local residents and businesses in areas which are likely to be affected by noise from the proposed works should be notified in advance e.g. in letter or leaflet or advertisement form, of:
- Name, address and telephone number of company carrying out works
  - Nature of and reason for works
  - Likely duration and times of work
- iv) A programme of continuous noise and vibration monitoring shall be carried out throughout the construction phase. The noise monitoring shall include monitoring from the nearest noise sensitive receptors. The results shall be made available to the Environmental Health Department of Fingal County Council on request.
- v) A programme of continuous Air Quality Monitoring shall be implemented at the site boundary (2 locations) for the duration of construction phase. This shall include monitoring for PM10, PM 2.5, NO2 and dust deposition. Continuous monthly monitoring shall be carried out at these locations. Results shall be recorded and made available to the Environmental Health Department of Fingal County Council on request. Where levels are exceeded dust generating activities must cease and further mitigation measures implemented.
- vi) The development shall be so operated to ensure that the provisions of the Air

Quality Standards Regulations 2011 are adhered to (SI no 180 of 2011) and in particular the following levels shall be adhered to:

No2 200 $\mu\text{g}/\text{m}^3$  hourly

No2 40 $\mu\text{g}/\text{m}^3$  annually

PM10 50 $\mu\text{g}/\text{m}^3$  hourly

PM10 40 $\mu\text{g}/\text{m}^3$  annually

PM2.4 25 $\mu\text{g}/\text{m}^3$  annually

vii) A complaints log shall be kept by the developer on site in relation to air, noise and vibration. Name and contact details of a liaison person in relation to air, noise and vibration shall be forwarded to the Environmental Health Department of Fingal County Council prior to commencement of the development.

viii) Prior to the commencement of development the applicants shall submit for the written agreement of the Environmental Health Department of Fingal County Council the following:

a) Details of acoustic screening the cooling towers,

b) Details of the enclosure for the gas generator,

c) Details of acoustic baffles on the ventilation inlets and outlets for the standby generators

d) Details of acoustic attenuation for the exhaust on the generators.

ix) Special consideration shall be taken to the siting of any proposed ventilation systems, fans and plant services in order to prevent nuisance from noise or odours to the local businesses and the residents in close proximity to the premises.

x) Once the development is operational, a noise assessment shall be carried out to assess the noise impact of all building services, ventilation units, pumps etc. from the buildings at the nearest noise sensitive receptor and the results submitted to the Environmental Health Department of Fingal County Council. Noise due to the normal operation of the proposed development shall not cause a noise nuisance to nearby noise sensitive location i.e. shall not exceed the background level by 10dB(A) or more or shall not exceed the limits within the Guidance notes for Noise NG4 (whichever is lesser). Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

xi) Noise emissions from the site once in operation shall be broadband in nature and free from audible tonal characteristics. In relation to site operations the following free field noise limits shall not be exceeded:

- Day to Day Operation (Noise Sensitive & Schools) – 40dB LAeq,15min

- Day to Day Operation (Commercial) – 55dB LAeq,15min

- Emergency Operation (Noise Sensitive & Schools) – 55dB LAeq,15min

Generator testing shall be carried out during daytime periods (i.e. between 07:00 to 19:00hrs Monday to Friday and shall not exceed a free field level of 55dB LAeq,1hr at nearby residential noise sensitive locations.

xii) The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity.

Reason: In the interest of proper planning and sustainable development of the area.

10. A wheel wash facility shall be put in place during the construction phase. All trucks leaving the site shall go through this facility. During the construction phase effective measures shall be taken by the operator to prevent the undue emission of dust from the site and site roadways. A water bowser(s) or similar facility shall be available on site at all times during dry weather, so that all vehicle and plant roadways can be watered to lay dust as necessary.

Reason: In the interests of amenity and minimising nuisance caused by the emission of dust.

11. Parking spaces no.'s 16-19 accessed from the loading dock turning area shall be omitted from the layout.

Reason: In the interest of proper planning and sustainable development.

12. i) Prior to the commencement of development the applicants shall submit for the written agreement of the Planning Authority details of the fuel storage tanks and refuelling dock.  
ii) No surface water/rainwater shall discharge into the foul sewer system under any circumstances.  
iii) The surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works Version 6.0' Fingal County Council April 2006.

Reason: In the interest of proper planning and sustainable development.

13. Where the applicant proposes to connect directly or indirectly to a public water/wastewater network operated by Irish Water, the applicant shall sign a connection agreement with Irish Water prior to the commencement of the development.

Reason: In the interest of proper planning and sustainable development

**Note to Applicant:**

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

14. The developer shall pay the sum of €302,196 (updated at date of commencement of development, in accordance with changes in the Tender Price Index) to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of

payments shall be agreed in writing with the planning authority prior to the commencement of development.

**REASON:** It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.

Note on above Condition:

Please note that with effect from 1st January 2014, Irish Water are now the Statutory Body responsible for both water and waste water services (excluding surface water). Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. A separate charge will be levied by Irish Water in relation to the provision of water and/or wastewater treatment infrastructure and connections to same. Further details are available on the Irish Water website [www.water.ie](http://www.water.ie), Tel. (01) 6021000.

Note to Applicant:

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

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**NOTE:**

All buildings must now be designed and constructed in accordance with the Building Regulations. The Building Control (Amendment) Regulations, 2009 came into effect on 1st October 2009.

With the exception of houses and certain agricultural buildings, a Fire Safety Certificate/Revised FSC (please refer to Regs) is required for all buildings (including apartments and flats), extensions and alterations and changes of use which are covered by the Building Regulations.

A Commencement Notice (Building Control Regulations 1997 to 2009) must be submitted to the Building Control Authority (not less than 14 days and not more than 28 days before development commences) in respect of all buildings other than

- Buildings which require a Fire Safety Certificate under the Regulations and where a person intends to commence work on the construction of a building before grant of the relevant Fire Safety Certificate. (See 7 Day Notice below)



- Exempted development for the purposes of the Planning and Development Act 2000 and the Regulations made thereunder.

**Disability Access Certificates/Revised Disability Access Certificates:-**from the 1st of January 2010, a certificate of compliance with respect to Part M of the Second Schedule of the Building Regulations (Disability Access Certificate) shall be required in respect of all works or a building to which Part III (Fire Safety Certificates) refers.

A 7 Day Notice is required where a person intends to commence work on the construction of a building before grant of the relevant Fire Safety Certificate. The Notice must be submitted not less than 7 days in advance of commencement of work and must be in accordance with the requirements of Article 20A(2) of the Regulations.

A number of the conditions attached to the planning permission may need compliance submissions to be lodged and agreed prior to commencement of development. Please submit 5 copies of all documentation in relation to compliance submissions. Failure to comply with a condition of the planning permission is an offence under Section 151 of the PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED.

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## Information Note - Public Water and Waste Water Networks

### Connections

On the 1<sup>st</sup> of January 2014 Irish Water became the statutory body with the responsibility for all water services, both water and waste water. The provision of a water services connection will be carried out by Irish Water in partnership with each Local Authority.

Any persons seeking a connection to any of Irish Water's networks should make an application in the first instance to their Local Authority who will act on behalf of Irish Water in processing the application.

A Connection Agreement between Irish Water and the applicant will be required, prior to any connection being agreed, and will set out the conditions and charges to be applied to the connection. Details, including availability of application forms, are to be found on each Local Authority website.

It should be noted that Planning Authorities can no longer levy water and wastewater development charges and that these will now be incurred as part of the connection charge, if applicable.

Under the provisions of Section 55(1)(a) of the Water Services Act 2007 (the Act) it is an offence for a person to cause or permit the connection of a premises to the public water supply network, either directly or indirectly, or to otherwise take a water supply without the agreement of Irish Water.

Similarly under the provisions of Section 61(1) (a) of the Act, it is an offence for a person to cause or permit the connection of a premises to the public waste water collection network, either directly or indirectly, without the agreement of Irish Water.

# INFORMATION for the purposes of Building Control;-

- IMPORTANT NOTE NOW THAT YOU HAVE RECEIVED PLANNING PERMISSION or ARE INTENDING TO CARRY OUT BUILDING WORKS.

BEFORE ANY BUILDING WORKS TAKES PLACE ON YOUR SITE YOU WILL NEED TO CHECK THE FOLLOWING **Pre-Development Planning Conditions, Commencement Notice, Construction Products Regulations (CPR) (Regulation (EU) No. 305/2011)** .

- IF SOME OR ANY OF THESE ARE OMITTED YOUR BUILDING MAY BE AN UNAUTHORISED BUILDING AND YOU MAY BE GUILTY OF AN OFFENCE AND/OR YOU MAY BE SUBJECT TO PENALTIES.
- YOU SHOULD ALSO BE AWARE THAT IF YOU OMIT TO SUBMIT A VALID COMMENCEMENT NOTICE TO YOUR LOCAL AUTHORITY YOU MAY BE UNABLE TO GET A COMPLETION CERTIFICATE AND THIS MAY HAVE SERIOUS LONG TERM CONSEQUENCES.

*(The information is for guidance purposes only and does not purport to be a legal interpretation or constitute legal or professional advice.)*

## 1. Pre-Development Planning Conditions;

1. If there are any Pre-Development conditions on the schedule of conditions attached to your planning permission you should give your immediate attention to them prior to the commencement of your development.

Note: All conditions must be complied with in full as failure to do so will render your permission invalid and may result in the initiation of enforcement proceedings for compliance with same

## 2. Commencement Notice; [www.localgov.ie](http://www.localgov.ie)

In accordance with the Building Control Regulations you are obliged to submit a Commencement Notice prior to commencement of the development and it must be received by the BCA not less than 14 days and not more than 28 days before you wish to commence. Commencement Notice forms may be downloaded from [www.localgov.ie](http://www.localgov.ie), @ BCMS. Please complete same and submit on-line to BCMS.

- (a) A completed copy of the commencement notice which must be signed by the owner of the works and must (refer to section 9 S.I. No 9 of 2014) be to be accompanied by the following;
  - a. General Arrangement Drawings
  - b. A schedule of design documents as are currently prepared or to be prepared
  - c. An online- assessment via the Building Control Management System of the proposed approach to compliance with the requirements of the Building Regulations 1997 to 2014;
  - d. The preliminary inspection plan
  - e. A Certificate of Compliance (Design)
  - f. Notices of Assignment in respect of the Builder who will carry out the works and of the Assigned Certifier who will inspect and certify the works, and
  - g. Certificates of Compliance signed by the Builder and the Assigned Certifier undertaking to carry-out their roles in accordance with the requirements of the Building Regulations.

With regard to the above, please note that:

1. The Designer and the Assigned Certifier must be a Chartered Engineer, or Registered Architect or Registered Surveyor
1. A Competent Builder must execute the work

2. Your drawings must show details of how your Building will comply with the Building Regulations - drawings submitted for planning permission purposes are not typically building control compliance drawings.
3. The commencement notice and accompanying documentation must be filed electronically via the online Building Control Management System. Where notices and documentation are submitted in written format, the building control authority will arrange for scanning and uploading of same for which an administrative charge will apply and statutory deadlines relating to such notices may be delayed by up to seven days.

(Note: Statutory approvals relating to fire safety and disabled access continue to apply where relevant and are not affected by the above changes).

For more information; <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/>

### **3. Construction Products Regulations (CPR) (Regulation (EU) No. 305/2011)**

**CE MARKING of construction products covered by harmonised European Standards is mandatory, when the construction product is placed on the market.**

You need to ensure that you appoint competent professionals.

Whilst the CPR concerns itself with the conditions which apply when placing a construction product on the market, clients, specifiers, designers and builders etc. should be aware of the following when incorporating construction products into building works:

1. When drawing up specifications, refer to the harmonized technical specifications and specifically to the performance requirements of individual characteristics when necessary,
1. When choosing the products most suitable for their intended use in construction works, review the manufacturer's Declaration of Performance,
2. Check National Annexes or Standard Recommendations which give guidance on appropriate minimum performance levels for specific intended uses of the product in Ireland. NSAI host this information at [www.nsai.ie](http://www.nsai.ie), and

**NOTE; All works should be carried out using "proper materials...which are fit for the use for which they are intended and for the conditions in which they are to be used" to ensure compliance with the Building Regulations. For further information on the Building Regulations see <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/>**