## Comhairle Contae Fhine Gall

Fingal County Council

## An Roinn um Pleanáil agus Infrastruchtúr Straitéiseach

Planning and Strategic Infrastructure Department



Paul Turley, John Spain Associates 39 Fitzwilliam Place Dublin 2 D02 ND61

#### NOTIFICATION OF DECISION TO GRANT PERMISSION

#### PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED

Decision Order No. PB/0186/17		Decision Date 25 April, 2017
Register Ref. FW17A/0025		Registered March, 2017
LApplicant	ADSIL	inspection purposes of the first of the state of the stat

8osca 174, Áras an Chontae, Sord, Fine Gall, Co. Bhaile Átha Cliath / P.O. Box 174, County Hall, Swords, Fingal, Co. Dublin Swords Office t: Registry (01) 890 5541 Decisions (01) 890 5670 Appeals (01) 890 5724 f: (01) 890 6779
e: planning@fingal.ie www.fingal.ie

Bóthar an Gharráin, Baile Bhlainséir, Átha Cliath 15 / Grove Road, Blanchardstown, Dublin 15 Blanchardstown Office t: (01) 870 8436 f: (01) 890 5832 e: blanch.planning@fingal.ie

The proposed development consists of the following:

- Construction of a data storage facility building with an overall height of c. 13 metres, containing data halls, associated electrical and AHU Plant Rooms, a loading bay, maintenance and storage space, office administration areas, screened plant and solar panels at roof level, all within a building with a total gross floor area of 20,739 sq.m;
- Emergency generators, emission stacks and a paladin fencing boundary treatment are provided in the adjacent compound;
- A temporary client control building, a transformer bay, a temporary substation, a permanent MV Switchroom building and a permanent MV / Control room building are to be provided for the construction phase;
- The permanent power supply will include the construction of a 220kv Gas Insulated Switchgear (GIS) substation building with a GFA of 1,350 sq.m and construction of 4 no. transformer bays;
- A water sprinkler pump room and storage tank, humidifier tanks and diesel tanks and filling area;
- Modification of the existing entrance and a new access control point to the lands from the existing roundabout on the R121 / Church Road to the west of the application site and a single-storey gate house? security building at this entrance with a GFA of 152 sq.ms A secondary entrance is proposed on the southern boundary, which also provides for construction access;
- Construction of internal road network and circulation areas, footpaths, provision of 46 no. car parking spaces (inclusive of 5 no. visitor parking spaces and 3 no. disabled spaces), 1 no. motorbike parking space and 15 no. cycle parking spaces;
- Landscaping and planting, boundary treatment, lighting, security fencing, bollards and camera poles, and all associated site works including underground foul and storm water drainage network, attenuation areas, and utility cables, on an application site area measuring 26.14 hectares.

An Environmental Impact Statement (EIS) will be submitted to the Planning Authority with the planning application and the EIS will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority.

The site is bound to the south by the R121 / Cruiserath Road, to the west by the R121 / Church Road and to the north by undeveloped land and Hollywood Road.

Reg. Ref. FW17A/0025

Location

Bounded to the south by the R121/ Cruiserath Road, to the west

by R121/ Church Road and to the north, by undeveloped land

Hollywood Road, Dublin 15

Floor Area

23165 Sq Metres

Time extension(s) up to and including

Additional Information Requested / Received /

In pursuance of its functions under the above mentioned Act, as Planning Authority, the County Council for the County of Fingal did by Order dated as above make a decision to GRANT PERMISSION in respect of the above proposal.

Subject to the (16) conditions on the attached Pages.

Consent of copyright owner required for any other use.

#### Conditions and Reasons

1. The development shall be carried out in its entirety in accordance with the Environmental Impact Statement, plans, particulars, specifications, and information lodged with the application on the 01/03/17 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.

 All mitigation measures contained within the Environmental Impact Statement shall be strictly complied with. Prior to the commencement of development the applicants shall submit for the written agreement of the Planning Authority a detailed Mitigation Plan outlining each mitigation measure proposed and indicating who is responsible for same.

REASON: In the interests of the proper planning and development of the area.

3. i) The use of the development shall be strictly adhered to, as indicated on the submitted plans, drawings and documentation (datahall). The offices, security hut and the 220Kv substation shall remain ancillary to the data hall use permitted. ii) Any change of use, subdivision or amalgamation, in particular additional mezzanine areas, whether or not stick change or subdivision would otherwise constitute exempted development, under the Planning and Development Regulations 2001-2015 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.

- 4. i) Prior to the commencement of development, (a) details/samples of the materials, colours and textures of all the external finishes to all of the proposed buildings, (b) details of external elevations all of the proposed buildings and (c) signage shall be submitted to and agreed in writing with the Planning Authority.
  - 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) Finished floor levels of buildings shall not exceed the heights as indicated on the drawings submitted unless otherwise agreed in writing with the Planning Authority.

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

5. 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.

- 6. Prior to the commencement of development the applicants shall:
  - i) Engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. The assessment shall include the results of an archaeological geophysical survey of the development site. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
  - ii) The archaeologists shall carry out any relevant documentary research and inspect the site. Test trenches may be excavated at locations chosen by the archaeologist (licensed under the National Monument Acts 1930-2004), having consulted the site drawings.
  - iii) Having completed the work, the archaeologist shall submit a written report to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, and a copy of the report to the Planning Authority. A period of 4 weeks from the submission of the written report to the DAHRRG, to site development works being commenced, shall be adhered to in order to enable a full review of the report and any remedial action to be determined arising from the findings. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

REASON: To ensure appropriate measures to safeguard archaeology is found on site.

- 7. i) Prior to the commencement of development on the site the applicants shall submit for the written agreement of the Planning Authority:
  - a) The detailed design and construction of the main access, secondary access and the service access points including, boundary location the protection of existing services and visibility of pedestrians and cyclists at the back of the footpath.
  - b) Details of the location, type, design and construction of the proposed gated access points in the security fence line.
  - c) Details providing adequate segregating between the loading bay area turning movements and the staff parking area.
  - ii) 39no. car parking spaces shall be provided.
  - iii) The applicant shall comply with any future requirement of the Planning Authority in relation to adjusting the floodlight aiming or fitting appropriate additional louvres to deal with remaining glare issues that may arise for road users/residents but may only become apparent when the installation is commissioned.

REASON: In the interest of clarity and traffic safety.

- i) The applicant shall comply with the requirements of the Waste Management Act 1996 as amended in relation to waste stored/generated as a result of any activity at this site.
  - ii) The applicant shall ensure that all hauliers of waste hold a valid Waste Collection Permit for the waste material collected from the site and that the waste material is

delivered to authorised waste recovery/disposal facilities.

- iii) Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority a project construction and demolition waste management plan to the Environment Department. The plan shall be prepared with reference to 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects' Department of the Environment, Heritage & Local Government (2006) and provide information on the management of all construction and demolition waste arising on-site and provide details on the provision for re-use of said material (including destinations) and/or recovery/disposal of this waste using authorised facilities and authorised collectors.
- iv) During the construction phase, ground water or surface water from the site shall not be discharged to waters or sewers unless licensed under Section 4 or Section 16, whichever is appropriate, of the Local Government (Water Pollution) Acts 1977 and 1990.
- v) All storage tanks for fuel and or chemicals shall be surrounded by a bund capable of retaining 110% of the volume of the largest single tank within the bunded area. The intake and outlet for the tanks shall be positioned inside the bund. Provision shall be made to remove and dispose of the rainwater so as to ensure the specified volume is always available within the bund.
- vi) Prior to the operation of the facility, the applicants shall submit for the written agreement of the Planning Authority a detailed Operational Waste Management Plan.

REASON: In the interest of sustainable waste management.

9. All public services to the proposed development including electrical, telephone cables and equipment shall be located underground throughout the entire site where possible.

REASON: In the interest of amenity.

10. ) The landscape plan (drawing no.16-449-PD-01, 16-449-PD-02, 16-449-PD-03 & 16-449-PD-04) submitted on the 01/03/17 shall be carried out and completed in full.
 ii) The landscape plan shall be completed no later than the first planting season after the first operation of the datahall unless otherwise agreed in writing with the Planning Authority.

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

11. i). During the construction phase no heavy construction equipment/machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 7.30a.m or after 7.00p.m, Monday to Saturday. No activities shall take place on 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 7.30a.m. No deliveries of materials, plant or machinery shall take place before 7.30a.m in the morning or after 7.00p.m in the evening.

#### Reg. Ref. FW17A/0025

ii) If there is any occasion when work is required to be carried on outside daytime hours, the Environmental Health Department of Fingal County Council, local residents and businesses in areas which are likely to be affected by noise from the proposed works shall 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
- iii) During the construction phase, all necessary steps shall be taken to contain dust and airborne pollutants arising from the site and to prevent nuisance to persons in the locality. This shall include a) covering skips, b) covering slack heaps, c) netting of scaffolding, d) regular road and pavement damping and sweeping, e) use of water spray to suppress dust, f) proper paved or hard stand access for trucks and vehicles to and from the site to prevent dirt and dust from the site being carried from the site on to public roads etc.
- iv) During the construction phase of the proposed development due consideration shall be given to the guidance contained within British Standard 5228 'Noise Control on Construction and Open Sites Part Code of Practice' for basic information and procedures for noise control. In particular 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 will be taken by the contractor to review the works and implement additional mitigation measures where practicable.
- v) During the Operational Phase noise emissions from the site 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
- vi) 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.
- vii) 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.

12. 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.

- 13. , i) All fuel storage tanks shall be surrounded by a bund capable of retaining 110% of the volume of the largest single tank within the enclosed area. The bund shall be impermeable and shall retain any spillages from the intake or outlet pipe. Steps shall be taken to ensure that accidental spillages can be contained on site and shall not be allowed to escape to nearby water courses or surface water sewers. Rainwater shall be removed by pumping to ensure that the full containing volume is always available.
  - ii) Surface water runoff from the substation transformer bunds and generator diesel tank bunds shall be discharged to the surface water network via an appropriate full retention separator. The retention capacity shall be continuously monitored to ensure that the appropriate capacity is being maintained. In the event of a severe spill and/or retention capacity being exceeded, an automated shut-off system shall be activated to ensure the containment of all contaminant. iii) In the interest of water conservation and the prevention of water wastage, the developer shall re-use the water from the Air Handling Units.
  - iv) The developer shall ensure that adequate storage capacity in the attenuation basins for fire water runoff is being maintained at all times.
  - v) The developer shall ensure that adequate storage capacity in the attenuation basins for discharge from the Air Handling whits is being maintained at all times. vi) No surface water/rainwater shall discharge into the foul sewer system under any circumstances.
  - vii) The surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Dialinage Works Version 6.0' Fingal County Council April 2006.

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

14. 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.

15. Any temporary buildings or structures including the Temporary Client Control Room to the north of the Data Storage Facility Building and the Temporary SubStation to the south of the Data Storage Facility Building shall be removed when no longer required and the ground reinstated to a specification to be first agreed in writing by the Planning Authority.

REASON: In the interest of clarity and proper planning and sustainable development.

16. The developer shall pay the sum of €1,462,406 (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

Signed on behalf of the Fingal County Council

The Komod 26 April, 2017

for Senior Executive Office

#### NOTES:

A number of the conditions attached to the planning permission may need compliance submissions to be lodged and agreed prior to commencement of development. Failure to comply with a condition of the planning permission is an offence under Section 151 of the Planning and Development Act 2000. Copies of <u>each</u> compliance submission should be made in triplicate.

The applicant is required to remove Site Notice on receipt of Notification from Planning Authority of decision.

Please note all observations/submissions have been taken into consideration when making this decision.

Please also note that consent under the above Planning legislation does not imply consent under the Building Control Regulations. The onus is on all practitioners to ensure full compliance with the Building Control Regulations (In certain circumstances design changes may require planning permission).

It should be further noted that planning permission is required in respect of changes to a Protected Structure or the exterior of a building in an Architectural Conservation Area which materially affects the character of the building/ structure.

#### Reg. Ref. FW17A/0025

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 and the provision of security to ensure payment 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, Tel. (01) 602100

#### 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 & Total Investment Programme



#### 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.

Stiurthoiri / Directors: R. Hynes (Chairman), M. McNicholas, J. Tierney, R. Finn, J. Hall, S. Kelly, P. Lee, B. McKeown, B. Moore, H. Quintan, M. Rae, C. Sheehy Offig Chláraithe / Registered Office: Teach Colvill, 24-26 Sráid Thalbóid, Baile Álha Cliath 1 / Colvill House, 24-26 Talbot Street, Dublin 1 Is cuideachta phríobháideach i Uisce Éireann faoi thaorainn scaireanna / Irish Water is a private company limited by shares Uimhir Chláraithe in Éirinn / Registered in Ireland No.: 530353

# 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 <u>Pre-Development Planning Conditions</u>, <u>Commencement Notice</u>, <u>Construction Products Regulations (CPR) (Regulation (EU) No. 305/2011)</u>).

- 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

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, @ 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
  - 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 <u>Chartered Engineer</u>, or <u>Registered Architect</u> or <u>Registered Surveyor</u>
- 2. A Competent Builder must execute the work

Reg, Ref. FW17A/0025

- 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.
- 4. 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,
- 2. When choosing the products most suitable for their intended use in construction works, review the manufacturer's Declaration of Performance;
- 3. 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, 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 <a href="http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/">http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/</a>

#### NOTES

#### (A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

#### (B) APPEALS

- An appeal against the decision may be made to An Bord Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
- Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to: The Secretary, An Bord Pleanála, 64 Malborough Street, Dublin 1.
- An appeal lodged by an applicant or his agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals, a copy of the acknowledgement of valid submission issued by F.C.C. must be enclosed with the appeal.
- A party to an appeal making a request to An Bord Pleanála for an oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (f) below).
- Where an appeal has already been made, another person can become an "observer" and make submissions or observations on the appeal. A copy of the appeal can be seen at the Planning Authority's office.
- If the Council makes a decision to grant permission/retention/ outline/permission consequent on the grant of outline and there is no appeal to An Bord Pleanala against this decision, a final grant will be made by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
- Fees payable to An Bord Pleanála from 5th September 2011 are as follows: For its petion ? Wildy Owner to

#### Case Type

(b) (c) (d (e)

Planning Acts

(a) Appeals against decisions of Planning Authorities

	(i) 1st party appeal relating to commercial development where the application included the retention of development	€4,500 or €9,000 if an BIS or NIS involved
	(ii) 1st party appeal relating to commercial development (no retention element in application	€1,500 or €3,000 in EIS or NIS involved
	(iii) 1st party appeal non-commercial development where the application included the retention of development.	
		€660
	(iv) 1st party appeal solely against contribution condition(s) - 2000 Act Section 48 or 49	€220
	(v) Appeal following grant of leave to appeal (An application for leave to appeal is also €110)	€110
	(vi) An appeal other than referred to in (i) to (v) above.	€220
b)	Referral	€220
c)	Reduced fee for appeal or referral (applies to certain specified bodies)	€110
d)	Application for leave to appeal (section 37(6)(a) of 2000 Act	€110
e)	Making submission or observation (specified bodies exempt).	€50
f)	Request for oral hearing under Section 134 of 2000 Act	€50

NOTE: the above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above).

Fees apply to: All third party appeals at 7(a)(iv) above except where the appeal follows a grant of leave to appeal; First party (section 37 appeals) planning appeals not involving commercial or retention development, an EIS or NIS. All other (non section 37) first party appeals.

These bodies at 7(c) above are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority.

NB. This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fee under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

> If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at (01) 8588 100.