



Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A/0134

Appeal by Brian and Tara Beattie care of Michael Halligan Planning Consultants of Seapoint House, Balbriggan, County Dublin against the decision made on the 24th day of September, 2018 by South Dublin County Council to grant subject to conditions a permission to CyrusOne Irish Datacentres Holdings Limited care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of the existing single storey house of Erganagh and the construction of a two-storey data centre and delivery bays with associated three-storey office block and services that will have a gross floor area of 35,426 square metres on an overall site of 9.2 hectares. The two-storey data centre facility and delivery bay (32,419 square metres) will be separated into two adjoining blocks over two floors with a single data hall on each floor of each data centre with service and technical space around each data hall (four data halls overall) with a two-storey delivery bay attached to the east of the data centre block. A three-storey office block and delivery bay (2,882 square metres) is attached to the west of the data centre block. The data centre will be served by services and plant to the north of the data centre blocks that will include 32 number standby generators with two associated

flues per generator (64 number in total) and grouped into 16 towers of four flues each (each 20 metres high). There are proposed to be 32 number acoustically attenuated chillers located on the upper level plant gantries to the north of the data hall blocks (eight number on each gantry). The development will also include a new substation with associated transformer yard and single storey transformer building (125 square metres) that will be located to the north-east of the site. The development will be accessed from the Grange Castle South Access Road from the north via the Baldonnel Road and will also include ancillary site development works, including two number attenuation ponds, to connect to existing Grange Castle infrastructural services, fencing, signage, services road, entrance gate, 70 number car parking spaces including three number disabled car parking spaces and 30 number sheltered bicycle parking spaces. The development will be enclosed with landscaping to all frontages including a wetland to the west, all on a site of 9.2 hectares located within lands in the Grange Castle Business Park South and the residential properties of Erganagh, Kent Cottage and Weston Lodge on land with the townlands of Aungierstown and Ballybane, Ballybane and Milltown and bounding Baldonnel Road to the west and south and Grange Castle South Access Road to the north, Baldonnel, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives in the South Dublin County Development Plan 2016-2022, including the zoning objective for the site,
- (b) the nature, scale and design of the proposed development,
- (c) the pattern of existing and permitted development in the area,
- (d) the established nature of Grange Castle Business Park, and
- (e) the submissions received with the application and the appeal,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the South Dublin County Development Plan 2016-2022, would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale and location of the proposed development and the report of the Inspector. In completing the appropriate assessment screening, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other plans or projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives and that a Stage 2 appropriate assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development taking into account:

- the nature, scale and extent of the proposed development,
- the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- the submissions from the planning authority, the appellants and the prescribed bodies in the course of the application, and
- the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

Reasoned Conclusions on the Significant Effects

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and the submissions made in the course of application and appeal.

The Board considered, and agreed with the Inspectors reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated, as follows:

Landscape and Visual Impact

Localised significant visual impact from adjacent properties and intermittent sections of the Baldonnel Road in the vicinity of the development will not be avoided, mitigated, or otherwise addressed by means of condition. Mitigation measures proposed include earth modelling and tree planting which will provide an appropriate level of visual screening, and the external finishes and colour palette chosen for the building will further reduce the visual impact.

The Board completed the environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures referred to above, and other measures set out in the Environmental Impact Assessment Report and, subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking this decision.

Conclusions on Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below that:

- (a) the proposed development is consistent with national, regional and local planning policy, including the South Dublin County Development Plan 2016-2022,

- (b) the proposed development is situated in an established Business Park and is located at an acceptable remove from nearby sensitive receptors. The proposed development will not, therefore, have any significant adverse impact on the residential amenities of adjacent properties,

- (c) the proposed development includes significant landscaping and planting. The proposed development will not, therefore, give rise to significant visual or landscape effects or indirect effects on heritage and/or tourism, and
- (d) traffic arising from the development will result in a modest increase in traffic on the local road network, relative to existing levels, and, subject to compliance with conditions in respect of the management of construction and operational traffic, would be acceptable, therefore, in terms of traffic safety and convenience.

The Board concluded that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 30th day of July, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The mitigation measures and commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.
- (b) Prior to the commencement of development, the developer shall submit a schedule of mitigation measures identified in the Environmental Impact Assessment Report, to the planning authority for its written agreement.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. Prior to commencement of development, full details, including drawings and samples, of:
 - (a) all proposed external finishes to the proposed buildings, including to the flue stacks,
 - (b) all proposed signage to serve the development, and
 - (c) all site fencing (site fencing shall be coloured in a dark green colour only),

shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional development, other than that shown on the submitted drawings, shall take place above roof parapet level including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennae or equipment, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity, and to allow the planning authority to assess any such further development through the statutory planning process.

5. All service cables associated with the proposed development (such as electrical and communication cables) shall be located underground.

Reason: In the interest of visual amenity.

6. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority -

- (a) details and drawings of the entrances from the site to the public roads, which shall comply with the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport in 2013,
- (b) details of the location, type, design and construction of the proposed gated access points in the security fence line, and

- (c) details and drawings showing the segregation of the loading bay area turning movement from the staff parking area.

Reason: In the interests of pedestrian and cyclist permeability and safety across the proposed entrances to the site, and of traffic safety.

- 7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

- 8. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

- 9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, dust minimisation measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

10. The developer shall implement the recommendations of the archaeological report prepared by Rubicon Heritage Services Limited (June 2018) submitted as further information received by the planning authority on the 30th day of July, 2018, relating to a programme of further tests trenches and townland boundaries. The following shall apply:
- (a) the developer shall employ a qualified Archaeologist, licensed to carry out archaeological monitoring of all sub-surface works carried out within the proposed development site. This will include the archaeological monitoring of the removal of topsoil, the excavation of trench for foundations, services, access roadway, associated with the development,
 - (b) the Archaeologist shall prepare and submit a report, describing the result of the archaeological monitoring to the planning authority and the Department of Culture, Heritage and the Gaeltacht within six weeks following completion of archaeological monitoring, and
 - (c) should archaeological material be discovered during the course of the archaeological monitoring, the developer shall facilitate the archaeologist in recording the material. The developer shall also be prepared to be advised by the Department with regard to the appropriate course of action, should archaeological material be discovered.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

11. (a) Prior to any disturbance, or any pre-demolition works commencing on the building referred to as 'Erganagh', a pre-demolition survey for bats shall be undertaken by an ecologist with appropriate qualifications, training and experience in bat surveys. The bat survey shall be undertaken in accordance with the provisions of the "Bat Mitigation Guidelines for Ireland – Irish Wildlife Manuals Number 25", issued by the Department of the Environment, Heritage and Local Government in 2006 or any document that might supersede it.
- (b) Should bats be found, the developer shall make contact with the National Parks and Wildlife Service and seek advice regarding the necessity of a bat derogation licence before works to demolish can proceed. Similarly, prior to any removal of trees or hedgerows, a bat expert shall be on site to address any bats inadvertently found during felling.

Reason: To monitor and protect bat species in the area.

12. A project ecologist with the necessary expertise in habitat management and bat protection issues shall be engaged to oversee the protection of biodiversity both during construction and for a monitoring period of five years following the completion of the proposed development. The primary responsibilities of the Project Ecologist will be those as set out in the Biodiversity Management Plan (Appendix B.5 of the Environmental Impact Assessment Report Appendices submitted to the planning authority on the 30th day of July, 2018). Annual reports shall be submitted to the planning authority.

Reason: In the interest of habitat and bat protection.

13. (a) The landscaping proposals as submitted to the planning authority as further information on the 30th day of July, 2018 shall be carried out within the first planting season following substantial completion of external construction works.
- (b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

14. Having regard to the proximity to Casement Aerodrome, operation of cranes shall be co-ordinated with Air Corps Traffic Services, no later than 28 days before use.

Reason: In order to ensure the safety of aviation operations in the adjacent aerodrome/airport.

15. (a) Lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The lighting scheme shall be designed to minimise potential glare and light spillage and lighting shall be positioned and/or cowed away from residential properties, public roads, and any bat roosts with bat activity.

Reason: In the interests of the environment, amenity and public safety.

16. The operational noise level shall not exceed 55 dB(A) Leq 1 hour (corrected for any tonal or impulsive component) at the nearest noise sensitive locations, including dwellings, between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) Leq 1 hour at any other time. All sound measurement shall be carried out in accordance with ISO 1996-1:2016 "Acoustics - Description, measurement and assessment of environmental noise - Part 1: Basic quantities and assessment procedures". Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity of the site.

17. No development shall take place under this permission until the developer has lodged with the planning authority:

Details of future proofing of the building fabric and safeguarding of pipe network routes up to the site boundaries, to facilitate future connection to district energy networks in the area. Drawings submitted shall clearly demonstrate future proofing of the site in this regard.

Reason: In the interest of reducing energy demand and providing for future development of sustainable energy provision and in the interest of the proper planning and sustainable development of the area.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory protection of any tree/hedgerow on and immediately adjacent to the site and to make good any damage caused during the construction period, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory protection/replacement of trees/hedgerows for a period of three years from the substantial completion of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the protection of trees and hedgerows immediately adjacent to the site.

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Terry Prendergast

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.