

McGill Planning Ltd
45, Herbert Lane
Dublin 2

THIS IS AN IMPORTANT LEGAL DOCUMENT AND SHOULD BE PLACED WITH YOUR TITLE DEEDS

Application No.	2229/19
Registration Date	03-May-2019
Decision Date	30-May-2019
Decision Order No	P3786
Date of Final Grant	05-Jul-2019
Grant Order No	P0358
Location	Units 15/16, Clonshaugh Business & Technology Park, Clonshaugh, Dublin 17
Proposal	Planning permission for development at a site of c.3.1ha comprising Units 15/16, Clonshaugh Business & Technology Park, Clonshaugh, Dublin 17. The development will comprise the following: Demolition of existing former industrial buildings (c.7,400 sq.m total GFA), associated plant and hard-standing. Construction of a 2 storey data centre including data halls, offices/admin, staff areas, storage/loading areas, circulation, UPS rooms, and roof plant (total floor area c.9,250 sq.m). Provision of a generator yard with 3 no. buildings (total floor area c.275 sq.m) housing 5 no. back-up generators. Provision of a substation building (floor area c.34.5sq.m), waste compound building (floor area c.16sq.m), 14 no. car parking spaces, 10 no. bicycle parking spaces, internal roads, docking/service yard, site lighting, new entrance gate, new security fencing to replace existing fencing. All associated site development works, landscape works and services provision. Total floor area of the proposed development is c.9,520.5m.
Applicant	Clonmont Developments Ltd
Application Type	Permission

NOTIFICATION OF GRANT OF PERMISSION

PERMISSION for the development described above has been granted under the Planning & Development Acts 2000 (as amended) subject to the following conditions.

Condition(s) and Reasons for Condition(s)

1. Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made thereunder are concerned the development shall be developed in accordance with the plans, particulars and specifications lodged with the application, as amended by the Further Information received on 3/5/19 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 €159,212.00 to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority as provided for in the approved Section 48 (Planning and Development Act 2000 as amended) Contribution scheme for Dublin City Council.

The amount due is payable on commencement of development. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. a) Protection of River Corridor Area

The river corridor lands zoned Z9 will be protected from impacts as a result of the development works, except for permitted landscape works in accordance with the approved Landscape Plan. Prior to construction a temporary protection fence with appropriate signage will be erected along the Z9 zoning boundary and storage of materials, vehicular access, disposal or dumping of materials/waste/spoil, liquid run-off, soil excavation and vegetation clearance are prohibited within the protected area south of the fence. The details and alignment of the protection fence will be submitted to the Planning Authority for written approval.

b) Tree Protection & Tree Bond

All trees shown to be retained on the site and adjacent to the site, shall be adequately protected during the period of construction as per BS 5837, such measures to include a protection fence beyond the branch spread, with no construction work or storage carried out within the protective barrier. (The tree protection measures shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape

Services Division).

c) A security bond to the value of €50,000 (fifty thousand euro) will be lodged with the planning authority, prior to commencement of development, as security to ensure the appropriate protection and preservation of the trees referred to in this condition. The form of the security bond shall be as agreed between the planning authority and the developer.

d) Landscape scheme to be implemented

The landscape scheme accompanying the application will be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting will be replaced in the first planting season thereafter. The southern boundary fence will be coloured in green (RAL 6035 or similar approved) to blend in visually with the local landscape. (The landscape scheme shall have regard to the Guidelines for Open Space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division.

Reason: in the interests of amenity, ecology and sustainable development.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

6. The requirements of the Drainage division shall be undertaken as follows:

a) There is no objection to this development, subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).

b) T- Sustainable Drainage Systems (SuDS) shall be incorporated into the management of surface water, with a minimum requirement of a 2 stage treatment approach. Full details of these shall be agreed in writing with Drainage Division prior to commencement of construction. Details of the proposed swales and rainwater harvesting, outlined in the MMOS Engineering Services Report, shall be submitted to the Drainage Division.

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

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) All surface water discharge from this development must be attenuated to 2 litres per second per hectare.

f) 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

g) The outfall surface water manhole from this development must be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

h) 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.

7. No additional development shall take place above parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

8. Any external lighting shall comply with the control of obtrusive light recommendations for E3 Suburban Environmental District zones as set out in the Institute of Lighting Engineer's Guidance Notes for the Reduction of Obtrusive Light.

Reason: In the interest of orderly development.

9. 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.

10. 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.

11. Any external lighting shall comply with the control of obtrusive light recommendations for E3 Suburban Environmental District zones as set out in the Institute of Lighting Engineer's Guidance Notes for the Reduction of Obtrusive Light.

Reason: In the interest of the amenity.

12. 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.

13. 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

14. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil 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.

1. Your attention is drawn to the requirements of the attached "Codes of Practice".

Schedule A: Drainage Division
Schedule B: Roads, Streets & Traffic Division
Schedule C: Air Quality Monitoring and Noise Control Unit

N.B. It should be clearly understood that the granting of Planning Permission does not relieve the developer of the responsibility of complying with any requirements under other Codes or legislation affecting the proposal, including the requirements of the Building Regulations, and Waste Management Acts.

2. A person shall not be entitled solely by reason of a grant of Planning Permission to carry out any development.

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3. A grant of Planning Permission does not entitle a person to construct a development that would oversail, overhang or otherwise physically impinge upon an adjoining property without the permission of the adjoining property owner.

4. Please find attached an information note from Irish Water regarding the public water & waste water network.

NOTES TO APPLICANT:

- The decision of Dublin City Council in respect of this development does not imply or infer any approval or right to connect to or discharge wastewater to the public sewer network or the right to connect to the public water supply. The Applicant shall, prior to the commencement of Development, make all necessary arrangements with and get all necessary approvals from Irish Water in relation to wastewater discharges and water connections.
- 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 8 weeks beginning on the date of the Planning Authority's decision on the second application.
- Where applicable the development contribution rates shall be fixed from the 1st of January 2016 to the 31st of December 2017. Consideration may be given to applying indexation to rate of contribution effective from 1st of January 2018 in consideration of the SCSl Construction Price Index
- In relation to Compliance conditions three copies of compliance drawings will be required by the Planning Authority.

Signed on behalf of the Dublin City Council

_____ **for Assistant Chief Executive**

Date

Planning & Property Development Department
Dublin City Council, Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8

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