



An  
Bord  
Pleanála

**Board Direction**  
**BD-002144-19**  
**ABP-301391-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/01/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

The site is zoned for the development and expansion of film industry studios in the Wicklow County Development Plan 2016-2022. Having regard to this zoning objective, and subject to compliance with the conditions set out below, it is considered that the proposed development would not seriously injure the visual amenity of the area or the residential amenity of property in the vicinity and will not give rise to traffic hazard or surface or groundwater pollution. Therefore, the proposed development will accord with the zoning objective set out in the County Development Plan and is 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 5<sup>th</sup> day of January 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. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

**Reason:** Having regard to the nature of the development the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. The proposed development shall be used solely as a film studio and ancillary facilities as set out in the plans and particulars, and no change of use shall take place without the prior permission of the Planning Authority or An Bord Pleanála, whether or not such change of use would otherwise constitute exempted development as defined in the Planning and Development Act 2000 (as amended), and associated Regulations.

**Reason:** In the interests of proper control of development in the interests of residential and visual amenity.

4.
  - a) There shall be a single access to the proposed development from the L5068/Trinity Lane ensuring that left-in and right-out turning movements from/onto Trinity Lane are restricted. Details of this entrance (including boundary set back, gates and directional signage) shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
  - b) No access to/from the proposed development shall be provided from/to the existing agricultural access located at the western end of Trinity Lane, which is included in the redline boundary as shown on the Site Layout Plan submitted on 5<sup>th</sup>

January 2018. Details of the physical separation of the agricultural access from the development shall be submitted and agreed in writing with the Planning Authority prior to the commencement of the development.

- c) The existing agricultural entrance on Trinity Lane, the L5068, located immediately west of the new main entrance, shall be modified such that it is reduced in size and scale and it has a width, splay, roadside boundary, and finish suitable for an agricultural entrance. Details shall be submitted to and agreed in writing with the planning authority. The modified entrance shall be constructed prior to the occupation or use of the proposed development. The entrance shall not be used for access to the development and shall only be used to access the lands used for agriculture.
- d) The emergency access from the site to the R772 shall be used solely for that purpose. Plans and particulars for the construction, maintenance and management of this access shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety.

- 5. Backlot 1 shall only be used, other than for storage, during the hours of 0800 to 1800 Monday to Friday (inclusive) and 0800 to 1400 on Saturdays. No use of Backlot 1 other than for storage, shall occur on Sundays and Public Holidays

**Reason:** In the interests of residential amenity

- 6. The mitigation measures set out in the Environmental Impact Statement and further information submitted with the application shall be implemented in full except as may be required in order to comply with the conditions attached to this permission.

**Reason:** To protect the environment during the construction and operational phase of the proposed development.

7. Water supply and drainage arrangements, including surface water attenuation and disposal, shall accord with the requirements of the planning authority for such services and works.  
**Reason:** In the interest of public health.
8. The developer shall provide
  - a) A shuttle bus service from Ashford village serving the proposed development and a scheme, including bus stop locations and schedule, for the shuttle service.
  - b) A footpath along the R772 from Ashford to the existing Film Studio's entrance.
  - c) Passing bays/local road widening on Trinity Lane, the L5068 where the developer's lands abut Trinity Lane.
  - d) Bicycle parking spaces shall be provided within the development site (number, layout and demarcation of these spaces to be agreed with the planning authority).
  - e) A programme for the phased delivery of the above works and services.

Details shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interests of sustainable transportation and traffic safety and convenience.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

10. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of roads, parking areas and surface and foul water drainage systems shall be submitted to, and agreed in

writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of orderly development.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, 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.

12. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**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.

14. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development becomes operational.

**Reason:** In the interest of public safety and visual amenity.

15. The developer shall implement measures to reduce environmental risks associated with re-fuelling, greasing, painting, the use of chemicals and other activities within the site. Such measures may include, but are not restricted to, the use of spillage mats, catch trays, bunded areas and oil interceptors. A scheme providing for these measures shall be submitted to, and agreed with, the planning authority prior to commencement of development.

**Reason:** In order to protect groundwater and surface water.

16. 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:
  - a) Location of the site and materials compounds including areas identified for the storage of construction refuse;
  - b) Location of areas for construction site offices and staff facilities;
  - c) Demolition of the existing agricultural sheds on site and

removal of debris.

- d) Details of site security fencing and hoardings;
- e) Details of on-site car parking facilities for site workers during the course of construction;
- f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

17. Details of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety.

18. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

A plan to scale of not less than 1:500 showing –

- a) Existing trees and hedgerows specifying which are proposed for retention as features of the site landscaping
- b) The measures to be put in place for the protection of these landscape features during the construction period
- c) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
- d) Details of screen planting.
- e) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
- f) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- g) A timescale for implementation including details of phasing.

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 5 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 interests of residential and visual amenity.

19. During the operational phase of the proposed development, the noise level arising from the development, as measured at any point along the boundary of the site shall not exceed:-
- a) An  $L_{AeqT}$  value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. The T value shall be one hour.
  - b) An  $L_{AeqT}$  value of 45 dB(A) at any other time. The T value shall be 15 minutes. The noise at such time shall not contain a tonal component.
  - c) At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 “Assessment of Noise with respect of Community Response” as amended by ISO Recommendations R 1996 1, 2 or 3 “Description and Measurement of Environmental Noise” as applicable.

**Reason:** To protect the [residential] amenities of property in the vicinity of the site.

20. During the construction period, a wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety and convenience, and to protect the amenities of the area.

21. 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 provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part 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 satisfactory completion of the development.

**Board Member**

**Date:** 17/01/2019

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Maria FitzGerald