

An
Bord
Pleanála

Board Direction
BD-011868-23
ABP-313225-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/03/2023.

The Board decided that having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefor, and to AMEND condition number 13 so that it shall be as follows for the reason set out.

13. Site development and construction works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

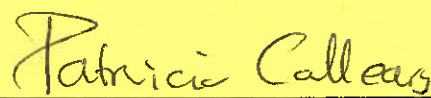
Reasons and Considerations

In relation to condition number 2, the Board considered that this condition is not necessary or reasonable having regard to Objective Z05 of the current Fingal County Development plan which permits the reasonable intensification of non-conforming uses and that the site could otherwise be readily redeveloped in accordance with the zoning objective 'HT' (High Technology) subject to appropriate planning permission. The Board also had regard to the provisions of the Development Management Guidelines for Planning Authorities made under Section 28 of the Planning and Development Act 2000, as amended in respect of guidance set out on the attachment of conditions and on deciding whether a temporary permission is appropriate.

In deciding not to accept the Inspector's recommendation to amend condition number 2, the Board did not share the Inspector's reasoning that the recommended altered condition number 2 is necessary to facilitate the redevelopment of the site in accordance with zoning objective "HT" or any subsequent change in zoning following the expiry of the current development plan and to allow for the future assessment of demand for long term car parking serving Dublin Airport in the light of circumstances then prevailing. The Board considered that this is particularly so as the nature of the development now before it is of a type that would not preclude the future delivery of the HT land use zoning. The Board, therefore, considered that condition number 2 is not necessary and that without this condition, the development would not be contrary to the proper planning and sustainable development of the area.

In relation to condition number 13, it is considered that the retention of this condition in an amended format is necessary to ensure the protection of the amenities of the residents of those dwellings within the vicinity of the site during construction works.

Board Member:


Patricia Calleary

Date: 08/03/2023