



An
Bord
Pleanála

Board Direction
BD-018394-24
ABP-317687-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/11/2024.

The Board by majority vote (2:1) decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

The Board considered that the proposed use reasonably corresponds with a warehousing use which is permitted in principle within the GE zoning objective and, therefore, the proposed development would not be a material contravention of the Fingal County Development Plan 2023-2029. The Board further considered that the proposed use was not incompatible with an enterprise and employment setting and, on balance, was persuaded by the arguments put forward by the applicant particularly in relation to the relatively small land area involved in the context of the overall land area which encompasses the Dubber (Horizon Business Park) Framework Plan area. Having regard to the modest container height and minimal visual impact as well as the scale, nature, design and layout of the proposed development and the limited traffic generated, the Board further concluded that, subject to compliance with the conditions set out hereunder, the proposed development would not negatively impact on adjoining residential amenity, would not give rise to the risk of pollution of any watercourse, would not represent an unacceptable risk in terms of road safety or otherwise impact on the natural heritage of the area. Therefore, the Board considered that the proposed development would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development would not negatively impact on the objective and vision of the zoning and were persuaded by the arguments put forward by the applicant's engineering consultants that the increase in traffic generated

would be moderate and would not endanger public safety by reason of traffic hazard or obstruction of road users.

Appropriate Assessment Screening

The Board agreed with this the screening assessment and conclusion carried out by its Inspector that the South Dublin Bay and River Tolka Estuary Special Protection Area (code 004024) is the only European Site in respect of which the proposed development has the potential to have a significant effect. The Board further agreed with the reasoned conclusion of its Inspector that;

- having regard to the scale and nature of the proposed development void of any substantial building works
- the lack of foul or surface water drainage connections or demand thereon
- the location of the development in a serviced area, distanced from European Sites and the urban nature of intervening habitats, absence of ecological pathways,

the proposed project, either individually or in combination with other plans or projects will not have a significant effect on any European Site and, therefore, an appropriate assessment is not required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 hours of operation/access to the facility shall be between 0700 to 2200 Monday to Fridays inclusive.

Reason: In the interest of clarity.

3. Lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The developer shall make sure that the lighting shall not impact on bats.

Reason: In the interests of amenity and public safety.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To prevent flooding and in the interest of sustainable drainage.

5. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. (a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of construction works.

- (b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the 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 order to screen the development, in the interest of visual amenity.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety.

8. The landscaping scheme submitted to the planning authority shall be carried out within the first planting season following substantial completion of external construction works.

Reason: In the interests of residential and visual amenity.

9. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended, shall be displayed or erected on the building exterior or within the curtilage of the site without a prior grant of planning permission.

Reason: To allow further assessment of the impact of the permitted advertisement on the amenities of the area and in the interest of visual amenity.

10. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interests of amenity and of traffic and pedestrian safety.

11. 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.

Board Member



Joe Boland

Date: 06/12/2024