

An
Bord
Pleanála

Board Direction
BD-019492-25
ABP-321196-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/04/2025.

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

Having regard to the zoning of the site under 'GE' General Employment to '*Provide opportunities for general enterprise and employment*', planning policies and objectives under the *Fingal County Development Plan 2023- 2029*, the existing pattern of development in the vicinity and the totality of the documentation on file, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously, or disproportionately, injure the visual amenities of the area, or of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out 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 proposed development shall be amended as follows:
 - (a) the set back from the M2 /N2 embankment shall be 12m.
 - (b) There shall be no loading or unloading in the set back from the M2 / N2 embankment.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity

3. Prior to commencement of development written agreement shall be obtained in respect of the following:
 - a) An updated landscape plan to show enhanced planting along the western boundary of the land.
 - b) The updated landscaping scheme shall be carried out within the first planting season following substantial completion of construction works.

- c) 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 interests of visual amenity.

4. Prior to commencement of the development measures to protect the M2/N2 embankment stability shall be agreed in writing with Transport Infrastructure Ireland

Reason: In the interests of road traffic safety.

5. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

6. 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 noise management measures and off-site disposal of construction/demolition waste and hours of site development.

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

7. Lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

Reason: In the interest of amenity and public safety.

8. A site suitability assessment for the proposed on-site wastewater treatment system is to be carried out by a suitably qualified, experienced, and competent professional.

The septic wastewater treatment system shall be installed in accordance with the recommendations included within the site characterisation report and shall be in accordance with the Regional Code of Practice for Drainage Works Version 6.0 FCC April 2006, or the EPA Code of Practice for Domestic Wastewater Treatment Systems (2021), whichever is applicable.

Within three months of the completion of the office and workshop building, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the documents referred to above.

Reason: In the interest of public health.

9. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of

development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

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

10. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply

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

11. The developer shall engage a suitably qualified archaeologist to monitor all site clearance works, topsoil stripping and groundworks. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation
- The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.
- Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

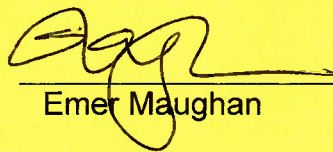
12. The development shall be operated and managed in accordance with an Operational Management System (OMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. The OMS shall include hours of operation, waste management, details of operation manager, contact numbers (including out of hours), management of landscaping, details of restrictions on painting/ welding/ repair and washing of storage containers.

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

13. 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 the 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 the Board 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



Emer Maughan

Date: 22/04/2025

Note:

In deciding not to include the Inspector's recommendation to limit the height of the container stacks to two containers in proximity to the boundaries of the site and four containers within the centre of the site, the Board is satisfied that the configuration of containers as proposed in the plans and particulars lodged with the application would not seriously, or disproportionately, injure the visual amenities of the area, or of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area. Furthermore, the Board also considered that the recommendation to limit the lifespan of the permission to a five-year temporary permission is unwarranted and would place an undue financial burden on the applicant.