

An
Coimisiún
Pleanála

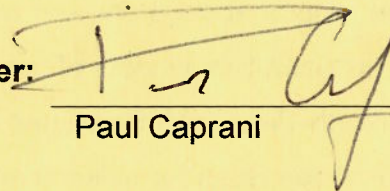
Direction
CD-020527-25
ABP-322429-25

The submissions on this file and the Inspector's report were considered at a meeting held on 22/08/2025.

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

Planning

Commissioner:



Paul Caprani

Date: 22/08/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to:

- (a) the provisions of the Fingal County Development Plan 2023-2029 including the zoning of the site as GE, 'General Employment,
- (b) the "Spatial Planning and National Roads Guidelines for Planning Authorities" issued by the Department of the Environment, Community and Local Government in January 2012,

(c) the design and layout as proposed in response to further information and submitted on the 7th day of February 2025.

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with with land use zoning policy, would not negatively impact on the level of service and carrying capacity of the national road network, would not endanger public safety by reason of traffic hazard or obstruction of road users, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Coimisiún completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Natura Impact Statement submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Coimisiún concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, other than North-West Irish Sea Special Protection Area (Site Code: 004236) which is the European Sites for which there is a potential likelihood of significant effects.

Appropriate Assessment: Stage 2:

The Coimisiún considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on North-West Irish Sea Special Protection Area (Site Code: 004236), in view of the site's conservation objectives. The Coimisiún considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the appropriate assessment, the Coimisiún considered, in particular, the following: (a) the site-specific conservation objectives for the European Sites, and (b) the likely direct and indirect impacts arising from the proposed development both

individually or in combination with other plans or projects, the mitigation measures which are included as part of the current proposal. In completing the Appropriate Assessment, the Coimisiún largely accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives.

Reasoned Conclusion on Environmental Impact Assessment:

Having regard to the examination of environmental information contained above, and in particular to the Environmental Impact Assessment Report and supplementary information provided by the developer, and the submission from the planning authority, applicants and appellants during the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment, with the implementation of proposed mitigation measures, are:

- Population and Human Health: Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan.
- Population and Human Health: Positive socioeconomic effects at construction stage through increased employment and at operational stage through increased economic activity and employment.
- Water: Potential significant construction stage impacts due to uncontrolled discharge of sediment and contaminant laden run-off to surface water and groundwater which will be mitigated by implementation of a Construction and Environmental Management Plan. Potential operational stage impacts of hydrocarbons and contaminants to surface water and groundwater and potential for fluvial flooding, which will be mitigated by the proposed drainage system that incorporates SuDs measures, attenuation, flow control and additional flood compensatory storage.

- **Air and Climate:** Construction stage dust and plant/vehicle emissions, which will be mitigated by dust suppression mitigation measures and standard good practice measures outlined in the Construction Environmental Management Plan.
- **Material Assets:** An increase in traffic generation both during the construction and operational stage, which will be mitigated by a Construction Traffic Management Plan and is temporary in nature and adequate assessment of the traffic impact and design upgrades to the road network which will be acceptable in the context of the capacity and safety of the adjoining road network.
- **Cultural Heritage:** The permanent loss of existing structures on site with retention of three structures considered of architectural heritage value. Loss of some material of archaeological significance, however such will be mitigated by preservation by way of record.

The proposed development would not have any unacceptable direct or indirect effects on the environment.

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 received by the planning authority on the 07th day of February 2025, 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. All mitigation measures as set out in the Environmental Impact Assessment Report shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: To prevent significant effects on the environment.

3. All mitigation measures as set out in the Natural Impact Statement shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: To prevent significant effects on any designated Natura 2000 sites.

4. The developer shall comply with the following:

- (a) The developer shall liaise with the Transport Infrastructure Ireland to ensure that all works hereby approved within the Motorway Maintenance and Renewals Contract (MMaRC) Network A Scheme boundary, shall be carried out in accordance with all relevant Transport Infrastructure Ireland publications. This shall include but not be limited to; and proposed signage (temporary and permanent); lining; signalised pedestrian crossings; bridge works; boundary treatments; timetabling; construction traffic management plan; services; drainage and flood mitigation measures; and future maintenance arrangements.
- (b) The TII advises that the proposal requires a Design Report to be submitted via the online 'TII Departures Portal' in accordance with TII Publication (Design Phase Procedure for Road Safety Improvement Schemes, Urban Renewal Schemes and Local Improvement Schemes – DN-GEO-03060), <https://cdni.tii.ie/publications/DN-GEO-03030-03.pdf>. This report shall be submitted to the online TII 'Departure Portal' prior to the commencement of construction.
- (c) Final construction details for the proposed works to the public and private road networks shall be submitted for written agreement with the local authority. This shall include all roads, footpaths, cycle ways, crossings, etc. Detailed drawings and specifications for the proposed

construction and operation of the signalised crossings shall also be submitted.

- (d) No objects, structures, landscaping or planting shall be placed or installed within the visibility splays (as defined by TTI DN GEO-03060 and as per the submitted site layouts); which would interfere or obstruct (or could obstruct over time) the required visibility splays.
- (e) Any works to the public footpath and road carriageway to facilitate the development and any repairs to the public footpath and road carriageway necessary as a result of the development shall be at the expense of the developer and completed to the Council's standards for taking-in-charge and to the satisfaction of the Council.
- (f) A detailed Construction Management Plan and Construction Traffic Management Plan shall be submitted for the approval of the Council prior to the commencement of development.
- (g) Road Safety Audits shall be carried out as part of the proposed development at all of the relevant stages as outlined in current edition of Transportation Infrastructure guidelines GE-STY-1027.
- (h) All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay, rubble or other debris on adjoining roads during the course of development. In the event of any such spillages or deposit, immediate steps shall be taken to remove the material from the road surface at the applicants/developers own expense.
- (i) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work associated with the proposed development and shall make good any damage to the satisfaction of the Council and Transportation Infrastructure Ireland. The applicant shall carry out full non-intrusive road condition survey (to be carried out by a suitably

qualified road engineer) and submit to the planning authority prior to the commencement of the development.

Reason: In the interests of traffic and pedestrian safety.

5. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection residential amenities, public health and safety and environmental protection.

6. 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.

7. Site development and building works shall be carried out between the hours of 7.00-19.00 Mondays to Fridays inclusive, between 8.00-14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

6. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate 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 [preservation in-situ/excavation].

(b) 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"

7. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment Report and Archaeological Testing report submitted as further information shall be

implemented in full, except as may otherwise be required in order to comply with the conditions of this permission. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. 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.

8. 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) A plan to scale of not less than [1:500] showing –
 - (i) Existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping
The measures to be put in place for the protection of these landscape features during the construction period
 - (ii) 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.
 - (b) Details of screen planting, which shall not include cupressocyparis x leylandii.
 - (c) Details of roadside/street planting, which shall not include prunus species.

- (d) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (e) 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 five years from the completion of the development or, 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 interest of residential and visual amenity.

- 9. 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 Coimisiún 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.