

An
Coimisiún
Pleanála

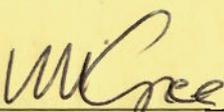
Direction
CD-021565-25
ACP-322977-25

The submissions on this file and the Inspector's report were considered at a meeting held on 12/12/2025.

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:


Liam McGree

Date: 16/12/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan 2023-2029, to the 'TC – Town and District Centre' land use zoning of the subject site, to the Retail Planning Guidelines for Planning Authorities 2012 (Department of the Environment, Heritage and Local Government) and to the nature, scale and design of the proposed development relative to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development would provide for an acceptable form of development on this town centre site, would not seriously injure the amenities of properties in the

vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Commission carried out an Appropriate Assessment (Stage 2) of the project and assessed the implications of the project on the North-West Irish Sea SPA (Site Code 004236) in view of the sites' conservation objectives. The Commission had regard to the applicant's NIS and all other relevant documentation and submissions on the case file. The Commission considered that the information included in the case file is adequate to allow an Appropriate Assessment to be carried out.

Following the Appropriate Assessment (Stage 2), it has been concluded that the project, individually and/ or in-combination with other plans or projects would not adversely affect the integrity of the North-West Irish Sea SPA in view of this site's conservation objectives and qualifying interests.

This conclusion is based on:

- An assessment of all aspects of the project including proposed mitigation measures in relation to the conservation objectives of North-West Irish Sea SPA.
- An assessment of in-combination effects with other plans and projects including historical and current plans and projects, including ABP-313210-22, provided for under the Fingal Development Plan 2023-2029.
- There being no reasonable scientific doubt as to the absence of adverse effects on the integrity of North-West Irish Sea SPA.

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 information received by the planning authority on the 17th day of April 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. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The hours of trading shall be between 0800 to 2200 hours Mondays to Saturdays and between 0900 to 2100 hours on Sundays and bank holidays. Delivery hours shall be between 0700 to 2300 (seven days) and shall take place within the confines of the site only.

Reason: To clarify the extent of the permission.

4. Details, including samples, of the materials, colours and textures of all the external finishes, including external glass, to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In this regard, samples shall be erected on site where required by the planning authority.

Reason: In the interest of the visual amenities of the area.

5. That the entire premises be used as a single retail unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations.

Reason: In the interest of clarity and to prevent unauthorised development.

6. The developer shall provide a piece of public art or sculpture. The location of the piece of art shall be agreed with the Parks and Green Infrastructure Division prior to the commencement of works on site.

Reason: To comply with Objective DMSO194 of the Fingal Development Plan 2023-2029.

7. The nature (including details of colour, finish and level of illumination (lux)) and extent of all advertising signage shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

Reason: In the interest of visual amenity.

8. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs including any signs installed to be visible through the windows, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the retail units or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

9. Any roller shutters, roller shutter boxes or other security shuttering for the premises shall be of the open grille type, dark coloured and installed internally behind the line of glazing.

Reason: In the interest of visual amenity.

10. 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 commencement of development. This should take account the mitigation measures outlined in the Bat Fauna Impact Assessment submitted with the application.

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

11. For the control of noise associated with the operation of the proposed development, the developer shall ensure that the recommendations of the Environmental Noise Impact Assessment Report prepared by Redkite Environmental, including recommendations regarding plant and deliveries management, are adhered to.

Reason: In the interest of public health and amenity.

12. No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless agreed in writing with the planning authority.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

13. The following requirements shall be complied with in full:

- (a) No objects, structures, landscaping or planting shall be placed or installed within the visibility splays (as defined by Design Manual for Urban Roads and Streets and as per the submitted site layouts) exceeding a height of 900 millimetres; which would interfere or obstruct (or could obstruct over time) the required visibility splays.
- (b) All 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 Councils' standards for taking-in-charge and to the satisfaction of the Council.
- (c) 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 Ireland guidelines GE-STY-1027. Any amendments proposed to public road network recommended by road safety audits shall be submitted to and agreed in writing with the authority prior to construction.
- (d) Construction details of the proposed roadside cycle track and footpath and associated works shall be submitted to and agreed in writing with the authority prior to commencement.

Reason: In the interest of pedestrian and traffic safety.

14. Prior to the commencement of works on site, a revised detailed landscape plan shall be approved by the planning authority.

Reason: In the interests of biodiversity and visual amenity.

15. The following requirements shall be complied with in full:
- (a) The recommendations as set out in the Arboricultural Report, Tree Protection Plan and Arboricultural Method Statement prepared by Charles McCorkell, dated October 2024 shall be implemented in full.
 - (b) A tree bond of €60,000 shall be lodged with the Council prior to the commencement of development to ensure all the retained trees included in the Tree Survey Plan 240916-P-10 provided by Charles McCorkell along the eastern and southern are protected and maintained in good condition throughout the development works. This bond will be held by Fingal County Council for three years post-construction, with the possibility of extension if construction-related defects are identified.
 - (c) The developer must agree with the planning authority on the location of the site compound to ensure the protection of retained trees and vegetation. Pruning of existing trees and vegetation, as recommended by Charles McCorkell, must be limited to within the site boundary line and shall only be carried out outside the bird nesting season to comply with wildlife regulations.

Reason: In the interest of tree protection, visual amenity and biodiversity.

16. The following requirements shall be complied with in full:

- (a) The management of Japanese Knotweed (*Fallopia japonica*) shall strictly adhere to the recommendations outlined in the Invasive Weed Site Inspection Report, prepared by Connacht Weed Control (dated the 28th day of August, 2024).
- (b) All areas affected by Japanese Knotweed on-site must be fenced off and clearly marked with appropriate signage before any construction activities commence.
- (c) The developer shall submit a post-construction report detailing the results of the on-site weed control measures and outlining any proposed plans for ongoing management.

Reason: To ensure the protection of biodiversity.

17. All site construction works shall be managed in accordance with a Construction and Environmental Management Plan (CEMP) which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall include details of the implementation of appropriate mitigation measures for noise, dust and vibration, and the monitoring of such levels.

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

18. The following requirements shall be complied with in full:

- (a) Prior to the commencement of development, the developer shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP), for the written agreement of the Planning Authority, as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021).
- (b) An Operational Waste Management Plan (OWMP) shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development.
- (c) Prior to the demolition activities, a refurbishment/demolition Asbestos Survey should be carried out and submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of public health and orderly development.

19. The attenuation and 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 interest of sustainable drainage.

20. (a) 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.
- (b) Any proposals by the developer to divert or build over existing water or wastewater services shall be submitted to Uisce Éireann for written approval prior to works commencing.
- (d) Separation distances between the existing Uisce Éireann assets and proposed structures, other services, trees, etc. have to be in accordance with the Uisce Éireann Codes of Practice and Standard Details.

Reason: To ensure adequate provision of water and wastewater facilities.

21. All service cables associated with the proposed development (such as electrical, public lighting, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual amenity and orderly development.

22. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

23. 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.