

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

South Dublin County

Planning Register Reference Number: SD/15A/0309

An Bord Pleanála Reference Number: PL 06S.246392

APPEAL by MLEU Dublin Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 7th day of March, 2016 by South Dublin County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of existing pre fab building of 39.4 square metres. The construction of three number units for light industrial and logistics/warehouse use ranging in size from 10,837 square metres to 10,967 square metres (with option to subdivide subject to tenant requirements). The total gross floor area of the development is circa 32,771 square metres including 1,569 square metres of ancillary office floorspace. The development is served by service yards and 329 number car parking spaces and 73 number bicycle spaces. The maximum parapet height of the units is 12.65 metres. Access to the site is from Barneys Lane and Clonlara Road and will include new access bridge to Units B and C. Development to include attenuation measures including detention basin located to the south east of the site. The development includes two number substations with internal switch rooms and plant; all site development works, landscaping and associated boundary treatment and all other ancillary works. Signage comprising three number illuminated double sided free standing totem pole signs. All on a 13.4 hectare site at Moneenalion Commons Upper, Baldonnell Business Park, Dublin. Clonlara Road is located to the south of the site and Casement Aerodrome is located to the north.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Appropriate Assessment Screening

In conducting a screening exercise for appropriate assessment, the Board considered the nature and scale of the proposed development, the nature and characteristics of the receiving environment, the documentation and submissions on file, including the Screening Report for Appropriate Assessment, the substantial separation distances to European Sites, including the substantial hydrological distance to Sites in Dublin Bay, and the assessment of the Inspector in relation to the potential for effects on such Sites. In undertaking the screening exercise, the Board accepted the analysis and conclusions of the Inspector, and concluded that, by itself or in combination with other plans or projects in the vicinity, the proposed development would not be likely to have significant effects on European Sites in view of their conservation objectives.

Environmental Impact Assessment Screening

Having regard to the characteristics and location of the proposed development, the characteristics and scale of the potential impacts that might arise, the documentation and submissions on file, the categories of development set out in Schedule 5 to the Planning and Development Regulations, 2001, as amended, and the criteria set out in Schedule 7 of those Regulations, the Board is satisfied that the proposed development would not be likely to have significant effects on the environment, either by itself or in cumulation with other development in the area. In coming to this determination, the Board concurred with the analysis and conclusions set out in the Inspector's report. The Board, therefore, concluded that the submission of an environmental impact statement was not required.

Conclusions on the Proper Planning and Sustainable Development of the Area

Having regard to the nature and scale of the proposed development, the provisions of the South Dublin County Development Plan 2016 - 2022, the Enterprise and Employment land use zoning objective for the site, its close proximity to the national road and motorway infrastructure, the documentation and submissions on file, including the detailed documentation on flooding submitted in support of the application and appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would not unduly conflict with the provisions of "The Planning System and Flood Risk Management Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government (2009), would not have unacceptable impacts on aviation, ecology, water quality or the landscape, would not detract from archaeological features, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not conflict with the provisions of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 submitted on the 11th day of February, 2016, 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 environmental mitigation measures set out in the documentation submitted in support of the application and appeal, including in particular those set out in the Site Specific Flood Risk Assessment and associated documentation and the Aviation Impact Assessment Report, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of the protection of the environment.

3. The use of the units shall be limited to logistics/warehousing and shall not be used for industrial purposes or for any other purpose without a prior grant of planning permission.

Reason: In the interest of clarity and of orderly development, and having regard to the proximity of Casement Aerodrome, the existing uses in Baldonnell Business Park, and the proximity of the national road and motorway infrastructure, as well as the level of car parking provided.

4. No unit shall be exclusively used as offices and all office use shall be ancillary to the logistics/warehousing use within each unit.

Reason: In the interest of clarity and to comply with the land zoning provisions set out for the area in the South Dublin County Development Plan 2016-2022.

5. No additional floorspace shall be formed by means of internal horizontal division within the buildings hereby permitted unless authorised by a prior grant of planning permission.

Reason: To control the intensity of development and to ensure that adequate car parking and service facilities will be provided within the development.

6. No goods or waste products shall be placed or stored externally to the commercial units.

Reason: In the interest of the visual amenities of the area, of public health, and to protect car parking.

7. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for measures to encourage the use of public transport, cycling, walking and car-pooling by staff and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport, to comply with the provisions of “Smarter Travel – a Sustainable Transport Future – a New Transport Policy for Ireland 2009 – 2020”, issued by the Department of Transport, particularly in light of the number of employees proposed.

8. Each unit shall be provided with suitable and adequate cycle parking, changing and shower facilities, lockers and drying rooms to cater for cyclists, in accordance with the requirements of the planning authority. Prior to commencement of development, revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of sustainable transport.

9. The development shall be managed in accordance with a management scheme that shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the commercial units. This scheme shall provide adequate measures for the future maintenance of the development, including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity and orderly development.

10. 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, following consultation with the Department of Defence. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing:
 - (i) existing boundary hedgerows and trees, specifying which are proposed for retention as features of the site landscaping,
 - (ii) the measures to be put in place for the protection of these landscape features during the construction period,
 - (iii) the species, variety, number, size and locations of all proposed trees and shrubs,
 - (iv) details of screen planting which shall not include leylandii or griselinia species,

- (v) details of roadside/street planting, and
 - (vi) hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants that 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 interest of visual amenity.

11. Comprehensive details of the proposed lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before any of the commercial units are made available for occupation.

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

12. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

13. All service cables associated with the proposed development (such as electrical and telecommunications cables) shall be located underground. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual amenity and to safeguard the existing aviation amenities in the vicinity.

14. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennae or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

15. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

16. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

17. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.