



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: F18A/0139

Appeal by Dublin Port Company care of RPS of West Pier Business Campus, Dun Laoghaire, County Dublin in relation to the inclusion of special contribution condition number 6(a) by Fingal County Council in its decision made on the 24th day of July, 2018.

Proposed Development: The construction of an extension to internal access road from Maple Avenue with associated works including public lighting and the development of two number plots generally for industrial, warehouse, storage and logistic use. Plot 2 (circa 5.42 hectares) will consist of a maintenance/repair/service workshop building of circa 1,050 square metres and an ancillary two-storey office and reception building of circa 297 square metres; three number container storage gantries of 250 square metres each; high strength ground surface treatment including underground drainage, ducting attenuation, utility infrastructure to facilitate stacked shipping container storage; wheel wash area; bunded fuel storage; lighting towers (circa 35 square metres); three metres high fence along the external site boundary; 2.05 metres high fence along internal site boundary; gate access; and all ancillary staff car and cycle parking. Plot 9 (circa 0.67 hectares) will consist of

a maintenance/repair/service workshop building of 994 square metres and ancillary offices over two floors of circa 461 square metres high strength ground surface treatment including underground drainage, ducting, attenuation, utility infrastructure to facilitate stacked shipping container storage, lighting towers (circa 35 metres), three metres high fence along the external site boundary, 2.05 metres high fence along internal site boundary; gate access; and ancillary staff car and bicycle parking; the application also includes for attenuation ponds, ESB substation, security cameras, signage, associated landscaping, boundary treatment and site works on an overall site of circa 8.45 hectares, all at Plots 2 and 9, Dublin Inland Port, South of Dublin Airport Logistics Park, off Maple Avenue, Coldwinters, St. Margaret's, County Dublin.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, based on the reasons and considerations under, directs the said Council, under section 48 (13) of the 2000 Act, to REMOVE condition number 6(a) and the reason therefor.

Reasons and Considerations

The Board considered the Fingal County Council Development Contributions Scheme 2016-2020 to be the applicable contribution scheme in this case and had regard to Section 17, relating to provision for Special Development Contributions in accordance with section 48(2)(c) of the Planning and Development Act 2000, as amended.

The Board considered that it was not appropriate to apply a special contribution in this case towards the proposed upgrade and signalisation of the junction at Site 13, as it had not been shown by the planning authority, that, as a result of the proposed development (Plots 2 and 9), there will be a negative impact on site 13 (the R135 and the N2 North Bound Slip priority junction).

In not agreeing with the Inspector's recommendation to modify condition number 6(a), the Board notes the appellant's submission "*Dublin Port- Inland Port Planning Appeal: Transport Assessment*" dated 17th day of August, 2018, paragraph 1.6 Summary,

which states:

"The proposed development will result in an approximately 7% increase in PCU traffic flows at the N2/R135 junction. In the Opening Year + 15 years scenario, traffic generated by the proposed development will amount to 5.6% of the traffic on the N2/R135 junction.

The proposed development has a minimal and acceptable impact on the N2/R135 junction. The junction, in its current form, has sufficient capacity to accommodate the proposed development and the level of background traffic growth as projected by TII. The additional traffic generated by this proposed development does not require any upgrade of this junction. The junction will operate within capacity and will not impact on the operation or safety of the N2 in all scenarios analysed, including Operating Year + 15 with development"

The Board noted that the matters raised above were not addressed in the planning authority's submissions dated 14th day of September, 2018 and the 25th day of September, 2018.

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.

Terry Ó Niadh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.