



An
Bord
Pleanála

Board Order
ABP-308105-20

Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F19A/0435

Appeal by Swords Business Campus 1 Limited care of Reid Associates, Chartered Town Planners, Planning and Development Consultants of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin against the decision made on the 10th day of August, 2020 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Additional permanent car parking to existing office campus consisting of 48 number car spaces and associated circulation entrances, exits, drainage and landscaping with an overall area of 0.2 hectares adjacent to Unit 1, Swords Business Campus, Balheary Road, Swords, County Dublin as amended by the revised public notices received by the planning authority on the 16th day of July 2020.

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

The proposed development is located in an area zoned 'ME' in the Fingal Development Plan, 2017-2023 for which the objective is "to facilitate opportunities for high-density mixed-use employment generating activity and commercial development within the Metro Economic Corridor."

Notwithstanding the level of existing car parking provision at Swords Business Campus, the proximity of the site to the proposed Metro Link route and Bus Rapid Transit routes, and the requirement under Table 12.8 of the development plan to apply a 50% reduction in maximum car parking allowances for development near public transport or on Metro Economic Corridor zoned lands, it is considered that this limited scale car parking spaces, for use for a temporary period, pending the provision and operation of Metro Link, would not contravene materially Objective DM113 of the development plan which seeks "to limit the number of car parking spaces at places of work and education so as to minimise car borne commuting" and that subject to compliance with the conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment - Screening

The Board considered the Screening for Appropriate Assessment and the Natura Impact Statement and carried out an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the:

- Malahide Estuary Special Area of Conservation (Site Code: 000205)
- Malahide Estuary Special Protection Area (Site Code: 004025)

are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for these sites and for which Appropriate Assessment is required.

Appropriate Assessment

The Board considered the Natura Impact Statement and carried out an appropriate assessment of the implications of the proposed development for the European sites the Malahide Estuary Special Area of Conservation (Site Code: 000205) and the Malahide Estuary Special Protection Area (Site Code: 004025). The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European Sites.

The Board considered the nature, scale and location of the proposed development, as well as the report of the Inspector.

In completing the appropriate assessment, the Board adopted the report of the Inspector and was satisfied that the proposed development, by itself or in combination with other plans and projects, would not adversely affect the integrity of any European site in view of the site's conservation objectives and there is no reasonable doubt as to the absence of such effects.

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 7th day of July 2020, 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. This permission is for a temporary period of eight years or until six months after the first operation of Metro Link, whichever comes sooner, after which period the car parking shall be removed and the site reinstated to amenity space.

Reason: To facilitate car parking for a limited period only, awaiting improvement in public transport availability, so that car borne commuting is minimised in favour of more sustainable travel modes.

3. Prior to the commencement of any development on the site, details of the provision of a minimum of 48 number bicycle parking spaces, in locations convenient to the access doorway(s), designed to provide for security and shelter, shall be agreed in writing with the planning authority.

Reason: To facilitate a more sustainable form of travel.

4. An updated Mobility Management Plan (MMP) for the campus shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To facilitate sustainable travel modes.

5.
 - (a) Where the applicant proposes to build over/divert Irish Water (IW) asset(s), the applicant must have in place, a diversion agreement with IW prior to any works commencing.
 - (b) Separation distances between the existing Irish Water assets and proposed structures, other services, trees, etc, must be in accordance with the Irish Water Codes of Practice and Standard Details.

- (c) All development shall be carried out in compliance with Irish Water standards codes and practices.
- (d) Should revision of the proposed layout be required to avoid these services, a revised site layout shall be submitted for the prior written agreement of the planning authority.

Reason: To protect public infrastructure and in the interest of clarity.

- 6. (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) The oil separator and the attenuation tank shall be properly maintained and regularly cleaned during the operational phase of the proposed extension.

Reason: In the interest of public health and environmental protection.

Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2021