



**Planning and Development Acts 2000 to 2020**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F20A/0391**

**Appeal** by Integrated Materials Solutions Limited Partnership of Heritage House, 23 Saint Stephen's Green, Dublin and by Hollywood and District Conservation Group of Windfield, Nevitt, Lusk, County Dublin against the decision made on the 10<sup>th</sup> day of February, 2021 by Fingal County Council to grant subject to conditions a permission to Irish Aviation Authority care of O'Connor Whelan of 222-224 Harold's Cross Road, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission for a proposed radar and support mast with a total height of 34.4 metres; a single storey plant room/open plant compound; a single storey support building (153.2 square metres); three number car parking spaces; a new vehicular entrance off the Local Road (L1080); boundary treatments and site development works on a site of 4,290 square metres at Hollywood Great, Naul, County Dublin. A further public notice was received by the planning authority on the 15<sup>th</sup> day of December, 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**

In coming to its decision, the Board had regard to the following:

- (a) the National Aviation Policy for Ireland,
- (b) the Fingal County Development Plan 2017-2023 and in particular the following policy objectives:
  - (i) Objective NH35 - Resist development such as houses, forestry, masts, extractive operations, landfills, caravan parks and large agricultural/horticulture units which would interfere with the character of highly sensitive areas or with a view or prospect of special amenity value, which it is necessary to preserve,
  - (ii) Objective NH36 - Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area,
  - (iii) Objective NH51 - Protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place,

- (iv) Objective NH52 - Ensure that development reflects and reinforces the distinctiveness and sense of place of High Amenity areas, including the retention of important features or characteristics, taking into account the various elements which contribute to its distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land use and tranquillity,
  - (v) Objective ED30 - Engage and collaborate with key stakeholders, relevant agencies and sectoral representatives to ensure that Dublin Airport is developed and promoted as a secondary hub to capitalise on the associated wider economic benefits for Fingal and the wider region, and
  - (vi) Objective ED31 - Ensure that the required infrastructure and facilities are provided at Dublin Airport so that the aviation sector can develop further and operate to its maximum sustainable potential, whilst taking into account the impact on local residential areas, and any negative impact such proposed developments may have on the sustainability of similar existing developments in the surrounding area, and the impact on the environment, including the climate.
- (c) the nature, scale, and layout of the proposed development,
  - (d) the decision of the planning authority,
  - (e) the submissions of the third parties, and
  - (f) the report of the planning inspector,

the Board considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the landscape or visual amenities of the area or the residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board accepted and agreed with the planning authority's assessment and decision to grant planning consent and was satisfied that, having regard to the aforementioned national and local policy objectives and the submissions on the file, the proposed development, would not result in a visually overbearing form of development and would not seriously injure the residential amenity of the adjoining residential property. Furthermore, the Board was satisfied that the proposed development would not seriously impact on the designated preserved views and the wider High Amenity landscape by reason of the removal of a substantial portion of the roadside hedgerow in order to provide visibility sightlines having regard to the replacement hedgerow, fencing, and landscaping proposal submitted (Site Plan drawing number 0102 P2) submitted to the planning authority on the 4<sup>th</sup> day of December, 2020.

Therefore, the proposed development would not be contrary to the 'HA' High Amenity zoning objective applying to the lands and Objective ED31 of the Fingal County Development Plan 2017-2023 and would 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 4<sup>th</sup> day of December 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. Details of the materials, colours and textures of all the external finishes to the proposed radar and support mast shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. 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 noise management measures and off-site disposal of construction/demolition waste.

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

4. The external finishes of the single storey support building wall shall comprise of neutral coloured render for the external walls, unless otherwise agreed in writing with the planning authority prior to commencement of development.

**Reason:** To protect the visual amenity of the area.

5. The following requirements in relation to foul sewer and surface water drainage shall be carried out in full:

Foul Sewer:

- (i) No foul drainage shall discharge into the surface water system under any circumstances.
- (ii) The foul drainage shall be in compliance with the Environmental Protection Agency Code of Practice for Wastewater Treatment and Disposal Systems Serving Single dwellings (October 2009).

Surface Water:

- (i) No surface water/rainwater shall discharge into the foul sewer system.
- (ii) The surface water drainage shall be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 Fingal County Council April 2006.

**Reason:** In the interest of public health.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

7. The following requirements in relation to access shall be carried out in full:

- (a) The access road and boundary treatment shall be completed prior to the operation of the radar.
- (b) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 0.9 metres.
- (c) The vehicular entry-splay shall be constructed in a bound road material.
- (d) The area between the road edge and the new boundary shall be levelled and grassed.
- (e) The gradient of the access shall not exceed 2.5% over the last six metres of its approach to the public road.
- (f) All stormwater shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road.
- (g) All underground or overhead services and poles to be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense.

(h) No gate shall open across a public footpath/road.

**Reason:** In the interest of the proper planning and sustainable development of the area.

8. During the construction phase of the development hereby permitted, the developer shall provide adequate off carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the L1080.

**Reason:** In the interest of traffic safety.

9. The proposed planted boundary treatments shall include native species of trees and hedging (hawthorn, blackthorn or similar mix). A landscape maintenance scheme shall be in place for a minimum of three years to ensure successful establishment. Landscaping/planting shall be carried out and completed before the end of the first planting season following commencement of development. Any failures shall be replaced in the following planting season until the landscaping is established.

**Reason:** To facilitate the integration of the proposal into the landscape within a reasonable time period and in the interest of the proper planning and sustainable development of the area.



10. The following requirements of the planning authority shall be complied with in full:

- (a) Noise due to the normal operation of the development hereby permitted shall not exceed the background level by 10dB(A) or more, or exceed NG4 limits whichever is lesser.

Daytime (0700 to 1900) – 55dB LAr, 30 min

Evening (1900 to 2300) – 50dB LAr, 30 min

Night-time (2300 to 0700) – 45dB LAeq, 15 min

as measured from nearest noise sensitive location/s. Noise emissions from the site shall be broadband in nature and free from audible tonal characteristics.

- (b) Generator testing shall be carried out between 0700 to 1900 Monday to Friday and shall not exceed a free field level of 55dB LAeq, one hour at nearby residential noise sensitive locations.
- (c) Noise and noise vibration monitoring shall be carried out for a period of six months upon the development becoming operational along the site boundary/noise sensitive location(s). This shall be carried out by an appropriately qualified and experienced acoustic technician. Should the assessment identify that the noise limits have been exceeded mitigation measures shall be implemented to ensure compliance. Copies of the monitoring shall be provided to the planning authority within one month of this monitoring having been conducted.
- (d) No deliveries of materials, plant or machinery shall take place before 0800 hours or after 1900 hours.

- (e) All equipment used on site shall be fitted with effective silencers and/or sealed acoustic covers.
- (f) During the construction phase, all necessary steps shall be taken to contain dust and airborne pollutants, including the covering of skips, netting of scaffolding, regular road and pavement damping and sweeping and the use of water spray to suppress dust.
- (g) During the construction phase, dust monitoring shall be carried out in accordance with the TA luft dust deposition limit value of 350 milligrams per square metre per day measured at the site which includes both soluble and insoluble matter. The amount of dust deposited anywhere outside the proposed development, when averaged over a 30-day period, should not exceed a limit value of 350 milligrams per square metre per day.

**Reason:** In the interest of public health.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

12. 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.



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Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.

Dated this 20<sup>th</sup> day of July 2021.