

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: FW21A/0046

Appeal by Alice Woods of 18 Parlickstown Court, Mulhuddart, Dublin against the decision made on the 6th day of December, 2021 by Fingal County Council to grant subject to conditions a permission to Colm Mac Daibheid care of O'Neill Consulting Engineering Services of 1 Moat House, Main Street, Rathoath, County Meath in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of a light industrial warehouse/data centre totalling 1890 square metres, 321 square metres of which will be office space, the provision for 21 car parking spaces, landscaping and all associated site and drainage works at Parlickstown, Navan Road, Mulhuddart, Dublin.

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.

Reasons and Considerations

Having regard to the zoning objective that applies to the area ('GE – General Employment') as set out in the Fingal Development Plan 2017-2023, the nature and scale of the proposed development, which comprises a light industrial warehouse in an existing industrial park and serviced area, and pattern of development in the surrounding vicinity, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity, or result in any significant environmental impacts. 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 9th day of November 2021, 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. (a) The development hereby permitted shall be used for warehousing only and shall not be used for any other purpose without a prior grant of permission. All associated office space, staff amenities and welfare facilities within, and associated with, the permitted development shall be ancillary.
- (b) No part of the development hereby permitted shall be sold for use by a separate operator.

Reason: In the interest of clarity.

3. Details of all signage shall be the subject of a separate planning application submitted to, and agreed in writing with, the planning authority, or An Bord Pleanála, prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interest of ensuring that adequate car parking and service facilities will be provided within the development.

5. Prior to commencement of development, a revised layout plan shall be submitted to the planning authority addressing the following:-
 - (a) Details of the tie-in to the existing road kerb at the entrance.
 - (b) The provision of 10 number covered and secure cycle parking spaces in proximity to the building entrance.
 - (c) Parking space numbers 1 – 6 shall be parallel parking spaces.

- (d) A separate pedestrian access gate shall be provided from the external footpath to the internal footpath and dished crossing points shall be provided.

All the above works shall be carried out at the applicant's expense according to the specification and conditions of the planning authority.

Reason: In the interest of orderly development.

6. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

7. Details, including samples, of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

8. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), 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 dust and noise management measures and off-site disposal of construction/demolition waste.

The Construction Environmental Management Plan shall identify potential impacts and mitigating measures, including the relevant measures outlined in the Ecological Impact Assessment (EclA) submitted to the planning authority on the 10th day of March, 2021 and ensure that best construction practices are implemented.

Reason: In the interest of public safety.

9. The measures identified in the Ecological Impact Assessment shall be implemented.

Reason: To ensure the preservation and protection of flora and fauna within the area.

10. Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

11. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, a Noise and Air Emissions Management Plan outlining how noise and air emissions will be monitored and managed once the development becomes operational in order to ensure that any such emissions do not significantly interfere with the amenities of the area.

Reason: To protect the amenities of the area.

12. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

13. External lighting shall be directed and cowled such as to reduce, as far as possible, the light scatter over roads, adjacent sites and surrounding area.

Reason: In the interests of residential amenity and traffic safety

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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.

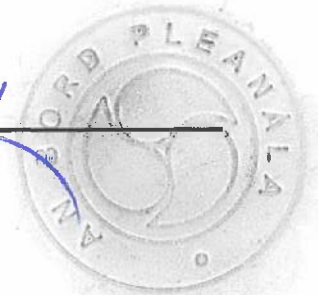
15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Chris McGarry

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



Dated this *5th* day of *December* 2022.