



An
Coimisiún
Pleanála

Commission Order
ABP-320266-24

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0413

Appeal by Genvest ULC care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 1st day of July, 2024 by Fingal County Council to refuse permission.

Proposed Development: Construction of a light industrial development comprising five number units (unit numbers 1-5) with ancillary offices and staff facilities and associated development as follows: Unit number 1 will have a maximum height of 15 metres with a gross floor area of 1,217 square metres; unit number 2 will have a maximum height of 17 metres with a gross floor area of 1,363 square metres; unit number 3 will have a maximum height of 17 metres with a gross floor area of 1,976 square metres; unit number 4 will have a maximum height of 17 metres with a gross floor area of 1,854 square metres; and unit number 5 will have a maximum height of 11 metres with a gross floor area of 476 square metres. The development will also include the provision of a multimodal entrance to the site from the Stockhole Lane Roundabout via an extended local access road, a pedestrian, cyclist and emergency vehicular entrance to the site from Stockhole Lane/Clonshaugh Road, pedestrian connections, including an entrance gate to the adjoining petrol station, an internal estate road with internal access/egress spurs,

footpaths, cycle paths and shared pedestrian and cycle paths, 114 number car parking spaces, including accessible parking spaces, bicycle parking, loading bays/yards, level access goods doors, dock levellers, external canopies, bin stores, ESB substation and switchroom, boundary treatments, hard and soft landscaping, lighting, green walls, solar panels, signage, and all associated site and development works above and below ground on this 3.0453-hectare site to the west of Stockhole Lane/Clonshaugh Road, Clonshaugh, County Dublin, as revised by the further public notices received by the planning authority on the 7th day of June, 2024. The lands are generally bound to the north and west by undeveloped lands, to the south by Circle K Petrol Station and Holiday Inn, and to the east by Stockhole Lane/Clonshaugh Road, County Dublin and properties fronting thereto.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the site location in an area subject to a High Technology zoning objective under the Fingal County Development Plan 2023-2029, the planning history of the site, the light industrial nature and scale of the proposed development, and the likely volume of vehicular trips generated by the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the capacity of a national road or other major road, would be acceptable in terms of traffic safety, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 received by the planning authority on the 4th day of June, 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The vehicular access from Stockhole Lane shall be for emergency vehicles, pedestrians and cyclists only.

Reason: In the interest of orderly development.

3. Prior to occupation of each industrial unit, the developer shall submit for the written agreement of the planning authority final details of signage to be provided on the external façade of the industrial units and on the totem pole at the entrance to the proposed development.

Reason: In the interest of visual amenity.

4. The boundary treatment between the site and the existing residential dwellings fronting onto Stockhole Lane, shall comprise a minimum two-metre-high boundary wall with planting within the site adjacent to the boundary wall. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details of this boundary treatment.

Reason: In the interest of residential amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed industrial units and the totem pole sign shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate standard of development.

6. No additional floorspace shall be provided in any unit, either by way of sub-division of any unit, or the provision of mezzanine floorspace, or otherwise, without a prior grant of planning permission.

Reason: To control the intensity of development on the site.

7. The office areas of the proposed development shall be provided with noise insulation to an appropriate standard, having regard to the location of the site within Airport Noise Zone B associated with Dublin Airport.

Reason: To ensure an appropriate standard of development.

8. Prior to commencement of development, the developer shall submit in writing to the planning authority agreed details with the Dublin Airport Authority relating to proposals for crane operations during the construction phase.

Reason: In the interest of aircraft safety.

9. During the operational phase, the noise level from the development shall not exceed 55 dB(A) rated sound level between the hours of 0700 to 1900, and 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at any point along the site boundary with existing residential dwellings. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To protect the residential amenities of property in the vicinity.

10. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended, shall be displayed or erected on the building exterior or within the curtilage of the industrial units without a prior grant of planning permission.

Reason: In the interest of visual amenity.

11. Prior to the occupation of the proposed development, a Mobility Management Plan (MMP) shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of cycling and walking by staff employed in the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

12. The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, prior to commencement of development the developer shall submit the following for the written agreement of the planning authority:

- (a) Proposals for additional seating and lighting within the pocket back in the south-west portion of the site.
- (b) Details of the species to be provided on the green walls of the northern elevation of the industrial units.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the planning authority, whichever is the sooner, 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 biodiversity and amenity.

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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 operations, including hydrological and geotechnical investigations relating to the proposed development,
 - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

14. External lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the operation of the proposed development.

Reason: In the interest of amenity and public safety.

15. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual amenity.

16. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate that Sustainable Urban Drainage System measures have been installed and are working, as designed, and that there has been no misconnections or damage to storm water drainage infrastructure during construction shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

17. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water and wastewater facilities.

18. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards as outlined in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interest of amenity and of traffic and pedestrian safety.

19. A minimum of 10% of the car parking spaces shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

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

Reason: To safeguard the amenity of property in the vicinity.

21. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including traffic management measures, noise and dust management measures, and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

22. Prior to the commencement of development, the developer, or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including a demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

23. The proposed development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the industrial units. This scheme shall provide adequate measures relating to the future maintenance of the proposed development, including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules.

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

24. 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 Coimisiún 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.

Mary Gurrie

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Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.



Dated this *17* day of *October* 2025.