

An
Bord
Pleanála

Board Order ABP-321196-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FW24A/0339E

Appeal by Stateline Transport Limited care of CWP A Planning and Architecture of Unit 10 North Street Business Park, Seatown West, Swords, County Dublin against the decision made on the 10th day of October, 2024 by Fingal County Council to refuse permission.

Proposed Development: Demolition of two number existing detached dwellings Bloomburn Cottage and Kilmonan Lodge, associated garages and shed structures, and permission for the use of the subject site (circa 2.52 hectares) as a storage container depot with a maximum capacity of circa 1,270 number containers in nine number blocks ranging in height between three number and six number containers high, with two number 8.7 metres high reefer gantries, construction of ancillary single storey detached office and workshop building (circa 363 square metres gross floor area), construction of single storey detached prefabricated security hut (circa 9.5 square metres gross floor area), provision of nine number car parking spaces, including one number disabled persons car parking space and one number electric vehicle charging space, two number motorcycle parking spaces, six number bicycle spaces and bicycle shelter and provision of eight number truck parking spaces, new on-site wastewater treatment system and percolation area, surface water attenuation area, hard and soft landscaping works, new boundary treatment and vehicle

entrance onto L3120 Kilshane Road, nine number 20 metres high, seven number 10 metres high and five number six metres high lighting columns with LED luminaries and all associated site works necessary to facilitate the development, all at Bloomburn Cottage and Kilmonan Lodge, Kilshane, Dublin.

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 zoning of the site under 'GE' General Employment to 'provide opportunities for general enterprise and employment', planning policies and objectives under the Fingal County Development Plan 2023-2029, the existing pattern of development in the vicinity, and the totality of documentation on file, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously, or disproportionately, injure the 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 in accordance with the plans and particulars lodged with the application, 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 proposed development shall be amended as follows:

- (a) The set-back from the M2/N2 embankment shall be 12 metres.
- (b) There shall be no loading or unloading in the set-back from the M2/N2 embankment.

Revised drawings showing compliance 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 visual amenity.

3. Prior to commencement of development, written agreement shall be obtained in respect of the following:

- (a) An updated landscape plan to show enhanced planting along the western boundary of the land.
- (b) The updated landscaping scheme shall be carried out within the first planting season following substantial completion of construction works.
- (c) 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, 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 visual amenity.

4. Prior to commencement of the development, measures to protect the M2/N2 embankment stability shall be agreed in writing with Transport Infrastructure Ireland.

Reason: In the interest of road traffic safety.

5. Prior to 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.

6. The construction of the proposed 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 proposed development, including noise management measures, off-site disposal of construction/demolition waste and hours of site development.

Reason: In the interest of public safety and residential amenity.

7. Lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of amenity and public safety.

8. A site suitability assessment for the proposed on-site wastewater treatment system shall be carried out by a suitably qualified, experienced, and competent professional. The septic wastewater treatment system shall be installed in accordance with the recommendations included within the site characterisation report and shall be in accordance with the Regional Code of Practice for Drainage Works Version 6.0 FCC April 2006, or the EPA Code of Practice for Domestic Wastewater Treatment Systems (2021), whichever is applicable. Within three months of the completion of the office and workshop building, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the documents referred to above.

Reason: In the interest of public health.

9. The 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 details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

10. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply.

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



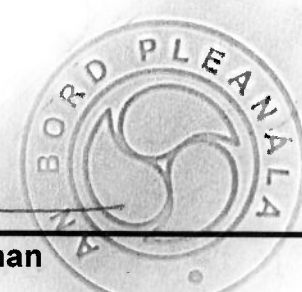
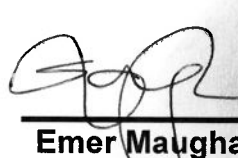
11. The developer shall engage a suitably qualified archaeologist to monitor all site clearance works, topsoil stripping and groundworks. Prior to the commencement of such works, the archaeologist shall consult with and forward to the planning authority archaeologist a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site, and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.
- Reason:** To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

12. The proposed development shall be operated and managed in accordance with an Operational Management Plan (OMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The OMP shall include hours of operation, waste management, details of the operations manager, contact numbers (including out of hours), management of landscaping, details of restrictions on painting/welding/repair and washing of storage containers.

Reason: In the interest of public safety and residential amenity.

13. 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 the 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 the Board 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.



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

Dated this 23rd day of APRIL 2025.