

An
Coimisiún
Pleanála

Commission Order
ABP-322429-25

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/0362E

Appeal by Transport Infrastructure Ireland of Parkgate Business Centre, Parkgate Street, Dublin against the decision made on the 3rd day of April 2025, by Fingal County Council to grant permission subject to conditions to Vida M1 Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Works to include the following:

- Demolition of an existing vacant dwelling and water storage reservoir with associated pump station located along the western boundary of Zone A.
- Demolition of two existing vacant dwellings and all associated outbuildings within Zone F.
- Provision of roads and services infrastructure (surface water, foul and water supply) to facilitate the future development of the lands including public lighting, utility connections (power, telecommunications and gas) and SuDS drainage.

- Provision of new access roads from 'Bhailsigh Road' (L1140) to Zone A and Zone F and a new cycle and pedestrian route over the M1 motorway towards the R132 via the 'Bhailsigh Road' (L1140).
- Upgrades and modifications to the existing roundabout along the 'Bhailsigh Road' (L1140).
- All ancillary landscaping, tree/hedgerow removal, road works, boundary treatments, signage and site development works to support the development.

The site includes two plots of land which are primarily greenfield and located to the west of the M1 motorway. Zone A is located to the north of the Bhailsigh Road (L1140). Part of this site contains a vacant dwelling (Eircode: K45 YD54). Zone F is located to the south of the Bhailsigh Road (L1140). This site contains two vacant dwellings (Eircode: K45 KR26 and K45 EP80) and their associated outbuildings. The site also includes a section of the Bhailsigh Road (L1140) towards the R132 at Junction 5 of the M1 motorway all at a site located in the townlands of Rowans Big, Rowans Little, and Courtlough, Lusk and Balbriggan, County 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

The Commission made its decision consistent with the Climate Action and Low Carbon Development Act 2015, as amended, and the Climate Action Plan 2024 and Climate Action Plan 2025, and had regard to:

- (a) the provisions of the Fingal County Development Plan 2023-2029 including the zoning of the site as 'GE' General Employment,
- (b) the "Spatial Planning and National Roads Guidelines for Planning Authorities" issued by the Department of the Environment, Community and Local Government in January 2012, and
- (c) the design and layout as proposed in response to the further information request, and submitted to the planning authority on the 7th day of February 2025,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with land use zoning policy, would not negatively impact on the level of service and carrying capacity of the national road network, would not endanger public safety by reason of traffic hazard or obstruction of road users, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file and carried out an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that North-West Irish Sea Special Protection Area (Site Code: 004236) is the only European Site in respect of which the proposed development has the potential to have a significant effect, in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and all other relevant submissions on file and carried out an Appropriate Assessment of the implications of the proposed development on North-West Irish Sea Special Protection Area (Site Code: 004236), in view of the site's Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Site,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Site. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Site, in view of the site's Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment

The Commission completed an environmental impact assessment of the proposed development taking into account:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted with the application and the appeal response,
- (c) the content of the appeal, and the report of the planning authority, and
- (d) the report of the Planning Inspector.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant made in the course of the application.

Reasoned Conclusion on Significant Effects:

Having regard to the examination of environmental information contained above, and in particular to the Environmental Impact Assessment Report and supplementary information provided by the developer, and the submission from the planning authority, applicant and appellant during the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment, with the implementation of proposed mitigation measures, are:

Population and Human Health

Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan.

Positive socioeconomic effects at construction stage through increased employment and at operational stage through increased economic activity and employment.

Water

Potential significant construction stage impacts due to uncontrolled discharge of sediment and contaminant laden run-off to surface water and groundwater which will be mitigated by implementation of a Construction and Environmental Management Plan. Potential operational stage impacts of hydrocarbons and contaminants to surface water and groundwater and potential for fluvial flooding, which will be mitigated by the proposed drainage system that incorporates SuDs measures, attenuation, flow control and additional flood compensatory storage.

Air and Climate

Construction stage dust and plant/vehicle emissions, which will be mitigated by dust suppression mitigation measures and standard good practice measures outlined in the Construction Environmental Management Plan.

Material Assets

An increase in traffic generation both during the construction and operational stage, which will be mitigated by a Construction Traffic Management Plan and is temporary in nature and adequate assessment of the traffic impact and design upgrades to the road network which will be acceptable in the context of the capacity and safety of the adjoining road network.

Cultural Heritage

The permanent loss of existing structures on site with retention of three structures considered of architectural heritage value. Loss of some material of archaeological significance, however such will be mitigated by preservation by way of record.

The proposed development would not have any unacceptable direct or indirect effects on the environment.

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 received by the planning authority on the 7th day of February 2025, 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. All mitigation measures as set out in the Environmental Impact Assessment Report shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: To prevent significant effects on the environment.

3. All mitigation measures as set out in the Natural Impact Statement shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: To prevent significant effects on any designated Natura 2000 sites.

4. This permission is for a ten-year period from the date of the final grant of permission.

Reason: In the interest of clarity.

5. The developer shall comply with the following:
 - (a) The developer shall liaise with Transport Infrastructure Ireland (TII) to ensure that all works hereby approved within the Motorway Maintenance and Renewals Contract (MMaRC) Network A Scheme boundary, shall be carried out in accordance with all relevant TII publications. This shall include but not be limited to; proposed signage (temporary and permanent); lining; signalised pedestrian crossings; bridge works; boundary treatments; timetabling; construction traffic management plan; services; drainage and flood mitigation measures; and future maintenance arrangements.
 - (b) The TII advises that the proposal requires a Design Report to be submitted via the online 'TII Departures Portal' in accordance with TII Publication (Design Phase Procedure for Road Safety Improvement Schemes, Urban Renewal Schemes and Local Improvement Schemes – DNGeo-03060). This report shall be submitted to the online TII 'Departure Portal' prior to the commencement of construction.

- (c) Final construction details for the proposed works to the public and private road networks shall be submitted for written agreement with the planning authority. This shall include, but not be limited to, all roads, footpaths, cycle ways, crossings. Detailed drawings and specifications for the proposed construction and operation of the signalised crossings shall also be submitted.
- (d) No objects, structures, landscaping, or planting shall be placed or installed within the visibility splays (as defined by Transport Infrastructure Ireland guidelines: DN GEO-03060 and as per the submitted site layouts); which would interfere or obstruct, or could obstruct over time, the required visibility splays.
- (e) Any works to the public footpath and road carriageway to facilitate the development and any repairs to the public footpath and road carriageway necessary as a result of the development shall be at the expense of the developer and completed to the planning authority's standards for taking-in-charge and to the satisfaction of the planning authority.
- (f) A detailed Construction Management Plan and Construction Traffic Management Plan shall be submitted for the approval of the planning authority prior to the commencement of development.
- (g) Road Safety Audits shall be carried out as part of the proposed development at all of the relevant stages as outlined in current edition of Transportation Infrastructure Ireland guidelines: GE-STY-1027.
- (h) All necessary measures shall be taken by the developer to prevent the spillage or deposit of any materials including clay, rubble or other debris on adjoining roads during the course of development.

In the event of any such spillages or deposit, immediate steps shall be taken to remove the material from the road surface at the developers own expense.

- (i) The developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work associated with the proposed development and shall make good any damage to the satisfaction of the planning authority and Transport Infrastructure Ireland. The developer shall carry out a full non-intrusive road condition survey (to be carried out by a suitably qualified road engineer), which shall be submitted to the planning authority prior to the commencement of the development.

Reason: In the interests of traffic and pedestrian safety.

- 6. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The CEMP shall include, but not be limited to, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection residential amenities, public health and safety and environmental protection.

7. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the 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.

8. Site development and building works shall be carried out between the hours of 0700 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and 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.

9. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record (archaeological excavation) and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or

construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. 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.

10. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment Report and Archaeological Testing report submitted as part of further information on the 7th day of February 2025, shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. 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.

11. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) A plan to scale of not less than [1:500] showing:
 - (i) Existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping. The measures to be put in place for the protection of these landscape features during the construction period.
 - (ii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech, or alder.
 - (b) Details of screen planting, which shall not include cupressocyparis x leylandii.
 - (c) Details of roadside/street planting, which shall not include prunus species.
 - (d) Hard landscaping works, specifying surfacing materials, furniture, and finished levels.
 - (e) A timescale for implementation including details of phasing.

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

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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.

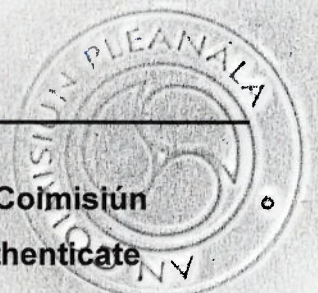
Reason: In the interest of residential and visual amenity.

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 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.


Marie O'Connor

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



Dated this 29 day of August 2025.