

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/1069E

Appeal by KT Designs of Unit 12, Balbriggan Enterprise and Trade Centre, Stephenstown, Balbriggan, County Dublin against the decision made on the 11th day of June 2025, by Fingal County Council to grant, subject to conditions, a permission to Aldi Stores (Ireland) Limited care of John Spain Associates of 39 Fitzwilliam Square, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of the demolition of existing two number storey building on site (circa 1,070 square metres), the construction of a two number storey discount retail store with off-licence use (circa 2,448 square metres gross floor area) circa 1,356 square metres net retail floor area (at first floor level), including ESB substation and loading bay, car parking (70 spaces, undercroft and surface level) with vehicular and pedestrian access (via existing access) from Harry Reynolds Road (also known as the Inner Relief Road). All associated works to facilitate the development including landscaping, lighting, boundary treatments, internally illuminated signage (circa 20.44 square metres at north, west, south-west and east elevations of the building), circa 10.22 square metres double sided pole sign six metres in height at vehicle entrance, one number vinyl wall sign at

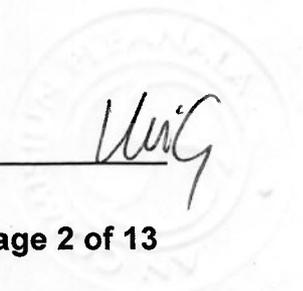
western elevation (circa one square metre) external plant, 836 square metres of PV panels at roof level and 32 number cycle parking spaces at this site circa 0.53 hectares known as Jack Murphy House, Harry Reynolds Road, (also known as the Inner Relief Road) Stephenstown, Balbriggan, County Dublin.

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

Having regard to the provisions of the Fingal Development Plan 2023-2029, to the 'TC – Town and District Centre' land use zoning of the subject site, to the Retail Planning Guidelines for Planning Authorities 2012 (Department of the Environment, Community and Local Government) and to the nature, scale and design of the proposed development relative to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development would provide for an acceptable form of development on this town centre site, and would not seriously injure the amenities of properties in the vicinity. The proposed development 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 the 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 sites 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.

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 17th day of April 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. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be fully implemented.

Reason: To protect the integrity of European Sites.



3. Details, including samples, of the materials, colours and textures of all the external finishes, including external glass, to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In this regard, samples shall be erected on site where required by the planning authority.

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

4. The hours of trading shall be between 0800 to 2200 hours Mondays to Saturdays and between 0900 to 2100 hours on Sundays and bank holidays. Delivery hours shall be between 0700 to 2300 hours (seven days) and shall take place within the confines of the site only.

Reason: To clarify the extent of the permission.

5. The entire premises shall be used as a single retail unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations.

Reason: In the interest of clarity and to prevent unauthorised development.

6. The developer shall provide a piece of public art or sculpture. The location of the piece of art shall be agreed with the planning authority prior to the commencement of works on site.

Reason: To comply with Objective DMSO194 of the Fingal Development Plan 2023-2029.

7. The nature (including details of colour, finish and level of illumination (lux)) and extent of all advertising signage shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

Reason: In the interest of visual amenity.

8. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs including any signs installed to be visible through the windows, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the retail units or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

9. Any roller shutters, roller shutter boxes or other security shuttering for the premises shall be of the open grille type, dark coloured and installed internally behind the line of glazing.

Reason: In the interest of visual amenity.

10. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. This should take account the mitigation measures outlined in the Bat Fauna Impact Assessment submitted with the application.

Reason: In the interest of public safety, biodiversity and visual amenity.

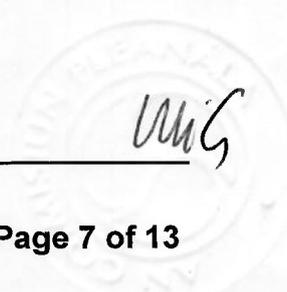
11. For the control of noise associated with the operation of the proposed development, the developer shall ensure that the recommendations of the Environmental Noise Impact Assessment Report prepared by Redkite Environmental, including recommendations regarding plant and deliveries management, are adhered to.

Reason: In the interest of public health and amenity.

12. No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless agreed in writing with the planning authority.

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

13. The following requirements shall be complied with in full:
 - (a) No objects, structures, landscaping or planting shall be placed or installed within the visibility splays (as defined by Design Manual for Urban Roads and Streets and as per the submitted site layouts) exceeding a height of 900 millimetres, which would interfere or obstruct (or could obstruct over time) the required visibility splays.
 - (b) All 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 standards of the planning authority for taking-in-charge and to the satisfaction of same.



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- (c) 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. Any amendments proposed to public road network recommended by road safety audits shall be submitted to, and agreed in writing with, the planning authority prior to construction.
- (d) Construction details of the proposed roadside cycle track and footpath and associated works shall be submitted to, and agreed in writing with, the planning authority prior to commencement.

Reason: In the interest of pedestrian and traffic safety.

- 14. Prior to the commencement of works on site, a revised detailed landscape plan shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of biodiversity and visual amenity.

- 15. The following requirements shall be complied with in full:

- (a) The recommendations as set out in the Arboricultural Report, Tree Protection Plan and Arboricultural Method Statement prepared by Charles McCorkell, dated October 2024, shall be implemented in full.
- (b) A tree bond of €60,000 shall be lodged with the Council prior to the commencement of development to ensure all the retained trees included in the Tree Survey Plan 240916-P-10, provided by Charles McCorkell along the eastern and southern are protected and maintained in good condition throughout the development works. This bond will be held by Fingal County Council for three

years post-construction, with the possibility of extension if construction-related defects are identified.

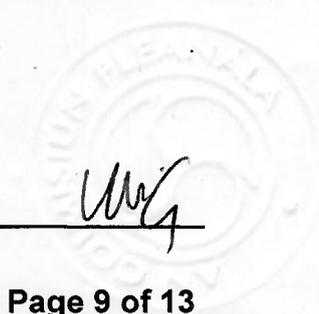
- (c) The developer must agree with the planning authority on the location of the site compound to ensure the protection of retained trees and vegetation. Pruning of existing trees and vegetation, as recommended by Charles McCorkell, must be limited to within the site boundary line and shall only be carried out outside the bird nesting season to comply with wildlife regulations.

Reason: In the interest of tree protection, visual amenity and biodiversity.

16. The following requirements shall be complied with in full:

- (a) The management of Japanese Knotweed (*Fallopia japonica*) shall strictly adhere to the recommendations outlined in the Invasive Weed Site Inspection Report, prepared by Connacht Weed Control (dated the 28th day of August 2024).
- (b) All areas affected by Japanese Knotweed on-site must be fenced off and clearly marked with appropriate signage before any construction activities commence.
- (c) The developer shall submit a post-construction report to the planning authority detailing the results of the on-site weed control measures and outlining any proposed plans for ongoing management.

Reason: To ensure the protection of biodiversity.

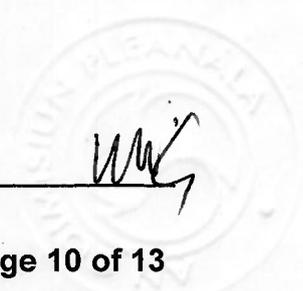


17. A Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall provide, but not be limited to, construction phase controls for dust, noise and vibration, waste management, protection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

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

18. The following requirements shall be complied with in full:
- (a) Prior to the commencement of development, the developer shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP), for the written agreement of the planning authority, as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021).
 - (b) An Operational Waste Management Plan (OWMP) shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development.
 - (c) Prior to the demolition activities, a refurbishment/demolition Asbestos Survey should be carried out and submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of public health and orderly development.



19. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

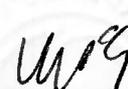
Reason: In the interest of public health and surface water management.

20. (a) Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.
- (b) Any proposals by the developer to divert or build over existing water or wastewater services shall be submitted to Uisce Éireann for written approval prior to works commencing.
- (c) Separation distances between the existing Uisce Éireann assets and proposed structures, other services, trees, among others must be in accordance with the Uisce Éireann Codes of Practice and Standard Details.

Reason: To ensure adequate provision of water and wastewater facilities.

21. All service cables associated with the proposed development, such as electrical, public lighting, telecommunications and communal television, shall be located underground.

Reason: In the interests of visual amenity and orderly development.



22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

23. 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.



Liam McGree

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

Dated this *19th* day of *DECEMBER* 2025.