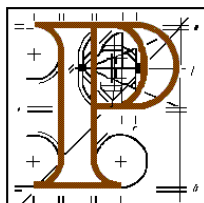


An Bord Pleanála



Inspector's Report

Development: Permission for demolition of existing pre fab building of 39.4sq.m. The construction of 3 no. units for light industrial and logistics/warehouse use ranging in size from 10,837sq.m. to 10,967sq.m. (with option to subdivide subject to tenant requirements). The total GFA of the development is c. 32,771sq.m. including 1,569sq.m. of ancillary office floorspace. The development is served by service yards and 329 no. of car parking spaces and 73 no. bicycle spaces. The maximum parapet height of the units is 12.65 metres. Access to the site is from Barneys Lane and Clonlara Road and will include new access bridge to Unit B and C.

Site Address: Moneenalion Commons Upper, Baldonnell Business Park

Planning Application

Planning Authority: South Dublin County Council
Planning Authority Reg. Ref.: SD15A/0309
Applicant: MLEU Dublin Ltd
Type of Application: Permission
Planning Authority Decision: Refuse Permission

Planning Appeal

Appellant: MLEU Dublin Ltd.
Type of Appeal: First Party v Refusal
Observers: None
Date of Site Inspection: 21st June 2016

Inspector: **Joanna Kelly**

Appendices:

Appendix 1 Site Location Map
Appendix 2 Photographs and Site key Plan

1.0 INTRODUCTION

This report pertains to an appeal by the first party against the decision of South Dublin County Council to refuse permission for light industrial development.

2.0 SITE DESCRIPTION

- 2.1 The appeal site is located west of the M50 motorway between Casement Aerodrome and the N7 national route. It has a stated site area of 13.4 hectares and a proposed stated gross floor area of 32,771sq.m. consisting of three large industrial style units. The northern boundary of the site flanks the Baldonnell/Casement Aerodrome. The southern boundary abuts the existing Baldonnell Business Park with the River Camac running along this boundary.
- 2.2 The existing business park is accessible via Clonlara road from the N7, approximately 600m south of junction 3. Proposed access to units B & C on the appeal site is via a single span bridge over the River Camac. Unit A is to be accessed via an arm off the existing roundabout which currently provides direct access into Baldonnell Business Park. This separate arm off the roundabout exists but is currently blocked with large concrete mounds (presumably to prevent access to the site). An examination of photographs from Google Maps would appear to show that the north-eastern section of the site appeared to be used as a compound/storage area at one stage. The lands are relatively flat although levels are steeper towards the north-eastern section of the site and fall away. There is an existing single storey pre-fabricated unit which it is proposed to demolish. This structure is currently accessed via a footbridge over the River Camac from within the Business Park.
- 2.3 Clonlara Road is directly accessible from the N7 and the immediate area is characterised as being industrial. It is noted that there appears to be two large industrial units that are vacant along Clonlara Road. Greenogue Industrial units are visible on the landscape to the north-west of the appeal site. Light aircraft leaving the aerodrome was also noted during inspection.

3.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The applicant is seeking permission for demolition of existing pre fab building of 39.4sq.m. The construction of 3 no. units for light industrial and logistics/warehouse use ranging in size from 10,837sq.m. to 10,967sq.m. (with option to subdivide subject to tenant requirements). The total GFA of the development is c. 32,771sq.m. including 1,569sq.m. of ancillary office floorspace. The development is served by service yards and 329 no. of car parking spaces and 73 no. bicycle spaces. The maximum parapet height of

the units is 12.65 metres. Access to the site is from Barneys Lane and Clonlara Road and will include new access bridge to Unit B and C.

Development is to include attenuation measures including detention basin located to the south east of the site.

The development also includes 2 no. substations with internal switch rooms and plant; all site development works, landscaping and associated boundary treatment and all other ancillary works.

Signage is also proposed comprising three no. illuminated double sided free standing totem pole signs..

4.0 TECHNICAL REPORTS

4.1 Planning report

The planning report noted that two separate use classes are being applied for and are not interchangeable. It is set out that the uses should be restricted to warehousing as this would appear to be the use noted throughout the documentation. It was noted that the development falls below mandatory EIA. Details of three pre-planning meetings are noted within the report.

The lands were considered acceptable in principle for the proposed development. The planner considered that insufficient information was submitted to allow for full and adequate assessment of the proposal on lands for which a Justification Test for the purposes of Development Plan has not been undertaken. It was recommended that further information be sought.

The planning report prepared in response to the FI submission, concluded that the site serves as a flood attenuation area and a flooding path. It is set out that the proposal would not result in the achievement of a required redevelopment of an urban centre designated for growth under the RPGs and would represent the further incremental growth of a business park outside of any urban centre. It was recommended that permission be refused for five reasons all pertaining to flooding.

Environment Section

Report sets out that additional information should be sought regarding a detailed project construction and demolition waste management plan.

EHO

Acceptable subject to conditions

Heritage Officer

The proposal is exceptionally large in footprint and as an additional measure to address these issues, the applicant is requested to submit proposals for green roofing and/or green or living walls for the proposed development.

Roads Department

The site is within the study area for the proposed N7 Junction 1 (M50) to Junction 9 (Naas North) Motorway Scheme. The report acknowledges that the applicant has taken extensive counts and conducted capacity analyses within the area of the proposed site. Parking is just below the required 350 spaces as per the development plan but there are adequate spaces on site to accommodate any additional spaces required. Applicant has calculated spaces based on warehouse/logistics use and should be conditioned accordingly. A separate application for change of use if so required should be sought.

Water Services

Report dated 16/11/2015 - No objection subject to the conditions, one of which indicates that the floor levels are to be a minimum of 500mm above the highest known flood level for the site.

Report dated 07/12/2015 - No objection subject to conditions. This report notes that part of the site in question has been identified in the Camac CFRAMS report as being subject to flooding in the 100 year flood. The applicant has engineered the site so that the proposed buildings will not be subject to flooding in the 100 year event. In addition the applicant has provided compensation storage so that there is no additional flood risk upstream or downstream of the site in question than that which existed originally.

Parks and Landscape Section

No objection subject to conditions

Prescribed Bodies

Irish Water

No objection

Department of Defence

The Department is satisfied that the proposed development complies with the requirements for developments in the vicinity of Casement Aerodrome. A condition is recommended requiring CCTV cameras be prevented from panning onto military property. The development will not penetrate any of the ICAO Annex 14 'Obstacle Limitation Surfaces' established for Casement Aerodrome. However, as it is likely that any crane activity during construction will, a schedule of works that require erection of cranes be agreed with Irish Air Corps Air Traffic Services at least 30 days in advance of such works. It is also a requirement that management put in place measures to monitor and ensure that the development does not become a bird attractant, particularly with regard to increased attenuation areas within the development.

TII

The Authority will reply on the planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities.

An Taisce

The level of car parking is not justified. The proposal is excessively car dependent and does not address Smarter Travel: A Transport Policy for Ireland, 2009-2020 targets.

Other referrals

It is noted that the application was referred to ESB, Inland Fisheries Ireland, Department of Environment, Communities and Local Government, Department of Arts, Heritage and the Gaeltacht but no responses were received.

5.0 PLANNING AUTHORITYS DECISION

The Planning Authority refused permission for the following reasons:

1. The proposed development **does not comply with the requirements of the sequential approach as set out in section 3.2 of the Planning System and Flood Risk Management Guidelines** (November 2009) in that the proposal is within Flooding Zone A is 'less vulnerable' as defined under Table 3.1 and **fails the Justification Test for Development Plans** as set out in Box 4.1 of the Planning system and Flood Risk Management Guidelines (November 2009) which is required for major proposals in areas of flood risk pending implementation of the guidelines as set out in section 5.27. Development on the lands for purposes which are not compatible with flooding inundation is to be avoided as set out in Figure 3.1 of the Flood Risk Management Guidelines. Development of the lands would **contravene the requirements of the Flood Risk Management Guidelines** as set out

above and would not be in accordance with the proper planning and sustainable development of the area.

2. The proposed development **does not comply with the Justification test** for development plans as required under Box 4.1 of the Flood Risk Management Guidelines (2009) which is required for major proposals in areas of flood risk pending implementation of the guidelines as set out in Section 5.27. the proposal is:-

(a) not located within Lucan, Clondalkin, or Tallaght which are identified urban settlements targeted for growth under the Regional Planning Guidelines

(b) not essential to facilitate regeneration and/or expansion of the centre of the identified urban settlement,

(c) is not significant previously developed or underutilised lands within the urban settlement,

(d) is not within or adjoining the core of an established and designated urban settlement,

(e) will not be essential in achieving compact and sustainable urban growth of the urban settlement.

Therefore the development of the identified floodplain, which **is not proximate to any identified urban centres designated for growth** under the Regional Planning Guidelines, for non-essential warehousing and logistics use, would not be in accordance with the proper planning and sustainable development of the area.

3. The proposed development **on the identified floodplain**, which is not proximate to any identified urban centres designated for growth under the Regional Planning Guidelines for non-essential warehousing and logistics use, **would not comply with criterion 3 of the Justification test for development plans** as contained within Box 4.1 of the Planning System and Flood Risk Management Guidelines. A **Strategic Flood Risk Assessment undertaken on behalf of the Planning Authority has identified the risk of flooding to the lands** and recommended avoidance of development on the lands unless for water compatible uses due to concerns relating to obstruction of flooding pathways and storage of flooding waters. The Planning Authority is **not satisfied that the development of the lands for non-essential warehousing and logistics use would represent an appropriate use** of undeveloped lands on a floodplain. As such the development of the lands would not be in accordance with the proper planning and sustainable development of the area.

4. The Planning Authority is not satisfied that the use of the car parking serving units B and C, which it has been demonstrated within the Punch Consulting Engineers' response to further information Item 5 would flood under Scenario C, **would not represent a hazard to employees and visitors through inundation with foul water, debris**, slippage, or opening of manhole covers etc. The proposal would, therefore, **represent a hazard to human health** and would not be in accordance with the proper planning and sustainable development of the area.
5. The proposed development would take place within an identified floodplain that has been determined as being on lands, the development of which is not essential for the proper planning and sustainable development of an urban centre designated for growth. **Sufficient lower risk lands are available within EP2 and EP3 zoned lands throughout the county.** The proposed development **would therefore materially contravene Policy WD14: Identified Flood Risk Areas**, as set out in the South Dublin County Development Plan 2010-2016 which requires that such development not be permitted.

6.0 APPEAL GROUNDS

The first party appeal submission is lengthy with supporting documentation from engineering consultants. A brief synopsis of the submission is set out hereunder with the applicant's response to each of the reasons for refusal. Technical information provided by the applicant is examined in more detail within the assessment section of this report.

General Commentary

- The reasons for refusal are based entirely on reasons relating to flood risk. A detailed site specific flood risk assessment was undertaken by Punch Consulting Engineers and provides results from detailed hydraulic modelling of the potential flood risk to the site.
- The proposed development constitutes logistics and warehouse use, a less vulnerable development in the context of the Flood Risk Management Guidelines. The majority of the site is identified by Punch Consulting Engineers as being in Flood Zone B and C. it is noted that much of Flood Zone A within the proposed building and hard-standing area constitutes a manmade attenuation basin that was designed to flood as part of the original development and which it is proposed to relocate as part of the development proposal. The development has been designed to ensure that the great majority of the footprint of the proposed warehouse buildings and their associated car parking is located on the Flood Risk Zone C lands.

- The proposed development incorporates a series of flood risk mitigation measures. The layout has been designed so that the buildings have been raised above the 1:100 year flood level including the additional 20% for climate change and that the open parkland and landscaped areas will store flood waters. The development will not increase flood risk elsewhere and there is no loss of flood storage or any impact on flood water conveyance across the site due to the proposal.
- A detailed justification test has been prepared and is submitted as Appendix 2 of the appeal. This demonstrates that the development is compliant with the guidance set out therein. The site is located within the Metropolitan area of Dublin which is clearly identified in the NSS and RPG's as an area appropriate for growth, economic investment and development.
- The development represents significant economic investment and a development that would generate significant employment potential. It is the largest speculative logistics development ever progressed in the state.
- The submissions refers to Precedent case PL.17.239375 where permission was granted for a distributor road with accompanying cycleways, footpaths and landscaping, a new signal controlled junction with the R-125 in Kilcock, Co. Meath. The lands were located within the flood plain for the Rye Water which is within Flood Risk Zone A and B under "The Planning System and Flood Risk Management Guidelines". It is submitted that the Board concluded that the development was largely consistent with the plan making Justification Test as it was a development considered to be in accordance with the Regional Planning Guidelines and that an appropriate technical solution to mitigate potential flood risk had been proposed by the applicants.

Detailed response to reasons for refusal

- **Reason No. 1** – The statement that the proposal is located within Flood Zone A is factually incorrect. The majority of the proposed new development site is actually located within Flood Zone C. Only a small portion of the proposed developed and occupied area of site is located within Flood Zone A. This is not recognised or addressed in the planning report.
- A detailed Justification Test for development plans has been prepared and is submitted in Appendix 2, which details that Baldonnell is located within the Dublin Metropolitan Area and is defined as the Dublin and east Region, a designated gateway and growth centre. The NSS recognises the importance of consolidation of the Dublin Area in order to realise a competitive city. The site is highly accessible and serviced for development and provides a natural extension and consolidation of existing industrial lands. The strategic location of the site present an excellent opportunity to create a high quality

employment campus that supports SDCC policy EE5 which recommends that uses that generate significant levels of freight traffic locate proximate to the national road network.

- The lands are considered to be significantly under-utilised lands, having regard to the fact that they are zoned and serviced and their strategic location immediately adjacent to the N7 economic corridor. The development will provide for the delivery of a critical mass of economic development which will support increased investment in the area.
- It is submitted that the majority of the site is located in a low risk flood zone for development. The proposal is for logistics and warehousing use and is not a vulnerable land use. The proposal accords with the zoning and economic policy objectives of the Council. It has been demonstrated that the site floods to very low volumes and velocity. In this regard it is considered that the development is fully compliant with the requirements of the Flood Risk Management Guidelines.
- **Reason No. 2** – It is submitted that the Justification Test is only required for highly vulnerable developments within Flood Zone B and the subject site does not constitute a Highly Vulnerable Development. The applicability of the Flood Risk Guidelines is questionable given the very limited extent of the site proposed for buildings. Notwithstanding this a full Justification Test has been prepared and is enclosed.
- This reason for refusal appears to be largely predicated on the view that the site is not located within an urban settlement targeted for growth under the Regional Planning Guidelines. The assertion that only the three settlements of Clondalkin, Lucan and Tallaght are targeted for growth under the RPG's is incorrect. It is set out that almost all of the zoned EP2 land and EP3 land in the county is not directly linked to these consolidation towns. Such industrially zoned land is imperative to the economic growth, expansion, and performance of the County and supports the population base of these urban centres. The site forms part of the 'core' of the gateway comprising the Dublin Metropolitan area which is designated for growth. The entire Dublin Gateway is designated for growth in the NSS not just part of it.
- The reason for refusal in respect of this aspect directly contradicts the South Dublin County Council position on Greenogue Industrial area which is zoned for industrial and warehousing uses in the 2010 County Development Plan and is zoned EE in the draft County Development Plan 2016-2022. A Strategic Flood Risk Assessment is included in the proposed material amendment to the draft South Dublin County Development Plan 2016-2022 undertaken by RPS on behalf of the Council. The assessment in this case concluded that it is located in an urban settlement type identified for growth

under the NSS, RPG's and statutory development plan. This analysis equally applies to the subject site at Baldonnell as to Greenogue.

- It is argued that whilst the RPGs identify a number of Metropolitan Consolidation Towns where population growth is targeted, they also have clear policy objectives to promote economic investment and growth both in the Metropolitan Area and along the Multi Modal Transport Corridors. The subject lands are located in the Metropolitan Area adjacent to the N7 corridor and in close proximity to Dublin City. The consolidation of an existing asset such as the Baldonnell Business Park, which is well served by existing infrastructure, is in accordance with the principles of consolidation within the existing footprint of the city.
- It is set out that the subject lands are essential to facilitate the sustainable expansion of new economic development along the defined economic corridor of the N7. The lands are located directly adjacent to the existing business park and thus are sequentially preferable, available and serviced development lands to create a compact urban form in accordance with national, regional and local development policy.
- The existing Baldonnell Business Park is a premium logistics and industrial location. Significant public investment has taken place to provide services for the lands including water supply, waste water infrastructure and sewer connections. The site is ready to go in terms of development, which is vital for the economic growth of the County.
- The adopted Guidelines do not explicitly preclude development in Zone A, flood risk areas which are not within or adjoining city or town centres. The Justification Test for Development Plans undertaken by RPS on behalf of the Council in respect of the Draft County Development Plan 2016-2022 concluded that Greenogue Industrial Estate complies with this criterion on the basis that "the subject development lands are predominantly within the Metropolitan Area of the Greater Dublin Area". Again, the subject lands at Baldonnell are within the Metropolitan Area of the Greater Dublin Area.
- Logistic developments are not located in town centres by their very nature and scale. The subject lands form a sequentially preferable and the most logical location for the delivery of new economic development within the administrative area of South Dublin County Council. They form a natural and plan led expansion to an existing established business park, in a highly accessible and strategic location which is already serviced.
- **Reason No. 3** - The Strategic Flood Risk Assessment undertaken by the Council refers to the report titled "Strategic Flood Risk Assessment for SDCC Development Plan – Detailed Plan on Flood Risk in the Baldonnell Area"

prepared by RPS. It is noted that this Plan has not been adopted and is still at draft stage. It is set out that this report has been based on the CFRAM mapping and it does not appear that any further topographical survey work was undertaken by SDCC. A detailed site specific assessment based on detailed survey and hydraulic modelling was not undertaken by SDCC to inform the analysis in this report.

- The SSFRA prepared by PCE provides a detailed and robust analysis of the site and River Camac. This is based on a much more detailed topographical survey and hydraulic model of the river. The hydraulic model was constructed in ISIS-TUFLOW which is the industry standard, a powerful computational engine that provides one-dimensional and two dimensional solutions of the free-surface flow equations to simulate flood and tidal wave propagation. The Camac cross-section width and height including bed and bank levels were surveyed. The Camac survey information was utilised in the detailed modelling carried out and presented in the Flood Risk Assessment submitted with the planning submission. This data allowed for the construction of a channel representative of the River Camac channel. This data was combined with the LiDAR data and other topographical land surveys to create a 3D ground model of the site in question and the surrounding lands.
- By contrast the CFRAMS models are based on a limited number of Camac cross-sections for the site with only a single node indicated on the CFRAM map. The PCE ground model is considered to be much more accurate and is considered to override the CFRAM model accordingly.
- The majority of the site for new development is at present not at high risk of flooding i.e. is in Flood Zone B and C. (The Board should note that there appears to be a typographical error in the submission at this point as it appears that 'B' was omitted in error).
- Detailed mitigation measures have been incorporated into the design of the development to mitigate any potential flood risk and the development will in fact increase and improve the storage capacity of the lands. It has been clearly shown that the development will not result in any additional flood impact upstream or downstream of the development.
- **Reason no. 4** – It is submitted that Scenario C referred to is a 'doomsday' scenario. As detailed in the PCE report scenario C could only occur when a major 50% blockage of the River Camac occurs during a 1:100 year flood event. Even then only minor flooding that can be walked through would occur in the car park and road areas around Units B and C and no flooding of the units would take place. With any maintenance regime of the River Camac

channel even this potential minor car park flooding during 1:100 year flood event will be avoided.

- It is set out in the engineer's report that "...even in the worst case flooding scenario that flooding depths will only occur to a depth of c. 101mm with very low flood water velocities – 0.5m/s across the site. The depths are also considered in the context of the UK Environment Agency "Flood Risk to People" Guidance document and the worst case water depths and velocities are far below the threshold limits to cause danger to people". This level would not even reach above the pavement level where the standard kerb height is 125mm.
- With regard to the threat to people through inundation with foul water, the applicant responds by stating that the foul sewers are designed to be completely dedicated to waste water and sealed; hence there is no pressure differential/surcharge of the surface water run-off into the foul water sewer network, whether there is a flood event or not. The only possible way the foul system could be charged in a flood event would be through seepage into manholes via the manhole covers. It is proposed that all foul manholes located within the site be fitted with double sealed and lockable covers to ensure surface water seepage in the foul system via manhole covers is completely eliminated. This also eliminates the threat of people opening man-hole covers.
- With regard to "threat to people through debris" reference is made to the UK Environment Agency "Flood Risks to People" Guidance document, which stipulates in Table 7.1 page 34 that for a floodwater depth of 0.25m or less, the debris factor is 0 regardless of dominant land use. It is considered that there is no risk associated with debris to the site of the proposed development. It is also considered that the threat to people through slippage is negligible. Any residual risk can be mitigated through the use of emergency planning and effective flood emergency response.
- **Reason No. 5** – This reason for refusal notes that there are sufficient lower risk land within EP2 and EP3 zoned land throughout the County. The planning authority, however, provide no analysis as to the availability, viability or accessibility of these lands. This also ignores that fact that the great majority of the proposed site is located on lands of lower risk of flooding.
- The appropriateness and suitability of the subject lands for the nature of development proposed is clearly acknowledged by the Council. Policy EE5 of the plan states "...policy of Council to encourage developments that are likely to generate significant levels of freight traffic to locate on appropriately zoned sites proximate to the existing County of National road network..."

- It is set out that there are no lands in the vicinity of the existing urban settlement of Baldonnell that would offer a suitable alternative location for the development proposed. There is a complete lack of Grade A large prime distribution units in Dublin and the proposed development will redress this shortage.
- The submission concludes by re-iterating the main points already set out. It is set out that the principle of the development at this location has clearly been accepted by the Planning Authority and no other objections or concerns have been raised in respect of the development. It is set out that the reasons for refusal are unwarranted. It is submitted that the proposed development incorporates a series of mitigation measures and thus the development in fact will result in an improvement over the existing situation.
- The appellant also refers to the guidelines that “ ...Planning Authorities must strike a fair balance between avoiding flood risk and facilitating necessary development, enabling future development to avoid areas of highest risk....” It is submitted that a decision on this application must be made taking a balanced approach to the proper planning and sustainable development of the area having regard to the relevant planning policy framework and all guidelines and plans.

7.0 RESPONSES

7.1 Planning Authority

The planning officer’s report was particularly comprehensive in this instance and it is considered that the matters raised have already been adequately deal with.

8.0 PLANNING HISTORY

Appeal site

File Ref. No. S00A/0144 An ESB sub-station building was granted with associated site works.

The planner’s report notes that numerous planning permissions have been granted within the adjoining Baldonnell Business Park. The planner’s report makes reference to the following files due to their large scale logistics operations:-

File ref. No. SD03A/0430 Permission granted for a single storey extension and associated site works, for warehouse storage and distribution use, to existing single storey detached warehouse and an erection of a perimeter boundary fence to proposed extension. This site abuts the appeal site along the south-west corner.

File ref. No. S01A/0159 Permission granted for a warehouse and ancillary offices on site no. 2 at Baldonnell Park, Brownstown with access from Barneys Lane via a previously approved estate road. This unit is located along the southern boundary of the appeal site.

9.0 PLANNING POLICY

9.1 The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009

These Guidelines introduce comprehensive mechanisms for the incorporation of flood risk identification assessment and management into the planning process. The Guidelines provide:-

“In the case of application for planning permission and development consents to planning authorities and An Bord Pleanála, applicants and their agents are required to:

- Carefully examine their development proposals to ensure consistency with the requirements of these Guidelines including carefully researching whether there have been instances of flooding or there is the potential for flooding, on specific sites and declaring any known flood history in the planning application form as required ...
- Engage with planning authorities at an early stage, utilizing the arrangements for pre-planning application consultation with regard to any flood risk assessment issues that may arise.
- Carry out a site-specific flood risk assessment, as appropriate, and comply with the terms and conditions of any grant of planning permission with regard to the minimization of flood risk.

9.2 Regional Planning Guidelines, Greater Dublin Area 2010-2022

Core principles from this strategic vision for these RPGs, drawing on the 2004 RPGs are:

- Dublin as the capital city of Ireland and a major European centre shall grow and progress, competing with other cities in the EU, and serving a wide range of international, national, regional and local needs.
- The Dublin and Mid-East Regions will be attractive, vibrant locations for industry, commerce, recreation and tourism and will be a major focus for economic growth within the Country.
- The GDA, through its ports and airport connections will continue to be the most important entry/exit point for the country as a whole, and as a Gateway between the European Union and the rest of the World. Access to and through the GDA will continue to be a matter of national importance.
- Development in the GDA shall be directly related to investment in integrated high quality public transport services and focused on compact urban form.

- Development within the existing urban footprint of the Metropolitan Area will be consolidated to achieve a more compact urban form, allowing for the accommodation of a greater population than at present, with much-enhanced public transport system, with the expansion of the built up areas providing for well-designed urban environments linked to high quality public transport networks, enhancing the quality of life for residents and workers alike.
- Development in the Hinterland Area will be focused on the high quality integrated growth and consolidation of development in key identified towns, separated from each other by extensive areas of strategic green belt land devoted to agriculture and similar uses. These towns will have high levels of employment activity, high order shopping and full range of social services, with good road and bus linkages to other towns and by high quality public transport to the City and play key roles in serving the surrounding rural communities and smaller towns and villages.

Delivery of the vision and principles requires the active support and delivery of the policies of the RPGs to achieve the potential of the GDA as the key regional driver for the State. Success depends on balanced development integrated with prioritised investment; high quality forward planning; adaptability to environmental, societal and economic change; and strong marketing of the GDA as an attractive, competitive international City-Region. All areas within the GDA shall collectively contribute to its success and in turn draw their individual strengths from the City Region.

Landuse & Transport Integration

There is a need to encourage land use policies in this RPG that support the investments currently being made in public transport under Transport 21 to ensure that the maximum benefit is gained both economically, socially and environmentally. Landuse and transport are critical interlinked policy tools that need to work together to better realise economic success, environmental protection and quality of life. The integration of investment in transport, particularly public transport, with housing, business and leisure locations is essential to make certain the Guidelines are effective and for good returns to be gained from investment by the Government in public transport.

Flood Risk

The direction by the Minister that future Plans need to include flood risk assessment or appraisals is a new element to the preparation of RPGs. At a regional level, there is a need for a high level appraisal that provides strategic direction to local authorities on flooding policy, on the need to avoid development in flood prone locations and balancing this against the delivery of sustainable development patterns through intensification of development in key towns.

9.3 South Dublin County Council Development Plan 2016-2022

This development plan was made on 16th May 2016 and took effect from 12th June 2016 and hence it is the policies and objectives contained in this plan that apply to the proposed development.

The settlement hierarchy seeks the continued consolidation of the established urban and suburban built form as a priority. With regard to phasing section 1.8.0 seeks to prioritise underutilized industrial lands that are close to town centre and transport nodes and are designated with Zoning Objective Regeneration 'REGEN'. These lands are serviced and offer significant potential for more intensive employment and/or residential development and associated uses.

Chapter 4 Economic Development and Tourism and Chapter 5 Urban Centres contain policies and objectives to support economic development of the County.

Section 4.3.1 sets out overarching policies and objectives in relation to economic and tourism, a copy of which is enclosed as an Appendix for ease of reference by the Board.

Chapter 7 deals with infrastructure and environmental quality. Section 7.3.0 specifically deals with flood risk management. Objective IE3 SLO 1 requires the preparation of a site and catchment specific Flood Risk Assessment and Mitigation Strategy, prepared by a qualified person to be submitted with any proposal for development on the 'EE' zoned lands and demonstration that the development satisfies all the criteria of the Development Management Justification Test as set out in Table 2.3 of the document titled 'Strategic Flood Risk Assessment for SDCC Development Plan – Detailed Report on Flood Risk in the Baldonnell Area'.

Section 7.8.1 deals with Casement Aerodrome. I enclose specific objectives in relation to the aerodrome for reference by the Board.

10.0 ASSESSMENT

Having examined the file, relevant history files, considered local and national policies, inspected the site and immediate environs, assessed the proposal and all of the submissions on file, I consider the key issues to be:

- Compliance with planning policy
- Flooding
- Aviation considerations
- Archaeology

- Environmental Impact Assessment
- Appropriate Assessment

11.1.0 Compliance with planning policy

11.1.1 The appeal site is located along the strategic N7 route and west of the M50 in the Metropolitan area of Dublin. The appeal site is located on lands which are identified as having an 'EE' land use zoning objective – '*to provide for enterprise and employment related uses*' in the recently adopted South Dublin County Council Development Plan 2016-2022. The appeal site immediately abuts the Baldonnell Business Park and as such the lands do form a natural extension of this park. The principle of the proposal for three warehouses for light industrial and logistics/warehouse use is therefore considered acceptable.

11.1.2 Whilst the lands are zoned such that allows for light industrial and warehousing, the fact is that the lands are located within a floodplain. I therefore, consider that a planning justification for permitting the development of these lands needs to be demonstrated. The applicant submitted an assessment report which provides an overview of the logistics industry, an overview of Baldonnell Business Park for proposed development and a site suitability assessment prepared by CBRE. This report focuses primarily on the logistics industry. Documentation on file indicates that the proposed development at Baldonnell represents a significant economic and foreign direct investment. It is being progressed by Mountpark Logistics EU who has been developing warehouses in the UK for over 25 years. The units will operate on a 24 hour basis and it is set out that they will employ up to 820 people on completion. The applicant submits that the lands are strategically located in the Metropolitan area with respect to the site's proximity to the national road network. The lands are serviced for development and provide a natural extension and consolidation of existing industrial lands. The applicant makes reference that there are no other suitable alternative development lands available that have the same level of accessibility or with appropriate infrastructure and services available.

11.1.3 With regard to the description of proposed uses in the public notices, the applicant has indicated that the units would be for logistics/warehousing and/or light industrial. I concur with the Planning Authority that these uses are separate and distinct uses in their own right. Whilst both uses, having regard to the zoning objective, are acceptable on the lands in question the documentation on file would appear to indicate that the predominant use would be logistical. Having regard to the location of the site immediately

abutting Casement Aerodrome and limitations associated with such use; the existing uses within the Baldonnell business park and proximity to the N7 strategic route, it is considered that the use of the units should be limited to that of warehousing/logistics.

11.1.4 It is considered that having regard to the scale of the development proposed, that there would appear to be no other suitably zoned lands proximate to the national route that could be considered. The Regional Planning Guidelines advocate a major focus for economic growth within this region. Having regard to the nature of the use access to good road infrastructure is considered critical along with ease of access to ports etc. I, therefore consider that the proposal to locate on the existing appropriately zoned and serviced lands is acceptable subject to a specific site flood risk assessment as provided for in the county development plan.

11.2.0 Flooding

The primary issue, to which all five reasons for refusal centre on, is that of flooding. Whilst there is an overlap to some degree in the wording of the reasons for refusal, essentially the issues cited by the Planning Authority focus on the following:

- a) Non-compliance with the sequential approach required under section 3.2 of the national flood guidelines.
- b) Failure to meet the Justification Test for Development Plans as set out in Box 4.1 of the Guidelines;
- c) Inappropriate use of undeveloped lands on a floodplain for non-essential warehousing
- d) Proposal would represent a hazard to human health
- e) Material contravention of Policy WD 14: Identified Flood Risk Areas.

For completeness, I will assess the issue of flooding as per the aforementioned issues.

11.2.1 Sequential Approach

11.2.1.1 Chapter 3 of “The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009” provide details on the sequential approach which seeks to direct development first and foremost towards lands that is at low risk of flooding. As the Board are aware Zone A pertains to areas with a high probability of flooding; Zone B a moderate probability of flooding and Zone C a low probability of flooding. As per the provisions of classification of vulnerability of different types of development, the proposed use, logistics/warehousing is considered to constitute a less vulnerable development. Having regard to the matrix of vulnerability versus flood zone, less vulnerable development requires a justification test in Flood Zone A as it is otherwise appropriate in Flood Zone B and Flood Zone C. The applicant

has indicated in the documentation on file that approx. 76% of the development would be located in Flood Zone B and C.

11.2.2 Justification Test

11.2.2.1 As provided for in the Flood Risk Management Guidelines, the Justification Test has been designed to rigorously assess the appropriateness or otherwise of particular developments. The test is comprised of two processes. The first is the Plan-Making justification test which is used at the plan preparation and adoption stage where it is intended to zone or otherwise designate land which is at moderate or high risk of flooding. The second is the Development Management Justification Test and is used at the planning application stage where it is intended to develop land at moderate or high risk of flooding for uses or development vulnerable to flooding that would generally be inappropriate for that land.

11.2.2.2 With regard to the Plan-Making Justification Test, the appeal site was zoned as part of the 2010-2016 county development plan; the statutory plan at the time when the planning authority issued the notification of refusal in this instance. The recently adopted South Dublin County Development Plan 2016-2022, which was subject to Strategic Environmental Assessment, took effect from 12th June 2016 and is the relevant statutory plan. Further a 'Strategic Flood Risk Assessment of SDCC Development Plan' dated 8th May 2015 was prepared to assist SDCC in, *inter alia*, reviewing the zoning objective for these lands with regard to flood risk; applying the Guidelines sequential approach; where necessary to appraise sites using the Guidelines Justification Test; and identifying how flood risk can be reduced as part of development.

11.2.2.3 I enclose a copy of the Strategic Flood Risk Assessment carried out by RPS on behalf of SDCC for reference by the Board. Having regard to the fact that this report informed the making of the recently adopted development plan, I consider that the justification test for development plan has been undertaken as part of this recent development plan review process. Therefore, I conclude that the reason for refusal citing failure to comply with the Justification Test for Development Plans cannot be sustained.

11.2.2.4 Following on from the application of the sequential approach, and the development plan justification test it is considered that a justification test for development management be considered. This is supported by the local objective IE3 SLO1 in the development plan:

“To require the preparation of a site and catchment specific Flood Risk Assessment and Mitigation Strategy, prepared by a qualified person(s), to be submitted with any proposal for development on the ‘EE’ zoned lands and demonstration that the development satisfies all the criteria of the Development Management Justification Test as set out in Table 2.3 of the document titled ‘Strategic Flood Risk Assessment for SDCC Development Plan – Detailed Report on Flood Risk in the Baldonnell Area’.

11.2.2.5 In this regard a Flood Risk Assessment report, prepared by Punch Consulting Engineers (PCE) was submitted with the application. This report sets out that following a review of the CFRAM Study that the River Camac which flows adjacent to the site of the proposed development generated a fluvial flood risk within the site of the proposed development. CFRAM mapping suggested that circa 35% of the site was located within Flood Zone A with the majority located in Flood Zone B & C. In order to quantify the flood risk and to guide the design and layout of the proposed development, a 1D-2D hydraulic model of the River Camac and associated flood plain was built by PCE. The buildings have been raised above the 1:100 year flood level and the open space areas will store the floodwaters. It is set out that the existing site levels will be retained in the riparian strip along the Camac and in the large open areas between the proposed buildings and the Aerodrome and between Units A and B. The proposed development will not influence flooding elsewhere as there is no loss of flood storage or any impact on floodwater conveyance across the site due to the proposed development. The FFLs of the proposed units are as follows: Unit A FFL95.6, Unit B FFL96.2 and Unit C FFL: 97.3.

11.2.2.6 In response to a further information request, a series of additional drawings were included to show the flood extent, water depths and velocities that would occur within the site for various scenarios. Scenario A is the 1 in 100 year flood event with unrestricted flow in the Camac; Scenario B is the 1 in 100 year flood event with Barneys Lane culvert restricted by 50% and Scenario C being the 1 in 100 year event with the Camac channel reduced by 50%. It is proposed to put in place a maintenance regime along the River Camac for the extent of the boundary to the development to ensure the Camac flow is unrestricted. Any future sale or lease agreements with Purchasers/Tenants will include the requirement for the maintenance regime. It is submitted that during the 1 in 100 year flood event most of the Camac flood waters exit the Camac at a low point in the River Camac banks upstream of the site and flow into the undeveloped portion of the site between the buildings/car-parking and the Casement Aerodrome boundary. The flood waters are fully contained in the landscaped and detention basin areas designed to cater for the 1 in 100 year event. In terms of examining the

worst case scenario, scenarios C this assumes a 50% blockage in the River Camac channel itself which the applicant submits is very unlikely. In this scenario minor flooding of roads and car-parking around Units B and C would occur to a depth of circa 101mm with very low flood water velocities. It is submitted that all the building units are unaffected by flood waters. I note that a response to the grounds of appeal prepared by PCE indicates that the difference in water levels between 1 in 100 and 1 in 1000 flood events is approx. 20mm and in this case that no flooding occurs to the buildings, car parks, roads or hard-standing areas.

11.2.2.7 Having considered the voluminous information on file submitted by the applicant in respect of the flood risk assessment and the justification test, I consider that on balance the applicant has submitted satisfactory information demonstrating that the proposed development, whilst located on a floodplain, would not exacerbate or contribute to flood waters arising from a 1 in 100 year flood event. I refer the Board to Table 8 'Water Levels for Pre and Post Development for nodes 1-9' in the 'Flood Risk Justification Test Report' prepared by John Spain Associates. The details on file clearly indicate that subject to the carrying out of proposed mitigation measures such as maintenance of the Camac River channel and the provision of the detention basin, that there would be no flooding to either the proposed buildings or residual flooding elsewhere as a result of displaced waters. I therefore, conclude that the applicant has adequately addressed the acceptability of the proposed development in this regard.

11.2.3.0 Other flood concerns

With regard to other flood concerns cited in the reasons for refusal by the Planning Authority, I would point out to the Board that the recently adopted South Dublin County Development Plan provides for land use zoning objective 'EE' on the site – to provide for enterprise and employment generating uses on this identified floodplain. Such uses provide for non-essential development which includes warehousing as provided for in the zoning matrix. The environmental considerations of such uses were considered as part of a strategic environmental assessment (SEA) undertaken as part of the development plan process. Furthermore, a local objective within the development plan and which is specifically referred to in the SEA report provided for a site specific flood risk assessment to be undertaken, which I consider to have adequately dealt with the concerns raised by the Planning Authority. I, therefore, do not consider that a reason for refusal based the development of non-essential warehousing on these lands can be sustained.

11.2.3.2 The applicant clearly demonstrated that the proposal would not constitute a risk to human health as part of the flood risk assessment and

in particular in the response dated 11th February 2016 to the further information request which is supported by further details within the appeal submission.

11.2.3.3 Finally, in relation to the reason for refusal that cites “*material contravention of Policy WD 14: Identified Flood Risk Areas*”, I consider that this policy has been superseded by the recently adopted South Dublin County Development Plan. The specific local policy IE3 SLO1 supersedes this by requiring the submission of a specific flood risk assessment report for any proposed development of the lands. The applicant has indicated that the Flood Risk Assessment is based on a detailed hydraulic model of the River Camac using a ground model sourced from two different sources; topographical surveys and LiDAR data.

11.2.3.4 With regard to flooding, I conclude, that the proposal is considered acceptable based on the findings and conclusions of the site specific flood risk assessment report submitted by the applicant. It is notable that the water services department has no objections to the proposed development as indicated in both reports prepared by them. It is imperative, however, that all mitigation measures as set out by the applicant are implemented in full should permission be considered favourable.

11.3.0 Aviation considerations

11.3.1 The appeal site immediately bounds the Baldonnell / Casement Aerodrome to the north. A detailed aviation report commissioned by an aviation consultant in the UK on behalf of the applicant was submitted with the application.

11.3.2 With regard to the development plan provisions, it is the policy of the Council to safeguard the current and future operational, safety and technical requirements of Casement Aerodrome and to facilitate its on-going development for military and ancillary uses, such as aviation museum, within a sustainable development framework. There is a specific policy which seeks to maintain the airspace around the aerodrome free from obstacles to facilitate aircraft operations to be conducted safely, including restricting development in the environs of the aerodrome.

11.3.3 The applicant submitted an ‘Aviation Impact Assessment’ which was conducted by Airport Planning and Development Ltd. The assessment indicates in Figure 4.2 that the proposed development falls within the transitional surface associated with runway 05/23. Of note the maximum permitted height of the development (as indicated in this assessment) could be 12.12m. I refer the Board to Figure 4.1 Maximum Permitted Development Height which indicates that there would be no penetration by any unit based

on current heights and AOD floor levels proposed. It is set out that the consultant in this case worked with the agents to demonstrate how the development would not exceed these limits. This is based on the finished floor levels and the height of the parapets once constructed. In this regard, boundary sections and transition surface sections have been submitted.

11.3.4 Of note the assessment also indicates that a sterile zone of 2.5m should be created from the existing Aerodrome boundary fence to the boundary of this development, subject to a minimum width of 2.5m. The report also recommends that no building shall be located within 10m of the edge of the sterile zone. The layout of the proposed scheme generally accords with these requirements. The application was referred by the Planning Authority to the Department of Defence who indicated that they had no objection to the proposal.

11.4.0 Archaeology

The National Monuments Service records indicate that there was a recorded monument DU021-021, a ringfort, recorded in the south-western section of the site. An archaeological desk top study was submitted with the application which indicates that excavation of this site was undertaken in 2000 and 2009, with a geophysical survey undertaken in 2009. No evidence of the recorded monument was found, consequently, the Department has listed the site as being redundant. Two other sites, DU021-098 and DU021-102, burnt mounds are also identified as being located in this area of the site (south-west corner). There are two other sites DU021-101 (fulacht fia), DU021-100 (burnt spread) are located to the south-west but outside the confines of the appeal site. The planning authority indicated that it was satisfied having regard to the level of detail contained within the desk study, the level of investigation undertaken by the applicant to determine the impact of the development on the relevant section of the site that the proposal was acceptable subject to archaeological monitoring. I would concur with the Planning Authority in this regard and would also recommend such a condition.

11.5.0 Environmental Impact Assessment

Section 172 (1) of the Planning and Development Act as amended, requires that EIA must be carried out by the Planning Authority or the Board, as the case may be, in respect of an application where either the proposed development would be of a class specified in Schedule 5 of the Planning and Development Regulations 2001 as amended, which exceeds a quantity, area or other limit specified in that schedule or the proposed development is of a class specified in Schedule 5 which does not exceed the specified quantity,

area or limit but which the planning authority or the Board determines is likely to have significant effects on the environment.

The following is an extract from said Regulations that is of relevance to the proposed development and which require EIA.

“Infrastructure projects

(a) Industrial estate development projects, where the area would exceed 15 hectares.

(b) (i) Construction of more than 500 dwelling units.

(ii) Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.

(iii) Construction of a shopping centre with a gross floor space exceeding 10,000 square metres.

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)”

The proposal in this application is for the development of three logistical/warehouse units on an appeal site of 13 hectares which is below the mandatory threshold for EIA of 15 hectares for industrial estate development projects. With regard to sub-threshold development, the Seventh Schedule of the 2001-2016 Planning and Development Regulations sets out the criteria under which any such proposed development should be assessed for the purposes of whether or not the proposal is likely to have a significant effect on the environment. Having regard to voluminous information contained in the appeal documentation, together with other information contained on the file, I consider that having regard to the characteristics of proposed development and notably the lack of any industrial processing associated with the proposal; the location of proposed development; and characteristics of potential impacts that the proposal would not likely give rise to significant effects on the environment such as to warrant an EIA.

11.6.0 Appropriate Assessment

11.6.1 Introduction

A screening report was submitted by the applicant. This identifies that the site is not located within any Natura 2000 area. However there is a hydrological connection between Natura 2000 areas in Dublin Bay and the Poulaphouca Reservoir. The report provides a brief description of the Natura

2000 sites and their conservation objectives. The report provides an assessment of significant effects examining habitat loss; pollution during construction; pollution arising from surface water during operation; pollution arising from wastewater discharge; effects to water quality; abstraction; light and noise; and invasive species. The report concludes that significant effects are not likely to arise, either alone or in combination with other plans or projects that will result in significant effects to the Natura 2000 network. A full appropriate assessment of this project is therefore not required.

11.6.2 Stage 1 – Screening

With regard to the provisions of Article 6 of the Habitats Directive it is first necessary to consider

“Is the project likely to have a significant effect, either individually or in combination with other plans and project, on the European site(s) in view of the site’s conservation objectives”

There is one European Sites located within a 15 kilometre range of the proposed project. Site synopsis and conservation objectives for European Sites are available on the NPWS website and the most relevant one, Glenasmole Valley SAC (Site Code No. 001209) has been enclosed as an Appendix for the Board for ease of reference.

Natura 2000 Code	Site	Distance from site
001209	Glenasmole Valley SAC	6.6km south-east

The likely significant effects both direct and indirect arising from the proposed development within the context of the site’s conservation objectives is pollution of ground and surface waters. The risk of pollution may arise through the discharge of unclean/polluted water to nearby River Camac.

This valley lies on the edge of the Wicklow uplands with the River Dodder flowing through the valley approximately 6.6km (as the crow flies) from the appeal site. It is an SAC selected for the following habitats and/or species listed on Annex I/II of the E.U. Habitats Directive

- Orchid- rich Calcareous Grassland
- Molinia Meadows
- Petrifying Springs

The proposed development is not located within, or directly adjacent to any SAC or SPA. I would be satisfied that there is no direct pathway to the Glenasmole Valley SAC. It is noted that the applicant considered the South Dublin Bay and Tolka Estuary SPA within the zone of influence. Both of these sites are located a greater distance of 15kms from the site with no

direct pathway from the appeal site. Having regard to the source-pathway-receptor model, the nature and scale of the proposed development and the receiving environment and proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

12.0 CONCLUSION

The recently adopted county development plan establishes the principle of development by virtue of the land-use zoning on the appeal site. The Regional Planning Guidelines advocate the promotion of the Dublin region as the economic hub for the country. The appeal site is considered to be strategically located off the N7 with easy access to the M50. The characteristics of the proposed development, namely size of units, limit the potential locations in which they can be located whilst ensuring ease of access to strategic transport routes. The applicant has submitted a comprehensive site specific flood risk assessment which is considered to address the concerns cited by the Planning Authority in its reasons for refusal. The proposal is not considered to give rise to a traffic hazard or be prejudicial to public health. The proposal would not have an undue negative impact on aviation or flooding subject to mitigation measures outlined in the application.

13.0 RECOMMENDATION

Having regard to the foregoing, I recommend that, for the reasons and considerations set out, permission be granted subject to the conditions attached hereunder.

REASONS AND CONSIDERATIONS

The Board had regard, inter alia, to the following:

- (a) the provisions of the Planning and Development Act, 2000, as amended,
- (b) the provisions of the Regional Planning Guidelines, Greater Dublin Area 2010-2022
- (c) the provisions of the South Dublin County Development Plan, 2016 - 2022,
- (d) the Flood Risk Assessment Report submitted with the application and the additional Flood Risk Justification Test reports submitted in response to the request for further information from the planning authority and responses to the reasons for refusal;

- (e) the proximate location of the appeal site to the N7 and M50 strategic routes;
- (f) the nature and scale of the proposed development; and
- (g) the pattern and character of development in the area;

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity; would not have unacceptable impacts on aviation, archaeology, ecology, water quality or the landscape; and would be acceptable in terms of traffic safety and convenience. 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 11th day of February 2016 and by the further plans and particulars received by An Bord Pleanála on the 1st day of April, 2016, 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 environmental mitigation measures set out in
 - a) the Site Specific Flood Risk Assessment and associated documentation; and the
 - b) the Aviation Impact Assessment Report submitted by the applicant to the Planning Authority and to An Bord Pleanála shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of protection of the environment

3. The use of the units shall be limited to logistics/warehousing and shall not be used for any other purposes without a prior grant of permission.

Reason: In the interest of orderly development

4. 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 operation (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 Bord 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.

5. The 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 commercial units. This scheme shall provide adequate measures relating to the future maintenance of the 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 this development in the interest of visual amenity.

6. No unit shall be exclusively used as offices and all office use within the development shall be ancillary to the main use within each unit.

Reason: In the interest of clarity and to comply with the zoning provisions of the development plan for the area.

7. No additional floorspace shall be formed by means of internal horizontal division within the building(s) hereby permitted unless authorised by a prior grant of permission.

Reason: In order to control the intensity of development and to ensure that adequate car parking and service facilities will be provided within the development.

8. No goods, raw materials or waste products shall be placed or stored between the front of the building and the road.

Reason: In the interest of public health and the visual amenities of the area.

9. Water supply and 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.

10. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual amenity and to safeguard the existing aviation amenities in the vicinity.

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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 amenities of property in the vicinity

12. 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.

In this regard the developer shall liaise with the Department of Defence and put in place mitigation measures to ensure that the landscaped areas do not

become bird attractors and that any additional bird control measures that may be required are put in place.

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;
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period;
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs;
 - (iv) Details of screen planting which shall not include cupressocyparis x leylandii;
 - (v) Details of roadside/street planting which shall not include prunus species;
 - (vi) Hard landscaping works, specifying surfacing materials, furniture and finished levels;
 - (vii) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment;
 - (viii) A timescale for implementation.

13. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

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

14. Each unit shall be provided with changing and shower facilities to cater for cyclists employed in the building. Prior to commencement of development, revised drawings showing compliance with this requirement shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of sustainable transport.

15.No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

16.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. The agreed lighting system shall be fully implemented and operational, before [the proposed development] [any of the commercial units] are made available for occupation.

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

17.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.

Joanna Kelly
Inspectorate
7th July 2016