



An
Bord
Pleanála

Inspector's Report ABP-301182-18

Development	1.512 ha of surfacing to provide vehicle storage for 1,878 vehicles, access roads, car wash, extension and signage.
Location	National Vehicle Distribution Ltd., Browns Barn, Baldonnell, Co. Dublin.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD17A/0220
Applicant(s)	National Vehicle Distribution Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	National Vehicle Distribution Ltd
Date of Site Inspection	10 July 2018
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 7.4 hectares, is located to the north of Citywest, and to south east of Casement Aerodrome. The site is located on the northern side of the N7 and is accessed off the Baldonnell Road. The appeal site is part of the overall site occupied by the National Vehicle Distribution Limited storage facility, which is storage facility and distribution centre for new motor vehicles. The site is characterised by hard surfaced storage areas (mainly gravelled areas) and internal access roads. The appeal site is the southern portion of the overall facility. There are a number of structures on site, with the main structure a workshop building located to the south west of the site as well as a security hut at an existing entrance point off Baldonnell Road to the west of the site. The south western corner adjoining the workshop building is characterised by a grassed area. Existing boundary treatment consists of palisade fencing in addition to trees and hedgerows. The existing facility and the site has two entrance points, one on the boundary off Baldonnell Road (does not appear to be in active use) and the other located to the north of the site off Baldonnell Road, which is the main entrance to the existing facility. Adjoining lands to east and north east are undeveloped lands.

2.0 Proposed Development

2.1. Permission is sought for development that consists of a 1.512 hectares of gravel surfacing to provide outdoor, uncovered vehicle storage for up to 1,878 vehicles. The works will also include access roads, staff/visitor parking, footpaths, an automatic carwash, 3 no. handheld vehicle jet wash units and extension to the existing foul and surface water drainage network and water supply services. The proposal will also include extension to an existing building to provide a client reception area (total gross floor area of c.146sqm) together with replacement of 1 no. existing sign and the erection of 3 no. further new signs on an existing building.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 17 conditions. Of note are the following conditions...

Condition no. 3

Condition no.3 require a number of items relation aboricultural details to be submitted including revised plans incorporating a comprehensive tree report, a tree survey plan, tree survey schedule, aboricultural impact assessment, tree constraint plan, tree protection plan and aboricultural method statement.

Condition no. 4

Condition no. 4 requires a landscape design rationale together with comprehensive landscape proposal be prepared and submitted and agreed prior to the commencement of development.

Condition no. 5

Condition no 5 notes that compliance with condition no.s 3 and 4 may necessitate revisions to the layout to facilitate landscaping and tree protection and that such alterations should be agreed in writing prior to the commencement of development

Condition no. 6

Condition no. 6 requires measures to prevent pollution have not been adequately addressed in information submitted and requires the applicant to submit revised information including mitigation report outlining measures to prevent spillages/chemicals from leaching into water-sources/vegetation/soils.

Condition no. 7

Condition no. 7 requires no development to commence until the developer has engaged the services of a qualified arborist and such shall visit the site at minimum of a monthly basis.

Condition no. 9

Condition no. 9 requires adherence to following

(a) The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment.

(b) The hours of movement to and from the proposed development shall be outside peak hours in an east and west direction, except in the case of staff.

(c) Transport truck movements may take place via a left turn onto Baldonnel Road, and left turn onto N7 outside of peak hours only.

(d) Truck movements heading south on the N7 may take place via the Citywest Interchange or via Baldonnel Road and the Outer Ring Road to Kingswood Interchange.

(e) 24 hours-a-day/7 days-a-week working hours are acceptable save for 7:00 a.m.-9:00 a.m. on the N7 in an easterly direction and 4:00p.m.-6:00p.m. on the N7 in a westerly direction.

(f) Light levels on site shall not cause nuisance or interference with the adjoining road network; no development shall commence until details have been agreed with the Roads section.

Condition no. 17

Condition 17 requires a Development Contribution of €132,625.72 under the terms of the Section 48 Development Contribution Scheme.

3.2. Planning Authority Reports

3.2.1. Reports

Transport Infrastructure Ireland (02/08/17): Development to be undertaken in accordance with recommendations of the TII and the Council is to have regard to Chapter 2 of the Spatial Planning and National Roads Guidelines.

Water Services (10/08/17): No objection.

Roads Department (11/08/17): Conditions suggested include hours of movement to and from the proposed development to be outside peak hours and in an east and west direction, truck movements heading south on the N7 may take place via the Citywest Interchange or via Baldonnel Road and Outer Ring Road to Kingswood Interchange.

Irish Water (15/08/17) No objection.

Environmental Health Office (22/08/17): No objection subject to conditions.

Planning report (25/08/17): Further information including tree and hedgerow survey to be submitted including ecology report, submission of a detailed landscaping plan and additional information regarding water services.

Water Services (02/02/18): No objection subject to conditions.

Irish Water (07/02/18): No objection.

Planning report (14/02/18): The proposed development was considered to be in accordance with the proper planning and sustainable development of the area. A grant of permission recommended subject to the conditions outlined above.

3.2 Third Party Observations

No third party observations.

4.0 Planning History

4.1. SD17A/0144: Permission granted for retention of a 3.04 ha area of gravel surfacing, installation of surface water drainage network and replacement of security fencing.

4.2 PL06S.237532: Permission refused for development of a 1,165no. car park space park and ride facility, together with terminal building, access roads, covered footpaths, drainage and services. Refused based on three reasons...

1. Having regard to the existing level and direction of peak hour traffic on the N7 and the N82 Citywest Interchange, to the nature and scale of the proposed park and ride facility and to the levels of traffic that it could potentially generate at peak traffic times, the Board is not satisfied that the applicant has demonstrated in its traffic assessments that the existing road network has the capacity to accommodate the proposed development which would adversely affect the efficient and safe operation of the national road network in the vicinity of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the uncertainty surrounding the completion of proposed Link Road between Barney's Lane and the Citywest Interchange, across lands that are in the ownership of a third party, including the availability of funding and a definite time frame for same, notwithstanding the inclusion of the said Link Road as a 6-years Road Objectives under the South Dublin County Development Plan 2010-2016 and under the previous South Dublin County Development Plan 2004-2010, and having regard to the details of the Transport Assessment submitted with the application, the Board is not satisfied that Barney's Lane/N7 junction and the N7 auxiliary lane between the said junction and the Citywest Interchange have the capacity to accommodate peak traffic that would potentially arise from the proposed park and ride facility which would adversely affect the efficient and safe operation of the national road network in the vicinity of the site.

3. Having regard to the alignment and width of sections of the local road network, between Barney's Lane and the realigned section of local road connecting to the R136, the Board is not satisfied that the local road network has the capacity to safely accommodate the proposed high-frequency bus service intended to access the site via the local road network or to accommodate the level of traffic that would be diverted via the said network under certain circumstances.

4.3 SD07A/0708: Permission granted for site development work to provide an access roadway of c.200m in length to include drain, fencing, public lighting and footpaths. The subject site corresponds with the southern end of the site subject of this appeal.

SD07A/0672: Permission granted for temporary permission not exceeding 12 months for the storage of motor vehicles (cars and trucks) to include fencing, surfacing and drainage.

4.4 SD05A/0207: Permission granted for the retention of security lamp standards and CCTV standards, to open storage carpark. (Planning Reg.

Ref. S99A/0261, Condition No. 4: Lighting, Refers).

4.5 SD99A/0261: Permission granted for the extension of the existing open storage carpark onto the site subject of the current appeal and the erection of perimeter fencing.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the South Dublin County Council Development Plan 2016-2022. The appeal site is zoned EE with stated objective 'to provide for Enterprise and Employment related uses.

5.2. Natural Heritage Designations

None in the vicinity

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been lodged by Malone O'Regan Consulting Engineers on behalf of the applicants National Vehicle Distribution Ltd.

- The appeal is against the application of condition no.s 3, 4, 5, 6, 7, 9 and 17.
- Condition no.3 require a number of items relation to aboricultural details to be submitted including revised plans incorporating a comprehensive tree report, a tree survey plan, tree survey schedule, aboricultural impact assessment, tree constraint plan, tree protection plan and aboricultural method statement. The appellant note that the Environmental Impact Report (EIR) includes a landscape plan and habitat map, indicates the location of all trees and hedgerow. It is noted there is only one mature tree on site and such will be retained. Bounding hedgerow is to be retained and only some semi-mature trees planted as part landscaping works on the site and near the entrance are to be removed. There are no preservation orders for trees on site and it was

considered a tree survey was not necessary as the trees and hedgerows on site are protected by existing fencing and will be protected during construction. Mitigation measures for protection of the mature tree and existing boundary trees and hedgerow are outlined in the EIR and will be implemented. It is considered that an arboricultural assessment/method statement for the site is not necessary and further assessment would not alter mitigation measures already proposed.

- Condition no. 4 requires a landscape design rationale together with comprehensive landscape proposal to be prepared and submitted and agreed prior to the commencement of development. The appellants note that detailed landscape proposals were provided with the documentation submitted as part of the application and was prepared by a qualified individual, a landscaping and buffering plan was also prepared for the works to the east of the site permitted under ref no. SD17A/0144. It is considered that the details required under this condition are not warranted given that the majority of the area in question is to be developed as a car park.
- Condition no 5 notes that compliance with condition no.s 3 and 4 may necessitate revisions to the layout to facilitate landscaping and tree protection and that such alterations should be agreed in writing prior to the commencement of development. The appellants note that the views expressed regarding conditions no.s 3 and 4 is the basis for appealing this condition.
- Condition no. 6 notes that measures to prevent pollution have not been adequately addressed in information submitted and requires the applicant to submit revised information including mitigation report outlining measures to prevent spillages/chemicals from leaching into water-sources/vegetation/solids. The appellants note measures to prevent pollution were including in the Environmental and Engineering reports with it noted that the gravel area is to be underlain with a geotextile to trap and degrade hydrocarbons with it noted there is minimal risk of spillages due to the storage of brand new cars. Areas to be surface with tarmacadam will drain towards an oil/silt separator unit.

- Condition no. 7 requires no development to commence until the developer has engaged the services of a qualified arborist and such shall visit the site at minimum of a monthly basis. The appellants appeal this condition and note their views in relation to condition no. 3 with it considered that the appointment of such a consultant is not warranted.
- Condition no. 9 imposes unreasonable restrictions on the applicant operations with it noted the earliest dealerships will accept deliveries is 8:00 m (50% of deliveries to dealerships in Dublin) with the limitation of morning activity to outside 7:00 to 9:00am an onerous restriction. It is noted that confining the applicants to narrower delivery window will result in higher operating costs (additional trucks required) and an increased carbon footprint.
- The condition does not take into account recent operational changes implemented by the applicant with a recently commenced storage operation in Kill, Co. Kildare reducing the volume of transporters using the Baldonnel site to 200 per week from 450 per week in the year 2000. It is noted that other large scale developments permitted in the vicinity of the site have not had such restrictions placed on them with a number of large scale developments listed. It is noted that the Council are seeking to restrict use of the Barney's Lane junction with the N7, however the other access via Baldonnel Road and Kingswood Interchange does not provide a safe alternative route for larger vehicles. It is noted that no upgrade works have taken place on Baldonnel Road despite it been identified as in need of such by the Council and despite the level of contributions paid in respect of road infrastructure by the applicant under permitted applications. It is premature to the Local Authority to place restrictions on the use of Barney's Lane/N7 junction until a safe alternative route has been provided.
- Condition 17 requires a Development Contribution of €132,625.72 under the terms of the Section 48 Development Contribution Scheme. It is noted that the proposal is an extension of a recently approved development (SD17A/0144) and a financial contribution was levied and paid (€228,000). It is noted the works proposed works entail no new connections to the public foul sewer or water supply network. The development does not place any additional demand on public infrastructure or facilities in the area and a further

development contribution is unwarranted with the applicant having paid significant level of contributions (4 applications and a total of €2,519,780.09.

6.2. **Planning Authority Response**

Response be South Dublin County Council

- The Local Authority have no further comment to make.

7.0 **Assessment**

7.1. At the outset, I wish to point out that following consideration of the documentation on the appeal file and the site location and context, I am satisfied that consideration of the proposal on a de novo basis, (that is as if the application had been made to the Board in the first instance), is unwarranted and this it is appropriate to determine the appeal in accordance with the provisions of Section 139 of the Planning and a Development Act, 2000 (as amended). Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Condition no. 3, 4, 5 and 7

Condition no. 6

Condition no. 9

Condition no. 17

7.2. Condition no. s 3, 4, 5 and 7

7.2.1 Condition no.s 3, 4, 5 and 7 are all interlinked so I am going deal with them together. Condition no. 3 requires require a number of items relation aboricultural details to be submitted including revised plans incorporating a comprehensive tree report, a tree survey plan, tree survey schedule, aboricultural impact assessment, tree constraint plan, tree protection plan and aboricultural method statement. Condition no. 4 requires a landscaping plan. Condition no. 5 requires alterations in layout on foot of condition no.s 3 and 4 to be agreed and condition no. 7 requires the applicant to

appoint an arborist to oversee works on site. The conditions appear to stem from what the Local Authority note as failure to submit details required at the further information stage.

7.2.2 The appellants note that the relevant information regarding tree protection and landscaping are included in the documents submitted with the applicant and that conditions numbers 3 and 4 are unwarranted and as such is the case it follows that conditions no.s 5 and 7 are also unwarranted. The proposal concerns the south western portion of the site of the NVD operation. At present there is large workshop structure with open storage for vehicles located to the east of the workshop and existing grassed areas located to the south, west and north west of the workshop. The works proposed in this case outside of extension to the existing structure are confined to the grassed areas and entail change of most of it to a gravelled surface for storage of vehicles as well some a tarmacadam parking area, a tarmacadam internal access road and landscaping proposals. The proposal entails a significant reduction the amount of soft landscaping on site in favour of hard landscaping. Notwithstanding such, the proposal does not include a significant loss of trees and hedgerows on site.

7.2.3 The information on file in the Environmental Impact Report (EIR) identifies existing tress and hedgerows on site, which include along the road side boundary (west), along the N7 frontage (south). There are a number of existing tress on site with one mature oak tree to the east of the workshop and some smaller semi mature trees. The proposal entails retention of all trees and hedgerows along the perimeter and the existing mature oak tree. The proposal does entail removal of the semi-mature trees with it noted such were planted as part of landscaping works at previous time on site. Under Section 5.5 of the EIR the applicant does outline mitigation measure for the protection of trees and hedgerows on site.

7.2.4 The site is not characterised by a significant level of existing mature trees or hedgerow and there are not tree preservation orders or designations that identify the site of being of significant ecological value. The site is an existing commercial site and not natural habitat of significant ecological value. What existing hedgerows and

trees on site are to be largely retained with all perimeter trees and hedgerows to be retained and the only mature tree within the site also to be retained. I am satisfied that sufficient information is provided in the documentation submitted regarding retention of existing trees and hedgerows as well as protection measures for such. I would consider that the information required under condition no. 3 is unwarranted. I would note that under Development management Guidelines it is recommended not to include conditions that require significant compliance issues after the fact. I would recommend omission of condition no. 3 and as consequence of such I do not consider that there is a need for the applicant to appoint an arborist to oversee the works as required under condition no. 7.

7.2.5 Condition no. 4 requires that requires a landscape design rationale together with comprehensive landscape proposal be prepared and submitted and agreed prior to the commencement of development. The applicant/appellant notes that a landscaping scheme was submitted as part of the documentation. Having inspected the documentation submitted, the proposal includes a landscaping scheme (drawing number 176). The landscaping scheme shows additional planting proposed on site, which includes a hedge line to the south and west of the workshop and a number of trees north west of structure adjacent existing entrance onto the public road. I would consider given the established commercial nature of the site, its location in an urban area characterised by commercial development as well as the fact the majority of the site is to be hardstanding, that the level of landscaping proposed is adequate and the landscaping scheme submitted satisfactory. I would note that it is proposed to retain existing perimeter planting, which is sufficient to screen the proposed development. The site is flat site and currently is not easily visible from the surrounding areas or the public roads in the vicinity including the N7. I would consider that landscaping details as proposed are satisfactory and would recommend that condition no. 4 be amended to state that landscaping shall be carried out in accordance with the details submitted.

7.2.6 As a consequence of my assessment in the aforementioned paragraphs, I do not consider any changes or revisions are necessary to the layout in relation to

trees/hedgerows and landscaping and that condition no. 5 is also unwarranted and should be omitted.

7.3. Condition no. 6:

7.3.1 Condition no. 6 notes that measures to prevent pollution have not been adequately addressed in information submitted and requires the applicant to submit revised information including mitigation report outlining measures to prevent spillages/chemicals from leaching into water-sources/vegetation/soils. The applicants/appellants note measures to prevent pollution were included in the Environmental and Engineering reports with it noted that the gravelled area is to be underlain with a geotextile to trap and degrade hydrocarbons with it noted there is minimal risk of spillages due to the storage of brand new cars. Areas to be surface with tarmacadam will drain towards an oil/silt separator unit.

7.3.2 The application was accompanied by an Engineering report, which details surface water drainage on site includes details of attenuation provided as part of permission ref no. SD17A/0144 (eastern part of the site). It is noted that risk of fuel/oil spillage is low however details are provided regarding the provision of a layer of geotextile material under the storage area as well as noting that surface water will directed to attenuation tanks on site. I would consider that there is sufficient information on the file and that condition no. 6 is not necessary. I would recommend that this condition be omitted.

7.4. Condition no. 9:

7.4.1 Condition no. 9 is based on the requirements of the Council's Roads Section and the submission by Transport Infrastructure Ireland. The main aspects of the condition are a restriction on the hours of movement to and from the proposed development shall be outside peak hours in an east and west direction, except in the case of staff, that transport truck movements may take place via a left turn onto Baldonnel Road, and left turn onto N7 outside of peak hours only, truck movements heading south on the N7 may-take place via the Citywest Interchange or via Baldonnel Road and the

Outer Ring Road to Kingswood Interchange, that 24 hours-a-day/7 days-a-week working hours are acceptable save for 7:00 a.m.-9:00 a.m. on the N7 in an easterly direction and 4:00p.m.-6:00p.m. on the N7 in a westerly direction and that light levels on site shall not cause nuisance or interference with the adjoining road network; no development shall commence until details have been agreed with the Roads section.

7.4.2 The existing facility does not appear to be restricted in the manner proposed under condition no. 9. It is notable that the proposal is mainly for additional storage space for cars as well a small extension to the existing structure on site, a car wash and additional staff parking on site. In the context of the overall scale of the existing facility, the proposed development is a subordinate extension of existing storage and existing established and permitted commercial activity on site. I would consider that the restrictions imposed would appear to be onerous considering such have not been in place previously for a long established commercial development and the development subject to this application is not of a large scale in the context of the overall development established on site. It is noted that the condition is based on the views of the Roads Section and Transport Infrastructure Ireland (TII). I would note that the TII's submission is not substantive and is very generic submission requesting that regard be had to national policy and there appears to be no specific objection or request to restrict the operating hours or traffic flow from the site.

7.4.3 The existing facility has two access points off the Baldonnell Road, the main access is to the north with an existing access to the west that appears to be inactive. There are two ways for traffic to access the N7. One way is through an existing junction (traffic would turn left out the main entrance onto Baldonnell Road) at the south west corner of the site, which allows traffic to merge onto the N7, this junction only allows access to the eastbound carriageway and only allows access for eastbound traffic on the N7 to the site. The other way is use of a grade separated junction to the north west of the site (Outer Ring Road to Kingswood Interchange) that allows access to both carriageways of the N7 as well as access to the site from both carriageways of the N7. Both junctions would be used by traffic accessing and exiting the site.

7.4.4 The application included a Traffic Impact Assessment (TIA). The TIA outlines of the nature of activity and growth in activity expected going forward. There is an analysis of the two junctions onto the N7 used by the appellants and traffic counts were carried out at these junctions. It is indicated in the TIA that the existing access on the western boundary is to be used for staff and client access with the existing access to north being used for deliveries. The TIA includes modelling to anticipate trip generation and analysis of junction capacity for an opening year of 2017 and Design year of 2023. The TIA concludes that the both junctions will operate within capacity at the opening and design years and the proposal and its associated traffic will have no significant impact on the existing road network. I am satisfied based on the information on file that the proposal, which is an extension of an established and authorised commercial activity would have no significant or adverse impact in regards to traffic safety and that there is sufficient capacity in the local network to cater for the traffic likely to be generated. In this regard I would consider that the traffic restrictions under condition no. 9 are overly restrictive and onerous and should be omitted.

7.4.5 Part of condition no. 9 relates to lighting and prevention of light overspill or glare onto the N7. I would recommend that the condition be altered to provide for such and would recommend that condition no. 9 be amended as follows...

9. Lighting provided on site shall be directed onto the site and away from adjacent roads. The lighting shall be directed and cowled such as to reduce, as far as possible, the light scatter over the N7.

Reason In the interests of traffic safety.

7.5. Condition no. 17:

7.5.1 A development of contribution of €132,625.72 was levied in accordance with the Council's Development Contribution Scheme made under Section 48 of the Planning and Development Act, 2000 (as amended). The appellants note that the proposed development would place no additional pressure on public infrastructure and services and that such a levy is unwarranted as well as the fact that the appellants

have paid significant development contributions in respect of previous applications on the site.

7.5.2 The relevant contribution scheme is the South Dublin County Council Development Contribution Scheme 2016-2020. The level of development contributions are outlined under Section 9 of the scheme with a rate of €79.73 liable per sqm of development (not confined to floor area). Under Section 10, Definition Exemptions and Reductions paragraph (x) it is noted that “Open storage/Hard surface non-residential space development (uncovered storage space), including forecourt development, but not car-parking or truck parking – shall be liable for development contribution at 10% of the total non-residential rate. In the interests of clarity these areas relate to the specific area where the goods/vehicles are stored and not to turning areas, internal access routes within site etc. (in the event of buildings being subsequently developed on the same area, the credit to be given against the assessment of the new building will be the monetary amount previously paid)”.

7.5.3 The planning report includes a small section regarding Development Contributions stating that it is based on 1.512 hectares of gravel surfacing for outdoor car storage and 164sqm extension to the car workshop. There is no elaboration of how the contribution was calculated. Based on the terms of the scheme the proposed development is liable for the floor area of the extended structure, which is 164sqm. This requires a levy of €13,079. The scheme includes for contributions for open storage/hard surface non-residential space and is liable for contribution at 10% of the total non-residential rate (this excludes turning areas, internal access routes). The Planning Authority appear to have charged on the basis of 1.512 hectares (15,120sqm) of gravel parking taking out the internal access road (leaving 14,994sqm) with the calculation being 10% of 14,994 x 79.93= €119,546.72. The figure for the extension and gravelled surface storage/parking area totals €132,625.72, which is the levy charged. Having examined the plans the stated area of the gravelled parking area of 1.512 (15120sqm) and minus the internal tarmac road through it leaves 14,994sqm. I would consider that the Local Authorities calculations are accurate and the application of the contribution is in compliance with the terms of the contribution scheme as written. It is acknowledged

that the appellants have paid significant contributions under previous applications and argue that the proposal places no additional burden on local infrastructure, however the question at issue is whether the Local Authority have properly applied the terms of the adopted Development Contributions Scheme. In this case I consider that they have and would recommend that condition no. 17 be retained.

8.0 Recommendation

- 8.1. I recommend that South Dublin County Council be directed to remove condition no.s 3, 4, 5, 6 and 7 on the basis that sufficient information has been provided with the application to deal with matters such as landscaping, protection of existing trees and hedgerows, and prevention of pollution on site.
- 8.2. I recommend that South Dublin County Council be directed to amend condition no. 9 to read as noted earlier and below.
- 8.3. I recommend that South County Council be directed to retain condition no. 17 on the grounds that the terms of Development Contribution Scheme 2016-2020 have been properly applied.

An order stating the following should be issued

9.0 Decision

Having regard to the nature of the conditions the subject to this appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reason and considerations set out below, directs said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 (as amended) to REMOVE Condition no.s 3, 4, 5, 6 and 7, AMEND Condition no. 9 as follows and RETAIN Condition no. 17.

Condition no. 9

Lighting provided on site shall be directed onto the site and away from adjacent roads. The lighting shall be directed and cowled such as to reduce, as far as possible, the light scatter over the N7.

Reason In the interests of traffic safety.

10.0 Reasons and Considerations

(a) Having regard to the information submitted with the application, the extent of existing trees and landscaping on site and the proposal to retain the majority of such, as well as proposals for surface water and to prevent pollution on site, it is considered that the requirements under condition no.s 3, 4, 5, 6 and 7 are unwarranted and would be contrary the recommendations of Development Management Guidelines.

(b) Having regard to the fact the proposal is a subordinate extension of a long established and permitted commercial development at this location and that the operation of the existing facility and proposed development would have no significant or adverse traffic impact, it is considered that restrictions required under condition no. 9 (b), (c), (d) and (e) would be overly restrictive and onerous.

(c) Having regard to the provisions of the South County Council Development Contribution Scheme 2016-2020 which includes provision for development contributions for open storage/hard surface non-residential space as well as physical floor area of structures, the Board considers that the terms of the Development Contribution scheme have been properly applied.

Colin McBride
Planning Inspector

11th July 2018

