



An
Bord
Pleanála

Inspector's Report ABP-304148-19

Development	Warehousing unit incorporating ancillary offices/staff facilities on 3 floors
Location	Kingswood Business Park, Baldonnel, Dublin 22.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD18A/0314
Applicant(s)	JMC Van Trans Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	JMC Van Trans Limited
Observer(s)	None
Date of Site Inspection	20 th of August 2019
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The site, 3.816Ha is located north of an existing business park, ***Kingswood Business Park***. The primary access to the site is the existing service road into Kingswood Business Park. The general area is in close proximity to the M7 motorway. There are a number of business parks in the locality. The extensive Baldonnell Business Park, City West Business Complex and Greenoge Business Park are located south of the site.
- 1.2. Casement Aerodrome is located to the west of the subject site. There is a large field providing a buffer area between the subject site and the airport site.
- 1.3. The site is accessed off a local road, which has a short link to a M7 interchange.
- 1.4. The site has an eastern orientation onto the public roadway. The southern site boundary addresses the service road through Kingwood Business Park.
- 1.5. The site is currently vacant. It has a level terrain, and is currently covered in scrub. There are mature trees along the western and northern site boundaries.
- 1.6. The proposed access to the site will be at the an existing roundabout on the Kingswood Business Park service road, located at the south-western extremity of the site.

2.0 Proposed Development

- 2.1. The proposed development is for Warehousing units which are three storeys in height comprising of:
 - (i) 12,240sq.m. warehousing (17.9metres in height, later reduced to 16.4metres)
 - (ii) 1,674sq.m. front ancillary offices on three floors (12.24sq.m. in height)
 - (iii) 122sq.m. office/ staff facilities to rear of warehousing (8.4m in height)
 - (iv) And a plant room

The development also includes an on site security hut, solar panels on the warehouse roof, site access and ancillary carparking (145No. Spaces) and HGV

marshalling yard and parking for 49No. trucks, dock levellers, perimeter landscaping, attenuation measures, and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

South County Dublin Co. REFUSED the proposed development for 6No. reasons:

1. Aviation

The proposal would contravene policies IE8, IE8 Objective 2 and IE8 Objective 4 of the development plan, by virtue of its proximity to Casement Aerodrome having regard to the height and scale of the development, it would endanger the safety of the aircraft due to a lack of Aviation Impact Assessments requested by the Department of Defence.

2. Roads

The proposal may negatively impact on the local road network. It is not clear from the Traffic Impact Statement submitted, whether private cars and HGVs associated with the development have been included in the impact analysis.

3. Design

The excessive scale, massing and height in a visually prominent location would injure the visual amenities of the area. The lack of architectural variety on the main facades when viewed from approach roads would not accord with best practice urban design principles.

4. SUDS Green Infrastructure

The applicant has failed to adequately demonstrate compliance with Council policy on Green Infrastructure and Sustainable Urban Drainage as part of the landscape proposals for the site. The proposal may contribute to flooding considering its scale and massing.

5. Ecology

Insufficient information has been submitted regarding protected species bats and badgers.

6. Precedent

The proposal will set an undesirable precedent.

3.2. Planning Authority Reports

3.2.1. Planning Reports

1st Planning Report (26/10/18) recommended additional information be requested in line with the content of the inhouse and external reports. The response to **the further information** was received on **16th of April 2019**, stating:

- The solar panels had been removed from the roof of the proposed warehousing.
- Revised elevations reducing the overall height by 1.5metres to assist with visual impact.
- An ecological appraisal report
- Revised landscaping
- Traffic Impact Assessment
- Swept Path Analysis at the entrance

The planning report assessed the further information received, and the reporting officer was not satisfied with the revised proposal in terms of aviation, roads, design, SUDS green infrastructure, ecology and precedent. A refusal was recommended.

3.2.2. Other Technical Reports

Roads Department recommends additional information be sought

- Access is off an existing road serving other industrial units
- Traffic and transport assessment required
- A mobility plan required
- No information provided on a number of employees or vehicle movements to and from the site.
- A swept path analysis for the trucks entering and exiting the site is required.

Water Services:

No objection to the proposed development.

Environmental Health Officer:

No objections

Park and Landscape Services:

The proposed landscaping does not adequately screen the development, and additional information is required.

3.3. Prescribed Bodies

Minister for Culture, Heritage and Gaeltacht

Archaeological conditions will apply.

3.4. Third Party Observations

Department of Defence

Given the proximity to Casement Aerodrome, operation of cranes should be coordinated with Air Corps Air Traffic Services. The photovoltaic cells may impact on air or ATC operations.

Irish Aviation Authority

The glare from the proposed solar generation facility shall be assessed in accordance with the USA Federal Aviation Administration tool Solar Glare Hazard Analysis Tool.

Transport Infrastructure Ireland

The proposal shall abide by the publication DoECLG *Spatial Planning and National roads Guidelines for Planning Authorities (2012)*.

Irish Water

No objections

Niall Kennedy B16/B17 Kingswood Business Park

- The desktop study of the swept path into the site does not reflect or determine the suitability of the existing access for HGV trucks.
- The massing and height of the building is of concern. The reduction by 1.5metres of the overall height to a datum level of 96.24m is not sufficient, having regard to the previous application on the site had an eaves height of 8.5metres.

4.0 Planning History

Under planning reference **SD07A/0562** South County Dublin Co. Co. granted planning permission on the subject site for 17No. light industrial / warehouse units with a total gross internal area of 5,688sq.m. of which 1,065sq.m. will be ancillary office space, 170car parking spaces.

On the adjoining site planning permission was granted under planning reference **SD07A/0141** for 8No. new industrial/ warehouse units with an internal gross floor area of 2,822sq.m. and 70No. carparking spaces.

5.0 Policy Context

5.1. Development Plan

Under the current South County Dublin Development Plan 2016-2022 the subject site is within a zoning objective:

Enterprise and Employment EE To provide for enterprise and employment related uses.

It should be noted according to Table 11.10 Warehousing is Permitted in Principle under this zoning and so are Offices under 100sq.m.

Offices 100 sq.m - 1,000 sq.m, Offices over 1,000 sq.m are Open to Consideration under the EE zoning.

Section 4.2.0 Strategic Policy for Employment

Policy ET1 Economic and Tourism Overarching Policies and Objectives – It is the policy of the Council to support sustainable enterprise and employment growth in South Dublin County and in the Greater Dublin Area, whilst maintaining environmental quality

Policy ET3 Enterprise and Employment (EE)

It is the policy of the Council to support and facilitate enterprise and employment uses (high-tech manufacturing, light industry, research and development, food science and associated uses in business parks and industrial areas.

Carparking

It is the policy of Council to take a balanced approach to the provision of car parking with the aim of meeting the needs of businesses and communities whilst promoting a transition towards more sustainable forms of transportation.

TM7 Objective 1:

To carefully consider the number of parking spaces provided to service the needs of new development.

11.2.5 ENTERPRISE AND EMPLOYMENT AREAS

Enterprise and employment areas are characterised by a structure that is distinctly different to those of other urban areas. Most industrial estates are characterised by large functional buildings that are set back from the street, extensive areas of hard surfacing and security fences. A number of industrial estates, and in particular newer business parks, incorporate extensive areas of open space to create a more attractive parkland-like setting. Enterprise and Employment (EE) zones should address the criteria set out in Table 11.18.

11.2.7 BUILDING HEIGHT

Varied building heights are supported across residential areas, urban centres and regeneration zones in South Dublin County, subject to appropriate safeguards to protect the amenity of the area.

Development proposals that include ‘higher buildings’ that are greater than the prevailing building height in the area should be supported by a strong urban design

rationale (as part of a Design Statement) and provide an appropriate series of measures that promote the transition to a higher building.

The appropriate maximum or minimum height of any building will be determined by:
The prevailing building height in the surrounding area.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal respond to each reason for refusal individually. The following summary is in a similar format.

6.1.1 Reason for Refusal No. 1

The further information request was misunderstood, and it was considered the aviation concerns were the proposed solar panels. The removal of the panels satisfied the Irish Aviation Authority in terms of concerns regarding glare. However, the Department of Defence required an Aviation Impact Assessment.

O'Dwyer and Jones Design Partnership Aviation Planning Consultants carried out an impact assessment, and concluded the proposed development complies with all aviation and aeronautical requirements affecting the site. The Department of Defence confirmed there were no further observations on the proposed development.

The applicant is happy to accept a condition in respect of the co-ordination of co-operation with the Air Corps Traffic Services.

6.1.2 Reason for Refusal No. 2

Stephen Reid Traffic and Transportation Consultant responded on appeal. The content of the Roads Report is noted and the issues arising are responded to as follows.

- The TIA included TRICS vehicle trip rates applied against the 14,065sq.m. of floor area proposed, and these are the total rate of all vehicles entering and existing the proposed development, therefore included, staff, trucks and vans.

- The appendix to the TIA included TRICS rates across different hours of the working day.
- There is a possible lack of clarity in the TIA which has led to a misunderstanding on the part of the Roads Dept appraisal of the TIA figures possibly because the data figures provide a generic trip rate for the assessment, but also taken into consideration are the different staff numbers on site during the day at the existing facility which is located on the Naas Road east of Newlands Cross junction.
- The impacts on the key road infrastructure will be acceptable and will not give rise to detrimental impacts on the R136 and N7 junctions at the Kingswood interchange.
- The reason for refusal was unwarranted.

6.1.3 Reason for Refusal No. 3

The proposed warehouse is not a speculative development. The site was recently purchased by JMC Van Trans Limited to accommodate the relocation of their business. JMC is an Irish company providing delivery and logistic solutions to customers in Ireland and the UK. The firm employ over 100 No. people and there are 140No. subcontracted rivers operating form their Dublin facility. The existing site is located close to the Red Cow Inn on a 5.66Ha site, and the owner of the site is proposing to redevelop it, and the applicant's lease expires in 2020. The applicant has been trying to source a new location for some time, and numerous sites were examined, and the proposed site was considered the most appropriate in terms of size, location, zoning, and accessibility.

In terms of design, the proposed building (14,081sq.m.) is contained within a 3.816Ha site. Modern warehousing has to be of sufficient height to operate efficiently. Goods are stored on racks which are loaded and unloaded manually or by computer.

A visual appraisal includes 3D images showing the proposed warehouse in this receiving environment. The building is setback into the site to reduce the visual impact. There will extensive landscaping proposed. In addition, an attractive boundary wall consisting of metal and stone is proposed to enhance the finish.

The architectural treatment has been carefully chosen to reduce the visual impact, along with extensive glazing in the office element. The applicant is happy to submit cladding colour options to the planning authority for agreement prior to the commencement of the development.

Refer to planning reference SD18A/0265 for two warehouses uses the same design principles as the current proposal, and the design was considered to be appropriate a granted by South Dublin Co. Co. on 4th of April 2019.

The site is zoned EE Enterprise and Employment. The applicant has a viable business and is a significant employer in South Dublin. The photomontages clearly show the massing and design is appropriate. There are similar developments granted in the area including Greenogue Business Park.

6.1.4 Reason for Refusal No. 4

The parking area for the HGVs is concrete, there is porous asphalt in the carparking areas where traffic is light. Runoff from the hardstanding areas will be collected via gullies and directed to an onsite attenuation facility. This facility will attenuate a 1 in 30 year storm event plus allowing sufficient additional volume to attenuate a 1 in 100 year 6 hour event. The attenuation facility is Stormtech. Prior to entering the system, the surface water run off will pass through a proprietary silt trap and petrol interceptor to ensure debris, silt particles and hydrocarbons are removed. Water quantity control is provided downstream using a flow control device. The discharge from the site will ultimately flow into an existing open channel adjacent to the site.

Consideration was given to SuDs devices which incorporate infiltration at source however the current proposal opted for a solution that ensures managed filtration prior to any infiltration to ground or discharge from the site.

6.1.5 Reason for Refusal No. 5

There are no resident badgers within the site area. There was a mammal survey carried out in January 2019. The two badger sett entrances recorded on site were deemed to be inactive. The potential impacts on the species are solely related to the reduction in foraging grounds for local badger populations.

There was a survey for Bat Roost Potential carried out in January 2019. All marginal trees are to be preserved. A condition could be included that a bat activity survey

could be carried out as a condition of permission due to the seasonal nature of the survey.

As part of the appeal, early bat activity survey was set up for a week 1-5 of April 2019, but due to nocturnal temperatures it was called off, as the lower limit for bats of 8 degrees was not reached.

6.1.6 Reason for Refusal No. 6

The case can be considered on its own merits, and the proposal is unique and inimitable.

6.2. Planning Authority Response

In the event the Board decide to grant the development, a special contribution should be applied regarding the Kildare Route Project Supplementary Development Contribution Scheme.

7.0 Assessment

7.1. I intend to examine the appeal under the following headings:

- Compliance with the current development plan
- Design and Visual amenities
- Traffic
- Aviation
- Flooding
- Bats and Badgers
- Appropriate Assessment
- EIA

7.2 Compliance with the Current Development Plan

The current development plan for the area is **South Dublin County Development Plan 2016-2022**. The site has a zoning objective for ***Enterprise and Employment***. The applicant JMC has an existing site at the Red Cow Inn interchange. The lease

is due to expire on the existing site, and the current proposal is for the relocation of the business to Baldonnell. Warehousing is a use that is 'permitted in principle' under the Employment and Enterprise zoning objective. There is over 1000sq.m. of office space proposed, and this use is 'open to consideration' under the zoning objective. The proposed office space is an integral part of the overall warehousing /logistics business on the site.

In the general locality of the site at Baldonnell and City West, there are a large number of Business Parks, Industrial units and warehousing sites all of which are easily accessible to the national route (N7). On the adjoining site to the south there is the Kingswood Business Park, and the proposal is a natural extension of the existing business park having regard to the purpose built service road, and the legibility of the current proposal with the existing development. To the west of the site is Casement Aerodrome. Baldonnell Business Park, City West, Greenoge Business Park are all within 5-10 minutes of the subject site. I consider the receiving environment for the proposed development to be conducive to warehousing in terms of the general pattern of development in the area, the level topography and proximity to an N7 interchange.

Moreover, in accordance with ***Policy ET3 Enterprise and Employment***, the proposed development is in compliance with the underlining policy objective to support and facilitate enterprise and employment uses, high-tech manufacturing, light industry, research and development, food science and associated uses in business parks and industrial areas.

The proposed development is consistent with the development plan policies in terms of the Enterprise and Employment, and in principle it is acceptable at this location.

7.3 **Design and Visual amenities**

The proposed development is a significant structure on the subject site. The overall floor area is 12,240sq.m. of warehousing within one large building, and additional office space to the front of the building. The road frontage elevation (eastern) is 137metres long and 17.9metres in height (revised to 16.4metres) , it extends practically the full length of the site. This elevation will create a significant visual impact when viewed from the public road due to a very restricted and short setback

from the public road. The most notable impacts will be at the north-eastern and southern eastern extremities, and the eastern site boundary as viewed from the local road.

The southern elevation is the front of the building which addresses Kingswood Business Park. This elevation is broken up by the office block which includes linear glazing and an expansive glazed porch area. The width of this elevation is 90metres wide, 16.4 metres in height and this will create a significant visual bulk when viewed from the public road, and in particular the existing Kingswood Business Park. The HGV parking areas and the majority of loading bays will be screened from public view by the building itself, and the layout of the site boundaries.

I note the photomontages prepared as part of the planning application. The four viewpoints assessed will have the greatest visual impact, therefore, I consider the photomontages to be helpful in the assessment of the case. The photomontages include trees which on scale appear to be circa 12metres in height , in reality this would take a considerable number of years to materialise with the landscaping masterplan proposed. I note from the planting schedule it is proposed to plant *Tilia Cordata* along the eastern site boundary. This is a very slow growing ornamental tree and it could take up to twenty years to reach a height of 12metres. In my opinion, this is not a suitable tree species to serve the purpose of softening the visual impact created by the proposed development. Therefore, a condition should be attached to address the landscaping along the roadside boundary.

I note the Parks and Landscape Services report (29/01/2019) required the development be conditioned to include Tree and Hedgerow Bond to the value of €46,838.40 to ensure the protection of the trees on and immediately adjacent to the site. I note from the Arboricultural Impact Assessment Report submitted to the planning authority on 30th of January 2019, the impact on the site will be low during the construction phase. Trees along the northern site boundary and the western site boundary shall be retained.

The applicant was requested by way of additional information to address the visual impact of the development. The overall height of the development was reduced by 1.5metres in height, which in the context of the setting along the roadside boundary, it will not achieve a significant difference in visual impact from the original proposal.

In my opinion, the one issue favouring the development in terms of visual impact is that the general area supports a pattern of large warehousing, industrial and business park structures. There are no key views into and out of the site as it is a flat terrain adjoining an M7 interchange.

The applicant should provide a revised elevational treatment along the eastern site boundary to reduce the monolithic appearance of the proposed structure, which may involve introducing a vertical emphasis to the design to break down the scale of the building when viewed from the public road. In principle, the revised design should ensure the overall building envelope will not be materially altered, the use of glazed or timber panels could be investigated, or projecting metal panels to break up the sheer expansive 137metre elevation location adjacent to the roadside boundary. I consider the applicant did not address reason No. 3 for refusal on appeal. Although, this is an important issue, I do not consider it warrants refusing the entire development and can be dealt with by condition.

7.4 Traffic

As this is a relocation of an existing business from Newlands Cross, the traffic levels can be calculated, and the figures are actual traffic generated trips. As part of the additional information, the applicant submitted a Traffic Impact Assessment and a Mobility Plan. The baseline studies in the Traffic Impact Assessment were taken at Junction 2 (roundabout on R136 at Corkagh Park) off the N7 during peak hour flows. All traffic will arrive and depart via the R136 Outer Ring Road/ Baldonnell Road Lower roundabout. There will be no traffic passing through the National Vehicle Distribution Centre or Baldonnell Business Park, mainly because the junction off the N7 is a 'left in, left out' junction on the northbound side of the N7, and there will be no demand for development traffic to exit via the L2006 Baldonnell Road.

At the existing JMC site at Newlands there are 450No. vehicles entering and 450No. vehicle exiting on a working day. This includes all vehicle types including employees, visitors and HGVs. The total of 450No. vehicles, is for a full 24hour day as there is shift work at the site. The bulk of staff arrivals occur between 7.00-9.00 am and the majority of staff leaving occurs between 16.00-19.00, which account for staff vehicle numbers of 170 No. cars.

The main issue is the impact during the peak hours on the surrounding road network. As part of the appeal submission, the traffic generation and impacts were re-run based on actual traffic from the existing site, and these resulted in higher traffic flows generated than the TRICS data used in the TIA. With the higher volume assessed, traffic growth to 2021, 2026 and 2036 has been estimated, comparing Do Something/ Do nothing traffic flows, and the figures calculated on a worst-case impact, show the impacts on the key road infrastructure will be acceptable, and will not give rise to detrimental impacts on the R136 and N7 junctions. In conclusion, the Board should dismiss Reason No. 2 of the refusal.

7.5 Aviation

The appeal site is to the east of Baldonnell / Casement Aerodrome hangars, north-east of the airfield, and close to the Approach Zone to Casement's subsidiary runway 05/23. A detailed aviation report was commissioned by the applicant following the decision to refuse and it was submitted to the Board on appeal. The report was prepared following liaisons with the Irish Aviation Authority and the Department of Defence, and it addresses the submissions from the Irish Aviation Authority to the planning authority (04/10/2018 and 21/03/2019), The Department of Defence (22/02/19) and the planning authority's 1st reason for refusal.

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.

The documents submitted on appeal include a helpful illustration in the report, that demonstrates the proposed development falls within the transitional surface associated with runway 05/23. The nearest corner of the proposed building lies at a distance of 763metres from the threshold of Casement Runway 23, and a lateral distance of 278metres to the side of the extended centreline. The Transitional Surface commences at the edge of the runway strip. The proposed building is well below the Aerodrome's

Inner Horizontal Surface and is well below Weston Airports Outer Horizontal Surface. The clearance above the building will be more than the 16.24metre height of the building itself. The Department of Defence confirmed it had no objection to the development (email to applicant 05/04/2019). The concerns of the Irish Aviation Authority were addressed by the removal of the solar panels off the roof in case they caused glare. Therefore, I consider the Board can dismiss Reason for Refusal No. 1. I recommend the Board include a condition that applicant agrees the relevant construction and operational issues associated with the development will be agreed with IAA and Department of Defence, and same agreement to be submitted to the planning authority prior to the commencement of the development.

7.6 Flooding

The planning authority decided the applicant had failed in the proposals to demonstrate compliance with the Council's policy on Green Infrastructure and Sustainable Urban Drainage and that the proposal may contribute to flooding.

Firstly the area for the parking of the HGV and turning areas will be concrete, and a porous asphalt will be laid for the cars. All surface water will be trapped by road gullies and directed to an onsite surface water attenuation facility. The proposed attenuation facility will attenuate a 1 in 30 year storm event plus allowing sufficient additional volume to attenuate a 1 in 100 year 6 hour event. There will be a proprietary flow control device. There is proprietary silt trap and petrol interceptor to remove silt and hydrocarbons. In addition, an isolator row will provide a second level of suspended solids removal prior to discharge into an open channel adjacent to the site. Other SUDS means were considered unsuitable for the development due to the industrial nature of the development, and possible pollution risks to the groundwater. The proposed system is included at the Greenoge site, and it was acceptable to the planning authority in the general area.

7.7 Bats and Badgers

There are no resident badgers on the site, and the potential impacts on the species are solely related to the reduction in foraging grounds.

A bat roost survey was carried out on the site in January 2019, but it was inconclusive due to the time of year not been ideal. The trees bordering the site are to be retained. Conditions regarding lighting have been suggested by the applicant as part of the appeal to reduce the disturbance to nocturnal activity. I recommend the Board include these conditions if it is decided to grant permission for the development.

7.8 Appropriate Assessment

The nearest Natura site to the subject development is the Glenasmole Valley SAC 6.4km South east of the subject site and the Rye Water Valley/ Carton SAC is 7.4km from the site. The River Dodder flows through the Glenasmole valley given the distance from the subject site and the physical barriers presented by the M7 and the Dublin Hills, there is no direct or indirect hydrological or hydrogeological link to the designated site from the subject site. Similarly, the Rye Water Valley/ Carton SAC commences at Leixlip, and there are no hydrological links from the site to the designated site. The other Natura sites within 15km have no direct or indirect hydrological link to the subject site, and can also be screened out.

Both of the designated sites stated are located within different drainage catchments. The subject site is located within the Griffeen River catchment – which ultimately discharges to the Liffey River. The site is not in hydrological connectivity with any European site – other than through the sewer networks to Dublin Bay. Having regard to limited nature of the proposed development, and to the fact that it will be connected to the public sewer network, 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 an European site.

7.9 E.I.A

The proposed development is for a large logistical/warehouse unit on a site area of 3.8 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.

8.0 Recommendation

8.1. I recommend planning permission be granted for the proposed development subject to the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the provisions of the South Dublin County Development Plan 2016 - 2022, the Enterprise and Employment land use zoning objective for the site, its close proximity to the national road and motorway infrastructure, the documentation and submissions on file, including the detailed documentation on surface water management, aviation impact assessment and traffic impact assessment submitted in support of the application and appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have unacceptable impacts on aviation, ecology, water quality or the landscape, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not conflict with the provisions of the Development Plan. 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 30th of January 2019 and on appeal dated 8th of April 2019, 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. Prior to the commencement of the development the following details shall be submitted to and agreed with the planning authority:
 - (a) A revised elevation design and finish to the eastern elevation to include a greater vertical emphasis to break down the massing and monolithic legibility of the 137metre elevation when viewed from the adjoining public road.
 - (b) A revised landscape masterplan to include a fast-growing tree species along the eastern site boundary, and more robust planting scheme to alleviate the visual impact of the eastern elevation when viewed form the public road.

Reason: In the interests of visual amenity.

3. (a) The use of the unit shall be limited to logistics/warehousing and shall not be used for industrial purposes or for any other purpose without a prior grant of planning permission.

Reason: In the interest of clarity and of orderly development, and having regard to the proximity of Casement Aerodrome, the proximity of the national road and motorway infrastructure, as well as the level of car parking provided._

4. All office use shall be ancillary to the logistics/warehousing use within the unit.

Reason: In the interest of clarity and to comply with the land zoning provisions set out for the area in the South Dublin County Development Plan 2016-2022.

5. No additional floorspace shall be formed by means of internal horizontal division within the buildings hereby permitted unless authorised by a prior grant of planning permission.

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

6. No goods or waste products shall be placed or stored externally to the commercial units.

Reason: In the interest of the visual amenities of the area, of public health, and to protect car parking.

7. The development shall be managed in accordance with a management scheme that 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 for the future maintenance of the development, including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity and orderly development.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing:

(i) existing boundary hedgerows and trees, 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 leylandii or griselinia species,

(v) details of roadside/street planting, and

(vi) hard landscaping works, specifying surfacing materials, furniture and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants that die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

9. Comprehensive details of the proposed 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 any of the commercial units are made available for occupation.

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

10. 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.

11. All service cables associated with the proposed development (such as electrical and telecommunications cables) shall be located underground. Any 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.

12. 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, antennae or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

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 measures to encourage the use of public transport, cycling, walking and car-pooling by staff and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport, to comply with the provisions of “Smarter Travel – a Sustainable Transport Future – a New Transport Policy for Ireland 2009 – 2020”, issued by the Department of Transport, particularly in light of the number of employees proposed.

14. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

16. Prior to the commencement of the development the developer shall submit and agree in writing measures to ensure that the local bat populations foraging and commuting areas continues unhindered during the construction and operational phase of the development.

Reason: In the interests of the proper planning and sustainable development of the area.

17. Prior to the commencement of the development, the applicant shall consult, agree in writing and submit evidence to the planning authority of agreements between the applicant and the Irish Aviation Authority and the Department of the Defence regarding the construction and operational phases of the proposed development.

Reason: To ensure the applicant complies in full with the requirements of the governing bodies responsible for the adjoining Casement Aerodrome.

18. 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.

Caryn Coogan
Planning Inspector

28th of August 2019