



An  
Bord  
Pleanála

**Inspector's Report – Addendum**  
**ABP-313835-22**

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<b>To:</b>	The Board
<b>From:</b>	Senior Planning Inspector – Elaine Power
<b>Re:</b>	Board Direction – 011812-23
<b>Date:</b>	March 2023
<b>Development</b>	A proposed stormwater storage tank and overflow outfall gravity sewer
<b>Location</b>	Lands locally known as the Celestica/Motorola site, Junction of Glen Ellan Road and Balheary Road, and at/on Balheary Road, Swords, Co. Dublin.

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## **1.0 Introduction**

- 1.1. This report is an addendum to an original report dated the 21<sup>st</sup> December 2022, in respect of a first party appeal against a Notification of Decision to Grant Permission issued by Fingal County Council for the construction a stormwater storage tank and overflow outfall gravity sewer.
- 1.2. The original Inspector's Report recommended permission be granted for the proposed development subject to 7 conditions.

- 1.3. The submissions on this file including the original Inspector's Report were considered at a Board meeting held on the 21<sup>st</sup> of February 2023. The Board decided to defer consideration of this case to enable the EPA correspondence to Fingal County Council to be considered.

## 2.0 Additional Assessment

- 2.1. Subsequent to my initial report, correspondence from the Environmental Protection Agency (EPA) to the Planning Authority was received by An Bord Pleanála on the 21<sup>st</sup> February 2023.
- 2.2. The submission from the EPA notes that the Waste Water Discharge Licence (D0024-01) issued by Irish Water on the 24<sup>th</sup> January 2014, for the waste water discharges from the waste water works serving Swords, specified requirements for the protection of the environment including a new storm water holding tank and upgrade of storm water overflows to comply with the criteria outlined in the DoECLG '*Procedures and Criteria in relation to Storm water overflows*' 1995.
- 2.3. As noted in my previous report, the proposed stormwater storage tank would alleviate existing constraints in the network and would significantly improve the existing situation, where uncontrolled flooding of foul network occurs. The proposed development would not impact on the volume of stormwater ultimately received at the Swords WWTP. However, it would provide storage during extreme rainfall events which would temporarily divert wastewater enroute to the WWTP.
- 2.4. The submission from the EPA also notes that there is no application for the review of the discharge licence with the EPA. I am satisfied that there is no requirement to amend the WWTP licence. The information submitted, which is robust and evidence based, clearly indicates that the proposed tank would not cause a deterioration in water quality or status whether alone or in combination with other discharges.
- 2.5. The information in the submission from the EPA is noted, however, it does not impact on my previous assessment or my recommendation to grant permission, subject to conditions.

### 3.0 Recommendation

It is recommended that permission be granted subject to conditions

### 4.0 Reasons and Considerations

Having regard to the zoning objective of the subject site, its location within an existing urban area and to the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area or give rise to water pollution. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 5.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 8<sup>th</sup> September 2021 as amended by the further plans and particulars submitted on the 15<sup>th</sup> February 2022 and 29<sup>th</sup> April 2022 a, 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 trees along Balheary Road shall be retained and maintained with the exception of the following: -
  - a. Specific trees, the removal of which is authorised in writing by the planning authority to facility the development.
  - b. Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaces with agreed specimens.

Retained trees shall be protected from damage during construction works. Within a period of 12 months following the completion of the stormwater storage tank, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

**Reason:** In the interest of visual amenity and biodiversity.

3. The applicant shall enter into a connection agreement with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

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

**Reason:** In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0700 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

6. 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.

7. 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.

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Elaine Power

Senior Planning Inspector

22<sup>nd</sup> March 2023