



An
Bord
Pleanála

Inspector's Report

ABP-319202-24

Development

Construction of extensions to warehouses, replacement of internal offices with new offices and all associated site works.

Location

Belinstown, Ballyboughal, Co. Dublin,
A41 FV07

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F23A/0751

Applicant(s)

Aramex Ireland Limited.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Aramex Ireland Limited.

Observer(s)

William Dempsey
Ann and Emma Murphy
Ballyboughal Community Council
Alan and Ailsa Sexton
Alan and Louise O' Brien

Ashling Moffet

Date of Site Inspection

4th of March 2025.

Inspector

Stephanie Farrington

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1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 6.43ha, is located along the eastern side of the R108, c. 2km south of the village of Ballyboughal at Belinstown, Ballyboughal, Co. Dublin. The site is occupied by Aramex Ireland Ltd (logistics and transportation) and comprises of 4 no. logistic/ storage warehouses, 2 no. transit warehouses and 2 no. office blocks and associated parking and circulation areas for. The planning application documentation outlines that at present 12,503.5 sq.m. of logistics/warehousing/office floorspace is provided on the site.
- 1.2. The application boundary extends to include an existing residential property to the northwest and agricultural/undeveloped lands to the east and south of the existing warehouse buildings. Access to the site is currently provided via two vehicular access/egress points from the R108, which forms the western boundary of the site. The northern entrance provides HGV access and the entrance to the south serves as the staff/visitor car park. The R108 currently operates within a speed limit of 80 km/ph in the vicinity of the site.
- 1.3. The site is located in a rural area and the surrounding area is mainly in agricultural use. The site is adjoined to the north and south by an existing agri business Nugent's Fresh produce. There are a number of one-off dwellings in the immediate vicinity of the site including Belinstown House to the north, south and east. There are several rural dwellings also on the opposite side of the R108.

2.0 Proposed Development

- 2.1. The proposed development comprises the extension of the existing logistics company on site. The development includes the construction of additional warehouses and new office blocks, and all associated site works. The development, as described in the public notices, comprises the following key elements:
 - (i) Change of use of the existing 2 storey offices to storage within Warehouse 1 and 6 and the construction of a new two and part three storey office accommodation to Warehouse 1 and 6 (Office Block 1, c. 1, 683 m² GFA).
 - (ii) Warehouse extension to the east of the existing Warehouse 6 (proposed Warehouse 9* c. 2,035m² GFA), and to the south of this Warehouse

(proposed Warehouse 8 c. 478 m² GFA). Demolition of part of existing Warehouse 1 (c. 497 m² GFA). Change of use of existing Mezzanine offices within Warehouses 2 and 5 to storage and the provision of new single storey office accommodation (Office Block 2, c. 323 m² GFA). Extension to existing Warehouse 3 (proposed Warehouse 10, c. 2,742 m² GFA) and new single/two storey office accommodation (Office Block 3, c. 197 m²). Extension to existing Warehouse 4 (proposed Warehouse 9, c. 2,041 m² GFA).

** On review of drawings correct reference is Warehouse 7*

2.2. The proposed development includes the demolition of an existing residential property on site and the relocation of the existing 2 no. access points from the R108 to serve the development.

2.3. The following table provides a summary of the key development statistics:

Table 1: Key Development Statistics	
Existing Gross Floor Area (GFA)	Proposed Gross Floor Area (GFA)
12,274.5 sq.m.	22,353.4 sq.m.
Existing Warehouse Floorspace (GFA)	Proposed Warehouse Floorspace (GFA)
10,621 sq.m.	17,980 sq.m.
Existing Office Floorspace (GFA)	Proposed Office Floorspace (GFA)
1,653.5 sq.m.	2,868 sq.m.
Existing Car Parking	Proposed Car Parking
142 (112 formal)	180
Existing Cycle Parking	Proposed Cycle Parking
0	40

2.4. The application is accompanied by the following documentation:

- Completed Planning Application Form and Public Notices
- Cover Letter
- Planning Statement
- CGI Images

- Engineering Assessment
- Flood Risk Assessment
- Traffic and Transport Assessment
- Energy Statement
- Outdoor Lighting Report
- Mobility Management Plan
- Landscape Report
- Green Infrastructure Plan
- Architectural Drawings
- Engineering Drawings
- Landscape Drawings
- Appropriate Assessment- Natura Impact Screening
- Site Characterisation Report
- Lighting Design Report

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council (FCC) issued a notification of decision to refuse permission for the development in accordance with the following reasons and considerations:

1. *The existing horizontal alignment of the R108 incorporates a series of bends in the vicinity of the proposed development resulting in difficulty achieving the required sightlines in accordance with the relevant standards. The sightlines as proposed are reliant on the continual maintenance of the roadside hedgerow and narrow verge on lands outside of the application site boundary and the applicant's ownership. Failure to continually maintain this roadside hedgerow and narrow verge would result in a significant blind spot in the northerly direction and the achievement of sight lines far below the standard*

required in accordance with TII standards. The development as proposed would therefore be substandard in nature and would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists.

- 2. The subject site is zoned “WD” Warehousing and Distribution and “RU” Rural under the Fingal Development Plan 2023-2029. The objective of the “RU” Zoning Objective is to “protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage. The proposal includes the provision of car parking located within the “RU” zoned lands on the southern portion of the site, and an office block and further car parking on “RU” zoned lands to the northwest. It is considered that the uses would not be ancillary to the “RU” zoning objective and all aspects of the logistics/warehousing use should be located within the “WD” land use zoning objective. The development as proposed would therefore contravene materially the “RU” Rural land use zoning objective of the Fingal Development Plan 2023-2029, and as such would be contrary to the proper planning and sustainable development of the area.*
- 3. The proposed development, by virtue of the resultant significant intensification of use and associated lighting, noise and disturbance from on-site operations would seriously injure the amenities of property in the vicinity of the site and would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner’s report recommends that permission is refused for the development in accordance with the planning authority’s decision. The following provides a summary of the key points raised.

Principle of Development

- The report refers to the ‘WD’ Warehousing and Distribution and ‘RU’ Rural zoning objectives pertaining to the site as set out within the Fingal

Development Plan 2023-2029. The report outlines that the site was previously zoned for Rural purposes within the 2017-2023 Fingal Development Plan and the majority of the site was rezoned within the 2023-2029 Fingal Development Plan.

- The proposal would be considered acceptable on lands zoned for WD purposes. The development includes the construction of a substation, construction of an office block and car park on lands zoned for RU purposes. The ESB substation is considered as “Utility Infrastructure” a use which is permitted in principle on lands zoned for RU purposes. The car park and office block are considered by the PA to be a contravention of the RU zoning objective pertaining to the site.

Planning History

- The planner’s report refers to the planning history pertaining to the site and in particular the reasons for refusal attached by An Bord Pleanála under PA Ref: ABP 312521-22 relating to traffic hazard and material contravention of the zoning objective pertaining to the site. The report cross refers to the report on file received from the Transportation Section in FCC and outlines that the development does not overcome the previous reasons for refusal relating to traffic hazard and contravention of RU zoning objective.

Impact on Visual and Residential Amenity of Area

- The report outlines that the proposed extension to the existing building would not be considered to be visually discordant with the area. Given the location of these buildings on site relative to site boundaries no impacts in terms of overlooking, overbearing or overshadowing of nearby residential properties are anticipated. It is stated that the proposed part 2 and part 3 storey office block would have a negative impact on the visual, rural and residential amenities of the area.
- The report cross refers to the report from the Parks and Landscaping Division in FCC which refers to the requirement for a landscaping plan illustrating protection of existing hedgerows where possible and a Tree Protection Plan for the development.

- The planner's report raises concern in relation to the impact of floodlighting, noise and disturbance on the residential amenities of the area. The report furthermore cross refers to the concerns raised within the submissions on the application in terms of light pollution, noise and disturbance associated with the operation of the facility. It is stated that further examination/mitigation should be provided to negate against negative impacts.

Access, Parking and Transportation

- The planner's report cross refers to the report received from the Transportation Division in FCC and the recommendations set out therein

Appropriate Assessment Screening

- The planner's report cross refers to the report on file prepared by Fingal County Council's which requests an updated AA Screening Assessment.

EIA Screening

- The proposed development is not listed in Schedule 5 (Part 1 or 2) of the Planning and Development Regulations as amended nor does the proposed development meet the requirements for sub-threshold EIA as outlined in Section 103 of the Planning and Development Regulations as amended. An EIA is therefore not required.

Conclusion

- The report outlines that the proposal represents a significant intensification of use on the subject lands which are located within a rural area which would conflict with the RU zoning objective, constitute a traffic hazard and would be injurious to the residential amenities of the area. The report recommends that permission is refused for the development for 3 no. reasons in accordance with the planning authority's decision.

3.2.2. Other Technical Reports

Archaeological Report:

- No objection.

Water Services

- The report raises no objection to the proposal subject to conditions.

Transportation Planning Section

- The report recommends that permission should be refused for the development on grounds of traffic hazard associated with reduced sightlines at the proposed southern entrance.
- The report outlines that the quantum of carparking is deemed acceptable, cycle parking should be provided in accordance Development Plan requirements and the quantum of proposed parking for EV vehicles should be increased (from 8 to 17) in accordance with the requirements of Section 14.17.9 of the Development Plan.
- The report refers to the proposed access to the south of the site and outlines that the achievement of sightlines are dependent on maintenance of a roadside boundary hedgerow on lands to the north of the site outside of the application site and the applicant's control. Failure to maintain this hedgerow would result in a significant blind spot and would constitute a traffic hazard and permission should be refused for the development on this basis. The report furthermore outlines that the proposed northern entrance would require the removal of a number of existing trees.
- The report outlines that the internal road layout is considered to be excessive and all footpaths within the site should be 2m and recommends the submission of a Road Safety Audit.

Parks and Green Infrastructure

- The report recommends a request for further information in relation to (1) submission of a revised landscaping plan illustrating the extent of existing hedgerow to be retained and removed (2) submission of a Tree Protection Plan.

Ecologist

- The report recommends a request for further information in relation to submission of an updated AA Screening Report which addresses the following:
 - describes and assesses works proposed to connect the proposed swale to the ditch within the north of the site and construction of proposed headwall. The report should address the construction methodology, any potential impacts and whether the risk of contaminating any surface water during the works can be avoided using best practice protocols or if mitigation measures are required.
 - the potential for the site or lands nearby to be utilised by ex-situ feeding or resting habitat for any QI's of any Designated Sites. (The report includes a notation that bird surveys commissioned by FCC can be made available to the applicant by contacting the FCC Ecologist).
- A Green Infrastructure Plan which maintains a separation distance of 3m between the WWTP and polishing filter and any trees.
- Details of outfall from the truck wash area and method of disposal of truck wash water. In the instance that it is diverted to the WWTP then the Site Characterisation Report should be updated to ensure that the PE of the plant and hydraulic loading of the sand filter can accommodate this aspect of onsite works.
- Clarification of ownership of hedgerow proposed for removal at northern boundary of the site to accommodate the development. The report does not raise concern in relation to the principle of the proposed removal of the hedge at this location as its removal is compensated for by additional planting elsewhere within the site.

3.3. Prescribed Bodies

- Uisce Éireann – no objection subject to condition.

3.4. Third Party Observations

The issues raised within the observations on the application submitted to Fingal County Council primarily reflect those raised within the grounds of appeal. These key issues are briefly summarised as follows:

- Access and Traffic Safety Concerns
- Impact on Residential and Visual Amenity
- Impact on Biodiversity, adjoining agricultural lands and existing trees
- Non-compliance with permissions
- Lack of consultation with residents
- Clarification of property ownership

4.0 Planning History

- 4.1. The appeal site has a significant planning history dating back to the establishment of the logistics business in 1992. The following provides an overview of relevant permissions:

PA Ref: 92A/0066, ABP Ref: 6/5/88458

- 4.2. Permission granted by An Bord Pleanála in September 1992 for retention of commercial use to existing warehousing retention of portacabin offices and toilet, alterations to existing entrance and new septic tank.

PA Ref: 95A/0429, ABP Ref: 06F.096951

- 4.3. Permission granted in January 1996 for the erection of a new agricultural warehouse for the collection and redistribution of fruit and vegetables.

Logistics Use

- 4.4. Between 1996-1999, there were a number of alterations to the site for the logistics business for new warehousing units, hardstanding etc: PA Ref: 96A/0520, PA Ref: 96A/0960, PA Ref: 99A/0093, PA Ref: 99A/0094, PA Ref: 99A/0106.

PA Ref: F05A/1875

- 4.5. Permission granted in February 2007 for extension of a logistics business for the construction of a new warehouse with the total area of new buildings 2,996 sq.m. The proposal included for 6 no. new loading bays and the extension of the existing car parking spaces.

PA Ref: F21A/0572, ABP Ref: 312521-22:

- 4.6. Permission refused by An Bord Pleanála in February 2023 for development comprising of extension to warehouse, change of use part of warehouse to office, new security hut and new HGV parking area. The reasons for refusal related to (1) material contravention of the RU Rural zoning objective (2) traffic hazard on grounds of inadequate sightlines onto the R108 as detailed below:

1. *The subject site is within the “RU” Rural Zoning Objective under the Fingal Development Plan 2017-2023, the objective of which is to ‘protect and promote in a balanced way, the development of agriculture and rural-related enterprise, the rural landscape, and the built and cultural heritage’. The proposal involves the provision of an HGV trailer parking area and a bunded fuel tank and associated pumps and refuelling area on undeveloped ‘RU’ zoned lands at the eastern side of the site. ‘Heavy Vehicle Park’ and ‘Fuel Depot/Fuel Storage’ use class are listed within the ‘Not Permitted’ use class category applicable to the ‘RU’ Zoning Objective. The proposed development therefore materially contravenes the “RU” Zoning objective of the Fingal Development Plan 2017-2023 and as such would be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development includes a new access to the south of the current access on the R108. The existing horizontal alignment of the R108 incorporates a series of bends in the vicinity of the proposed development resulting in difficulty achieving the required sightlines in accordance with the relevant standards. A significant blind spot in a northerly direction on the existing road would result in sightline of approximately 75m to 80m, which is significantly below the 145m sightline required in accordance with the Transport Infrastructure Ireland standards. The proposed access is substandard and the movement of traffic into and out of the site would endanger public safety by reason of traffic hazard and would lead to conflict*

between road users, that is, vehicular traffic, pedestrians and cyclists. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Existing Residential Property to the north-west of the site

PA Ref: F13A/0175:

- 4.7. Planning permission granted in March 2014 for change of use of a detached residential dwelling to an office ancillary to the permitted logistic complex use operated by Aramex Ireland Ltd.
- 4.8. Condition no. 2 of this permission outlines that: *“The structure the subject of this application shall not be occupied for human habitation but shall be used as an office ancillary to the logistic complex on the adjoining lands. The office structure shall not be separated from the adjoining logistic complex by way of site, lease or otherwise. Reason: To prevent unauthorised development”.*

5.0 Policy Context

5.1. Development Plan

Fingal Development Plan 2023-2029

Chapter 2- Planning for Growth – Core Strategy- Settlement Strategy

- 5.1.1. The site is located within Belinstown, a rural area to the north of Swords and south of the village of Ballyboughal. Ballyboughal is designated within the Core Area (5) Towns and Villages category within Table 2.14 Core Strategy of the Fingal Development Plan.

Chapter 5 – Climate Action

- 5.1.2. Policy CAP8 – Retrofitting and Reuse of Existing Buildings – *“Support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible”.*

Chapter 7 – Employment and Economy

- 5.1.3. Section 7.5.3 relates to the Rural Economy and outlines that:

“Rural Fingal is comprised of a large number of diverse towns, villages and natural assets. The rural economy is driven by minor towns and villages such as Balrothery, Loughshinny, Ballyboughal, Naul, Bascadden, Oldtown, Garristown, Ballymadun and other areas, including Portrane, Coolquay, Kinsealy, Rivermeade, Rolestown as well as other areas. There are currently a variety of small, medium and larger-scale commercial enterprises operating in rural areas throughout the County. These provide important sources of employment and contribute to the diversification of the rural economy. The Council supports existing rural employment and commercial enterprises and will promote and encourage appropriately scaled enterprises. The Council acknowledges that the development of rural enterprise and employment opportunities will be vital to sustaining the rural economy”.

- 5.1.4. Policy EEP26 relates to Rural Enterprise and seeks to: *“Encourage and support local enterprise within Fingal’s small towns, villages and rural business zones by facilitating the provision of space for small scale employment including office development”.*

Chapter 13 – Land Use Zoning

- 5.1.5. The site is subject to 2 zoning objectives as illustrated within Fingal Central Zoning Map (Sheet 3) of the Fingal Development Plan. The majority of the site is zoned for ‘WD’- Warehousing and Distribution purposes with an objective to *“Provide for distribution, warehouse, storage and logistics facilities which require good access to a major road network within a good quality environment”.*
- 5.1.6. The vision for WD zoned lands as set out within the Development Plan is to: *“Facilitate logistics and warehouse type activity including storage, distribution and associated re-packaging of goods and products. Distribution and storage uses have specific transportation requirements as they can generate considerable traffic volumes and hence benefit from being located within a purpose built, well designated environment which is well connected to the strategic road network and allows for the efficient movement of goods”.*
- 5.1.7. Uses which are listed as Permitted in Principle on WD zoned lands includes – Logistics, Heavy Vehicle Park, Office Ancillary to Permitted Use, Vehicle Servicing/ Maintenance Garage, Warehousing. The following uses are listed as uses which are

Not Permitted –Office ≤100 sq.m., Office >100 sq.m. and <1,000 sq.m., Office ≥1,000 sq.m.

5.1.8. Parts of the site, including the area of the existing dwelling to the north-west and the southern and eastern boundaries are zoned for 'RU' Rural purposes. This zoning objective seeks to *“Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage”*.

5.1.9. The vision for this zoning objective as set out within the Plan is cited as follows: *“Protect and promote the value of the rural area of the County. This rural value is based on:*

- *Agricultural and rural economic resources*
- *Visual remoteness from significant and distinctive urban influences,*
- *A high level of natural features.*

Agriculture and rural related resources will be employed for the benefit of the local and wider population. Building upon the rural value will require a balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage”.

5.1.10. Uses listed as Permitted in Principle under the RU Zoning Objective include Agri-Tourism, Bed and Breakfast³, Childcare Facilities³, Holiday Home/Apartments⁷, Residential⁴, Utility Installation, Office Ancillary to Permitted Use (³ Where the use is ancillary to the use of the dwelling as a main residence, ⁴ Subject to compliance with the Rural Settlement Strategy, ⁷ Only permitted where the development involves conversion of a protected structure).

5.1.11. Uses which are listed as Not Permitted include the following: Carpark-Non-Ancillary, Logistics, Office ≤100 sq.m., Office >100 sq.m. and <1,000 sq.m., Office ≥1,000 sq.m., Road Transport Depot, Warehousing.

5.1.12. Offices Ancillary to Permitted Use is defined in Appendix 4 Technical Guidance as: *“A building or part thereof, where the office use is subordinate to, and associated with, the permitted land use on site”*. Car Park non-ancillary is defined in Appendix 4 Technical Guidance of the Development Plan as *“A building or land for the purposes of stand-alone car parking e.g. long-term car parking. Such use would not include a public road used for the parking of vehicles or use of a car park which is ancillary to the principal use”*.

5.1.13. The following notation is included under each zoning category within the Development Plan: *“Note: Uses which are neither ‘Permitted in Principle’ nor ‘Not Permitted’ will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan”.*

Transitional Areas

5.1.14. Section 13.2 of the Plan relates to Transitional Areas. This outlines that *“The Development Plan maps show the boundaries between zones. While the zoning objectives and control standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zone. For instance, in zones abutting residential areas or abutting residential development within predominantly mixed-use zones, particular attention must be paid to the use, scale and density of development proposals in order to protect the amenities of residential property”.*

5.1.15. The following Objective is of relevance:

- Objective Z02 – Transitional Zonal Areas - *“Have regard to development in adjoining zones, in particular, more environmentally sensitive zones, in assessing development proposals for lands in the vicinity of zoning boundaries”.*

5.1.16. The adjoining site to the north is zoned for “RB” Rural Business purposes with an objective to *“Provide for and facilitate rural-related business which has a demonstrated need for a rural location”.* The existing residential property which adjoins the central area of the site is zoned for ‘RU’ Rural purposes.

Non-Conforming Uses

5.1.17. Section 13.3 relates to Non-Conforming Uses and outlines that:

“Throughout the County, there are uses which do not conform to the zoning objective of the area. These are uses which were in existence on 1st October 1964, or which have valid planning permissions, or which are un-authorised but have exceeded the

time limit for enforcement proceedings. Reasonable intensification of extensions to and improvement of premises accommodating these uses will generally be permitted subject to normal planning criteria”.

- 5.1.18. Objective ZO3 relates to Non-Conforming Uses and seeks to: *“Generally, permit reasonable intensification of extensions to and improvement of premises accommodating non-conforming uses, subject to normal planning criteria”.*

Ancillary Uses

- 5.1.19. Section 13.4 of the Plan relates to Ancillary Uses. This outlines that *“planning permission sought for developments which are ancillary to the parent use, i.e. they rely on the permitted parent use for their existence and rationale, should be considered on their merits irrespective of what category the ancillary development is listed in the zoning objectives, vision and use classes section of this chapter”.*

- 5.1.20. Objective ZO4 of the Plan relates to Ancillary Uses and seeks to: *“Ensure that developments ancillary to the parent use of a site are considered on their merits”.*

Chapter 14 – Development Management Standards

- 5.1.21. Section 14.15 relates to Enterprise and Employment and outlines that

The Planning Authority encourages high quality design, materials and finishes and good quality landscaping for all commercial and industrial developments. In assessing planning applications, a number of considerations will be taken into account:

- *Conformity with relevant Development Plan land use policies and objectives.*
- *The mix of uses being proposed particularly in mixed use areas, i.e. areas zoned LC, MC, ME, TC, RV, where development and changes of use need to be orientated towards creating environments that are vibrant and lively.*
- *The intensity and nature of the proposed use.*
- *Achievement of an appropriate density and scale of development.*
- *Provision of open space and high-quality landscaping plans.*
- *High quality design.*
- *Potential impact of traffic movement and parking provision.*

- *Impact on amenities of the surrounding areas.*
- *Energy efficiency and overall sustainability of the development.*
- *Waste management measures*

5.1.22. Section 14.21 of the Plan relates to Climate Action – Reuse of Existing Buildings.

This outlines that:

“Where development proposal comprises of existing buildings on the site, applicants are encouraged to reuse and repurpose the buildings for integration within the scheme, where possible. Where demolition is proposed, the applicant must submit a demolition justification report to set out the rational for the demolition having regard to the embodied carbon of existing structures as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures.

Existing building materials should be incorporated and utilised in the new design proposals where feasible and a clear strategy for the reuse and disposal of the materials should be included where demolition is proposed”.

5.1.23. Objective DMSO256 – Retrofitting and Re-Use of Existing Buildings and seeks to:

“Support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible”.

5.2. National Planning Framework

5.2.1. The NPF is a high-level strategic plan to shape the future growth and development of the country to 2040. It is focused on delivering 10 National Strategic Outcomes (NSOs). NSO 1 relates to “Compact Growth”, NSO 3 relates to “Strengthened Rural Economies and Communities”, NSO 4 relates to “Sustainable Mobility” and NSO 8 focuses on the “Transition to a Low Carbon and Climate Resilient Society”.

5.2.2. National Policy Objective (NPO) 62, as detailed below, is raised within the observations on the appeal:

- *National Planning Objective 62 - Identify and strengthen the value of greenbelts and green spaces at a regional and city scale, to enable enhanced connectivity to wider strategic networks, prevent coalescence of settlements and to allow for the long-term strategic expansion of urban areas.*

5.3. Regional Spatial and Economic Strategy for the Eastern and Midland Region

- 5.3.1. The primary statutory objective of the RSES is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten-year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.
- 5.3.2. The following Regional Policy Objectives (RPO's) are of cited within the observations on the appeal:
- *RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.*
 - *RPO 5.6: The development of future employment lands in the Dublin Metropolitan Area shall follow a sequential approach, with a focus on the re-intensification of employment lands within the M50 and at selected strategic development areas and provision of appropriate employment densities in tandem with the provision of high-quality public transport corridors.'*
 - *RPO 8.4: Land use plans within the GDA shall demonstrate a consistency with the NTA's Transport Strategy for the Greater Dublin Area and plans with or outside of the GDA shall be consistent with the guiding principles expressed in the RSES.*

5.4. Natural Heritage Designations

The appeal site is not located within any designated European site. The nearest designated European sites to the appeal site, including SAC's and Special Protection Areas (SPA's) include the following:

- Rogerstown Estuary Special Area of Conservation (SAC) (Site Code: 000208) c. 4.8km east,
- Rogerstown Estuary proposed Natural Heritage Area (p NHA) (Site Code 000208) c. 4.8km east and

- Rogerstown Estuary Special Protection Area (SPA) (Site Code: 004015) c. 5.6 km east.
- Malahide Estuary SPA (Site Code 004025) – 5.4km southeast.
- Malahide Estuary SAC (Site Code 000205) – 5.4km southeast.

5.5. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted on behalf of the applicant in respect of Fingal County Council's notification of decision to refuse permission for the development. The following provides a summary of the grounds of appeal:

Principle of Development

- The site comprises 6.43 ha of which 4.87ha (76%) is zoned for 'WD' Warehousing and Distribution purposes and 1.56ha (24%) is zoned 'RU' Rural purposes in the Fingal Development Plan 2023-2029.
- The principle of warehousing and logistics on site is long established and is provided for in the current Fingal Development Plan. The majority of the new build is located on WD zoned lands and only 1,145 sq.m. of new build ancillary office is proposed on the RU zoned lands.
- The appeal outlines that the southern part of Office Building 1 is located on lands zoned for Warehousing and Distribution purposes and accords with the zoning objective for the area. The northern part of Office Block 1, comprising 1,145 sq.m, is located on part of the site zoned for RU purposes. The appeal outlines that this part of the overall development on site accounts for 5% of

the operations on the site (and c. 10% of the development site area) and in this regard is very much ancillary to the overall development on site.

- The appeal outlines that the inclusion of part of Office Block 1 and car parking on RU zoned lands, being ancillary in nature to the existing and proposed warehousing and logistics development are “open for consideration”. The development is not considered to materially contravene the zoning objective pertaining to the site on this basis.

Reason for Refusal no. 1

- The appeal refers to the planning history pertaining to the site and the previous decision by An Bord Pleanála to refuse permission for development on the site under ABP Ref: 312521-22.
- The appeal outlines that Fingal County Council's (FCC's) 1st reason for refusal in relation to traffic hazard reflects the 2nd reason for refusal under PA Ref: F21A/0752, ABP Ref: 312521-22. The appeal outlines that access arrangements included within the subject application are not comparable to the previous proposal which provided a wholesale shifting in HGV site traffic to the southern entrance and an access layout that resulted in significant blind spots to the north.
- The appeal outlines that FCC has failed to consider two fundamental design changes that have been incorporated into the subject application to negate against traffic impacts namely (1) the alternate site access design and locations and (2) the use of the northern entrance only by HGV traffic. The proposal includes measures to enhance sightlines at both entrances.
- The appeal cross refers to the Engineering Report prepared by Waterman Moylan and the Road Safety Audit prepared by Traffico submitted in conjunction with the appeal. The appeal outlines that sightlines of 145m are achievable at both proposed entrances and the revised access arrangement represent a significant improvement on the existing situation.
- The appeal outlines that the applicant will commit to funding the annual maintenance of the hedgerow north of the southern entrance on behalf of FCC for the benefit of all road users if required. However, it is noted that

sightlines are achievable in accordance with required standards, and it is only in the interest of failure to maintain the hedgerow that issues would arise. The appeal outlines that FCC has powers to require the maintenance of the hedgerow in accordance with the provisions of Section 70 of the Roads Act 1993 which places the responsibility for the maintenance of the roadside verges on the Local Authority. The responsibility for the maintenance of the roadside verges rests with the Local Authority.

- On foot of the concerns raised by FCC in relation to the development of car parking on RU zoned lands it is proposed to remove 34 no. car parking spaces to the south of the site and provide a 10m landscape buffer at this location. Revised Drawings are submitted in conjunction with the appeal in this regard.
- The revised layout includes the provision of 143 no. parking spaces to serve the development. The application as submitted included the provision of 180 no. spaces. This would result in an increase in parking spaces accessed via the northern access from 82 no. to 86 no. and from 60 no. to 84 no. at the southern entrance. The increase in parking was proposed to serve visitors on the basis of the low increase in staff nos. (13 no. additional staff).
- The proposed development seeks to upgrade both existing northern and southern entrances and maintain the existing vehicle movement/operation at each location.
- The appeal outlines that the estimated additional trip generation as a result of the proposed development is limited and can be accommodated within existing car parking levels. The development will not result in a significant intensification in use.
- Section 3.5 of the appeal provides a summary of the issues raised within the Transportation Report prepared by FCC in respect of the application. The appeal provides a response to the concerns raised within the report in relation to bicycle parking, internal road layout and Road Safety Audit.

Reason for Refusal no.2

- The appeal refers to the provisions of Section 13.4 and Objective ZO4 of the Fingal County Development Plan as they relate to Ancillary Uses. The appeal outlines that the parent permission is that of a logistics and warehouse development and that the proposed office development and car parking is ancillary to the permitted and existing uses on site. The appeal outlines that the proposal does not “materially contravene” the zoning objectives pertaining to the site in this regard. It is stated that the proposed use is open for consideration and should be considered on its merits in accordance with objectives ZO4 and ZO5 of the Fingal Development Plan.
- The appeal outlines that the offices and car parking proposed are ancillary to the permitted “warehousing and distribution” development on site, and as such are “permitted in principle” on RU zoned lands.
- The appeal outlines that the principle of ancillary office and car parking on the RU zoning is applicable as the lands do not constitute a viable agricultural landholding (0.5ha). It is stated that the zoning objectives pertaining to lands adjoining the site and the uses on and contiguous to the site ultimately reduce the viability of the use of the lands for agriculture. It is stated that this reflects the changing character of the area. The RU zoning objective is surrounded by the WD zoning and adjacent to lands zoned for Rural Business ‘RB’ purposes, and the Plan recognises that transitional arrangements as well as sensitivity to neighbours is important.
- The appeal refers to conflicting objectives within the development plan including ZO4 vis a vis the zoning matrix. The office use constitutes the relocation and enhancement of existing office and workplace facilities to serve existing workers.
- The appeal refers to the wording of FCC’s 2nd reason for refusal and outlines that the reference within the reasons for refusal that “uses must be ancillary to the RU zoning objective” is not in accordance with the appropriate and adopted Development Plan test as to whether a use is permissible or not.

- The appeal outlines that the Development Plan requires that uses within RU which are neither “permitted in principle” nor “not permitted” be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision noting that the objective of the RU zoning objective is *“to protect and promote in a balanced way the development of agricultural and rural related enterprise, biodiversity, the rural landscape and the built and cultural heritage”*.
- The appeal outlines that the correct test to be applied is whether the proposed office and car parking use promotes in a balanced way (i) the development of agriculture and rural related enterprise (ii) the development of agriculture and rural related enterprise (iii) the rural landscape (iv) built and cultural heritage. The appeal addresses compliance with each of the above criteria in turn as summarised briefly below.
 - (i) The proposed development is ancillary to the established enterprise use on the site. The site has not been available for agricultural use for numerous development plan periods and due to the nature and size of the site (0.438ha) it could not be used for meaningful agricultural practice. Under PA Ref: F13/0175 permission was granted for change of use of a detached residential dwelling to office ancillary to the logistics use on the site which was zoned for RU purposes within the 2013 Fingal Development Plan (FDP).
 - (ii) The site is located on brownfield lands occupied by an existing residential dwelling and associated parking. The appeal outlines that where any planting of trees or hedgerow is proposed for removal the applicant proposes to reinstate a mature native hedgerow and trees to ensure no loss to ecological corridors serving the site. The appeal refers to proposed works including realignment of the front boundary of the site to accommodate sightlines and provision of 2.4m boundary fencing and outlines that such elements of the proposal can be omitted.
 - (iii) The proposed development has been sympathetically designed to provide a transitional arrangement between the WD to RU zoning objective.

- (iv) There are no features of built or cultural heritage that are impacted by the proposed development.

Reason for Refusal no. 3

- The appeal outlines that the proposal does not result in an intensification of use on the site in terms of staff nos. (increase from 150 to 163), HGV movements (20%) or car movements (20% likely less with public transport improvements).
- The appeal sets out a rationale for the development on the basis that the proposal seeks to improve amenities, parking, accessibility and improve sightlines etc.
- The development seeks improvements to lighting arrangements including relocating them further from residential properties.
- In terms of noise and disturbance, the appeal refers to the previous decision of An Bord Pleanála under ABP Ref: 312521-22. The Board did not raise concerns in relation to noise within the reason for refusal.
- The appeal outlines that the proposal includes improvements to access arrangements, footpaths on site, HGV circulation areas and the location of loading/ unloading activities further away from residential properties.
- The appeal cross refers to the report prepared by Waterman Moylan which concludes that the proposed increase in traffic associated with the development is modest in nature and can be accommodated on the adjoining road network.
- The appeal refers to the Environmental Impact Screening Report submitted in conjunction with PA Ref: F21A/0752 which included an assessment of noise impact associated with the development. No significant impacts in relation to noise were identified. The appeal furthermore notes that construction noise will be obliged to comply with BS 5228 "Noise Control on Construction and Open Sites Part 1". The appeal outlines that noise generated at operational phase will be in accordance with existing operations on site.
- The appeal provides a summary of the hours of operation of the logistics company (06:00 to 23:00 Monday, 01:00 to 23:00 Tuesday to Friday and

01:00 to 11:00 on Saturday and closed on Sundays) and details in relation to existing activities on site. No changes to operating hours are proposed within the application.

- The appeal refers to the improvements to the existing internal road layout including movement of load and unloading that occurs to the front of Warehouse 1 to the rear of the warehouses and provision of a free-flowing two-way internal roadway to negate against queuing on the public road. These revisions to the existing layout would reduce potential noise and disturbance to residents of the area.
- Section 5.5 of the appeal provides a summary of the Sustainability Strategy at Aramex and the measures undertaken on the site (including LED lighting, rainwater harvesting from roof and yards for reuse in truck wash, recycling initiatives, solar panel installation etc).
- The appeal refers to the augmented landscaping proposals, including a 10m buffer around the site comprising a new berm and landscaping in respect to the concerns raised by Fingal County Council.
- The appeal furthermore outlines that the removal of trees and hedgerows along the sites northern boundary can be reconsidered to maintain a continued screening of the site along the road frontage. A rationale for the revised northern boundary treatment is set out within the appeal on the basis of the removal of poor-quality trees and hedgerow and replanting and provision of a footpath outside of the site which could also facilitate a bus stop.
- Section 6 of the appeal sets out details of revised proposals for the consideration of the Board.

Conclusion

- The appeal concludes that the proposed development improves the residential amenity of the area, relocating sources of noise disturbance away from the front of the site and neighbouring residential properties; it improves traffic safety over and above current standards and it improves the visual amenity and architectural interface with the road frontage.

- The proposed development does not provide for a significant intensification of activities on site but allows for improved facilities for employees which continue to support, promote and enhance employment and economic generating activities within the rural community.

Appendices

The following documentation is included with the appeal:

- First Party Appeal – Waterman Moylan Consulting Engineers
- Appendix 1 of the report includes a Road Safety Audit prepared by Traffico.
- Revised Drawings – dated 5th of March 2024

6.2. Planning Authority Response

Fingal County Council's appeal response outlines that the Planning Authority has no further comment to make in respect of the application. The Board is asked to apply a financial contribution condition in accordance with the Section 48 Development Contribution Scheme in the instance of a grant of permission.

6.3. Observations

6.3.1. 6 no. observations were submitted in respect of the first party appeal. Observations were submitted from the following:

- William Dempsey
- Ann and Emma Murphy
- Ballyboughal Community Council
- Alan and Ailsa Sexton
- Alan and Louise O' Brien
- Ashling Moffet

6.3.2. The observations are primarily from residents within the immediate vicinity of the appeal site. Similar concerns are raised within the observations and in order to avoid undue repetition within the report the following provides a summary of the key points raised within the observations.

Traffic and Transportation Matters

- The observations raise concern in relation to the heavy traffic volumes associated with the existing Aramex development and adjoining commercial premises on the R108.
- The observations outline that the road network immediately adjoining the site and the wider road network does not have the capacity to accommodate the development. The existing entrances onto the R108 are located on bends on the rural road with restricted visibility. The observations refer to damage to the grass verge adjoining the R108 by HGV traffic and outline that the bridge at Roganstown can only accommodate one truck at a time.
- The observations raise concern in relation to traffic impact associated with the development. A case is made that the proposed access arrangements would endanger public safety by reason of traffic hazard and would lead to conflict between road user and is contrary to Section 14.17.6 of the Fingal Development Plan on this basis. It is stated that the proposed entrances have inadequate sightlines.
- The relocation of the entrances will result in the loss of existing hedgerows.
- Lack of public transport serving the area and impact on cyclists and pedestrians.
- The observations outline that the Traffic and Transport Assessment submitted in support of the application is inadequate and does not meet the requirements of the Traffic and Transport Guidelines 2014- PE-PDV-02045. The observations outline that traffic impact is underestimated and state that the proposal is contrary to Section 1.4 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and the applicant has not demonstrated compliance with Section 1.5 of the Guidelines. There is no evidence that the NRA or NTA has been consulted in respect of the proposal.
- The observations raise concern in relation to the scope and content of the TTA including lack of assessment of the full impact of the development on the wider road network, the carrying out a traffic surveys on one day (20th of

September) which does not reflect the quantum of traffic volumes normally on the R108 road.

- A Road Safety Audit is required to inform the development.

Location of Site Contrary to RU Rural Zoning Objective

- The observations on the appeal outline that the proposal which seeks to significantly intensify an existing industrial use is unsuitable in a rural area and contrary to the RU Rural zoning objective pertaining to the site. The observations outline that the site is part of a rural setting and would contravene the RU zoning objectives for the area.
- The proposal is for an inappropriate use of zoned land and is inconsistent with National Planning Objective specifically NPO62 and does not facilitate sustainable travel patterns by either private car users, HGV traffic or the general public.
- The observations raise concern in relation to the siting of the development located outside Dublin City and suburbs or any other settlement boundary is inconsistent with National Strategic Outcomes for Compact Growth, sustainable mobility and transition to a low carbon and climate resilient society, NPO62 which seeks to strengthen green belts and green spaces at regional and city scale as well as the sequential approach and planning for future development in a manner that facilitates sustainable transport patterns consistent with the Greater Dublin Transport Strategy 2022-2042 (Measure PLAN 4), Regional Policy Objectives 5.3, 5.6 and 8.4 in the RSES.
- The observations outline that the development is contrary to land-use policies as it increases the need for travel to an isolated location. The observations outline that the development would be more suitable at an appropriately designed industrial estate location.
- A number of the observations refer to the submissions from the Office of the Planning Regulator and the Chief Executive of FCC during the course of the preparation of the Fingal Development Plan 2023-2029 which refer to the unsuitability of the road network in the vicinity of the site.

- The proposed development is deemed to be contrary to Objective DMS0118 of the Fingal County Development Plan and results in an un-coordinated, ad-hoc provision of unsustainable employment lands for which there is no evidenced based need.

Impact on Rural and Residential Amenity

- The observations raise concern in relation to the principle of the demolition of an existing dwelling on site in a housing crisis.
- The observations raise concern in relation to proposals to remove hedgerows and trees to facilitate the development. It is stated that this will increase noise and lighting in the area and impact on local wildlife.
- One observation recommends that a Tree Preservation Order is placed on existing trees along the boundary of the existing house on site.
- The observations outline that the lands zoned for RU purposes should be retained as it incorporates a mature wooded area. The proposal is deemed incompatible with the need to protect the rural landscape.
- The observations raise concern in relation to the impact of the development on existing agricultural landuses and livestock in the area.
- The observations outline that the proposal to substantially increase the commercial and warehousing facilities on site will negatively impact on the residential amenity of the area. It is stated that the proposal will increase traffic, noise, light pollution and environmental impact and seriously injure the amenities of the area. The observations outline that the proposed truck wash would intensify noise levels.
- The observations refer to light pollution from existing security lighting at the facility. The observations outline that the lighting impact assessment submitted in support of the application is difficult to read and the proposal is not assessed in plain English.
- Concerns are raised in relation to the Construction Phase of the development and associated noise and disturbance to adjacent properties. One observation

requests that construction activities are carried out during weekdays only in the instance of a grant of permission.

- The observation from residents at the opposite side of the R108 raises concern in relation to the impact of the proposed Office Block 1 and associated car park on the privacy of their dwelling and the impact of the relocated entrance on their dwelling.
- The observation from the occupants of Belinstown House outlines that their dwelling is surrounded on 3 sides by the application site and outlines that the existing development impacts on natural light and outlook on all shared boundaries and results in noise, traffic and light pollution on their property.
- A number of the observations outline that the proposal would detrimentally impact on the value of property in the vicinity.

Height, Layout and Design, Impact on Visual Amenity

- The observations raise concern in relation to the height of the proposed office building and outline that it is visually obtrusive and overbearing compared to existing low level dormer buildings.
- The footprint of the development at c.90% site coverage is excessive and constitutes an overdevelopment of the site.

Other Issues

- The applicant is not the legal owner of the site.
- Lack of Engagement with the Local Community.
- The observations refer to the history of non-compliance at the premises and applications for retention on the site.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the observations received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Compliance with Zoning Objective
- Revised Design Proposals
- Access and Transportation
- Impact on Visual, Rural and Residential Amenity
- Other Issues

The first party appeal is accompanied by revised drawings which seek to address the concerns raised within Fingal County Council's 2nd reason for refusal. I consider these layouts within Section 7.4 of this assessment entitled "Revised Design Proposals".

In addition to the above, the issue of Appropriate Assessment Screening is addressed in Section 8 of this report.

7.2. Principle of Development

Site Location and Description of Proposal

- 7.2.1. The site is located along the R108 within a rural area to the north of Swords and south of the village of Ballyboughal. The site currently accommodates Aramex, a worldwide freight and logistics business with existing operations at Belinstown, Cork and Shannon.
- 7.2.2. The proposed development comprises the extension to the existing logistics business. The proposed extension would increase the overall gross floor area at the facility from 12,274.5 sq.m. to 22,353.4sq.m. through the provision of additional warehousing and office floorspace. The development includes HGV parking, associated refuelling and washing facilities. The first party appeal sets out a rationale for the development on the basis that the proposal seeks to facilitate the appropriate expansion, modernisation and overall enhancement of the existing logistics complex at Belinstown which is a major employer for the surrounding area. The appeal outlines that much of the new build floorspace is proposed to accommodate storage rather than distribution.
- 7.2.3. Ballyboughal is designated within the Core Area (5) Towns and Villages category within Table 2.14 Core Strategy of the Fingal Development Plan. Section 7.5.3 of the

Fingal Development Plan relates to Enterprise and Employment in Rural Fingal and outlines that: *“The rural economy is driven by minor towns and villages such as Balrothery, Loughshinny, Ballyboughal, Naul, Balscadden, Oldtown, Garristown, Ballymadun and other areas, including Portrane, Coolquay, Kinsealy, Rivermeade, Rolestown as well as other areas. There are currently a variety of small, medium and larger-scale commercial enterprises operating in rural areas throughout the County. These provide important sources of employment and contribute to the diversification of the rural economy”*.

- 7.2.4. The observation from Ballyboughal Community Council outlines that the proposal is for an inappropriate use of zoned land, is inconsistent with National Planning Objectives (specifically NPO62- which seeks to strengthen green belts and green spaces at regional and city scale) and does not facilitate sustainable travel patterns by either private car users, HGV traffic or the general public. The observation outlines that the site which is located outside Dublin City and suburbs, or any other settlement boundary is inconsistent with National Strategic Outcomes for Compact Growth, sustainable mobility and transition to a low carbon and climate resilient society. The proposal is also deemed to be inconsistent with sustainable transport patterns consistent with the Greater Dublin Transport Strategy 2022-2042 (Measure PLAN 4), Regional Policy Objectives 5.3,5.6 and 8.4 in the RSES the Eastern and Midland Region in this regard.
- 7.2.5. In considering the concerns raised within the observation, I note that the proposal seeks extension and modernisation of an existing established logistics company site is primarily zoned for Warehousing and Distribution purposes within the Fingal Development Plan 2023-2029. Logistics is listed as a use which is “permitted in principle” on lands zoned for Warehousing and Distribution purposes. The proposed development comprises the extension to an existing logistics company and in this regard, I note that the proposed works are site specific in that they relate to a permitted and established logistics company. In this regard, I do not consider that the works as proposed would be viable at an alternative location.
- 7.2.6. In terms of compliance with National and Regional Policy provisions including NPO 62, RPO 5.3, 5.6 and 8.4, I note that the site is primarily zoned for “Warehousing and Distribution” purposes within the Fingal Development Plan and the proposed logistics use is permitted under this zoning objective. The Fingal Development Plan

acknowledges the presence of “small, medium and larger-scale commercial enterprises operating in rural areas throughout the County” which “provide important sources of employment and contribute to the diversification of the rural economy”. The Planning Statement submitted in support of the application outlines that the proposed development will provide for the expansion of the existing logistic warehousing complex and facilitate business development, strategic employment and rural economic diversification in accordance with Regional Policy Objective Policy Objective 5.6 of the RPO of the RSES.

- 7.2.7. I note the reference within the observation on the appeal to submissions from the Office of the Planning Regulator during the course of the preparation of the Fingal Development Plan 2023-2029 which raised objection to the principle of the zoning of the site but in this regard, I note that the site is zoned for development within the adopted Fingal Development Plan. I refer to Appendix 2 of the Development Plan which addresses Implementation of Ministerial Guidelines and Appendix 3 Policy Context which outline that the Development Plan was informed and guided by relevant Section 28 Guidelines and National, Regional and Local Policy.
- 7.2.8. On an overall basis, I consider that the principle of the proposed extension and modernisation of the existing logistics company is acceptable subject to compliance with the policies, objectives and development management standards of the Fingal Development Plan and environmental, amenity and traffic impact considerations as detailed further in this assessment.

7.3. Compliance with Zoning

- 7.3.1. The appeal site is subject to 2 no. separate zoning objectives within the Fingal Development Plan. The majority of the site is zoned for ‘WD’ – Warehousing and Distribution purposes and part of the site is zoned for ‘RU’ Rural purposes. The ‘WD’ zoning objective seeks to *“Provide for distribution, warehouse, storage and logistics facilities which require good access to a major road network within a good quality environment”*. Uses permitted in principle under this zoning objective include Logistics, Office Ancillary to Permitted Use and Warehousing. The proposed development is in accordance with the WD zoning objective pertaining to the site.
- 7.3.2. Parts of the appeal site including the existing residential property to the northwest and the southern and eastern boundaries are zoned for ‘RU’ Rural purposes. The

'RU' Rural zoning objective seeks to *"Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage"*. The proposal includes the provision of car parking located within the 'RU' zoned lands on the southern portion of the site, and an office block and further car parking on 'RU' zoned lands to the northwest. The use "Office Ancillary to Permitted Use" is listed as a use which is Permitted in Principle on lands zoned for 'RU' purposes. The following uses are listed as uses which are Not Permitted – Carpark-Non-Ancillary, Logistics, Office ≤100 sq.m., Office >100 sq.m. and <1,000 sq.m., Office ≥1,000 sq.m., Heavy Vehicle Park, Road Transport Depot, Warehousing.

- 7.3.3. Fingal County Council's second reason for refusal outlines that the proposal would materially contravene the 'RU' zoning objective pertaining to the site as detailed below:

"The subject site is zoned 'WD' Warehousing and Distribution and "RU" Rural under the Fingal Development Plan 2023-2029. The objective of the "RU" Zoning Objective is to "protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage". The proposal includes the provision of car parking located within the "RU" zoned lands on the southern portion of the site, and an office block and further car parking on "RU" zoned lands to the northwest. It is considered that the uses would not be ancillary to the 'RU' zoning objective and all aspects of the logistics/warehousing use should be located within the "WD" land use zoning objective. The development as proposal would therefore contravene materially the "RU" Rural land use zoning objective of the Fingal Development Plan 2023-2029, and as such would be contrary to the proper planning and sustainable development of the area".

- 7.3.4. The first party appeal outlines that the proposal does not constitute a material contravention of the Fingal Development Plan. The appeal outlines that the parent permission of the facility is for a logistics and warehouse development and that the proposed office development and car parking is ancillary to the permitted and existing uses on site. The appeal refers to the provisions of Section 13.4 and Objective ZO4 of the Fingal Development Plan as they relate to Ancillary Uses. Objective ZO4 relates to Ancillary Uses and seeks to *"Ensure that developments*

ancillary to the parent use of a site are considered on their merits". The appeal outlines that the proposed uses should be considered on its merits in accordance with the provision of Section 13.4 and Objective ZO4 of the Fingal Development Plan.

7.3.5. The appeal refers to the wording of FCC's 2nd reason for refusal and outlines that the reference within the reasons for refusal that "uses must be ancillary to the RU zoning objective" is not in accordance with the appropriate and adopted Development Plan test as to whether a use is permissible or not. The appeal outlines that the Development Plan requires that uses within RU which are neither "permitted in principle" nor "not permitted" be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision.

7.3.6. The appeal refers to the wording of the "RU" Zoning Objective which seeks to *"protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage"*. The appeal outlines that the correct test to be applied is whether the proposed office and car parking use promotes in a balanced way (i) the development of agriculture and rural related enterprise (ii) the development of agriculture and rural related enterprise (iii) the rural landscape (iv) built and cultural heritage. The appeal addresses compliance with each of the above criteria in turn as summarised briefly below.

- (i) The proposed development is ancillary to the established enterprise use on the site. The site has not been available for agricultural use for numerous development plan periods and due to the nature and size of the site (0.438ha) it could not be used for meaningful agricultural practice. Under PA Ref: F13/0175 permission was granted for change of use of a detached residential dwelling to office ancillary to the logistics use on the site which was zoned for RU purposes within the 2013 Fingal Development Plan.
- (ii) The site is located on brownfield lands occupied by an existing residential dwelling and associated parking. The appeal outlines that where any planting of trees or hedgerow is proposed for removal the applicant proposes to reinstate a mature native hedgerow and trees to ensure no

loss to ecological corridors serving the site. The appeal refers to proposed works including realignment of the front boundary of the site to accommodate sightlines and provision of 2.4m boundary fencing and outlines that such elements of the proposal can be omitted.

- (iii) The proposed development has been sympathetically designed to provide a transitional arrangement between the WD to RU zoning objective.
- (iv) There are no features of built or cultural heritage that are impacted by the proposed development.

7.3.7. I have considered the detailed case put forward within the application and appeal documentation, however in my view a material contravention of the RU zoning objective does arise in the instance of the proposal. The proposed development seeks the development of offices which are ancillary to an existing logistics company on lands zoned for RU Rural purposes within the Fingal Development Plan. The existing commercial development is located on lands zoned for Warehousing and Distribution purposes, and the use of logistics is permitted under this zoning objective. The proposed development seeks permission to extend the existing facility onto lands zoned for RU Rural purposes within the Fingal Development Plan. The use of logistics is listed as a use which is not permitted under the RU Rural zoning objective.

7.3.8. I note that the use “Office Ancillary to Permitted Use” is listed as a use which is permitted on lands zoned for RU purposes. “Offices Ancillary to Permitted Use” is defined in Appendix 4 Technical Guidance as: *“A building or part thereof, where the office use is subordinate to, and associated with, the permitted land use on site”*. The proposed office floorspace in this instance is ancillary to an existing logistics facility. Logistics is not a permitted land use on lands zoned for RU purposes. Logistics is listed as a land use which is not permitted on lands zoned for ‘RU’ Rural purposes. Having regard to the RU Rural zoning objective, and supporting information in the development plan, which refers to offices ancillary to the permitted use in the rural area and not any adjoining zoning objective, I do not consider that the proposed office floorspace would fall within the category of “Office Ancillary to Permitted Use”.

7.3.9. The development also includes the provision of car parking associated with the logistics company on lands zoned for ‘RU’ purposes to the south and northwest of

the site. The use Car Park- Non-Ancillary is listed as a use which is Not Permitted on lands zoned for 'RU' Rural purposes. Car Park Non-Ancillary is defined in Appendix 4 Technical Guidance of the Development Plan as *"A building or land for the purposes of stand-alone car parking e.g. long term car parking. Such use would not include a public road used for the parking of vehicles or use of a car park which is ancillary to the principal use"*. I am satisfied that the proposed car park would not fall within this classification. Car parking is not listed as a use which is permitted or not permitted on lands zoned for RU purposes. I therefore consider that this element of the proposal can be considered on its individual merits in terms of its contribution to the overall Rural zoning objective pertaining to the site. In this regard I do not consider that the development of a car park, of the scale proposed, associated with a logistics company contributes to the Rural zoning objective pertaining to the site.

7.3.10. Having regard to the above reasons and considerations, it is my view that the proposed development constitutes a material contravention of the RU Rural zoning objective pertaining to the site in accordance with Fingal County Council's 2nd reason for refusal. The RU Rural zoning objective seeks to *"protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage"*. The proposed extension of a logistics company in this instance does not relate to the development of agriculture or rural related enterprise.

7.3.11. Notwithstanding this, I consider that the principle of the expansion of the established logistics company onto lands zoned for RU purposes can be considered on its merits in this particular instance having regard to the established nature of development within the immediate vicinity of the RU Rural zoned lands and the historic association of part of the RU zoned lands to the north west of the site with the existing logistics centre. As detailed in the following section of this assessment, I consider that there are conflicting objectives within the Development Plan as they relate to this particular development to warrant a grant of permission under Section 37 2(ii) of the Planning and Development Act.

Consideration of Material Contravention

7.3.12. I note the reference to material contravention of the RU Rural zoning objective as stated within Fingal County Council's second reason for refusal. Section 37(2)(b) of

the Planning and Development Act, 2000 (as amended) states that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with *paragraph (a)* where it considers that:

- (i) The proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the Development Plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

7.3.13. I have considered these in turn as follows:

- (i) The proposed development would not in my view be considered of national or strategic importance.
- (ii) In my opinion the proposed material contravention can be justified on the basis of the requirements of Objective ZO4 of the Fingal Development Plan 2023-2029 which relates to Ancillary Uses. This is addressed below.
- (iii) I do not consider that this provision applies in the context of the Fingal Development Plan 2023-2029.
- (iv) I have no evidence to demonstrate that the pattern of development and permissions granted in the Fingal since the making of the Fingal Development Plan 2023-2029 suggest a predisposition to granting economic development on lands zoned for RU Rural purposes. The applicant has not provided examples of the pattern of development, and permissions granted, in the area since the making of the development plan, to demonstrate how Section 37(2)(b)(iv) of the Planning and Development Act 2000, as amended, is applicable in this case.

- 7.3.14. Having regard to the characteristics of the proposed development Section 37(2)(b)(ii) is considered relevant in this instance namely, *“there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned”*.
- 7.3.15. As detailed earlier in this section, the appeal site is subject to 2 no. separate zoning objectives. The majority of the site is zoned for ‘WD’ Warehousing and Distribution purposes with a portion of the site to the northwest, south and east zoned for ‘RU’ Rural purposes. The proposed development seeks the extension of an existing and established logistics company on the site. The development includes the construction of office floorspace and car parking associated with the facility onto lands zoned for RU Rural purposes to the south and northwest of the site. The RU Rural zoning objective seeks to *“protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage”*. The proposed extension of a logistics company in this instance does not relate to the development of agriculture or rural related enterprise.
- 7.3.16. I refer to the requirements of Objective ZO4 of the Fingal Development Plan which relates to Ancillary Uses and seeks to *“Ensure that developments ancillary to the parent use of a site are considered on their merits”*. The site identified for the purposes of this application extends to include land zoned for both ‘WD’ and ‘RU’ purposes. The parent use of the application site is for logistics purposes. I note the presence of an existing residential property to the northwest of the site, on lands zoned for RU Rural purposes. From review of the planning history, it is evident that there is a long association between the residential plot and the adjoining logistics company. I refer to the planning history of this portion of the site and note that under PA Ref: F13A/0175 planning permission was granted for change of use of this property from residential use to office use associated with the logistics company. This application set out a rationale for the development on the basis that the existing residential use was dormant on the basis of the impact of the expanded logistics company on the residential amenity of the property. On-site inspection, I observed that overspill parking associated with the development occupied this area.
- 7.3.17. Having carried out a site inspection, I concur with the case made by the applicant that the northwestern area of the site does not constitute a viable agricultural

landholding (0.5ha) and that the zoning objectives pertaining to lands adjoining the site and the uses on and contiguous to the site ultimately reduce the viability of the use of the lands for agriculture. I do not consider that there is sufficient rationale to permit the car parking on lands zoned for RU purposes to the south of the site. I note that this element of the proposal is removed from the site layout within Option C Drawing no. 23058-PL-45.1 as submitted in conjunction with the first party appeal.

7.3.18. It is my view therefore that, in this particular instance, there are conflicting objectives within the development plan in relation to the RU zoning objective to the northwest of the site and Objective ZO4 of the Fingal Development Plan which outlines that *“developments ancillary to the parent use of a site are considered on their merits”*. The ‘RU’ lands form part of a larger application site which is zoned for Warehousing and Distribution purposes and occupied by an existing logistics company. While logistics is listed as a use which is not permitted on lands zoned for RU purposes within the Fingal Development Plan, the proposed car parking and office developments are clearly ancillary to the parent use of the application site.

7.3.19. While I consider the proposed extension into the RU zoning is a material contravention, in this instance, having regard to the location of the RU Rural zoned lands relative to the established logistics centre and the historic association of part RU Rural zoned lands with the logistics centre to the northwest of the site, a grant of permission is warranted under Section 37 2(ii) of the Planning and Development Act. I consider that the proposed development is acceptable in principle in this regard.

7.4. Revised Design Options

7.4.1. Fingal County Council’s 2nd reason for refusal raises concern in respect of the overspill of the proposed development onto lands zoned for RU Rural purposes and material contravention of the RU Rural zoning objective pertaining to the site. The planner’s report which informs the decision of FCC to refuse permission for the development furthermore raises concern in relation to the impact of the development on the character of the rural area, the visual impact of the proposed office building to the north-west of the site and the extent of proposed boundary removal. The observations on the appeal furthermore raise concern in relation to the proposal to demolish an existing residential property to accommodate the proposal.

7.4.2. The first party appeal is accompanied by revised plans and layout options to address the concerns raised within Fingal County Council's first reason for refusal. These are detailed below:

- Option A – Development as Submitted to Fingal County Council
- Option B – Proposed Layout – Option B (Drawing no. 23058-PL-03.1A).
Omission of proposed car parking to the south of the site on 'RU' zoned lands.
- Option C - Proposed Layout – Option C (Drawing no. 23058-PL-45.1). –
Reduction in size of Office Block 1 (removal from lands zoned for RU purposes), retention of existing dwelling to the northwest and proposed office use and omission of car parking to the south of the site.

7.4.3. I have taken the revised design options into consideration in reviewing the grounds of appeal. Option C, as proposed includes the removal of car parking from lands zoned for 'RU' purposes to the south of the site, a reduction in the size of proposed Office Block 1 and its siting on lands zoned for WD Warehousing and Distribution purposes together with the retention of the existing residential dwelling on site. This Option also includes proposals to retain elements of the existing boundary treatment along the R 108 in the vicinity of the site. For the reasons cited below, I consider that Option C should be conditioned in the instance that the Board is minded to grant permission for the development.

Demolition of Existing Dwelling

7.4.4. The proposed development seeks to demolish an existing residential property on site to accommodate the development (as Drawing no. 23058- PL -17 "Existing Dwelling – To be Demolished"). While I note that the observations on the application and appeal raise concern in relation to the principle of the demolition of the dwelling in light of the housing crisis, I refer to the planning history pertaining to the residential site wherein it is evident that there is a long association between the residential plot and the adjoining logistics company as detailed earlier in this assessment. In this regard, I have no objection to the principle of the proposed demolition of the dwelling to accommodate the proposal.

7.4.5. Notwithstanding the above, I have also considered the proposal to demolish the existing dwelling on site in light of the requirements of Policy CAP8 and Objective

DMSO256 of the Fingal Development Plan which relate to – Retrofitting and Reuse of Existing Buildings and seek to “*Support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible*”.

7.4.6. Section 14.21 of the Fingal Development Plan relates to Climate Action – Reuse of Existing Buildings and outlines that: “*Where development proposal comprises of existing buildings on the site, applicants are encouraged to reuse and repurpose the buildings for integration within the scheme, where possible. Where demolition is proposed, the applicant must submit a demolition justification report to set out the rational for the demolition having regard to the embodied carbon of existing structures as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures.....Existing building materials should be incorporated and utilised in the new design proposals where feasible and a clear strategy for the reuse and disposal of the materials should be included where demolition is proposed*”. (author emphasis added).

7.4.7. I refer to the Energy Statement prepared by Waterman Moylan and Section 5.1 of the Planning Statement which relates to the Sustainability Strategy for the site. However on review of the application and appeal documentation, I note that the applicant has not provided a rationale for the proposed demolition of the existing dwelling with regard to the embodied carbon of existing structures as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures in accordance with the requirements of Section 14.21 of the Fingal Development Plan. I note that this was not raised by Fingal County Council or within the observations on the appeal and in this regard may be considered as a new issue.

7.4.8. Notwithstanding the above, and in the absence of a rationale for the demolition of the existing structure in accordance with Section 14.21 of the Development Plan I recommend that the existing property is retained on site in accordance with the layout illustrated on Option C. I note that the appeal documentation does not include floor plans or elevations for proposed Office Block 1 or the existing residential dwelling. In the instance that the Board is minded to grant permission for the development I recommend that drawings are submitted illustrating the internal layout of the revised office block and the existing dwelling. I recommend that this is addressed by means of condition.

Impact on Visual and Rural Amenity

- 7.4.9. The observations on the appeal raise concern in relation to the proposal to remove existing hedgerow along the western site boundary to accommodate the development and its impact on residential amenity and the rural character of the area. Fingal County Council's Park's and Green Infrastructure report refers to the requirements of SPQH090 and SPQHO91 of the Fingal Development Plan which relate to the maintenance of hedgerow boundaries. The Proposed Overall Site Plan (Drawing no. 23058-PL-03.1) illustrates the removal of the existing boundary treatment along the R108 to the west and the set back of the site boundary to provide a grass verge and footpath along the perimeter of the site along the R108. Drawing no. 23058-PL.42 "Proposed Site Boundary Treatment Details" illustrates the provision of 2.4m high rail and concrete wall boundary along the western site boundary and palisade fence to the south and west.
- 7.4.10. The first party appeal refers to the existing character of the area which includes the existing Aramex facility and adjoining warehouse/commercial buildings and outlines that the site is not located within a pristine rural area. The appeal outlines that the overall condition of the existing hedgerow is poor and outlines that the proposed office facade provides interaction with the site environs and improves the visual amenity of the area.
- 7.4.11. Notwithstanding this, the appeal outlines that the western boundary can be preserved in the instance that the Board considers the principle of the removal of the boundary (as illustrated on Option C Drawing no. 23058-PL-45.1). In considering the grounds of appeal, I note that the existing character of the appeal site and immediately adjoining landholding are commercial in nature, and I have no objection to the removal of part of the existing western site boundary to accommodate the proposal. I refer to the report on file from the Parks and Green Infrastructure Section which recommends a revised landscaping plan which details the amount of hedgerow proposed to be retained and removed to accommodate the development. I note that the report from the ecologist in FCC does not raise concern in relation to the principle of the proposed removal of the hedge at this location as its removal is compensated for by additional planting elsewhere within the site. In the instance that the Board is minded to grant permission for the development, I recommend the submission of a revised landscaping and

boundary treatment plan which provides details of proposed boundaries to be retained and removed and includes proposals to retain existing boundaries where suitable.

Conclusion

- 7.4.12. In conclusion, I consider that the revised layout as illustrated on Option C submitted in conjunction with the 1st party appeal, successfully addresses a number of the concerns raised within Fingal County Council's 2nd reason for refusal in relation to the overspill of the development onto lands zoned for "RU" Rural purposes. I recommend that Option C (Drawing no. 23058-PL-45.1) is conditioned in the instance of a grant of permission.
- 7.4.13. In the instance that the Board consider that the layout as submitted to the planning authority is a more appropriate design solution, I recommend that the applicant is given an opportunity to provide a rationale for the demolition of the existing dwelling on site in accordance with the provisions of Section 14.21 of the Fingal Development Plan 2023-2029.

7.5. Access and Transportation

- 7.5.1. The subject site is located along the R108, a regional route between Swords and the village of Ballyboughal. Access to the site is currently provided via two vehicular access/egress points from the R108, which forms the western boundary of the site. The northern entrance provides HGV access and the entrance to the south serves as the staff/visitor car park. The R108 currently operates within a speed limit of 80 km/ph in the vicinity of the site.
- 7.5.2. A Road Safety Audit prepared by Traffico Road Safety Engineers was submitted in conjunction with the first party appeal (Appendix A of the First Party Appeal report prepared by Waterman Moylan Consulting Engineers). Section 2 of the RSA relates to road safety issues at the existing northern and southern entrances to the site. The RSA outlines that there is a reduced sightline on the R108 sightline looking south at the southern entrance and the side-by-side nature of the existing Aramex access and the adjacent commercial premises results in an increased risk of crossing conflicts between opposing HGV's.

Proposed Access & Sightlines

7.5.3. The proposed development seeks relocation of the existing entrances to the site from the R108 to provide enhanced visibility at site entrances. The proposed northern entrance is relocated approx. 15m north away from the existing access to Nugent's Fresh Produce. The existing southern entrance will be relocated 22m to the south. The application documentation outlines that HGV vehicles will continue to enter the site via the proposed northern entrance. The appeal outlines that the current application seeks to upgrade both north and south entrances to the site resulting in a net improvement to traffic safety on site.

7.5.4. Fingal County Council's first reason for refusal raises concerns in relation to visibility at the proposed southern site entrance and recommends that permission is refused for the development on grounds of traffic hazard, as detailed below:

"The existing horizontal alignment of the R108 incorporates a series of bends in the vicinity of the proposed development resulting in difficulty achieving the required sightlines in accordance with the relevant standards. The sightlines as proposed are reliant on the continual maintenance of the roadside hedgerow and narrow verge on lands outside of the application site boundary and the applicant's ownership. Failure to continually maintain this roadside hedgerow and narrow verge would result in a significant blind spot in the northerly direction and the achievement of sight lines far below the standard required in accordance with TII standards. The development as proposed would therefore be substandard in nature and would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists".

7.5.5. The appeal refers to the planning history pertaining to the site and the previous decision by An Bord Pleanála to refuse permission for development on the site under ABP Ref: 312521-22 wherein permission was refused for extension to the facility for reasons including traffic hazard. The appeal outlines that the planning authority's 1st reason for refusal reflects the reason for Refusal no. 2 of ABP Ref: 312521-22 and the reason for refusal does not take into account the fact that access arrangements included within the subject application are not comparable to the development proposed under the previous application pertaining to the site. The appeal outlines that FCC has failed to consider two fundamental design changes that have been

incorporated into the subject application to negate against traffic impacts namely (1) the alternate site access design and locations and (2) the use of the northern entrance only by HGV traffic.

- 7.5.6. In considering the grounds of appeal I have reviewed the application documentation together with Fingal County Council's internal planner's report, and the report received from the Transportation Planning Section (TPS) which informed the notification of decision of Fingal County Council to refuse permission for the development. I am satisfied that the concerns raised by the planning authority within the 1st reason for refusal refer to the development as currently proposed.
- 7.5.7. The Fingal Development Plan does not specify any standards for sightlines and visibility. Section 14.17.5 of the Plan relates to the Road Network and Access and outlines that: *For new developments, securing access onto the road network is a key issue, particularly in rural areas. The intensification of use of an existing access is normally preferable to the creation of a new access onto a rural road. Where new entrances are necessary, the relevant road design standards will be applied (DMRB in rural situations and DMURS in urban situations).*
- 7.5.8. Objective DMSO115 seeks to *"Restrict unnecessary new accesses directly off Regional Roads. Ensure premature obsolescence of all County/local roads does not occur by avoiding excessive levels of individual entrances. Ensure that necessary new entrances are designed in accordance with DMRB or DMURS as appropriate, thereby avoiding the creation of traffic hazards".*
- 7.5.9. Transport Infrastructure Ireland (TII) guidance documents Design Manual for Roads and Bridges (DMRB) provides national standards for the design of roads and bridges. Volume 6 includes details for road link design, sight distances etc. for national and regional roads. The second, referenced in the grounds of appeal, provides guidance on the geometric design of junctions (priority junctions, direct accesses etc onto regional and local roads). The y distance for an 80 kph road is not specifically stated in the TII guidance, rather the distance for a 70kph road is 120m and for an 85kph road is 160m.
- 7.5.10. Sightlines at the proposed entrances are illustrated on Proposed Visibility Splays- Junction 1 (Northern Entrance) - (Drawing no. ARA-WMC-ZZ-00-GA-P-0103) and Proposed Visibility Splays- Junction 2 (Southern Access) - (Drawing no. ARA-WMC-

ZZ-00-GA-P-0104) prepared by Waterman Moylan Consulting Engineers. These drawings illustrate the provision of 145m visibility splays at both the proposed northern and southern entrances in accordance with TII Standards.

- 7.5.11. The report from the Transport Planning Section in FCC outlines that sightlines in accordance with TII standards are provided at the proposed northern entrance. The report raises concern in relation to visibility and the proposed southern entrance to the development. While it is stated that line of sight of 145m at a 2m set back is achievable southbound on the R108, visibility to the north from the proposed entrance is dependent on the existing roadside hedgerow and narrow verge to be continually maintained. The hedgerow associated with the adjoining property to the north of the existing southern entrance entrance and grass verge were visible on-site inspection. The grass verge adjoins the R108.
- 7.5.12. The report outlines that failure to maintain this boundary could result in a sightline potentially less than 40m. The report outlines that for sightlines at the southern access as proposed to be acceptable assurances are required that the roadside hedgerow and grass verge on the contiguous land to the north shall be cut and maintained indefinitely by the applicant.
- 7.5.13. The first party appeal outlines that sightlines are achievable in accordance with required standards, and it is only in the interest of failure to maintain the hedgerow that issues would arise. The appeal refers to the provisions of Section 70 of the Roads Act 1993 which places the responsibility on owners/occupiers of property to ensure that a tree, shrub, hedge or other vegetation on the land is not a hazard or potential hazard to persons using a public road and the maintenance of the roadside verges rests with the Local Authority. Under this Act the Planning Authority has powers to serve notice to the owner to maintain the boundary to ensure that it is not a hazard or potential hazard. The applicant commits to funding the annual maintenance of the hedgerow north of the southern entrance on behalf of FCC for the benefit of all road users if required.
- 7.5.14. The Fingal County Council Ecology Report questions the ownership of hedgerows proposed for removal to facilitate sightlines. On review of the application drawings, I am satisfied that the hedgerows proposed for removal to accommodate sightlines at

the proposed northern and southern entrances are located within the red line application boundary.

- 7.5.15. On the basis of the information submitted in conjunction with the application and appeal I am satisfied that the applicant has demonstrated that sightlines at the proposed entrances are achievable in accordance with TII standards. The applicant has committed to funding the maintenance of the existing grass verge and hedgerow to the north of the proposed southern entrance to maintain sightlines and I am satisfied that this can be addressed via condition in the instance that the Board is minded to grant permission for the development. I consider that the proposed access arrangements represent a significant improvement to the existing entrances to the site. I consider that the applicant has addressed the concerns raised within Fingal County Council's 1st reason for refusal.

Consultation with NTA / TII

- 7.5.16. The observations on the appeal raise concern in relation to the lack of consultation with NTA/TII in respect of the proposal. In this regard it is stated that the proposal is contrary to the requirements of Section 14.17.6 of the Fingal Development Plan which relates to Road Safety and Objective DMSO118 of the Plan which relates to Road Safety Measures and which seeks to: *"Promote road safety measures in conjunction with the relevant stakeholders and avoid the creation of traffic hazards"*. In considering the grounds of appeal I note that a report on file was prepared by the Transportation Section in FCC which addresses the principle of the proposed revised access.

Capacity of Wider Road Network

- 7.5.17. The observations on the appeal outline that the existing local road network serving the site does not have capacity to serve the traffic movements associated with the existing and proposed extended operation.
- 7.5.18. The Traffic and Transportation Assessment submitted in conjunction with the application outlines that the proposed development will generate minimal additional traffic movements on the adjoining road network. The TTA outlines that staff nos. will increase from 149 to 168 and outlines that the proposed warehouse extension is primarily to accommodate storage rather than distribution and, in this regard, will generate 10% increase in HGV and van traffic.

7.5.19. The observations on the appeal raise concern in relation to the scope and content of the TTA and outlines that traffic volumes associated with the extended operation are underestimated. However, on the basis of the information submitted in conjunction with the application and appeal in terms of the use of the proposed warehouse units (primarily storage) and limited increase in staff nos., I am satisfied with the assumptions set out within the TTA. I recommend the inclusion of a condition restriction to use of the development to that detailed within the application in the instance that the Board is minded to grant permission for the development

Sustainable Travel Patterns

7.5.20. A Mobility Management Plan was submitted in conjunction with the application which sets out measures to encourage staff to use public transport, walk and cycle to the site. The MMP outlines that both walking and cycling are currently difficult due to the lack of cycle lanes and footpaths along the R108. The proposal includes the provision of a footpath along the R108 in the vicinity of the site and the provision of cycle parking within the development.

7.5.21. At present, no formal cycle parking is provided on site. The development, as originally proposed sought permission for 40 cycle parking spaces. The report on file from the Transportation Planning Section in FCC outlined that 88 short stay and 63 long stay spaces should be provided in accordance with Development Plan Standards. The appeal outlines that this level of cycle parking is excessive given the operations of the site and on the basis of employee and visitor nos. Revised drawings submitted in conjunction with the appeal include the provision of increased cycle parking spaces to 68. The appeal outlines that additional cycle parking can be provided at a later stage if required. Having regard to the location of the site and the characteristics of existing and proposed development I am satisfied that the proposal incorporates sufficient cycle parking provision.

Car Parking

7.5.22. The Traffic and Transport Assessment outlines that at present 112 car parking spaces are provided within the site together with parking for 10 no. articulated trailers. The TTA outlines that the demand for parking on site regularly exceeds the formal parking provision on site. The TTA outlines that based on Development Plan standards there would be a maximum requirement for 251 no. spaces to serve the

development. 5 no motorcycle spaces at proposed. The development, as originally submitted, included the provision of 180 no. spaces on site. The plans submitted in support of the appeal further reduced car parking on site to c.140 no. spaces.

- 7.5.23. I note that the Transport Planning Section in FCC does not raise objection to the proposed quantum of car parking on site to accommodate the existing and proposed operations. I similarly have no objection to the proposed parking provision.

Points raised within the Transport Planning Section Report

- 7.5.24. The first party appeal includes a review and response to the comments made within the report on file from the Transport Planning Section in FCC in relation to internal road network of the site and the quantum of cycle/motorcycling spaces on site. The appeal outlines the revised drawings submitted in conjunction with the appeal include a reduction in kerb radii, reduction in width of access roads and set back to entrances gates to address the points raised within the Transportation Report.

- 7.5.25. On an overall basis I consider that the proposed revisions to the internal road layout represent an improvement to the existing layout. On review of the drawings submitted in conjunction with the appeal, I do not consider that revisions to the internal road network in accordance with those detailed within the Transportation Report in FCC have been incorporated. I am satisfied that revisions to the internal road network can be subject to agreement with the Planning Authority via condition in the instance that the Board is minded to grant permission for the development.

- 7.5.26. The Transport Planning Section Report recommends the submission of a Road Safety Audit in respect of the application. A Road Safety Audit was submitted in conjunction with the appeal response. I note that this audit provides an assessment of the existing rather than the proposed site entrances. I recommend the submission of Road Safety Audit of the proposed entrances and the internal site layout in the instance that the Board is minded to grant permission for the development.

Road Improvements to R108

- 7.5.27. Section 3.3 of the first party appeal refers to potential mitigation measures which may be considered by An Bord Pleanála. These include improvements to the R108 in the vicinity of the site as illustrated on Drawing no. ARA-WMC-ZZ-00-GA-P-0107 "Possible R108 Road Improvements" submitted in conjunction with the appeal. The

drawing illustrates the reduction of the width of the R108 in the vicinity of the proposed southern access to 6.5m.

- 7.5.28. As earlier noted, I am satisfied that the applicant has demonstrated that sightlines at the proposed site entrances can be provided in accordance with TII standards. I consider that any further improvement works to the R108 in the vicinity of the site should be subject to written agreement with Fingal County Council in the instance of a grant of permission. I consider that this can be addressed by means of condition in the instance that the Board is minded to grant permission for the development.

Conclusion

- 7.5.29. In conclusion, I consider that the proposed access arrangements to the development are acceptable in principle and in accordance with TII Standards. On the basis of the information submitted in conjunction with the application and appeal and having regard to existing access arrangements and the nature of development proposed, I am satisfied that the proposed development would not generate significant additional traffic on the local road network or result in a traffic hazard. I do not recommend that permission is refused for the development in accordance with the Fingal County Council's 1st reason for refusal.

7.6. Impact on Visual, Rural and Residential Amenity

- 7.6.1. Fingal County Council's 3rd reason for refusal relates to the impact of the proposal on the residential amenity of the area as detailed below:

"The proposed development, by virtue of the resultant significant intensification of use and associated lighting, noise and disturbance from on-site operations would seriously injure the amenities of property in the vicinity of the site and would be contrary to the proper planning and sustainable development of the area".

- 7.6.2. The appeal site is located directly adjacent to two residential properties. Additional one-off rural dwellings on the opposite side of the R108, within the vicinity of the site. The occupants of both properties adjoining the site have made observations in relation to the impact of the proposed extension on their amenity.
- 7.6.3. At present the site accommodates c. 12,275 sq.m. of logistics/warehousing floorspace and ancillary office floorspace associated with Aramex. The proposed development seeks the addition of c.10,078 sq.m. of buildings for

logistics/warehousing and office use. The proposed warehouse extension is primarily located to the rear of the existing logistics business and the revised access arrangements include the relocation of existing entrances further from existing residential properties.

- 7.6.4. The observations on the appeal raise concern in relation to the impact of the development on the residential and visual amenity of the area. The concerns raised relate to noise impact and associated disturbance associated with additional HGV movements, light overspill from floodlighting, visual impact and disturbance associated with the construction phase of the development. Such concerns are reflected within the planner's report which informs the decision of FCC to refuse permission for the development.
- 7.6.5. I consider many of the concerns raised relate to the impact of the existing operation on the residential amenity of these occupants. While the proposed development will increase the intensity of the business, I consider the location of the warehouse expansion to the rear of the site will not impact significantly on those residential properties along the R108. I furthermore consider the relocation of the proposed access, further away from the existing dwellings, will reduce the impact of the vehicle movement into and out of the site. I consider that the proposed revision to the HGV access arrangements and relocation of Warehouse 1 loading operations will result in a reduced noise impact on nearby properties. Specific concerns are raised within the observations in relation to noise impact associated with the truck wash. However, I consider that the proposed truck wash is sufficiently removed from residential properties to negate against noise impact.
- 7.6.6. The observations on the appeal raise concern in relation to light spillage associated with floodlighting from the existing facility and include nighttime photographs of the development. The first party appeal outlines that the proposal seeks to improve lighting proposals on site moving them further from residential properties as illustrated on Drawing no. SES 16123 and detailed in the Outdoor Lighting Report. In the instance that the Board is minded to grant permission for the development I recommend the submission of a detailed lighting proposals which incorporate measures to control potential light spillage during the operational phase of the development. I am satisfied that this can be addressed by means of condition in the instance of a grant of permission.

- 7.6.7. I note the concern raised in relation to construction phase impacts. While any impacts from construction may increase noise etc, I consider that these would be short term in duration. In the instance that the Board are minded to grant permission for the development I recommend the inclusion of a condition requiring the submission of a Construction Management Plan to the planning authority for written agreement.
- 7.6.8. An observation on the appeal raises concern in relation to the impact of the proposal on agricultural activities including the livestock (horses) on lands in the vicinity of the site. However, I consider that the proposed extension is sufficiently removed from adjoining landuses to negate against impact.
- 7.6.9. The observations on the appeal raise specific concern in relation to the impact of proposed Office Block 1 on the visual and residential amenity in relation to height, overlooking, overshadowing. The planner's report which informs the decision of FCC to refuse permission for the development outlines that the proposed office block would have a negative impact on the visual, rural and residential amenities of the area. Having regard to the siting of the office block relative to existing properties, the proposed separation distances and the nature of intervening development I do not consider that impacts such as overlooking or overshadowing arise on adjoining residential properties. I furthermore do not consider that the proposed warehouse extensions to the rear of the site will impact on the visual amenity of the area.
- 7.6.10. I note the concerns raised within the observations on the appeal in respect of the devaluation of property in the vicinity. However, having regard to the distance between the proposed extension to existing residential properties I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.
- 7.6.11. The observations on the appeal raise concern in relation to the proposal to remove existing hedgerow along the western site boundary to accommodate the development and its impact on residential amenity and the rural character of the area. Such concerns are raised within the planner's report which informs the decision of FCC to refuse permission for the development. The Proposed Overall Site Plan (Drawing no. 23058-PL-03.1) illustrates the removal of the existing boundary treatment along the R108 to the west and the set back of the site boundary

to provide a grass verge and footpath along the perimeter of the site along the R108. Boundary treatment details are illustrated on Drawing no. 23058-PL.42 "Proposed Site Boundary Treatment Details" and includes the provision of 2.4m high rail and concrete wall boundary along the western site boundary and palisade fence to the south and west.

- 7.6.12. The first party appeal refers to the existing character of the area which includes the existing Aramex facility and adjoining warehouse/commercial buildings. The appeal outlines that the proposed office facade provides interaction with the site environs and improves the visual amenity of the area and the proposed footpath improve the connectivity of the site.
- 7.6.13. Notwithstanding this, the appeal outlines that the western boundary can be preserved in the instance that the Board considers the principle of the removal of the boundary (as illustrated on Option C Drawing no. 23058-PL-45.1). I note that the report from the ecologist in FCC does not raise concern in relation to the principle of the proposed removal of the hedge at this location as its removal is compensated for by additional planting elsewhere within the site.
- 7.6.14. The report on file from the Parks and Green Infrastructure Division refers to the requirement of Objectives SPQH090 and SPQHO91 of the FDP which relates to the retention of existing hedgerow boundaries. In accordance with this requirement, I suggest the submission of a revised landscaping plan which details the extent of existing boundary treatment to be retained and removed to accommodate the proposal. I am satisfied that this can be addressed by means of condition in the instance that the Board is minded to grant permission for the development.

Conclusion

- 7.6.15. In conclusion, I consider that the proposed development maintains adequate separation distances from the existing residential properties, and it would not give rise to undue overlooking or overshadowing of adjoining properties or otherwise cause serious injury to the residential amenities. I consider that the proposed revised access arrangements and internal layout of the site will result in an improvement to any potential noise and disturbance to the site. I do not consider that the proposal represents a scale or format of development which would seriously detract from the visual or residential amenities of the area. On the basis of the information set out

within the application and appeal I do not recommend that permission is refused for the development in accordance with FCC's 3rd reason for refusal.

7.7. Other Issues

Ownership

- 7.7.1. The observations on the appeal outline that the applicant does not have legal ownership of the site. I refer to the completed planning application form submitted in support of the application. The response to question 10 of the form – which relates to the legal interest of the applicant in the land or structure - outlines that the applicant has both ownership and other interest. The form outlines that part of the site is owned by Star Rose Investments and the applicant is currently in the process of purchasing this. A letter of consent from Star Rose Investments is submitted in support of the application. Drawing no. 23058-PL-04 Land Ownership Map submitted in conjunction with the application illustrates the extent of land in the ownership of the applicant and lands to be acquired by the applicant.
- 7.7.2. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application and decision. [Any further legal dispute is considered a Civil matter and are outside the scope of the planning appeal.] In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

Lack of Consultation

- 7.7.3. A number of the observations on the appeal raise concern in relation to the lack of consultation with the local community in respect of the proposal. In considering the issue raised I note that there is no statutory requirement to undertake such engagement. The application was subject to a statutory public consultation period of 5 weeks and I am satisfied that all concerned parties had the opportunity to make submissions/observations in respect of the application.

Non- Compliance with Permission

- 7.7.4. The observations on the appeal refer to a history of non-compliance with planning permission at the premises and applications for retention of planning permission. I note that the issue of enforcement and compliance with the terms of permissions

pertaining to the development is a matter for the planning authority in terms of compliance with other codes and not for An Bord Pleanála. I have assessed the proposed development on its individual merits.

Landscaping - Wastewater Treatment Plan

- 7.7.5. The proposed development includes the installation of a new Wastewater Treatment Plant and polishing filter. The report prepared on file from the Fingal County Council's Ecologist outlines that landscaping proposals illustrate the provision of trees and plating on the WWTP. The report requests a revised Green Infrastructure Plan which maintains a separation distance of 3m between the WWTP and polishing filter and any trees in accordance with the EPA Code of Practice. I am satisfied that this can be addressed via condition in the instance that the Board is minded to grant permission for the development.

Truck Wash

- 7.7.6. The proposed development includes the provision of a truck wash area to the east of the site in the vicinity of proposed Warehouse 9 as illustrated on the Proposed Overall Site Layout Plan (Drawing no. 23058-PL-03.1). The application documentation outlines that it is proposed to recycle water from the truck wash area and there is no connection with the surface water system.
- 7.7.7. The report prepared on file from the Fingal County Council's Ecologist requests details of outfall from the truck wash area and clarification in relation to the proposed method of disposal of truck wash water. In the instance that it is diverted to the WWTP then the report outlines that the Site Characterisation Report should be updated to ensure that the PE of the plant and hydraulic loading of the sand filter can accommodate this aspect of onsite works. I am satisfied that such details in relation to the final disposal of water from the truck wash can be confirmed via condition in the instance that the Board is minded to grant permission for the development.

Application Documentation

- 7.7.8. I note the reference within Section 2 of the first party appeal to the submission of an EIA Screening report and Archaeological report in conjunction with the application documentation. However, I note that these documents were not submitted in conjunction with the application.

7.7.9. As detailed earlier in this assessment, the proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. I am also satisfied that there is no requirement for an Archaeological Assessment in respect of the proposal given its distance from the nearest features. I note that the report on file from Fingal County Council's Archaeological section outlines that the nearest recorded archaeological site is c.450m from the appeal site and does not raise objection to the proposal on archaeological grounds.

8.0 AA Screening

8.1. Please refer to Appendix 2 (AA Screening) of this report which contains an AA Screening Report where I have concluded the following:

8.2. In accordance with Section 177U (4) of the Planning and Development Act 2000 (as amended), and on the basis of objective information, I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

8.3. This conclusion is based on:

- Standard pollution controls that would be employed regardless of proximity to a European site, and effectiveness of same.
- The characteristics of the site and nature and scale of the development.
- The lack of proximity between the appeal site and any Natura 2000 and the downstream distance to the Malahide Estuary SAC and Malahide Estuary SPA.

8.4. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

9.0 Recommendation

I recommend that planning permission is GRANTED for the proposed development in accordance with the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the established use of the site and the zoning of the majority of the site for “Warehousing and Distribution” purposes within the Fingal Development Plan 2023-2029, the policies and objectives of the Plan including Objective ZO4, the provisions of Section 37 2(b) of the Planning and Development Act 2000 as amended, it is considered that the proposed development, subject to compliance with the conditions set out below, would be in compliance with the provisions of the Fingal Development Plan 2023-2029 would not affect the residential or visual amenities of the area, would not be prejudicial to public health or constitute a traffic hazard. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received by An Bord Pleanála on the on the 5th of March 2024 and the layout indicated Drawing no. 23058-PL-45.1 Proposed Overall Site Plan – Proposed Layout – Option C, 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 commencement of development, revised documentation and drawings illustrating the following details shall be submitted to and agreed in writing with the planning authority:
 - (a) Floor plans and elevations of Proposed Office Block 1 and the existing residential dwelling as illustrated on Drawing no. 23058-PL-45.1
Proposed Overall Site Plan – Proposed Layout – Option C.
 - (b) Revised Lighting proposals which includes details of measures to control potential light spillage during the operational phase of the development.
 - (c) An updated Road Safety Audit which addresses the proposed entrances to the site and internal site layout and revised plans which incorporate the recommendations of the Road Safety Audit.

Reason: In the interests of clarity, traffic safety and to protect rural and residential amenity.

3. The use of the proposed Warehouse Structures shall be in accordance with that specified within the planning application (primarily storage). The permitted office floorspace shall be used as an office ancillary to the logistic complex and the office structure shall not be separated from the adjoining logistic complex by way of site, lease or otherwise.

Reason: In the interests of clarity and traffic management.

4. All goods and materials shall be stored within the building and shall not be stored/stockpiled within the curtilage of the site, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of public health, traffic safety, public safety and amenity.

5. Prior to the commencement of development, the developer shall submit a revised landscaping plan for written agreement of the planning authority which details the following:

- (a) Provides details of existing hedging to be retained and removed on site as well of details in relation to sufficient tree and mixed hedgerow planting. There should be no net loss in hedgerow within the site and it is preferable to retain existing hedgerows.
- (b) A 3m separation distance shall be maintained between the WWTP and sand polishing filter and any trees.
- (c) A Tree Protection Plan in accordance with BS5837:2012 indicating the location of protective fencing for retained trees.

Reason: In the interest of residential and visual amenity.

- 6. Visibility splays at the proposed site entrances shall be provided and maintained in accordance with Planning Authority requirements and the standards set out within Transport Infrastructure Ireland (TII) guidance document Design Manual for Roads and Bridges (DMRB). Prior to the commencement of development, the developer shall submit details of measures to ensure the maintenance of visibility splays at the proposed site entrances for written agreement of the planning authority.

Reason: In the interests of pedestrian and traffic safety.

- 7. Prior to the commencement of development, the developer shall liaise with Fingal County Council to ascertain their requirements relating to traffic management improvement works to the adjoining road network to facilitate the development. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the requirements of the Planning Authority.

Reason: In the interest of orderly development and to ensure traffic safety.

- 8. Water supply and drainage arrangements, including the 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.

9. The wastewater treatment system and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the EPA Wastewater Treatment Manual Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (EPA 1999).

Reason: In the interest of public health.

10. Prior to the commencement of development, the development shall provide details of disposal of wastewater from the proposed truck wash for written agreement of the Planning Authority.

Reason: To provide for the appropriate management of wastewater and in the interest of protecting the environment.

11. The developer shall enter into water connection agreement with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

12. All public services to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

Reason: In the interest of visual amenity

13. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or

within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

14. The construction of 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. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, measures to ensure the protection of the adjoining watercourse and noise management measures.

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

15. A plan containing details for the management and disposal of waste within the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and in the interest of protecting the environment.

16. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephanie Farrington
Senior Planning Inspector

2nd of April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	319202-24		
Proposed Development Summary	Construction of extensions to warehouses, replacement of internal offices with new offices and all associated site works.		
Development Address	Belinstown, Ballyboughal, Co. Dublin, A41 FV07		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes ✓	Tick if relevant and proceed to Q2.
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	✓	Note: The appeal site is located to the south of Ballyboughal Village. The existing character of development in the vicinity of the site is rural in nature with rural relates enterprises and some one-off rural houses. I consider the area is non-residential in nature, not at the heart of an urban area, and does not exhibit characteristics associated with a city or town. On this basis I do not consider the this is an 'urban development' and as such the proposed development does not fall under Class 10(b)(iv).	

3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2: AA Screening

Screening for Appropriate Assessment Screening Determination

Description of the project

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located along the eastern side of the R108, c. 2km south of the village of Ballyboughal. The site currently accommodates an existing logistic facility and adjoining agricultural lands. Section 3.2 of the AA Screening report outlines that the habitats present on site are buildings and artificial surfaces (BL3), improved agricultural grassland (GA1), with small amounts of habitats classified as Treelines (WL2) and Hedgerows (WL1). The Flood Risk Assessment submitted in support of the application identified the site within Flood Zone Category C with low risk of coastal, fluvial and pluvial flooding.

Proposed Development

The proposed development comprises of the construction of an extension to the existing logistics company as detailed within Section 2 of this report.

European Sites

The proposed development is not directly connected with or necessary to the management of a European site. Table's 1 and 2 of the applicant's Screening Report provides a list of designated Special Area's of Conservation (SAC's) and Special Protection Areas (SPA's) within 15km of the site. Nine designated sites are identified within these Tables including 4 SAC's and 5 SPA's.

Seven of these European sites were ruled out from being within the Zone of Influence because of the significant distance between the subject site and the relevant European site and lack of hydrological connections. The report outlines that all identified sites except for the Malahide Estuary SAC (Site Code 000205) and Broadmeadow/ Swords Estuary SPA (004025) have no hydrological/geographical pathways or connections. The applicant's Screening report refers to the Malahide

Esturay SPA as the Broadmeadow Swords SPA. For the purposes of clarity, I refer to this site as the Malahide Estuary SPA within this assessment.

The site is located c. 4.8km east of the Rogerstown Estuary Special Area of Conservation (SAC) and the Rogerstown Estuary Special Protection Area (SPA) (Site Code: 004015) c. 5.6 km east. The next closest Natura 2000 sites are the Malahide Estuary SPA (Site Code 004025) – 5.4km southeast and Malahide Estuary SAC (Site Code 000205) – 5.4km southeast.

There is a drainage ditch on the northeastern boundary of the site. This drainage ditch is not identified on EPA mapping. EPA mapping identifies that the existing watercourses in the area flow in an eastern direction. The applicant's AA Screening Report outlines that this drainage ditch leads to the Turvey stream which connects to the Malahide Estuary SAC and Malahide Estuary SPA which are located c. 5.7km southeast, c.9.7km downstream.

The applicant submitted an Appropriate Assessment Screening Report prepared by ESC Environmental Ltd. The report prepared on file from the Fingal County Council's Ecologist recommends a request for further information in relation to submission of an updated AA Screening Report which addresses the following:

- Describes and assesses works proposed to connect the proposed swale to the ditch within the north of the site and
- The potential for the site or lands nearby to be utilised by ex-situ feeding or resting habitat for any QI's of any Designated Sites.

I have taken the points raised into account in the AA Screening Assessment below.

Potential impact mechanisms from the project

Section 3.3 of the applicant's Screening Report provides an Overview of Potential Impacts. The elements of the proposed development that would potentially generate a source of impact are:

- Construction phase impacts – potential for siltation from surface water run-off.
- Surface water run-off at operation phase of the development
- Groundwater contamination from the increase in wastewater loadings

There is a drainage ditch on the northeastern boundary of the site. This drainage ditch is not identified on EPA mapping. EPA mapping identifies that the existing watercourses in the area flow in an eastern direction. The applicant's AA Screening Report outlines that this drainage ditch leads to the Turvey stream which connects to the Malahide Estuary SAC and Malahide Estuary SPA which are located c. 5.7km southeast, c.9.7km downstream.

Potential impact mechanisms include those from surface water pollution from construction works (silt/ hydrocarbon/ construction related), resulting in a deterioration of water quality. At operational stage, run off from the site could impact on surface water bodies, as could additional contaminated surface water runoff from additional hard standing areas.

With reference to EPA mapping, the site sits above the same groundwater body (Swords GWB) as the Rogerstown Estuary SAC, and the Malahide Estuary SAC, and, as such, groundwater pollution as a result of construction activity and operational activity is a potential impact mechanism.

I note the comments raised within the Ecology report from Fingal County Council in terms of the potential for the site to be utilised by ex-situ feeding or resting habitat for any QI's of any Designated Sites. In considering the issues raised I note that the site is not located within a protected habitat and comprises an existing operation logistics facility and adjoining agricultural lands. Having regard to the characteristics of the site, including an existing operational logistics facility and adjoining managed agricultural lands, I consider that the appeal site is highly unlikely to be of any importance to wintering birds. Having regard to the extent of 'RU' Rural zoned agricultural lands within the immediate vicinity, I do not consider that the development of the site would be a limiting factor in this area.

There are no other readily apparent impact mechanisms that could arise as a result of this project.

European Sites at risk

Table 1 European Sites at risk from impacts of the proposed project

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Surface water pollution at construction/ operational phase	<p>Drainage ditches/streams which eventually drain to the Malahide Estuary SAC via surrounding surface water bodies.</p> <p>Indirect impact via a hydrological pathway</p>	Malahide Estuary SAC (000205)	<p>Mudflats and sandflats not covered by seawater at low tide [1140] <i>Salicornia</i> and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>

Surface water pollution at construction/operational phase	Drainage ditches/streams which eventually drain to the Malahide Estuary SAC via surrounding surface water bodies. Indirect impact via a hydrological pathway	Malahide Estuary SPA (site code 004025)	Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Pintail (<i>Anas acuta</i>) [A054] Goldeneye (<i>Bucephala clangula</i>) [A067] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]
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Indirect groundwater pollution	Groundwater via the Swords GWB.	Malahide Esturay SAC (000205)	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>
Indirect groundwater pollution	Groundwater via the Swords GWB.	Rogerstown Estuary SAC (000208)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by</p>

			<p>seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>
Ex situ habitat		Rogerstown Estuary SPA (004015)	<p>Greylag goose [A043]</p> <p>Light-bellied Brent goose [A046]</p> <p>Shelduck [A048]</p> <p>Shoveler [A056]</p> <p>Oystercatcher [A130]</p>

			Ringed plover [A137] Grey plover [A141] Knot [A143] Dunlin [A149] Black-tailed godwit [A156] Redshank [A162] Wetland and waterbirds [A999]
Ex situ habitat		Malahide Estuary SPA (004025)	Great crested grebe [A005] Light-bellied Brent goose [A046] Shelduck [A048] Pintail [A054] Goldeneye [A067] Red-breasted merganser [A069] Oystercatcher [A130] Golden plover [A140] Grey plover [A141] Knot [A143] Dunlin [A149] Black-tailed godwit [A156] Bar-tailed godwit [A157] Redshank [A162] Wetland and Waterbirds [A999]
<u>Malahide Estuary SAC (000205)</u> With reference to the relevant Site Synopsis document on the NPWS website, the Malahide Estuary is situated immediately north of Malahide and east of Swords in			

Co. Dublin. It is the estuary of the River Broadmeadow. The site is divided by a railway viaduct which was built in the 1800s. The estuary is an important wintering bird site and holds an internationally important population of Brent Goose and nationally important populations of a further 15 species. The site is important ornithologically, with a population of Brent Goose of international significance.

Having regard to the QI features column above, in my view, having regard to the information contained within the 'Conservation Objectives Series Malahide Estuary SAC 000205' document published by the NPWS e.g. attributes, measures, targets and maps, I consider that the two dune features, [2120] and [2130], could not be affected by the proposed development as they are terrestrial habitats which would be unaffected by any contaminated surface water, and therefore I have not included these further in this assessment.

Malahide Estuary SPA (004025)

With reference to the relevant Site Synopsis document on the NPWS website, the Malahide Estuary is situated in north Co. Dublin, between the towns of Malahide and Swords. The site encompasses the estuary, saltmarsh habitats and shallow subtidal areas at the mouth of the estuary. This site is of high importance for wintering waterfowl and supports a particularly good diversity of species. The high numbers of diving ducks reflects the lagoon-type nature of the inner estuary. Malahide Estuary SPA is a fine example of an estuarine system, providing both feeding and roosting areas for a range of wintering waterfowl. The lagoonal nature of the inner estuary is of particular value as it increases the diversity of birds which occur. Malahide Estuary (also known as Broadmeadow Estuary) is a Ramsar Convention site.

Having regard to the SCI features column above, in my view, given the diets of these bird species, I consider that a degradation in water quality, notwithstanding that water quality is not specifically cited in any of the attributes, measures, or targets in the 'Conservation Objectives Series Malahide Estuary SPA 004025' document published by the NPWS, could affect their conservation objectives.

Rogerstown Estuary SAC (000208)

Rogerstown Estuary is situated about 2 km north of Donabate in Co. Dublin. It is a relatively small, narrow estuary separated from the sea by a sand and shingle bar.

The estuary is divided by a causeway and narrow bridge, built in the 1840s to carry the Dublin-Belfast railway line. This site is a good example of an estuarine system, with all typical habitats represented, including several listed on Annex I of the E.U. Habitats Directive. Rogerstown is an internationally important waterfowl site and has been a breeding site for Little Terns. The presence within the site of three rare plant species adds to its importance.

Rogerstown Estuary SPA (004015)

Rogerstown Estuary is situated about 2 km north of Donabate in north County Dublin. It is a relatively small, funnel shaped estuary separated from the sea by a sand and shingle peninsula; the site extends eastwards to include an area of shallow marine water. The estuary receives the waters of the Ballyboghil and Ballough rivers and has a wide salinity range, from near full seawater to near full freshwater.

Step 4: Likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'

European Site and qualifying feature	Conservation objective (summary) ¹	Could the conservation objectives be undermined (Y/N)?		
		Indirect surface water pollution	Indirect groundwater pollution	Ex situ – feeding breeding
European Site and Relevant QIs - Rogerstown Estuary SAC (000208)				
Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows	Four QIs have, as their conservation objective, to maintain its favourable conservation objective i.e. 1130, 1140, 1310, and 1410. The remaining QI has, as its conservation	No. See discussion below	No. See discussion below	Not Applicable.

[1330] Mediterranean salt meadows [1410]	objective, to restore its conservation objective i.e. 1330.			
European Site and Relevant QIs – Malahide Estuary SAC (000205)				
Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows (1410) Northern Atlantic wet heaths with Erica tetralix [4010]	Three QIs have, as their conservation objective, to maintain its favourable conservation objective i.e. 1140, 1310, and 1410. The remaining QI has, as its conservation objective, to restore its conservation objective i.e. 1330.	No. See discussion below	No. See discussion below.	Not Applicable.
European Site and Relevant SCIs – Malahide Estuary SPA (004025)				
Great crested grebe [A005] Light-bellied Brent goose [A046] Shelduck [A048] Pintail [A054] Goldeneye [A067] Red-breasted	Every SCI has, as their conservation objective, to maintain its favourable conservation condition	No. See discussion below	No. See discussion below	No. See discussion below

merganser [A069] Oystercatcher [A130] Golden plover [A140] Grey plover [A141] Knot [A143] Dunlin [A149] Black-tailed godwit [A156] Bar- tailed godwit [A157] Redshank [A162] Wetland and Waterbirds [A999]				
European Site and Relevant SCIs – Rogerstown Estuary SPA (004015)				
Greylag goose [A043] Light-bellied Brent goose [A046] Shelduck [A048] Shoveler [A056] Oystercatcher [A130] Ringed plover [A137] Grey plover [A141] Knot [A143] Dunlin [A149] Black-tailed godwit [A156] Redshank [A162] Wetland and waterbirds [A999]	Every SCI has, as their conservation objective, to maintain its favourable conservation condition.	No. See discussion below	No. See discussion below.	No. See discussion below

In relation to surface water quality, the proposed development will be in relatively close proximity to the drainage ditch to the north of the site which leads to the Turvey stream which connects to the Malahide Estuary SAC and Malahide Estuary SPA which are located c. 5.7km southeast, c.9.7km downstream. At construction stage, standard best practice construction measures will prevent pollutants entering this ditch and other ditches within close proximity to the site.

I note the concerns raised within the report on file from the Ecology Section in Fingal County Council in relation to potential impacts associated with the construction of a headwall in the vicinity of the drainage ditch to the north of the site. However, I consider that works associated with this construction would be minor and undertaken in accordance with standard construction management practices. I do not consider that this would require any measures that required to avoid or reduce impacts to downstream Natura 2000 sites. Even if these standard construction measures should not be implemented or should they fail to work as intended, the potential indirect hydrological link represents a weak ecological connection, in my view, given the distance to the Malahide Estuary SAC (downstream distance of over 9km). As such, any pollutants that should enter the drainage ditch(es) will be subject to dilution and dispersion, rendering any significant impacts on water quality within the Malahide Estuary SAC unlikely.

In relation to potential construction phase groundwater impacts, I consider that best practice construction measures will serve to protect groundwater. Even if these measures should fail, this indirect hydrological link via groundwater also represents a weak ecological connection, given the distance to nearest Natura 2000 sites. As such any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils, or via spillages into the surrounding drains, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the Malahide Estuary SAC unlikely.

At operational stage, wastewater generated within the development will be directed to an upgraded Waste Water Treatment Plant. I note that this will be designed and maintained in accordance with the Code of Practice for Domestic Waste Water

Treatment Systems (EPA 2021) and the Wastewater Treatment Manual Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (EPA 1999). In this manner water quality within the Malahide Estuary SAC will be protected. The truck wash has an oversized impermeable concrete apron installed to contain all washdown runoff and directed to an underground tank with no connection to surface water discharge and in this manner groundwater quality will be protected.

At operational phase, surface water from the site will be directed towards a surface water detention basin before being discharged to an existing ditch on the northeastern boundary of the site. Surface water outflows to the detention basin will be serviced by petrol interceptors. The detailed design of this storm water system will be designed to the satisfaction of the Planning Authority and this drainage system will be designed so as to prevent contaminated storm water entering this drain. As such, any significant impacts on water quality within the Malahide Estuary SAC, resulting from contaminated surface water run-off are unlikely. The imposition of this condition is a standard pollution control measure and would be imposed on any development of this nature, notwithstanding any proximity to, or any hydrological connections to, a Natura 2000 site, and is not a mitigation measure that is designed specifically to avoid impacts on any Natura 2000 site.

I note the comments raised within the Ecology report from Fingal County Council in terms of the potential for the site to be utilised by ex-situ feeding or resting habitat for any QI's of any Designated Sites. In considering the issues raised I note that the site is not located within a protected habitat and comprises an existing operation logistics facility and adjoining agricultural lands. Having regard to the characteristics of the site, including an existing operational logistics facility and adjoining managed agricultural lands, I consider that the appeal site is highly unlikely to be of any importance to wintering birds. Having regard to the extent of 'RU' Rural zoned agricultural lands within the immediate vicinity, I do not consider that the development of the site would be a limiting factor in this area.

Having regard to the discussion above, I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of the Malahide Estuary SAC, Malahide Estuary SPA or any other designated Natura 2000 sites. Further AA screening in-combination with other plans and projects is required.

Likely significant effects on the European site(s) 'in-combination with other plans and projects'

There is no evidence on file of any plans or projects that are proposed or permitted that could impact in combination with the proposed development and as such no in-combination issues arise.

I conclude, therefore, that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European sites. No further assessment is required for the project.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Standard pollution controls that would be employed regardless of proximity to a European site, and effectiveness of same.
- The characteristics of the site and nature and scale of the development.
- The lack of proximity between the appeal site and any Natura 2000 and the downstream distance to the Malahide Estuary SAC and Malahide Estuary SPA.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.