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<b>Development</b>	Temporary retention of storage container facility. Temporary permission for stacked storage containers used for rent/sale off site and all associated site works
<b>Location</b>	Area C and D Gateway, Rosemount Park Drive, Rosemount Business Park, Dublin 11, D11 EE9K
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW25A/0225E
<b>Applicant(s)</b>	Titan Containers Ireland Ltd.
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Grant Retention
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellant(s)</b>	Titan Containers Ireland Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	4 <sup>th</sup> February 2026

**Inspector**

Paul O'Brien

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## 1.0 Site Location and Description

- 1.1. The subject lands consist of an almost triangular shaped site located within Rosemount Business Park, Dublin 15, forming part of a larger area of land. Part of the subject lands are not in use, and the remainder of the lands are in storage use. This takes the form of long rows of shipping containers where the customer can store their property within these containers. The containers are not stacked. There is an office/ staff facilities within a pre-fab building located at the entrance to the site. Paladin type fencing forms the site boundary.
- 1.2. Rosemount Business Park is located to the north of the M50. For ease of reference, the subject site is located approximately 680m to the north east of the National Indoor Arena within the National Sport Complex. Access to this business park is from the Ballycoolin Road. There is a mix of uses within this business park including warehouses, light industry, vehicle repairs/ testing, and recycling. The subject site is not easily visible from the Ballycoolin Road due to separation distance, landscaping and boundary treatment.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the temporary retention of a storage container facility and for temporary permission for the stacking of containers for rent/ sale off site, including all associated works on lands with a site area of 2.61 hectares.
  - The element of the development for which temporary retention permission is sought comprises the use of the part of the site as a storage container facility which includes unstacked storage containers used for self-storage purposes with a maximum height of 2.9m. Also includes vehicular access entrance to the site and associated security gates. Fencing with a height of 2.4m to be provided within the site and along site boundaries; and relevant signage.
  - The element of the development for which temporary permission is sought comprises stacked storage containers to be used for rent/sale off-site with a maximum height of 5.8m, setback approximately 15.5m from the north-eastern site boundary with Rosemount Park Drive, the provision of a segregated internal access route, with associated fencing and access gates and 2.4m high fencing

located within the site and along site boundaries. A 2.5m high block wall to be provided along the western site boundary and also landscaping to be provided.

- The temporary permission is sought for a period of five years.

### 3.0 Planning Authority Decision

#### 3.1. Decision

The Planning Authority decided to grant permission subject to conditions, which are generally standard, following the receipt of significant further information on the 29<sup>th</sup> of September 2025. Conditions 10 and 11, the conditions subject to this appeal are as follows:

‘10. Prior to Commencement of development the developer shall pay the sum of € 419,932.20 (updated at date of commencement of development, in accordance with changes in the Tender Price Index) to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of payments shall be agreed in writing with the planning authority prior to the commencement of development.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.

Note on above Condition: Please note that with effect from 1st January 2014, Uisce Éireann are now the Statutory Body responsible for both water and waste water services (excluding surface water). Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. A separate charge will be levied by Uisce Éireann in relation to the provision of water and/or wastewater treatment infrastructure and connections to same. Further details are available on the Uisce Éireann website [www.water.ie](http://www.water.ie) , Tel. (01) 6021000.

11. The developer shall pay to the planning authority a financial contribution of €377,889.23 in respect of public infrastructure and facilities benefiting the

development in the area of the planning 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 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.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.

Also relevant is condition number 2. And which states:

‘This is a temporary permission and shall expire 5 years from the date of final grant of permission. After this date, the use hereby permitted shall cease and within 3 months of the expiry of the permission all containers shall be removed unless by that time, permission for its retention has been granted by the Planning Authority or An Coimisiún Pleanála on appeal.’

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Planning Authority reported that they had concern about the use of these lands for the intended purpose. Further information was sought and the Planning Authority noted the response and considered that a temporary permission of five years would be acceptable. Revised buffer details were also required and adequately responded to by the applicant and the stacking of containers on site was limited, as there was a concern about the impact on visual amenity. No specific comment was made on development contributions.

### **3.2.2. Other Technical Reports**

Water Services Department: No objection subject to conditions.

Transportation Planning Section: No objection subject to condition.

### 3.3. Other Technical Reports – Significant Further Information Response

Water Services Department: No objection subject to conditions.

Transportation Planning Section: No objection subject to condition.

Parks and Green Infrastructure Division: No objection subject to conditions.

### 3.4. Prescribed Bodies

Uisce Éireann: No report received.

### 3.5. Third Party Observations

None received.

## 4.0 Planning History

**PA Ref. FW25A/0226E** refers to a November 2025 decision to grant temporary retention permission for the use of part of the lands referred to as Site 1 (area of 1.29 hectares) as a storage facility, including: unstacked storage containers used for self-storage purposes, stacked storage containers used for rent/sale off-site; provision of a depot storage shed, an office, vehicular access entrance to the site and associated security gates/ boundary treatment. This area is located to the north/ north west of the subject site.

**ACP Ref. PL06F.318968/ PA Ref. FW23A/0106** refers to a July 2024 decision to condition a revised contribution in accordance with the Fingal Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000 as amended.

The permission under FW23A/0106 was for the retention of an extension of 2.47ha to their self-storage container park at site D & E Gateway, Rosemount Business Park, Blanchardstown, Dublin 11. Access is via the existing premises and from a new proposed vehicular access from Rosemount Park Drive for which permission is also being sought. Works carried out include new 2.4m high palisade fencing along the southern and north east site boundaries and a 2.5m high screen wall to the western boundary. A ten year temporary permission was sought for both the existing

and extended premises. Following the receipt of further information, the proposed development was given a permanent permission.

**PA Ref. FW20A/0170** refers to a March 2021 decision to grant temporary permission and retention permission for container-storage facility for a 3-year period

## 5.0 Policy Context

### 5.1. Development Plan – Fingal Development Plan 2023 - 2029

The subject site is zoned GE with an objective to ‘Provide opportunities for general enterprise and employment’ and the vision states: ‘Facilitate opportunities for compatible industry and general employment uses including appropriate sustainable employment and enterprise uses, logistics and warehousing activity in a good quality physical environment. General Employment areas should be highly accessible, well designed, permeable and legible’.

Permitted in Principle uses include ‘Builders Provider/ Yard, Fuel Depot/ Fuel Storage, High Technology Manufacturing, Industry - General, Industry – Light, Logistics, Road Transport Depot, Warehousing and Wholesale’.

Chapter 7 of the Fingal Development Plan covers ‘Employment and Economy, Chapter 11 – Infrastructure and Utilities, and Chapter 14 – Development Management Standards’.

### 5.2. Development Contribution Scheme

The current scheme is the Development Contribution Scheme 2026 – 2030 which was approved by the elected members on the 8th of December 2025. Most relevant is the section under ‘Temporary Planning Permissions’ and which states:

‘26. Developments permitted by way of a single permission of a temporary duration or cumulative temporary permissions of not greater than 5 years in total, shall be exempt. Subsequent permissions which cause the total duration to exceed 5 years but not more than 10 years shall have a 50% reduction to the applicable rate. Subsequent permissions which cause the total duration to exceed 10 years will be

fully assessable for the purposes of applying development contributions (less any previous payments under the 5 to 10-year reduction provision).'

The 2026 Development Contribution Scheme replaced the 2021 – 2025 Development Contribution Scheme. There are differences in the wording and the rates set out in the scheme, however, in relation to the subject development the relevant consideration is Section 11 part (u) and which states:

'11 (i) The following categories of development will be exempted from the requirement to pay development contributions or may pay a reduced rate, as stated, under the Scheme;

(u) Temporary Planning Permissions

- Exempt up to 5 years duration
- 50% reduction for 5 – 10 years duration
- Full rate when permission or combination of permissions exceed 10 years (less any previous payments under the 5- 10-year reduction).'

### 5.3. Natural Heritage Designations

None in or on this site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The applicant has appealed the inclusion of Conditions No. 10 and 11 on the grant of permission for the development at Rosemount Park Drive, Dublin 15. Temporary permission was granted for a period of 5 years. The following specific points were made:

- The Planning Authority applied the residential rate per sq. m in the calculation rather than the commercial rate.
- Incorrect floor areas were used in the calculation.
- The current contribution scheme is that of 2021 – 2025 – rates are €103.61 per sq m standard levy and €129.51 per sq m for standard retention.

- Refers to 'Section 48(3) of the PDA provides that a development contribution scheme:.... May allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme (s.48(3)(c)).'
- Section 11 of the scheme provides 'Exemptions and Reductions' and under (u) it states:  
 'Temporary Planning Permissions
  - Exempt up to 5 years duration
  - 50% reduction for 5 – 10 years duration
  - Full rate when permission or combination of permissions exceed 10 years (less any previous payments under the 5- 10-year reduction).'
- Development with a temporary permission of five years are therefore exempt from having to pay development contributions. The grant of permission was temporary and for a stated period of five years. The previous permanent permission under PA Ref. FW23A/0106 is not going to be implemented and therefore does not apply.
- Considers that Fingal County Council applied the contribution on the basis of a 5 to 10 year temporary permission as a reduction of 50% was given.
- There is no history of temporary permission on this site, reference to such is made in the Planning Authority reports, but this refers to adjoining lands and not the specific areas of the subject application. A permanent permission was granted under PA Ref. FW23A/0106 but is not now going to be implemented. The applicant has included plans of the site indicating where/ what type of permission has been granted here.
- The appellant makes reference to precedence cases including under ACP Ref. PL06F.318968/ PA Ref. FW23A/0106. The Planning Authority confirmed that temporary permissions of three years each, six years in total were exempt from having to pay development contributions. This is the first temporary permission on this site and should be exempt. The appellant also refers to a separate application for temporary permission on Site 1 to the north/ north west and which

they will not be appealing as they accept that a 50% contribution calculation is being correctly applied there.

In conclusion they contend that Fingal County Council have incorrectly applied the development contribution scheme on this site and request that the Commission remove Conditions 10 and 11.

## 6.2. Planning Authority Response

- In the background to this case, the Planning Authority calculated the contribution on the basis that there was a previous temporary permission on this site and for a period of five years. Therefore, a subsequent temporary permission would be liable for a contribution but with a 50% reduction of the Development Contribution due.
- The Planning Authority agree with the appellant that the contribution should be calculated on the basis of commercial rates rather than the calculated residential rates.
- Having rechecked the planning history and the application maps, the Planning Authority agree with the applicant that Conditions No. 10 and 11 should be omitted. The financial contribution for the permission under FW25A/0226E (not subject to appeal or forming part of the subject appeal) was correctly applied.

## 6.3. Response of the Appellant to the Planning Authority Response

Welcome for the comments made by Fingal County Council and in particular the recommended removal of Conditions No. 10 and 11.

## 7.0 Assessment

- 7.1. This is an appeal made under the provisions of Section 48(10)(b) of the Planning and Development Act, 2000 as amended, and therefore the Commission is restricted to consideration of Condition No. 10 and Condition No. 11 only and cannot consider the proposed development *de novo*. The assessment is therefore confined to the application of the terms of the Fingal Development Contribution Scheme.

- 7.2. As I have outlined, under Section 5.2 of this report, the Development Contribution Scheme was updated in December 2025 and whilst the contribution rates have changed, the wording of the document has also been updated. The basic meaning of Section 26. of the 2026 Development Contribution Scheme matches that of Section 11(1)(u) of the Fingal Development Contribution Scheme 2021 – 2025, temporary developments with a permitted life of five years, and less, are exempt from paying a contribution.
- 7.3. Condition No.2 as issued by Fingal County Council clearly indicates that this permission is for a temporary period of five years only and after that date all containers shall be removed from the site. I am therefore of the opinion that as this development is for a temporary period of five years, the development contributions included as Condition No. 10 and Condition No. 11 should be omitted. I am satisfied that there has been no similar development undertaken on this section of site in the past and although permission was granted under FW23A/0106, these works have not been carried out to date.
- 7.4. I note the response of the Senior Planner of Fingal County Council to the appeal and recommendation to omit Condition No. 10 and Condition No. 11. The applicant is satisfied with this response, and I agree that these conditions should be omitted.
- 7.5. I note that the residential rather than commercial rate of the Development Contribution Scheme was applied, I consider that this issue could be addressed between the Planning Authority and the Applicant, however the recommended removal of the conditions makes this a moot point.

## 8.0 Recommendation

- 8.1. It is recommended that Condition No. 10 and Condition No.11 of PA. Ref. FW25A/0225E be omitted in their entirety.

## 9.0 Reasons and Considerations

The permitted development on this site is for a stated temporary period of five years as per Condition No.2 of PA Ref. FW25A/0225E. Under the Fingal Development Contribution Scheme 2021 – 2025 Section 11(1)(u) permitted development with a

temporary permission of five years and less are exempt from having to pay a development contribution. This Contribution Scheme was replaced with the Fingal Development Contribution Scheme 2026 – 2030 and under Section 26. it states that 'Developments permitted by way of a single permission of a temporary duration or cumulative temporary permissions of not greater than 5 years in total, shall be exempt.'

It is therefore recommended that Conditions No. 10 and No. 11 be omitted from inclusion on PA Ref. FW25A/0225E as the temporary permission of five years or less is not liable to a development contribution in accordance with the Fingal Development Contribution Scheme.

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.

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**Paul O'Brien**

**Inspectorate**

**13<sup>th</sup> February 2026**