



Sean Kenny TD,
44 Woodbine Road
Raheny
Dublin 5

Fingal County Council
Planning and Strategic Infrastructure
County Hall
Main Street Swords
Co. Dublin

14th May, 2015

Dear Deputy Kenny,

I refer to your email dated 30th April 2015 in relation to issues raised at a public meeting organised by Donaghmede Estate Residents Association regarding the on-going construction works on foot of the Planning Permission granted under Reg. Ref. F13A/0301 / ABP Ref. PL06F.242665 to McDermott Laboratories, a Mylan Company.

An investigation consisting of a site inspection, a review of the planning permission and conditions attached by An Bord Pleanála and an office meeting with the Senior Project Manager overseeing the construction phase of the development has been carried out by the Inspectorate Division of the Council.

On the basis of this investigation, I wish to address each of the concerns raised in your correspondence and by the Residents Association below;

Noise Pollution

Relevant Planning Condition No.8 attached to ABP Ref. PL06F.242665.

Prior to the commencement of construction of the three-storey extension, a scheme providing details of all the proposed noise abatement measures shall be submitted to, and agreed in writing with, the planning authority.

Prior to the commencement of use of the three-storey extension, the agreed scheme shall be fully implemented and, thereafter, the measures shall be retained in situ for the duration of the proposed use of the extension.

Reason: in order to protect the residential amenities of the area.

A compliance submission in accordance with Condition 8 was submitted by the applicant on 17th June 2014. Since the onset of the construction phase, Mylan have engaged an independent

consultant for the purpose of ensuring that the construction phase complies with all aspects of the grant of planning permission and the construction plan.

Having regard to the concerns raised by Residents, Mylan have taken further noise mitigation measures including the erection of acoustic screens on the frame of the building and instructed all their building contractors to use noise reduction barriers at source.

In addition, and as part of the planning permission, a 3m high custom engineered acoustic fence will be erected along the boundary of the site with the railway line at the end of May 2015.

Vibration

Relevant Planning Condition Nos. 11 & 12 attached to ABP Ref. PL06F.242665.

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

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

12. The developer shall consult with Iarnród Éireann (Irish Rail) prior to the commencement of development and shall accommodate the safety measures required along the boundary of the site with the Dublin/Belfast railway line.

Reason: In the interest of rail safety.

A Construction Management Plan in accordance with Condition 11 was submitted by the applicant on 17th June 2014 and addresses issues including vibration control. It is also noted that as part of compliance with Condition 12, motion sensors have been installed on the railway line to measure vibration levels generated during the construction phase. Mylan have advised that these monitors allow for definitive data and an early warning for any movement, and the limits set by Irish Rail are far less than any limit where damage to a building could occur. Notwithstanding this, the concerns raised by residents in relation to alleged structural damage to their properties are civil matters between the two parties and it is noted that Mylan, in conjunction with its insurer, are dealing on an individual basis with property owners in relation to this matter.

Out of Hours Construction

Relevant Planning Condition No. 11 attached to ABP Ref. PL06F.242665

See above.

A Construction Management Plan in accordance with Condition 11 was submitted by the applicant on 17th June 2014 and addresses issues including construction working hours. The Construction Management Plan states that the construction site will generally operate during normal working hours from 8am to 6pm Monday through Friday and 8am to 1pm on Saturday.

It is acknowledged by the company that the working hours have been extended until 9pm (with the exception of one occasion when works extended beyond 9pm) on a number of occasions to facilitate the

pouring of concrete which is dictated by weather, temperature and time. On these occasions, and as outlined within the Construction Management Plan, Mylan has informed residents of Donaghmede estate in advance of these out-of-hours works through a leaflet drop to the households most effected.

Mylan have confirmed that 65% of concrete works are now complete with the remainder scheduled for completion over the next six weeks. Having regard to the concerns raised by Residents, Mylan will be taking measures to complete concrete pumping by 2pm and, depending on the weather, such works will be completed no later than 9pm. On these infrequent occasions, Mylan will continue to inform Residents of these out-of-hour works by leaflet drop and have agreed to expand the area of distribution to neighbours on the opposite side of Carndonagh Road.

Light Pollution

Relevant Planning Condition No. 10 attached to ABP Ref. PL06F.242665

Prior to the commencement of construction of the three-storey extension, a scheme providing details of all the proposed measures to avoid light spillage onto surrounding properties in the vicinity of the site shall be submitted to, and agreed in writing with, the planning authority.

Prior to the commencement of use of the three-storey extension, the agreed scheme shall be fully implemented and, thereafter, the measures shall be retained insitu for the duration of the proposed use of the extension.

Reason: in order to protect the residential amenities of the area.

Dwg. No. D2012032/SITE/EK01 Rev B was submitted in accordance with Condition 10 by the applicant on 17th June 2014.

Mylan have stated that during construction local task lighting must be used in the relevant area to enable construction works. The final constructed facility will be lit in accordance with the plans and particulars submitted as part of the approved planning permission with no adverse light spillage.

Vapours coming from the Buildings

Mylan have confirmed that the only emissions from the building are steam.

Screening to the Rear of the Facility

There is no provision within the approved planning permission for trees or vegetation along the rear (western) boundary. The restricted width between the new extension and the western boundary of the site means it would not be feasible to provide planting at this location.

Unsightly, high, blank white façade of the Plant

A permanent wall of 'Goosewing Grey' Kingspan cladding will enclose the entire façade of the building as it faces the rail line. There will be no windows facing the rail line.

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General Matters

Concerns have been raised by Residents in relation to length of time the construction works have been ongoing. Mylan have confirmed that the building cladding will be complete by the end of July with all substantial construction works completed by the end of August. The Phase of internal works and commissioning activities will be completed by the end of October.

In relation to queries on the future operation of the facility, it is noted that there is no condition attached to the approved grant of permission in relation to the hours of operation. Conditions have been attached in relation to noise levels arising from the operational phase of the development (Condition No.9).

Based on the investigation carried out by the Inspectorate Division, the Council is satisfied that the applicant has not breached any of the Conditions attached to the development approved under Reg. Ref. F13A/0301 / ABP Ref. PL06F.242665 to warrant further planning enforcement action at this juncture. The Council will, however, continue to monitor the site and investigate fully any subsequent allegations that conditions may have been, or are being breached during the remainder of the construction phase or the operational phase of the development.

I trust this is of assistance to you.

Yours Sincerely



Gilbert Power

Director of Services