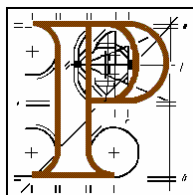


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Fingal County

Planning Register Reference Number: FW13A/0117

An Bord Pleanála Reference Number: PL 06F.243344

APPEAL by Maureen Horan of 15 Ramor Park, Blanchardstown, Dublin against the decision made on the 8th day of April, 2014 by Fingal County Council to grant subject to conditions a permission to John Cassells and Dymphna Madigan care of Nicholas O'Dwyer Limited of Unit E4, Nutgrove Office Park, Rathfarnham, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Site infrastructural work including 850 metres of road, foul and surface water drainage, watermains and service ducts for the future Industrial Estate at Powerstown Road, Powerstown, County Dublin as amended by the revised public notice received by the planning authority on the 14th day of March, 2014.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the nature of the proposed development entailing site infrastructural works to facilitate the future development of the site, the current zoning provisions for the site as set out in the current Fingal County Development Plan and the pattern of development in the vicinity, it is considered that the proposed development, subject to compliance with the conditions set out below would not seriously injure the amenities of the area and would not be prejudicial to public health. The proposed development, would, therefore be in accordance with the proper planning and sustainable development of the area.

The Board completed a screening exercise, taking into account the screening report submitted with the application and the Inspector's report and submissions on file, in relation to potential impacts of the site having regard to the nature and scale of the proposed development and characteristics of the Special Area of Conservation and the Special Protection Area. No Appropriate Assessment issues arise and the Board concluded on the basis of the information available that the application for consent for proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on the European site and in particular, Rye Water Valley Special Area of Conservation site code 001398 and the South Dublin Bay and River Tolka Estuary Special Protection Area site code 004024.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 10th day of March, 2014 and the 14th day of March, 2014, 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. The road network serving the proposed development including turning bays, junctions, footpaths and kerbs shall be in accordance with the detailed standards of the planning authority for such works. A revised layout plan with the necessary modifications to the network shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the development shall –
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavations works, and
 - (c) provide arrangements, acceptable to the planning authority for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2014.