



An  
Bord  
Pleanála

**Board Direction**  
**BD-016828-24**  
**ABP-314663-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/06/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the provisions of the Fingal County Development Plan 2023 – 2029, the nature of the proposed development and the character of the surrounding area it is considered that the proposed development, subject to the conditions set out hereunder would not be seriously injurious to the residential and visual amenities of the area or property in the vicinity of the site, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would accord with both national and regional policy in relation to wastewater. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that the proposed development is compatible with the Development Plan including chapter 11 and policy IUP1 and IUP4 which specifically designates this project as a key project; and therefore was satisfied that the proposed development is consistent with the zoning on the site and is designated in the Development Plan for this general location. The Board considered and accepted the applicant's justification for locating this project at the specific location proposed.

In respect of visual amenity, the Board noted that the substance of the development would be located underground, with relatively modest structures above ground. The Board considered the project to be acceptable from a visual impact perspective and its impact on protected views; and considered that this could be further mitigated by appropriate landscaping.

## 1.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 19<sup>th</sup> day of July 2021 and as amended by the further plans and particulars submitted on the 9<sup>th</sup> day of June 2022, 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.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Details of final design of fencing, welfare building and other structures to include durable high quality external finishes and roof treatments appropriate to the setting shall be submitted to and agreed in writing with the local authority prior to commencement of development.</p> <p>Reason: in the interest of visual amenity.</p>
3.	<p>All mitigation, environmental commitments and monitoring measures identified in the plans and particulars submitted shall be implemented in full as part of the proposed development, including inter alia:</p> <p>A. Flood Risk Assessment (FRA) including Flood Awareness Plan and Flood Emergency Response Plan</p> <p>B. Tree and Landscape Plan</p>

	<p>Where such measures 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.</p> <p>Reason: In the interest of development control, public information, and clarity.</p>
4.	<p><b>Invasive Species</b></p> <p>The proposed measures for the management of invasive species set out in the Invasive Species Management Plan shall be implemented in full.</p> <p>Reason: In the interest of protecting the environment and to prevent the spread of Japanese Knotweed.</p>
5.	<p>Prior to the commencement of site clearance works the applicant shall appoint a suitably qualified and experienced Project Ecologist to supervise &amp; monitor the ecological impacts &amp; protective measures. The Ecologist shall supervise all site clearance works and check vegetation for nesting birds, bats, bat roosts and other habitats prior to removal.</p> <p>REASON: In the interest of the proper planning and sustainable development for the area.</p>
6.	<p>All mitigation and environmental commitments identified in the Natura Impact Statement shall be implemented in full as part of the proposed development. All works shall be monitored by an Ecological Clerk of Works to ensure implementation of mitigation and environmental commitments.</p> <p>Reason: In the interest of environmental protection.</p>
7.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.</p>



	Reason: In the interest of sustainable waste management
8.	<p>Construction works shall only take place between the months of August and April.</p> <p>Reason: To prevent disturbance to nesting birds and species scheduled under the Wildlife Act and the EU Habitats Directive and in the interest of nature conservation.</p>
9.	<p>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.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
10.	<p>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 in respect of both the construction and operation phases of the proposed development. Where such measures 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.</p> <p>Reason: In the interest of environmental protection and public health.</p>
11.	<p>A final boundary treatment and landscaping scheme, in accordance with that submitted, shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:</p> <p>a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;</p>

	<p>b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> <p>c) details of proposed gates, CCTV, street furniture, including bollards, lighting fixtures;</p> <p>d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</p> <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity</p>
12.	<p>A final Tree Protection Plan shall be submitted to the Planning Authority for their agreement. All tree and or hedge removal outside of the red line boundary shall be omitted.</p> <p>Reason: In the interest of the proper planning and sustainable development for the area.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
14.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(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, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p>

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

**Board Member**

  
Stephen Brophy

**Date:** 25/06/2024