

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3827/15

An Bord Pleanála Reference Number: PL 29N.246023

APPEAL by Irish Water of PO Box 6000, Dublin against the decision made on the 9th day of December, 2015 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of the following works associated with the rehabilitation of the twin foul sewers, including repair works to the two underground tunnels and five access shafts (Liffey Siphons Rehabilitation Contract) which runs from the Phoenix Park, Dublin south to Devoy Road, Dublin (circa 3.4 kilometres). The works are: (1) establishment of temporary works compounds with portacabins for storage and staff facilities with the erection of 2.4 metres high plywood hoarding at the following six locations: central island (the pitch) at Devoy Road adjacent to the Grand Canal, Inchicore, Dublin, grassed park area adjacent to the south bank of the River Cammock to the north of Turvey Avenue, Dublin, carpark (TCD college boathouse) at Memorial Gardens, South Circular Road, Dublin, the grounds of UCD boat Club, north side of the River Liffey, Chapelizod Road, Dublin, car park area to the north of Military Road, Phoenix Park, Dublin, and on the southern side of Chesterfield Avenue at the junction with Acres Road, Phoenix Park, Dublin; (2) demolition of two structures above the existing outlet chamber at Devoy Road, Dublin; (3) construction of ground control kiosks/cabinets, one at Chesterfield Avenue location and three at Devoy Road (the pitch) and (4) reinstatement landscaping works at Central island (the pitch) at Devoy Road adjacent to the Grand Canal, Inchicore, Dublin, grassed park area adjacent to the south bank of the River Cammock to the north of Turvey Avenue, Dublin, car park (TCD college boathouse) at Memorial Gardens, South Circular Road, Dublin, the grounds of UCD boat Club, north side of the river Liffey, Chapelizod Road, Dublin, car park area to the north of Military Road, Phoenix Park, Dublin and on the southern side of Chesterfield Avenue at the junction with Acres Road, Phoenix Park, Dublin.

DECISION

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 3(ii) so that it shall be as follows for the reason set out.

3. (ii) The landscape scheme for the restoration of Devoy Park area shall consider the proposals for the area as previously developed by Dublin City Council, in the context of the placement of 2 kiosks within the area. The revised scheme shall be agreed in writing with the planning authority prior to the commencement of the reinstatement works. Following agreement to the overall plan, the developer shall carry out rehabilitation works comprising removal of the tarmac and laying of subsoil over the entire site, planting of five trees near the north western corner of the site and, subject to the agreement of the planning authority, the seeding of the entire area with grass.

Reason: In the interests of amenity, ecology and sustainable development and the mitigation of stormwater management and protection of adjacent watercourses.

REASONS AND CONSIDERATIONS

Having regard to the nature of the proposed development involving a major upgrade of a strategic sewer and associated works and to the location of the proposed works at Devoy Road, it is considered that the proposed amendment represents a reasonable balance between the need for certainty on the part of Irish Water and the landscaping objectives of the planning authority for the local area.

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.

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

Dated this day of 2016.