



Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD19A/0088

Appeal by Dargle Wood Residents Association care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin and by Others against the decision made on the 18th day of July, 2019 by South Dublin County Council to grant subject to conditions a permission to Ardstone Homes Limited care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition and enabling works on a 5.2 hectare site located north of Scholarstown Road, incorporating a dwelling known as 'Beechpark'; demolition of the 172 square metres single storey dwelling located towards the western portion of the site (known as 'Beechpark'); diversion of existing private foul drainage network within the boundary of the subject site (maintaining services to existing third party connections, all on a site at Scholarstown Road, Rathfarnham, Dublin.

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 residential zoning objective for the area, to the pattern of development in the area, and to the proposal for comprehensive development of the site for residential purposes under An Bord Pleanála reference number ABP-305878-19, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would not have a significant negative impact on archaeology or the ecology of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 25th day of June, 2019, 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. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer 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, and
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works (including ground disturbance associated with demolition works),

Should archaeological material be discovered during the course of the archaeological monitoring, the archaeologist may have work stopped pending a decision as to how to best deal with the archaeology. The developer shall inform the local authority and the Department of Culture, Heritage and the Gaeltacht of the discovery and shall prepare to be

advised by the Department with regard to any necessary mitigating action (for example, preservation in situ or excavation) and should facilitate the archaeologist in recording any material found/shall comply with the requirements of the Department with regard to mitigation measures considered necessary.

The planning authority and the Department of Culture Heritage and the Gaeltacht shall be provided with a report describing the results of the monitoring.

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.

3. Mitigation measures, including those relating to tree felling, lighting and the erection of bat boxes, set out in the Bat Assessment Report prepared by Brian Keeley, dated June 2019 and received by the planning authority on the 25th day of June, 2019, shall be implemented in full in the development.

Reason: To protect bat species which use the site.

4. Clearance of vegetation from the site shall only be undertaken in the period September to February inclusive.

Reason: To ensure the protection of birds.

5. Mitigation measures, set out in the Invasive Alien Plant Species - Site Assessment Report, dated 17th June 2019 received by the planning authority on the 25th day of June, 2019, shall be implemented in full in the development.

Reason: To avoid the spread of invasive species in the development.

6. The following shall be complied with in the development:
 - (a) An arborist shall be retained for the full duration of the works and shall oversee the implementation of the recommendations of the Arboricultural Assessment received by the planning authority on the 25th day of June, 2019. The recommendations of this report including tree protection measures shall be implemented in full in the development.
 - (b) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees proposed for retention on site, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the protection and retention of trees to be retained on the site.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services.

Reason: In the interest of public health.

8. 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, construction traffic access to the site and off-site disposal of construction/demolition waste.

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

Paul Hyde

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

Dated this day of 2020.