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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F19A/0243**

**Appeal** by Brian and Fiona Gallagher care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 22<sup>nd</sup> day of June, 2020 by Fingal County Council to grant subject to conditions a permission to Irish Water care of RPS of West Pier Business Campus, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** An underground wastewater pump station (a wetwell) with roof level up to 0.35 metres above ground level; an underground emergency storage tank, capacity 650 cubic metres approximately with roof level up to 0.35 metres above ground level; An underground water tank, net capacity six cubic metres approximately with roof level up to 0.15 metres above ground level; valve and flowmeter chambers; a chemical dosing facility for odour control; kiosks; landscaping, fencing and access off Balcarrick Road. The proposed development includes all necessary ancillary pipework and manholes, diversion of existing utilities; new power supply and water connection for the pump station, ducting, mechanical and electrical services, plant, instrumentation, automation, controls and equipment. It also includes all associated site development works, hardstanding areas and access, site

drainage and lifting arrangements, all at Balcarrick Road, Ballymastone, Donabate, County Dublin. The proposed development was revised by further public notices received by the planning authority on the 21st day of May, 2020, including the relocation and widening of the existing entrance off Balcarrick Road, the relocation of the existing parking area to the rear of the site and the development of a proposed new wastewater facility.

## **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, scale and purpose of the proposed development, and to the separation distances of the development from sensitive receptors, the Board considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with planning policy. In addition, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and groundwater impacts, and would not increase the risk of flooding either on the site or elsewhere. The proposed development would, therefore,

be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European Sites which could potentially be affected, and the consideration of the likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European Sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Malahide Estuary Special Area of Conservation (Site Code:000205), Rogerstown Estuary Special Area of Conservation (Site Code:000208), Malahide Estuary Special Protection Area (Site Code:004025), Rogerstown Estuary Special Protection Area (Site Code:004015), or any other European site in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment (and a submission of a Natura Impact Statement) is not therefore required. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.

## 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 to the planning authority on the 25<sup>th</sup> day of March, 2020, 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 the 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. (a) The maximum noise level at the nearest sensitive receptors during the operation of the proposed development shall not exceed 55 dB(A) rated sound level between 0800 to 2000 hours Mondays to Friday inclusive, and between 0800 to 1400 hours on Saturdays. It shall not exceed 45 dB(A) at any other time.
- (b) There shall be no tonal (including low frequency tones) or impulsive noise audible at the applicable locations (that is, locations where the above limits are applicable).
- (c) Procedures for the purpose of determining compliance with noise limits above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect residential amenities of property in the vicinity of the site.

3. The developer shall control odour emissions from the facility in accordance with the measures submitted to the planning authority. A monitoring programme shall be developed to assess the impact of odours from the pumping station site and details of this programme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This programme shall be undertaken by a suitably qualified person acceptable to the planning authority and the results of the monitoring programme shall be submitted to the planning authority on an annual basis. The developer shall carry out any amendments to the programme required by the planning authority following annual reviews.

**Reason:** In the interest of public health and to protect the residential amenities of the area.

4. Prior to commencement of development, a contract specific Construction and Environmental Management Plan shall be submitted to, and agreed in writing with, the planning authority in respect of the development. The Construction and Environmental Management Plan and Waste Management Plan shall detail and ensure Best Construction Practice and compliance with statutory obligations. Emphasis shall be placed on re-use of excavated material where practical.

**Reason:** In the interest of the protection of the environment and to protect the residential amenities of the area.

5. Prior to commencement of development, a Traffic Management Plan for the construction phase shall be submitted to, and agreed in writing with, the planning authority in respect of the development. The developer shall comply with the requirements of the planning authority in respect of minimising traffic disruption on the local communities, cleaning and

repair of any damage to the public road network during the construction phase.

**Reason:** To protect the public road network and in the interest of traffic safety.

6. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

8. 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 relating to the proposed development,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation 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 secure the preservation and protection of any remains that may exist within the site.

- 9. The site shall be landscaped in accordance with the landscape plan received by the planning authority on the 6<sup>th</sup> day of June, 2019, and the following shall also be complied with.
  - (a) Prior to commencement of development, a site meeting shall be arranged between the planning authority and the appointed arboricultural consultant to agree tree protection measures.
  - (b) The landscape works shall be completed within the first planting season following completion of the construction works on site.
  - (c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** To ensure the protection of the landscape character and residential amenities of the area.

10. 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 existing hedgerows shown for retention and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of the existing hedgerows shown for retention. 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 secure the protection of the existing hedgerows shown for retention.

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**Paul Hyde**

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

**Dated this            day of            2020.**