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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F20A/0324**

**Appeal** by Niall O'Reilly of Selskar Avenue, Skerries, County Dubin against the decision made on the 15<sup>th</sup> day of January, 2021 by Fingal County Council to grant subject to conditions a permission to Land Development Agency care of John Spain Associates of 39 Fitzwilliam Place, Dublin accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Reconstruction of the Miller's Lane/Shenick Road/Golf Links Road junction to provide for a four armed mini roundabout; upgrading and extension of the two-lane flared approach to the junction on both the northern (Dublin Road) and south-eastern (Miller's Lane) arms of the existing three-arm roundabout junction; the provision of Zebra Crossing facilities on all arms of both junctions; The implementation of flat top calming ramps on all arms of both junctions (approximately 5 metres back from the roundabouts circulating carriageway); new street lighting system covering both junctions; the proposed development also includes upgrades to the junction of Downside Heights/Golf Links Road and a new cycle path along the Golf Links Road; new footpaths, cycle and pedestrian facilities, road gullies, road marking, signal and carriageway surfacing works; all ancillary site

development works, landscaping and signage to support the development at the following junctions in Townparks and Holmpatrick, Skerries, County Dublin: Miller's Lane/Shenick Road/Golf Links Road junction, R127 Skerries Road/Miller's Lane/Dublin Road Roundabout, Downside Heights/Golf Links Road junction (and a section of the Golf Links Road).

## **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 provisions of the Fingal County Development Plan 2017-2023, the pattern of existing and permitted development in the area, the possible future development of the Hacketstown Local Area Plan lands, the condition, layout and design of the existing road network and the layout and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenity of the area or of the amenities of property in the vicinity, would be acceptable in terms of traffic and pedestrian safety, and convenience and would constitute an appropriate form

of development at this location. 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 to the planning authority on the 13<sup>th</sup> day of October, 2020 and clarification of further plans and particulars submitted to the planning authority on the 10<sup>th</sup> day of December 2,020, and by the further plans and particulars received by An Bord Pleanála on the 15<sup>th</sup> day of March, 2021, 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 following requirements shall be fully adhered to: -
  - (a) prior to commencement of development, the applicant shall pay the sum of €30,000 (thirty thousand euro) to the planning authority as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, towards the realignment of the existing pedestrian path linking Hillside and Ballygossan to the Dublin Road Roundabout and associated ancillary works,

- (b) the proposed road upgrade works should be completed to the satisfaction of the planning authority prior to the completion of the construction (50% occupation) of the remaining Hacketstown Local Area Plan lands, and
- (c) prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of proper planning and sustainable development.

3. The following requirements shall be fully adhered to: -

- (a) prior to the commencement of development, the applicant shall consult with Iarnród Éireann to ascertain their requirements,
- (b) the applicant shall ensure that the works are carried out in accordance with the Railway Safety Act 2005, as amended, so that there is no increased risk to the railway as a result of the proposal,
- (c) no works are to take place under the railway bridge UBB50 and the works shall not undermine the integrity of the wing walls of the railway bridge,
- (d) no additional liquid, either surface water or effluent shall discharge to, or be allowed to seep onto, the railway property or into the railway drains/ditches,

- (e) any excavations which infringe upon the Track Support Zone will require permission and approval from the senior track and structures engineer in the planning authority,
- (f) any proposed services that are required to cross under UBB50 shall be the subject of a wayleave agreement with Iarnród Éireann/C.I.E, and
- (g) Bridge UBB50 is a height restricted bridge and during the construction phase, a traffic management plan shall be prepared to prevent construction traffic from traversing under this bridge.

**Reason:** In the interest of the proper planning and sustainable development of the area.

4. The following requirements shall be fully adhered to: -

- (a) during the construction phase, works required shall incorporate the following;
  - (i) no heavy construction equipment/machinery (to include pneumatic drills, construction vehicles and generators) shall be operated on or adjacent to the construction site before 0800 hours or after 1900 hours, Monday to Friday, and before 0800 hours and after 1300 hours on Saturdays,
  - (ii) no activities shall take place on site on Sundays or Bank Holidays,
  - (iii) no activity, which would reasonably be expected to cause annoyance to residents in the vicinity, shall take place on site between the hours of 1900 and 0800,
  - (iv) if there is any occasion when work must be carried on outside daytime hours, the planning authority, local

residents and businesses in areas which are likely to be affected by noise from the proposed works shall be notified in advance, for example, in letter or leaflet or advertisement form, of:

- name, address and telephone number of company carrying out works,
- nature of and reason for works, and
- likely duration and times of works.

- (b) all construction work carried out shall have regard to B.S.5228-1: 2009+A1:2014 'Noise and vibration control on construction and open sites' to minimize noise from construction operations. All mechanical equipment shall be fitted with effective silencers and/or sealed acoustic covers. Should noise levels exceed the threshold, steps shall be taken by the contractor to review the works and implement additional mitigation measures where practicable;
- (c) during the construction phase, all necessary steps shall be taken to contain dust and airborne pollutants arising from the site and to prevent nuisance to persons in the locality. This shall include:
- (i) covering skips,
  - (ii) covering slack heaps,
  - (iii) netting of scaffolding,
  - (iv) regular road and pavement damping and sweeping,
  - (v) use of water spray to suppress dust,
  - (vi) proper paved or hard stand access for trucks and vehicles to and from the site to prevent dirt and dust from the site being carried from the site onto public roads;
- (d) a dust management plan shall be implemented during both the construction phase and the operational phase. The generation of

airborne dust shall be kept to a minimum. During dry periods, dust emissions from heavily-trafficked locations on/off site shall be controlled by the spraying of surfaces with water and wetting agents. Windblown dust emissions on site surfaces shall be sprayed by a mobile tanker bowser. A programme of dust monitoring shall be carried out by the developer at locations adjacent to the site boundaries and shall be made available to the local authority on an agreed basis and/or on request;

- (e) monitoring points shall be set up at the proposed locations to measure total dust deposition rates. The amount of dust deposited anywhere outside the proposed development, when averaged over a 30-day period, should not exceed:
  - 130 mg/m<sup>2</sup> per day when measured according to the BS method which takes account of insoluble components only, or -
  - 350 mg/m<sup>2</sup> per day when measured according to TA Luft, which includes both soluble and insoluble matter. (Environment Protection Agency (EPA) compliance monitoring is based on the TA Luft method);
- (f) due to the adverse effect of noisy construction work such as excavation and rock breaking, such activities shall take place between the hours of 0900 to 1230 and 1400 to 1700, Monday to Friday only. These works are extremely noisy and disruptive to local residents and businesses. Additional attenuation measures may be required to reduce the noise levels, that is, shrouding of machinery;
- (g) the development shall be so operated to ensure that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials from activities on the site that would give

reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity;

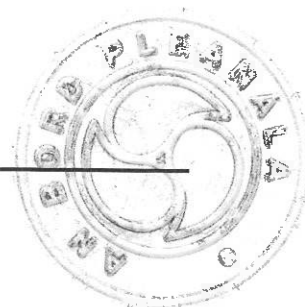
- (h) the development shall be so operated to ensure that there will be no noise emissions from the site that would give reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity;
- (i) the use of plant equipment such as pumps and generators shall be enclosed within acoustic enclosures;
- (j) construction noise levels shall be monitored continuously at noise sensitive locations in the vicinity of the development. The results of this monitoring shall be made available to the environmental health officers' air and noise unit on request.

**Reason:** In the interest of public health.



**Dave Walsh**

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



Dated this 19<sup>th</sup> day of July 2021.