

An
Bord
Pleanála

Board Order
ABP-310034-21

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: F20A/0095

Appeal by the Abbeyvale Residents Group care of Peter P. Gillett and Associates of 55 Glencarrig, Sutton, Dublin against the decision made on the 29th day of March, 2021 by Fingal County Council to grant subject to conditions a permission to Gannon Properties care of Conroy Crowe Kelly of 65 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: A circa 185 metres long pedestrian and cycle path with ancillary works to provide a new east-west connection from Abbeyvale Court to the proposed Mooretown Distributor Road extension and a new school campus. The Mooretown Distributor Road is part of the Swords Western Distributor Link Road, which connects the Rathbeale Road to the Mooretown Local Area Plan lands, all on lands at Mooretown and Abbeyvale Court, Swords, County Dublin. The proposed development was revised by further public notices received by the planning authority on the 2nd day of March, 2021.

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 Open Space, Residential Area and Green Belt zonings which apply to the subject lands, together with supports provided in particular by objectives MT13 and MT17 of the Fingal County Development Plan 2017-2023 and supports provided by the Design Manual for Urban Roads and Streets, it is considered that, subject to compliance with the conditions set out below, the proposed development would represent an appropriate form of development providing enhanced permeability and connectivity to the recently opened school campus site, would not seriously injure the amenities of residential property in the area and would not result in the creation of a traffic hazard. 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 further information submitted on the 16th day of February 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.

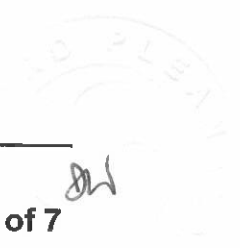
Reason: In the interest of clarity.

2. Construction of the proposed pedestrian and cycle path shall not commence until such time as the road extension approved under Fingal County Council planning register reference number F20A/0096 has been completed.

Reason: In the interests of amenity and public safety.

3. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, security management proposals for the proposed development.

Reason: In the interests of amenity and public safety.



4. Prior to commencement of development, details of the proposed tie-in of the development and the distributor road shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of pedestrian and cyclist safety.

5. The proposed pedestrian and cycle link shall comply with the provisions of the National Cycling Manual, issued by the National Transport Authority in 2011, and its detailed layout shall be agreed in writing with the planning authority prior to commencement of development

Reason: In the interests of pedestrian and cyclist safety.

6. Permission is granted for the 1.8 metres high paladin fence for a temporary period of five years from the date of this Order, at which point the fence shall be removed from the site.

Reason: In the interest of visual amenity.

7. A landscaping strategy shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The development shall thereafter be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

8. Public lighting shall be provided along the pedestrian and cycle path route in accordance with a public lighting scheme. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

9. Surface water drainage arrangements, which shall incorporate SUDS measures, shall comply with the requirements of the planning authority for such works and services. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

10. Site development and building works shall be carried out only between the hours of 0700 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.

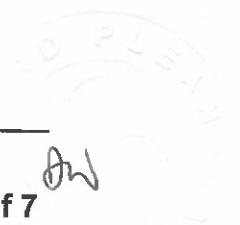
Reason: In order to safeguard the residential amenities of property in the vicinity.



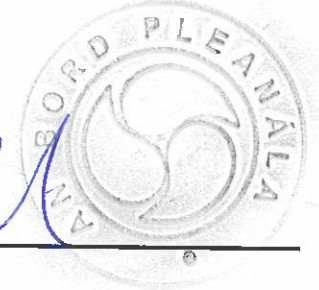
11. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works. 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.



Dave Walsh

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

Dated this *25th* day of *February* 2022.