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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F21A/0576**

**Appeal** by Kevin Tolan care of KT Designs of Unit 12, Beat Centre, Stephenstown, Balbriggan, County Dublin against the decision made on the 14<sup>th</sup> day of December, 2021 by Fingal County Council to grant subject to conditions a permission to The Land Development Agency care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Advance infrastructure works on a 1.57-hectare site to facilitate intended future community facilities and residential development on lands zoned for residential use to the east of the subject site, which will be the subject of separate planning applications. These infrastructural works include: 1. Construction of the first section of the proposed Castlelands Link Street from the existing Castlelands roundabout to the west for circa 420 metres to its junction with a north south neighbourhood street providing access to the FCC masterplan proposed school and swimming pool and to the local park and to the future Neighbourhood 5 in the proposed future residential development. This street to include dedicated footpaths and cycle lanes. 2. From its junction with the Castlelands Link Street, construction of circa 130 metres of a north-south neighbourhood street providing access to

the FCC masterplan proposed swimming pool car park, and to the proposed local park and Neighbourhood 5 in the proposed future residential development. 3. Foul, surface water and water supply services to facilitate future community facilities and residential development within the Castlelands Masterplan Area. 4. Planting and landscaping of open space areas immediately adjoining proposed streets. Provision of public lighting along both link street and neighbourhood street. 5. All associated and ancillary works, all on a site at Castlelands in the townlands of Balbriggan, Hampton Demesne and Kilsough North, Balbriggan, County Dublin.

## **Decision**

**GRANT permission for the above development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to the location of the site in an area that is serviced and zoned for development under the Fingal County Development Plan 2017 - 2023, the nature, scale and design of the proposed development, and the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of pedestrian and traffic safety, would be in accordance with the relevant provisions of the statutory development plan for the area and would not seriously injure the amenities of the area, including property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

The Board completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development (being a development of land within a zoned and serviced urban area), the Appropriate Assessment Screening Report submitted with the planning application, the Inspector's report and the submissions on file. In completing the appropriate assessment screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the site's Conservation Objectives and that a Stage 2 Appropriate Assessment is not required.

## **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development in compliance with Section 172 of the Planning and Development Act 2000, as amended, taking into account:

- (a) the nature, scale, location and extent of the proposed development in an urban area served by foul and surface sewerage systems,
- (b) the Environmental Impact Assessment Report and associated documentation submitted with the planning application,
- (c) the submissions from the planning authority, the prescribed bodies and the public in the course of the planning application, and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant made in the course of the planning application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment were as follows:

- (i) **Population and Human Health, Land and Material Assets:** direct positive effects arising from the provision of facilitative infrastructure in an area zoned for development. Mitigation measures proposed during construction will ensure no significant negative impact on the amenity of residents in the vicinity of the site from construction activities.
- (ii) **Noise and Air Quality:** potential effects during construction which will be mitigated by appropriate monitoring and management measures.

The likely significant environmental effects arising as a consequence of the proposed development have, therefore, been satisfactorily identified, described and assessed.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed and as summarised in Chapter 15 of the Environmental Impact Assessment Report, and, subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and cumulatively with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. All mitigation and monitoring measures outlined, including the Environmental Impact Assessment Report submitted with the planning application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of the protection of the environment.

3. The following requirements shall be complied with:
  - (a) Prior to commencement of development, the developer shall agree in writing with the planning authority details of pedestrian crossing positions, priority and layout and final cross sections for the link road.
  - (b) A Construction Management Plan, which affords due consideration to the adjoining schools and their drop-off and pick-up times, shall be agreed in writing with the planning authority prior to commencement of development.

- (c) Road safety audits shall be carried out as part of the proposed development at the relevant stages, as outlined in the current edition of Transport Infrastructure Ireland guidelines GE-STY-1027.

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

4. Prior to commencement of development, the developer shall submit the following details for the written agreement of the planning authority:
- (a) A revised street tree planting plan which clearly indicates grass margins of a minimum of two metres in width. Services shall be indicated on the plan which shall also demonstrate that the grass margins are clear of services and manholes. The consultant engineer and landscape architect shall consult with each other prior to submission of the plan to ensure coordination of proposals.
- (b) Section drawings at a minimum of three locations shall be provided and shall indicate the proposed boundary on either side of the road.
- (c) A legend shall be provided on all landscape plans.
- (d) A maintenance plan and schedule for a minimum of two years shall be provided.

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

5. All service cables associated with the proposed development shall be located underground.

**Reason:** In the interest of visual amenity.

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

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

7. The construction of the proposed 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 proposed development, including noise management measures, construction traffic management, including management of traffic movements to take consideration of drop-off and pick-up times of existing schools in proximity to the site, and off-site disposal of construction/demolition waste.

**Reason:** In the interest of amenities, public health and safety.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects" published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

9. 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 or public holidays. Deviation from these times shall 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.

10. 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 operations (including hydrological and geotechnical investigations) 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.

11. The developer shall construct and maintain all roads, including footpaths, verges, public lighting, watermains or drains, forming part of the proposed development until taken in charge by the planning authority.

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



**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**



Dated this 8<sup>th</sup> day of November 2022.