



An
Bord
Pleanála

Board Order
ABP-312567-22

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: F20A/0701

Appeal by Richard and Lorraine Branagan care of Mark G. Kelly of 109 Lower Main Street, Rush, County Dublin against the decision made on the 16th day of December, 2021 by Fingal County Council to grant subject to conditions a permission to Fintan Price care of WCA Architects of Broadmeadow Hall, Applewood Village, Swords, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a new access road, footpaths and associated site development works and services to serve a proposed new education facility (for which a separate future planning permission application will be submitted). The development is on a site to the side/rear of the recently constructed new nursing home development (planning register reference number F15A/0168) at The Cross, Featherbed Lane, Loughshinny, County 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.

Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2017 - 2023, it is considered that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the character of its receiving environment, would be acceptable in terms of traffic, pedestrian safety and convenience and 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 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 proposed development shall not commence until such time as planning permission has been obtained for the associated educational facility for which the proposed development is intended to serve.

Reason: In the interest of clarity.



3. The landscaping scheme shown on Drawing Number 02(A1), as submitted to the planning authority on the 22nd day of December, 2020 shall be carried out within the first planting season following substantial completion of construction works. 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: In the interests of residential and visual amenity.

4. 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 (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably qualified archaeologist prior to the 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 requirement, including, if necessary, archaeological excavation, prior to commencement of construction works.

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.

- 5. 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 and off-site disposal of construction/demolition waste.

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

- 6. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which 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.

7. (a) A Road Safety Audit (Stages 1 and 2) shall be submitted to, and agreed in writing with the planning authority prior to commencement of development, in order to demonstrate that appropriate consideration has been giving to all relevant aspects of the development in accordance with the Design Manual for Urban Roads and Streets (DMURS).
- (b) The measures recommended by the Auditor shall be undertaken unless the planning authority approves any departure in writing. Detailed drawing(s) showing all accepted proposals and a feedback report shall also be submitted.

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

8. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

9. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Mick Long

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

Dated this 10 day of March 2023.

