

An
Bord
Pleanála

Board Order

ABP-313430-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0439

Appeal by Frank Lewis and others care of 32 Stepside Park, Dublin against the decision made on the 28th day of March, 2022 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to McGarrell Reilly Homes care of Conroy Crowe Kelly Architects and Urban Designers of 65 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of a shared pedestrian/cycle path to connect the existing Cruagh Greenway with Stepside Park and Enniskerry Road. The development includes all associated site works including landscaping, public lighting, and drainage, all at lands of area 0.62 hectares bounding Stepside Park, Wingfield, Enniskerry Road, and number 30 Enniskerry Road, County Dublin as amended by the further public notices received by the planning authority on the 10th day of November, 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.

Reasons and Considerations

Having regard to the planning history, the zoning objective of the site, the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the Ballyogan and Environs Local Area Plan 2019 – 2025, and the layout, form and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the visual amenity of the surrounding area or the residential amenity of neighbouring property. The proposed development would be acceptable in terms of traffic, cyclist and pedestrian safety, and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

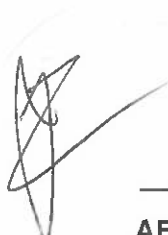
Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 10th day of November, 2021 and the 3rd day of March, 2022, 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 to 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. Drainage arrangements, including the 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.



3. 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 (including hydrological and geotechnical investigations) 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 conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

4. The Greenway shall remain unlit, and no lighting infrastructure shall be installed as part of the proposed development.

Reason: To protect bats and their habitats, which are protected species under the European Union Habitats Directive.

5. The applicant shall install appropriate signage along the Greenway to indicate the approaching unlit section and ensure users are promptly directed to the alternative lit routes. These signs shall clearly state the reasons for the absence of lighting along the designated segment, emphasising the ecological sensitivities involved, in order to inform both users and the local community. The content, wording, and location of these signs shall be agreed upon with the planning authority prior to the commencement of the proposed development.

Reason: In the interest of public amenity.

6. The applicant shall implement all the recommendations pertaining to tree retention and protection as outlined within the submitted tree report and accompanying drawings, in order to ensure the protection of trees within the site. Throughout the entire duration of the site development works, the applicant shall retain the services of an Arboricultural Consultant to oversee the safeguarding of all trees listed for retention. Upon completion of all works, and in accordance with the submitted original landscape drawings, the Arborist shall sign off a completion certificate. This certificate shall be submitted to the planning authority for written agreement upon the conclusion of the works.

Reason: In the interests of orderly development and visual amenity.

7. The applicant shall carry out all planting, seeding, and other landscaping works as depicted on the submitted plans within the first planting season following the completion of the development. In the event that any trees or plants within a period of five years from the completion of the development perish, are removed, or sustain significant damage or disease, the applicant shall replace them in the subsequent planting season with others of comparable size and species, unless written consent is obtained from the planning authority for any deviations.

Reason: In the interest of visual amenity.

8. The applicant shall ensure that all works within areas to be taken in charge by the Council are executed in strict compliance with the Council's Taking in Charge Development Standards Guidance Document and in accordance with the requirements outlined by the Department of the Environment, Community and Local Government.

Reason: To achieve satisfactory completion of the development.

9. The applicant shall engage the services of a qualified ecologist, serving as an ecological consultant, prior to the commencement of development. The appointed consultant shall be responsible for overseeing the ecological aspects throughout the construction phase and for the duration of the monitoring requirements. The developer shall provide written notification to the planning authority, prior to the commencement of development, confirming the appointment and specifying the consultant's name. The consultant shall ensure the full implementation of all mitigation measures and recommendations stated in the submitted Ecological Impact Assessment (EclA), Final Construction Environmental Management Plan (CEMP), Final Landscape Plan, and relevant planning documents.

Reason: In the interest of protecting biodiversity.

10. In relation to the presence of Invasive Alien Species (IAS) recorded on-site, specifically Japanese Knotweed (JKW), the applicant shall adhere to the following requirements:
- (a) prior to initiating any site investigations, surveys, or development activities, the developer shall engage the services of a qualified Invasive Alien Species (IAS) Specialist who possesses experience in the treatment and removal of Japanese Knotweed (JKW). The developer shall inform the planning authority in writing of the appointment and name of the consultant, prior to the commencement of development. The treatment and removal of Japanese Knotweed shall be conducted under the guidance and supervision of the IAS specialist, holding a valid licence from the National Parks and Wildlife Service (NPWS). The IAS specialist shall also consult with Dún Laoghaire-Rathdown County Council's biodiversity officer and provide a report outlining the treatment and removal of JKW,
 - (b) Subsequent to the treatment and removal of Japanese Knotweed, the applicant shall submit a letter from the IAS consultants to the planning authority, confirming their satisfaction regarding the successful removal of Japanese Knotweed, adherence to biosecurity measures, and implementation of any necessary remedies,
 - (c) an IAS specialist shall establish a monitoring program for annual monitoring of the area for Japanese Knotweed during the appropriate time of year, for a period of up to 5 years following its removal. Monitoring reports shall be submitted to Dún Laoghaire-Rathdown County Council annually, as agreed upon with the Council's Biodiversity Officer. If required, necessary remedies shall be promptly implemented,



- (d) as part of the Final Construction Environment Management Plan, a detailed site-specific method statement for Invasive Alien Species, encompassing biosecurity measures and monitoring, shall be provided to the planning authority. This documentation shall be developed in collaboration with the appointed IAS specialist.

Reason: To effectively treat and eliminate the presence of Japanese Knotweed (JKW), an Invasive Alien Species (IAS) subject to strict regulations under Regulations 49 and 50 of the European Communities (Birds and Natural Habitats) Regulations, 2011, as amended, and to prevent the further spread of Japanese Knotweed.

11. The applicant shall ensure the full implementation and documentation of all mitigation measures pertaining to biodiversity as outlined in the Ecological Impact Assessment (EclA), the Overall Landscape Plan, and relevant planning documents. These measures shall be overseen and recorded by a qualified ecologist, who shall subsequently report directly to the planning authority.

Reason: To safeguard biodiversity and ensure the effective execution of mitigation measures and monitoring for biodiversity conservation purposes.

12. The applicant shall submit for the written agreement of the planning authority, at least five weeks prior to the commencement of site clearance and works, the monitoring and implementation program for the mitigation measures to be undertaken during both the construction and operation phases. This program shall be devised and supervised by a suitably qualified ecologist.

Reason: To protect biodiversity and to ensure the implementation of mitigation measures and monitoring for biodiversity.



13. Vegetation clearance and/or tree removal shall not take place during the bird breeding season (March 1st to August 31st inclusive).

Reason: To protect biodiversity and breeding birds.

14. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: (collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures). A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be available at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of landscape and environmental protection.

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

Reason: In the interest of visual amenity.



16. The applicant shall submit monitoring reports, prepared by their designated ecologist, to the planning authority. These reports shall be provided at agreed intervals, which will be determined in advance with the planning authority prior to the commencement of development. These reports shall demonstrate the implementation and effectiveness of all mitigation measures, ensuring compliance with the specified requirements.

Reason: To monitor impacts on biodiversity.



The image shows a handwritten signature in blue ink over a circular seal. The seal contains the text 'AN BORD PLEANÁLA' around the perimeter and a central logo. The signature is written over the seal and extends to the left.

Joe Boland
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this 22ND day of September 2023