

An
Bord
Pleanála

Board Order
ABP-314663-22

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0389

Appeal by Sabrina Joyce-Kemper and Catherine McMahon care of 23 Portmarnock Crescent against the decision made on the 25th day of August, 2022 by Fingal County Council to grant, subject to conditions, a permission to Irish Water care of Mott MacDonald Ireland Limited of South Block, Rockfield, Dundrum, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of (1) a new wastewater pumping station comprising a below ground emergency storage tank; below ground chambers and pumps; above ground control and welfare building and vent stack. (2) Modification of Portmarnock Bridge pumping station, including decommissioning of redundant above and below ground plant and equipment, including the demolition of the control building; provision of a below ground emergency overflow screening chamber with mechanical screen; new control kiosk required to control the mechanical screen; retention of the existing wet well. (3) Gravity sewer connection beneath the Sluice River linking the proposed pumping station and the modified Portmarnock Bridge 'pumping' station. (4) Completion of rising main connection to North Fringe

Sewer. (5) Decommissioning of foul rising main within Strand Road and Coast Road. (6) Site entrances works for proposed pumping station, new and replacement boundary fencing, ground level alterations, landscaping and site drainage. (7) All other associated site development works as required to facilitate the development, at Strand Road and Station Road, Maynetown and Burrow (townlands), Portmarnock, County Dublin. The proposed development was revised by further public notices received by the planning authority on the 6th day of July 2022.

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 2023-2029, the nature of the proposed development and the character of the surrounding area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential and visual amenities of the area or of property in the vicinity of the site, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would accord with both national and regional policy in relation to wastewater. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that the proposed development is compatible with the development plan including chapter 11 and policy IUP1 and IUP4 which specifically designates this project as a key project, and therefore was satisfied that the proposed development is consistent with the zoning of the

site and is designated in the development plan for this general location. The Board considered and accepted the applicant's justification for locating this project at the specific location proposed.

In respect of visual amenity, the Board noted that the substance of the development would be located underground, with relatively modest structures above ground. The Board considered the project to be acceptable from a visual impact perspective and its impact on protected views; and considered that this could be further mitigated by appropriate landscaping.

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 on the 9th day of June 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 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. Details of final design of fencing, welfare building and other structures to include durable high quality external finishes and roof treatments appropriate to the setting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. All mitigation, environmental commitments and monitoring measures identified in the plans and particulars submitted shall be implemented in full as part of the proposed development, including inter alia:
- (a) Flood Risk Assessment (FRA) including Flood Awareness Plan and Flood Emergency Response Plan.
 - (b) Tree and Landscape Plan.

Where such measures 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.

Reason: In the interest of development control, public information, and clarity.

4. The proposed measures for the management of invasive species, set out in the Invasive Species Management Plan which was submitted as part of the application, shall be implemented in full.

Reason: In the interest of protecting the environment and to prevent the spread of Japanese Knotweed.

5. Prior to the commencement of site clearance works the developer shall appoint a suitably qualified and experienced Project Ecologist to supervise and monitor the ecological impacts and protective measures. The Ecologist shall supervise all site clearance works and check vegetation for nesting birds, bats, bat roosts and other habitats prior to removal.

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

6. All mitigation and environmental commitments identified in the Natura Impact Statement shall be implemented in full as part of the proposed development. All works shall be monitored by an Ecological Clerk of Works to ensure implementation of mitigation and environmental commitments.

Reason: In the interest of environmental protection.

7. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

8. Construction works shall only take place between the 1st day of September and the final day in February inclusive.

Reason: To prevent disturbance to nesting birds and species scheduled under the Wildlife Act and the EU Habitats Directive and in the interest of nature conservation.

9. 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 noise management measures and off-site disposal of construction/demolition waste.

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

10. 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 in respect of both the construction and operation phases of the proposed development.

Reason: In the interest of environmental protection and public health.

11. A final boundary treatment and landscaping scheme, in accordance with that submitted, shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed gates, CCTV, street furniture, including bollards, lighting fixtures; and
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

12. A final Tree Protection Plan shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. All tree and or hedge removal outside of the red line boundary shall be omitted.

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

13. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or 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 amenities of property in the vicinity.

14. 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:

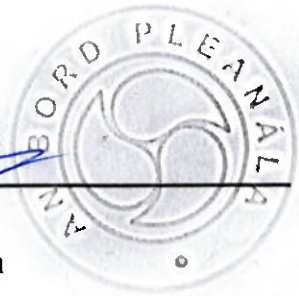
- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

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 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.



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



Dated this 27th day of June 2024.