



An
Bord
Pleanála

Board Order
ABP-321644-25

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FW24A/0279E

Appeal by John Peake of 2 The Rise, Blanchardstown, Dublin against the decision made on the 17th day of December, 2024 by Fingal County Council to grant permission, subject to conditions, to MFKC Blanchardstown Limited care of JNR Architects of 30 Northwood Court, Northwood, Dublin for the proposed development.

Proposed Development: Demolition of part single, part two storey building and single storey sheds and the removal of containers within the site; construction of a part four-storey and part five-storey Nursing Home with a total gross internal floor area of 5,916 square metres and comprising 115 number single bedrooms with communal living spaces, dining areas, shared communal facilities, treatment rooms, kitchen and general administrative areas, staff areas and maintenance spaces.

The existing low boundary wall to Main Street is to be demolished and replaced with a new low wall, metal railing and piers. The existing southern entrance to the site from Main Street will be retained and widened. The existing middle entrance to the site from Main Street will be closed up and a new entrance from Main Street will be formed at the northern end of the site to

suit the new layout. There will be a new RC retaining wall at the boundary to the adjoining properties on the north side of the site.

The existing bus stop and ESB pole will be repositioned to improve sight lines at the southern entrance to the site and the existing bus shelter will be replaced with a new bus shelter.

The development will also comprise an ESB substation, plant room, an external bin store and an external backup generator, 15 number surface car parking spaces at grade (including one number disabled car parking space and three number electric vehicle charging spaces), two number surface motorcycle parking spaces at grade, a covered bicycle stand catering for four number short stay visitor bicycle parking spaces at grade at the main entrance to the nursing home, a secure covered bicycle stand catering for 16 no. long stay staff bicycle parking spaces in total at grade, a 1.2 metres wide by 2.2 metres high totem sign at the new entrance from Main Street at the northern end of the site, way finding signage, and all associated site, landscaping and infrastructural works, including tree planting, boundary treatments, street lighting, internal roadways, footpaths and shared surfaces, foul and surface water drainage, and potable water supply necessary to facilitate the development;

A Natura Impact Statement (NIS) has been prepared and is submitted to the planning authority with the application; Retention is sought for an existing reinforced concrete retaining wall along the site boundary with the Tolka River; all at Justins Fruit and Veg, Moy Mel Shopping Centre, Main Street, Blanchardstown, 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 objectives of the Fingal Development Plan 2023-2029, to the Town Centre zoning of the site, to the nature and scale of the development proposed and to the location of the site within a well serviced urban area in proximity to the Blanchardstown Village Centre and where public transport is available, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable at this location, would provide an adequate level of amenity for future residents and would not seriously injure the residential or visual amenities of the area or detract to any significant degree from the character of the area. 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 European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted to the planning authority and the Inspector's report and submissions on file. In completing the 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 has the potential to have a significant effect on North Dublin Bay Special Area of Conservation (Site Code 000206), South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024) and North Bull Island Special Protection Area (Site Code: 004006) in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is, therefore, required.

Appropriate Assessment Stage 2

Following the Appropriate Assessment, the Board considered it reasonable to conclude, on the basis of the Natura impact statement submitted to the planning authority and the information on the file, that the proposed development, individually or in combination with other plans and projects, would not adversely affect the integrity of North Dublin Bay Special Area of Conservation (Site Code 000206), South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024) and North Bull Island Special Protection Area (Site Code 004006), or any other European site, in view of the sites' Conservation Objectives and qualifying interests.

This conclusion is based on:

- (a) a detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European Sites within a zone of influence of the development site;
- (b) consideration of the conservation objectives and conservation status of qualifying interest species and habitats; and,
- (c) the application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.
- (d) The proposed development, alone and in combination with other plans and projects, would not undermine the favourable conservation condition of any qualifying interest feature or delay the attainment of favourable conservation condition for any species or habitat qualifying interest for these European sites.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of these European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

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 received by the planning authority on the 29th day of October 2024, 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 mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. All bathroom/ensuite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

Reason: In the interest of residential amenity.

4. The mitigation measures contained in the submitted Invasive Species Management Plan, Ecological Impact Assessment, Bat Fauna Impact Assessment and the agreed Construction Environmental Management Plan (CEMP) shall be implemented.

Reason: To prevent pollution and in the interests of environmental protection and of proper planning and sustainable development.

5. The entire premises shall be used as a nursing home and shall not be used for non-residential uses, except where otherwise permitted by a separate grant of planning permission.

Reason: In the interest of clarity and to ensure proper planning and sustainable development.

6. The proposed development shall be amended as follows: the use of 'selected course stone' proposed as an external finish to the southwest corner of the building at ground and first floor level shall be extended to the second floor (third storey).

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

7. No part of the roof at third/fourth floor level shall be used as roof terraces/balconies/ amenity area. Access to these spaces shall be restricted for maintenance and fire escape only.

Reason: In the interest of residential amenity

8. Details of the materials, colours and textures of all the external finishes to all proposed structures/buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

9. The developer shall comply with the following:

- (a) The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.
- (b) Prior to the commencement of development, the developer shall carry out a CCTV survey and shall submit, to the planning authority, an appropriate works method statement and risk assessment for the diversion of the existing surface water drainage pipes.

Reason: In the interest of public health.

10. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

11. The developer shall comply with the following:

- (a) The footpath and kerb shall be dished and reinstated at the developer's expense to the satisfaction of the planning authority.
- (b) Any works, including the bus shelter and all associated services and poles, to the public footpath and road carriageway to facilitate the development and any repairs to the public footpath and road

carriageway necessary as a result of the development shall be at the expense of the developer and completed to the councils' standards for taking-in-charge and to the satisfaction of the planning authority.

- (c) Road Safety Audits shall be carried out as part of the proposed development at all of the relevant stages as outlined in current edition of the Road Safety Audit Guidelines GE-STY-01027 issued by Transportation Infrastructure Ireland.
- (d) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and to ensure proper planning and sustainable development

12. The developer shall comply with the following:

- (a) All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development, and
- (b) where necessary, all underground or overhead services and poles shall be relocated, to a suitable location at the developer's own expense and according to the specification and conditions of Fingal



County Council and the relevant utility service provider/statutory undertaker.

Reason: In the Interest of visual amenity and to ensure the proper planning and development on the area

13. Site development and building works shall be carried out 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 shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

14. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interests of environmental protection, residential amenities and public health and safety.

15. Prior to the commencement of development, the developer or any agent acting on its behalf, 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 the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the 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 proper planning and sustainable development.

16. The developer shall comply with the following requirements of the planning authority:
- (a) The developer shall ensure that the recommendations of the Construction and Operational Noise Assessment report prepared by AWN Consulting (issued 24th day of September 2024), including recommendations regarding the selection of heat pumps for installation at rooftop level, are adhered to, and
 - (b) The developer shall ensure that internal ambient noise levels, as per BSI Standards Publication BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings, Table 4: Indoor Ambient Noise Levels for Dwellings, are achieved in the development.

Reason: In the interest of residential amenity.

17. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development.
- (b) Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monuments Service (NMS) as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the NMS, regarding appropriate mitigation, preservation or in-situ/excavation.
- (c) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the NMS, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the NMS shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by

record of places, caves, sites, features or other objects of archaeological interest.

18. The developer shall comply with the following:

- (a) The landscaping scheme shown on drawing number LP-001, as submitted to the planning authority on the 29th day of October 2024 shall be carried out within the first planting season following substantial completion of external construction works.
- (b) 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, or until the development is taken in charge by the local authority, whichever is the sooner, 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 interest of residential and visual amenity.

19. The developer shall comply with the following:

- (a) Prior to the commencement of construction works on site, a meeting with the site foremen, consultant landscape architect/arborist and the parks officer from the parks and green infrastructure division of the planning authority shall take place on-site to inspect that the protective fencing has been erected prior in accordance with the Tree Protection Plan (drawing number 3450-P-015 by JNP Architects, dated 21st day of June, 2024). All tree protection measures shall be in accordance with BS 5837: 2012, Trees in relation to Design, Demolition and Construction

Recommendations. This fencing shall remain in place for the duration of the project.

- (b) A post construction report on the condition of the tree to be retained shall be undertaken by the project arborist and all recommendations made within this report shall be carried out. On completion of this, the report and a Certificate of Effective Completion sign by the project arborist shall be provided to the planning authority.

Reason: In the interest of visual amenity and to protect trees and planting during the construction period.

- 20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of trees on the site.

21. 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.



Declan Moore

Member of An Bord Pleanála

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

Dated this 19th day of May 2025.