



An
Bord
Pleanála

Board Direction
PL 09.248582

The submissions on this file and the Inspector's report were considered at a Board meeting held on 3rd October 2017.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to-

- (a) the provisions of the Regional Planning Guidelines for the Greater Dublin Area 2010-2022, including the identification of Maynooth/Leixlip as a 'Core Economic Area',
- (b) the provisions of the Kildare County Development Plan 2017 - 2023 and the Leixlip Local Area Plan 2010, including the zoning of the subject lands, under the Local Area Plan, for Industry and Warehousing,
- (c) the nature and extent of the proposed development which consists of a revised design and configuration of the previously permitted manufacturing facility, (planning register reference number 12/435, An Bord Pleanála reference number PL 09.241071) comprising an extension to an existing, established, industrial activity in this location,

- (d) the pattern of existing development and land uses within the vicinity of the site, and the planning history of the overall area,
- (e) the submissions made in connection with the planning application and the appeal, and
- (f) the applicant's requirement to apply to the Environmental Protection Agency for a review of their existing Industrial Emissions licence (Register No: P0207-04) for the expanded facility,

Environmental Impact Assessment

The Board considered the nature, scale and location of the proposed development, the documentation submitted with the application including the environmental impact statement and supporting documentation, the further submissions made in the course of the planning application and the appeal, the mitigation measures proposed, and the report, assessment and conclusions of the Planning Inspector. It is considered that this information was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment in relation to the proposed development, by itself and in cumulation with other development in the vicinity and concluded that, subject to implementation of the mitigation measures proposed, and compliance with the conditions set out below, the effects of the proposed development on the environment would be acceptable. In doing so the Board adopted the report of the Inspector.

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Rye Water Valley/Carlton Special Area of Conservation (Site Code 001398) is the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura impact statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. The Board completed an appropriate assessment of the implications of the proposed development for the Rye Water Valley/Carton Special Area of Conservation (Site Code 001398), in view of the sites' conservation objectives. In completing the appropriate assessment, the Board considered, the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects. The Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites and concluded that the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of the aforementioned European site.

Conclusion

It is considered that, subject to compliance with the conditions set out below, the proposed development:

- would comprise a reasonable and orderly expansion of the existing manufacturing use at this location in accordance with planning policies at regional, county and local level,
- would not seriously injure the amenities of the area or of property in the vicinity,
- would not seriously detract from the architectural character or setting of protected structures in the surrounding area,
- would not be prejudicial to public health or pose an unacceptable risk of environmental pollution or an unacceptable risk to public safety, and
- would be acceptable in terms of traffic safety and convenience of road users.

The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

Conditions

1. (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 8th day of March, 2017, 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.

(2) In particular, the mitigation measures described in the Environmental Impact Statement, the Natura impact statement, and other details submitted to the planning authority, shall be implemented in full during the construction and operation of the development.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature and extent of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings, including details of any signage, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

4. The detailed design of proposed road improvement works, including the upgrading of the main Intel Signalised Access Junction, the provision of traffic related CCTV facilities at identified junctions, improvements to the R148/R449 Junction, and full details of improvement works to the M4 Motorway Interchange, including the proposed temporary traffic signals to the M4 junction 6, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall be accompanied by details of the methodology for post construction monitoring of the impact of the development in the area and on the M4 and associated junction 6.

Reason: In the interest of traffic safety.

5. Details of aeronautical requirements, including any necessary lighting on the tower crane and stacks, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Subsequently, the developer shall inform the planning authority, Department of Defence and the Irish Aviation Authority of the co-ordinates of the as constructed positions of the tower crane and stacks.

Reason: In the interest of air traffic safety.

6. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority the following:
 - (a) proposals for the conservation, renewal, maintenance and use of Nelson's Cottage; and
 - (b) proposals to minimise the impact of the proposed development on Blakestown House and garden during construction and operational stages.

Reason: In the interest of architectural heritage and visual amenity.

7. (1) Prior to commencement of development, an updated Mobility Management Plan (MMP) for the proposed development shall be prepared and submitted to the planning authority for written agreement. This plan shall contain the measures included in the submitted Environmental Impact Statement, as amended, and the strategies outlined therein, updated as considered necessary for the developer to implement a strategy aimed at reducing the usage of private cars in favour of sustainable modes of transport such as walking, cycling and public transport during both the construction and operational phases of the proposed development. The plan shall include appointing a designated MMP co-ordinator for the overall campus.
- (2) Arrangements for the monitoring and regular review of the Mobility Management Plan (MMP) shall be prepared and submitted to the planning authority for written agreement prior to commencement of development. The first review shall be undertaken six months after the commencement of construction of the proposed development and thereafter such reviews shall take place annually for a period of five years. Where targets or objectives in the Mobility Management Plan are not met, this five-year period may be extended at the discretion of the planning authority. The dates for undertaking the studies and surveys associated with each review shall be submitted to, and agreed in writing with, the planning authority at least 14 days prior to the event.
- (c) Corrective action proposed arising from the Mobility Management Plan review shall be agreed in writing with the planning authority prior to implementation. All costs associated with mobility management planning and monitoring/review of the Mobility Management Plan shall be at the developer's expense.

Reason: To secure the most sustainable travel patterns appropriate to the construction and operation of the proposed development.

8. Prior to commencement of development, a comprehensive landscaping scheme (generally in accordance with the submitted Planning Report, received by PA on 25th November 2016), including details of all boundary treatment, shall be submitted to, and agreed in writing with, the planning authority. This scheme shall include details of all existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out. The site shall be completed and landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.

Reason: In the interest of visual amenity.

9. (a) 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.
(b) Comprehensive design details of the proposed surface water management system, including the attenuation/retention pond, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure adequate servicing of the development, minimise flood risk, and to prevent pollution.

10. The internal road network and circulation layout in the proposed multi-storey car park, including turning bays, junctions, footpaths, kerbs and cycle lanes, shall comply with the detailed standards of the planning authority for such works.

Reason: In the interest of traffic and pedestrian safety.

11. Lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall minimise light pollution and shall minimise external lighting outside of operational hours.

Reason: In the interest of amenity and public safety.

12. 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:

- (a) hours of operation;
- (b) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (c) location of areas for construction site offices and staff facilities;
- (d) details of site security fencing and hoardings;
- (e) details of car parking facilities for site workers during the course of construction,
- (f) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (g) measures to obviate queuing of construction traffic on the adjoining road network;

- (h) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (i) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater. Details shall include proposals for ground and surface monitoring; and
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

13. (a) During the construction phase, the developer shall adhere to the Guidelines for the Treatment of Badgers prior to the Construction of National Road Schemes, published by the National Roads Authority in 2006. In particular, there shall be no rock breaking or pile driving within 150 metres of an active badger sett during the breeding season (December to June) or construction works within 50 metres of such an active sett during the breeding season.

- (b) Where an existing badger sett will be disturbed or destroyed, an artificial sett shall be constructed beforehand and the badgers relocated thereto. Details of any such artificial setts shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of wildlife protection.

14. 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.

Board Member

Date: 4th October 2017

Conall Boland