



An
Bord
Pleanála

Board Direction
BD-001188-18
ABP-300795-18

All submissions on this file (including the observation from Cllr. McEvoy) and the Inspector's report were considered at a meeting of all available Board members held on 25/09/2018.

The Board decided by a vote of 6:3 to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- the National Planning Framework – Project Ireland 2040
- the Retail Planning Guidelines for Local Authorities published by the Department of Environment, Community and Local Government, in April 2012
- the Spatial Planning and National Roads Guidelines for Planning Authorities published by the Department of Environment, Community and Local Government, in January 2012
- the national policy document Smarter Travel – A Sustainable Transport Future – A New Transport Policy for Ireland 2009 – 2020, published by the Department of Transport
- Kildare County Development Plan 2017 - 2023
- Kildare Town Local Area Plan 2012 – 2018, including the land use zoning of this site and in the general vicinity
- the planning history of the area

- the established nature of Kildare Tourist Outlet Village and the significant economic activity generated by the existing facility
- the pattern of development in the vicinity

Appropriate Assessment

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, namely Pollardstown Fen cSAC (Site Code 000396), Mouds Bog cSAC (Site Code 002331) and the River Barrow and River Nore cSAC (Site Code 002162), and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site, in view of the sites' Conservation Objectives.

Environmental Impact Assessment

The Board adopted the report of the Inspector, which described, analysed and evaluated the environmental impact statement. The Board completed an environmental impact assessment and concluded that, subject to implementation of the mitigation measures proposed in the EIS, and compliance with the conditions set out below, the proposed development would not be likely to have significant adverse effects on the environment.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the above-mentioned guidelines

and the policies and objectives of the current development and local area plans, would be acceptable in terms of its impact on the vitality and viability of the town centre of Kildare, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health, would not be detrimental to the visual or landscape amenities of the area, and would not seriously injure the amenities of property in the area. The Board endorsed the imposition of conditions which improve the alignment of the proposed development with the Local Area Plan objectives and will enable the planning authority to advance the overall implementation of those objectives. The proposed development would, therefore, be in accordance with the principles of proper planning and sustainable development.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the zoning of the site in the current Kildare Town Local Area Plan, which does not exclude retail development, and concurred with the view set out in the Senior Planner's report that the development, as approved with conditions, will generally align with the overall objectives of the County Development Plan and the Local Area Plan, and would represent an acceptable approach for the lands zoned Town Centre. It is considered that the conditions imposed, by enabling future connectivity of the site to the town centre, will provide an acceptable level of permeability and integration, and would not be detrimental to the existing town centre. The Board was cognisant of the fact that certain Local Area Plan conditions were indicative and some flexibility in terms of indicative routes is appropriate. The scheme as conditioned was considered acceptable.

Conditions

1. Generally in accordance with planning authority's C1 and standardised as appropriate.
2. Generally in accordance with planning authority's C2 and standardised as appropriate.

3. Generally in accordance with planning authority's C3 and standardised as appropriate.
4. Generally in accordance with planning authority's C4 and standardised as appropriate.
5. Generally in accordance with planning authority's C5 and standardised as appropriate.
6. Generally in accordance with planning authority's C6 and standardised as appropriate.
7. Generally in accordance with planning authority's C7 and standardised as appropriate.
8. Generally in accordance with planning authority's C8 and standardised as appropriate.
9. Generally in accordance with planning authority's C9 and standardised as appropriate.
10. Generally in accordance with planning authority's C10 and standardised as appropriate.
11. Generally in accordance with planning authority's C11 and standardised as appropriate.
12. Generally in accordance with planning authority's C12 and standardised as appropriate.
13. Generally in accordance with planning authority's C13 and standardised as appropriate.

14. Generally in accordance with planning authority's C14 and standardised as appropriate.
15. Generally in accordance with planning authority's C15 and standardised as appropriate.
16. Generally in accordance with planning authority's C16 and standardised as appropriate.
17. Generally in accordance with planning authority's C17 and standardised as appropriate.
18. Generally in accordance with planning authority's C18 and standardised as appropriate.
19. Generally in accordance with planning authority's C19 and standardised as appropriate.
20. Generally in accordance with planning authority's C20 and standardised as appropriate.
21. Generally in accordance with planning authority's C21 and standardised as appropriate.
22. Generally in accordance with planning authority's C22 and standardised as appropriate.
23. S.48 Unspecified
24. Special Contribution (Unspecified) in respect of [per P.A. C.24]
25. Special Contribution (Unspecified) in respect of [per P.A. C.25]

26. Generally in accordance with planning authority's C26 and standardised as appropriate.

Board Member

Date: 26/09/2018

John Connolly