



An
Bord
Pleanála

Board Direction
BD-002511-19
ABP-302630-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/03/2019.

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 zoning of the site for industrial use in the current development plan for the area,
- b) the nature and extent of the proposed development – being an extension to an existing maltings,
- c) the Environmental Impact Assessment Report, submitted with the application,
- d) The relevant provisions of Directive 2014/52/EU; amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment,
- e) the Habitats Directive Screening Statement (Stage 1) & Natural Impact Statement (Stage 2) Ecological Assessment, submitted with the application,
- f) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC, as amended by Directive 2009/147/EC (Birds Directives), which set out the

requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,

- g) the pattern of development in the area,
- h) the licensing of process water & surface water discharges to the Barrow River, under Section 4 of the Local Government (Water Pollution) Act, 1977 (as amended); and the requirement for a licence from the Environmental Protection Agency under the Industrial Emissions Directive, for the proposed development,
- i) the submissions from interested parties and prescribed bodies, made to Kildare County Council and to An Bord Pleanála, in association with the application/appeal, and
- j) the report and recommendation of the Inspector.

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) is the European site for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement Ecological Assessment and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the European Site in view of the site's Conservation Objectives (Site Code: 002162). The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular the likely direct and indirect impacts arising from the proposed development (including the discharge of treated process water and surface water to the Barrow River) both individually or in combination with other plans or projects, mitigation measures and controls/safeguards for construction and operation that are included in the Natura

Impact Statement, and the Conservation Objectives for the River Barrow and River Nore Special Area of Conservation (Site Code: 002162). In completing the Appropriate Assessment, 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 Site, having regard to the site's Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European site in view of the site's Conservation Objectives.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development taking account of:

- the nature, scale, location and extent of the proposed development on site,
- the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the planning application,
- the submission of the 3rd party appellant and the 1st party response to the 3rd party grounds of appeal submitted to An Bord Pleanála, and
- the submissions from the planning authority and prescribed bodies.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the developer, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the developer and submissions made in the course of the planning application and appeal. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated as follows:

- Discharge of surface water to the Barrow River during the construction phase of the development; which will be mitigated by measures outlined in the Habitats Directive: Screening Statement (Stage 1) & Natura Impact Statement (Stage 2) Ecological Assessment submitted with the application, and as set out in Chapter 8 of the EIAR; including the attachment of a condition to any grant of permission to issue from the Board, requiring submission (from the developer) of a Construction Environmental Management Plan for the written agreement of the planning authority, prior to commencement of any development on the site.
- Discharge of treated process water and surface water to the Barrow River during the operational phase of the development, which will be mitigated by the conditions of an Industrial Emissions (IE) Directive Licence from the EPA; the upgrading of the existing membrane bio-reactor treatment plant serving the maltings; availability of a Section 16 licence under the Local Government (Water Pollution) Act, 1977 (as amended), to discharge trade effluent to the public foul sewer network, in the event of an emergency; proposals for upgrading surface water treatment within the site to include a surface water attenuation pond, screening unit, hydrodynamic grit separator, hydrocarbon interceptor and observation/sampling chamber.

Proper planning and sustainable development

The Board considered that, subject to compliance with the Conditions set out below, the proposed development includes adequate measures for the attenuation and handling of stormwater run-off and the treatment of process water within the mechanical bio-reactor treatment plant, and would not give rise to pollution of the Barrow River; would respect the character of the area; and would be acceptable in terms of the safety and convenience of traffic and pedestrians. The proposed development 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 on the 1st day of August 2018, 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The appropriate period of this permission shall be 10 years from the date of this order.

Reason: To ensure the orderly development of the site.

3. The mitigation and monitoring measures outlined in the Environmental Impact Assessment Report and the Habitats Directive: Screening Statement (Stage 1) & Natura Impact Statement (Stage 2) Ecological Assessment, submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment in the interest of nature conservation.

4. The Developer shall:

(a) within 1 year of this order, carry out at their own expense a detailed topographical survey and shall prepare and submit a preliminary design layout of the N78, along the site frontage and associated N78/Woodstock South Industrial Access Road Junction for submission to, and agreement in writing with the Planning Authority.

(b) within 1 year of this order, submit a detailed Road Safety Audit Stage 1 carried out by an independent approved and certified auditor for the preliminary design layout of the N78, along the site frontage and associated N78/Woodstock South Industrial Estate Access Road junction. The Stage 1 audit recommendations shall be incorporated into the preliminary design.

(c) prior to the commencement of development, the Developer shall submit a detailed Road Safety Audit Stage 2 carried out by an independent approved and certified auditor for the proposed development including access into the site and the surrounding areas. The Stage 2 audit recommendations shall be incorporated into the detailed design.

(d) prior to completion of development, the Developer shall submit a detailed Road Safety Audit Stage 3 carried out by an independent approved and certified auditor on the completed works for the proposed development including access into the site and the surrounding area. The Stage 3 audit recommendations shall be incorporated into the final completed works.

Reason: To ensure the pedestrian and traffic safety of all road users

5. The developer shall submit, for the written agreement of the planning authority, a Construction Environmental Management Plan (CEMP), and obtain such written agreement, prior to commencement of development on site. This plan shall provide details of intended construction practice for the development; including-

(a) Location of the site and materials compounds, including areas identified for the storage of construction & demolition waste; areas for construction site offices and staff facilities; site security-fencing and hoardings; and on-site car-parking facilities for site workers during the course of construction, together with the prohibition of parking on neighbouring streets;

(b) 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; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) 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;

(d) 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 Environmental Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction, and provide a record of any such complaints and any response to them, which may also be inspected by the planning authority

Reason: In the interest of amenities, public health, and the environment, and in particular to protect water quality in the Barrow River.

6. 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 and services.

Reason: In the interest of public health.

7. (a) The proposed works to Plewman's House shall be carried out in accordance with the methodology described in the Architectural Heritage Report and detailed on the drawing submitted to the Planning Authority on the 27th April 2018 (Drawing Reference 27038-JKD-) and in accordance with the Department of Arts, Heritage and the Gaeltacht conservation guidelines and best conservation practice *Advice Series*.

- (b) A Grade 2 RIAI Conservation Architect or equivalent Conservation Consultant shall be engaged for the detailing and supervision of the proposed conservation works to Plewman's House. Prior to the commencement of the development, a letter of engagement and resumé of the appointed Conservation Architect's relevant experience shall be submitted to, and agreed in writing with the Planning Authority.
- (c) Prior to commencement of the development, the developer's Conservation Architect shall submit to, and agree in writing with the Planning Authority, a salvage schedule which should aim to retain and reuse as much of Plewman's House existing fabric.
- (d) The Conservation Architect shall monitor the proposed conservation works and ensure that they are being carried out in accordance with the proposed method statement and best conservation practice.
- (e) The appointed Conservation Architect shall document/photograph the areas of change and record the main stages of the proposed conservation works to Plewman's House. The existing structure and building fabric shall be recorded on suitable scaled drawings which shall be cross related to numbered photographs and submitted to the Planning Authority.
- (f) Upon the completion of the development, the appointed Conservation Architect shall submit a Conservation Compliance report to the Planning Authority.

The report shall

- (i) demonstrate that the works comply with the conservation Method Statement
- (ii) Contain suitably scaled drawings of the Conservation works cross related to numbered site photographs and an as built drawing.

Reason: To ensure that the integrity of Plewman's House is maintained, and that the structure is protected from unnecessary damage or loss of

fabric.

8. During the harvest season, the developer shall manage the queuing of HGVs and tractors & trailers at the site entrances. The secondary vehicular entrance, on the northwestern boundary of the site (as indicated on the Traffic Insights figure 3.1 – received by the planning authority on the 1st day of August 2018), shall be utilised for deliveries during the harvest season.

Reason: In the interest of orderly development and traffic safety.

9. No signage shall be erected (so as to be visible from outside the site on any of the boundaries) on any of the proposed new elements of the maltings, without a prior specific grant of planning permission.

Reason: In the interest of visual amenity.

10. All over-ground oil or chemical storage tanks shall be adequately bunded to protect against accidental spillage. Bunding shall be impenetrable and capable of retaining a volume of 110% of the capacity of the largest tank. Filling and take-off points shall be located within the bunded areas.

Reason: In the interest of public health and protection of groundwater and surface water.

11. All service cables associated with the proposed redevelopment of Plewman's House (such as electrical and telecommunications), shall be located underground.

Reason: In the interest of visual amenity.

12. Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be

submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government, in July 2006.

Reason: In the interest of sustainable waste management.

13. 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.

14. Any necessary floodlighting of the site shall be arranged, so as to not cause glare to users of public roads adjoining the site.

Reason: In the interest of traffic and pedestrian safety.

15. 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: 06/03/2019

Maria FitzGerald