



An
Bord
Pleanála

Board Direction
BD-002803-19
ABP-302813-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/04/2019.

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

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

- a) the policies and objectives in the South Dublin County Development Plan 2016-2022, including the zoning objective for the site;
- b) the nature, scale and design of the proposed development,
- c) pattern of existing and permitted development in the area,
- d) the established nature of Grange Castle Business Park, and
- e) the submissions received with the application and appeal.

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the South Dublin County Development Plan 2016 – 2022, would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic

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

Appropriate Assessment

The Board carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale and location of the proposed development, as well as the report of the Inspector. In completing the appropriate assessment screening, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other plans or projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives and that a Stage 2 appropriate assessment is not, therefore, required.

Environmental Impact Assessment

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

- The nature, scale and extent of the proposed development;
- The environmental impact assessment report and associated documentation submitted in support of the application;
- The submissions from the planning authority, the appellants and the prescribed bodies in the course of the application; and
- The Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

Reasoned Conclusions on the Significant Effects.

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 applicant and the submissions made in the course of application and appeal.

The Board considered, and agreed with the Inspectors reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated, as follows:

Landscape and Visual Impact:

Localised significant visual impact from adjacent properties and intermittent sections of the Baldonnell Road in the vicinity of the development will not be avoided, mitigated, or otherwise addressed by means of condition. Mitigation measures proposed include earth modelling and tree planting which will provide an appropriate level of visual screening, and the external finishes and colour palette chosen for the building will further reduce the visual impact.

The Board completed the environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures referred to above, and other measures set out in the environmental impact assessment report and, subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking this decision.

Conclusions on Proper Planning and Sustainable Development

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

- a. The proposed development is consistent with national, regional and local planning policy, including the South Dublin County Development Plan 2016 – 2022.

- b. The proposed development is situated in an established Business Park and is located at an acceptable remove from nearby sensitive receptors. The proposed development will not, therefore, have any significant adverse impact on the residential amenities of adjacent properties.
- c. The proposed development includes significant landscaping and planting. The proposed development will not, therefore, give rise to significant visual or landscape effects or indirect effects on heritage and/or tourism.
- d. Traffic arising from the development will result in a modest increase in traffic on the local road network, relative to existing levels, and, subject to compliance with conditions in respect of the management of construction and operational traffic, would be acceptable, therefore, in terms of traffic safety.

The Board concluded that 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 30th day of July 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.

Reason: In the interest of clarity.

2. The mitigation measures and commitments identified in the environmental impact assessment report, and other plans and particulars submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

Prior to the commencement of development, the developer shall submit a

schedule of mitigation measures identified in the Environmental Impact Assessment Report, to the planning authority for its written agreement.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. Prior to commencement of development, full details, including drawings and samples, of:
 - (a) all proposed external finishes to the proposed buildings, including to the flue stacks,
 - (b) all proposed signage to serve the development, and
 - (c) all site fencing (site fencing shall be coloured in a dark green colour only),

shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional development, other than that shown on submitted drawings, shall take place above roof parapet level including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennae or equipment, unless authorised by a further grant of permission.

Reason: In the interest of visual amenity, and to allow the planning authority to assess any such further development through the statutory planning process.

5. All service cables associated with the proposed development (such as electrical and communication cables) shall be located underground.

Reason: In the interest of visual amenity.

6. Prior to commencement of development, the developer shall submit to, and agree in writing with the planning authority -

- (a) Details and drawings of the entrances from the site to the public roads, which shall comply with the Design Manual for Urban Roads

and Streets (2013);

(b) Details of the location, type, design and construction of the proposed gated access points in the security fence line;

(c) Details and drawings showing the segregation of the loading bay area turning movement from the staff parking area.

Reason: In the interests of pedestrian and cyclist permeability and safety across the proposed entrances to the site, and of traffic safety.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

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

8. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

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 hours of working, noise management measures, dust minimisation measures and off-site disposal of construction/demolition waste.

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

10. PA c 12

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.

11. Prior to any disturbance, or any pre-demolition works commencing on the

building referred to as 'Erganagh', a pre-demolition survey for bats shall be undertaken by an ecologist with appropriate qualifications, training and experience in bat surveys. The bat survey shall be undertaken in accordance with the provisions of the "Bat Mitigation Guidelines for Ireland – Irish Wildlife Manuals Number 25", issued by the Department of the Environment, Heritage and Local Government (2006) or any document that might supersede it.

Should bats be found the applicant/developer shall make contact with the National Parks and Wildlife Service and seek advice regarding the necessity of a bat derogation licence before works to demolish can proceed. Similarly, prior to any removal of trees or hedgerows, a bat expert shall be on site to address any bats inadvertently found during felling.

Reason: To monitor and protect bat species in the area.

12. A project ecologist with the necessary expertise in habitat management and bat protection issues shall be engaged to oversee the protection of biodiversity both during construction and for a monitoring period of 5 years following the completion of the proposed development. The primary responsibilities of the Project Ecologist will be those as set out in the Biodiversity Management Plan. Annual reports shall be submitted to the planning authority.

Reason: In the interest of habitat and bat protection.

13. The landscaping proposals as submitted to the planning authority as further information on the 30th day of July, 2018 shall be carried out within the first planting season following substantial completion of external construction works.

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 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.

14. PA 2 (ii)

15. Lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

The lighting scheme shall be designed to minimise potential glare and light spillage and lighting shall be positioned and /or cowled away from residential properties, public roads, and any bat roosts with bat activity.

Reason: In the interests of the environment, amenity and public safety.

16. The operational noise level shall not exceed 55 dB(A)_{Leq 1hr} (corrected for any tonal or impulsive component) at the nearest noise sensitive locations, including dwellings, between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A)_{Leq 1hr} at any other time. All sound measurement shall be carried out in accordance with ISO 1996-1:2016 "Acoustics - Description, measurement and assessment of environmental noise - Part 1: Basic quantities and assessment procedures". Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity of the site.

17. PA c 11.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory protection of any tree/hedgerow on

and immediately adjacent to the site and to make good any damage caused during the construction period, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory protection/replacement of trees/hedgerows for a period of three years from the substantial completion of the development. 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 ensure the protection of trees and hedgerows immediately adjacent to the site.

19. 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: 11/04/2019

Terry Prendergast