



An
Bord
Pleanála

Board Direction
BD-004743-19
ABP-305129-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/12/2019.

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

1.0 Appropriate Assessment Screening

- 1.1.1. 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 with the application 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, Clew Bay Complex SAC (Site Code: 001482) is the only site requiring a Stage 2 Appropriate Assessment.
- 1.1.2. The Board undertook an Appropriate Assessment in relation to the effects of the proposed development on the Clew Bay Complex SAC (Site Code: 001482). Having regard to the nature, scale and location of the proposed development, the Natura Impact Statement submitted to the planning authority by the applicant, including the mitigation measures proposed, the Inspector's report and the submissions on file, the Board concluded that the proposed development, by itself or in combination with other plans or projects, would not be likely to adversely affect the integrity of the

European Site, in view of the site's conservation objectives. In doing so, the Board concurred with the conclusions of the Inspector and adopted his report in this respect.

- 1.2. Having regard to the existing facility that the proposed development would replace, the nature, scale, design and siting of the proposed development, the requirement for the facility to have a waterside location and the pattern of development in the area, it is considered that, subject to compliance with the conditions below, the proposed development would be an appropriate use in this area, would not increase flood risk to neighbouring properties, would comply with the provisions of the Office of Public Works 'The Planning System and Flood Risk Management: Guidelines for Planning Authorities (2009)' and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

2.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 the 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. Details of the materials, colours and textures of all the external finishes to the proposed building, flagpoles and communications mast shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Resilience measures shall be undertaken as part of the proposed development to minimise the potential impact of flood damage. These measures shall include raising electrical fittings to a suitable height, water-compatible floor coverings and wall tiles, non-return valves on waste outlets and removable flood gates on all access points.

Reason: To mitigate the risk of flooding and in the interest of clarity.

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following: -
 - (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
 - (c) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

5. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before occupation of the development.

Reason: In the interest of public safety and visual amenity.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenity of the area.

7.
 - a) The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.
 - b) 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.

8. The construction of the development shall be managed in accordance with a Construction Environmental 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) Location of the site and materials compound including area identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Measures to obviate queuing of construction traffic on the adjoining road network;
- (e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(f) 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;

(g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(h) 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;

(i) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(j) 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.

Reason: In the interest of amenities, public health and safety and the protection of the environment.

Board Member

Date: 13/12/2019

Terry Ó Niadh