



An
Bord
Pleanála

Board Direction

BD-006855-20

ABP-306340-20

The submissions on this file and the Inspector's report and addendum report were considered at a Board meeting held on 20/10/2020.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenity or the visual amenities of the area, would be acceptable in terms of pedestrian and traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board considered the Screening Report for Appropriate Assessment, the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Unshin River SAC (Site Code: 001898), the Ballysadare Bay SPA (Site Code: 004129) and Ballysadare Bay SAC (Site Code: 000622) are the

only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites, namely, Unshin River SAC (Site Code: 001898), the Ballysadare Bay SPA (Site Code: 004129) and Ballysadare Bay SAC (Site Code: 000622), in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

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 Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not agree that the overall density of the proposed development was not sufficient to provide for would not be sufficient to provide for an acceptable efficiency in the utilisation of serviced zoned residential land, within the settlement boundary of Ballysadare. Instead it was of the view that, given the pattern of development in the

area and the planning history of the site, that the proposed density was acceptable and in accordance with national and local guidance.

Conditions

1. Planpartic
2. The mitigation measures identified in the Natura Impact Statement, submitted to An Bord Pleanála on 21st day of July 2020 shall be implemented in full by the developer.

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

3. Prior to the commencement of development, a fuel interceptor trap shall be installed on site as part of the surface water drainage system serving the development. Details of the fuel interceptor trap and maintenance regime shall be submitted to the planning authority to ensure that all surface water from the site contaminated with hydrocarbons, including stormwater, shall be discharged following passage through this fuel interceptor, which shall be provided with an inspection chamber and shall be located, constructed and maintained in accordance with the submitted details.

Reason : In order to avoid deterioration of surface water quality from the development.

4. Urban finishes
5. All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

Reason: In the interest of residential and visual amenity.

6. Internroad 1
7. Cables
8. CMP1
9. Public lighting
10. Urbanwaterdrain
11. Irish Water
12. Construction waste
13. Construction working hours

14. The areas of public open space shown serving the development shall be reserved for such use. These areas shall be soiled, seeded, and landscaped to written satisfaction of the planning authority. This work shall be completed before any of the dwellings are made available for occupation by the developer.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

15. Part V

16. Security

17. S48 unspecified

Board Member

Date: 03/11/2020

Terry Prendergast