

An
Bord
Pleanála

Board Direction
BD-010466-22
ABP-306903-20

The submissions on this file and the Inspector's reports (including both addendum reports) were considered at a further Board meeting held on 07/04/2022.

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 the provisions of the Wicklow Town – Rathnew Development Plan 2013 – 2019 and the Eastern-Midlands Regional Waste Management Plan 2015-2021, the nature and scale of the proposal, the zoning of the site, the pattern of development in the area and the proximity of the site to the regional and local road network, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute a sustainable development located on appropriately zoned lands which would align with national and regional and local waste management policy enabling increased rates of resource recovery. It is further considered that the development would not seriously injure the amenities of the area and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's second addendum report that the Murrough Wetlands SAC (Site Code 002249), the Wicklow Reef SAC (Site Code 002274), the Wicklow Mountains SAC (Site Code 002122) and the Murrough SPA (Site Code 004186) are the only European Sites for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment.

The Board considered the revised Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for European Sites in view of the sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best available scientific knowledge in the field.

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

- (i) Site Specific Conservation Objectives for these European Sites,
- (ii) Current conservation status, threats and pressures of the qualifying interest features
- (iii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and
- (iv) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's second addendum report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European Sites in view of the sites' Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

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 received by An Bord Pleanála on the 13th day of March 2020, 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. All the mitigation measures indicated in the revised Natura Impact Statement shall be implemented in full.

Reason: To ensure the protection of the integrity of European Sites.

3. Prior to the commencement of development, the applicant shall obtain as necessary a waste facility permit and shall comply with any conditions attached therein.

Reason: To comply with all statutory requirements.

4. Details of the materials, colours and textures of all the external finishes, signage, and external hard surfaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. (a) The signage scheme for the facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) With the exception of the signage scheme agreed under (a) above, no advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001-2021, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the

curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

6. The construction of the development shall be managed in accordance with a site-specific detailed 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 incorporate all mitigation measures indicated in the revised Natura Impact Statement, and shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

7. There shall be no unloading, deposit, handling, storage or sorting of waste materials outside of the proposed facility.

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

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

9. Irish Water

10. (a) Hours of construction shall be between 0700 and 1900 hours Monday to Friday, 0800 and 1400 on Saturday and not at all on Sunday or bank or public holidays.

(b) Hours of operation shall be between 0800 and 1700 hours Monday to Friday, 0800 and 1400 on Saturday and not at all on Sunday or public holidays.

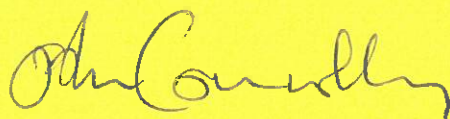
Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

11. 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 the 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 the Board 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: 07/04/2022

John Connolly