

An
Bord
Pleanála

Board Direction
BD-007481-21
ABP-307859-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/02/2021.

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.

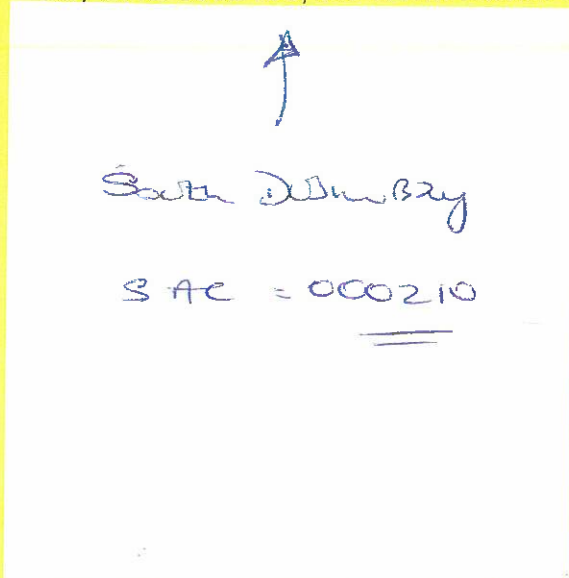
Reasons and Considerations

Having regard to the provisions of the Leixlip Local Area Plan 2020-2023, the Kildare County Development Plan 2017-2023 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 be acceptable in terms of zoning and land use and would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

DECISION QUASHED

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Rye Water Valley / Carton SAC 001398, the South Dublin Bay SAC 0002109, the North Dublin Bay SAC 000206, the South Dublin Bay and the North Bull Island SPA 004006



is a likelihood of significant effects. The Board
ent and all other relevant submissions and
t of the implications of the proposed
s in view of the sites' Conservation Objectives.
ation before it was adequate to allow the
ment.

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

- 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 these 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 would not adversely affect the integrity of European sites in view of the sites' Conservation Objectives.

DECISION QUASHED

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 18th day of June 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. This permission shall be for a period of five years from the date of commencement of development. The site shall be reinstated within this period unless a further permission has been obtained.

Reason: In the interest of clarity and to accord with the planning application.

3. All mitigation measures contained in the Ecological Impact Assessment submitted by the applicant shall be carried out.

Reason: To ensure the preservation and protection of flora and fauna within the site.

4. All mitigation measures and undertakings contained in the Construction & Reinstatement Environmental Management Plan submitted by the applicant shall be carried out.

Reason: In the interest of mitigating any ecological damage associated with the development.

5. The mitigation measures set out in Section 1.5 of the Archaeological Impact Assessment submitted by the applicant shall be carried out.

Reason: In order to conserve the possible archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

DECISION QUASHED

6. All mitigation measures contained in the Natura Impact Statement submitted by the applicant shall be carried out.

Reason: In the interests of the protection of the Rye Water Valley/Carton SAC (Site Code 001398), South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and North Bull Island SPA (Site Code 004006).

7. Drainage arrangements, including the 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. Prior to commencement of development, the developer shall enter into a water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

9. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

10. 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 noise management measures and off-site disposal of construction/demolition waste.

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

DECISION QUASHED

11. 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.

Reason: In the interests of amenity and public safety.

12. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Tree Protection Plan which shall identify any trees to be removed and justify their removal.

Reason: In the interest of tree protection.

13. (a) Prior to commencement of development, all trees and hedging which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches or, at minimum, a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed and reinstated.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

14. The locations and dimensions of the on-site berms created from soil removed from within the site shall be agreed in writing with the planning authority prior to the removal of the soil. The maximum amount of removed soil shall be retained on site and used in the reinstatement of the site. Detail of any soil removal from the site shall be agreed in advance of its removal, in writing, with the planning authority.

Reason: In the interest of sustainable development.

DECISION QUASHED

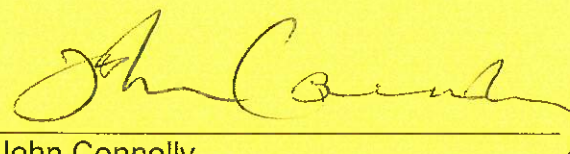
15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best 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.

16. 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



John Connolly

Date: 04/02/2021

DECISION QUASHED