



An
Bord
Pleanála

Board Direction
BD-008026-21
ABP-308585-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/04/2021.

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.

Costs

The Board approved the calculation of its own costs, which amounted to €29,269.50. This left the Board liable for a part re-payment of fees to the applicant in the amount of €75,230.50.

Reasons and Considerations

Having regard to the following:

a) EU legislation including:

- The relevant provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment, and
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for

Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,

- b) National Legislation including Section 182A of the Planning and Development Act 2000 (as amended),
- c) Regional Policy including the Regional Spatial and Economic Strategy for the Eastern and Midlands Region,
- d) Local Planning Policy including the provisions of the South Dublin County Development Plan, 2016-2022,
- e) The following matters:
 - the nature, scale and design of the proposed works as set out in the application for approval and the pattern of development in the vicinity,
 - the documentation and submissions of the local authority, the Environmental Impact Assessment Report and associated documentation submitted with the application, and the range of mitigation and monitoring measures proposed,
 - the submissions and observations made to An Bord Pleanála in connection with the application,
 - other relevant guidance documents,
 - the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites, and
 - the report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national, regional and local planning and related policy, would not have an unacceptable impact on landscape or ecology, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report (EIAR) and other associated documentation submitted in support of the application,
- (c) the submissions from the applicant, the observers and prescribed bodies in the course of the application, and
- (d) the Inspector's report.

The Board agreed with the summary of the results of consultations and information gathered in the course of the environmental impact assessment, and the examination of the information contained in the EIAR and the associated documentation submitted by the applicant, and the submissions made in the course of the application as set out in the Inspector's report. The Board was satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation which are incorporated into the Board's decision.

Reasoned Conclusion of the Significant Effects:

The Board considered that the EIAR, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and

methods of assessment. The Board is satisfied that the information contained in the EIAR is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below.

- Positive impacts on **population and human health** in terms of the local economy from increased spending and jobs during the construction period.
- Potential long-term positive impacts on **Land** through change of use from former agricultural lands to enterprise and employment lands in accordance with the land use zoning objective.
- Potential adverse impacts on **Water** from silt run-off and incorrect handling of deleterious materials such as lubricants, waste oils, cement, etc. Measures will be put in place such that works are undertaken in accordance with best practice in relation to the handling and storage of fuels, oils, chemicals and stockpiles and the CEMP will also provide a framework for water quality protection during construction.
- Potential adverse impacts in terms of **Air** during construction works associated with noise from cable laying and dust emissions throughout the site. Measures will be applied during construction including the limitation of hours during which site activities are likely to create high levels of noise or vibration, establishing channels of communication, good site management through good design and effective control strategies to avoid dust becoming airborne at source.

Having regard to the above, the Board is satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment, and is also satisfied that the reasoned conclusion is up to date at the time of making the decision.

Conditions

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| 1. | <p>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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>The mitigation measures identified in the EIAR and other plans and particulars submitted with the planning application, shall be implemented in full by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this permission.</p> <p>Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.</p> |
| 3. | <p>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 in respect of both the construction and operational phases of the proposed development.</p> <p>Reason: In the interest of environmental protection and public health.</p> |

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| 4. | <p>The landscaping proposals shall be carried out within the first planting season following commencement of construction of the proposed development. All existing trees, hedging and shrubs shall be retained and protected where possible and the location of any replacement planting shall be in close proximity to any planting removal. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. The landscaping and screening shall be maintained at regular intervals.</p> <p>Reason: To blend it into its surroundings in the interest of visual amenity.</p> |
| 5. | <p>Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed in writing with the local authority, generally in accordance with the Outline CEMP included in the Environmental Impact Assessment Report. The CEMP shall incorporate the following:</p> <ul style="list-style-type: none"> (a) a detailed plan for the construction phase incorporating, inter alia, the construction programme, supervisory measures, noise, dust and surface water management measures, including appointment of a site noise liaison officer, construction hours and the management, transport and disposal of construction waste, (b) a comprehensive programme for the implementation of all monitoring commitments made in the planning application and supporting documentation during the construction period, (c) an emergency response plan, and (d) proposals in relation to public information and communication. <p>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 local authority.</p> <p>Reason: In the interest of environmental protection and orderly development.</p> |

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| 6. | <p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the undertaker shall –</p> <ul style="list-style-type: none"> (a) notify the local authority in writing at least four weeks prior to the commencement of any site operations (including hydrological and geotechnical investigations) relating to the proposed development, (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and (c) provide arrangements, acceptable to the local authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination. <p>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.</p> |
| 7. | <p>The construction of the development shall be managed in accordance with a Construction Management Plan, a Traffic Management Plan and a Waste Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of orderly development and the protection of the environment</p> |
| 8. | <p>Prior to commencement of development, the applicant shall agree in writing with the Planning Authority a public lighting and site lighting scheme for the proposed development.</p> <p>Reason: In the interests of orderly development.</p> |

Board Member


John Connolly

Date: 28/04/2021