

An
Bord
Pleanála

Board Direction
BD-008683-21
ABP-309661-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/07/2021.

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 zoning provisions for the site, the pattern and development in the vicinity, the nature and extent of the proposed development, and to the proposed development being consistent with open space and recreational provisions of the Mallow Town Development Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with local planning policy, would be acceptable in terms of traffic safety and convenience, would not seriously injure the residential amenities of the area and would be acceptable in terms of visual and biodiversity impacts. The proposed development 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 Blackwater River (Cork/Waterford) SAC (Site Code: 002170) is the only European Site 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 the European Site, namely, Blackwater River (Cork/Waterford) SAC (Site Code: 002170), in view of the site's 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 Site.

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 Site, having regard to the site's 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 Site, in view of the site's Conservation Objectives.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) The nature, scale, location and extent of the proposed development,

- (b) The Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) The submissions received from the planning authority, prescribed bodies and third parties, and
- (d) The Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination set out in the Inspector's report of the information contained in the environmental impact assessment report and associated documentation submitted by the developer and submissions made in the course of the planning application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated, as follows:

- The enhanced provision of recreational and sporting facilities for the residents and schools of the area and the wider Mallow community;
- The importation of soil, the grading of the site, and raising of lands adjoining neighbouring residential properties, with soils acquired from adjoining school lands and comprehensive boundary landscaping provisions being made;
- Noise and lighting impacts on adjacent residential properties at the construction phase and from the functioning of the pitch/track at the operational phase, with suitable layout and siting of facilities, comprehensive landscaping provisions, and the application of appropriate construction methodologies; and
- The widening and development of Sexton's Boreen and the associated traffic generation and parking to serve the needs of the operational phase, with widening provisions being made within the confines of the site, car and bus parking within the site, and provisions made in the event of any additional parking needs on adjoining lands.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as they pertain to the development as set out in Chapter 14 of the EIAR which provides a schedule of environmental commitments and subject to compliance with the conditions set out below, the effects of the development on the environment would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conditions

1. The proposed 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 submitted on the 17th December 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 proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the development, including those set out in Chapter 14 of the Environmental Impact Assessment Report submitted with this application, shall be implemented in full.

Reason: In the interest of clarity and to mitigate the environmental effects of the project.

3. PA c. 2.
4. PA c. 5
5. PA c. 6

6. PA c. 7
7. The facility shall operate between 08.00 and 22.00 daily. Floodlighting shall not operate after 22.00.

Reason: In the interest of residential amenity.

8. Prior to the commencement of development, a comprehensive management plan for the operation of the facility shall be submitted to and agreed in writing with the planning authority, which shall include provisions for traffic management, facility maintenance and facility security.

Reason: In the interest of orderly development and to protect residential amenity.

9. PA c.9

10. PA c.10

11. Prior to the commencement of development, the developer shall prepare a Construction and Environmental Management Plan (CEMP), to include demonstration of proposals to adhere to construction best practice and protocols and noise and dust management provisions, which shall be submitted to and agreed in writing with the planning authority. The CEMP shall include specific proposals as to how the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the environment, protection of European sites and in the interest of public health.

12. Site development and building works shall be carried only out between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 by the contractor from the local authority.

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

13. Prior to the commencement of development, the following shall be submitted to, and agreed in writing, with the planning authority:
- (a) the form and finishes of the upgrade works to Sexton's Boreen,
 - (b) traffic management provisions along Sexton's Boreen, inclusive of traffic calming measures, footpath connectivity, the nature and extent of street lighting and road signage, and
 - (c) on-site parking provisions, including layout and finishes to parking.
 - (d) detailed public lighting design proposals.

Reason: In the interest of traffic safety and orderly development

14. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

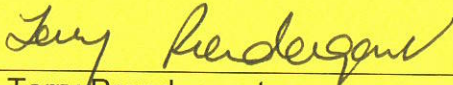
Reason: In the interest of public health.

15. Standard IW

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 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 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


Terry Prendergast

Date: 12/07/2021

Note: The Board decided not to remove condition no. 2 attached by the planning authority, as it considered the condition to be appropriate in the context of protecting the amenities of adjoining residences.

Please issue Direction with Order.

