



An  
Bord  
Pleanála

**Board Direction**  
**BD-009580-21**  
**ABP-309773-21**

At a meeting held on 03/12/2021, the Board considered the objections made to the proposed development, the report of the Inspector, and the documents and submissions on file generally.

The Board decided to approve the proposed development under section 182 A of the Planning and Development Act 2000, as amended, based on the following reasons and considerations and subject to the conditions set out below.

### **Reasons and Considerations**

In coming to its decision, the Board had regard to:

#### **European legislation and policy, including of particular relevance:**

- 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.
- 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.

#### **National legislation, including of particular relevance:**

- Section 182A of the Planning and Development Act 2000 (as amended).

#### **Regional policy provisions including of particular relevance:**

- Regional Spatial and Economic Strategy for the Eastern and Midlands Region.

**Local policy provisions including of particular relevance:**

- The South County Development Plan 2016 – 2022.

**The following matters:**

- (a) The location of the site in an emerging industrial area and within a large bank of land zoned for enterprise and employment uses.
- (b) The significant benefits in terms of reinforcing the electricity transmission grid in an area where there are capacity constraints.
- (c) The purpose of the development to provide for the export of power from the permitted Power Generation facility and to provide a permanent power supply for the permitted Information Communication Technology facility at the adjacent lands and the information submitted in connection with the applications for said developments.
- (d) The alternatives considered and the rationale for connecting to the national grid at the selected location.
- (e) The nature and scale and design of the proposed development.
- (f) The submissions and observations made to An Bord Pleanála in connection with the application.
- (g) The range of proposed mitigation measures set out in the submitted in the documentation lodged including the Environmental Impact Assessment Report and the Appropriate Assessment Screening Report, and
- (h) The report and recommendation of the Inspector.



### **Appropriate Assessment Screening**

In conducting a screening exercise for appropriate assessment, the Board considered the nature, scale and context of the proposed development, the documentation on file, in particular the Appropriate Assessment Screening Report submitted in support of the proposed development, the submissions on file and the assessment of the Inspector in relation to the potential for significant effects on European Sites. In undertaking the screening exercise, the Board accepted the analysis and conclusions of the Inspector. The Board concluded that, by itself and in combination with other development in the vicinity, the proposed development would not be likely to have significant effects on any European site in view of the sites' conservation objectives. In reaching this conclusion, the Board took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

### **Environmental Impact Assessment**

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

- The nature, scale and extent of the proposed development,
- The Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- The submissions made in the course of the application,
- The planning history including the further information submitted in relation to the application to South Dublin County Council under Reg. ref. SD 20A/0324, and
- 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 applicant and submissions made in the course of the application.

The Board considered, and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Negative short-term construction phase impacts on population and human health due to noise and disturbance, which will be mitigated through implementation of the CEMP and other relevant measures.
- Positive long-term impacts on population and human health due to employment and economic benefit to the area.
- Potential adverse effects on biodiversity during the construction phase from removal of trees and structures which are habitats for bats and birds, which will be mitigated by relevant mitigation measures identified.
- Significant positive long-term effects on biodiversity from the strengthening of green infrastructure and the provision of new water bodies and extensive tree and woodland planting.
- Potential adverse impacts on water quality during the construction phase from silt, hydrocarbon or chemical runoff, which will be mitigated by the implementation of a Construction Environmental Management Plan and other measures.

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 set out in the Environmental Impact Assessment Report and, subject to compliance with the conditions set out herein, the effects on

the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking this decision.

### **Proper Planning and Sustainable Development**

It is considered that, subject to compliance with the conditions set out below, the proposed development would accord with European, 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.

### **Conditions**

1. 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.

**Reason:** In the interest of clarity.

2. 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.



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

3. Save where otherwise agreed with the planning authority, the developer shall comply with all relevant conditions of planning reg. ref. SD20A/0324.

**Reason:** In the interest of clarity and consistency.

4. Subject to the provisions of condition 5 below, 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.

Prior to commencement of development, and following consultation with Irish Water, the developer shall agree with the planning authority proposals for all works as they affect water supply and drainage services, together with written commitment to undertake the proposed development in accordance with this agreement.

**Reason:** In the interest of environmental protection and public health.

5. The proposals for roads, parking and site landscaping including the detail of the surface water attenuation features shall subject of the written agreement of the planning authority and unless otherwise agreed with the planning authority shall be as follows:

(a) The site layout including the roads and parking areas and landscape plans and details shall be in accordance with the plans and particulars received by the planning authority on the 19<sup>th</sup> day of May 2021 under planning reg. ref. SD20A/0324.

(b) The requirements of the planning authority in relation to the surface water management and disposal shall be complied with in full. Alterations to the volume of surface water attenuation features and modification to earthworks may be undertaken.

(c) Revised sectional drawings 04 and 05 shall be submitted.

**Reason:** To ensure consistency between the conditions of this permission and previously permitted development and in the interest of visual amenities, surface water attenuation and biodiversity.

6. All planting shall be carried out within the first planting season following commencement of construction of the proposed development. 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.

All tree and shrub removal and the demolition of buildings shall be undertaken outside the bird nesting season.

**Reason:** In the interest of orderly development and the protection of birds.

7. An updated survey of the trees along the cable route shall be submitted to the planning authority and suitable measures presented to ensure the protection of bats along this route.

The protection of bats shall be ensured through the implementation of the measures set out in the EIAR and the measures in the Bat Memo dated the 7<sup>th</sup> day of May 2021 submitted as further information under planning reg. ref. SD20A/0324.



**Reason:** To ensure the protection of bats.

8. The requirements of the planning authority in relation to roads and traffic under condition 4 of planning reg. ref. SD20A/0324 shall be adhered to in full.

**Reason:** In the interest of orderly development, sustainable development and traffic safety.

9. 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:

(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.

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.



**Reason:** In the interest of environmental protection and orderly development.

10. 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 –

(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.

**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.

11. 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.

**Reason:** In the interest of orderly development and the protection of the environment.

12. External finishes shall be agreed in writing with the planning authority.



**Reason:** In the interest of visual amenity.

13. 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.

**Reason:** In the interest of orderly development.

14. The applicant shall submit to the planning authority an Aviation Impact Assessment on potential effects from the proposed development on Irish Air Corps operations at Casement Aerodrome. The requirements of the planning authority in relation to the protection of the safe and efficient operation of aircraft shall be adhered to in full.

**Reason:** To ensure that the development does not adversely impact on the safe and efficient operation of Casement Aerodrome.

15. Prior to commencement of development, the undertaker shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the undertaker or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of traffic safety and the proper planning and sustainable development of the area.





