



An
Bord
Pleanála

Board Direction
BD-014661-23
ABP-314567-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/11/2023.

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

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

- a) EU legislation including in particular:
 - 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,
 - 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 in particular:
 - Section 182A of the Planning and Development Act 2000 (as amended)
- c) Regional Policy including in particular:
 - The Regional Spatial and Economic Strategy for the Eastern and Midlands Region

d) Local Planning Policy including in particular:

- The provisions of the South Dublin County Development Plan, 2022-2028

e) The following matters:

- The location of the site in an emerging industrial area and within a large bank of land zoned for enterprise and employment uses,
- the nature, scale and design of the proposed works as set out in the application for approval,
- the submissions and observations made to An Bord Pleanála in connection with the application.
- the Environmental Impact Assessment Report and associated documentation submitted with the application, and the range of mitigation and monitoring measures proposed,
- the alternatives considered and the rationale for the proposed development,
- 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 accord with European, national, regional and local planning and related policy, it would not have an unacceptable impact on landscape, cultural heritage or ecology, it would not seriously injure the visual or landscape amenities of the area or of property in the vicinity, and it would be acceptable in

terms of water and drainage impacts. 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 and other associated documentation submitted in support of the application,
- (c) the submissions from the applicant, the observers/ prescribed bodies in the course of the application, and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the information submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and 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 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 Environmental Impact Assessment Report, 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 Environmental Impact Assessment Report 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.

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 EIAR 'Remedial and Mitigation Measures' of the various chapters 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 considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Positive short-term impacts on Population and Human Health in terms of the local economy from employment during the construction period.
- Potential short-term negative impacts on Population and Human Health due to emissions and impact on air quality, noise and visual effects during the construction stage and will be mitigated by a range of measures and implementation of the CEMP.
- Potential negative impacts on Water as a result of sediment loading and accidental pollution spillages into the local drainage system during the construction phase. These impacts will be mitigated through implementation of the CEMP, the HDD methodology and measures in the EIAR.
- Potential negative impacts to Land, Soil and Hydrogeology relating to accidental spillages of chemicals, hydrocarbons or other contaminants. These impacts will be mitigated through implementation of the CEMP and the measures specified in the EIAR.
- Potential impacts on Cultural Heritage will be mitigated during the construction stage through archaeological monitoring of ground works.

- Regarding Waste, a planned and mitigated approach to waste management will ensure that the impact on the environment will be short-term, neutral and imperceptible.

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

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.

Conditions

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>
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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>Prior to commencement of development, the developer shall submit for written agreement with the Planning Authority the following:</p> <ul style="list-style-type: none"> (a) Drawings showing cross sections of existing foul water sewers adjacent to the cable route hereby permitted, including horizontal and vertical distances between proposed cables and existing watermains adjacent to same; (b) Drawings showing cross sections of existing foul water sewers adjacent to the cable route hereby permitted, including horizontal and vertical distances between proposed cables and existing foul water sewers adjacent to same; (c) 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>Reason: In the interest of environmental protection and public health.</p>
4.	<p>The permitted crossing beneath the Griffeen River with the underground 110kV transmission line shall be completed using the Horizontal Directional Drilling Method and shall be carried out in accordance with the method statement submitted with the application.</p> <p>Reason: In the interest of environmental protection.</p>
5.	<p>Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority the following:</p> <ul style="list-style-type: none"> (a) a tree and hedgerow survey of the site;

	<p>(b) an arboricultural impact report;</p> <p>(c) a landscaping plan to include tree protection plans coupled with proposal for reinstatement and/or mitigation planting.</p> <p>Landscaping, to replace felled trees and hedging, 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.</p> <p>All tree and shrub removal and the demolition of buildings shall be undertaken outside the bird nesting season.</p> <p>Reason: In the interests of orderly development and the protection of birds.</p>
6.	<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>
7.	<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>
8.	<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>

Schedule of Costs

Amount to be refunded to applicant: €75,275

Board Member

A handwritten signature in black ink, appearing to read 'Tom Rabbette', is written over a horizontal line. The signature is stylized and cursive.

Tom Rabbette

Date: 23/11/2023

