

An  
Bord  
Pleanála

**Board Direction**  
**BD-014053-23**  
**ABP-314972-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/10/2023.

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**

It is considered that subject to compliance with the conditions set out below the proposed development would accord with national, regional and local planning and related policy, it would not have an unacceptable impact on the landscape, it would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and it 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.

### **Appropriate Assessment Screening**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European

sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site, in view of the site's conservation objectives.

### **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 received by the planning authority on the 30<sup>th</sup> day of March, 2022, the 10<sup>th</sup> day of June, 2022 and the 8<sup>th</sup> day of September, 2022, 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 and completed in accordance with the agreed particulars.

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

2. All of the environmental, construction and ecological mitigation and monitoring measures set out in the Planning and Environmental Report, and other particulars submitted with the planning application, shall be implemented 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 Order.

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

3. The period during which the development may be carried out shall be 10 years from the date of this Order.

**Reason:** In the interest of clarity and having regard to the scale and nature of the proposed development.

4. Details of the materials, colours and textures of the external finishes of the proposed structures and enclosing fencing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

5. The site shall be landscaped in accordance with a comprehensive scheme of hard and soft landscaping, full details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, or, at the discretion of the planning authority, within such further period or periods of time as it may nominate in writing. The said scheme shall include, inter alia, a programme for the implementation and maintenance of the scheme and shall specifically address the viability of the proposed planting.

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

6. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:

(i) An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from

Monday to Saturday inclusive. The T value shall be one hour.

(ii) An LAeqT value of 45 dB(A) at any other time. The T value shall be 15 minutes. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.



- (b) All sound measurement shall be carried out in accordance with ISO Recommendation R 199 "Assessment of Noise with respect to Community Response" as amended by ISO Recommendations R 1996 1,2 or 3 "Description and Measurement of Environmental Noise", as applicable.
- (c) Within one month of the commissioning into use of the proposed development a noise survey and assessment, including a tonal assessment and any mitigation measures required, shall be submitted to the planning authority for written agreement.

**Reason:** To protect the amenities of property in the vicinity.

- 7. 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 operation phases of the proposed development. Prior to the operation of the proposed development, the developer shall submit details of the licenced contractor, including a copy of valid waste collection permit for the treatment and disposal of the foul water, to the planning authority.

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

- 8. 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 planning authority. The CEMP shall incorporate the following:
  - (a) a detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise, dust and surface water management measures, including appointment of a site noise liaison officer, and the management, transport and disposal of construction waste,

- (b) a comprehensive programme for the implementation of all monitoring commitments made in the 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 planning authority.

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

9. The developer shall comply with the transportation requirements of the planning authority for such works and services as appropriate.

**Reason:** In the interest of traffic and pedestrian safety.

10. Prior to commencement of development, a traffic management plan for the construction phase shall be submitted to, and agreed in writing with, the planning authority. The traffic plan shall incorporate the following:

- (a) Details of the road network/haulage routes and the vehicle type to be used to transport materials to and from the site and a schedule of control measures for exceptionally wide and heavy delivery loads.
- (b) A condition survey of the roads and bridges along the haul routes shall be carried out at the developer's expense by a suitably qualified person both before and after the construction of the proposed development. This survey shall include a schedule of required works to cater for construction related traffic. The extent and scope of the survey and the schedule of works shall be agreed with the planning authority prior to commencement of development.
- (c) Detailed arrangements whereby the rectification of any construction damage which arises shall be completed to the satisfaction of the planning authority.

- (d) Details of construction related directional and road safety signage.
- (e) Measures to obviate queuing of construction traffic on the adjoining road network.
- (f) All works arising from the aforementioned arrangements shall be completed at the developer's expense.

**Reason:** To protect the public road network.

11. Site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried out on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.

12. Construction works shall be confined to between 0800 and 1800 hours Mondays to Fridays, inclusive, and between 0800 hours and 1600 hours on Saturdays and not at all on Sundays or Bank Holidays.

**Reason:** To safeguard the amenities of property in the vicinity.

13. The developer shall retain the services of a suitably qualified and experienced bat specialist to survey the site for the presence of bat roosts, prior to commencement of development. In the event that any roosts are identified, the National Parks and Wildlife Service shall be consulted regarding how best to deal with such roosts. The removal of any roosts identified shall be carried out only under licence from the National Parks and Wildlife Service.

**Reason:** In the interest of protecting ecology and wildlife in the area.

14. The developer shall retain the services of a suitably qualified and experienced ecologist to survey the site for the presence of badger prior to commencement of development. In the event that any setts are identified, the National Parks



and Wildlife Service shall be consulted regarding how best to deal with such setts. The removal of any setts identified shall be carried out only under licence from the National Parks and Wildlife Service.

**Reason:** In the interest of protecting ecology and wildlife in the area.

15. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist on the site. In this regard, the developer shall:
- a. notify the planning authority in writing at least four weeks prior to the commencement of any site operations (including hydrological and geotechnical investigations) in relation to the development,
  - b. employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - c. provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the planning 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.

16. All lighting within the site shall be cowled to prevent overspill outside the site.

**Reason:** To reduce impacts on local biodiversity.

17. Prior to commencement of development, the developer 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 during the transport of materials to the site, coupled with an agreement empowering the planning

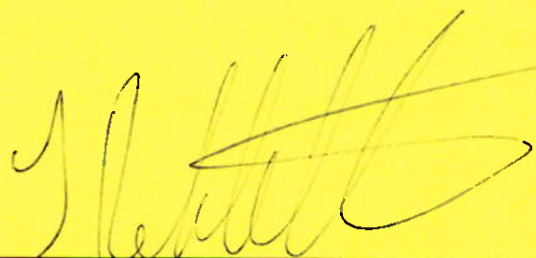
authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory reinstatement of the delivery routes.

18. 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 Scheme.

**Reason:** It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring a contribution in accordance with Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

**Board Member**



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Tom Rabbette

**Date:** 10/10/2023