

An
Bord
Pleanála

Board Direction
BD-015217-24
ABP-315725-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/01/2024.

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 provisions of the Kildare County Development Plan 2023 – 2029, the nature of the proposed development and the character of the surrounding area it is considered that the proposed development, subject to compliance with the conditions set out below would not be seriously injurious to the residential amenities of the area or property in the vicinity of the site, would be acceptable in terms of built heritage and traffic safety and convenience, would not be prejudicial to public health and would accord with both national and regional policy in relation to wastewater. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in-combination with other plans or projects could have a significant effect on the Rye Water Valley/Carton Special Area of Conservation (Site Code: 001398), in view of the site's Conservation Objectives, and Appropriate Assessment and submission of a NIS is, therefore, required.

Appropriate Assessment

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site Rye Water Valley/Carnton Special Area of Conservation (Site Code: 001398), or any other European site, in view of the site's Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the Rye Water Valley/Carnton Special Area of Conservation (Site Code: 001398);
- Detailed assessment of in-combination effects with other plans and projects including current proposals and future plans;
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Rye Water Valley/Carnton Special Area of Conservation (Site Code: 001398).

Conditions

1. The 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 9th day of December, 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Assessment and Ecological Impact Assessment Report, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. Prior to commencement of the development the applicant shall submit for the written agreement of the planning authority a detailed condition survey of the Carton Demesne wall in compliance with the Architectural Heritage Impact Statement (December 2022). The wall shall be inspected at regular intervals during the construction phase and any damage repaired and made good immediately.

Reason: In the interest of best practice conservation of architectural heritage.

4. Any trees or hedgerows removed to facilitate the development shall be replaced in the following planting season with semi-mature species. A maintenance programme shall be put in place and any species which fail to establish within three years of planting shall be replaced in the first planting season thereafter.

Reason: in the interest of biodiversity.

5. The access road serving the Maynooth Wastewater Pumping Station, including footpaths, kerbs and sightlines shall comply with the detailed standards of the planning authority for such road works, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in May 2019 (updated September 2023).

Reason: In the interest of traffic and pedestrian safety.

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within greenfield areas of the proposed pipeline during the construction phase 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 operation (including hydrological and geotechnical investigations) relating to the proposed development.
 - b. all ground reduction should be subject to a programme of archaeological monitoring, under licence, by a suitably qualified archaeologist.
 - c. where archaeological material is shown to be present, avoidance, preservation in situ, or preservation by record (excavation) may be required. Works may be halted pending receipt of advice from the National Monuments Service, Department of Housing, Local Government and Heritage who will advise the applicant / developer with regard to these matters.
 - d. on completion of monitoring of ground reduction and any archaeological excavations arising, the archaeologist shall submit a written report to the planning authority and to the Department of Housing, Local Government and Heritage for consideration.

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.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 from the planning authority.

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

8. The noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest noise sensitive location. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

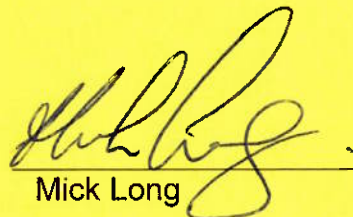
9. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

Board Member


Mick Long

Date: 26/01/2024