

An
Bord
Pleanála

Board Direction
BD-015776-24
ABP-317297-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/03/2024.

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

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

- a) the nature, location, scale and extent of the proposed development,
- b) the characteristics of the site and its general vicinity,
- c) European, national, regional and county level support for facilitating the improvement and stability of the national and local grid as set out in documents such as:
 - The Governments Climate Action Plan 2023,
 - Project Ireland 2040 National Planning Framework,
 - The Regional Spatial and Economic Strategy 2019-2031,
 - The South Dublin County Development Plan 2022-2028,
- d) the documentation submitted with the application, including the Environmental Impact Assessment Report and the Schedule of Mitigation Measures (Appendix 2-1 of the Environmental Impact Assessment Report),
- e) the separation distances to houses and other sensitive receptors, and

- f) the design measures proposed for construction, operation, and decommissioning of the proposed development.

Appropriate Assessment Screening:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the proposed development 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, and the submission of a Natura Impact Statement is not therefore, required.

Environmental Impact Assessment:

The Board completed, in compliance with section 172 of the Planning and Development Act 2000, as amended, an Environmental Impact Assessment of the proposed development, taking into account:

- the nature, scale, location, and extent of the proposed development,
- the Environmental Impact Assessment Report and associated documentation submitted with the application,
- the submissions made in the course of the application, and
- the planning 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 Environmental Impact Assessment Report 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 submissions made in the course of the application. The Board is satisfied that the Inspector's report sets

but how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

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 Volume III – Appendix 2-1 of 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 Inspector.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national, regional, and local planning and related policy, would not have an unacceptable impact on landscape, ecology or cultural heritage, would not seriously injure residential amenities, would be acceptable in terms of traffic safety and would make a positive contribution to Irelands renewable energy commitments in relation to climate change. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed 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 undertaker shall agree such details in writing with the planning authority prior to the commencement of development and the proposed development shall be carried out and completed in accordance with agreed particulars. In default of agreement, such matters shall be referred to An Bord Pleanála.

Reason: In the interest of clarity.

2. The mitigation measures and monitoring commitments as set out in Appendix 2-1 Schedule of Mitigation Measures of the Environmental Impact Report shall be implemented in full.

Reason: In the interest of clarity.

3. Prior to commencement of the development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed in writing with the planning authority, generally in accordance with the preliminary 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 planning authority.

Reason: In the interests of environmental protection and orderly development.

4. Surface drainage detail shall be submitted to the planning authority for agreement prior to the commencement of development. This shall include specific permissions for crossing water and drainage pipes with power ducts.

Reason: In the interest of orderly development.

5. The undertaker 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 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) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works,
 - (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.

6.
 - (a) Prior to the commencement of development, a revised roads layout should be submitted to the planning authority ensuring that no pedestrian crossings conflict with vehicular entrances.
 - (b) Prior to commencement of development a developed Construction Traffic Management Plan shall be agreed in writing with the planning authority. The report should include the traffic movements for the entire development including proposed development and the permitted development under previous planning application and concentrate on the traffic movements during the earthworks and stone capping layer phases. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning authority. The written

commitment of the undertaker to implement the agreed plan shall also be lodged to the planning authority.

Reason: In the interest of traffic safety.

7. Prior to the commencement of development, the applicant or developer shall enter into water supply and waste water connection agreement(s) with Uisce Éireann.

Reason: In the interests of environmental protection and public health.

8. 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 satisfactory reinstatement of the site on cessation of the project 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 undertaker or, in default of agreement, shall be referred to An Bord Pleanála for determination.

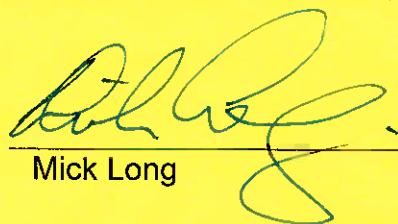
Reason: To ensure satisfactory reinstatement of the site.

Schedule of Costs

In accordance with the provisions of section 182B of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is **€84,462**

A breakdown of the Board's costs is set out in the attached Appendix 1.

Board Member


Mick Long

Date: 08/03/2024