

An
Bord
Pleanála

Board Direction
BD-018168-24
ABP-318844-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/11/2024.

The Board decided to approve the proposed development 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 Climate Action Plan 2024;
- (b) The Project Ireland 2040 National Planning Framework;
- (c) The Regional Spatial and Economic Strategy for the Eastern and Midland Assembly;
- (d) The Fingal County Development Plan 2023-2029;
- (e) The nature, scale, and extent of the proposed development;
- (f) Documentation submitted with the proposed application, as well as any submissions and observations from prescribed bodies, and the planning authority;
- (g) The separation distances between the proposed development and dwellings or other sensitive receptors;
- (h) The planning history of the site and surrounding area; and,

- (i) 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 absence likely significant effects of the proposed development on European Sites;

Appropriate Assessment:

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 potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European Sites in view of the site's 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 the following European Sites: Rogerstown Estuary Special Area of Conservation (Site Code: 000208), Rogerstown Estuary Special Protection Area (Site Code: 004015), Malahide Estuary Special Area of Conservation (Site Code: 000205), Malahide Estuary Special Protection Area (Site Code: 004025), or any other European site, in view of the site's conservation objectives. This screening determination is based the distance between the proposed development site to the aforementioned designated European sites, the lack of a direct hydrological pathway with the potential to facilitate significant effect, or where a pathway exists, the dilution and dispersal effects that would occur; as well as the lack of any other pathway or link to any European sites.

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 the landscape or ecology, it would not seriously injure the visual or residential amenities

of the area or of property in the vicinity, it would be acceptable in terms of traffic safety and convenience and that an approval for the proposed development would be consistent with national climate ambitions and with the relevant provisions of the Climate Action Plan. Furthermore, the Board has performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Act 2021. 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 commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Planning and Environmental Considerations Report, shall be implemented.

Reason: To protect the environment.

3. Provision shall be made for adequate visibility at the vehicular entrance. Details of this provision shall be submitted to and agreed in writing with the planning authority prior to the commencement of development, and the development shall be carried out in accordance with the agreed details.

Reason: To ensure a satisfactory provision and layout for commercial vehicles, in the interest of traffic safety.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

A plan to scale of not less than 1:500 showing –

- (i) Existing trees, hedgerows, shrubs, as specified for retention in the submitted application;
- (ii) The measures to be put in place for the protection of these landscape features during the construction period;
- (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species;
- (iv) Details of substantial appropriate screen planting to all boundaries, and any other boundary treatment, and for the creation of berms/embankments as necessary to achieve screening of the site;
- (v) Details of biodiversity net gain and the provision of bird, bat boxes and insect hotels; and
- (vi) The project Landscape Architect shall be retained by the undertaker for the duration of the project to supervise implementation of the landscape plan.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

5. Any clearance of vegetation from the development site shall only be carried out in the period between the 1st day of September and the end of February (outside of the main bird breeding season).

Reason: To avoid the destruction of nest, nestlings and eggs of breeding birds.

6. Prior to the proposed 110kV electrical substation development becoming operational, the undertaker shall submit and agree details and plans with the planning authority regarding the decommissioning of the 38kV electrical substation which was approved under Register Reference F23A/0643. These details shall include a timeline for completion of the decommissioning as well as detailed restoration plans for the land

Reason: In the interest of clarity, visual and residential amenity and the proper planning and sustainable development of the area.

7. External lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. External lighting shall be of a type that ensures deflection of light downwards and cowled.

Reason: In the interest of amenity and public safety.

8. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant section of the planning authority for such works and services. Prior to the commencement of development the developer shall submit to the planning authority for written

agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

9. Prior to the commencement of development the developer shall enter into a Connection Agreements with Uisce Éireann to provide for a service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

10. Details of the materials, colours and textures of all the external finishes to the proposed overground structures, gas insulated switchgear (GIS) building, overhead line end masts and gantries, transformer bays, lightings, telecommunications and fencing/gate boundaries shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

11. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the

development. A programme of full archaeological excavation shall be implemented to ensure the preservation by record under licence to the

National Monuments Service. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment (IAC Ltd, June 2023) shall be implemented in full and in accordance with the requirements of the National Monuments Service as set out by the Department of Housing, Local Government and Heritage. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest

pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest

12. The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in the Archaeological Impact Assessment (IAC Ltd. June 2023). The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

13. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, to include a Construction Traffic Management Plan and Construction and Demolition Resource Waste 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:

- (a) Location of the site and materials compounds including areas identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels. Noise abatement measures shall comply with the Local Planning Authority requirements;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be available for inspection by the planning authority;

Reason: In the interest of amenities, public health and safety and environmental protection.

14. Site development and building works shall be carried out between the hours of 8.00am and 7.00pm Mondays to Fridays inclusive, between 8.00am to 1.00pm on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

15. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground.

Reason: In the interests of visual and amenity.

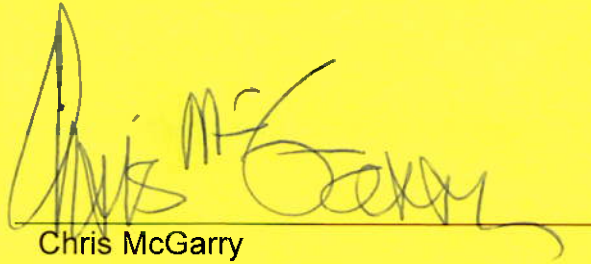
16. Noise during operation of the development shall not give reasonable cause for annoyance to noise sensitive locations in the vicinity. The cumulative noise emissions from the operation of the development shall not exceed the background noise level by more than 5dB(A) during the day, evening and night periods. The development shall be managed to ensure that air emissions and/or odours do not result in significant impairment of local amenities and the environment.

Reason: In order to protect adjoining residential amenity.

Schedule of Costs:

The amount to be refunded to the applicant is euro 78,295.

Board Member



Chris McGarry

Date: 12/11/2024