



An
Bord
Pleanála

Board Direction
BD-018528-24
ABP-319808-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/12/2024.

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.

Decision

APPROVE the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

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

- (a) the European Union Habitats Directive (92/43/EEC),
- (b) the European Communities (Birds and Natural Habitats) Regulations 2011, as amended,
- (c) Climate Action Plan 2024,
- (d) 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 a European Site,
- (e) the conservation objectives, qualifying interests and special conservation interests for the Rogerstown Estuary Special Area of Conservation (Site Code: 000208), Rogerstown Estuary Special Protection Area (Site Code: 004015), North-west Irish Sea Special Protection Area (Site Code: 004236),

- (f) the policies and objectives of the Fingal Development Plan 2023-2029,
- (g) the nature and extent of the proposed works as set out in the application for approval,
- (h) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement and Appropriate Assessment Screening Report,
- (i) the submissions and observations received in relation to the proposed development, and
- (j) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment Stage 1:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Rogerstown Estuary Special Area of Conservation (Site Code: 000208), Rogerstown Estuary Special Protection Area (Site Code: 004015), North-west Irish Sea Special Protection Area (Site Code: 004236), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Rogerstown Estuary Special Area of Conservation (Site Code: 000208), Rogerstown Estuary Special Protection Area (Site Code: 004015), North-west Irish Sea Special Protection Area (Site Code: 004236) in view of the Sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and,
- (iii) the conservation objective for these European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposal on the integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Sites' conservation objectives.

Proper Planning and Sustainable Development and Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the archaeological heritage of the area, would not interfere with the existing land uses in the area and would not interfere with traffic and pedestrian safety. 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.

Reason: In the interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented.

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

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and outline CEMP and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include a Traffic Management Plan and Emergency Response Plan.

Reason: In the interests of protecting European Sites and traffic safety.

4. Water supply and drainage arrangements including the attenuation and disposal of surface water and water supply shall comply with the details as submitted. Measures required by Uisce Éireann shall be incorporated into the arrangements. Where such measures require details to be agreed, all such details shall be placed on file and retained as part of the public record.

Reason: In the interest of the public health and to ensure a proper standard of development

5. The following nature conservation requirements shall be complied with:

(a) No vegetation removal shall take place during the period of the 1st day of March to the 31st day of August (inclusive).

Reason: In the interest of nature conservation and to ensure the protection of the European Sites.

6. The local authority, and any agent acting on its behalf, shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European Sites.

7. A suitably qualified Ecological Clerk of Works shall be retained by the local authority to oversee pre-commencement surveys, the site clearance, site set up and construction of the proposed development. The Ecological Clerk of Works shall have full access to the site as required and shall oversee the implementation of mitigation measures. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of the protection of biodiversity and the European Sites.

8. If during the course of site works any archaeological material is discovered, the local authority, and any agent acting on its behalf, shall notify the National Monuments Service, Department of Housing, Heritage and Local Government and the National Museum of Ireland require notification.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed during the course of development

9. The floodlights shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses and roads.

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

10. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Friday inclusive, and not at all on Saturdays,

Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances.

Reason: To protect the amenities of nearby residential properties.

Board Member



Tom Rabbette

Date: 19/12/2024