



Board Direction

Ref: 07.VA0020

Following the Board meeting held on 5th August 2016, at which the Board decided to approve the proposed development, a further meeting was held on 10th August, at which the following Board Direction was agreed, incorporating the draft reasons, considerations and conditions for its decision, as set out below.

The Board also determined in relation to this case that €45,384 should be reimbursed to the applicant by An Bord Pleanála, and that the applicant should be directed pay a contribution towards reasonable costs of €1,500 to David Hughes.

This case was considered together with and at the same meeting as the adjoining proposal for a data centre that would be served by the proposed development, under An Bord Pleanála appeal reference number PL07.245518 (planning authority register reference number 15/488).

REASONS AND CONSIDERATIONS

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

- (a) the provisions of the National Spatial Strategy for Ireland 2002 – 2020, of the Regional Planning Guidelines for the West Region 2010 – 2022, and of the Galway County Development plan 2015 - 2021,
- (b) the nature and scale of the proposed development, the close proximity of the site to the development it would serve, and its location within an existing infrastructure corridor incorporating the M6 motorway, the proposed M17/M18 motorway, and the Cashla – Tynagh and the Cashla – Prospect 220 kV electricity lines to which it is proposed to connect,
- (c) the low landscape value and landscape sensitivity ratings for this area as set out in the Galway County Development Plan 2015 - 2021,
- (d) the proximity of the site to multiple strategic grid connections, including substantial power generation capacity, through the 220 kV line to the Tynagh power station, which connects onwards to the 400 kV network at Oldstreet, the 220 kV line to Prospect, which is in turn connected to power stations at Moneypoint and Tarbert, and two 220 kV connections to the Cashla substation, which is itself highly interconnected,
- (e) the location of the site within the area identified as a Strategic Economic Corridor in the County Development Plan,

- (f) the pattern of development in the area including separation distances to residential and other land uses, and the distances to areas designated for environmental conservation,
- (g) the adjoining proposal for a data centre that would be served by the proposed development, under An Bord Pleanála appeal reference number PL07.245518 (planning authority register reference number 15/488), and
- (h) the documentation and submissions on file and made at the Oral Hearing, including submissions from prescribed bodies, the report of the planning authority, and the report of the Inspector, which incorporated an examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment.

The Board was satisfied that the information before it was adequate to undertake an appropriate assessment screening and an environmental impact assessment in respect of the proposed development.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site. The Board considered the nature, scale and location of the proposed development, the appropriate assessment screening documentation and associated documentation submitted with the application and at the Oral Hearing, the submissions made on file, and the report of the Inspector. The Board undertook an appropriate assessment screening exercise in relation to the potential direct and indirect effects of the proposed development on European Sites, including forestry replanting proposals. In completing the screening exercise, the Board adopted the report of the Inspector, and concluded that the proposed development, by itself or in combination with other development in the vicinity, including the adjoining proposal for a data centre that would be served by the proposed development and the proposed M17/M18 motorway, would not be likely to have a significant effect on European sites in view of their conservation objectives, including the Galway Bay Complex Special Area of Conservation (Site Code 000268), the Inner Galway Bay Special Protection Area (Site Code 004031), and the Cregganna Marsh Special Protection Area (Site Code 004142).

Environmental Impact Assessment

The Board considered the nature, scale and location of the proposed development, the environmental impact statement, the documentation submitted with the application, including the environmental impact statement, the submissions made on file and at the Oral Hearing, the mitigation measures proposed, and the report, assessment and conclusions of the Inspector. It is considered that this information was adequate in identifying and describing the direct and indirect effects of the proposed development, including forestry replanting proposals. The Board completed an environmental impact assessment in relation to the proposed development, by itself and in cumulation with other development in the vicinity, including the adjoining proposal for a data centre that would be served by the proposed development and the proposed M17/M18 motorway, and concurred with the Inspector's assessment of the likely significant impacts of the proposed development, and agreed with the conclusions on the acceptability of the mitigation measures proposed and of the residual impacts. The Board concluded that the effects of the proposed development on the environment would be acceptable. In doing so, the Board adopted the report of the Inspector.

Conclusions on the Proper Planning and Sustainable Development of the Area

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of its visual impact, would not be prejudicial to public health, and would not have detrimental environmental impacts. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. PlansPartic
2. All mitigation measures identified in the environmental impact statement and associated documentation submitted with the application and at the Oral Hearing, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions. The implementation of the mitigation measures shall be supervised by personnel with appropriate ecological and construction qualifications and experience, in accordance with details that shall be submitted to and agreed in writing with the planning authority prior to the commencement of development, including a reporting schedule and procedures for liaison with the National Parks and Wildlife Service and Inland Fisheries Ireland.

Reason: In the interest of clarity and the protection of the environment.

3. Landscaping shall be implemented in accordance with the details set out in the environmental impact statement and in accordance with the requirements of the planning authority within the first planting season following construction. All planting shall be adequately protected from damage until established. Any plants that 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 the visual amenities of the area.

4. The monitoring programme and reporting arrangements for wood bitter vetch shall be complied with, as set out in section 5.4 of the Conservation Management Plan for the species, given in Appendix 10.4 of the environmental impact statement. Annual survey, monitoring and reporting, in accordance with the requirements of the management plan, shall be undertaken for a minimum of five years from the date of this Order and shall be submitted to the planning authority for written agreement. Copies of the reports shall be submitted to the National Parks and Wildlife Service.

Reason: To monitor the implementation of the conservation management plan for wood bitter vetch, in the interest of the conservation of a protected plant species.

5. Details, including samples, of the materials, colours and textures of all the external finishes to the proposed buildings and boundary treatment 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.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

7. The proposed waste water holding tanks shall be in accordance with the details set out in the "Drainage and Water Infrastructure Report" submitted with the application. The proposed tanks shall be maintained and emptied on a regular basis, and the contents disposed of to a suitable licenced facility. Details of the procedure for emptying the tanks, including details of the licenced contractor and of the licenced disposal facility, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of public health and protection of the environment.

8. The noise level shall not exceed 55 dB(A) L_{eq} (corrected for any tonal or impulsive component) at the nearest noise sensitive locations, including dwellings, between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) L_{eq} at any other time. All sound measurement shall be carried out in accordance with ISO 1996-1:2016 "Acoustics - Description, measurement and assessment of environmental noise - Part 1: Basic quantities and assessment procedures". 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: To protect the amenities of property in the vicinity of the site.

9. Comprehensive details of the proposed lighting system to serve the development shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The lighting shall be at a low level appropriate to bats. The agreed lighting system shall ensure that there is no light spill into adjoining properties or the public road.

Reason: In the interest of visual and residential amenity and to protect bats.

10. No additional development shall take place above roof parapet level including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennae or equipment, unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

11. All service cables associated with the proposed development (such as electrical and communication cables) shall be located underground, except as may otherwise be provided for in this approval.

Reason: In the interest of visual amenity.

12. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within 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 operation relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
 - (i) the nature and location of archaeological material on the site, and
 - (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements including, if necessary, archaeological excavation prior to commencement of construction works. 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 area and to secure the preservation by record and protection of any archaeological remains that may exist within the site.

13. Prior to commencement of development, construction stage details of the methodology and scheduling of the proposed M6 motorway overhead crossings shall be submitted to and agreed in writing with the planning authority, following consultation with Transport Infrastructure Ireland, in accordance with the approach set out in Section 4.2.4 of the environmental impact statement, and which shall incorporate details of any coordination required in respect of the construction of the M17/M18 motorway.

Reason: In the interest of orderly development and of traffic safety and convenience.

14. 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:
 - (a) a construction stage environment management plan, including an emergency response plan,

- (b) 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,
- (c) measures to obviate queuing of construction traffic on the adjoining road network,
- (d) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (e) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road during the course of site development works,
- (f) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (g) 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,
- (h) off-site disposal of construction and demolition waste and details of how it is proposed to manage excavated soil,
- (i) hours of construction,
- (j) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains.

A record of daily checks that the works are being undertaken in accordance with the construction management plan shall be kept on site for inspection by the planning authority.

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

15. 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 that may be damaged by construction transport, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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: In the interest of traffic safety and orderly development.

SCHEDULE OF COSTS

In accordance with the provisions of section 182B of the Planning and Development Act 2000, as amended, the reimbursement of fees by An Bord Pleanála to the applicant amounts to €45,384, as set out below:

Board Costs	€	€
Inspector 1: 30.5 hours @ €220/h	6,710	
Inspector 2: 217.5 hours @ €220/h	47,850	54,560
Artane Studio (1)	3,321	
Artane Studio (2)	395	
Connaught Hotel	840	4,556
Total Costs		€59,116
Board Fees		
pre-application fee	4,500	
application fee	100,000	104,500
Total Fees		€104,500
Refund to applicant		€45,384

In accordance with section 182B of the Planning and Development Act 2000, as amended, the Board requires the following costs to be paid by the applicant as a contribution towards reasonable costs incurred by the following parties during the course of consideration of the application:

David Hughes	€1,500
Carmel Mc Cormack	nil
Concerned Residents of Lisheenkyle	nil

In relation to the payment of a contribution towards the costs of third parties, the Board considered that no particular circumstances arose in this case that would merit the payment of costs, except in relation to David Hughes. Mr Hughes participated at the joint Oral Hearing in respect of cases 07.VA0020 and PL07.245518, and it is considered that the discussion at the Hearing of the particular matters raised by him, the expertise he brought, and the substantial supporting material that he presented, was of assistance to the Inspector and to the Board in coming to a determination. It was considered that €1,500 would constitute a reasonable contribution towards Mr Hughes' costs in attending the Oral Hearing.

Note:

The Board noted the recommendation of the Assistant Director of Planning that the hours of the Inspector be reduced. In deciding not to accept this recommendation, the Board had regard to the relative complexity of this case, and considered that the hours undertaken were not excessive in the particular circumstances, including the holding of a joint Oral hearing.

Board Member: _____ Date: 10th August 2016
Fionna O' Regan