



An
Bord
Pleanála

Board Order ABP-304731-19

Planning and Development Acts, 2000 to 2019

Planning Authority: Fingal County Council

(Associated application reference number: 06F.PA0037)

REQUEST received by An Bord Pleanála on the 21st day of June, 2019 from the Health Service Executive care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development described as the National Forensic Mental Health Services Hospital on lands at St. Ita's Hospital, Portrane, County Dublin.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 29th day of May, 2015,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the proposed alteration is described as follows:

- Provision of a waste marshalling yard.

AND WHEREAS the Board decided that the proposed alteration would constitute the making of a material alteration to the terms of the development concerned and requested the requester under section 146B(3)(b)(i) to submit to the Board the information specified in Schedule 7A of the Planning and Development Regulations 2001, as amended, in respect of the proposed alteration,

AND WHEREAS, having regard to the nature of the issues involved, the Board decided, in accordance with section 146B(8)(a) of the Planning and Development Act 2000, as amended, to invite submissions or observations from the public in relation to the matter,

AND WHEREAS having considered all of the submissions/observations and the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(b) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 21st day of June, 2019 and the 18th day of September, 2019, and the Board also hereby alters the above-mentioned decision so that condition number 3 of its Order shall be altered, condition number 12 of its Order shall be altered to include condition number 12 (v) and condition number 15 shall be inserted, as set out below, for the reasons and considerations stated below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included the submissions and observations received by it in accordance with statutory submissions.

CONDITIONS

Condition 3: The mitigation measures and commitments identified in the Environmental Impact Statement and the Natura Impact Statement, in the plans and particulars submitted with the planning application, and in the further plans and particulars received by An Bord Pleanála on the 16th day of February, 2015, the 21st day of June, 2019, and the 18th day of September, 2019, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions, and in accordance with a time schedule for implementation that shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of clarity and of orderly development.

Condition 12 (v): The construction haul route for the waste marshalling yard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of clarity, amenity and of traffic and pedestrian safety and convenience.

Condition 15: The waste marshalling yard shall be landscaped in accordance with Drawing Landscape Plan Option B, Drawing No. 100B received by An Bord Pleanála on the 18th day of September, 2019. All planting/landscaping required to comply with the specification of the landscaping scheme shall be maintained. If any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of clarity and visual amenity.

REASONS AND CONSIDERATIONS

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

- (a) the nature and scale of the proposed alteration,
- (b) the documentation and submissions on file, including the submissions received in response to the public notice dated the 17th day of September, 2019, and
- (c) the report of the Senior Planning Inspector.

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

Appropriate Assessment Screening:

In conducting a screening exercise for appropriate assessment, the Board considered the nature, scale and context of the proposed alteration, the documentation on file, in particular the Appropriate Assessment Screening Report submitted in support of the proposed alteration, the submissions on file – including that from the planning authority – and the assessment of the Inspector in relation to the potential for effects on European Sites. In undertaking the screening exercise, the Board accepted the analysis and conclusions of the Inspector. The Board concluded that, by itself and in combination with other development in the vicinity, the proposed alteration would not be likely to have significant effects on any European Site in view of the sites' Conservation Objectives.

In reaching this conclusion, the Board took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

Environmental Impact Assessment Screening:

Under case reference number 06F.PA0037 permission was granted for the development of a major hospital complex at this existing campus, entailing a significant construction project. The proposed alteration seeks to provide a waste marshalling yard to service the hospital. The Board considered the potential environmental impacts that might arise due to the proposed alteration, both by itself and in combination with other development in the vicinity. Having regard to the characteristics of the receiving environment, the planning history of the site, the characteristics of the proposed alteration and the submissions on file, the Board was satisfied that the proposed alteration would not be likely to have significant effects on the environment. The Board concurred with the analysis and conclusions of the Inspector in this matter. The Board, therefore, concluded that the preparation of an environmental impact assessment report was not required, either by means of any mandatory requirement or following sub-threshold analysis.

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.