



An  
Bord  
Pleanála

## Board Order ABP-310969-21

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### Planning and Development Acts, 2000 to 2021

### Planning Authority: Carlow County Council

**Application** by Carlow County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Bord Pleanála on the 29<sup>th</sup> day of July, 2021.

**Proposed Development:** Development at Lackabeg, Kildavin, County Carlow which includes the following:

- The demolition of existing derelict houses, sheds, and site clearance.
- The construction of 3 number houses, all associated footpaths, parking, boundaries, connection to water and wastewater and all associated works.
- The development of an amenity area/public space.

### Decision

**APPROVE** the above proposed development based on the reasons and considerations under and subject to the conditions set out 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 any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) 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,
- (d) the conservation objectives for the Slaney River Valley Special Area of Conservation (Site Code: 000781),
- (e) the policies and objectives of the Carlow County Development Plan 2015-2021,
- (f) the nature and extent of the proposed works set out in the application for approval, and
- (g) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

### Appropriate Assessment:

The Board agreed with and adopted the screening assessment and conclusion reached in the Inspector's report that the Slaney River Valley Special Area of Conservation (Site Code: 000781) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

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 on the Slaney River Valley Special Area of Conservation (Site Code: 000781), in view of the Site's conservation objectives. The Board considered that the information before it was adequate to allow for a complete assessment of all aspects of the proposed development, and enable them reach complete, precise, and definitive conclusions for appropriate assessment.

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

- i. the likely direct and indirect impacts arising from the proposed development 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 objectives for the European Site.

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 proposed development on the integrity of the aforementioned European Site, having regard to the Site's 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 Site, in view of the Site's conservation objectives and there is no reasonable scientific doubt remaining as to the absence of such effects.

#### **Proper Planning and Sustainable Development/Likely effects on the environment**

It is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of the visual amenities of the area and the residential amenity for future occupants, would not be at risk of

flooding, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and the information contained in the Natura Impact Statement, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

**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 external finishes of the houses shall be as shown on the plans and particulars submitted.

**Reason:** In the interest of visual amenity.

3. Prior to commencement of development, the local authority or any agent acting on its behalf shall prepare a Construction and Demolition Environmental Management Plan (CDEMP) incorporating all measures set out in the application documentation including the mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to ensure best practice. The plan shall address *inter alia* measures relating to the traffic management, waste management and water quality. The plan shall be placed on the file and retained as part of the public record.

**Reason:** In the interests of protecting the amenities of the area and the environment.

4. All areas of open space shown on the submitted drawings shall be reserved for such use and shall be levelled, contoured, soiled, seeded and landscaped. The open space shall be laid out and landscaped within six months of the occupation of the houses.

**Reason:** In the interests of proper development and amenity.

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of orderly development and the visual amenities of the area.



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**Dave Walsh**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

Dated this *22<sup>nd</sup>* day of *February* 2022