

An
Bord
Pleanála

Board Order ABP-317767-23

Planning and Development Acts, 2000 to 2022

Planning Authority: Kildare County Council

Application by Kildare 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 11th day of July 2022.

Proposed Development: The demolition of existing single storey uninhabitable dwelling, construction of 39 residential units, comprising of 1-four bedroom two-storey house, 13-three bedroom two-storey houses, 8-one bedroom single storey houses, three storey apartment blocks comprising a mix of, 4-three bedroom duplex apartments, 6-two bedroom duplex apartments, 3-two-bedroom single storey apartments, and 4-one bedroom single storey apartments, widening of the existing Pausdeen Bridge to include a pedestrian footpath to its east side, removal of part of existing stone wall to road level, new guarding wall, re-routing and reconnection of existing services, culverting of stream, tree surgery, and all relevant ancillary site works. The proposed works also includes site entrance, car parking, bicycle parking, hard & soft landscaping, tree surgery, boundaries, site clearance, works, new internal road and footway network, amenity facilities, public lighting, signage, connections to existing services, and all ancillary site development works above and below ground. The site is located approximately, 5.6 kilometres from the Rye Water Valley/Cartron Special Area of Conservation (Site Code: 001398), connected indirectly by the River Liffey which borders the land holding.

All at Newtown/Ardclough Road within the townland of Newtown, Celbridge, County Kildare.

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 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,
- (c) the conservation objectives, qualifying interests, and special conservation interests for the Rye Water Valley/Carton Special Area of Conservation (Site Code: 001398),
- (d) the policies and objectives of the Kildare County Development Plan 2023-2029,
- (e) the Celbridge Local Area Plan 2017-2023, which has not been updated,
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions received in relation to the proposed development, and
- (i) 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 Rye Water Valley/Carlton Special Area Conservation (Site Code: 001398) is the only European Site 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 submission 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 Site, namely the Rye Water Valley/Carlton Special Area Conservation (Site Code: 001398), 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:

- 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 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 Site, in view of the Sites' 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 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 or landscape amenities of the area, 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, would not constitute a traffic hazard and would not interfere with the existing land uses in the area. 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 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 interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. 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 the preliminary CEMP submitted with the application and demonstrate proposals to adhere to best practice and protocols. The CEMP shall include:

- (a) location of the site and material compounds including areas identified for the storage of construction waste,
- (b) location of areas for construction site offices and staff facilities,
- (c) intended construction practice for the development, including hours of working and the season of works to the bridge (to avoid any impacts on spawning salmon or trout),
- (d) means to ensure that surface water run-off is controlled in line with a Sediment Control Plan, such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses,
- (e) containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained,
- (f) the management of construction traffic and off-site disposal of construction waste,
- (g) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (h) specific measures as to how the measures outlined in the CEMP will be measured and monitored for effectiveness, and
- (i) a record of daily checks that the works are being undertaken in accordance with the CEMP shall be maintained on file as part of the public record.

Reason: In the interest of protecting the environment, and in the interest of public health.

3. The local authority 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) 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.
- (b) Complete a detailed archaeological excavation informed by additional test excavation across the whole phase of works to be completed prior to any construction starting on site. In addition, an updated Archaeological Impact Assessment should be completed.
- (c) Complete a report, containing the results of the above assessments, regarding any further archaeological requirements (including, if necessary, archaeological excavation). This report shall then be submitted to the Department of Housing, Local Government and Heritage within any proposals agreed prior to commencement of construction works. Following this the local authority will provide suitable arrangements acceptable to the Department of Housing, Local Government and Heritage for the recording and removal of any archaeological material which it is considered appropriate to move.

Reason: In order to conserve the archaeological heritage of the site and secure the preservation (in situ or by record) and protection of any archaeological remains that may exist within the site.

- 4. The internal road network serving the proposed development, including turning bays, junctions, sightlines, pedestrian routes, footpaths, and kerbs shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets.

Reason: In the interest of pedestrian and traffic safety and in order to comply with national policy in this regard.

5. The landscaping scheme submitted in the Design Masterplan, Design Report, and associated plans, shall be carried out in the first planting season following substantial completion of external construction works. 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.

Reason: In the interest of residential and visual amenity.

6. The dwelling units shall not be occupied until Uisce Éireann confirms in writing that adequate capacity exists in the local wastewater system for all wastewater arising from the proposed development.

Reason: In the interest of orderly development and the control of pollution.

7. The dwelling units shall not be occupied until a controlled crossing point has been provided between the site entrance and the footpath on the south-eastern side of the Pausdeen Road.

Reason: In the interest of traffic safety.

8. A suitably qualified Ecological Clerk of Works shall be retained by the local authority to oversee pre-commencement surveys, site clearance, demolition of the dwelling, and construction of the proposed development. The ecologist 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 Ecological Clerk of Works to be kept on file as part of the public record.


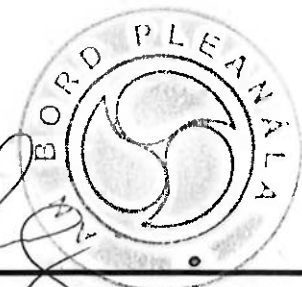
Reason: In the interest of biodiversity and the protection of European Sites.

9. Where an existing badger sett if identified will be disturbed or destroyed, an artificial sett shall be constructed beforehand, and the badgers relocated thereto. Details of any such artificial setts shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of wildlife protection.

10. Prior to the commencement of demolition works to the dwelling on the site, a final survey shall take place to identify any possible bat roosts. If such roosts are found, detailed measures in relation to the protection of these bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under license from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interests of biodiversity and visual amenity.



Mick Long
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 22nd day of August. 2024