



An  
Bord  
Pleanála

## Board Order ABP-306099-19

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### Planning and Development Acts, 2000 to 2019

#### 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 27<sup>th</sup> day of November 2019.

**Proposed Development:** Replacement of the existing bridge at Brook Lodge, Borris, County Carlow. The proposed development will include:

- Provision of temporary site compound;
- Temporary damming of Mountain River to accommodate in-channel works;
- Demolition of existing bridge; and
- Construction of new bridge, to include new reinforcement concrete abutments, riverbed and bank protection works, and installation of new deck and parapet.

### 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 Communities (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, qualifying interests and special conservation interests for the River Barrow and River Nore Special Area of Conservation (Site Code: 002162);
- (e) the nature and extent of the proposed works as set out in the application for approval;
- (f) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement, and the Ecological Impact Assessment;
- (g) the submissions and observations received in relation to the proposed development; and
- (h) 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 River Barrow and River Nore Special Area of Conservation (Site Code: 002162), 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. The Board completed an appropriate assessment of the implications of the proposed development for one European site, namely the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), 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 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 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:**

The Board considered that, subject to compliance with the conditions set out below, the proposed footbridge 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 and would not interfere with the existing land uses in the area. The proposed development is in accordance with the stated objectives of Carlow County Development Plan 2015-2021. It would constitute a significant improvement in terms of traffic safety and the riparian and fisheries ecology of this section of the Mountain River and 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 interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The proposals, mitigation and commitments set out in the Construction and Environmental Management Plan, and in the Natura Impact Statement shall be implemented in full as part of the proposed development.

**Reason:** In the interests of protecting the environment, the protection of the European site and in the interest of public health.

3. Prior to commencement of development, the local authority, or any agent acting on its behalf, shall prepare/update in consultation with the relevant statutory agencies, the Construction Environmental Management Plan, incorporating all mitigation measures indicated in the Natura Impact Statement and Ecological Impact Assessment and demonstration of proposals to best practice and protocols.

**Reason:** In the interests of protecting the environment, the landscape, the European Site, sensitive receptors and in the interest of public health.

4. No site investigation, excavation or construction shall take place between October 1<sup>st</sup> and June 30<sup>th</sup> in any year.

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

5. Prior to commencement of development, details of measures to protect fisheries and water quality of the river systems shall be outlined and placed on the file as part of the public record. In channel works shall adhere to the timing restrictions to avoid damage to spawning and juvenile fish. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, and relevant statutory agencies and the programme shall be implemented thereafter. Details of such monitoring shall be maintained on file as part of the public record.

**Reason:** In the interest of the protecting of receiving water quality, fisheries and aquatic habitat.

6. The local authority and any agent acting on its behalf, shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. In this regard, the local authority shall:
- (a) employ a suitably qualified archaeologist prior to commencement of the development who shall assess the site and monitor all site investigations and other excavation works, and
  - (b) undertake an Underwater Archaeological Impact Assessment in advance of any works. The assessment shall be carried out in accordance with the requirements of the Department of Culture, Heritage and the Gaeltacht and shall include a detailed desktop study and archaeological assessment to include intra-riverine assessment and if necessary, a dive survey. The assessment shall include survey and recording of the area of the river that will be impacted and adjacent areas,
    - i. a metal detection survey,
    - ii. the nature and location of any archaeological material on the site; and
    - iii. the impact of the proposed development on such archaeological material.

A report containing the results of the assessment and any recommendations to mitigate any negative impacts shall be submitted to the Underwater Archaeological Unit for consideration in advance of any works commencing on the site.

- (c) provide arrangements, acceptable to the Department of Culture, Heritage and the Gaeltacht for the recording and removal of any archaeological material which it is considered appropriate to remove.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

7. 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 site.

8. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in the Natura Impact Statement and Construction and Environmental Management Plan. The ecologist shall be present during site construction works. 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 nature conservation and the protection of terrestrial and aquatic biodiversity.

9. The construction of the development shall be managed in accordance with a Construction and Traffic Management Plan, which shall be placed on the file and retained as part of the public record. The plan shall provide details of the intended construction practice for the development, including: -
  - (a) Location of the site and materials compounds(s) including area(s) identified for the storage of construction waste;
  - (b) Location of areas for construction of site offices and staff facilities.
  - (c) Details of security fencing and hoardings;
  - (d) 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;

