



An
Bord
Pleanála

Board Direction
BD-000849-18
ABP-300422-17

The submissions on this file and the Inspector's report were considered at a Board meeting held on 02/08/2018.

The Board decided to make a split decision generally in accordance with the Inspector's recommendation, to

- (1) Approve the proposed remedial works to Ardfinnan Bridge for the reasons and considerations marked (1) under and subject to the following conditions

and

- (2) Refuse approval for the proposed alterations to the traffic management at Ardfinnan Bridge for the reasons and considerations marked (2) under.

REASONS AND CONSIDERATIONS (1)

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 interests and conservation objectives of the Lower River Suir Special Area of Conservation (site code: 002137),

- (e) the policies and objectives of the South Tipperary County Development Plan 2009 as varied and extended and the Ardfinnan Settlement Plan 2017,
- (f) the nature and extent of the proposed remedial works to Ardfinnan Bridge 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 and observations received in relation to the likely effects on the environment, and on the likely significant effects of the proposed development on a European Site, and
- (i) 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 the screening assessment and conclusion carried out in the Inspector's report that the Lower River Suir Special Area of Conservation (site code: 002137) 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 for the affected European Site, namely the Lower River Suir Special Area of Conservation (site code: 002137), in view of the site's 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, 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 screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on 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.

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 remedial works to Ardfinnan Bridge would provide an improved bridge structure and would not:

- a) have significant negative effects on the environment or the community in the vicinity,
- b) give rise to a risk of pollution,
- c) be detrimental to the visual or landscape amenities of the area,
- d) seriously injure the amenities of property in the vicinity,
- e) adversely impact on the cultural, archaeological and built heritage of the area and
- f) 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 development shall be carried out and completed in accordance with the plans and particulars lodged with the application except where otherwise may be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The mitigation measures identified in the Natura Impact Statement, the Aquatic Ecology Impact Assessment, the Ecological Impact Assessment and the Underwater Archaeological Impact Assessment shall be implemented in full by the local Authority.

Reason: In order to minimise the impact of construction activities on species and habitats of conservation interest in the interest of proper planning and sustainable development of the area.

3. All repair works to the protected structure shall be carried out under the supervision of a qualified professional with specialised conservation expertise and in accordance with best conservation practice as detailed in “Architectural Heritage Protection: Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in 2011. The repair works shall retain the maximum amount possible of surviving historic fabric in-situ, and shall be designed to give rise to minimum interference with the fabric of Ardfinnan Bridge.

Reason: To ensure that the character and integrity of the protected structure is maintained and that Ardfinnan Bridge is protected from unnecessary damage and loss of fabric.

4. The local authority shall engage the services of a project ecologist for the duration of the bridge remedial works to monitor the site set up and construction of the proposed development in accordance with the mitigation measure proposed. On completion of the works, an audit report of the site

works shall be prepared by the appointed person within a period of three months, which shall be maintained on record by the local authority.

The project ecologist shall have 'Cease Works' powers.

Reason : In the interest of clarity and nature conservation, to prevent adverse impacts on the European sites and to ensure the protection of the Annex 1 habitats and Annex 11 species and their Qualifying Interests for which the sites were designated.

5. Tipperary County Council 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.

REASONS AND CONSIDERATIONS (2)

The Board is not satisfied that the proposal for pedestrian facilities over Ardfinnan Bridge is acceptable, as the proposed alterations do not comply with the minimum requirements of the Design Manual for Urban Roads & Streets (DMURS), DoTTS & DECLG, March 2013 and would not result in an appropriate level of pedestrian safety and comfort. In this regard, this element of the proposed development would not, if permitted, accord with the proper planning and sustainable development of the area.

Board Member:

Date: 02/08/2018

John Connolly