



An  
Bord  
Pleanála

**Board Direction**  
**BD-003980-19**  
**ABP-303590-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/09/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to:

- a) the EU Habitats Directive (92/43/EEC);
- b) the European Communities (Birds and Natural Habitats) Regulations 2011;
- c) the EU Water Framework Directive 2000 (2000/60/EEC);
- d) the document entitled "Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in 2009 (updated 2010);
- e) the nature and extent of the proposed culvert replacement 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
- g) the policies and objectives of the Wexford County Development Plan, 2013-2019;

- h) the submissions and observations received in relation to proposed development, and the report of the Inspector; and
- i) 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.

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 potential impacts of the proposed development on the affected European sites, namely, the River Barrow and River Nore Special Area of Conservation (Site Code: 002162). 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 sites, in view of the sites' conservation objectives.

The Board considered, having regard to the nature, scale and extent of the proposed development and the location of the subject site that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the environment, would not seriously injure the amenities of the area or property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety, landscape and visual impact. 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, including the Natura Impact Statement and other associated documentation, lodged with An Bord Pleanála, except as may otherwise be required in order to comply with the following conditions.

**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.

- (1) The mitigation measures contained in the Natura impact statement submitted with the application shall be implemented in full.
- (2) A suitably qualified ecologist shall be appointed by the local authority to oversee the site set-up and construction of the proposed development in accordance with the mitigation measures set out in the Natura Impact Statement. The ecologist shall be present on site during construction works. Upon completion of the construction stage, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the local authority to be kept on file as part of the public record.

**Reason:** In the interest of nature conservation, to prevent adverse impacts on the European site and to ensure the protection of the Annex I habitats and Annex II species and their Qualifying Interests for which the site was designated.

3. Prior to 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), generally in accordance with the outline Construction Environmental Management Plan submitted with the application, that adheres to best practice environmental management. The CEMP shall include specific proposals for monitoring of the effectiveness of the environmental management measures outlined in the CEMP.

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

4. Prior to commencement of development, details of measures to protect fisheries and the water quality of the river systems shall be outlined and placed on file by the local authority, generally in accordance with the Inland Fisheries Ireland's published updated 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, the local authority and

relevant statutory agencies and the programme shall be implemented thereafter.

**Reason:** In the interest of the protection of receiving water quality, fisheries and aquatic habitats.

5. Prior to commencement of development, the local authority, or any agent acting on its behalf, shall confirm the final levels and falls of the replacement culverts. These details shall be placed on the file and retained as part of the public record.

**Reason:** In the interest of the protection of receiving water quality, fisheries and aquatic habitats.

6. The existing leylandii trees on top of the south bank of the Aughnacrew River between the two bridges trees shall be removed as part of the site development works.

**Reason:** to improve the biodiversity of the area

7. Prior to the commencement of works, the disused chemical storage tanks / containers located on those lands to the southwest of the Ballywilliam Bridge culvert shall be suitably removed from site and disposed of in a licensed facility.

**Reason:** In the interest of the protection of water quality, fisheries and aquatic habitats.

**Board Member**

**Date:** 06/09/2019

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Maria FitzGerald