



An
Bord
Pleanála

Board Direction
BD-007173-20
ABP-306615-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/12/2020.

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

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, qualifying interests and special conservation interests for the River Nore Special Protection Area (Site Code: 004233), and the River Barrow and River Nore Special Area of Conservation (Site Code: 002162),
- (e) the policies and objectives of the Laois County Development Plan 2017-2023,

(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 and the response to the further information request,

(h) the submissions received in relation to the proposed development, and

(i) the report and recommendation of the inspector 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 River Nore Special Protection Area (Site Code: 004233), and the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), are the only European Sites 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 on file, the response to the further information request and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely River Nore Special Protection Area (Site Code: 004233), and the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), 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, 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 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 Sites, 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 Sites, 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 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 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 mitigation measures specified in the Natura Impact Statement, submitted with the application to An Bord Pleanála on the 7th day of February 2020 and in the Further Information Response submitted to An Bord Pleanála on the 12th day of October 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be prepared by the local authority, these details shall be placed on file prior to commencement of development 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 works to the bridge structure, the local authority shall undertake a resurvey of the structure for bats and a botanical survey for those areas of the bridge not accessible during the original survey. These surveys shall be placed on file prior to commencement of development and retained as part of the public record.

Reason: In the interest of nature conservation

3. Prior to the commencement of development, the local authority shall prepare, in consultation with the relevant statutory agencies a Construction Environmental Management Plan, incorporating:
 - (a) all mitigation measures indicated in the Natura Impact Statement;
 - (b) cessation of work trigger levels and the type of devices to be used for the measurement of trigger levels as agreed with the Department of Culture, Heritage and the Gaeltacht; and
 - (c) the mitigation measures outlined in the Bat Survey submitted to An Bord Pleanála on the 12th day of October 2020.

This Construction Environmental Management Plan shall be placed on file prior to commencement of development and retained as part of the public record.

Reason: To ensure the protection of European sites.

4. The local authority and any agent acting on its behalf shall comply with the mitigation measures contained in the Natura Impact Statement which was submitted with the application.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites

5. No works shall take place during the peak spawning period for salmonids between the 1st day of October and the 30th day of April inclusive.

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

6. 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 sites.

7. A suitably qualified ecologist shall be appointed by the local authority to oversee the site set-up and works and the ecologist shall be present on site during all works. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the local authority to be kept on record.

Reason: In the interest of 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/Special Conservation Interests for which the sites were designated.

8. 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. A suitably qualified archaeologist shall be appointed by the local authority to oversee and monitor the site set-up and installation of the dam (aqua barrier) around each pier.

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.

Board Member

Date: 15/12/2020

Dave Walsh