



An  
Bord  
Pleanála

**Board Direction**  
**BD-006658-20**  
**ABP-307542-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/10/2020.

The Board decided to approve the 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 Thomastown Local Area 2019,

(f) the nature and extent of the proposed works set out in the application for approval,

(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 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 and observations on file. The Board completed an appropriate assessment of the implications of the proposed development for two European Sites, namely the 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 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 Sites, 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 Sites, 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 seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, would be acceptable in terms of pedestrian and traffic safety, and would be in accordance with the stated objectives of the Thomastown LAP 2018-2024 which seeks to accommodate residential development in suitable locations on zoned lands. 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 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. No excavation of the existing drainage channel or the excavation/construction of the new drainage channel shall take place between October 1st and June 30th in any year.

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

3. The external finishes of the proposed houses and apartments shall be as submitted.

**Reason:** In the interests of visual amenity.

4. 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) incorporating all the mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to best practice and protocols. The plan shall include a Surface Water Management Plan, including measures to protect the existing well and measures for the control of rodents. The plan shall be placed on the file and retained as part of the public record.

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

5. 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.

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 County Council 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) provide suitable arrangements acceptable to the Department of Culture, Heritage and the Gaeltacht for the recording and removal of any archaeological materials which is considered appropriate to remove.

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

7. (a) A conservation expert shall be employed to manage, and monitor the recording, dismantling and rebuilding of the roadside wall to the north side of the site and to ensure adequate protection of the historic fabric during the works. The works shall be carried out in accordance with a Conservation Method Statement which shall be placed on the file and retained as part of the public record.

(b) All repair work shall be carried out in accordance with best conservation practice as detailed in the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall be designed to cause minimum interference to the masonry wall. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(c) The replacement of any masonry stone or any works of re-pointing shall be undertaken so that it matches the original existing bridge and wall finish and shall be in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht.

**Reason:** To ensure that the integrity of the masonry walls is maintained, that the structures are protected from unnecessary damage or loss of fabric and to ensure an appropriate standard of restoration works.

8. 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 Roads and Streets.

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

9. All areas of open space shown on the submitted drawings shall be reserved for such use and shall be levelled, contoured, soiled, seeded and landscaped. The open space shall be laid out and landscaped prior to the occupation of any of the houses or apartments.

**Reason:** In the interests of proper development.

10. A comprehensive boundary treatment and landscaping scheme shall be prepared and placed on the file as part of the public record. The scheme shall include the following:

(a) details of all proposed hard surface finishes, including samples of proposed paving flags/materials for footpaths, kerbing and road surfaces within the development;

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed street furniture, including bollards and lighting fixtures;

(d) details of proposed boundary treatments at the perimeter of the site and at the boundaries with existing residential property, including heights, materials and finishes; and

(e) measures to ensure the retention of the existing hedgerows where appropriate.

The boundary treatment and landscaping shall be carried out in accordance with the scheme.

**Reason:** In the interests of visual amenity.

11. Site development and building works shall be carried out only between 0800 to 1800 hours Monday to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.

**Reason:** In order to safeguard the amenities of properties in the vicinity.

12. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure and the provision of charging points for electric vehicles within the curtilage of each building within the proposed development.

**Reason:** In the interest of orderly development, the visual amenities of the area and sustainable transport.

13. 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 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;

(e) Measures to obviate queuing of construction traffic on the adjoining road network;

(f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of the public road or footpath during the course of site development works;

(h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(i) Containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(j) Details of how it is proposed to manage excavated soil;



A record of daily checks that the works are being undertaken in accordance with the Construction and Traffic Management Plan shall be maintained on file as part of the public record.

**Reason:** In the interests of amenity, public health and safety.

**Board Member**

**Date:** 07/10/2020

---

Dave Walsh