

**An
Bord
Pleanála**

**Board Direction
BD-010704-22
ABP-310430-21**

The submissions on this file and the inspector's report were considered at a Board meeting held on 16/05/2022.

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) and Part XAB of the Planning and Development Act 2000, as amended, including Part 177(AE) and 177(V),
- (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 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 revised Natura Impact Statement,
- (h) the submissions received in relation to the proposed development, and
- (i) the report and recommendation of the inspector.

Appropriate Assessment: Stage 1

The Board agreed with and adopted the screening assessment and conclusion carried out 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.

Appropriate Assessment: Stage 2

The Board considered the revised 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 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 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 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.

Proper Planning and Sustainable Development and 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 seriously injure the amenities of property in the vicinity, would not adversely impact on the archaeological and built heritage of the area and would not interfere with the existing land uses in the area. It is also considered that the proposed development would constitute an important and beneficial repair works to an established bridge structure and required to protect the integrity and safety of the bridge on the local road network. 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 lodged with the application and the information contained in the Natura Impact Statement, as amended by the further information received by An Bord Pleanála on the 1st day of April, 2022, 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 mitigation measures contained in the revised Natura Impact Statement received by An Bord Pleanála on the 1st day of April, 2022 shall be implemented in full.

Reason: In the interest of protecting the European Site of interest having regard to the site's conservation objectives.

3. The proposed works within the river channel shall take place within a dry environment. No works shall take place at or in the river between the 1st day of October and the 30th day of June in any one year, unless otherwise agreed with Inland Fisheries Ireland and the National Parks and Wildlife Service.

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

4. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with Inland Fisheries Ireland (IFI) a Construction Environmental Management Plan (CEMP) incorporating all mitigation measures indicated in the revised Natura Impact Statement and a demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:

- (a) The location of the site and materials compound, including areas identified for the storage of construction waste.
- (b) The location of areas for the construction site office and staff facilities.
- (c) The location of the chemical/fuel oil storage areas and proposals for containment within specifically constructed bunds to ensure that fuel spillages are fully contained. The bunds shall be roofed to exclude rainwater.
- (d) Details of how it is proposed to manage excavated material.
- (e) Details of the type and location of sediment features/barriers required to protect water quality during construction.

- (f) Details of the source of stone/materials to be used in the construction of the riverbed.
- (g) Measures to protect water quality during high water levels and flood events.
- (h) The Erosion and Sediment Control Management Plan.
- (i) Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

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

Reason: In the interest of protecting the environment and the European Site.

5. Prior to the commencement of development, details of the measures to protect fisheries and water quality of the river systems shall be outlined and placed on file as part of the public record. 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, 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.

6. The local authority, or any agent acting on its behalf, shall ensure that all plant and machinery used during the proposed works shall 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.

7. A suitably qualified freshwater 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 revised Natura Impact Statement. 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.

8. The local authority, or 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 the commencement of development who shall assess the site and monitor all site investigations and other excavation works, and
 - (b) comply with mitigation measures set out in the Underwater Archaeological Impact Assessment in advance of any works.
 - (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.

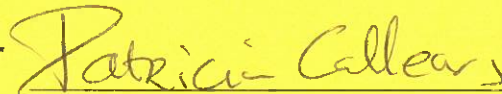
Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

9. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall retain the services of a suitably qualified and

experienced bat specialist to survey the bridge for the presence of bat roosts. In the event that any roosts are identified, the National Parks and Wildlife Service shall be consulted regarding how best to deal with such roosts. The removal of any roosts identified shall be carried out only under licence from the National Parks and Wildlife Service.

Reason: In the interest of protecting ecology and wildlife in the area.

Board Member



Patricia Calleary

Date: 16/05/2022

