



An  
Bord  
Pleanála

**Board Direction**  
**BD-011714-23**  
**ABP-311746-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/01/2023.

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.

In coming to its decision, the Board had particular regard to the relevant policies and objectives including the following:

- (a) EU Directive on the Assessment and Management of Flood Risks (2007/60/EC),
- (b) the EU Habitats Directive (92/43/EEC),
- (c) the EU Water Framework Directive (2000/60/EC), as amended,
- (d) the European Communities (Birds and Natural Habitats) Regulations 2011-2015,
- (e) the Government's Climate Action Plan 2023,
- (f) the National Planning Framework Plan 2018-2040,
- (g) the National Development Plan 2021-2030,
- (h) the National Biodiversity Action Plan, 2022,
- (i) Regional Spatial and Economic Strategy for the Southern Region 2020,
- (j) the policies of the planning authority as set out in the Waterford City and County Development Plan 2022 to 2028,

site's conservation objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (i) the site-specific conservation objectives for these European Sites,
- (ii) the current conservation status, threats, and pressures of the qualifying interest features,
- (iii) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and
- (iv) the mitigation measures which are included as part of the current proposal,

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of any European Sites in view of the site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

#### **Environmental Impact Assessment:**

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development on a site,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies, and
- (d) the Inspector's report.

- The increase in vehicle movements and resulting traffic during the construction phase would be mitigated by the preparation of a Construction Traffic Management Plan.
- Landscape and visual impacts would arise during the operational phase from the insertion of the flood defence walls into the urban and riparian landscape, however, the scale, design and linear layout of the project would assist in assimilating the works into the landscape.
- The impacts on residential amenity during the construction phase would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report and the final Construction and Environment Management Plan which include specific provisions relating to the control and management of dust, vibration, noise, water quality and traffic movement.
- The impact on cultural heritage would be mitigated by terrestrial and underwater archaeological pre-testing and monitoring with provision made for resolution of any archaeological features or deposits that may be identified.
- Positive environmental impacts would arise during the operational phase from the installation of robust flood defence measures.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself or in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

### **Proper Planning and Sustainable Development**

It is considered that subject to compliance with the conditions set out below the proposed development would accord with European, national, regional and local planning and environmental policy, would give rise to significant positive benefits for the proper planning and sustainable development of Waterford City and environs during the operational phase by the provision of a flood defence system along the river. It is further considered that the proposed development would not have an unacceptable impact on the landscape or ecology, would not seriously injure the



4. The following additional ecological requirements shall be complied with:
- (a) The local authority shall continue to consult with the National Parks & Wildlife Service in relation to the provision of replacement Annex 1 Mudflat habitat (Mudflats and sandflats not covered by seawater at low tide) within the River Suir.
  - (b) Pile driving mitigation measures to reduce impacts on aquatic habitats and terrestrial and aquatic species shall be implemented (including soft start, vibrating hammer and bubble curtain).
  - (c) Bat boxes and tubes shall be provided along the flood defence walls and their use and uptake shall be monitored annually over a 5-year period focusing on occupancy of bat tubes (usage & species determination) as well as presence of foraging bats, and the survey results shall be submitted to Minister for Housing, Local Government and Heritage.

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

5. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be finalised prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise, vibration, dust and odour monitoring and management measures, traffic management, protection of wayleaves, an invasive species management plan and off-site disposal of construction, demolition and post examination river dredge waste. Structural surveys at sensitive receptors shall be undertaken to establish their condition and tolerance for vibration impacts before works commence. A construction noise management plan and a contingency plan for remedial action shall be prepared in the event that monitoring levels indicate an exceedance of limits, before works commence.

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