

An
Bord
Pleanála

Board Direction
BD-015379-24
ABP-313340-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/02/2024.

The Board decided to grant approval 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 as amended,
- (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 Lower River Shannon SAC, Loop Head SPA, Kerry Shoal SAC, River Shannon and River Fergus Estuaries SPA, Mid-Clare Coast SPA

- (e) the policies and objectives of the Clare County Development Plan, 2023-2029,
- (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,
- (h) the submissions and observations received in relation to the proposed development,
- (i) the submission at the oral hearing, and
- (j) 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 that the Lower River Shannon SAC, Loop Head SPA, Kerry Shoal SAC, River Shannon and River Fergus Estuaries SPA, Mid-Clare Coast SPA, 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 and at the oral hearing, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Lower River Shannon SAC, Loop Head SPA, Kerry Shoal SAC, River Shannon and River Fergus Estuaries SPA, Mid-Clare Coast SPA, 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 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 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 development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as revised by the further information received on 28 April 2023 and the submission to the oral hearing including the Schedule of Commitments, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura

Impact Statement or Construction and Environment Management Plan 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. Prior to the 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 mitigation measures indicated in the Natura Impact Statement, as well as incorporating all control measures set out in the submitted CEMP as revised by the further information received on 28 April 2023 and the Schedule of Commitments submitted at the oral hearing. The CEMP shall include:

- (a) All mitigation measures indicated in the Natura Impact Statement.
- (b) All control measures set out in the CEMP submitted with the application proposals.
- (c) Hours of construction, and lights-out times during construction.
- (d) Details of protection measures to be employed to ensure that existing mature trees and vegetation will not be removed or impacted by construction.
- (e) Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the environment and in the interest of public health.

3. The roof planting shall be formed from a mix of species of different and shall not be a uniform sedum roof.


Reason : To ensure that the roof planting is similar in appearance to the habitat within the courtyard, in the interest of visual amenity and the protection of architectural heritage.

4. The County Council 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.

Board Member



Stewart Logan

Date: 12/02/2024