

An  
Bord  
Pleanála

**Board Direction**  
**BD-017239-24**  
**ABP-316122-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/08/2024.

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 European sites,
- (d) the conservation objectives, qualifying interests and special conservation interests for River Barrow and River Nore SAC (site code 002162), River Nore SPA (site code 004233), and Lower River Suir SAC (site code 002137),
- (e) Project Ireland 2040 National Planning Framework,
- (f) the Climate Action Plan 2024,
- (g) the Design Manual for Urban Roads and Streets (DMURS),
- (h) the Regional Spatial and Economic Strategy for the Southern Region (RSES),

- (i) the policies and objectives of the Wexford County Development Plan 2022-2028,
- (j) the nature and extent of the proposed works as set out in the application for approval,
- (k) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (l) the submissions received in relation to the proposed development, and,
- (m) 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 carried out in the Inspector's report that the River Barrow and River Nore SAC (site code 002162), River Nore SPA (site code 004233), and Lower River Suir SAC (site code 002137) 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, 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 Barrow and River Nore SAC, River Nore SPA, and Lower River Suir SAC, 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 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.

### **Proper Planning and Sustainable Development / Likely Effects on the Environment**

It is considered that the proposed development, subject to compliance with the conditions set out below, would provide improved sustainable transport infrastructure and facilities in New Ross, in particular for vulnerable road users, consistent with national, regional and local policy objectives, would not have significant negative effects on the environment or give rise to a risk of pollution or significantly affect biodiversity in the area, would not be detrimental to visual or landscape amenities, would not seriously injure the amenities of property in the vicinity, would not result in adverse traffic impact and would not adversely impact on the cultural, archaeological and built heritage of 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 on 29th February 2024, 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 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 interests of clarity and the proper planning and sustainable development of the area, and to ensure the protection of the environment.
2. The mitigation measures outlined in the plans and particulars relating to the proposed development, including those set out in Section Five of the Natura Impact Statement and in the Planning Report, shall be implemented in full. Prior to the

commencement of development details of a time schedule for implementation of mitigation measures shall be prepared by the local authority and placed on file and retained as part of the public record.

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

3. The preservation, recording, and protection of archaeological materials or features that may exist within the site shall be facilitated. In this regard, a suitably qualified archaeologist shall be retained to monitor all site investigations and other excavation works and provide arrangements for the recording and for the removal of any archaeological material 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.

4. 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 and demonstration of proposals to adhere to best practice and protocols.

Reason: In the interest of protecting the environment.

5. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river system shall be outlined and placed on file. 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 interests of the protecting of receiving water quality, fisheries, and aquatic habitats.

6. A suitably qualified 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. The ecologist shall be present during



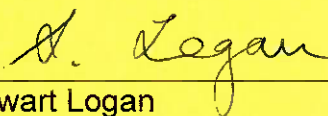
construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interests of nature conservation and the protection of terrestrial and aquatic biodiversity.

7. An appropriate pedestrian gate access shall be provided to the Riverside/Waterside apartment complex in lieu of the vehicular access to be removed adjacent to the north west of the bridge.

Reason: In the interest of residential amenity.

**Board Member**

  
Stewart Logan

**Date:** 15/08/2024