



An
Bord
Pleanála

Board Direction
BD-017593-24
ABP-318076-23

The submissions on this file, including the submission from the applicant received on the 20/08/24 in response to the Board's s.132 notice, and the Inspector's report were further considered at a Board meeting held on 17/09/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the nature, purpose and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not be seriously detrimental to the protected structures or their settings, and would be acceptable in terms of public health and traffic safety. Additionally, the proposed development would support the decarbonisation of the country's transport system in accordance with the Climate Action Plan 2024. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's

report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development could have a significant effect on the Lower River Shannon Special Area of Conservation (Site code: 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site code: 004077) in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment

The Board completed an Appropriate Assessment in relation to the effects of the proposed development on the Lower River Shannon Special Area of Conservation (Site code: 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site code: 004077), taking into account the nature, scale and location of the proposed development, the submitted Natura Impact Statement, including the mitigation measures proposed, and the Inspector's report and submissions on file.

Following the Appropriate Assessment, the Board adopted the conclusions of the Inspector and determined that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of Lower River Shannon Special Area of Conservation (Site code: 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site code: 004077), or any other European site, in view of the site's conservation objectives.

This conclusion is based on:-

- (a) a full and detailed assessment of all aspects of the proposed project including mitigation measures in relation to the conservation objectives of the Lower River Shannon Special Area of Conservation (Site code: 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site code: 004077),

- (b) detailed assessment of in combination effects with other plans and projects, and
- (c) no reasonable scientific doubt as to the absence of adverse effects on the integrity of the said European site.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 4th day of July 2023 and the 14th day of July 2023 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The mitigation measures contained in the Natura Impact Statement and Ecological Impact Assessment report submitted with the application shall be implemented in full.

(b) An Ecological Clerk of Works shall be appointed to oversee works at the site and such appointment shall be confirmed in writing to the Planning Authority, prior to commencement of development.

Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development and to protect the integrity of the European Sites.

3. Prior to the commencement of development, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate the details as outlined in Section 5.1 of the submitted Natura Impact Statement.

A record of daily checks that the works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority.

Reason: In the interest of environmental protection, to protect the integrity of the European Sites and in the interest of residential amenities, public health and safety.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. All the archaeological heritage and built heritage recommendations set out in the Preliminary Cultural Heritage Assessment Report submitted with the application shall be implemented in full.

Reason: In order to protect archaeological and architectural heritage.

6. (a) All works to the protected structures shall be agreed in writing with the planning authority prior to commencement of the development.

(b) A schedule and appropriate samples of all materials to be used in the external treatment of the development shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

(c) All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: In the interest of the protection of architectural heritage.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall;

(a) Notify the planning authority in writing at least four weeks in advance of the commencement of development works on the site (including hydrological

- and geotechnical investigations) relating to the proposed development;
- (b) Employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works;
 - (c) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.
 - (d) Provide a final archaeological report to the planning authority describing the results of all archaeological monitoring and any archaeological work/excavation required, following the completion of works on site;
 - (e) If any works are proposed within the river, a licenced underwater Archaeological Impact Assessment shall be submitted to the planning authority for written approval prior to commencement of such works.

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.

8. Prior to the commencement of the development, the developer shall submit a Traffic Management Plan (TMP) for the construction phase of the development for the written agreement of the planning authority. The TMP shall incorporate details of the road network to be used by construction traffic including oversized loads, detailed proposals for the protection of bridges, culverts and other structures to be traversed, as may be required. The agreed TMP shall be implemented in full during the course of construction of the development.

Reason: In the interest of sustainable transport and safety.

9. Prior to the commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The

RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

10. The communications cabinet shall be installed on the north-western side of the line of the railway track. Prior to commencement of development, the developer shall submit screening measures in respect of the visual impact of this development to the planning authority for written approval.

Reason: In the interest of visual amenity and to protect architectural heritage.

11. Surface water drainage arrangements shall comply with the detailed requirements of the planning authority for such works and services. No surface water shall discharge to adjoining properties.

Reason: In the interest of public health and residential amenity.

12. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

13. A Stage 2 and Stage 3 Road Safety Audit shall be submitted to the Planning Authority for their written approval, prior to commencement of the development, in compliance with the Transport Infrastructure Ireland's (TII) publication 'Road Safety Audit GE-STY-01024'.

Reason: In the interest of traffic safety.

14. A 5-metre wide strip of land running parallel with Channel C1 of the Mague Outfall (as indicated submission received by the planning authority from the Office of Public Works on the 22nd day of May 2023) shall be provided to facilitate access and maintenance activities. This area shall be accessible to mechanical plant and shall

not be landscaped, paved or otherwise developed in a manner that would prevent access.

Reason: To ensure adequate access to services.

Board Member

A handwritten signature in black ink, appearing to read 'Tom Rabbette', written over a horizontal line.

Tom Rabbette

Date: 25/09/2024