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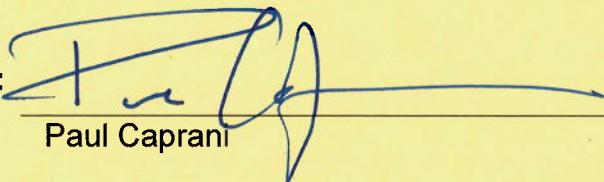
**Direction**  
**CD-021594-25**  
**ABP-322748-25**

The submissions on this file and the Inspector's report were considered at a meeting held on 17/12/2025.

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

**Planning**

**Commissioner:**



**Date:** 17/12/2025

Paul Caprani

### **DRAFT WORDING FOR ORDER**

#### **Reasons and Considerations**

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In performing its functions in relation to the making of its decision, the Commission had regard to:

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action

Plan 2025, and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

The Commission also had regard to the following in coming to its decision:

1. European legislation, including of particular relevance:
  - (a) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,
  - (b) Directive 2011/92/EU (The Environmental Impact Assessment Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended,
  - (c) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive, and
  - (d) the European Union Floods Directive (2007/60/EC).
2. National and regional planning and related policy, including:
  - (a) national policy with regard to the development of a flood relief scheme, particularly the National Planning Framework First Revision April 2025, and
  - (b) the objectives and targets of Ireland's 4th National Biodiversity Action Plan 2023-2030.
3. Regional and local planning policy, including:
  - (a) the Eastern and Midland Region Assembly Regional Spatial and Economic Strategy 2019-2031, and
  - (b) Laois County Development Plan 2021-2027.
4. Other relevant national policy and guidance documents.

5. The nature, scale, and design of the proposed development as set out in the planning application and the pattern of development in the vicinity.
6. 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.
7. The Environmental Impact Assessment Report submitted.
8. The Natura Impact Statement submitted.
9. The submissions made in connection with the planning application.
10. The report and the recommendation of the Inspector, including the examination, analysis, and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

#### **Appropriate Assessment Stage 1:**

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the following the only European Sites in respect of which the proposed development has the potential to have a significant effect:

- (i) Charleville Wood Special Area of Conservation (Site Code: 000571),
- (ii) River Barrow and River Nore Special Area of Conservation (Site Code: 002162),
- (iii) Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170),
- (iv) Bricklieve Mountains and Keishcorran Special Area of Conservation (Site Code: 001656),
- (v) Glenade Lough Special Area of Conservation (Site Code: 001919),
- (vi) Kilroosky Lough Cluster Special Area of Conservation (Site Code: 001786),
- (vii) Lough Bane and Lough Glass Special Area of Conservation (Site Code: 002120),

- (viii) Lough Corrib Special Area of Conservation (Site Code: 000297),
- (ix) Lough Gill Special Area of Conservation (Site Code: 001976),
- (x) Lough Lene Special Area of Conservation (Site Code: 002121),
- (xi) Lough Owel Special Area of Conservation (Site Code: 000688),
- (xii) Lower River Suir Special Area of Conservation (Site Code: 002137),
- (xiii) River Moy Special Area of Conservation (Site Code: 002298),
- (xiv) White Lough, Ben Loughs and Lough Doo Special Area of Conservation (Site Code: 001810),
- (xv) Lough Hoe Bog Special Area of Conservation (Site Code: 000633),
- (xvi) Lough Nageage Special Area of Conservation (Site Code: 002135),
- (xvii) Lower River Shannon Special Area of Conservation (Site Code: 002165).

#### **Appropriate Assessment Stage 2:**

The Commission considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submission on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the aforementioned affected European Sites, in view of the Sites' conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission 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 Commission 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 Commission 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.

### **Environmental Impact Assessment:**

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

### **Reasoned Conclusion on Significant Effects:**

Having regard to the examination of environmental information provided in respect of the proposed development, in particular the Environmental Impact Assessment Report, and the submissions from the prescribed bodies in the course of the application, it is considered that the main significant, direct, indirect and cumulative effects on the environment, with the implementation of proposed mitigation measures are:

**Population and Human Health:** The proposed development, in protecting the existing community with flood defence infrastructure at operational stage, would have a significant positive effect on population and human health, as outlined in the Environmental Impact Assessment Report.

**Noise:** There is a potential for significant effects to arise by way of noise at construction stage, as outlined in the Environmental Impact Assessment Report, which will be minimised by way of a Construction Environment Management Plan,

best practice measures and mitigation measures. Impacts will be short term with no significant noise generated at operational stage.

**Water:** The proposed development would give rise to significant positive effects by way of flood protection. The potential for significant effects arising on surface water, groundwater and water supplies from contamination arising at construction and operational stages will be minimised and mitigated, subject to the implementation of the measures outlined in the Environmental Impact Assessment Report, Construction Environment Management Plan, best practice measures, construction methodologies, the application of an Operation and Maintenance Plan, and by the conditions set out in this Order.

**Biodiversity:** There will be permanent small-scale loss of mixed broadleaved woodland as a result of the proposal, and a small loss of riparian habitat as part of the proposed debris trap however habitat reinstatement measures are set out in the Biodiversity Management and Enhancement Plan will be an effective long-term mitigation measure which will compensate for any loss of habitat. Mitigation measures will also be put in place to ensure that impacts on terrestrial and aquatic fauna are minimised throughout the construction process. No significant impacts are anticipated during the operational phase.

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

It is considered that, subject to compliance with the conditions set out below, the proposed development would comply with national, regional and local planning policies including the Laois County Development Plan 2021-2027, would not be detrimental to the visual or landscape amenities of the area, would not adversely impact on the cultural, archaeological and built heritage of the area, would not interfere with traffic and pedestrian safety, and would be in the interest of the common good by reason of greatly reducing the risk of flooding in the village of Clonaslee and its environs. 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, submitted on the 10<sup>th</sup> day of June 2025, except as may otherwise be required in order to comply with the following conditions. Where 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 and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions, and save for the mitigation measure including an application for a noise control plan. Prior to the commencement of development, a schedule of mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and details of a time schedule for implementation of the mitigation measures and associated monitoring, shall be prepared by the local authority and placed on file and retained as part of the public record.

**Reason:** In the interests of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. The mitigation and monitoring measures identified in the Natura Impact Statement submitted with the application shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring 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 protection of European Sites.

4. 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 the 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 biodiversity.

5. The following nature conservation requirements shall be complied with:
  - (a) 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, and relevant statutory agencies and the programme shall be implemented thereafter.
  - (b) No vegetation removal shall take place during the period of the 1<sup>st</sup> day of March to the 31<sup>st</sup> day of August (inclusive) without the written approval of the Ecological Clerk of Works. Such approval shall be placed on the public file.
  - (c) All pre-commencement surveys as outlined in the Environmental Impact Assessment Report shall be enacted. Pre-construction otter and badger surveys by a suitability qualified ecologist shall be carried out before works commence.
  - (d) A pre-construction bat survey shall be carried out by a suitably qualified ecologist during the active bat season, and any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister of Housing, Local Government and Heritage.
  - (e) Prior to the commencement of development, details of the design of the debris trap and Brittas stream culvert, including a method statement for construction, shall be submitted to and agreed with Inland Fisheries Ireland.

- (f) Prior to the commencement of development, details of erosion protection engineering measures at Area 1 shall be submitted to and agreed with Inland Fisheries Ireland.
- (g) All riverbed material removed at Area 1 shall be graded, cleaned and stockpiled for return to the river after works completion.
- (h) The Operation and Maintenance Plan shall include for monitoring of siltation downstream of the debris trap.

Details of these requirements shall be placed on the file and retained as part of the public record.

**Reason:** In the interests of biodiversity and nature conservation.

6. The local authority and any agent acting on its behalf shall ensure that all personal protective equipment, plant and machinery used during the works shall be thoroughly cleaned, washed, and disinfected before delivery to the site, and also on completion of field operations or when moving from one location or waterway to another, 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 environment and European Sites.

7. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the project ecologist and relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Environmental Impact Assessment Report, and Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols and shall be kept on file as part of the public record. The construction of the development shall be managed in accordance with the Construction Environmental Management Plan. The CEMP shall include the following:

- (a) Location of site and material compound(s) including areas(s) identified for the storage of construction refuse, site offices, construction parking and staff facilities, re-fuelling arrangements, security fencing and hoardings.

- (b) A comprehensive construction phase traffic management plan including details of the timing and routing of construction traffic to and from the construction site, associated signage and vehicle controller/flagman at Compound A and Area 3 locations.
- (c) Measures to prevent the spillage or deposit of clay, rubble, or other debris on the public road network.
- (d) Details of appropriate mitigation measures for noise, dust, and vibration, and monitoring of such levels.
- (e) Pollution control measures to prevent spills/leakage of fuels/oils.
- (f) Water protection measures.
- (g) Control measures to prevent the spread of invasive species and pathogens.
- (h) Details of pre-commencement surveys and timing of works.
- (i) Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.
- (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (k) Means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.
- (l) An audit list of all construction and operational mitigation measures, their timelines for implementation and responsibility for reporting.
- (m) A record of daily checks that the works are being undertaken in accordance with the CEMP shall be kept for inspection by the local authority.

The CEMP shall be placed on file prior to the commencement of development and retained as part of the public record.

**Reason:** In the interest of protecting the environment and European Sites, and in the interests of public safety and health.

8. Site development and building works shall be carried out only between the hours of 0800 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 local authority.

**Reason:** In order to safeguard the amenities of property.

9. The site shall be landscaped in accordance with the proposals set out in particulars including the Biodiversity Management and Enhancement Plan. Any trees or shrubs that are removed, die, or become seriously damaged or diseased during the operative period as set out by this permission, shall be replaced within the next planting season by trees or shrubs of similar size and species.

**Reason:** In the interests of visual amenity and biodiversity.

10. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development, following consultation with the National Monument Service (NMS). Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending consultation with the National Monuments Service, regarding appropriate mitigation including preservation and/or in-situ/excavation.

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the

planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest