



## Board Direction

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**Ref: 11.JP0039**

At a meeting held on 16<sup>th</sup>, September 2016, the Board considered:

- (a) the submissions made in relation to the proposed development,
- (b) the report of the Inspector, and
- (c) the documents and submissions on file generally.

The Board decided to approve the proposed development, generally in accordance with the recommendation of the Inspector, and for the reasons, considerations and conditions set out below.

### 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 2011-2015,
- (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 interests and conservation objectives of the River Barrow and River Nore candidate Special Area of Conservation (site code: 002162),
- (e) the provisions of the National Spatial Strategy 2002 – 2020, and Smarter Travel – A Sustainable Transport Future – A New Transport Policy for Ireland 2009 – 2020, and the related policies and objectives of the Laois County Development Plan 2011 – 2017,

- (f) the nature and extent of the proposed road improvement as set out in the application for approval, to provide for road improvements to the N80 National Road,
- (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 likely effects on the environment, and on the likely significant effects of the proposed development on a European site,
- (i) the submissions and observations received in relation to the proposed development, 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 the screening assessment and conclusion carried out in the Inspector's report that the River Barrow and River Nore candidate Special Area of Conservation (site code: 002162) is the only European Site 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 the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the River Barrow and River Nore candidate Special Area of Conservation (site code: 002162), in view of the site's 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 Site.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's

report in respect of the potential effects of the proposed development on the aforementioned European Site, 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 the European site in view of the site's conservation objectives.

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 Site, in view of the site's conservation objectives.

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

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the community in the vicinity, would provide an improved and safer National Road for all road users, 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 proposed development shall be carried out in accordance with the plans and particulars lodged with the application, including the Application for Approval Report and Natura impact statement and the further particulars received by An Bord Pleanála on the 7<sup>th</sup> day of July, 2016, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. The mitigation measures contained in the Application for Approval Report and Natura impact statement submitted with the application shall be implemented in full by the local authority and/or any agent acting on its behalf, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity and to ensure the protection of a European site during construction.

3. Prior to commencement of development, all mitigation works as set out in Section 11.5 of the Application for Approval Report submitted as part of the application shall be carried out.

**Reason:** In the interest of ensuring the continued preservation and recording of sites of archaeological interest.

4. The local authority shall engage the services of a project ecologist for the duration of the construction period to monitor the site set-up and construction of the proposed development in accordance with the mitigation measures proposed. On completion of the works, an audit report of the site works shall be prepared by the appointed person within a period of three months, which shall be maintained on record by the local authority.

**Reason:** In the interest of clarity, and to ensure the protection of local ecology in the area.

5. Detailed measures in relation to the protection of bats during the construction period shall be determined in consultation with the National Parks and Wildlife Service of the Department of Arts, Heritage, Regional Rural and Gaeltacht Affairs. These measures shall be implemented as part of the development by the local authority and/or any agent acting on its behalf.

**Reason:** In the interest of wildlife protection.

6. Prior to commencement of development, a full landscape scheme shall be prepared which shall include provision for the embankments to be planted with native species of trees with a similar species composition of the woodland area to be removed in the vicinity of the pond.

**Reason:** In the interest of wildlife protection and visual amenities.

Board Member: \_\_\_\_\_  
Paddy Keogh

Date: 20<sup>th</sup>, September 2016