



An
Bord
Pleanála

Board Order ABP-302960-18

Planning and Development Acts, 2000 to 2018

Planning Authority: Tipperary County Council

Application by Tipperary County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Bord Pleanála on the 9th day of November, 2018.

Proposed Development: Proposed town park incorporating (a) children's play area; (b) specifically-designed play equipment for use by people with a disability; (c) zip wire; (d) outdoor gym equipment; (e) pump track; (f) multi-use games area (MUGA); (g) recreational walkways; (h) seating; (i) appropriate signage; (j) interpretive signage); (k) landscaping and (l) car parking, all at Mulkear View, Tullow, Newport, County Tipperary.

Decision

Approve the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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 Lower River Shannon Special Area of Conservation (site code: 002165),
- (e) the policies and objectives of the North Tipperary County Development Plan 2009,
- (f) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (g) 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, and
- (h) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment:

The Board completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on a designated European Site. The Board considered,

- the nature, scale and location of the proposed development,
- the Natura Impact Statement submitted with the application, and
- the submissions on file and the report of the Inspector.

Stage 1:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lower River Shannon Special Area of Conservation (site code: 002165) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Stage 2:

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 Lower River Shannon Special Area of Conservation (site code: 002165), 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.

Conclusion:

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 Site, in view of the site's Conservation Objectives.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except where otherwise may be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall agree with the relevant statutory agencies a Construction Environmental Management Plan, incorporating all mitigation measures indicated in the Natura Impact Statement. The mitigation measures identified in the Natura Impact Statement shall be implemented in full by the developer.

Reason: In order to minimise the impact of construction activities on species and habitats of conservation interest in the interest of the proper planning and sustainable development of the area.

3. Site development and building works shall only be carried out between 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances.

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

Paul Hyde

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019