



An
Bord
Pleanála

Board Order ABP-303479-19

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 16th day of January, 2019.

Proposed Development: Proposed development consisting of:

- (a) Cleaning, repair and repainting of the metal parapets on spans 5, 6 and 7.
- (b) Replacement of carriageway surface course.
- (c) Replacement of carriageway joints above piers 4 and 7.
- (d) Repair of footpaths.
- (e) Removal of spalled concrete from soffits of beams and deck on spans 5, 6 and 7, the application of the spalled areas.
- (f) Provision of scour protection to the upstream half of piers 5 and 6.

All at Dillon Bridge, Carrick-On-Suir, County Tipperary (a Protected Structure).

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 Suir Special Area of Conservation (site code: 002137),
- (e) the policies and objectives of the South Tipperary County Development Plan 2009, as varied, and the Carrick-on-Suir Town Development Plan, 2013, as varied,
- (f) the nature and extent of the proposed repair and refurbishment works to the Dillon Bridge as set out in the application for approval,
- (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, and
- (i) the report and recommendation of the Inspector 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, and 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.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lower River Suir Special Area of Conservation (site code: 002137) 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 Lower River Suir Special Area of Conservation (site code: 002137), 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 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 assessment 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, 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 remedial works to Dillon Bridge would not:

- (a) have significant negative effects on the environment or the community in the vicinity,
- (b) give rise to a risk of pollution,
- (c) be detrimental to the visual or landscape amenities of the area,
- (d) seriously injure the amenities of property in the vicinity,
- (e) adversely impact on the cultural, archaeological and built heritage of the area, and
- (f) 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 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 local authority shall agree with the relevant statutory agencies a Construction and Environmental Management Plan which incorporates all mitigation measures indicated in the Natura Impact Statement, together with an Ecological Impact Assessment which deals with birds, bats and other mammals in the vicinity of the bridge. The mitigation measures identified in the Natura Impact Statement shall be implemented in full.

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. All repair works to the protected structure shall be carried out under the supervision of a qualified professional with specialised conservation expertise and in accordance with best conservation practice, as detailed in the “Architectural Heritage Protection: Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in 2011. The repair works shall retain the maximum amount possible of surviving historic fabric in-situ and shall be designed to give rise to minimum interference with the fabric of Dillon Bridge. Prior to commencement of development, full details of the proposed footpath finishes shall be submitted for the written agreement of the conservation officer of the local authority.

Reason: To ensure that the character and integrity of the protected structure is maintained, and that Dillon Bridge is protected from unnecessary damage and loss of fabric, and in the interest of visual amenity.

4. The local authority shall engage the services of a project ecologist for the duration of the bridge remedial works 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. The project ecologist shall have ‘Cease Works’ powers.

Reason: In the interest of clarity and nature conservation, to prevent adverse impacts on the European Site and to ensure the protection of the Annex I habitats and Annex II species and their Qualifying Interests for which the site was designated.

5. The local authority, and any agent acting on its behalf, shall ensure that all plant and machinery used during the works shall be thoroughly cleaned and washed before delivery to the site 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 European Site.

Dave Walsh

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

Dated this day of 2019