

An  
Bord  
Pleanála

## Board Order ABP-306146-19

**Roads Acts, 1993 to 2015**

**Planning and Development Acts, 2000 to 2021**

**Planning Authority: Limerick City and County Council**

**Application** by Limerick City and County Council for approval under section 51 of the Roads Act 1993, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura impact statement, lodged with An Bord Pleanála on the 11<sup>th</sup> day of December, 2019, as amended by the further information response received by the Board on the 30<sup>th</sup> day of September, 2020.

**Proposed Development:** : Foynes to Limerick Road (including Adare Bypass) consisting of:

- Approximately 15.6 kilometres of Type 2 dual carriageway express road extending from Foynes to Rathkeale (with an intermediate roundabout junction at Ballyclogh) along with approximately 1.9 kilometres of single carriage road between Ballyclogh and Askeaton.
- Approximately 17.5 kilometres of dual carriageway motorway, of which approximately 15.5 kilometres is new construction and/or widening of the existing road, from Rathkeale to Attyflin.
- A Service Area for Heavy Goods Vehicles approximately five hectares in size near Foynes with access road and service roads, parking facilities building and a new at-grade junction onto the Foynes Port access road.

And also comprising:

- Two grade-separated junctions at Adare and Croagh, including bridges, link roads and roundabouts.
- Five at-grade roundabout junctions providing access points at Foynes, Ballyclogh and Askeaton (including two at-grade roundabouts and link to N21 at Rathkeale).
- In excess of 200 metres long clear-span bridge over the River Maigne at Adare.
- Four river bridges (over Robertstown, Deel and Greanagh) and 18 river/stream bridges (including Ahacronane and Clonshire).
- Three railway bridges.
- 16 overbridges/underbridges.
- 22 underpasses.
- Accommodation of the proposed Great Southern Greenway Limerick walking and cycling route.
- Drainage culverts, pipes, ditches, ponds and drainage systems.
- Alterations to high voltage 220kV and 110kV electricity lines.
- Utility diversions including overhead and underground electricity lines, gas mains, watermains and communication cables.
- Realignment of existing roads, construction of access roads and accommodation works.
- Landscaping, fencing and installation of noise barriers.
- All associated ancillary and consequential works.

The proposed road development would be located in the County Limerick Electoral Divisions of Shanagolden, Craggs, Askeaton West, Lismakeery, Nantinan, Riddlestown, Rathkeale Rural, Rathkeale Urban, Dromard, Croagh, Adare North, Adare South, Clarina and Patrickswell and passing through the townlands of Durnish, Corrig, Ardaneer, Sroolane, Sroolane North, Robertstown, Rincullia, Ballinknockane, Craggs, Mulderricksfield, Ballyclogh (Askeaton West E.D.), Ballyellinan, Ballycullen, Cloonreask, Coolrahee, Lismakeery, Baunreagh, Ballynacaheragh, Milltown North, Boolaglass, Bullaun, Nantinan, Feeagh, Ardgoul South, Graigeen, Ballingarrane, Kyletaun, Rathkeale, Wolfesburgess East, Blossomhill, Rathkeale Commons, Croagh Commons, Clogh West, Amogan Beg,

Clogh East, Ballycannon, Croagh, Graigue (Croagh E.D.), Clonshire More, Gortnagrour, Clonshire Beg, Rower More, Tuogh (Adare North E.D.), Kilknockan, Curraghbeg, Curraghbridge, Islandea, Ardshanbally, Mondellihy, Gortaganniff, Adare, Kilgobbin, Rineroe, Monearla, Ballyloughnaan, Ballycarrane, Gorteen, Ballybronoge South and Attyflin, County Limerick.

## **DECISION**

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

## **REASONS AND CONSIDERATIONS**

In coming to its decision, the Board had regard to the following:

- (a) European, national, regional and local planning, transport, climate and other policy of relevance including in particular:

### **European Policy**

- Regulation (EU) No. 1315/2013 of the European Parliament and of the Council of 11<sup>th</sup> of December 2013 on Union guidelines for the development of the trans-European transport network (TEN-T regulation);
- Regulation (EU) 2021/1119 of the European Parliament and of the Council of the 30<sup>th</sup> of June 2021 establishing the framework for achieving climate neutrality and amending regulations (EC) No. 401/2009 and (EU) 2018/1999 (European Climate Law);
- Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive);
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive);
- Directive 2000/60/EC (Water Framework Directive);

## National, Regional and Local Policy

- Project Ireland 2040 incorporating the National Planning Framework (2018) (NPF) and the National Development Plan (2021-2030) (NDP);
- National Ports Policy (Department of Transport, Tourism and Sport (2013);
- Programme for Government – Our Shared Future (Government of Ireland, 2020);
- Smarter Travel: A Sustainable Transport Future (2009-2020);
- National Biodiversity Action Plan (2017-2021);
- Climate Action and Low Carbon Development Amendment Act 2021 amending Climate Action and Low Carbon Development Act 2015;
- Regional Spatial and Economic Strategy (RSES) for the Southern Region;
- Climate Action Plan 2021;
- Limerick County Development Plan 2022-2028,
- Adare Local Area Plan 2015-2021 (as extended until February 2024);

(b) the design, layout and alignment of the proposed Foynes to Limerick Road (including Adare bypass);

(c) the range of proposed mitigation measures set out in the Environmental Impact Assessment Report, Natura Impact Statement and Schedule of Commitments including the additional commitments added by the applicant during the oral hearing and the additional commitments recommended by the inspector and set out by the Board in this Order;

(d) the submissions made in relation to the application by all parties both in written format and at the oral hearing;

(e) the Inspector's report informed by the reports 'Assessment of significant effects on the environment in respect of Biodiversity' and 'Appropriate Assessment', dated the 10<sup>th</sup> of February 2022 prepared by Dr. Maeve Flynn (the Board's Senior Ecologist) and the Assessment Reports on Soils and Geology, Hydrology and Hydrogeology dated the 14<sup>th</sup> of February 2022 prepared by Mr. Jer Keohane (geotechnical specialist and hydrogeological engineer (external consultant)).

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

The Board noted that the proposed road development is not directly connected with or necessary for the management of a European Site.

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the Screening Report for Appropriate Assessment submitted with the application, the report and screening assessment as completed by the Board's Senior Ecologist (Appropriate Assessment) and as referenced in the Inspector's report that the following sites are the European Sites for which there is a likelihood of significant effects on:

- Lower River Shannon Special Area of Conservation (Site Code: 002165);
- The River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077);

There is uncertainty regarding the possibility of significant impacts on:

- Curraghchase Woods Special Area of Conservation (Site Code: 000174);
- Askeaton Fen Complex Special Area of Conservation (Site Code: 002279).

The Board concluded that Appropriate Assessment is required for these four European Sites.

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

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, including the further information response and submissions made to the oral hearing, and carried out an Appropriate Assessment of the implications of the proposed road development for European Sites in view of the conservation objectives for the sites. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment and to allow it to reach complete, precise and definitive conclusions for Appropriate Assessment.



In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposed development, both individually and in combination with other plans and projects, the mitigation measures which are included as part of the current proposal and additional mitigation measures recommended by the Inspector in view of the conservation objectives for the European Sites. In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out by the Board's Senior Ecologist (Appropriate Assessment) and as referenced in the Inspector's report, of the potential effects of the proposed road development on the aforementioned European Sites, having regard to the sites' conservation objectives. In overall conclusion, the Board was satisfied that the proposed road development would not adversely affect the integrity of the Lower River Shannon Special Area of Conservation (Site Code: 002165), the River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077), Curraghchase Woods Special Area of Conservation (Site Code: 000174), or Askeaton Fen Complex Special Area of Conservation (Site Code: 002279), in view of the conservation objectives of those sites and there is no reasonable scientific doubt as to the absence of such effects.

#### **Environmental Impact Assessment:**

The Board completed an Environmental Impact Assessment of the proposed road development taking account of:

- (a) the nature, scale, location and extent of the proposed road development;
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application for which approval is sought, including further information received and information presented at the oral hearing,
- (c) the submissions received during the course of the application and at the oral hearing,
- (d) the Inspector's report informed by the Biodiversity Assessment Report dated the 10<sup>th</sup> of February 2022 prepared by Dr. Maeve Flynn (the Board's Senior Ecologist) and the Assessment Reports on Soils and Geology, Hydrology and





Hydrogeology dated the 14<sup>th</sup> of February 2022 prepared by Mr. Jer Keohane (geotechnical specialist and hydrogeological engineer).

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives for the proposed road development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination set out in the Inspector's report of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant, and submissions made in the course of the application for approval.

#### **Reasoned Conclusions on Significant Effects:**

Having regard to the examination of the environmental information set out above, and in particular to the Environmental Impact Assessment Report and supplementary information provided by the applicant, and the submissions received from prescribed bodies, observers and affected landowners in the course of the application, including submissions made at the oral hearing, it is considered that the main significant direct, indirect or cumulative impacts of the proposed development on the environment are those that are set out below.

#### **Population and Human Health:**

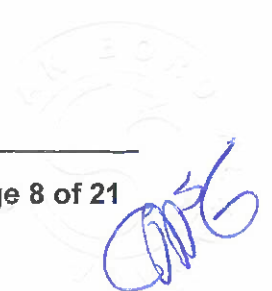
- Loss of dwellings. There are nine dwellings proposed for acquisition to make way for this project. This will result in profound to significant permanent negative impact on homeowners. This impact will not be avoided, mitigated, or otherwise addressed by means of condition. There is no mitigation for this impact within the Environmental Impact Assessment process
- At a community level, the project would result in significant positive impacts (benefits) on population and human health arising from the reduction of traffic on the existing road network.

*AMG*

- Negative impacts that are predicted to arise will be avoided, managed, and mitigated to an acceptable level by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. Therefore, the proposed development would not have any remaining unacceptable significant direct, indirect, or cumulative residual impacts in the short, medium and long term on population or human health.

### **Noise and Vibration:**

- During the construction phase, there would be an increase in noise levels as a consequence of the construction activity. Mitigation will include controlling noise levels at source in the first instance followed by the use of mitigation at sensitive properties to prevent exceedance of the applicable noise criteria/limit values. Contractual obligations will ensure that construction operations causing noise exceedance would be suspended until suitable protections are adopted to prevent any further exceedance. A designated noise liaison officer will be appointed to site during construction works.
- During operation, whilst the proposed road development would result in increased operational noise levels at noise sensitive locations along its route, with the incorporation of effective noise mitigation measures, traffic noise levels at or below the adopted Transport Infrastructure Ireland absolute noise design criterion of 60dB L<sub>den</sub> can generally be achieved.
- Vibration impacts from rock-breaking/blasting activities are rated as not significant and short-term in terms of building response, and up to significant over temporary periods in relation to human experience. A Public Communications Strategy will be implemented prior to the commencement of any blast works and property condition surveys will be offered for all buildings within 50 metres of the proposed development boundary and those within 150 metres of proposed blasting works along the project and Ballyclogh House.

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### **Biodiversity:**

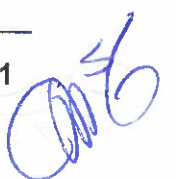
- Key ecological receptors including protected nature conservation sites and species, ecological sites and individual species have been assessed and appropriate mitigation measures has been put forward. Following implementation of mitigation measures outlined, the proposed road development would not result in any significant negative impacts on biodiversity within the study area.

### **Soils and Geology:**

- There will be impacts associated with the loss of soil along the route and the use of natural resources, including aggregates, to construct the proposed road development. These would be mitigated to some extent by the re-use of excavated materials in the construction process and potentially in the development of on-site borrow pits or the use of ground improvement methods. Other construction phase impacts would be avoided, managed and/or mitigated by the measures which form part of the proposed scheme. Therefore, it can be reasonably concluded that no significant adverse impacts would arise on soils or geology as a result of the construction phase of the development.

### **Water – Hydrology:**

- Surface water quality impacts arising from the construction phase and earthworks would be avoided, managed and/or mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures including the Environmental Operating Plan, and the Construction Erosion and Sediment Control Plan contained within that plan, and the additions to the Schedule of Environmental Commitments as well as through obtaining necessary consents and consultation with prescribed bodies including Inland Fisheries Ireland and Irish Water.



- During the operational phase, water quality impacts arising from road runoff or accidental spillages would be mitigated through the design of the drainage system for the proposed road development.
- It is demonstrated that with the adoption of the mitigation outlined, there is no risk that the surface water bodies would fail to achieve or maintain the environmental objectives set out in the Water Framework Directive as a result of the proposed development, alone or cumulatively with other projects.
- Subject to implementation of the mitigation measures proposed, it can be reasonably concluded that no significant adverse direct impacts would arise on water (hydrology) as a result of the construction and operational phases.

#### **Water – Hydrogeology:**

- Groundwater quality impacts arising from the construction phase and earthworks will be avoided, managed and/or mitigated by the measures that form part of the proposed scheme, the proposed mitigation measures including the Environmental Operating Plan and the Construction Erosion and Sediment Control Plan and the additions to the Schedule of Environmental Commitments.
- There will be impacts on a number of existing wells which will be lost as a result of the proposed development. This will be mitigated by the provision of replacement wells or alternative water sources, as appropriate.
- If a permanent reduction in yield at Craggs-Barrigone Group Water Scheme arises, and a suitable alternative borehole cannot be found, the developer has confirmed a permanent connection to the public water supply will be facilitated.
- Impacts on groundwater-dependent habitats will be avoided through the alignment and design of the proposed road development or mitigated through measures such as flow control and pollution control measures. There will be no groundwater lowering within groundwater bodies that support groundwater-dependent habitats within a European Site.

- It is demonstrated that with the adoption of the mitigation outlined, there is no risk that the ground water bodies would fail to achieve or maintain the environmental objectives set out in the Water Framework Directive as a result of the proposed development, alone or cumulatively with other projects.

#### **Archaeology, Architectural and Cultural Heritage:**

- There would be potentially significant negative direct and indirect impacts on a number of archaeological and built heritage sites which will be mitigated by exclusion zones, measured surveys, monitoring of works as appropriate, written and photographic records, a programme of archaeological test excavations carried out under the supervision of a project archaeologist and in accordance with Ministerial Directions issued to Limerick City and County Council under Section 14A(2) of the National Monuments Acts (1930 – 2014), preservation in situ or preservation by excavation/record and underwater or wade surveys on 12 streams carried out in accordance with Ministerial Directions issued to Limerick City and County Council under Section 14A(2) of the National Monuments Acts (1930 – 2014).

#### **Air Quality and Climate:**

##### Air Quality

- In respect of air quality, the residual impacts on air quality during construction and operation phases would be no greater than imperceptible for the construction and operation phases.
- Potential air quality impacts would be avoided, managed and mitigated by the measures that form part of the proposed scheme, the proposed mitigation measures such as the Dust Management Plan and the commitments set out in the Schedule of Environmental Commitments and through suitable conditions.

## Climate

- The proposed road development has been assessed having regard to European, national, regional and local policy and to the greenhouse gas emissions that would be generated by the construction and operation of the proposed road development. Noting the applicant's commentary at the oral hearing that the construction and operation phases of the proposed development would be likely to have a significant negative impact on climate and the calculations set out in the Inspector's assessment that the environmental effects on climate would be short-term moderate adverse during construction (where the greenhouse gas emissions are highest) and slight adverse during operation and having regard to the objectives of the project and the strong policy support for the project at an European, national, regional and local level, the Board was satisfied that the climate impact of the proposed development would not be so significant as to have a long-term detrimental impact on the Government's ability to meet its 2030 and 2050 carbon emission targets and would not be so significant of itself as to warrant a refusal having regard to the totality of the assessments carried out and to the relevant European, national, regional and local policy contexts. In completing its assessment, the Board determined that an approval for the proposed development would be consistent with national climate ambitions and with the relevant provisions of the Climate Action Plan 2021 and, noting in particular Chapter 15 which states that the Climate Action Plan for transport will support and build from several key national policy plans that are driving the necessary changes, including inter alia Project Ireland 2040 and the National Planning Framework. Furthermore, the Board has performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Act 2021.
- In respect of climate adaptation, the proposed road development has been designed to current construction and design standards such that it would be resilient to impacts arising from predicted future severe weather events and climatic conditions. Flood risk has been considered in the hydrology assessment where the risk is deemed to be very low.

### **Material Assets and Land – Agriculture:**

- The acquisition of the land required to construct the proposed road development would have a range of negative impacts on farms and their landowners and occupants, including impacts that are profound, very significant and significant. Other related impacts arise because of issues such as severance, impacts on farm viability, disruption and impacts on the availability of services. Following mitigation, significant impacts are predicted to remain for 22 landowners. There is no mitigation for this impact within the Environmental Impact Assessment process.
- Impacts on horses can arise from abnormal noise and visual stimuli during the construction and operation phase of the development and that this may be quite intrusive to horses in the immediate vicinity. However, horses are adaptive to environmental changes and quickly adapt to aural and visual stimuli. In this regard and following mitigation proposed, including noise barriers and supplementary equine barriers where deemed required, impacts would be reduced to an acceptable level so that no significant impacts would arise on equine enterprises from noise or visual stimuli.
- The results of the nine equine property assessments found that with the adoption of mitigation, four holdings would be significantly impacted (three directly and one indirectly). These impacts are due primarily to land loss and land severance, loss of direct access, and in one case acquisition of a farmyard and farm buildings which cannot be mitigated through the Environmental Impact Assessment process. These impacts are typical of other major road infrastructure development projects and are acceptable when the wider public interest that would be served by the project is considered.

### **Material Assets and Land – Non-Agriculture:**

- The proposed loss of non-agricultural land and property, following the implementation of mitigation measures where applicable, would result in significant or profound level of impact on 15 non-agricultural properties. These impacts include the combined acquisition of nine dwelling houses (including



two uninhabited) from agricultural and non-agricultural lands/properties where no mitigation is available. There is no mitigation for this impact within the Environmental Impact Assessment process.

- With respect to the acquisition/demolition of houses, this would result in a significant to profound permanent negative impact on homeowners. This impact will not be avoided, mitigated or otherwise addressed by means of condition. There is no mitigation for this impact within the Environmental Impact Assessment process.
- The acquisition of land/development land and the reduction in area of a commercial building, will result in a significant permanent negative impact. This impact will not be avoided, mitigated or otherwise addressed by means of condition. There is no mitigation for this impact within the Environmental Impact Assessment process.

#### **Traffic:**

- The proposed road development would reduce the level of traffic on the existing road network, as traffic including a high-volume of heavy-goods vehicles, would transfer to the proposed road development. This would lead to significant impacts including improved road safety, accessibility, improved journey times and journey reliability. The proposed road development would also result in improved safety for pedestrians and cyclists due to reduction in traffic along the existing road network.

#### **Landscape and Visual:**

- The construction phase of the proposed road development would result in a range of landscape and visual impacts on certain landscapes and receptors, including significant and profound impacts during construction. The mitigation measures proposed during this phase will have limited effect due to the nature and scale of the proposed development, and it is considered that the negative landscape and visual impacts would continue during the construction phase. As planting becomes established, visual impacts would be reduced to no



greater than moderate for the majority of receptors, however, significant impacts would remain on four properties adjacent to structures where the structures would remain visible in views for the long-term. Notwithstanding the inability of the proposed measures to mitigate the visual impact of the proposed road development on these properties, it is considered that the residual impacts following mitigation would not outweigh the public benefit of the proposed development and would be acceptable.

#### **Vulnerability to Major Accidents and Disasters:**

- The proposed road development, while a major engineering project requiring large scale earthworks, is not of a type likely to cause significant effects on the environment arising out of major accidents or disasters within the meaning of the Environmental Impact Assessment Directive and the Roads Act 1993, as amended. This is particularly so as the project has been designed with a demonstrated knowledge of the baseline environment. Furthermore, it is designed to modern engineering standards and on the basis of avoiding significant environmental effects and adopting appropriate mitigation measures.

#### **Cumulative Impacts and Impacts from interactions:**


- It is considered that effects as a result of interactions, indirect and cumulative effects can be avoided, managed or mitigated by the measures which form part of the proposed road development, the proposed mitigation measures detailed in the Environmental Impact Assessment Report, additional documentation furnished in the course of the application, further information and oral hearing and within conditions set out in this Order. There is, therefore, nothing to prevent the approval of the development on the grounds of significant environmental effects as a result of interactions between the environmental factors and as a result of cumulative impacts or impacts arising from interactions between environmental factors.



Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the significant negative residual impacts in respect of various environmental matters as set out above, it is considered that these environmental impacts would not justify a refusal and are deemed acceptable having regard to the overall benefits of the proposed road development including its identified strategic importance at European, national, regional and local level, its role in alleviating congestion through Adare and its role in facilitating sustainable population and economic growth for Limerick and the southern region, as identified in the National Planning Framework and the Regional and Spatial and Economic Strategy for the southern region. These matters outweigh the negative impacts identified in relation to the construction and operation of the proposed road development.

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

The proposed road development would deliver a key component of the strategic TEN-T route that is necessary to allow for improved connectivity of the road-based element of transport infrastructure across the region and nationally and to link forward with European strategic road-based infrastructure. It is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with European, National, Regional and local planning policies, that the need, justification and purpose of the proposed road development has been adequately demonstrated, that the proposed road development is acceptable in terms of its likely effects on the environment and that an approval for the proposed development would be consistent with national climate ambitions and with the relevant provisions of the Climate Action Plan 2021 and, noting in particular Chapter 15 which states that the Climate Action Plan for transport will support and build from several key national policy plans that are driving the necessary changes, including inter alia Project Ireland 2040 and the National Planning Framework. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



## CONDITIONS

1. (a) The proposed development shall be carried out and completed in accordance with the plans and particulars, including the mitigation measures specified in the Environmental Impact Assessment Report and the Natura Impact Statement lodged with the application to An Bord Pleanála on the 11<sup>th</sup> day of December, 2019, as amended by the plans and particulars submitted to An Bord Pleanála on the 30<sup>th</sup> day of September, 2020, and as further stated and clarified in the Schedule of Commitments submitted by the road authority to the oral hearing on the 16<sup>th</sup> day of February, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be prepared by the roads authority, these details shall be placed on file prior to commencement of development and retained as part of the public record.
- (b) The updated Schedule of Commitments to include the mitigation measures outlined in the Environmental Impact Assessment Report, the schedule of commitments submitted by the road authority to the Board on the 16<sup>th</sup> day of February 2021, during the oral hearing, and as required through conditions contained in this schedule, shall be implemented in full and shall be placed on the file and retained as part of the public record.

**Reason:** In the interest of clarity and environmental protection.

2. The Environmental Operating Plan (EOP) included in Appendix 4.1 of the Environmental Impact Assessment Report shall be finalised by the appointed contractor and shall be subject to formal approval by the road authority. Any deviations shall not cause an exceedance of the environmental effects committed to in the Environmental Impact Assessment Report and Environmental Operating Plan that accompanied the application. It shall include all of the mitigation measures prescribed in the Environmental Impact Assessment Report and the Natura Impact Statement, as added to by



additional environmental commitments submitted to An Bord Pleanála at the oral hearing on the 16<sup>th</sup> day of February, 2021. It shall also include the additional measures stipulated in the conditions of this approval. The EOP shall be placed on file prior to commencement of development and retained as part of the public record.

The Environmental Operating Plan shall be implemented by the appointed contractor throughout the duration of the construction phase.

**Reason:** In the interest of clarity and environmental protection.

3. (a) At detailed design stage, the road authority shall engage with Irish Water to agree adequate protection of existing significant assets and ensure appropriate access is maintained during and following construction. All works that would impact Irish Waters Assets shall be carried out in compliance with Irish Water Standards and Codes of Practice.
- (b) Where the road authority proposes a temporary or permanent connection to public water/wastewater network operated by Irish Water, it shall enter into a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

**Reason:** In the interest of public health.

4. The Schedule of Environmental Commitments shall be updated to incorporate the following additional commitments:

**Air Quality (Dust)**

- a) Item Number 13.3 (Monitoring) of the Mitigation and Monitoring Measures set out in Chapter 19 of the Environmental Impact Assessment Report shall be amended to read as follows: Dust deposition monitoring shall be conducted at nearby sensitive receptors (residential dwellings) during the construction phase of the proposed road development.
- b) Monitoring shall be carried out using the Bergerhoff method in accordance with the requirements of the German Standard VDI 2119 on a 30-day average. Results shall be compared to the TA Luft guidelines. Should an exceedance of the TA Luft limit (350mg/m<sup>2</sup>/day across a 30 day average) occur to dust levels, additional environmental commitments shall be implemented. At least one month of dust deposition survey shall be carried out in advance of the commencement of works to determine the baseline.

**Biodiversity**

- c) The road authority shall develop and implement a post-construction monitoring programme for Barn Owl in line with the methods specified in the Transport Infrastructure Ireland publication titled 'The interactions between Barn Owls and major roads: informing management and mitigation' (2021).

**Cultural Heritage**

- d) A detailed written and photographic record shall be made of Cultural Heritage Asset CH 63, a vernacular building within Table 14.8 (Cultural Heritage Site within the receiving environment) of Chapter 14 of the Environmental Impact Assessment Report, together with its setting shall be undertaken.

**Landscape**

- e) Any redundant sections of the disused road network shall be reinstated as grassland, scrub or woodland.



### Other

- f) Where the local road would be realigned onto a bridge at Islandea (ch.60+300 to ch.60+400) on Figure 16.9 of Volume 3 of the Environmental Impact Assessment Report, a set of steps shall be included to enable local access on a shorter route onto the bridge than the access track on the western side.
- g) Environmental Commitment OH.48 shall be updated to include a pre- and post- condition survey for the slatted tanks/slurry storage for landholding reference number 215 on the Foynes to Rathkeale protected road scheme 2019.

**Reason:** In the interests of the proper planning and sustainable development of the area and environmental protection.

- 5. During the construction phase, persons with key roles to oversee the relevant aspects of the project, including the environmental commitments that have been committed to in the Environmental Impact Assessment Report, Natura Impact Statement and the application generally, shall be appointed. The appointments shall include the following:
  - (a) A Site Environmental Manager (SEM) who shall be an competent person and shall oversee that the environmental commitments and the Environmental Operating Plan are fully executed for the duration of works. The SEM shall provide independently verifiable audit reports that shall be made available for inspection or audit by the road authority, the National Parks and Wildlife Service and Inland Fisheries Ireland staff, as appropriate. All inspections, monitoring and results shall be recorded and shall be placed on the file and retained as part of the public record.
  - (b) An Ecological Clerk of Works (ECoW). During the preparation of the Contractor's Environmental Operating Plan, the Site Environmental Manager may, as appropriate, assign other duties and responsibilities to the Ecological Clerk of Works. In exercising his or her functions, the Ecological Clerk of Works will be required to keep a monitoring file and this will be made available for inspection or audit by the road authority, the National Parks and Wildlife





Service and Inland Fisheries Ireland, as appropriate, at any time and shall be placed on the file and retained as part of the public record.

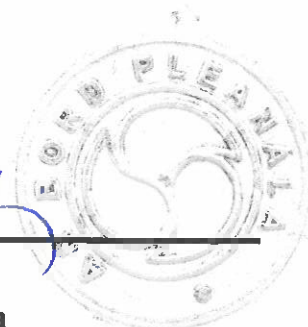
- (c) A qualified Veterinary surgeon with equine expert specialism to liaise with landowners who own or operate equine farms/enterprises with an equine element to ensure that equine welfare is adequately addressed during the construction phase of the development.

**Reason:** In the interests of clarity, the proper planning and sustainable development of the area and environmental protection.



**Chris McGarry**

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



**Dated this**

**30<sup>th</sup>** day of **August**

**2022**