



An
Bord
Pleanála

Board Order ABP-311746-21

Planning and Development Acts 2000 to 2021

Planning Authority: Waterford City and County Council

APPLICATION by Waterford City and County Council for approval under section 226 of the Planning and Development Act, 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and a Natura Impact Statement, lodged with An Bord Pleanála on the 22nd day of October 2021.

PROPOSED DEVELOPMENT: Development of circa 1.1 kilometres of flood protection measures located along the northern bank and within the foreshore of the River Suir. The development extends for approximately 1 kilometre to the west and 100 metres to the east of the Plunkett Railway Station, Waterford City. The design flood level of the proposed flood protection measures is 4.0 metres OD (metres above Ordnance Datum), with the top-of-the-wall flood protection measures of 4.30 meters OD. The proposed flood protection measures will consist of:

- Construction of circa 365 metres of impermeable shallow underground trench (1 metre wide and up to 3 metres deep) within CIÉ's Plunkett Station car parking areas in vicinity of the Railway Platform Canopy (RPS number 709), Post Box (RPS number 1036) and Signal Box (RPS number 571).
- Total of circa 185 metres of overground flood defence measures consisting of:
 - Circa 170 metres of glass flood barriers (each barrier is approximately 1.5 metres in length and 0.7 metres in height) fitted on the river side of

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the road edge vehicular parapets on R680 Rice Bridge roundabout and along the 3 roundabout arms, R448 Terminus Street, R711 Dock Road and R680 Rice Bridge.

- Circa 15 metres of demountable flood barriers on the R680 Rice Bridge (leading to the Waterford North Quays Strategic Development Zone)
- Remedial works to circa 75-meter section of existing quay wall in front of the Plunkett Station car parking area by raising its height to between 0.6 metres and 1.2 metres to conform with the top-of-wall flood protection measures of 4.30 metres OD.
- Construction of circa 730 metres of sheet pile flood defence wall with the top-of-the wall level at 4.30 metres OD consisting of:
 - Circa 540 metres of sheet pile wall within the foreshore, 1 metre from the front face of the existing quay wall. The space between the sheet pile wall and the front face of the existing quay wall will be filled with clean imported granular fill. The intertidal zone of the sheet pile wall within the foreshore will be fitted with pre-cast concrete cladding material ("eco-seawall").
 - Demolition of up to 3 metres of existing quay wall at transition point between the landside and riverside sheet pile wall.
 - Circa 190 metres of sheet pile wall will be installed on CIÉ's land, 1 metre behind the existing quay wall. Construction of a circa 20 metre underground isolation structure consisting of a sheet pile cut-off wall and a concrete capping beam. The concrete capping beam will facilitate the installation of temporary overground flood barriers to the structure should these be required to be implemented during a flood event.
- Drainage works will consist of:
 - Remedial works to the existing drainage outfalls to the River Suir by extending them to reach an outlet within the new sheet pile wall and/or retrofitted to pass through the new sheet pile wall.

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- Construction of new trackside drainage and groundwater drains to include 2 number pumping stations and 3 number surface water outfalls to the River Suir.
- All drainage outfalls (new and existing) will be fitted or retrofitted with non-return valves.
- Demolition of the existing quay wall to approximately 800 millimetres below the existing ground level. The demolition of approximately 25 metres of the existing quay wall to a level of between 2 to 4 metres below existing ground level to facilitate the construction of a surface water pumping station.
- And all ancillary works.

All in the townland of Mountmisery in County Waterford and the townland of Newrath in both Counties Kilkenny and Waterford.

DECISION

APPROVE the above proposed development based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had particular regard to the relevant policies and objectives including the following:

- (a) EU Directive on the Assessment and Management of Flood Risks (2007/60/EC),
- (b) the EU Habitats Directive (92/43/EEC),
- (c) the EU Water Framework Directive (2000/60/EC), as amended,
- (d) the European Communities (Birds and Natural Habitats) Regulations 2011-2015,

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- (e) the Government's Climate Action Plan 2023,
- (f) the National Planning Framework Plan 2018-2040,
- (g) the National Development Plan 2021-2030,
- (h) the National Biodiversity Action Plan, 2022,
- (i) Regional Spatial and Economic Strategy for the Southern Region 2020,
- (j) the policies of the planning authority as set out in the Waterford City and County Development Plan 2022 to 2028,
- (k) the policies of the planning authority as set out in the Kilkenny City and County Development Plan 2021 to 2027,
- (l) the distance to dwellings or other sensitive receptors,
- (m) the submissions made in connection with the application,
- (n) 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,
- (o) the report and recommendation of the Inspector.

Appropriate Assessment Stage 1:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the following European Sites are the only sites for which there is a possibility of significant effects and must therefore be subject to appropriate assessment:

- Lower River Suir Special Area of Conservation (Site Code: 002137)
- River Barrow and River Nore Special Area of Conservation (Site Code: 002162)

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Appropriate Assessment Stage 2:

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed flood relief development for European Sites in view of the site's conservation objectives, namely:

- Lower River Suir Special Area of Conservation (Site Code: 002137)
- River Barrow and River Nore Special Area of Conservation (Site Code: 002162)

The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's conservation objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (i) the site-specific conservation objectives for these European Sites,
- (ii) the current conservation status, threats, and pressures of the qualifying interest features,
- (iii) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and
- (iv) the mitigation measures which are included as part of the current proposal,

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, 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 any European Sites in view of the site's

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conservation objectives 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 development taking account of:

- (a) the nature, scale, location and extent of the proposed development on a site,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies, and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the local authority, adequately considers alternatives to the proposed 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 local authority and submissions made in the course of the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Significant positive environmental impacts would likely arise for Waterford City and environs during the operational phase by the provision of a flood defence system along the river.

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- The risk of pollution of ground and surface waters during the construction phase which would be mitigated by the implementation of measures set out in the Environmental Impact Assessment Report and the final Construction and Environment Management Plan which include specific provisions relating to groundwater, surface water and drainage.
- Noise, vibration and dust during the construction phase would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report and the final Construction and Environment Management Plan which include specific provisions relating to the control of noise, vibration and dust.
- Biodiversity impacts, including on habitats, flora and fauna (including terrestrial and aquatic wildlife), would be mitigated by the implementation of specific mitigation to protect such habitats, flora and fauna (including pre-construction surveys, timing and seasonality of works, drainage and runoff management, the management of artificial lighting, buffers and the appointment of a project ecologist), during the construction and operational phases.
- The increase in vehicle movements and resulting traffic during the construction phase would be mitigated by the preparation of a Construction Traffic Management Plan.
- Landscape and visual impacts would arise during the operational phase from the insertion of the flood defence walls into the urban and riparian landscape, however, the scale, design and linear layout of the project would assist in assimilating the works into the landscape.
- The impacts on residential amenity during the construction phase would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report and the final Construction and Environment Management Plan which include specific provisions relating to the control and management of dust, vibration, noise, water quality and traffic movement.
- The impact on cultural heritage would be mitigated by terrestrial and underwater archaeological pre-testing and monitoring with provision made for resolution of any archaeological features or deposits that may be identified.

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- Positive environmental impacts would arise during the operational phase from the installation of robust flood defence measures.

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

Proper Planning and Sustainable Development

It is considered that subject to compliance with the conditions set out below the proposed development would accord with European, national, regional and local planning and environmental policy, would give rise to significant positive benefits for the proper planning and sustainable development of Waterford City and environs during the operational phase by the provision of a flood defence system along the river. It is further considered that the proposed development would not have an unacceptable impact on the landscape or ecology, would not seriously injure the visual or residential amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety for all road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 22nd day of October, 2021, and the submission received from the local authority on the 17th day of August, 2022 in response to the submissions received, 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 the environment.

2. The local authority shall ensure that all construction methods and environmental mitigation measures set out in the Environmental Impact Assessment Report, the Natura Impact Statement and associated documentation are implemented in full, save as may be required by the conditions set out below.

Reason: In the interest of the protection of the environment.

3. The services of a suitably qualified and experienced Ecologist shall be retained to undertake pre-construction surveys at the various project elements immediately prior to commencing work in order to check for the presence of protected species in the vicinity (including Otter, Bat and Birds). In-stream works shall be carried out in accordance with the requirements of Inland Fisheries Ireland and vegetation clearance should not take place during the bird nesting season. Derogation Licences shall be obtained for the removal of any Bat roosts or Otter holts.

Reason: In the interest of protecting ecology and wildlife in the area.

4. The following additional ecological requirements shall be complied with:
 - (a) The local authority shall continue to consult with the National Parks & Wildlife Service in relation to the provision of replacement Annex 1 Mudflat habitat (Mudflats and sandflats not covered by seawater at low tide) within the River Suir.

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- (b) Pile driving mitigation measures to reduce impacts on aquatic habitats and terrestrial and aquatic species shall be implemented (including soft start, vibrating hammer and bubble curtain).
- (c) Bat boxes and tubes shall be provided along the flood defence walls and their use and uptake shall be monitored annually over a 5-year period focusing on occupancy of bat tubes (usage & species determination) as well as presence of foraging bats, and the survey results shall be submitted to Minister for Housing, Local Government and Heritage.

Reason: In the interest of protecting ecology and wildlife in the area.

- 5. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be finalised prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise, vibration, dust and odour monitoring and management measures, traffic management, protection of wayleaves, an invasive species management plan and off-site disposal of construction, demolition and post examination river dredge waste. Structural surveys at sensitive receptors shall be undertaken to establish their condition and tolerance for vibration impacts before works commence. A construction noise management plan and a contingency plan for remedial action shall be prepared in the event that monitoring levels indicate an exceedance of limits, before works commence.

Reason: In the interests of public safety and residential amenity.

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6. (a) The measures contained in the Draft Archaeological Strategy in relation to underwater and terrestrial archaeology that was received by the Board on the 17th day of August, 2022 shall be fully implemented.
- (b) The preservation, recording and protection of archaeological materials or features that may exist within the site shall be facilitated, and all excavated material from the riverbed shall be spread at the work compounds (or other suitable location) and metal detected to assess the artefact bearing potential. In this regard, a suitably qualified archaeologist shall be retained to monitor all site investigations and other excavation works and provide arrangements for the recording and for the removal of any archaeological material considered appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

Patricia Calleary

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



Dated this *2nd* day of *February* 2023