

An  
Bord  
Pleanála

## Board Order ABP-319450-24

### Planning and Development Acts, 2000 to 2022

#### Planning Authority: Carlow County Council

**Application** by Carlow 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 3<sup>rd</sup> day of April 2024.

**Proposed Development:** The proposed upgrade and enhancement of Tullow Town Park facilities/features to consist of:

- construction of demarcated and enhanced network of cycle and pedestrian paths of asphalt surfacing and locally sourced grey stone aggregates, leading to a sequence of outdoor spaces laid out along the length of the park,
- construction of partially sheltered concrete surfaced outdoor event/classroom space with feature designed shelter/canopy, centrally located feature concrete surfaced skate park, 2 number feature hardwood decking viewing platforms/steps to the River Slaney, a kickabout soft landscaped lawn area which also facilities land drain/swale and flood area, and a sport fenced enclosed multi-use games court to include football and basketball goals,
- removal of trees of poor condition, where views into the park can be increased, and for facilitating the structural upgrade and enhancement works proposed, and,

- retention of existing trees described as Riverbank due to the binding nature of the tree roots and the adjacent River Slaney riverbank.

The public realm upgrade and enhancement works also provide up upgrading of existing footpaths, demarcated natural stone aggregates feature paved areas, raised seating areas, raised planting areas, seats and benches, timber top 'picnic' table and seating facilities, a variety of soft landscaping features (grass lawn, native meadow, ornamental grasses and perennials), and all associated infrastructure/services and site development works above and below ground level, including sustainable urban drainage services (grasscrete, tree pit, land drain/swale and rain garden solutions, public lighting and closed – circuit television (CCTV) infrastructure.

Pedestrian and cyclist access to the proposed development will be maintained via the existing walkway access from Abbey Street (the N81 National Road) to the north, the existing walkway bridge over the River Slaney from Tullow Street to the east, and the existing walkway from Abbey Street (the N81 National Road) to the west adjacent to the Tesco Tullow Supermarket.

All located at Tullow Town Park located west side of the River Slaney, Tullowbeg, Tullow, County Carlow.

## **Decision**

**APPROVE** the above proposed 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) the European Union Habitats Directive (92/43/EEC),
- (b) the European Communities (Birds and Natural Habitats) Regulations 2011, as amended,
- (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 objectives, qualifying interests and special conservation interests for the Slaney River Valley Special Area of Conservation (Site Code: 00781),
- (e) the policies and objectives of the Carlow County Development Plan, 2022-2028,
- (f) the Climate Action Plan 2024,
- (g) the nature and extent of the proposed works as set out in the application for approval,
- (h) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement, and
- (i) the report and recommendation of the Inspector

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

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Slaney River Valley Special Area of Conservation (Site Code: 00781), is the only European Site in respect of which the proposed development has the potential to have a significant effect.

## **Appropriate Assessment Stage 2:**

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, 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 Slaney River Valley Special Area of Conservation (Site Code: 00781), 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 Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of 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.

## **Proper Planning and Sustainable Development/Likely effects on the environment:**

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not give rise to increase in flood risk, 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 and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation and monitoring measures identified in the Ecological Impact Assessment and Natura Impact Statement submitted with the application shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

**Reason:** In the interests of protecting the environment, the protection of European Sites and in the interest of public health.

3. A suitably qualified ecologist shall be retained by the local authority to effectively oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology. Upon completion of works, an ecological report of the site works shall be

prepared by the appointed ecologist to be kept on file as part of the public record.

**Reason:** In the interests of nature conservation and biodiversity.

4. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the project ecologist and relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and Ecological Impact Assessment and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include;
  - (a) all mitigation measures indicated in the Natura Impact Statement and Ecological Impact Assessment,
  - (b) location and extent of silt fencing to be installed on site, and
  - (c) specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

**Reason:** In the interests of protecting the environment and the European Site.



5. The following nature conservation requirements shall be complied with:
  - (a) Prior to the commencement of development, details of measures to protect fisheries and water quality of the river system shall be outlined and placed on file. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.
  - (b) No vegetation removal shall take place during the period of the 1<sup>st</sup> day of March to the 31<sup>st</sup> day of August (inclusive) without the written approval of the ecologist. Such approval shall be placed on the public file.

- (c) A pre-construction otter survey by a suitably qualified ecologist shall be carried out before works commence.
- (d) A pre-construction bat survey shall be carried out by a suitably qualified ecologist during the active bat season, and,
  - i. any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister of Housing, Local Government and Heritage.

**Reason:** In the interests of biodiversity and nature conservation.

- 6. The local authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should 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 Sites.

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

Dated this 23<sup>rd</sup> day of September, 2024