

An
Coimisiún
Pleanála

Commission Order ABP-321416-24

Planning and Development Act, 2000, as amended

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 Coimisiún Pleanála on the 3rd day of December 2024.

Proposed Development: The proposed development known as the N80 Leagh Bends Scheme will consist of:

- Realignment and upgrading of approximately 3 kilometres of the N80 National Secondary Route between Graiguenaspiddoge and Castletown.
- Realignment of the Graiguenaspiddoge and Castletown Crossroads.
- Diversion of the Kilmeany Stream and replacement of the existing culvert with a new culvert crossing the N80.
- Provision of drainage system including attenuated outfalls.
- Provision of all necessary ancillary civils works, and accommodation works.

All located in the townlands of Graiguenaspiddoge, Castletown, Leagh, Ballybeg, Kilballyhue, and Kilcoole, County Carlow.

Decision

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

Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission had regard to:

- (a) Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State,
- (b) the European Union Habitats Directive (92/43/EEC),
- (c) the European Union (Birds and Natural Habitats) Regulations 2011, as amended,
- (d) 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,
- (e) the conservation objectives, qualifying interests and special conservation interests for the Slaney River Valley Special Area of Conservation (Site Code: 000781), the Blackstairs Mountain Special Area of Conservation (Site Code:

000770) and the River Barrow and River Nore Special Area of Conservation (Site Code: 002162),

- (f) the policies and objectives of Project Ireland 2040 National Planning Framework,
- (g) and policies and objectives of the Regional Spatial and Economic Strategy for the Southern Region,
- (h) the policies and objectives of the Carlow County Development Plan 2022-2028,
- (i) the nature and extent of the proposed works as set out in the application for approval,
- (j) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (k) the submissions and observations received in relation to the proposed development, and
- (l) the report and recommendation of the person appointed by the Commission to make a report and recommendation on the matter.

Appropriate Assessment: Stage 1:

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), 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 Commission 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 Commission completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), in view of the Site's conservation objectives.

The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission 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 Commission 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 Commission 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 and 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 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, would not interfere with

the existing land uses in the area and would not interfere with traffic and pedestrian safety.

The proposed development would improve road safety on this section of the N80 national road and would result in an improved environment for the surrounding residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed road 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, commitments and recommendations set out in the Natura Impact Statement submitted with the application shall be implemented in full as part of the proposed road development. 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 interest of protecting the environment, the protection of European Sites and in the interest of public health.

3. The mitigation and monitoring measures identified, commitments and recommendations set out in the Planning Report and associated documentation submitted with the application shall be implemented in full as part of the proposed road development. 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 interest of protecting the environment and in the interest of public health.

4. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed road development and implementation of mitigation measures relating to ecology. The ecologist shall be present during the works. 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.

5. 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,
 - (c) specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness, and
 - (d) a Waste Management Plan.

Reason: In the interest of protecting the environment and the European Site.

6. 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 1st day of March to the 31st day of August (inclusive) without the written approval of the Ecological Clerk of Works. 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, 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.

7. The preservation, recording, and protection of archaeological materials or features that may exist within the site shall be facilitated. In this regard, the following archaeological requirements shall be complied with;
- (a) All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 14 and Appendix 16 of the Planning Report (dated November 2024) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.

- (b) A Project Archaeologist shall be appointed to oversee and advise on all aspects of the scheme from design, through inception to completions.
- (c) The Project Archaeologist shall liaise with the National Monuments Service of the Department and the local authority to agree in advance an overall strategy for archaeological works to be carried out both in advance of and in parallel with construction of the development.
- (d) This shall include the scope of any Advance Test Excavation, Advance Underwater/Wade Surveys, Advance Metal Detection Surveys and Archaeological Monitoring as well as any additional mitigation measures that may be required to protect archaeological heritage. This shall include the location, extent and method of demarcation for any Exclusion Zones around the external-most elements of vulnerable Heritage Assets that are to be preserved in situ.
- (e) The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 14 and Appendix 16 of the Planning Report (dated November 2024) and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
- (f) The National Monuments Service of the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological
- (g) work on site and any necessary post-excavation specialist analysis, and this shall also be kept on file as part of the public record. All resulting and associated archaeological costs shall be borne by the local authority.

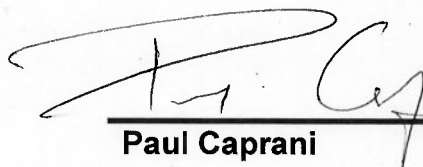
Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. 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.

9. All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice. Note that Uisce Éireann does not permit Build Over of its assets. Where the local authority proposes works or build over existing water or wastewater services, the local authority shall have received a written Confirmation of Feasibility from Uisce Éireann prior to any works commencing.

Reason: To protect the public water and wastewater facilities.



Paul Caprani

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 13th day of November 2025