



Roads Acts, 1993 to 2015

Planning and Development Acts, 2000 to 2017

Planning Authority: Kildare County Council

Application by Kildare County Council for approval under section 51 of the Roads Act 1993, as amended, in accordance with plans and particulars, including an environmental impact statement and Natura impact statement, lodged with An Bord Pleanála on the 21st day of April, 2017.

Proposed Road Development: The provision of a new distributor road comprising inter alia:

- 3.4 kilometres of single carriageway road forming the Athy Distributor Road
- Four kilometres of single carriageway road realignment of the N78 National Secondary Road
- 0.7 kilometres of local/regional road improvements/realignments/tie-ins
- Two all movements at grade signalised junctions
- Two new roundabout junctions and connection to one existing roundabout
- Provision of 3.4 kilometres of segregated shared cyclist and pedestrian facilities and an additional 0.7 kilometres of segregated shared pedestrian and cycle links to existing infrastructure
- Structures
 - Including an 80-metre single span bridge crossing of the River Barrow
 - A two-span bridge crossing of the Dublin-Waterford railway crossing
 - A new culvert crossing of the Bennetsbridge Stream

- The repair and refurbishment of the existing disused railway bridge crossing of the River Barrow, a protected structure
- Roads associated earthworks – including the excavation of unacceptable material, importation of material, provision of material deposit areas
- Provision of road pavement, signing, lining and ancillary works
- Provision of fencing and safety fencing works, drainage works, landscaping works and environmental measures
- Diversion of utilities and services including the diversion of a 110kV overhead powerline at the N78, including the provision of associated poles and support towers
- Construction of accommodation works, including the provision of a replacement 280-metre long railway siding, agricultural access tracks and ancillary accommodation works
- All other ancillary works

All between the townlands of Bennetsbridge and Gallowshill and passing through the townlands of Blackparks, Ardrew, Bleach, Athy Urban, Coneyburrow, Chanterlands and Townparks, County Kildare.

Decision

Approve the above proposed road development based on the reasons and considerations under and subject to the condition 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 national, regional and local strategic road policies and objectives, inclusive of those set out in the National Development Plan, National Spatial Strategy, Smarter Travel - A Sustainable Transport Future, the National Cycle Policy Framework 2009-2020, the Road Safety Authority Road Safety Strategy 2013-2020, Transport Strategy for the Greater Dublin Area 2016 to 2035, the Regional Planning Guidelines for the Greater Dublin Area 2010-2020, the Athy Town Development Plan 2012-2018, and Kildare County Development Plan 2017-2023,
- (b) the scheme constituting a key transportation element for the relief of existing traffic congestion in the town of Athy,
- (c) the design, layout and alignment of the proposed road development minimising the impact of the development on the River Barrow and River Nore Special Area of Conservation,
- (d) the range of proposed mitigation measures set out in the submitted environmental impact statement, Natura impact statement, and Schedule of Commitments, and
- (e) the submissions made in relation to the application and the report and recommendation of the Inspector.

Appropriate Assessment:

The Board agreed with 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 road 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 road 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 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 road 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 Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed road development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed road 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.

Environmental Impact Assessment:

The Board considered that the environmental impact statement submitted with the application, supported by the Schedule of Commitments, the report, assessment and conclusions of the Inspector with regard to this file, and other submissions on file, were adequate in identifying and describing the direct and indirect effects of the proposed road development. The Board completed an environmental impact assessment, and agreed with the Inspector's assessment of the likely significant effects of the proposed road development, and agreed with the Inspector's conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board concluded that the effects on the environment of the proposed road development would be acceptable. The Board adopted the report of the Inspector.

Proper Planning and Sustainable Development:

It is considered that, subject to compliance with the condition set out below, the proposed road development

- would represent an appropriate response to chronic traffic congestion in Athy,
- would provide appropriate and enhanced connectivity for pedestrians and cyclists,
- would protect the natural and built heritage assets of the town,
- would not have significant negative effects on the community in the vicinity,
- would not give rise to a risk of pollution,
- would not give rise to detrimental visual or landscape impacts,
- would not have a detrimental impact on archaeological heritage,
- would not seriously injure the amenities of the area and of property in the vicinity, and
- would be acceptable in terms of traffic safety and convenience.

The proposed road development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITION

The proposals, mitigation measures and commitments set out in the environmental impact statement, and as further stated and clarified in the Schedule of Commitments submitted by the local authority to the oral hearing on the 5th day of July, 2017, shall be implemented as part of the proposed road development.

Reason: In the interest of clarity, to mitigate the environmental effects of the proposed road development, and to protect the amenities of properties in the vicinity.

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

Dated this day of 2017