



An
Bord
Pleanála

Board Order 08.HA0052

Roads Acts, 1993 to 2015

Planning and Development Acts, 2000 to 2017

Planning Authority: Kerry County Council

Application by Kerry 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, lodged with An Bord Pleanála on the 12th day of May, 2017.

Proposed Road Development: Proposed road development consisting of a 5.95 kilometre western and northern bypass of Listowel Town Centre of approximately 3.65 kilometres of Type 1 Single Carriageway new road and 2.30 kilometres of Urban All Purpose Single Carriageway on-line improvement linking the N69 Tralee – Limerick Road North and South of Listowel Town Centre via the R553 Ballybunnion Road and all ancillary and consequential works in the Townlands of Billeragh, Coolnaleen Lower, Coolnaleen Upper, Garryantanvally, Scartleigh (Ed Ennismore), Gortcurreen (Ed Listowel Rural), Islandganniv North, Curraghatoosane, Listowel, Ballygologue (Ed Listowel Upper), County Kerry.

Decision

Approve the above proposed road development based on the reasons and considerations under and subject to the conditions 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, including those set out in the National Development Plan, the National Spatial Strategy, Smarter Travel - A Sustainable Transport Future, the South-West Regional Planning Guidelines 2010-2022, the Listowel Town Development Plan 2009-2015, and the Kerry County Development Plan 2015-2021,
- (b) the scheme constituting a key transportation element for the town of Listowel,
- (c) the design, layout and alignment of the proposed road development minimising the impact of the development on the Lower River Shannon Special Area of Conservation (site code: 002165),
- (d) the range of proposed mitigation measures set out in the submitted Environmental Impact Statement, the 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 Lower River Shannon Special Area of Conservation (site code: 002165) 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 Lower River Shannon Special Area of Conservation (site code: 002165), 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 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 screening and 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 the nature, scale and location of the proposed development, the documentation submitted with the application including the environmental impact statement, the submissions made on file, the applicant's response to submissions, the mitigation measures proposed, and the report, assessment and conclusions of the Planning Inspector. It is considered that this information was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment in relation to the proposed development, by itself and in cumulation with other development in the vicinity and concluded that, subject to the mitigation measures proposed, and the conditions set out below, the effects of the proposed development on the

environment would be acceptable. In doing so the Board adopted the report of the Inspector appointed by the Board.

Proper Planning and Sustainable Development:

It is considered that, subject to compliance with the conditions set out below, the proposed road development would assist in alleviating traffic congestion in Listowel town centre, 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 and architectural heritage, would not seriously injure the amenities of the area or 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.

CONDITIONS

1. The proposals, mitigation measures and commitments set out in the Environmental Impact Statement, and as further stated and clarified in the Updated Schedule of Environmental Commitments submitted by the local authority to the oral hearing on the 7th day of September, 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 property in the vicinity.

2. Monitoring of the Listowel Water supply at the Scartleigh Intake (located c.1.3 kilometres west of the proposed road development) shall be carried out via the installation of a piezometer six months prior to the commencement of construction works and six months following completion of the proposed road development.

