



An
Bord
Pleanála

Board Order 26.JP0043

Planning and Development Acts, 2000 to 2017

Planning Authority: Wexford County Council

Application by Kildare County Council on behalf of Wexford 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 1st day of March, 2017.

Proposed Development: Bridge rehabilitation works comprising of vegetation clearance works, spandrel wall stability works, repairs to masonry arch and concrete culvert and riverbed and embankment remedial works on N11 at Glebe Bridge, in the townlands of Edermine and Cooraun, County Wexford.

DECISION

APPROVE, subject to conditions, the proposed development based on the reasons and considerations set out under.

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 EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (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 qualifying interests and conservation objectives of the Slaney River Valley Special Area of Conservation (site code: 000781),
- (e) the relevant policies and objectives of the Wexford County Development Plan 2013 - 2019,
- (f) the nature and limited extent of the proposed bridge rehabilitation works as set out in the application for approval, to protect the integrity and safety of the Glebe Bridge which serves the N11 National Road,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura impact statement,
- (h) the submissions and observations received in relation to the likely effects on the environment, and the likely significant effects of the proposed development on a European Site,
- (i) the submissions and observations received in relation to the proposed development, and
- (j) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment:

The Board agreed with the screening assessment and conclusion carried out in the applicant's NIS report that the Slaney River Valley Special Area of Conservation (site code: 000781) is the only European Site in respect of which the proposed 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 development for the affected European Site, namely the Slaney River Valley Special Area of Conservation (site code: 000781), 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 Site.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the applicants NIS report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

Conclusion:

The Board was satisfied that the proposed development would protect the amenities of this rural area, would not seriously injure the amenities of property in the vicinity, and would be acceptable in terms of traffic safety and convenience of road users. The proposed development would not have any unacceptable negative effects on the environment, and would not adversely affect the integrity of any European Sites in view of the sites' conservation objectives. It is considered that 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 in accordance with the plans and particulars lodged with the application, including the Application for Approval Report and associated Appendices, and the further particulars received by An Bord Pleanála on the 19th day of May, 2017, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The mitigation measures contained in the Application for Approval Report and Natura impact statement submitted with the application shall be implemented in full by the applicant and/or any agent acting on its behalf, 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 a European Site during construction.

3. The applicant shall engage the services of a project ecologist for the duration of the construction period to monitor the site set-up and construction of the proposed development in accordance with the mitigation measures proposed. On completion of the works, an audit report of the site works shall be prepared by the appointed person within a period of three months, which shall be maintained on record (and available for public inspection) by the local authority.

Reason: In the interest of clarity and to ensure the protection of a European Site and local ecology during construction.

In deciding not to accept the Inspector's recommendation to refuse approval, the Board considerations were as follows:

AA Screening Stage:

In relation to *Screening*, the Inspector raised a concern as to whether further surveys might be necessary to confirm the habitats present at the site and to confirm lack of any impact on species of the Wexford Harbour and Slobbs Special Protection Area. The Board was satisfied, having regard to the location and nature of the site, that there are no habitats of relevance to the Hen Harrier in the area affected by the works, and no potential significant effects arise on the European Site in question. These matters were addressed by the applicant's ecological team in their Screening Stage report and no fundamental concern in this regard was raised by any of the parties. The Board concluded that further surveys were not necessary.

AA Stage II:

In relation to the *Stage II* analysis, having carried out an analysis of the information on file the Board was satisfied that the information before it was satisfactory to complete an appropriate assessment. The Board completed an evaluation of the implications of the proposed development for Natura 2000 sites. In carrying out this evaluation, the Board considered that the proposed development is a necessary but small scale project, and that the application is supported by a thorough and comprehensive set of documentation, carefully developed by a competent technical and environmental team over a significant period of time, and applying appropriate specialist expertise. Based on the information submitted, the Board was satisfied that a professional management of the construction stage, with effective deployment of mitigation measures, was also assured. The Board did not share the Inspector's concerns in relation to the location of construction compound or other facilities/equipment during the construction phase, given the small scale of the project and comprehensive approach to managing environmental risks demonstrated in the documents supporting the application.

In relation to the detail of the design submitted for approval, the Board noted that Inland Fisheries Ireland in their submission endorsed the channel design approach proposed and then recommended standard mitigation measures (except for invasive species, as addressed below). The Board also noted that the detailed design of the civil works had been clearly set out in the drawings accompanying the application, as clarified in the applicant's submission to the Board (received on 19th day of May, 2017). The Board examined the proposed design, and having regard to the submissions and the Inspector's report was satisfied that the design was satisfactory and would be an appropriate means to secure the bridge in question and ameliorate the physical condition of the stream and bank with minimal implications for ecological heritage.

In relation to invasive species, the applicant has first identified and mapped relevant species, and then subsequently developed a site specific management plan to manage any environmental risk during construction. These requirements have been incorporated into the construction contract specification. The Board did not consider that the Inland Fisheries Ireland recommendation – eradication of Cherry Laurel – was a reasonable requirement to impose on this project, given the prevalence of the species in the vicinity both upstream and downstream of the site. The Board concurred with the applicant that an isolated treatment, of this non-listed species, on this site alone would not be judicious. The Board was satisfied that the mitigation measures proposed were appropriate and reasonable, including in relation to methodology for disposal of Himalayan Balsam and in relation to the overall management of Japanese Knotweed.

The Board was, therefore, satisfied that all European Sites would be protected, and the above analysis, when read alongside the Inspector's report, explains the Board's finding that the proposed development would not adversely affect the integrity of the European Site in view of the site's conservation objectives.

Other matters:

In relation to the construction site entrance, the Board was satisfied that the approach proposed by the applicant, would be appropriate and acceptable for a project of this scale, given that mitigation measures are in place in relation to all relevant matters, including the avoidance of invasive species and control of noise.

The Board was satisfied that management of traffic during construction can be successfully and safely achieved on a project of this scale by close co-operation of the roads authority and the appointed contractor, which approach is underpinned by the detailed contract specification provided in support of this application. Neither did the Board share the Inspector's concerns in relation to construction noise, given that the duration of the works will be limited, the site is close to a national road meaning a relatively high noise baseline noise environment, and the location of the construction site entrance was unlikely to create any problematic noise conditions given the pattern of development in the area.

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

Dated this day of 2017