



An
Bord
Pleanála

Board Direction
BD-019068-25
ABP-321383-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/02/2025.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- the EU Habitats Directive (92/43/EEC)
- the European Union (Birds and Natural Habitats) Regulations, 2011 (as amended),
- 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 European sites,
- the conservation objectives and qualifying interests for the River Barrow and River Nore SAC (Site Code: 002162),
- the policies and objectives of the Kildare County Development Plan, 2023-2029,
- the nature and extent of the proposed works as set out in the application for approval,
- the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,

- the submissions received in relation to the proposed development, and
- 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 and adopted the screening assessment and conclusion carried out in the Inspector's report that the River Barrow and River Nore SAC is the only European Site for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposal for the River Barrow and River Nore SAC (Site Code: 002162). The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular:

- i. The likely direct and indirect impacts arising from the proposal both individually or in-combination with other plans or projects, specifically upon the River Barrow and River Nore SAC (site code: 002162),
- ii. The mitigation measures which are included as part of the current proposal,
- iii. the Conservation Objectives for the European Site,
- iii. The views set out in submissions received.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report with respect to 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 objectives.

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 adverse 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 amenities of the area, 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.	<p>The 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.</p> <p>Reason: In the interest of clarity, the proper planning and sustainable development of the area, and the protection of the environment.</p>
2.	<p>The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.</p> <p>Reason: To protect the integrity of European Sites.</p>
3.	<p>Prior to the commencement of development, details of measures to protect fisheries and the water quality of the river systems shall be outlined and placed on file. Full regard shall be given to Inland Fisheries Ireland's published guidelines for construction near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A water quality monitoring programme shall be prepared in consultation with the Contractor, the local authority and relevant statutory agencies, and the programme shall be implemented thereafter.</p>

	<p>Reason: In the interest of protecting water quality, fisheries, and aquatic habitats.</p>
4.	<p>Prior to the commencement of development, the Local Authority, or any agent acting on its behalf, shall prepare, in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP) and a Water Management Plan incorporating all mitigation measures indicated in the Natura Impact Statement and a demonstration of proposals to adhere to best practice and protocols.</p> <p>Reason: In the interest of protecting the environment, the landscape, European Sites, and sensitive receptors, as well as public health.</p>
5.	<p>The construction of the development shall be managed in accordance with a Construction Traffic Management Plan agreed by the Local Authority, and shall be placed on file prior to the commencement of development and retained as part of the public record.</p> <p>Reason: In the interest of orderly development and the protection of the environment.</p>
6.	<p>The Local Authority and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. The Local Authority shall appoint a suitably qualified archaeologist to oversee the site set-up and construction of the proposed development, and the archaeologist shall be present on-site during construction works. An Underwater Archaeological Impact Assessment shall be carried out before work commences, placed on file and retained as part of the public record.</p> <p>Reason: To conserve the site's archaeological heritage and secure the preservation and protection of any remains that may exist within the site.</p>
7.	<p>Prior to the commencement of development, pre-commencement surveys for protected plant and animal species shall be undertaken at the site, and where required, the appropriate licence to disturb or interfere with same shall be obtained from the National Parks and Wildlife Service. The details of such surveys and licences (if required) shall be placed on the file and retained as part of the public record.</p> <p>Reason: In the interest of wildlife protection.</p>

8.	<p>Prior to the commencement of development, the Local Authority and any agent acting on its behalf shall conduct a bryological survey of the bridge, document the findings and place these on file as part of the public record.</p> <p>Reason: In the interest of protecting bryophyte species and ensuring compliance with The Flora (Protection) Order 2022 (S.I. No. 235 of 2022).</p>
9.	<p>A suitably qualified ecologist shall be retained by the local authority to oversee the site set-up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in the Natura Impact Statement. The ecologist shall be present during site construction works and ensure that the bridge is surveyed for bats prior to commencement of works, that vegetation removal does not occur during the bird breeding season, and that works to the bridge do not occur during the lamprey spawning season. Upon completion of the work, an ecological report of the site works shall be prepared by the appointed ecologist and kept on file as part of the public record.</p> <p>Reason: In the interest of nature conservation and the protection of terrestrial and aquatic biodiversity.</p>

Board Member



 Stephen Bohan

Date: 03/03/2025