



An  
Bord  
Pleanála

**Board Direction**  
**BD-004012-19**  
**ABP-303274-18**

The submissions on this file and the Inspector's report were considered at Board meetings held on 3/07/2019 and 10/09/2019.

At the meeting of 3/07/2019, the Board decided to defer consideration of the case and to write out and raise certain matters with the applicant in relation to the design and layout of the proposed vessel collision protection system. The applicant's response was received on the 21/08/2019 and the application and submission were further considered at the board meeting held on the 10/09/2019.

In accordance with Section 51(4A) of the Roads Act 1993, as amended the Board considered the additional information furnished and concluded that it did not contain significant additional data in relation to effects on the environment of the proposed development and that there was no requirement for the applicant to publish notice of this and for the Board to invite submissions/observations to be made to the Board in relation to the additional information.

At the meeting of the 10/09/2019 the Board decided to grant permission for the proposed development (as amended by the submission dated 21/08/2019), 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 provisions of the European Communities (Environmental Impact Assessment) Regulations 1989–1999 (as amended),
- The European Communities (Birds and Natural Habitats) Regulations, 2011,
- The national, regional and local strategic road policies and objectives, including those set out in the National Planning Framework, the Regional Planning Guidelines for the South-East Region 2010-2022 and the Waterford City Development Plan 2013-2019,
- Smarter Travel – A Sustainable Transport Future 2009-2020,
- The National Cycle Policy Framework 2009-2020,
- The Waterford North Quays SDZ Planning Scheme 2018,
- Waterford Planning Land Use and Transportation Strategy (PLUTS) 2004-2020
- The provisions of the Roads Acts 1993 to 2015,
- The design and layout of the proposed sustainable transport bridge development,
- The range of proposed mitigation measures set out in the submitted Environmental Impact Statement and the Natura Impact Statement,
- The report and recommendation of the Inspector.

**Proper Planning and Sustainable Development:**

It is considered that, subject to compliance with the conditions set out below, the proposed sustainable transport bridge would support the development of the North Quays Strategic Development Zone Planning Scheme 2018 and would not:

- a) have significant negative effects on the environment or the community in the vicinity,
- b) give rise to a risk of pollution,
- c) be detrimental to the visual or landscape amenities of the area,
- d) seriously injure the amenities of property in the vicinity,

e) adversely impact on the cultural, archaeological and built heritage of the area and

f) would not interfere with the existing land uses in the area.

The proposed road development, which will constitute an improvement in terms of cyclist and pedestrian safety and convenience within Waterford City in accordance with the objectives of the Waterford City & County Development Plan 2013-2019, would advance the creation of a network of designated cycle network in support of the Smarter Travel – A Sustainable Transport Future 2009-2020 and the National Cycle Policy Framework and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Environmental Impact Assessment:**

The Board completed in compliance with s.172 of the Planning and Development Act 2000 an environmental impact assessment of the proposed development, taking into account:

- the nature, scale, location, and extent of the proposed development;
- the Environmental Impact Assessment Report and associated documentation submitted with the application;
- the submissions from the applicant, the observers and the prescribed bodies;
- the Planning Inspector's report;

The Board considered that the Environmental Impact Assessment Report, supported by the information submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets

out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision

### **Reasoned Conclusion**

The Board completed an environmental impact assessment and agreed with the Inspector's assessment of the likely significant effects of the proposed bridge development, and generally agreed with the Inspector's conclusions on the acceptability of the mitigation measures proposed and residual effects and concluded that the proposed bridge development and revised vessel collision protection system would not be likely to have significant adverse effects on the environment.

Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the impact to the wharf wall at Ferrybank, a protected structure, where the parapet wall that encloses the ramp which runs over the railway line and down to the wharf is to be breached to provide for pedestrian access to the proposed sustainable transport bridge, it is considered that the environmental effects would not justify a refusal of planning permission having regard to the overall benefits of the proposed development. The Board generally adopted the report of the Inspector and considered that the effects of the proposed development on the environment would be acceptable.

### **Appropriate Assessment:**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lower River Suir Special Area of Conservation (Site Code: 002137) and River Barrow & River Nore Special Area of Conservation (Site Code: 002162) are the only European Sites in respect of which the proposed bridge 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 bridge development for the affected European Sites, namely River Suir SAC (Site Code 002137) and The River Barrow and River Nore SCA (Site Code 002162), in

view of the sites' 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 bridge development (including the revised design and layout of the vessel collision protection system) 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 Sites.

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 bridge development on the aforementioned European Sites, having regard to the sites' conservation objectives. The Board also considered the revised design and layout of the vessel protection collision system and considered that the amendments which include a reduction in the number and scale of the piles in the river bed, would reduce the likely direct and indirect impacts from those presented in the NIS and assessed by the Inspector.

In overall conclusion, the Board was satisfied that the proposed bridge development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

## **CONDITIONS**

1. The proposed bridge development shall be carried out and completed in accordance with the plans and particulars, including the Environmental Impact Statement and the Natura Impact Statement, lodged with the application and by the further particulars received by An Bord Pleanála from Waterford City & County Council on the 17<sup>th</sup> day of May, 2019 and by the further plans and particulars received by An Bord Pleanála on the 21<sup>st</sup> day of August 2019,

except as may otherwise be required in order to comply with the following condition.

**Reason:** In the interest of clarity.

2. The proposals, mitigation measures and commitments set out in the Environmental Impact Statement Report and the Natura impact statement shall be implemented in full as part of the proposed bridge development.

**Reason:** In the interest of clarity, to mitigate the environmental effects of the proposed bridge development and to protect the amenities of the area and of property in the vicinity.

3. The local authority, or 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 Site.

**Reason:** In the interest of clarity.

4. The external finishes of the painted deck superstructure and the collision protection piles (except the top portion of the piles within the navigation channel which are to be coloured green/red) shall be finished in a white colour.

**Reason:** In the interest of visual amenity.

**Board Member**

**Date:** 10/09/2019

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Maria FitzGerald