



An
Bord
Pleanála

Inspector's Report ABP-303479-19.

Development

Repair and refurbishment works to Dillon Bridge.

Dillon Bridge is a Protected Structure

Location

Dillon Bridge, Carrick-on-Suir, Co. Tipperary.

Local Authority

Tipperary County Council.

Type of Application

Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (Local Authority development requiring Appropriate Assessment)

Prescribed Bodies

Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs

An Taisce — the National Trust for Ireland

Irish Water

Department of Agriculture, Food and the Marine

Inland Fisheries Ireland
Fáilte Ireland
An Chomhairle Ealaíon
Department of Environment,
Community and Local Government
Transport Infrastructure Ireland
Minister of Communications, Climate
Action and Environment
Heritage Council

Observer(s)

1. Department of Culture, Heritage & the Gaeltacht
2. Transport Infrastructure Ireland

Date of Site Inspection

5th March, 2019

Inspector

A. Considine.

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1.0 Introduction

- 1.1. Tipperary County Council is seeking approval from An Bord Pleanála to undertake repair and refurbishment works to the Dillon Bridge, Carrick-on-Suir, Co. Tipperary. The bridge lies within the Lower River Suir SAC, Site Code 002137, which is a designated European site. The Commeragh Mountains SAC lies within 15km of the proposed works, approximately, 10km to the south west of the site. A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority the authority shall prepare a NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.
- 1.3. The proposed development was submitted to An Bord Pleanala on the 16th day of January, 2019. The final date for receipt of submissions is noted in the public notice as the 11th day of March, 2019.

2.0 Proposed Development

- 2.1. The description of the proposed development, being works to repair and protect the Dillon Bridge, Carrick-on-Suir is advertised is as follows:
 - a) Cleaning, repair and repainting of the metal parapets on spans 5, 6 & 7;
 - b) Replacement of carriageway surface course;
 - c) Replacement of carriageway joints above piers 4 & 7;

- d) Repair of footpaths;
- e) Removal of spalled concrete from soffits of beams and deck on spans 5, 6 & 7, the application of the spalled areas;
- f) Provision of scour protection to the upstream half of piers 5 & 6.

At Dillon Bridge, Carrick-on-Suir, Co. Tipperary. Dillon Bridge is included on the Record of Protected Structures Ref 1.29 in the Carrick-on-Suir Town Development Plan, 2013 as varied.

2.2. The application included the following accompanying documents:

- Notice of the proposed development
- Planning drawings
- Natura Impact Statement - which includes:
 - Screening for Appropriate Assessment
 - Biosecurity Measures

3.0 Site and Location

3.1. Carrick-on-Suir is located approximately 22km to the east of the town of Clonmel, close to the County Waterford border in the south eastern area of County Tipperary. Waterford City lies approximately 27 to the south east. The town is accessed by the N24 Waterford – Limerick National Primary Road which runs through the town centre. The town developed along both the north and southern banks of the River Suir and two bridges span the river, Old Bridge to the west and Dillon Bridge to the east.

3.2. Dillon Bridge consists of 7 dry masonry arches, 3 on the northern side and 4 on the southern side of the River Suir, and 3 in-river spans with masonry/concrete piers and concrete deck. The most northern two arches are used as storage sheds and the bridge is described as an excellent example of late nineteenth and early twentieth century construction. The bridge is a road bridge on the Regional Road, the R676 which connects the Lower Waterford Road, R680 on the southern banks, to Main Street / Castle Street, R885, to the north. The bridge was rebuilt in circa 1860 and was reconstructed and widened in 1975.

3.3. The Bridge has an overall length of approximately 138m and a width of 10m and operates as a two way carriageway, with footpaths on both sides of the bridge. The bridge includes stone walls along the dry spans with steel railings used along the in-river spans. The bridge is a Protected Structure, ref 1.29 in the Carrick-on-Suir Town Development Plan, 2013 as varied, and is listed on the National Inventory of Architectural Heritage (NIAH) ref no. 22123030. The description of the bridge is as follows:

‘Road bridge crossing River Suir, built c. 1880, reconstructed and widened in 1975. Consists of three round-headed arches to north, north-most two blocked and used as storage sheds, partly rebuilt rock-faced limestone abutments, and having high retaining limestone walling continuing bridge to level of Main Street. Three concrete spans spanning river and resting on concrete bases with rock-faced limestone walls, and with four round-headed arches to south. V-cutwaters on both upstream and downstream sides of earlier parts of bridge. Snecked rock-faced limestone walls and voussoirs with cut limestone string course to round-headed arches. Contemporary steel railings to concrete spans. Cast-iron plaque commemorating naming of bridge 1888 to east elevation parapet wall, and cast metal plaque commemorating reconstruction of bridge in 1975 to west elevation parapet wall. Flight of limestone steps with wrought-iron railings to west elevation at north bank. Footbridge linking building on north bank to east elevation of bridge. Round-headed arches blocked to north bank.’

Appraisal

This bridge is an excellent example of late nineteenth- and early twentieth-century construction. Its massive and imposing form dominates the surrounding landscape. Further interest is created by its naming after the M.P. John Dillon, who was incarcerated in 1888.

4.0 Planning History

None at the subject site.

ABP PL22.JP0042 relates to repair / rehabilitation works to Old Bridge, Carrick-on-Suir, Co. Tipperary.

5.0 Legislative and Policy Context

5.1. The EU Habitats Directive (92/43/EEC):

This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

5.2. European Communities (Birds and Natural Habitats) Regulations 2011:

These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements.

5.3. Natural Heritage Designation:

The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

European sites located in proximity to the subject site include:

- The Lower River Suir SAC, Site Code 002137
- The Comeragh Mountains SAC, Site Code 001952, lies approximately 10km to the south west of the site.

5.4. Planning and Development Acts 2000 (as amended):

Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
 - The likely effects on the environment.
 - The likely consequences for the proper planning and sustainable development of the area.
 - The likely significant effects on a European site.

5.5. **EU (Environmental Impact Assessment and Habitats) (2) Regulations 2011:**

Article 6 of the EU (Environmental Impact Assessment and Habitats) (2) Regulations 2011 de-exempts Part 8 requirements for local authority development where there is an appropriate assessment requirement.

5.6. **Development Plan:**

- 5.6.1. The South Tipperary County Development Plan 2009 as varied and extended and the Carrick-on-Suir Town Development Plan, 2013, are the relevant plans pertaining

to the subject site. Chapter 7 of the CDP Plan deals with Landscape, Water Quality & Heritage and the following policy objectives are considered relevant:

- Policy LH6: Natura 2000 Sites and Protected Species
- Policy LH8: Inland Waters and Riparian Zones
- Policy LH13: Protected Structures
- Policy LH16: Archaeology and Cultural Heritage

5.6.2. Chapter 6 of the Carrick-on-Suir Town Development Plan deals with Infrastructure and section 6.1 with transport. This chapter acknowledges the issues of traffic management and congestion in the town centre and includes policies to address these issues under Policy INF 2: Reservation Corridor for New Road and Policy INF 3: New River Crossing.

5.6.3. In addition, Chapter 8 of the Carrick-on-Suir Town Development Plan deals with Amenity, Built and Natural Heritage. Dillon Bridge is located outside the zone of archaeological interest. In terms of its protected structure status, it is the stated policy, AH 1 seeks, 'to conserve and protect buildings, structures and sites contained in the Record of Protected Structures'.

5.6.4. In terms of natural heritage, the following policies are relevant:

- **Policy AH4, River Suir and Tributaries:** It is the policy of the Council to protect and improve the natural amenity potential and accessibility of the River Suir and its tributaries, to protect riparian habitats along the watercourses by maintaining an appropriate ecological buffer zone a minimum of 10m where feasible, from the top of the watercourse riverbank and to protect and improve access to the River Suir without compromising the quality and setting of the river.
- **Policy AH5: Lower River Suir SAC:** It is the policy of the Council to conserve the favourable conservation status of species and habitats within the River Suir Special Area of Conservation and ensure that development is not permitted that adversely affects the integrity of the site unless of overriding public interest and subject to compliance with Article 6 of the EU Habitats Directive.

6.0 The Natura Impact Statement

- 6.1. Tipperary County Council's application for the proposed development was accompanied by a Natura Impact Statement (NIS) which scientifically examined the proposed development and the European sites. The NIS identified and characterised the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works.
- 6.2. The AA Screening exercise, as presented in Appendix 1 of the submitted Natura Impact Statement, concluded that the Comeragh Mountains cSAC (Site Code 001952) would not be significantly impacted by the proposed development as the site is located over 10km from Carrick-on-Suir and is located outside the zone of influence for the project. In addition, it is considered that the site is hydrologically disconnected from the proposed works and has no species of conservation interest in common with the Lower River Suir SAC.
- 6.3. Therefore, the only Natura 2000 site potentially affected by the proposed development is the of the Lower River Suir SAC (Site Code 002137). The Screening for AA concluded that the proposed works to Dillion Bridge are likely to have a significant effect, or significant effects on the Conservation Objectives for the Lower River Suir SAC could not be ruled out and therefore, an Appropriate Assessment was required. On this basis, the applicant proceeded to prepare a Natura Impact Statement.
- 6.3.1. Section 7 seeks to identify the potential for significant effects arising from the proposed development on the integrity of the Lower River Suir SAC, in light of its conservation objectives. The chapter provides details of the qualifying interests potentially exposed to risk and their conservation objectives.
- 6.3.2. Section 8 provides for an assessment of potentially significant effects arising in relation to water quality, habitat loss or alteration, disturbance and / or displacement of species and habitat or species fragmentation. The chapter also assesses the potential effect on the lower River Suir Conservation Objectives and cumulative effects.

6.3.3. Section 9 deals with mitigation and section 10 with residual impacts. Section 11 provides a conclusion to the AA process noting that, subject to the implementation of the recommended mitigation measures in full, it is not expected that the proposed rehabilitation works at Dillon Bridge will result in an adverse residual impact on the integrity of the Natura 2000 site, the Lower River Suir SAC, in light of the site's conservation objectives.

6.4. The NIS was accompanied by:

- Appendix 1: Screening for Appropriate Assessment
- Appendix 2: Biosecurity Measures.

7.0 Consultations

In accordance with the provisions of Section 177AE(4)(b), a number of prescribed bodies were notified of the proposal and copies of the application and the accompanying Natura Impact Statement were circulated to the following bodies:

- Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs
- An Taisce — the National Trust for Ireland
- Irish Water
- Department of Agriculture, Food and the Marine
- Inland Fisheries Ireland
- Fáilte Ireland
- An Chomhairle Ealaíon
- Department of Environment, Community and Local Government
- Transport Infrastructure Ireland
- Minister of Communications, Climate Action and Environment
- Heritage Council.

Responses were received from the following prescribed bodies:

7.1. Department of Culture, Heritage and the Gaeltacht:

The DAU responded to the proposed development, noting that Dillion Bridge is included on the Record of Protected Structures in the Carrick-on-Suir Town Development Plan 2013 and was recorded by the National Inventory of Architectural Heritage, (NIAH) code 22123030 with a Regional Rating Value supported by Architectural and Technical Categories of Special Interest. The submission makes the following recommendations:

- A method statement be submitted addressing the removal and upgrading of the footpaths, particularly on the northern and southern abutments, with mitigations preventing damage to the snecked rock faced stone work contributing to the character and special interest of the protected structure.
- An assessment is made of any visual impact the proposed scour protection, specified as grout bags on Drawing 19294-1002 Revision A, may have on the protected structure.

The submission concludes that the AA may need to include reference to the above, if the NIS is not up-dated.

7.2. Transport Infrastructure Ireland:

The TII responded to the proposed development confirming receipt of the referral notice. The response advises that as the proposed works are not impacting on the national road network, TII has no specific observations to make.

7.3. Public Submissions:

Following the publishing of the public notice for the proposed works, no public submissions were made to the Board.

8.0 Assessment

Under the provisions of Section 177AE of the Planning & Development Act, 2000 as amended, the Board is required to consider the proposed development in terms of the following:

- (a) The likely consequences for the proper planning and sustainable development of the area
- (b) The likely effects on the environment and
- (c) The likely significant effects of the proposed development on any European sites.

8.1. The likely consequences for the proper planning and sustainable development of the area:

8.1.1. The description of the proposed development, being works to repair and protect the Dillon Bridge, Carrick-on-Suir is advertised is as follows:

- a. Cleaning, repair and repainting of the metal parapets on spans 5, 6 & 7;
- b. Replacement of carriageway surface course;
- c. Replacement of carriageway joints above piers 4 & 7;
- d. Repair of footpaths;
- e. Removal of spalled concrete from soffits of beams and deck on spans 5, 6 & 7, the application of the spalled areas;
- f. Provision of scour protection to the upstream half of piers 5 & 6.

At Dillon Bridge, Carrick-on-Suir, Co. Tipperary. Dillon Bridge is included on the Record of Protected Structures Ref 1.29 in the Carrick-on-Suir Town Development Plan, 2013 as varied.

8.1.2. The proposed development primarily provides for remedial works to improve the structure of Dillon Bridge. Policy LH13: Protected Structures, of the South Tipperary County Development Plan 2009 as varied and extended, is relevant in this instance in that it seeks 'to encourage the sympathetic restoration, re-use and maintenance of protected structures thereby ensuring their conservation and

protection.’ The Carrick-on-Suir Town Plan, 2013, as extended, further supports the CDP in policy, AH 1 which seeks ‘to conserve and protect buildings, structures and sites contained in the Record of Protected Structures’.

Conclusion on the likely consequences for the proper planning and sustainable development of the area:

8.1.3. I am satisfied that the principle of the proposed remedial works to Dillon Bridge are acceptable and would generally accord with the wider policies and objectives of the South Tipperary County Development Plan 2009 as varied and extended and the Carrick-on-Suir Town Development Plan, 2013 as varied. I consider, therefore, that the proposal is acceptable and accords with the proper planning and sustainable development of the area.

8.2. The likely effects on the environment

Having regard to the nature of the proposed development, it is considered that the most significant potential for environmental impacts arising relate to impacts on the water quality of the River Suir and the flora and fauna supported by the river. The Board will note that the River Suir comprises part of the Lower River Suir SAC, Site Code 002137. Matters relating to appropriate assessment are discussed further below in section 8.8 of this report. Other potential impacts relate to roads and traffic, archaeology and architectural heritage, visual amenity and biodiversity.

Roads & Traffic

8.2.1. In terms of the proposed development, and the potential impacts of the development on traffic on the bridge, I note that the bridge provides for two footpaths on either side of the road carriageway. These footpaths are to be repaired a part of overall development. In addition, the works will include works to the road surface which will potentially have an impact on users of the bridge for the period of the works. While this will result in an inconvenience, given that the nature of the works will be temporary and short term, I am satisfied that there will be no significant impacts arising. In this regard, I am satisfied that the proposed works are acceptable in terms of the proper planning and sustainable development of the area.

Archaeology & Architectural Heritage:

8.3. Dillon Bridge consists of 7 dry masonry arches, 3 on the northern side and 4 on the southern side of the River Suir, and 3 in-river spans with masonry/concrete piers and concrete deck. The most northern two arches are used as storage sheds and the bridge is described as an excellent example of late nineteenth and early twentieth century construction. The bridge is a road bridge on the Regional Road, the R676 which connects the Lower Waterford Road, R680 on the southern banks, to Main Street / Castle Street, R885, to the north. The bridge was rebuilt in circa 1860 and was reconstructed and widened in 1975.

8.3.1. The Bridge has an overall length of approximately 138m and a width of 10m and operates as a two way carriageway, with footpaths on both sides of the bridge. The bridge includes stone walls along the dry spans with steel railings used along the in-river spans. The bridge is a Protected Structure, ref 1.29 in the Carrick-on-Suir Town Development Plan, 2013 as varied, and is listed on the National Inventory of Architectural Heritage (NIAH) ref no. 22123030.

8.3.2. The works proposed to the bridge are detailed in section 4.4 of the NIS and a photographic survey of the bridge, both at surface level and underneath the deck has also been submitted. It is noted that the structure has suffered light to moderate mortar loss to the stonework and the steel parapets have deteriorated by corrosion. The works to the bridge will improve the structural condition and stability of Dillon Bridge and will protect the long term use of the bridge.

8.3.3. The proposed development is in keeping with Policy LH13 of the South Tipperary County Development Plan, 2009, as varied and extended, which seeks to encourage the sympathetic restoration, re-use and maintenance of protected structures thereby ensuring their conservation and protection. The NIS refers to the preparation of Method Statements to translate the project requirements in planned systems of work instructions. A Construction and Environmental Management Plan should be required to be submitted prior to the commencement of works which will include details of the Conservation Consultant to be employed to advise on specification details and to inspect works to the bridge, reporting as appropriate.

8.3.4. The works shall be carried out in accordance with best conservation practice as set out in in the Architectural Heritage Protection Guidelines for Planning

Authorities. I am generally satisfied that the proposed remedial works will be beneficial in the long term to Dillon Bridge and subject to compliance with appropriate conditions, the works will not adversely impact the archaeological or architectural heritage of the area.

Visual Amenity

- 8.3.5. In terms of the potential impacts of the remedial works on the visual amenity of the wider area, I am satisfied that no significant issues arise. The works to the bridge as proposed, would appear to be in accordance with best conservation practice as provided for in the Architectural Heritage Protection Guidelines for Planning Authorities. That said, I do note the comments of the Department of Culture, Heritage and the Gaeltacht requesting that a method statement be submitted addressing the removal and upgrading of the footpaths, particularly on the northern and southern abutments, with mitigations preventing damage to the snecked rock faced stone work contributing to the character and special interest of the protected structure, as well as an assessment on the visual impact the proposed scour protection may have on the protected structure.
- 8.3.6. In terms of the above, I am generally satisfied that a method statement for the works to the protected structure can be required by means of a condition of approval, should the Board be so minded. In terms of the potential visual impacts associated with the scour protection, I note the intention to provide grout bags. These grout bags will be 2m x 0.6m x 0.3m. I consider that the scale of the grout bags is not so significant as to warrant a visual impact. However, a condition requiring agreement with the DAU could be included in any grant of permission.
- 8.3.7. In addition to the above, the proposed finish to the footpaths is not clear, with the NIS, Section 4.1 providing for a possible precast paving slab or precast concrete paving slabs with a granite finish. Such detail may have an impact on the visual amenity of the bridge, with one option better than the other. While I consider that the works will improve the visual aspect of the bridge, this detail should be agreed with the Conservation Officer of Tipperary County Council prior to the commencement of development. The matter can be appropriately dealt with by way of a condition of permission. I consider that in principle, the proposed development will not significantly impact on the visual amenity of the bridge or the surrounding area.

Biodiversity

- 8.3.8. In terms of the likely effect of the proposed remedial works on the local biodiversity of the area, and not including issues of Appropriate Assessment, the proposed development has the potential to impact on the water quality of the river during the in-water works to the bridge. In addition, accidental spillages or the introduction of alien species on machinery could also have an impact.
- 8.3.9. Having regard to the information presented in the NIS, together with the biosecurity measures proposed, it is considered that subject to best work practice and the implementation of mitigation measures, it is unlikely that contaminants will enter the water, giving rise to a water pollution event.
- 8.3.10. In the preparation of the NIS, the applicant undertook field surveys, but it would appear, only in relation to the Qualifying Interests of the designated SAC. There is no information presented in terms of birds, bats or other mammals likely to be affected by the proposed works. On the date of my inspection, I did not see any evidence of nesting birds in the bridge structure. However, I consider it appropriate that a breeding bird survey be carried out at the Bridge, by a suitably qualified and experienced ecologist, prior to the commencement of any works to Dillion Bridge. In addition, and also prior to the commencement of any works at the bridge, a bat survey should be carried out to determine that the bridge is not being used as a roost, even temporarily.
- 8.3.11. In the event of nesting birds or roosting bats are found within the bridge structure, the Project Ecologist should be required to notify the NPWS and appropriate measures should be taken. Such measures should be contained within a Construction and Environmental Management Plan which should be prepared for the site, setting out a schedule of ecological mitigation measures to address any potential for impacts arising.

Conclusion on the likely consequences on the environment:

- 8.3.12. Having regard to the short-term nature of the proposed remedial works, together with the location of Dillion Bridge within the town setting of Carrick-on-Suir, it is considered that subject to good environmental practice and subject to the implementation of the mitigation measures as presented, it is not expected that the proposed development will have a significant negative impact on the local ecology.

8.4. The likely significant effects on a European site:

The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Appropriate Assessment

8.5. Compliance with Articles 6(3) of the EU Habitats Directive:

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

8.6. The Natura Impact Statement:

8.6.1. The application was accompanied by a NIS which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required on the basis that it was not possible to exclude the possibility of significant impacts on the Lower River Suir SAC arising, in the absence of mitigation. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within the European Site which the potential to be affected by the proposed development. It predicted the potential impacts for the Lower River Suir SAC, and its conservation objectives, suggested mitigation measures, assessed in-combination effects with other plans and projects and identified any residual effects on the European site and its conservation objectives.

8.6.2. The NIS was informed by the following:

- A desk top study.

- An examination of aerial photography and maps.
- Reference to a number of publications, data and datasets.
- An ecological walkover of the site, including an aquatic habitat assessment.
- Surveys of the following for the Qualifying Interests for the SAC which included:
 - Habitats, both terrestrial and aquatic
 - Aquatic species including white-clawed crayfish, lamprey and macroinvertebrates

The report concluded that, subject to the implementation of the recommended mitigation measures, detailed in the report, the integrity of the European Site will not be adversely affected.

8.6.3. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Mitigation measures are detailed in Chapter 9 of the NIS and include mitigation with respect to site specific Conservation Objectives of the Lower River Suir SAC (002137) which will be translated into a planned system of work instructions to site staff and operatives, essentially a Construction and Environmental Management Plan. Overall, I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.

8.7. **Appropriate Assessment:**

8.7.1. Appropriate Assessment (AA) considers whether the plan or project alone or in combination with other projects or plans will adversely affect the integrity of a European site in view of the site's conservation objectives and includes consideration of any mitigation measures necessary to avoid, reduce or offset negative effects. This determination must be carried out before a decision is made or consent given for the proposed development. Consent can only be given after it has been determined that the proposed development alone or in combination with other plans and projects would not adversely affect the integrity of a European site in view of the site's conservation objectives.

8.7.2. Guidance on appropriate assessment is set out in the European Commission’s ‘Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC’ (European Commission 2002) and in the Department of the Environment’s ‘Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities’, (December 2009, revised February 2010).

8.7.3. I consider that the development as proposed, comprising remedial works to Dillon Bridge, is not directly connected with or necessary to the management of any European Site.

8.7.4. The submitted NIS concluded, having regard to the information and submissions available, the nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, only one European Site was considered relevant to include for the purposes of screening for Stage 2 appropriate assessment on the basis of likely significant effects, being the Lower River Suir SAC, Site Code 002137.

8.7.5. European sites considered for Stage 1 screening include:

European site (SAC/SPA)	Qualifying Interests	Distance
Lower River Suir SAC, Site Code 002137	(* indicates a priority habitat under the Habitats Directive) [1029] Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> [1092] White-clawed Crayfish <i>Austropotamobius pallipes</i> [1095] Sea Lamprey <i>Petromyzon marinus</i> [1096] Brook Lamprey <i>Lampetra planeri</i> [1099] River Lamprey <i>Lampetra fluviatilis</i> [1103] Twaite Shad <i>Alosa fallax fallax</i>	Within the subject site

European site (SAC/SPA)	Qualifying Interests	Distance
	<p>[1106] Atlantic Salmon <i>Salmo salar</i></p> <p>[1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</p> <p>[1355] Otter <i>Lutra lutra</i></p> <p>[1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>[3260] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</p> <p>[6430] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>[91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>[91E0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> Alno-Padion, Alnion incanae, Salicion albae) *</p> <p>[91J0] <i>Taxus baccata</i> woods of the British Isles *</p>	
<p>Comeragh Mountains SAC, Site Code 001952</p>	<p>(* indicates a priority habitat under the Habitats Directive)</p> <p>[3110] Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>)</p> <p>[3260] Water courses of plain to montane levels with the <i>Ranunculion</i></p>	<p>10km to south west</p>

European site (SAC/SPA)	Qualifying Interests	Distance
	fluitantis and Callitricho-Batrachion vegetation [4010] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4030] European dry heaths [4060] Alpine and Boreal heaths [8110] Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8210] Calcareous rocky slopes with chasmophytic vegetation [8220] Siliceous rocky slopes with chasmophytic vegetation [1393] Slender Green Feather-moss <i>Drepanocladus vernicosus</i>	

8.7.6. Based on my examination of the NIS report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would concur with the conclusion of the applicants NIS, that a Stage 2 Appropriate Assessment is required for only one of the two European sites referred to above, being the Lower River Suir SAC, Site Code 002137.

8.7.7. The remaining European site can be screened out from further assessment because of the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive hydrological or ecological pathways between the proposed works and the European site. It is therefore reasonable to conclude that on

the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Comeragh Mountains SAC, Site Code 001952, in view of the sites conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for this site.

Lower River Suir SAC, Site Code 002137

8.7.8. The River Suir rises on Benduff in the Devils Bit Mountain to the north west of the town of Templemore, Co. Tipperary. The river is 184km in length and is Ireland's third largest river. The river flows through a number of counties including Tipperary, Kilkenny and Waterford, and flows through a number of towns in Co. Tipperary including Thurles, Clonmel and Carrick-on-Suir where it becomes tidal, before discharging to the sea at Waterford. The Suir catchment extends into county Limerick and Cork also. The river divides the town of Carrick-on-Suir and is bridged by two bridges, including Dillon Bridge, which is the subject of the proposed remedial works under assessment by the Board.

8.7.9. The Lower River Suir SAC consists of the freshwater stretches of the River Suir immediately south of Thurles, the tidal stretches as far as the confluence with the Barrow / Nore immediately east of Cheekpoint in Co Waterford and many tributaries including the Clodiagh in Co Waterford, the Lingaun, Anner, Nier, Tar, Aherlow, Multeen and Clodiagh in Co Tipperary. The Lower River Suir contains excellent examples of a number of Annex I habitats, including the priority habitat alluvial forest and Yew woodland. The SAC is of particular conservation interest for the presence of a number of Annex II animal species including Freshwater Pearl Mussel (both *Margaritifera margaritifera* and *M. margaritifera* subsp. *durrovensis* occur), White-clawed Crayfish, Salmon, Twaite Shad (*Alosa fallax fallax*), three species of Lampreys – Sea Lamprey, Brook and River Lamprey and Otter. The Lower River Suir SAC is one of only three known spawning grounds in the country for Twaite Shad.

Conservation Objectives

8.7.10. The Conservation Objectives for the Lower River Suir SAC, notes that the overall aim of the habitats directive is to maintain or restore the favourable

conservation status of habitats and species of community interest. A site-specific conservation objective aims to define favourable conservation condition for a particular habitat or species at the site. The NPWS has prepared specific attributes and targets for the qualifying interests protection of habitats and species associated with the Lower River Suir SAC.

Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Potential Impacts

8.7.11. The submitted Natura Impact Statement sought to examine the evidence and data collected in order to determine whether or not qualifying features of the Lower River Suir SAC should be selected for further assessment in terms of the potential for significant impact arising from the proposed works to Dillon Bridge. There are 15 Qualifying Interests, including both habitats and species, associated with the Lower River Suir SAC. A number of qualifying features were screened out on the basis of distance, scale and nature of works and a lack of connection in terms of source-pathway-receptor. Of note, the report identifies that suitable habitat for white-clawed crayfish occurs in the River Suir at Dillons Bridge, including suitable refuges for adults and juveniles under rocks / cobbles and submerged vegetation. However, no

white-clawed crayfish were detected during the survey, likely related to the recording of mass mortalities in the River Suir in 2017, following an outbreak of crayfish plague in the River Suir in Clonmel. As such, it is concluded that as the species is absent from the river, no impacts arise.

8.7.12. It is considered that seven Qualifying Interests are relevant in terms of the proposed development given that they would be vulnerable to a pollution incident either directly or indirectly:

- Sea Lamprey
- Brook Lamprey
- River Lamprey
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation
- Twaite Shad
- Atlantic Salmon
- Otter

8.7.13. The NIS notes that in the absence of mitigation, the most likely impacts arising from the proposed works would be in terms of water quality, proposed instream works, introduction of non-native species, impacts on passage under the bridge during migration and habitat degradation.

8.7.14. The likelihood of significant effects to the Natura 2000 site from the project in the absence of mitigation would arise from the following.

- Habitat loss and/or alteration.
- Water Quality.
- Disturbance and or displacement of species.
- Habitat or species fragmentation.

Habitat Loss and/or alteration

8.7.15. Floating river vegetation is identified as the primary habitat in the river in the vicinity of the proposed works. The potential for habitat loss and/or alteration arises in relation to the installation of grout bags. However, there is no aquatic plant cover of the substratum in the vicinity of the scoured areas of Dillon Bridge and as such, it is unlikely that the rehabilitation works to the bridge will result in any significant

impacts to the Annex I habitats. Other factors potentially affecting the habitat relates to water pollution events which would affect water quality. In terms of the significance of the impact, it is considered that there is regular movement of the substrata occurring daily under tidal influence and therefore, the impacts are not considered to be significant.

8.7.16. Other than the white-clawed crayfish, the Qualifying Interests for the SAC in terms of species, reproduce or spawn upriver from the site. The Crayfish has been severely affected by plague and it is considered that the species has been lost in the lower reaches of the River Suir. Works to the scour depressions has the potential to alter the habitat for this species. Given the tidal nature of the river in the vicinity of Dillon Bridge, it is considered unsuitable for salmon or lamprey spawning, while the closest potential spawning habitat for twaite shad is identified 320m upstream of Dillon Bridge. As the Qualifying Interest species must pass under the bridge during spawning migration, mitigation to prevent alterations to the habitat is recommended. In terms of juvenile lamprey, the soft fluvial substrates at piers 5 and 6 of Dillon Bridge have been identified as potential habitats which may be subject to disturbance.

Water Quality

8.7.17. The primary risk to water quality relates to the potential for the discharge of pollutants, necessary for the repair and rehabilitation works to Dillon Bridge, to the river. Such pollutants include hydrocarbons, wastewater generated during road planning, reinstatement and cleaning and accidental spillages during grout injections to grout bags. Such polluting events has the potential to impact both habitats and species and the significance of an event would be high.

Disturbance and or displacement of species

8.7.18. Due to tidal effects and river flow works will be carried out during periods of low tide. This will reduce the potential for significant disturbance / displacement of migrating aquatic species. However, given the potential for impacts to water quality during the works, indirect impacts to aquatic specie cannot be ruled out. Of note, there is potential for direct disturbance to lampreys during in-stream works and indirect impacts arising from water quality impacts. Silting has the potential to result in a significant impact.

8.7.19. The carrying out of the works may temporarily displace commuting or foraging otters. However, it is considered that the impact will be temporary and limited given the localised nature of the works.

Habitat or species fragmentation

8.7.20. Habitat or species fragmentation has the potential to arise due to the potential for water quality issues, habitat alteration and disturbance as a result of the rehabilitation works to Dillon Bridge, and in the absence of mitigation.

Cumulative and in-combination effects

8.7.21. The submitted NIS identifies a number of threats to the Lower River Suir SAC with regard to other developments in the area including industrial, agricultural and urban activities. While many of the point sources of pollution are controlled, monitored and/or treated through various licences, diffuse pollution is less controlled. There is potential for a significant impact to water quality in the event of pollutants used in the rehabilitation works to the bridge entering the waters of the river. Other factors affecting ecosystems include climate change in terms of warming of waters, saltwater intrusion into freshwaters and potential flooding due to increased rainfall.

Mitigation measures

8.7.22. In terms of mitigation, Chapter 9 of the NIS is relevant and sets out the detail of mitigation measures proposed to avoid, reduce or prevent the risk of potential impacts arising due to the rehabilitation works to Dillon Bridge. The mitigation measures proposed include as follows:

- Method statements will be used to translate the project requirements into planned systems of work instructions to staff and operatives. In essence, an Construction and Environmental Management Plan will be prepared for the project and will be agreed with Tipperary County Council prior to the commencement of any works to the bridge.
- The works will be timed to avoid the migration of shad species and salmon smolts and will take place between mid-July and the end of September.
- Weather forecast will be checked daily which will anticipate high water levels.

- A Project Ecologist will be employed on site to monitor the works weekly and weekly audits will aim to ensure that all mitigation measures outlined are fully and properly implemented.
- Alternative habitat for the crayfish will be provided to potentially shelter the species in the future.
- Juvenile lampreys affected by the proposed works will be removed by electrofishing in advance of the works commencing and will be transferred to a suitable upstream location, approximately 100m upstream of Old Bridge. Authorisation for this will be in place from the Department of Communications, Energy and Natural Resources prior to works commencing and the species will be moved no earlier than 1 week from the commencement of the works.
- Biosecurity measures will be strictly adhered to prevent the spread of invasive species.
- A fuel management plan will be developed and implemented and procedures for accidental spillages will also be put in place.
- In terms of drainage control, good site management and adherence to method statements will be implemented to reduce pollution sources. Any release of suspended solids will be controlled by interception and management of road run-off.
- Waste management will be dealt with by way of the provision of two skips, one for recyclables and one for other construction waste. All potentially polluting materials will be contained within bunds.
- A number of measures will be implemented during the installation of the grout bags in order to protect the water quality of the river.

Residual Impacts

8.7.23. Subject to the full implementation of the recommended mitigation measures as outlined, the NIS concludes that no residual impacts are anticipated. I consider that the conclusion of the NIS is reasonable and I conclude on the basis of the information on the file that the proposed rehabilitation works, individually or in combination with other plans and projects will not result in an adverse residual impact on the Natura 2000 Lower River Suir SAC 002137 or any other European site

in view of the site's conservation objectives. In my view the mitigation measures are appropriate to the risks identified and would if implemented correctly be sufficient to avoid any significant impacts.

NIS Omissions:

8.7.24. None noted.

8.8. Appropriate Assessment Conclusions:

I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site, Lower River Suir SAC, Site Code 002137, or any other European site, in view of the site's Conservation Objectives.

A Construction Environmental Management Plan, which incorporates all mitigation measures indicated in the Natura Impact Statement, together with an Ecological Impact Assessment, which deals with birds, bats and other mammals in the vicinity of the bridge, should be agreed between the County Council and the relevant statutory authorities prior to the commencement of any works on the bridge.

9.0 Recommendation

8.6.1 On the basis of the above assessment, I recommend that the Board approve the proposed bridge remedial works to Dillon Bridge, Carrick-on-Suir, Co. Tipperary for the reasons and considerations below and subject to conditions requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

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 conservation interests and conservation objectives of the Lower River Suir Special Area of Conservation (site code: 002137),
- (e) the policies and objectives of the South Tipperary County Development Plan 2009 as varied and the Carrick-on-Suir Town Development Plan, 2013 as varied,
- (f) the nature and extent of the proposed Dillon Bridge repair and refurbishment works as set out in the application for approval,
- (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 on the likely significant effects of the proposed development on a European Site, and
- (i) 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 Inspector's report that the Lower River Suir Special Area of Conservation (site code: 002137) 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 Lower River Suir Special Area of Conservation (site code: 002137), 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 Inspector's report in respect of the potential effects of the proposed development on 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:

It is considered that, subject to compliance with the conditions set out below, the proposed remedial works to Dillon Bridge 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 development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except where otherwise may be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the local authority shall agree with the relevant statutory agencies, a Construction and Environmental Management Plan, which incorporates all mitigation measures indicated in the Natura Impact Statement, together with an Ecological Impact Assessment, which deals with birds, bats and other mammals in the vicinity of the bridge. The mitigation measures identified in the Natura Impact Statement shall be implemented in full by the local Authority.

Reason: In order to minimise the impact of construction activities on species and habitats of conservation interest in the interest of proper planning and sustainable development of the area.

3. All repair works to the protected structure shall be carried out under the supervision of a qualified professional with specialised conservation expertise and in accordance with best conservation practice as detailed in “Architectural Heritage Protection: Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in 2011. The repair works shall retain the maximum amount possible of surviving historic fabric in-situ and shall be designed to give rise to minimum interference with the fabric of Dillon Bridge.

Prior to the commencement of any development on the site full details of the proposed footpath finishes shall be submitted for the written agreement of the Conservation Officer of Tipperary County Council.

Reason: To ensure that the character and integrity of the protected structure is maintained and that Dillon Bridge is protected from unnecessary damage and loss of fabric, and in the interests of visual amenity.

4. The local authority shall engage the services of a project ecologist for the duration of the bridge remedial works to monitor the site set up and construction of the proposed development in accordance with the mitigation measure 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 by the local authority. The Project Ecologist shall have 'Cease Works' powers.

Reason: In the interest of clarity and nature conservation, to prevent adverse impacts on the European sites and to ensure the protection of the Annex 1 habitats and Annex 11 species and their Qualifying Interests for which the sites were designated.

5. Tipperary County Council and 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 sites.

A. Considine

Planning Inspector

12th June 2019