



An  
Bord  
Pleanála

## Inspector's Report ABP-305118-19

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<b>Development</b>	Maintenance/ repair works on Clonbeg Bridge.
<b>Location</b>	Glen of Aherlow, Co. Tipperary
<b>Local Authority</b>	Tipperary County Council
<b>Type of Application</b>	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
<b>Prescribed Bodies</b>	<ol style="list-style-type: none"><li>1. Transport Infrastructure Ireland</li><li>2. Department of Communications, Climate Action &amp; Environment</li><li>3. Department of Culture, Heritage and the Gaeltacht</li><li>4. Inland Fisheries Ireland</li></ol>
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> November 2018
<b>Inspector</b>	Donal Donnelly

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## 1.0 Introduction

- 1.1. Tipperary County Council is seeking approval from An Bord Pleanála to undertake maintenance/ repair works to include replacement of Clonbeg Bridge, located within the Lower River Suir SAC, which is a designated European site. There are two other designated European sites (SACs) in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE of the Planning and Development act 2000 (as amended) 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 states 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.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
  - Replacement of Clonbeg Bridge:
    1. Set up floating pontoon with extendable flysheet to collect debris;
    2. Dismantle existing bridge and lift elements of bridge away by crane;
    3. Installation of reinforced concrete abutments;
    4. Installation of pre-stressed precast concrete beams to be used also as permanent form work for in-situ topping of composite bridge;
    5. Steel fixing of reinforcements for in-situ topping of composite bridge;
    6. Pouring of in-situ concrete for the surface of the composite bridge;
    7. Installation of permanent safety barrier railings;

8. Installation of bituminous layers for surface course of road.

- Reconstruction of road:
  1. Installation of road traffic signage and diversion routes;
  2. Installation of road material to suitable road vertical alignment;
  3. Disposal of unsuitable ground to be managed by waste management plan;
  4. Installation of silt fencing to protect against material entering the river;
  5. Applying of surface course layer to road interface and the bridge.
- Re-profiling the River Aherlow Embankment:
  1. Vegetation removal along the riparian zone;
  2. Bunds to be created along one bank of the River Aherlow to allow the river to continue to flow;
  3. Re-profiling of existing ground to be undertaken within protected bund area;
  4. Installation of geotextile and rock armour to protect against erosion of embankment/ sedimentation;
  5. Removal of bund at one side and creation of bund area at the opposite side of the river;
  6. Repeat steps 3 & 4 for the other bank of the river;
  7. Dig out and fill the culvert, approximately 10 metres west of the bridge location, as the river flow is diverted under the proposed bridge.

2.2. The following works are also proposed but not included in planning notices:

- Repoint existing masonry retaining wall using lime mortar;
- Installation of soil nails into retaining wall location;
- Installation of pattress plates;
- All procedures are to be in accordance with a Surface Water Management Plan.

### 2.3. **Accompanying documents:**

- Natura Impact Assessment;
- Revised Natura Impact Assessment;
- Site location map, topographical survey and sections;
- Proposed plans and sections.

## 3.0 **Site and Location**

- 3.1. The subject site is located in the Glen of Aherlow is south-western Co. Tipperary. The Glen of Aherlow is formed by the Galtee Mountains to the south and Slievenamuck to the north. The R663 Regional Route and a parallel local road pass through the glen either side of the River Aherlow, which flows from west to east joining the River Suir to the north of Cahir. The River Aherlow has a number of tributaries from the mountains on both sides, including the Clydagh River a short distance downstream of the site.
- 3.2. The site contains the Clonbeg Bridge which is centrally located within the glen approximately 2.5km east of Lisvarrinane. The existing bridge consists of a timber deck on longitudinal steel beams on two cross beams supported by piers on the outside of the bridge and concrete wall abutments. The bridge spans approximately 4.5m and has a width of 3.76m.
- 3.3. To the west of the bridge is Clonbeg Church and adjoining graveyard. There is a holy well to the rear (east) of the graveyard. In the vicinity of the bridge and graveyard there are a number of drainage ditches, flooded areas and culverts. The River Aherlow and adjoining banks and floodplains are within the Lower River Suir SAC.

## 4.0 **Planning History**

- 4.1. No relevant planning history.

## 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) requires 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. The Regulations in particular require in Reg. 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.
- 5.3. **National nature conservation designations:** 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.
- 5.4. European sites located in proximity to the subject site include:
- Lower River Suir SAC (Site code: 002137)
  - Galtee Mountains SAC (Site code: 000646)
  - Moanour Mountain SAC (Site code: 002257)
- 5.5. **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.

**5.6. South Tipperary Development Plan, 2009 (as varied and extended) (Edition: December 2017)**

- 5.6.1. Policy LH6 seeks to ensure the protection, integrity and conservation of existing and candidate Natura 2000 sites and Annex I and II species listed in EU Directives. Planning applications will be accompanied by a NIS where a development may independently or cumulatively impact on the conservation values of Natura 2000 sites.

- 5.6.2. It is a policy of the Council (LH8) to protect the ecological status and quality of watercourses. It is stated under this policy that the Council will require the maintenance of an undisturbed edge or buffer zone, where appropriate, between new developments and riparian zones of waterbodies.
- 5.6.3. The site is within the Glen of Aherlow Marginal & Farmland Mosaic Landscape Character Area. It is noted in the Landscape Character Assessment that the glen is drained by SAC designated Aherlow River, which although not a visually prominent landscape feature, is of regional ecological importance. There are a number of listed views towards the Galtee Mountains set out in Appendix 4 of the Development Plan.
- 5.6.4. The Glen of Aherlow is also designated a Primary Amenity Area in the Development Plan where the Council will seek to achieve a balance between the protection of sensitive landscapes and the appropriate socio-economic development of these areas. Development proposals will be required to demonstrate that they integrate and respect the visual quality of the landscape.

## **6.0 The Natura Impact Statement**

- 6.1. Tipperary County Council's application for the proposed development was accompanied by a Natural Impact Statement (NIS) which scientifically examined the proposed development and the relevant European site. The NIS identified and characterised the possible implications of the proposed development on the European site, 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 NIS describes the elements of the project (alone or in combination with other projects or plans) that are likely to give rise to significant effects on the European Site. Potentially significant impacts are set out, as well as an assessment of their effect and the mitigation measures that are to be introduced to avoid, reduce or remedy the adverse effects on the integrity of the European Site.
- 6.3. The conclusion reached in the NIS is that there is potential for likely significant effects to the Lower Suir SAC arising from impacts on water quality; habitat loss or alteration; disturbance and/ or displacement of species; and habitat or species fragmentation. However, with implementation of mitigation measures in full, it is



considered, beyond reasonable scientific doubt, that no adverse effect will result to the integrity of the European site in light of the conservation objectives of that site.

## 7.0 Consultations

7.1. The application was circulated by the applicant to the following bodies:

- Department of Communications, Climate Action and Environment
- Department of Culture, Heritage and the Gaeltacht
- Department of Housing, Planning and Local Government
- Department of Agriculture, Food and the Marine
- Inland Fisheries Ireland
- The Heritage Council
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce
- Transport Infrastructure Ireland
- Irish Water

7.2. The following responses were received by the Board:

### 7.3. **Transport Infrastructure Ireland:**

7.3.1. Having regard to the nature of the application and its location, TII has no specific observations to make in relation to potential impacts to the existing and/ or proposed national road network in the area.

### 7.4. **Department of Communications, Climate Action & Environment:**

7.4.1. The following comments have been received from Geological Survey Ireland:

- There is a County Geological Site (CGS) located in proximity to the site: Glen of Aherlow.
- There is no envisaged impact on the integrity of the CGS within the current plan.
- Geological Survey Ireland would like to help with interpretive signs around the bridge to explain any interesting geological features seen in the Glen of Aherlow, if appropriate.
- Geological Survey Ireland request copy of reports detailing any site investigations carried out.
- Any significant bedrock cuttings should be designed to remain visible as rock exposures rather than covered with soil and vegetated – alternatively, digital photo of any significant excavation could be provided and added to national database of site investigation boreholes.

## 7.5. Department of Culture, Heritage and the Gaeltacht

7.5.1. The National Parks and Wildlife Service submitted the following nature conservation observations on the application:

- Siltation of downstream salmon and lamprey spawning sites due to proposed works:
  - There is considerable amount of silt on bed of river under and near to bridge.
  - Riparian works and bridge construction works should be carried out between July and September to avoid damage to spawning and juvenile fish and lamprey.
  - Works should only occur when a base weighted silt curtain has been placed downstream – all silt accumulated upstream of curtain should be removed by careful excavation or suction prior to removal of curtain.
- Damage to riparian trees:
  - White willow, crack willow, sallys and alder occur on the riverbank and machine access area – width of riparian treeline and nature of topography

and vegetation are not considered to represent alluvial woodland habitat at the site.

- Trees should be retained where possible, cut back to the stump rather than excavated so as to allow works access but not to lead to loss of riparian trees in the medium term – species will rapidly regrow.
- Any cut excavated stumps should be reincorporated into the bank above the rock-armour where possible and only native riparian trees will be replanted.
- Pollution due to fresh cement:
  - Recommended that NPWS Conservation Ranger is notified before pouring of fresh cement and that pour takes account of 5-day and 24 hour weather forecast.
- Introduction of invasive species, especially crayfish plague and Japanese Knotweed:
  - Japanese Knotweed occurs approx. 20m from works area – area should be avoided.
  - All areas accessed by machinery should be examined for seedling knotweed prior to excavation.
  - Works area should be inspected for Japanese knotweed one year after works are complete – if found, 3-year spraying programme shall be commenced to eradicate the plant.
  - Prior to commencement of works, river should be examined for dead crayfish – any specimens found should be sent for analysis for crayfish plague.
  - If possible, all machinery working on site should be treated with appropriate disinfectant when leaving the site.
- Disturbance to nesting river birds:
  - Site to be examined in mid-March prior to works and any dipper or yellow wagtail nesting activity within the works zone will be discouraged.

- If either of these species or Kingfisher are observed to be nesting in works area, works should not commence in the river zone until breeding is complete.
- Other issues:
  - Spoil from recent works on adjacent drain to the bridge has been dumped in the SAC – should be removed and NPWS ranger informed.
  - All excess spoil excavated as part of the works should be removed out of SAC boundary.
  - There is a holy well within walls of cemetery – avoid any effects on groundwater which might affect this well.

## 7.6. Inland Fisheries Ireland:

### 7.6.1. IFI submitted the following comments on the proposed development:

- No objection in principle to the proposed works.
- Fisheries resource shall not be adversely impacted and Section 131, 171 and 173 of the Fisheries (Consolidation) Act 1959, as amended, shall be complied with including any discharges during construction works.
- Proposed works shall be carried out in a manner so as to comply with Ireland's obligations under the Water Framework Directive and standards set out in the European Communities Environmental Objectives (Surface Water) Regulations, 2009, S.I. 272 of 2009.
- Works shall be carried out in a manner that ensures compliance with the requirements of the European Communities (Natural Habitats) Regulations 1997 (S.I. No. 94 of 1997), and the European Communities (Birds and Natural Habitats) Regulations 2011 to 2015 (S.I. No. 477 of 2011).
- Works will be subject to the close season for instream works – 1<sup>st</sup> October to 30<sup>th</sup> June.
- IFI should be consulted and agreement reached in relation to CEMP, EOP and Water Management Plan to be produced by appointed contractor, (condition of planning permission).

- Final design of bank re-profiling and installation of rock armour shall be agreed in advance with IFI.
- Mitigation measures contained in Section 11 of the Natura Impact Statement shall be implemented in full.
- Land take should be sufficient to allow for overland discharge and percolation of settled water and to ensure there is no possibility of this discharge returning to Aherlow River prior to percolation.
- Lamprey removal and crayfish translocation should take place prior to any works commencing or any machinery entering the river.

### **7.7. Department of Culture, Heritage and the Gaeltacht**

- 7.7.1. The Underwater Archaeology Unit of the National Monuments Service recommends the carrying out of an Underwater Archaeological Assessment comprising a detailed desktop study and archaeological assessment to include terrestrial, riverbank and intra-riverine assessment, wade and/ or dive survey and metal detection of the footprint of the proposed works.
- 7.7.2. It is also recommended that the assessment should be forwarded to the Underwater Archaeology Unit for consideration as further information, as archaeological mitigation may be required. Recommendations shall be put forward to mitigate any identified negative impacts to cultural heritage.

### **7.8. Public Submissions:**

- 7.8.1. None received.

## **8.0 Assessment**

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

- 8.1.1. Tipperary County Council is seeking permission from the Board for repair and refurbishment works at Clonbeg Bridge to include replacement of the bridge, construction of road and reprofiling of river embankment. The purpose of the project

is to repair and improve the structural condition of Clonbeg Bridge and to remediate the deterioration of the structure and its stability and structural integrity.

8.1.2. The existing bridge is a 3-span steel structure with timber deck. The length of the bridge is approximately 15m and its width is approximately 3m. The new bridge will be approximately 20m long and 4m wide and finished in bituminous layers for surface course. An existing culvert to the west of the bridge will be removed and a channel to the river will be closed off.

8.1.3. The bridge serves a public road and further to the south this road splits in two and accesses private properties. Traffic volumes are low; at this time of my site visit the bridge was used by a single vehicle. Notwithstanding this, I consider that the proposed works appear to be essential and necessary to safeguard the structural condition of a river crossing on a public road. Subject to an assessment of the proposal on the surrounding environment and European sites, I consider that the proposed bridge replacement is acceptable in principle.

## **8.2. The likely effects on the environment**

8.2.1. There is no provision under Section 177AE of the Planning and Development Act, 2000 (as amended) to require Environmental Impact Assessment or to carry out a formal EIA Screening Determination for a Local Authority Project, which was submitted to the Board under this section of the Act. Notwithstanding this, the proposed development described as the repair and refurbishment of Clonbeg Bridge is not of a development type for the purposes of Part 10 listed in Schedule 5 of the Planning and Development Regulations, 2001 (as amended). Furthermore, the proposal does not fall under any prescribed type of road development pursuant to Section 50 Roads Act, 1993 (as amended) that requires the preparation of an Environmental Impact Assessment Report.

8.2.2. The applicant has not provided supporting information on any environmental topic other than the documentation required for Appropriate Assessment. However, submissions on the application were received from the Department of Culture, Heritage and the Gaeltacht in relation to issues of biodiversity and archaeology. Submissions were also received from Inland Fisheries Ireland and Geological Survey Ireland. Having regard to the nature and scale of the proposed development, I

consider that the main environmental effects to be assessed, other than those covered under the Appropriate Assessment, are as follows:

- Biodiversity
- Cultural heritage
- Visual amenity

### *Biodiversity*

- 8.2.3. It is a policy of the Council (LH8) to protect the ecological status and quality of watercourses. It is stated under this policy that the Council will require the maintenance of an undisturbed edge or buffer zone, where appropriate, between new developments and riparian zones of waterbodies.
- 8.2.4. The proposed bridge replacement includes the installation of reinforced concrete abutments that require the re-profiling of the embankments of the river. Vegetation along the riparian zone will be removed and bunds will be created to allow banks to be excavated and reshaped. Geotextile and rock armour will be installed to protect against erosion of embankment/ sedimentation.
- 8.2.5. As the proposed development involves works within the riparian zone, a certain level of disturbance is necessary. The National Parks and Wildlife Service acknowledges that the proposal will result in damage to riparian trees; however, the width of the riparian treeline and nature of topography and vegetation are not considered to represent alluvial woodland habitat, which is a priority habitat listed for protection within the Lower River Suir SAC. It is recommended that trees at the location of the proposed works should be retained where possible and cut back to stump rather than excavated, with any excavated stumps reincorporated into the bank above the rock-armour, where possible. Only native riparian trees shall be replanted.
- 8.2.6. The NPWS also highlighted concerns regarding the introduction of invasive species, especially crayfish plague and Japanese Knotweed. Japanese knotweed occurs approx. 20m from the works area and there is signage beside the existing bridge advising anglers, kayakers and boat users to check, clean and dry their equipment before entering and on existing the river to prevent the spread of crayfish plague. Biosecurity measures for the prevention of the spread of harmful invasive species and pathogens are set out in Appendix 3 of the Screening for Appropriate

Assessment and it is recommended by the NPWS that the river should be examined for dead crayfish prior to commencement of development.

- 8.2.7. The NPWS advises that the area where Japanese knotweed occurs should be avoided and any areas accessed by machinery should be examined for seedling knotweed prior to excavation. The works area should also be examined for Japanese knotweed one year after works are complete, and if found, a 3-year spraying programme to eradicate the plant shall commence.
- 8.2.8. The other main concern of the NPWS out with the issues covered in the Appropriate Assessment is the potential disturbance to nesting river birds. In this regard, it is stated that the site should be examined in mid-March prior to works. Any dipper or yellow wagtail nesting activity within the works area should be discouraged, and if either of these species or Kingfisher are observed to be nesting, works should not commence in the river zone area until breeding is complete.
- 8.2.9. Subject to the strict compliance with the requirements of IFI and NPWS, and mitigation measures put forward within the Appropriate Assessment, I would be satisfied that the proposed development will not give rise to any significant effects on biodiversity. Method statements for project works will be prepared and a project ecologist will be appointed to monitor works on a weekly basis and to ensure that all mitigation measures are properly implemented. The project ecologist will also have the power to suspend works if mitigation is not functioning adequately to minimise the potential impact on local ecology.

#### *Cultural heritage*

- 8.2.10. The Underwater Archaeology Unit of the National Monuments Service recommends that further information should be sought from the applicant to include an Underwater Archaeological Assessment to determine if archaeological mitigation is necessary. I consider that a condition can be attached to any grant of permission to facilitate the preservation, recording, protection and removal of any archaeological materials/features that may exist. The Board may also consider it appropriate to condition a further riverine assessment prior to commencement of development to include terrestrial, riverbank and intra-riverine assessment, wade and/ or dive survey and metal detection of the footprint of the proposed works. This can also be facilitated by way of condition.



- 8.2.11. St. Sedna's Church of Ireland Church and the ruins of a medieval church are located to the west of Clonbeg Bridge. The graveyard surrounding the church and ruins contains a small mausoleum and holy well. The holy well is situated at the south-eastern corner of the graveyard at a distance of approximately 24m from the main river channel. The channel proposed to be closed off is between the river and well.
- 8.2.12. I note that the holy well is not shown on the drawings accompanying the planning application and no assessment is carried out of the potential impact of the proposed works on the monument. The monument is described as "*...an ovoid well (dims. 1.2m x 1.65m) lined with rough stones. The water is deep (0.7m) and clear, with a pipe feeding from the NE side of the well into an adjacent pool...*".
- 8.2.13. The NPWS noted in relation to cultural heritage that it would be particularly important to avoid any effects on ground water levels which might affect this well. No specific comments on this monument were received from the National Monuments Service.
- 8.2.14. I would be of the opinion that the water levels and clarity within the well should be assessed during the course of construction works. Furthermore, the proposed removal of the culvert and closing of the adjacent channel should not adversely impact on the proposed holy well. This can be monitored and assessed by way of condition in the event of a grant of planning permission.

#### *Visual amenity*

- 8.2.15. It is noted in the Landscape Character Assessment for Co. Tipperary that the Glen of Aherlow is a self-contained visual unit that is of national importance in terms of image, aesthetic and recreational amenity. There are a number of listed views towards the Galtee Mountains set out in Appendix 4 of the Development Plan. The Glen of Aherlow is also designated a Primary Amenity Area in the Development Plan and development proposals will be required to demonstrate that they integrate and respect the visual quality of the landscape.
- 8.2.16. The proposed development is at surface level and will not therefore be visually prominent within the surrounding scenic landscape. As noted above, the proposal will require the removal of vegetation at commencement of construction works and this will give rise to some local adverse visual impacts. It is recommended that trees be retained and cut back where possible. The species of tree at the location of the

site will rapidly regrow and this will help to integrate the new bridge structure into its setting.

### 8.3. The likely significant effects on a European site

8.3.1. 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

8.3.2. **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.

8.3.3. **The Natura Impact Statement:** The application was accompanied by a NIS which describes the proposed development, the project site and the surrounding area. The NIS contains a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within the European Site that has the potential to be affected by the proposed development. It predicted the potential impacts for the site 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.

8.3.4. The NIS was informed by the following studies, surveys and consultations:

- A desk top study.
- Site visit carried out on 31<sup>st</sup> March 2019.
- An examination of aerial photography and maps.

- Standard habitats classifications (Fossitt, 2000);
- A survey of the proposal site and surroundings;
- Identification of conservation aspects of the site through literature survey and consultation with relevant stakeholders.

8.3.5. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, it is not expected that significant impacts will result to the conservation objectives of the qualifying features identified for appraisal in the NIS and thus it is not expected that the proposal will have an adverse impact on the integrity of the Natura 2000 site.

8.3.6. 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. Details of mitigation measures are provided and they are summarised in Section 11 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

#### 8.4. **Stage 1: Appropriate Assessment Screening**

8.4.1. I consider that the proposed development comprising of the replacement of Clonbeg Bridge is not directly connected with or necessary to the management of any European site.

8.4.2. 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, the following European Sites are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.

8.4.3. European sites considered for Stage 1 screening:

**Table 1**

<b>European site (SAC/SPA)</b>	<b>Site code</b>	<b>Distance</b>	<b>Qualifying Interests</b>
<b>Lower River Suir SAC</b>	002137	Located within	See below
<b>Galtee Mountains SAC</b>	000646	2km	<p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p>
<b>Moanour Mountain SAC</b>	002257	3.7km	<p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p>

8.4.4. 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 distances and functional relationships 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 conclude that a Stage 2 Appropriate Assessment is required for Lower River Suir SAC (Site code: 002137).

8.4.5. The remaining sites (Galtee Mountains SAC – Site code: 000646 and Moanour Mountain SAC – Site code: 002257) 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 linkage between the proposed works and the European

sites. Galtee Mountains and Moanour Mountain SACs are at a higher altitude than the proposed development site and are not therefore hydrologically connected.

8.4.6. 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 Nos: 000646 and 002257 in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment for these sites is not therefore required.

**Relevant European site: Lower River Suir SAC (002137)**

8.4.7. Qualifying Interests, including any relevant attributes and targets, for the Lower River Suir SAC are set out below.

**Table 2**

<b>Conservation objectives</b>	<b>Qualifying Interests</b>	<b>Relevant attribute and target</b>	<b>Potential pathway</b>
<b>To restore the favourable conservation condition</b>	Atlantic salt meadows		No – habitat associated with coastal reaches approx. 75km downstream
<b>To restore the favourable conservation condition</b>	Mediterranean salt meadows		No – habitat associated with coastal reaches approx. 75km downstream
<b>To maintain the favourable conservation condition</b>	Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation	Stable/ increasing habitat area; no decline in habitat distribution; maintain appropriate hydrological and tidal regime; maintain appropriate sub-stratum, water quality, typical species, floodplain connectivity and marginal fringing.	Yes – occurs within 10m upstream and 60m downstream
<b>To maintain the favourable conservation condition</b>	Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels		No – degree of shade provided by trees and the distinct woodland borders with other habitat appears to have precluded the development of this habitat at the proposed works location.
<b>To restore the favourable</b>	Old sessile oak woods with Ilex and Blechnum in		No – Distributed along River Suir in

Conservation objectives	Qualifying Interests	Relevant attribute and target	Potential pathway
conservation condition	the British Isles		excess of 75km downstream.
To restore the favourable conservation condition	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> )		No – known to occur 75km downstream.
To restore the favourable conservation condition	<i>Taxus baccata</i> woods of the British Isles		No – does not occur at or within 0.5km of the site.
To restore the favourable conservation condition	Freshwater Pearl Mussel	Restore distribution to 10.4km and population to at least 10,000 adult mussels; restore 20% of population to $\leq 65$ mm in length and at least 5% to $\leq 30$ mm in length; $\leq 5\%$ decline from previous no. of adults counted; dead shells $< 1\%$ of adult population and scattered in distribution; restore suitable habitat in more than 8.8km in the Clodiagh system and any additional stretches necessary for salmonid spawning; restore condition of habitat and water and substratum quality; maintain appropriate hydrological regime; maintain sufficient juvenile salmonids to host glochidial larvae; restore area and condition of fringing habitat necessary to support the population.	Yes – possible that undocumented FPM occurs downstream beyond survey extents.
To maintain the favourable conservation condition	White-clawed Crayfish	No reduction from baseline distribution, juveniles and/ or females with eggs in all occupied tributaries, no alien crayfish and no instances of disease, sampling of water quality by EPA, no reduction in habitat heterogeneity or habitat quality.	Yes – occurs in Aherlow River at Clonbeg Bridge.
To restore the favourable conservation condition	Sea/ Brook/ River Lamprey	Greater than 75% of main stem length of rivers accessible from estuary (Sea Lamprey), access to all watercourses down to 1 <sup>st</sup> order streams (Brook and River Lamprey) at least 3 age/ size groups present, juvenile density at least 1/m <sup>2</sup> (Sea Lamprey) and 2/m <sup>2</sup> (Brook and River Lamprey), no decline in extent and distribution of spawning beds, more than 50% of sample sites positive.	Yes – Sea Lamprey could potentially occur in the Aherlow River and juvenile Brook and River Lamprey could occur in the Aherlow River at Clonbeg Bridge.
To restore the favourable conservation condition	Twaite Shad		No – Aherlow River outside the known range of this species.

Conservation objectives	Qualifying Interests	Relevant attribute and target	Potential pathway
			Geographic separation in excess of 60m downstream.
<b>To restore the favourable conservation condition</b>	Salmon	100% of river channels down to 2 <sup>nd</sup> order accessible from estuary, conservation limit for each system consistently exceeded, maintain or exceed 0+ fry mean catchment-wide abundance threshold value-currently set at 17 salmon fry/5 minutes sampling, no significant decline in out-migrating smolt abundance, no decline in no. & distribution of spawning redds due to anthropogenic causes, water quality at least Q4 at all sampled sites.	Yes – Aherlow River an important spawning and nursery area for Atlantic Salmon
<b>To maintain the favourable conservation condition</b>	Otter	No significant decline in distribution or extent of terrestrial, marine and freshwater habitat; no significant decline in couching sites and holts; available fish biomass; no significant increase in barriers to connectivity.	Yes – Likely to occur in/ along Aherlow River.

### Geographical Scope and Main Characteristics

8.4.8. The proposed development comprises the replacement of an existing bridge over the River Aherlow in the Glen of Aherlow, Co. Tipperary. The bridge carries a local public road which forks in two and provides access to private laneways to the south. The River Aherlow and the existing and proposed bridge are entirely within the Lower River Suir SAC, which is of conservation interest for a range of species including Freshwater Pearl Mussel, White Clawed Crayfish, Salmon, Twaite Shad, Lamprey and Otter. There is dense riparian vegetation to the north of the bridge and a considerable layer of silt on the bed of the river under the bridge. Survey findings showed that there is White Clawed Crayfish habitat at the location of the bridge and juvenile Lamprey habitat along the western bank at the bridge. White Clawed Crayfish and Lamprey occur in the Aherlow River at Clonbeg Bridge but Freshwater Pearl Mussel was not recorded during the survey. Floating River Vegetation is present a short distance (within 10m) upstream and a further distance downstream there is a Salmon spawning and nursery area, floating river vegetation and mature

Brook Lamprey. The stretch of the river within 10m of the bridge is not considered suitable for spawning Salmon and Lampreys.

- 8.4.9. Habitat within the vicinity of the bridge includes riparian woodland, improved agricultural grasslands, wet grasslands and drainage ditches/ other artificial ponds. The Aherlow itself is categorised as a depositing lowland river.
- 8.4.10. The existing bridge is a three-span structure with timber deck supported by concrete wall abutments and piers comprising steel girders surrounded with concrete pillars. The bridge will be dismantled, and the elements will be lifted away by crane. Vegetation will be removed along the riparian zone and the river embankments will be reprofiled for installation of reinforced concrete abutments. Geotextile and rock armour will be installed to protect against erosion of embankment/ sedimentation. Instream works will be undertaken within bunds and silt fencing will be used to protect against material entering the river. Existing culvert pipes serving a channel to the west of the bridge will be removed and the channel will be closed off. Wastes will be managed as part of the Waste Management Plan. It is estimated that approximately 48 m<sup>3</sup> of waste will be generated from the proposed development.
- 8.4.11. It is anticipated that works will commence in August and will be completed in approximately 12 weeks. Between 4 and 6 persons will be employed on site.

**Potential direct effects:**

- *Water quality and impacts on aquatic habitat and species from the following:*
  - Organic pollution through accidental spillage or hydrocarbons.
  - Risk of wastewater during mixing/ disposal of concrete escaping to the river.
  - Uncontrolled flows of suspended particles from regrading of banks and use of bunds during heavy rainfall.
  - Accidental concrete spillage and release of lime mortar during works.
  - Release of lime to aquatic environment with installation of rock armour.
  - Project could result in nutrient increases via disturbance of substrata and sediment release, thereby affecting water quality.
  - Embankment works could sever connectivity to fringing habitat and affect floodplain connectivity if bank heights are changed.



- Potential for suspended solids to enter Aherlow River during culvert excavation.
- *Habitat loss or alteration:*
  - Floating river vegetation is of conservation interest but is located away from the affected part of the river during regrading works; however, aquatic plant cover was identified on rocks and substrata in the environs of Clonbeg Bridge and there is potential for this to be removed/ disturbed.
  - Installation of rock armour could lead to covering of riverbed substrates if not carried out in a controlled manner, with subsequent loss of aquatic plant cover from affected areas.
  - Habitat loss/ alteration impacts to floating river vegetation through a reduction of water quality.
  - Changes in flow may alter the composition of floating river vegetation locally – no significant effects on conservation attribute anticipated.
  - Dismantling of bridge and installation of reinforced abutments could cause redistribution of stones, resulting in habitat alteration impacts to White Clawed Crayfish and juvenile Lamprey.
  - Reprofiling of river embankment will remove White Clawed Crayfish and juvenile Lamprey habitat and potentially reduce the quality of these habitat in adjacent areas.
  - Accumulation of sediment on and within redd gravels can have lethal and sub-lethal effect on Salmonid Eggs and sac fry that incubate within the gravel voids. This affect also applies to Lampreys and FPM.
- *Disturbance and/ or displacement of species:*
  - Direct disturbance to Lampreys and White Clawed Crayfish during in-stream works.
  - Silting habitat is essential for larval Lamprey – vital that such sedimenting habitat is retained.
  - Hydromorphological character of the river could be altered to affect the disposition rates in the locality.

- White Clawed Crayfish and Lamprey could be lost due to suffocation, injury or other physiological impacts where footprint of the works coincide with habitat suitable for these species.
- Introduction of Crayfish plague could eliminate the population in the Aherlow River. Alien Crayfish are a major threat to the existing species and as a disease vector.
- Works may temporarily replace foraging Otters – considered to be limited in terms of impact due to the localised and temporary nature of works and the wide availability of suitable habitat upstream and downstream.
- Potential impact on Otter if water quality impacts are at a level that affects its prey.
- *Habitat or species fragmentation:*
  - Potential exists for water quality, habitat alteration and disturbance/ displacement impacts – in the absence of mitigation, there is potential for localised habitat or species fragmentation.

**Potential indirect effects:**

- The main potential indirect impacts relate to water quality impairment and the subsequent impacts on the qualifying interests of the Lower River Suir SAC.
- Climate change and shift in ecological conditions supporting the spread of pathogens, parasites, diseases and not-native biota.

**Potential in-combination effects:**

- Discharge of polluting substances and from point and diffuse sources within Aherlow catchment:
  - Wastewater treatment plant discharges to surface waters.
  - Combined sewer outfalls.
  - Water abstraction for water treatment plants and other licenced activities.
  - Extractive industry at Coolgort.
  - Section 4 Discharge/ pressure at nearby hotels and caravan park.

- Nearby Licenced Integrated Pollution and Prevention Control.
- General intensification of agri-sector contributing to nutrient loading to inland waters, driven by grazed grass.
- Poaching of riparian areas and land clearance works.
- Localised cumulative effect from proposed bank works and recently ploughed agricultural lands.
- Cumulative effects of climate change and development and erosion of riverbanks from increases in heavy rain-storms.

8.4.12. I am satisfied that no additional sites other than that assessed in the NIS (Lower River Suir SAC) need to be brought forward for Appropriate Assessment.

## 8.5. Stage 2: Appropriate Assessment

8.5.1. Having regard to the potential impacts on the conservation objectives identified above, the NIS proposes a number of mitigation measures which must be assessed in order to determine if the proposed development would adversely affect the integrity of the European Site.

### **Mitigation measures:**

- *Method statements:-*
  - Used to translate project requirements into planned system of work instructions to staff and operatives.
  - Procedures for reprofiling of embankments, installation of rock armour, and dismantling and erection of bridge replacement shall only be approved with prior inspection of site-specific method statements.
  - Will ensure that resources are available from the start; tasks are thought out in advance; safe working methods are defined, and workers involved are aware of the risks associated with the task.
  - Proposed development will be constructed in accordance with “Guidelines on the Protection of Fisheries during Construction Works in and Adjacent to Waters” (IFI, 2016) and “Control of Water Pollution from Construction

Sites – Guidance for Consultants and Contractors” (Masters-Williams et al. 2001).

- Method statements to be agreed with Tipperary County Council, project engineers and project ecologists prior to construction.
- *Temporary construction compound:-*
  - If required, construction compound will be located outside of SAC and agreed with project ecologist.
  - Drainage will be directed to oil interceptor and temporary toilet facilities will be provided.
  - If used for storage of fuels, oils, etc., a bunded containment area will be provided within the compound.
- *Site preparation:-*
  - Area required to access and carry out works will be demarcated by secure posts and tape and agreed with site ecologist.
  - Machinery will not be allowed to breach agreed boundaries during works.
- *Storage:-*
  - Storage of materials, containers, stockpiles and waste should follow best practice and be stored at specific areas.
- *Weather reports and timing:-*
  - Weather forecasts to assist in planning works and postponing when necessary.
  - Timing of soil stripping and excavation works will take account of predicted weather, particularly rainfall.
- *Project ecologist and tool box talks:-*
  - Appointed to monitor/ audit works on a weekly basis.
  - Will have strong background on aquatic fauna, particularly White Clawed Crayfish and Lampreys.

- Inform relevant personnel of sensitive nature of the environment and provide details of environmental control and mitigation measures.
- Workers to be made aware of method statements and trained in emergency response procedures.
- Tool box talks to be undertaken weekly for any new worker.
- Weekly site audit to ensure mitigation measures are fully implemented.
- Authority to suspend works if not being carried out in line with agreed method statement, etc.
- *Drainage controls:-*
  - Potential sources of pollution protected from rainfall by covering.
  - Good site management and adherence to method statements and a surface water management plan put in place.
  - Stockpiled soils located at suitably sheltered areas and away from drainage conduits.
  - Silt retaining measures to reduce risk of silt run-off along downgradient edges of stockpiled earth materials.
  - Silt fencing to be secured by stakes buried into the ground – use local topography to ensure their effectiveness.
  - Ground to be left in vegetated state insofar as possible to enhance settling out of any suspended solids.
  - Silt fences to be maintained by contractor until their removal is agreed by ecologist.
  - Interception (silt trap) and management of road run-off including treatment by oil interceptor.
  - Any pumped silty water to be removed to settlement tank – location to be agreed with ecologist.
  - Only habitat of low ecological value can be used for placement of plant and other materials if within SAC.

- Settlement tank to have internal baffle screens to enable sediment/ solids to settle – sediment reduced water then discharge to grassed area of low gradient.
- *Excavation works:-*
  - Avoidance of unnecessary excavation and no excavation allowed until drainage/ sediment control is in place.
  - Suspension of earth moving during heavy rainfall and timing of works carried out as required.
  - Earthworks material compacted in layers to prevent water ingress and degradation.
  - Any contaminated soil to be segregated, stockpiled, sampled and disposed off site.
  - All excavated or introduced materials will either be used or removed off site.
- *Concrete works:-*
  - Concrete pours to be carried out in isolation from water behind dams or between silt fencing and water.
  - Shuttering used to case and retain concrete until cured and hardeners used to encourage fast setting.
  - Any concrete made up on site to be within bunded area at site compound.
  - Concrete pours to be supervised by site engineer/ foreman and shall not take place in heavy rainfall.
  - Concrete trucks to be washed off site and only concrete chutes will be washed down on site at designated area in compound.
- *Hydrocarbons:-*
  - Fuel management plan to be developed and implemented prior to works for any stored hydrocarbons.

- Procedures and contingency plans will be implemented to deal with emergency accidents or spills and an emergency spill kit with oil boom, absorbers, etc. will be kept on site.
- *Waste management:-*
  - All demolition spoil to be handled in line with a Waste Management Plan.
  - Two types of skip to be provided in compound for recyclable wastes and various construction wastes.
  - Any waste lubricants/ oils to be stored in drums within bund in compound before removal and disposal.
  - No discharge of effluent or wastewater on site.
  - Rubble/ spoil tipped adjacent to road to north-west of Clonbeg Bridge will be removed.
- *Rock armour and rip-rap:-*
  - Rock armour and rip-rap will be locally sourced and placed in river to ameliorate fluvial habitats insofar as possible.
  - Formation of regular rock armour/ rip-rap feature in plan, with profiles of various slopes to create physical heterogeneity.
  - Two purpose-built areas in rip-rap will allow deposition of sand/ silt after completion of works.
  - Guidance will be taken from “Channels and Challenges – the enhancement of Salmonid Rivers” (O’Grady, 2006).
  - Alluvial soils removed during excavations will be used to bind the top and landward side of the rip-rap.
  - Trees will be planted along re-profiled bank comprising native species, e.g. Willow.
- *Crayfish:-*
  - Imperative that best effort is made to remove White Clawed Crayfish from areas directly affected by works – permission required from NPWS to capture and relocate.

- To be carried out by suitably qualified ecologist in cognisance of risks associated with transfer of Crayfish Plague.
- Measures required to off-set habitat loss to include interstitial spaces in rip-rap that can be used by White Clawed Crayfish and hard substrates of rip-rap to comprise components only >20cm across.
- “Guidance on Habitat for White Clawed Crayfish and its Restoration” (Peay, 2002) will be used to inform suitable habitat.
- *Lampreys:-*
  - Lampreys in areas directly affected by works will be removed by electrofishing and translocated to suitable habitat.
  - Captured Lampreys will be collected in container of river water and transferred to suitable upstream location.
  - These work to be carried out during normal/ low river flow, and in deeper areas, Lamprey removal may only be efficient during dewatering.
  - Electrical fishing to be authorised by Department of Communication, Energy and Natural Resources and removal to take place no earlier than one week before works and recolonization could occur.
- *Invasive species control:-*
  - All plant and equipment will need to be clear and free from soil/ mud/ debris or attached animal or plant material.
  - All equipment that will be placed in the water should be treated to prevent foreign flora/ fauna entering the water.
  - Non-native species control will be practised according to relevant IFI documents.
  - It is possible that the water of the Aherlow River at Clonbeg Bridge may carry Crayfish plague – staff need to be aware of the procedures necessary to contain Crayfish plague.



- River/ lake water or moist plant/ equipment will not be transported either to or from the proposed works site – complete drying kills spores of Crayfish plague (biosecurity measures contained in Appendix 3 of NIS).

**Further analysis/ Residual effects:**

- 8.5.2. There is potential for significant impacts on species and habitat that are features of interest for the Lower River Suir SAC including floating river vegetation, Freshwater Pearl Mussel, White Clawed Crayfish, Lamprey, Salmon and Otter. The main threat to these qualifying interests relates to water quality impacts from mobilisation of sediment and discharge of polluting substances. In particular, White Clawed Crayfish and Brook/ River Lamprey occur in the Aherlow River at Clonbeg Bridge and the Aherlow River is also an important spawning and nursery area for Atlantic Salmon. These species are particularly sensitive to water quality impacts. It is recommended by the NPWS that riparian works (for rip-rap) and bridge construction works should be carried out between July and September inclusive only. A base weighted silt curtain shall be placed downstream, and careful excavation or suction of accumulated silt upstream of the curtain is required prior to its removal. Furthermore, it is requested that the NPWS Conservation Ranger is notified before fresh cement is being poured.
- 8.5.3. Inland Fisheries Ireland request that consultation and agreement be reached in relation to the CEMP, EOP and Water Management Plan and that the final design for bank reprofiling and installation of rock armour shall also be agreed with IFI in advance. It is recommended that Lamprey removal and Crayfish translocation should take place prior to any works commencing or any machinery entering the water.
- 8.5.4. There is potential for species to be affected through habitat loss or alteration. In this regard, it is noted that aquatic plant cover occurs at the affected part of the river on rocks and substrata. The NPWS agree that although riparian trees at Clonbeg Bridge are typical species of alluvial woodland, the width of the riparian treeline and nature of topography and vegetation, are not considered to represent alluvial woodland, which is a priority habitat listed for protection in this SAC. However, it is recommended that trees should be retained wherever possible and cut back to stump rather than excavated, as these species of tree will rapidly regrow. In

addition, any cut or excavated stumps should be incorporated into the bank above the rock armour where possible and only native riparian trees shall be replanted.

- 8.5.5. Overall, there is potential for water quality, habitat alteration and species disturbance/ displacement impacts, as well as localised habitat or species fragmentation. Notwithstanding this, I am satisfied that with full and proper implementation of the mitigation measures set out in the NIS, and as recommended by the NPWS and IFI, it can be determined, beyond all reasonable scientific doubt, that the proposed development will not have significant effects on the Lower River Suir SAC. A Construction Environmental Management Plan (CEMP), incorporating all mitigation measures and a demonstration of proposals to adhere to best practice and protocols, as well as details of measures to protect fisheries and water quality of the river systems shall be outlined and placed on file. In-channel works shall adhere to the timing restrictions set out by the IFI and NPWS and a programme of water quality monitoring should be prepared in consultation with the contractor, the local authority and relevant statutory agencies.
- 8.5.6. Finally, all works will be overseen by a suitably qualified ecologist, who will inform construction workers of the sensitive nature of the environment and provide details of environmental control and mitigation measures. The ecologist will also have the authority to suspend works if not being carried out in line with agreed method statements.
- 8.5.7. I am therefore satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the Lower River Suir SAC in light of its conservation objectives subject to the implementation of mitigation measures outlined above.
- 8.6. **Appropriate Assessment Conclusions:** Having regard to nature of the proposed development, including proposals to replace an existing bridge over the Aherlow River, and to the location of the proposed works entirely within the Lower River Suir SAC, together with the proposed mitigation measures for drainage controls, excavation works, concrete works, installation of rock armour and rip-rap and control of invasive species, 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 no. 002137 or any other European site, in view of the sites' Conservation Objectives.

## 9.0 Recommendation

On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including 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 objectives, qualifying interests and special conservation interests for the Lower River Suir SAC (site code: 002137),
- (e) the policies and objectives of the South Tipperary Development Plan, 2009 (as varied),
- (f) the nature and extent of the proposed 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 proposed development,
- (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 and adopted the screening assessment and conclusion carried out in the Inspector's report that the Lower River Suir SAC 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.

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 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 negative 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 visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, 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. 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.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development, including those set out in Section 11 of the Natura Impact Statement and proposed by the National Parks and Wildlife Service (NPWS) and Inland Fisheries Ireland (IFI), shall be implemented in full or as may be required in order to comply with the following conditions. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

**Reason:** In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

3. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river systems shall be outlined and placed on file. In-channel works shall adhere to the timing restrictions to avoid damage to spawning and juvenile fish and Lamprey. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.

**Reason:** In the interest of the protecting of receiving water quality, fisheries and aquatic habitats.

4. Riparian works for installation of rip-rap and bridge construction shall be carried out between July and September inclusive only.

**Reason:** In the interest of nature conservation and to ensure the protection of the European sites.

5. 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), an Environmental Operating Plan (EOP) and a Water Management Plan incorporating all mitigation measures indicated in the Natura Impact Statement, and as proposed by the NPWS and IFI, and a demonstration of proposals to adhere to best practice and protocols.

**Reason:** In the interest of protecting the environment, the landscape, European Sites, and sensitive receptors and in the interest of public health.

6. The 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 and upon removal from 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.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be placed on the file and retained as part of the public record. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;

- (d) Details of any on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

8. The County Council 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. A suitably qualified archaeologist shall be appointed by the County Council 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 in advance of works commencing and shall be placed on the file and retained as part of the public record.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

9. All areas in proximity to the works area containing Japanese Knotweed shall be avoided and all areas accessed by machinery on the riverbanks shall be examined after vegetation cutting for seedling knotweed, prior to excavation. The works area shall be inspected for Japanese Knotweed one year after works are complete, and if found to be present, a three year spraying programme shall commence to eradicate the plant from the works areas. Details of site inspections and any subsequent spraying programme shall be placed on the file and retained as part of the public record.

**Reason:** In the interest of nature conservation and to eradicate invasive species.

10. 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 Natura Impact Statement and as proposed by IFI and the NPWS. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

**Reason:** In the interest of nature conservation and the protection of terrestrial and aquatic biodiversity.

11. The site shall be examined by the project ecologist in mid-March prior to commencement of works for dipper, yellow wagtail or kingfisher nesting activity and if observed to be nesting in the works area, commencement of works shall not take place until breeding is complete.

**Reason:** To prevent disturbance to nesting bird species scheduled under the Wildlife Act and the EU Habitats Directive and in the interest of nature



conservation.

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Donal Donnelly  
Senior Planning Inspector

8<sup>th</sup> January 2020