



An  
Bord  
Pleanála

# S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

## Inspector's Addendum Report ABP-306504-20

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### Strategic Housing Development

Demolition of existing structure, construction of 372 no. residential units (218 no. houses, 154 no. apartments), childcare facility and associated site works.

### Location

Crodaun, Celbridge, Co. Kildare.

### Planning Authority

Kildare County Council

### Applicant

Ardstone Homes Limited

### Prescribed Bodies

1. Irish Water
2. Transport Infrastructure Ireland
3. DAU

**Observer(s)**

1. Lorna Green
2. Brian McGee, MRICS

**Date of Site Inspection**

18<sup>th</sup> April 2020

**Date of Oral Hearing**

29<sup>th</sup> July 2020

**Inspector**

Fiona Fair

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## 1.0 Introduction

- 1.1. The Board issued a Board Direction, BD-005696-20, dated 5<sup>th</sup> May 2020, deciding that an Oral Hearing (OH) is required to address concerns regarding inadequate site specific information in relation to Biodiversity Chapter 6 of the EIAR, noting the absence of a bat survey. The Board Direction specifically requires the following:

‘Further clarification regarding site specific information in relation to Biodiversity Chapter 6 of the EIAR including a dedicated bat survey carried out within the optimal season for bats’.

- 1.2. This is an addendum report and should be read in conjunction with my previous report prepared in respect of the proposed strategic housing development ABP-306504-20, dated 22<sup>nd</sup> April 2020, and submitted to the Board.

- 1.3. Pursuant to the Board Direction, as set out above, a limited Oral Hearing was held in respect of biodiversity and bats. The limited agenda issued to all parties set out that the main item to be addressed at the Oral Hearing was as follows:

‘Further clarification regarding site specific information in relation to Biodiversity Chapter 6 of the EIAR including a dedicated bat survey carried out within the optimal season for bats’.

## 2.0 Oral Hearing Report

### 2.1. Introduction

- 2.1.1. An Oral Hearing was held in the Offices of An Bord Pleanála, on 29<sup>th</sup> July 2020 commencing at 10.00am and finishing at 11.30 pm approximately. The Board retained the services of Artane Audio which forms the official record of the proceedings. Due to Covid-19 the hearing was undertaken in part via Microsoft Teams.
- 2.1.2. The hearing, in the main, comprised of a verbal presentation on behalf of the applicant presented by Mr Declan Brassil (Planning Consultant), Mr. Brian Keeley (Ecologist, Wildlife Surveys Ireland) and Mr. Padraic Fogarty (Openfield Ecologists). Mr. Steve Cassidy, Ardstone Homes Ltd. also joined the hearing via Microsoft teams, he did not give any verbal presentation.

2.1.3. Mr. Eoghan Lynch, Senior Executive Planner, Kildare County Council responded to various queries throughout the hearing as they arose. Also present for Kildare County Council was Emer Ui Fhatharta, Senior Planner, Louise Murphy, Executive Planner and Bridget Loughlin, Heritage Officer.

2.1.4. Submissions from one observer was made by Lorna Green.

**2.2. Submission by Declan Brassil Planning Consultant on behalf of the Applicant**

2.2.1. Mr Declan Brassil gave an overview of their submission to the Oral Hearing, and provided an overview of the documentation that was uploaded on the 8<sup>th</sup> July 2020 to the website <https://celbridgeplanning.ie>.

2.2.2. The following three reports were carried out and submitted / uploaded to the website on the 8<sup>th</sup> July 2020:

1. 'A Bat Assessment of the Lands at Crodaun, Celbridge, County Kildare Proposed For Development and Implications for Resident and Local Bat Fauna', carried out by ecologist Brian Keeley on the 8<sup>th</sup> and 9<sup>th</sup> of June 2020. Henceforth referred to as the Bat Assessment.
2. A Letter by Openfield Ecologist, Padraic Fogarty, dated 29<sup>th</sup> June 2020, providing a review of the Bat Assessment Report, of June 2020
3. A Letter by Openfield Ecologist, Padraic Fogarty, dated July 1<sup>st</sup> 2020, providing a Summer Survey, of breeding birds and general habitat survey, carried out on the 30<sup>th</sup> of June 2020.

**2.3. Submission by Mr. Brian Keeley (Ecologist, Wildlife Surveys Ireland, on behalf of the Applicant).**

2.3.1. In relation to the limited agenda, the ecologist Mr Keeley gave an overview of the Bat Assessment of the lands. His submission for the most part included him reading aloud his Bat Report (carried out on the 8<sup>th</sup> and 9<sup>th</sup> of June 2020, as set out in No. 1 above) and adding supplementary explanations for choice of methodology.

2.3.2. Mr Keeley informed the hearing that he specialises in mammal surveys and in particular bat surveys. He noted that bats have a level of protection, higher than

other mammal species in Ireland and are protected under the Wildlife Act. He verbally confirmed that he carried out a survey of bats at Crodaun in June 2020.

- 2.3.3. He read aloud from his report that “on 8 June 2020, he examined the site visually for evidence of bat roosts in daylight and this was followed, on 8 and 9 June 2020, by a night-time bat detector survey utilising ultrasonic receivers to convert bat signals used in navigation and social interaction to a recordable and measurable pulse. In the field, one piece of equipment (EM3) provided a screen for instant evaluation while the capacity to record signals allowed for bat identification to be confirmed using sound analysis software (Kaleidoscope). The analysis was carried out by automatic identification and then evaluation of the identifications by the bat specialist. A second and third bat detector by means of static monitors were also employed to check for bat activity throughout the night in addition to the active surveys focussed on dusk and dawn”.
- 2.3.4. He continued to read from the Bat Assessment Report that the following equipment was employed: “An Echometer 3 (EM3) Real Time Expansion monitor with SD card recording and Garmin GPS attachment. Songmeter2Bat+ monitor for overnight recordings within the site and positioned within an old farm track connecting the fields and parallel to the public road”. A good place, in his opinion, for Bats to feed. Songmeter Mini was attached to a fence within a hedgerow within the site to evaluate bat feeding and commuting within the site. During the survey (at 04.20 hours) he moved the Songmeter Mini to a large ash on the outside edge of the farm lane.
- 2.3.5. “Maps of the proposed development at Celbridge and Google Maps were used in tandem with Huawei Smartphone 6 with digital camera”.
- 2.3.6. “An EM3 was held for the entire survey period and recorded all bat signals detectable by its transducer (microphone). Surveying commenced prior to sunset which was at 21.51 hours and continued until 23.20 hours. All hedgerow were walked, and all fields were traversed to identify bat activity within all areas of the proposed development”.
- 2.3.7. “The pre-dawn assessment (main activity) commenced at 04.00 hours and continued until 05.00 hours by which time all bat activity had ceased. Sunrise was at 04.59

hours". He expanded on this point by informing the hearing that non breeding roosts won't usually come out to feed at this time.

2.3.8. He then moved on to talk about survey constraints. He quoted from his Bat Assessment report that "conditions for surveying were suited to bat activity on all occasions. At sunset (21.51 hours) the temperature was 13 degrees Celsius. There was no rain on the night of survey and temperatures were adequate for bat feeding activity. Wind was 10 kmph at sunset and this led to a relatively still night throughout the site. Bat activity was present at all stages of the survey and conditions were clearly highly suited to bat activity". Mr Keeley's interpretation was that this was good representation of bat activity.

2.3.9. Again, he read from his report that the Bat species noted in 2020 in the Celbridge site are as follows:

1. "Common pipistrelle *Pipistrellus pipistrellus*
2. Soprano pipistrelle *Pipistrellus pygmaeus*
3. Leisler's bat *Nyctalus Leisleri*
4. Brown long-eared bat *Plecotus auratus*."

2.3.10. He stated that no bat roosts were noted within the site, as per his bat survey and assessment carried out in June 2020.

2.3.11. "Bat activity within the site commenced at 22.13 hours with the arrival of a Leisler's bat while at 22.14 hours, common pipistrelles were noted on two monitors in two separate positions (in the outside lane and within a hedge line). Soprano pipistrelle activity arrived later at 22.31 hours as noted by both static monitors and was noted by the active survey at 22.33 hours". The ecologist's interpretation of this is that common pipistrelles live closer to the site than Soprano pipistrelles. He stated "that the last recordings and observations of bats within the site were of common pipistrelles at 04.32 hours feeding along the outside lane and a large mature ash and of a Leisler's bat flying southeast towards the housing estate at 04.41 hours. Soprano pipistrelle activity was also scarce prior to sunrise, with the last signal recorded by a static monitor at 04.29 hours. This was within the farm lane (to the outside of the fields). Here, there was sustained soprano pipistrelle bat activity for 8 minutes at 00.12 hours".

- 2.3.12. “Brown long-eared bat activity was noted on two occasions, at 22.41 hours in the north-eastern corner of the proposed development (the EM3 active survey – signal not saved) and at 00.13 hours along hedgerow (by the Songmeter Mini)”. He informed the hearing that this species is often overlooked in surveys as the signal is very directional and weak compared to most other bat species.
- 2.3.13. He went on to clarify that no bats entered the tree he considered most likely to be a roost. He submitted that bats swarm at sunrise on their return to their roots so therefore this is the easiest time to locate a roost. He explained that when bats leave from a tree they are gone but coming back they swarm. He informed the hearing he is content that no bats returned to any of the trees on site on the night of the survey.
- 2.3.14. Following this he went on to further deal with “modifications or features introduced by the proposed development”. He informed the hearing that there are no existing buildings suitable for bat roosts located within the site. Ash trees are the only potential roosts. He stated that one cannot categorically say there are no roosts, having carried out just one survey, as one survey is a snapshot in time. However, even if ten or more surveys were carried out, it is his opinion, that one could not rule out absence of roosts.
- 2.3.15. He stated:
- “Vegetation Alterations”:
- 2.3.16. “There will be a requirement to remove much of the vegetation from the site to facilitate the project. This will include mature ash trees”.
- “Lighting”:
- 2.3.17. “There will be an increased level of lighting as there will be an introduction of housing to an agricultural site. There will be increased lighting for the construction and operation of the new buildings. This would lead to the disturbance of light intolerant or shy species while the more urban-adapted species will be affected to a lesser extent”.
- 2.3.18. He informed the hearing that Pipistrelles and Leisler’s bats are less affected by light than all other species, but Pipistrelles will avoid light where possible. Leisler’s bats may be attracted to lighting later into the night-time to feed on moths that themselves are attracted or disorientated by the lights. Species such as brown long-eared bat typically avoid and are intolerant of light.



2.3.19. With respect to **“Impacts of The Proposed Development”** the ecologist talked about “Potential roost loss”.

2.3.20. His dialogue informed the hearing that tree removal creates a risk of roost loss. While there is no evidence a tree is used, it could be used as a roost, by an individual bat, at a specific time period and not necessarily regularly. This could lead to injury or death to a species protected under the Wildlife Act and Habitats Directive (if a roost were present and not identified) and would therefore constitute a breach of the Irish and EU legislation.

2.3.21. He then proceeded to read from this report that “there is no evidence that the trees within the site are in use as bat roosts from the survey of the June 2020. Bats move in and out of roosts on a regular basis and individuals may be present at times other than a specific survey without any evidence”.

**“Disturbance from lighting”:**

2.3.22. He continued to read from his report that “lighting will be utilised for two different functions”:

“1. Access and safety and 2) Security and policing. The former is to allow ease of use at night. The latter is to ensure a perceived higher security level. This may affect light-intolerant bat species (such as brown long-eared bat) during foraging and if directed at emergence points would affect all bat species, even those that will feed in illuminated areas”.

2.3.23. “Species such as Leisler’s bat, soprano and common pipistrelles are less affected than almost all other Irish bat species and this would not be a significant impact. Bats rarely benefit from light. Lighting reduces foraging by pipistrelles. Without mitigation, it would lead to a permanent moderately negative impact”.

**“Reduced Feeding:”**

2.3.24. “Reduced vegetation including the removal of any of the trees within the site may lead to reduced insect abundance. On the night of survey, four species of bat were noted. Without mitigation, this would be a permanent slight negative impact”.

2.3.25. With respect to **“Proposed Mitigation”**, the ecologist summarised the proposed mitigation measures set out in his Bat Assessment report. He stated that the measures set out in the Biodiversity chapter of the EIAR are considered appropriate:

(a) For risk of construction mortality:

He informed the hearing that he recommends that further dedicated bat surveys should be carried out by a suitably qualified bat ecologist, of potential roosts, prior to the commencement of development and during the appropriate season.

(b) For risk from lost feeding and commuting opportunities and roost potential:

2.3.26. In his professional opinion he submitted that new hedgerows will retain connectivity through the site for biodiversity, as well as joining up with other hedgerows and green spaces beyond the development site boundary.

2.3.27. He then reverted to reading from his report once again and he submitted the following: "Where there is an opportunity to provide vegetative cover, native and local plant species should be employed including typical plants such as oak (the greatest value for most wildlife), hawthorn, blackthorn, elder, gorse, bramble, in addition to other species such as dog rose with an encouragement of species such as *Clematis* and other species attractive to moths".

2.3.28. "Six bat boxes will be erected at appropriate locations throughout the site to provide artificial roosting sites".

"This shall include the following mix of boxes:

'2 x 2FR Schwegler bat tubes incorporated into the apartment wall as shown in Figure 2 of the submitted Bat Assessment Report".

'4 x Schwegler 2F with Double Front panel in the green areas proposed for the perimeter of the site". He further elaborated on this point informing the hearing that such box types were specifically chosen as they are more likely to be used by bats rather than blue tits.

2.3.29. "All bat boxes must be unlit and those not built into the apartments should be at least 2.5 metres above ground height and preferably 3 metres or higher". Elaborating that this height above ground is required as bats drop and ascend into roosts and also there is need for protection from cats.

2.3.30. He once again reverted to reading verbatim from his report with respect to “(c) For risk from lighting”:

“The lighting plan has been reviewed and no lighting is directed towards external boundary hedgerows”. This he submits is required in order to protect potential feeding grounds. “Lighting is to be limited by the use of directional cowls while LED bulbs are to be employed (these have lower impact on bats than traditional mercury-halide lamps)”.

- “Motion-activated sensor lighting is preferable to reduce light pollution”. He summarised that LED Lights are better and have a lower impact upon bats. He informed the hearing that cognisance has been had to protection of all-night species not just bats, e.g. badgers.
- “None of the remaining trees or trees proposed for planting shall be illuminated”.
- “Lighting should be directed downwards away from the treetops”.
- “All luminaires shall lack UV elements when manufactured and shall be LED”.
- “A warm white spectrum (ideally <2700 Kelvin) shall be adopted to reduce blue light component”.
- “Luminaires shall feature peak wavelengths higher than 550nm”, he noted that light can be painful for bats rather than disorientating.
- “Tree crowns shall remain unilluminated”.

2.3.31. The ecologist then proceeded to deal with **Impacts of The Development After Mitigation.**

2.3.32. Mr Keeley informed the hearing that with mitigation this development will have no direct impact upon the conservation status of bats. He stated that there will be a slight loss in feeding opportunities for bats due to vegetation loss and increased building density. Over time, this will reduce as vegetation develops. He concluded that the residual impact of the proposed development, after mitigation, is not significant.

**2.4. Submission by Mr. Padraic Fogarty (Openfield Ecologists) on behalf of the Applicant.**

- 2.4.1. In relation to the limited agenda, firstly, Mr Fogarty sets out that he is the author of the Biodiversity Chapter included in the EIAR submitted in respect of the SHD application at Crodaun. He has reviewed the report “A Bat Assessment of the Lands at Crodaun, Celbridge, County Kildare Proposed For Development and Implications for Resident and Local Bat Fauna”, carried out by ecologist Brian Keeley on the 8<sup>th</sup> and 9<sup>th</sup> of June 2020. Referred to throughout this report as the Bat Assessment Report. He informed the hearing that the recommended mitigation measures are consistent with those included in the Biodiversity Chapter, and he is satisfied that the detail included in the mitigation measures is appropriate to avoid or mitigate the potential impacts identified in the Biodiversity Chapter. He is also satisfied that the survey confirms the conclusion in the Biodiversity Chapter that the residual impact of the proposed development, after mitigation, is not significant. He stated no new information was found which would alter his conclusions in the biodiversity chapter.
- 2.4.2. Secondly, he submitted to the hearing that he carried out a Breeding Birds survey of the lands at Crodaun on June 30<sup>th</sup> 2020. This was done in accordance with best practice guidance. He carried out a walk over of the entire site early in the morning.
- 2.4.3. The species identified were Blackbird, Pheasant, Wren, Blue Tit, Goldfinch, Magpie, Robin, Bullfinch, Dunnock, and Wood Pigeon. These are all species which are listed as ‘low conservation concern’ (Green List) by BirdWatch Ireland.
- 2.4.4. He submitted to the hearing that the assessment of residual impact concludes that no new survey issues arose. Habitats which were identified are consistent with those which were identified in the EIAR and the findings of the summer survey support and confirm the evaluation of significant effects and the mitigation measures which are proposed in the Biodiversity Chapter 6 of the EIAR.

**Break to consider submissions made**

## 2.5. **Comments from Kildare County Council (KCC)**

### 2.5.1. Eoghan Lynch, Senior Executive Planner:

Mr Lynch indicated that there were essentially no further comments from KCC. He informed the hearing that KCC reviewed the information submitted and seek to ensure that the mitigation measures proposed are implemented. It is their recommendation that an Ecological Clerk of Works (ECoW) is on site during construction and all mitigation measures proposed are adhered to. Also, that a pre-construction survey is carried out and adhered to.

## 2.6. **Question / Comments by Ms Lorna Green, Observer.**

2.6.1. Ms Green told the hearing that she did not believe that one survey, at sunrise and sun set, could capture the bat activity in the area. She submitted that several surveys are required during different conditions. As a resident abutting the boundary wall of the site at Crodaun she can confirm 'significant' bat activity in the area. She has seen a lot of bat activity in her rear garden and along the boundary hedgerow. She submitted that there is significant feeding at the site. She posed questions with respect to: distance bats travel to feed? Is there a roost nearby?

## 2.7. **Question / Comments by Inspector.**

2.7.1. The Inspector questioned the applicant with respect to mitigation proposals set out in the EIAR. Specifically, with respect to further survey work required to determine if bats are roosting in any features on site and if the development requires a derogation Licence from NPWS.

2.7.2. The inspector posed the question directly whether it is recommended that all hedgerows, trees and vegetation on site be further surveyed for bat roost prior to construction phase?

## 2.8. **Response by Mr. Brian Keeley (Ecologist, Wildlife Surveys Ireland, on behalf of the Applicant)**

2.8.1. The ecologist responded that yes, it is recommended that further survey work is carried out of trees and hedgerows prior to the commencement of development. There are some mature ash trees on the site which could be used for roosting. Albeit no bat roosts were identified, the single survey carried out could not rule out very

minor roost sites. Further survey would be required to ensure roosts are not being destroyed.

- 2.8.2. The ecologist stated that Pipistrelles would normally travel up to 1 – 1.5 Km. Possible that bats are roosting in houses / housing estates close to the field. There will be short term reduced feeding ground, due to loss of vegetation. But bats will move to alternative feeding grounds, especially if there is better feeding grounds.

**2.9. Ms Lorna Green's Further Comments:**

- 2.9.1. Ms Green noted that there are 4 different types of bats. She posed the question how many bats are present, a large presence or a small presence ?

**2.10. Brian Keeley (Ecologist, Wildlife Surveys Ireland, on behalf of the Applicant) Response:**

- 2.10.1. The ecologist responded by stating that there is a 'moderate level' of activity, given activity recorded in the corridor between the fields on the lane. He described it as 'sustained activity' and a good feeding area for bats. He informed the hearing that there is a good representation of species and that it is unusual to find Long Eared Bats. They could be using buildings near by and usually feed close to their roosts. He said it was hard to give a precise number of bats, but he saw approx. 10 bats during the survey. He summarised that trees should be surveyed further.

**2.11. Ms Lorna Green's Further comments:**

- 2.11.1. Ms Green noted that there is going to be a 'Significant Impact' to the feeding grounds of bats if construction goes ahead. She submitted that one survey is inadequate. Several surveys need to be carried out. She submitted that there is significant bat activity, if they are travelling 1.5 Km it's a small radius of a very large site and she believes there are roosts here and any trees to be felled need to be further surveyed and inspected by relevant people.

**2.12. Response by Mr. Declan Brassil for the Applicant**

- 2.12.1. Mr Brassil stated that it is recommended mitigation in the EIAR that further survey work be carried out of both bats and breeding birds. No construction activity would occur or removal of hedgerows during the breeding season. The applicant has no difficulty with a standard condition, in this regard, being attached to any decision to grant planning permission.

### **2.13. Planning Authority KCC**

2.13.1. Eoghan Lynch, Senior Executive Planner for KCC reiterated that an ECoW should be employed and that pre-construction survey work should be carried out.

### **2.14. Applicants Closing Statement**

2.14.1. Mr Brassil for the applicant referred to the submitted EIAR and he concludes that the subsequent surveys have determined that post mitigation that the impact upon flora and fauna and bats is slight and not significant. He informed the hearing that the bat survey has confirmed that there are no bat roosts on site, but further survey work is required prior to the commencement of development. He submitted that this is standard practice, accepted by NPWS. The mitigation measures recommended and the recommendation of KCC for ecological clerk of works is also standards practice and the applicant has no problem complying with any conditions attached by the Board in this regard.

### **2.15. Ms Loran Green's Closing Statement**

2.15.1. She once again reiterated to the hearing that it is not going to be a slight impact upon bats based upon one survey.

**2.16. After requesting if any further comments were forthcoming or whether another break was required, by any participant to the Oral Hearing, the hearing was closed by the Inspector.**

### **2.17. Prescribed Bodies:**

2.17.1. I note letter of response on file from TII stating 'No further submission'.

### 3.0 Assessment

3.1. I have read all of the submissions from the applicant, specifically, with respect to:

- 'A Bat Assessment of the Lands at Crodaun, Celbridge, County Kildare Proposed For Development and Implications for Resident and Local Bat Fauna', carried out by ecologist Brian Keeley on the 8th and 9th of June 2020. Henceforth referred to as the Bat Assessment.
- A Letter by Openfield Ecologist, Padraic Fogarty, dated 29th June 2020, providing a review of the Bat Assessment Report, of June 2020
- A Letter by Openfield Ecologist, Padraic Fogarty, dated July 1st 2020, providing a Summer Survey, of breeding birds and general habitat survey, carried out on the 30th of June 2020.

3.2. I have listened to all the submissions made verbally to the Oral Hearing from the applicant, observer and the planning authority. I have had regard to the letter of observation from TII. This report is an addendum report and should be read in conjunction with my previous report prepared in respect of the proposed strategic housing development ABP-306504-20, dated the 22<sup>nd</sup> of April 2020 and submitted to the Board.

3.3. The Board issued a Board Direction, BD-005696-20, dated 5<sup>th</sup> May 2020, deciding that an Oral Hearing (OH) is required to address concerns regarding inadequate site specific information in relation to Biodiversity Chapter 6 of the EIAR, noting the absence of a bat survey. Pursuant to the Board Direction, a limited Oral Hearing was held in respect of biodiversity and bats.

3.4. Subject to the limited Oral Hearing the applicant submitted further survey work in respect of bats, breeding birds and walk over summer general habitat survey. I have assessed and reviewed the information presented at the Oral Hearing relating to biodiversity and bats, having regard also to the original submission, the EIAR and the AA Screening Report.



- 3.5. It is the opinion of Mr Brian Keeley (Wildlife Services Ireland) bat specialist that with the mitigation measures proposed, it is predicted that this development will have no direct impact upon the conservation status of bats. There will be a slight loss in feeding opportunities for bats due to vegetation loss and increased building density. However, over time, this will reduce as vegetation develops. The residual impact of the proposed development, after mitigation, is deemed not significant. I refer the Board to the detailed synopsis of the Bat Assessment set out above in paragraph 2.3.1 – 2.3.32 of this report.
- 3.6. I note that he recommends that further survey work is carried out of trees and hedgerows, for detection of bat roosts, prior to the commencement of development. He has stated that there are some mature ash trees on the site which could be used for roosting. Albeit no bat roosts were identified in the June 2020 survey, one survey cannot rule out very minor roost sites. The ecologist recommends that further survey work would ensure roosts are not being destroyed.
- 3.7. I note in particular proposed mitigation, with respect to lighting control and bat boxes, replanting of native species etc set out in the Bat Assessment report and the EIAR. I specifically note the recommendation that conditions be attached to any decision to grant planning permission forthcoming from the Board to address the following:
1. **‘A dedicated bat survey shall be carried out by a suitably qualified bat ecologist prior to the commencement of development and during the appropriate season’.**
- 3.8. It is submitted that ‘this should determine if bats are roosting in any of the features on the site and if the development of this project requires a derogation licence from the NPWS. Any trees that have been identified as roosts may not be removed without the implementation of the necessary measures to ensure the protection of any resident bats. A licensed bat specialist shall undertake any exclusion measures, the capture and handling of bats and the safeguarded of bats until any risk has been completed (e.g. tree felling). All the mature trees within the site shall be examined for the presence of bats prior to felling by a bat specialist. Should bats be noted in any tree, it is a protected structure and a derogation must be sought as discussed above’.

**2. 'New hedgerows will retain connectivity through the site for biodiversity, as well as joining up with other hedgerows and green spaces beyond the development site boundary'.**

3.9. The applicant proposes that where there is an opportunity to provide vegetative cover, native and local plant species should be employed including typical plants such as oak (the greatest value for most wildlife), hawthorn, blackthorn, elder, gorse, bramble, in addition to other species such as dog rose with an encouragement of species such as *Clematis* and other species attractive to moths.

**3. 'Six bat boxes will be erected at appropriate locations throughout the site to provide artificial roosting sites'.**

**4. Lighting is to be limited by the use of directional cowls while LED bulbs are to be employed (these have lower impact on bats than traditional mercury-halide lamps).**

3.10. I highlight that at the Oral Hearing the planning authority raised no issues other than to seek to ensure that the mitigation measures proposed are implemented, to necessitate that an Ecological Clerk of Works (ECoW) be employed during the construction phase of the proposed development, if permission is forthcoming. Also that pre-construction survey work be carried out and adhered to.

3.11. Only one observer Ms Lorna Green spoke at the Oral Hearing, while I note that two observers joined the meeting on-line. As set out above in the synopsis of the Oral Hearing Ms Green has concern with respect to the limited number of bat survey assessment carried out. As a resident living in the area she is of the opinion that there is 'significant' bat activity in the area. It is her pinion that one survey is not sufficient, and several surveys are required during different conditions. She submitted that there are roosts here and any trees to be felled need to be further surveyed and inspected by relevant people. She concludes that there is going to be a 'Significant Impact' to the feeding grounds of bats if construction goes ahead.

3.12. Mr Keeley (Wildlife Services Ireland) bat specialist responded that in his opinion there is a 'moderate level' of activity, given activity recorded. He described it as 'sustained activity' and a good feeding area for bats. Also, that there is a good representation of species and pointed out that it is unusual to find Long Eared Bats. However, in his expert opinion, the residual impact of the proposed development,

after mitigation, is deemed not significant. He reiterated that it is recommended that further survey is made of trees and hedgerows, for detection of bat roosts, prior to the commencement of any development. He recommended that mitigation measures set out in the EIAR and subsequently fine-tuned by additional mitigation measures proposed at the Oral Hearing, be carried out of both bats and breeding birds. No construction activity would occur or removal of hedgerows during the breeding season, that an ECoW's would be present on-site during construction and that pre-construction survey work would be carried out and adhered to. The applicant's closing statement indicates a willingness to adhere to standard conditions, in any of this regard, which are attached to any decision to grant planning permission forthcoming from the Board.

- 3.13. Overall, having considered all the information before me, including, the submissions by the applicant, Kildare County Council and the observer Ms Green, I am satisfied that post mitigation that the impact upon flora and fauna and bats is moderate and not significant. I am satisfied that the mitigation measures proposed in the EIAR and supplementary mitigation measures proposed by way of information submitted at the Oral hearing are reasonable, workable and functional. The recommendation by KCC that a ECoW's be employed during the construction phase adds to the level of protection for biodiversity, in particular for bats, breeding birds and habitats. The Bat Assessment and survey carried out has indicated that no bat roosts were recorded on site, but further survey work is required prior to the commencement of development. This I consider is standard practice. The Oral Hearing for the most part concentrated on bats, participants at the hearing raised no other issues or specific concerns other than to bats. The measures recommended in the EIAR including prior to commencement of works survey and the recommendation of KCC for ECoW's are also standard practice and the applicant has indicated a willingness to adhere to any conditions relating to mitigation in this regard.

#### EIAR

- 3.14. I have assessed the information submitted by the applicant, the planning authority, and observers at the Oral Hearing, in addition to the information which formed part of the original EIAR submission. In relation to Biodiversity Chapter 6 of the Environmental Impact Assessment Report, noting the absence of a bat survey, I am of the opinion that the concern in relation to deficient information on bio-diversity and

bats has been overcome and I conclude that subject to condition that the impact upon biodiversity and bats is acceptable, post mitigation.

- 3.15. Having regard to the EIAR, as considered in my previous Inspector's report dated 22<sup>nd</sup> April 2020, and all submission made at the Oral Hearing on the 29<sup>th</sup> July 2020, it is my view that the environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. I consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

### Conclusion

- 3.16. The applicant, in my view, has responded satisfactorily to the outstanding issues raised in relation to concerns regarding inadequate site-specific information in relation to Biodiversity Chapter 6 of the EIAR, noting the absence of a Bat Survey raised in my previous Inspector's Report (306504-20) dated 22<sup>nd</sup> April 2020. All other matters in relation to this application were assessed by me under the previous Report, dated 22<sup>nd</sup> April 2020, including Appropriate Assessment.
- 3.17. I agree with the recommendation of the planning authority that a condition be attached to any grant of planning permission, forthcoming, with respect to appointment of an Ecological Clerk of Works (ECoW) with suitable experience to oversee the development.
- 3.18. In the event that the Board recommend a grant of planning permission I recommend that conditions relating to bio-diversity and bats be attached, requiring the developer to adhere to the mitigation measures outlined in the EIAR, proposed in the Bat Assessment and other reports, submitted at the hearing. In the interest of protecting bats and possible bat roosts on the site, breeding birds and habitats. This is in addition to a Clerk of Works being employed for construction phase.
- 3.19. (Note: I highlight to the Board that Variation 1 to the Kildare County Development Plan 2017 – 2023 was adopted on the 9<sup>th</sup> June 2020, subsequent to the previous Inspectors Report dated 22<sup>nd</sup> April 2020).

## 4.0 Recommendation

4.1.1. I am of the opinion that the concern in relation to deficient information on biodiversity and bats has been overcome and I have concluded that subject to condition I am satisfied that the impact upon biodiversity and bats is acceptable, post mitigation. If the Board is considering a grant of planning permission, then the following conditions relating to the specific issues raised on the Oral Hearing are recommended:

1. The recommended mitigation measures as contained in the submitted report 'A Bat Assessment of the Lands at Crodaun, Celbridge, County Kildare Proposed For Development and Implications for Resident and Local Bat Fauna', carried out by ecologist Brian Keeley on the 8<sup>th</sup> and 9<sup>th</sup> of June 2020, shall be implemented in full to the written satisfaction of the planning authority.

**Reason:** To ensure the protection of bats and natural heritage potential on the site.

2. A suitably qualified Ecological Clerk of Works (ECoW) shall be appointed by the developer to oversee the site set-up and construction of the proposed development and the ECoW shall be present on-site during construction works. The ECoW shall ensure the implementation of all mitigation measure proposed in the EIAR and subsequent reports submitted to the Oral Hearing. Prior to commencement of development, the name and contact details of said person shall be submitted to the planning authority. Upon completion of works, an audit report of the site works shall be prepared by the appointed ECoW and submitted to the County Council to be kept on record.

**Reason:** In the interest of nature conservation.

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Fiona Fair  
Senior Planning Inspector  
11<sup>th</sup> August 2020