



An
Bord
Pleanála

Inspector's Report ABP308849-20

Development	Scour remedial works.
Location	Erriff Bridge. Co Mayo
Local Authority	Mayo Co. Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	Development Applications Unit Inland Fisheries Ireland
Observer(s)	None
Date of Site Inspection	April 27 th & September 17 th , 2021.
Inspector	Breda Gannon.

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1.0 Introduction

- 1.1. Mayo County Council is seeking approval from An Bord Pleanála to undertake scour remedial works at Erriff Bridge on the N59 in Co. Mayo. The remedial works will require instream works within the Erriff River which is part of the Mweelrea/Sheefry/Erriff SAC, which is a designated European site. There are several other designated European sites (SPAs and SACs) in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an 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. Erriff Bridge is a single span masonry structure. A masonry invert is located below the structure extending approximately 3m downstream and 7-8m upstream of the structure. Downstream of the masonry invert, is an existing dilapidated scour protection system. This comprises a 500mm thick, 7-8m long concrete slab, concrete filled hessian bags and rock armour. The full length of the existing concrete invert has broken up and washed away leaving only 2-3m of the existing masonry invert to provide scour protection to the southern abutment of the bridge.
- 2.2. The proposed scour protection works would comprise the replacement of the existing downstream concrete invert (measuring c.7m (length) x 22m (width)), replacement of the failed existing rock armour located at the downstream end of the existing invert,

and repairs to the existing masonry invert comprising new cut masonry and grouting of open joints.

2.3. The works would include the following key activities:

1. Establishment of site compound (access off the N59).
2. Installation of temporary oil absorption boom and floating silt curtain across the river channel.
3. Construction of temporary access ramp (constructed using clean quarried stone) to facilitate plant access to the river channel.
4. Construction of temporary cofferdams comprising 1m³ sand bags, placed by excavator to create a dry working environment. The cofferdam would be dewatered and extracted water would be pumped to settlement tanks located within the site prior to diffuse discharge. The cofferdams would facilitate construction of the works in 3 no. phases.
5. Excavators would be used to remove existing deteriorated rock armour (75m³) and concrete invert (45m³). The material would be disposed of to a licensed facility.
6. Excavation of granular material (430m³) to proposed formation levels to facilitate the works.
7. Temporary dismantling of the river control wall on the downstream northern bank to facilitate construction of rock armour placement. The wall would be reconstructed in a 'like for like' basis following completion of the rock armour placement on the northern end.
8. Downstream works would include:
 - placement of c 95m³ concrete (low slump, 'stiff' mix) to achieve the formation level of the new concrete invert,
 - placement of 1m high x 2m wide precast concrete downstand units using an excavator. The blocks would be placed 2 no. units (2m) high.
 - Fixing of reinforcement for the new invert slab and place concrete (c 120m³ being poured over 3 no. phases.

- Supply and placement of c 390m³ of rock armour at the downstream edge of the proposed concrete invert. Geotextile to be laid on the formation level prior to placement of rock armour.

9. Voids and gaps within the existing masonry invert will be reinstated with cut stone of similar rock type. New cut rock will be grouted into position. Open joints within the existing masonry invert will be grouted. Grout will be mixed outside the river and pumped to the location required.

2.4. The application is supported by the following documents:

- Proposed Development Plans and Particulars prepared by Doran Consulting which included an Ecological Impact Assessment Report prepared by Flynn Furney Environmental Consultants.
- Natura Impact Statement prepared by Flynn Furney Environmental Consultants.

3.0 Site and Location

3.1. The site is located at Erriff Bridge on the N59 between Westport in Co. Mayo and Leenaun in Co. Galway. The single span masonry arch bridge crosses the Owenmore River in the townland of Aillebaun. The river splits into the Erriff River and the Owenwee River to the south west of the bridge. The area is rural in character with a dispersed settlement pattern consisting of isolated dwellings and farm holdings. The closest dwelling is located close to the northern approach to the bridge. The main land use is agriculture and there is quarrying activity at a distance northeast of the bridge.

3.2. Ground levels fall away from the road towards the river in the vicinity of the works area. A low stone wall forms the roadside boundary and there is an existing ungated access close to the bridge. Between the road and the river there is an area of woodland which includes mature oak trees.

4.0 Planning History

4.1. No details of any relevant planning history has been forwarded with the application.

5.0 Legislative and Policy Context

- 5.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).
- 5.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. 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. The proposal is within a designated site. The European sites identified by the applicant within 15km of the development include:
- Clew Bay Complex SAC (Site code: 001482) at 14km
 - Lough Carra /Mask Complex SAC (Site code: 001774) at 8.9km
 - Mweelrea/Sheeffry/Errif Complex SAC (Site code 001932) at 0.1km
 - Maumturk Mountains SAC (002008) at 11.2km
 - Brackloon Woods SAC (Site code: 000471) at 11.5km
 - Lough Corrib SAC (Site code: 000297) at 14.2km
 - Lough Mask SPA (Site code: 004062) at 11.2km.

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. **Mayo County Development Plan 2014-2020**

The operative development plan is the Mayo County Development Plan 2014-2020.

The site is located in a rural area outside towns and villages. It is located on the N59 national secondary road between Westport and Leenaun.

Under the Infrastructural Strategy (Chapter 3) of the Plan it is the policy of the Council, in conjunction with other relevant statutory agencies and infrastructure providers to provide, or facilitate the provision of, high quality sustainable infrastructure to serve the economic and social need of the county (Policy PY-02). It is also an objective of the Plan (RD-02) to support improvements to the national and regional road network.

In terms of landscape protection, it is an objective of the plan to facilitate appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure that the development will not have a disproportionate effect on the existing or future character of a landscape in terms of location, design and visual prominence (Objective LP01). It is also an objective of the Plan that all development will be considered in the context of the Landscape Appraisal of Co Mayo with reference to the four Principal Policy Areas (Map 3A Landscape Protection Policy Area) and the Landscape Sensitivity Matrix (Figure 3), provided such policies do not conflict with any specific objectives of the Plan.

The site is located with Policy Area 3 where it is the policy of the Plan to encourage development that will not have a disproportionate visual impact and will not interfere or detract from scenic upland vistas, as identified in the Plan, when viewed from areas of the public realm (Policy 13).

In terms of sensitivity, road developments within Policy Area 3 are identified as having medium/low potential to create adverse impacts on the existing landscape character, subject to appropriate siting and design (Landscape Sensitivity Matrix).

6.0 The Natura Impact Statement

- 6.1. Mayo County Council's application for the proposed development was accompanied by a Natura Impact Statement (NIS) which scientifically examined the proposed development and the European sites. The NIS identified and characterised the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works.
- 6.2. The NIS describes the elements of the project (along or in combination with other projects and plans) that are likely to give rise to significant effects on the European

sites. Potential impacts are set out as well as an assessment of their possible adverse effects on the conservation objectives of qualifying interest features and the mitigation measures that are to be introduced to avoid, reduce or remedy any adverse effects on the integrity of the European site.

7.0 Consultations

7.1. The application was circulated by Mayo Co. Council to the following prescribed bodies:

- Development Applications Unit, Department of Culture, Heritage, and the Gaeltacht
- Inland Fisheries Ireland
- An Taisce
- Failte Ireland
- The Arts Council
- The Heritage Council

Following a request from the Board responses were received from Inland Fisheries Ireland and the DAU. There were no submissions from the public.

7.2. Development Applications Unit (DAU)

Natura Impact Statement

- The level of detail with respect to the works on the relevant qualifying interests is not sufficient and there are gaps in the analysis of impacts.
- The assessment of impacts has been focused on in-stream works. There has been no analysis of construction/works compound, site office and 'portaloo' and access routes within the Oak-Birch-Holly Woodland (WN1) habitat. This habitat corresponds to Annex 1 Old Oak Woodland Habitat and while it is not listed as a qualifying interest for the European site it is important for the ecological integrity of the supporting habitats for qualifying interest species (e.g. Otter and Salmon).

- Further discussion of this habitat should also occur within the context of the Ecological Impact Assessment. Specific maps and drawings of the works compound should be included in the NIS. While the area is outlined in the plans and particulars and the OCEMP, this has not been cross-referenced to habitat assessment or included in the NIS.
- The inclusion of bird species within the NIS is not appropriate. These considerations should be included in the ecological Impact Assessment using 2018 CIEEM guidance.
- The outline CEMP should be included in the NIS to ensure that mitigation measures align and are clear for any conditions of consent.

7.3. Ecological Impact Assessment

There are elements of the overall ecological assessment which require further consideration:

- There has been no assessment of the compound area and potential impact on the Oak-Birch-Holly-Woodland which is listed as Aillebaun in the National Survey of Native Woodlands 2003-2008. While it is stated that no mature trees will be felled, there has been no assessment of the impact to the understory or ground flora of this habitat, which are an integral element to the woodland structure. The habitat corresponds with Annex 1 habitat Old Sessile Oak Woods with *Ilex and Blechnum*, the overall conservation status of which is 'Bad' with a 'Deteriorating Trend'. Consideration of significance of impact should consider the current conservation status of this habitat.
- It should be a condition of any planning consent that trees are not removed.
- Further details are required on the site compound set up.
- There are detail errors e.g., Grey Wagtail Conservation Status should be listed as Red rather than Green. The species is particularly vulnerable when bridge works are proposed as they frequently nest under bridges.
- Full nest searches of any wall should be carried out by an experienced ecologist or prior to any works during the bird nesting season (March 1st to August 31st). If nests are found appropriate mitigation should be implemented.

- It is recommended that there is no vegetation removal (including ground vegetation) during the bird nesting season, and if required nest searches should be conducted. If any nests are found mitigation should be included (e.g., exclusion areas).
- Mitigation and opportunity for biodiversity enhancement measures should be considered e.g., Grey Wagtail nest boxes under the bridge.
- Mitigation should be considered with respect to detail of the site reinstatement measures.

7.4. Inland Fisheries Ireland

Inland Fisheries Ireland (IFI) primary concerns regarding the proposed bridge rehabilitation works would be the possible interference with Atlantic salmon, sea trout, lamprey and eel movement as well as the possible deterioration in water quality within the Erriff River catchment during and after the construction phase of the development.

The Erriff River is one of the premier salmon fishing rivers in Ireland. There is a run of spring fish into the river during the months of April and May, grilse or summer salmon appearing in June and the run continues throughout July, August and the early part of September. Sea trout runs are from early July onwards. Atlantic salmon, European eel and sea/river lamprey are all diadromous species and spend part of their life cycle in freshwater and part of it at sea. For the fish species to complete their life cycles they must be able to migrate without being impeded by physical or chemical barriers. It is essential that the proposed works do not impede fish movement with the Erriff River catchment.

Should the application be granted, IFI requests that a condition be attached that the appointed contractor consult with IFI Galway and seek formal agreement regarding these points and on the timing of any associated instream works well in advance of the commencement of works on site. Should any issues arise during the construction stage which would have implications for the fisheries habitat, IFI will require the cessation of work until a satisfactory resolution to the issue in question.

8.0 Further Information

8.1. The Board requested further information from the applicant on June 30th, 2021 on the following matters.

- Location of construction compound, site access and existing mature trees within the vicinity of the works, measures to protect trees and root systems and details of site restoration following construction.
- Detailed response to all of the matters raised by IFI and DAU.
- Additional scientific information to exclude adverse effects on the habitat *Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation*, in view of its conservation objectives.
- Assessment of the operational implications of the installation of the enhanced scour protection works in terms of the impact on river hydromorphology and any associated effects on the conservation objectives of the site.

The applicant's response was received on August 19th, 2021 and included plans and particulars showing the location of the site access and the construction compound. Details of the location of mature oak trees and measures for their protection and preservation were provided. Updated versions of the documents submitted with the application were provided including the NIS, Ecological Impact Assessment and the OCEMP to address the matters raised by the DUA and IFI.

9.0 Assessment

9.1. In accordance with the requirements of section 177AE (6)(a) this assessment includes consideration of the following:

- the likely consequences for the proper planning and sustainable development of the area.
- the likely effects on the environment
- the likely significant effects on a European site.

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

- 9.2. The proposed works are required to address a deterioration in scour protection at Erriff Bridge. Surveys conducted in 2017 and 2020 revealed that the degradation and scour of the riverbed are on-going and that previous repair works carried out in 2011/12 have failed. The most recent surveys indicate that the full length of the existing concrete invert has broken up leaving only 2-3m of the existing masonry invert to provide scour protection to the south abutment of the bridge. The protection works proposed as part of the application are required to prevent future undermining of the abutment.
- 9.3. The works are required to protect the structural integrity of the bridge, which carries the N59, national secondary route. The bridge is of strategic importance in terms of the county's road infrastructure, and the proposal will ensure that its safety and integrity is maintained. The proposed development is wholly in accordance with the policies and objectives of the plan in terms of the provision of sustainable infrastructure and supporting improvements to the national road network. The proposed development is therefore acceptable in principle.

The likely effects on the environment

- 9.4. There are no consequences arising for the landscape or the visual amenities of the area. All of the works are associated with the underside of the bridge, which will not be visible from the roadway or from the immediate vicinity of the bridge.
- 9.5. The bridge is not listed in the Record of Protected Structures and as the works, will be hidden from view, there are no impacts from an architectural perspective. The works will occur in-stream and the only likely impacts on the archaeological resource would arise from as yet undiscovered underwater archaeology. However, I note that repair works have previously been carried out in this location.
- 9.6. The in-stream works have the potential to result in the release of sediment and other pollutants to the river. The construction stage may also cause temporary disturbance to wildlife and the spread of invasive species. The issues arising from the works proposed within the SAC on water dependent habitats and key species of conservation interest are dealt with in the Natura Impact Statement and is considered in more details below.

- 9.7. The construction phase will require a temporary construction compound, which will be accessed off the N59 to the south of the bridge at the location of an existing access. Forward visibility is restricted particularly for vehicles approaching from the north (Westport). The works are likely to cause disturbance to road users and traffic management measures are likely to be required. However due to the temporary nature and short duration of the works these impacts will not be significant.
- 9.8. There are a number of mature oak trees close to the site access and the proposed construction compound. This habitat corresponds to the Annex 1 habitat 'Old Sessile Oak Woods with *Ilex and Blechnum*. Although the site is not listed as one of the qualifying interests of the SAC, it is an important area of native woodland.
- 9.9. In response to the Board's request for further information a tree survey was carried out which identified the location of the trees in the vicinity of the site access and the proposed construction compound (Dwg No 201001A-DC-PL-MO -N59 -061). It is not proposed to remove any of the trees. To mitigate impacts prior to and during construction it is proposed to adopt the guidance developed by the NRA (now TII)¹. These guidelines identify the potential for damage, deterioration or death of a tree associated with construction including physical damage caused by machinery, compaction of the root protection area caused by vehicular/pedestrian activity and/or storage of materials within the area, or altered ground levels.
- 9.10. To mitigate potential damage, it is intended to install tree protective measures in the form of vertical barriers (comprising hessian sacking and timber strip) around the trunks of trees likely to be impacted by the works (DWG No 201001A-DC-PL-MO-N59-061-005). Root protection areas have been identified for each tree and ground protection measures in the form of a temporary buffer zone will be provided within the works compound to protect these areas. The areas to be traversed by vehicles and machinery will be covered with a combination of bark mulch and quarry dust with sheet ply in pedestrian only trafficked area and steel plates or proprietary ground protection mats on the areas traversed by traffic. The materials will be removed in their entirety following the completion of the works.

¹ Guidelines for the protection and preservation of trees, hedgerows and scrub prior to, during and post construction of national road schemes (NRA)

Monitoring post construction will be carried out for a period of 12 months following completion of the works. Oak and Birch seedlings salvaged prior to the works will be replanted in the following autumn/winter under the supervision of an arborist and left to naturally re-establish.

The DAU referred to the information provided on bird species, noting that the NIS was not the appropriate document for consideration of this ecological impact as there are no Special Areas of Conservation (SPA's) for consideration within the Appropriate Assessment process. I note that the updated NIS includes consideration of bird species, which is inappropriate on the basis of the screening assessment which concluded that the only European site likely to be impacted by the proposed development was the SAC.

The DAU noted Grey Wagtail, which are stated to particularly vulnerable to bridge works as they nest under bridges. The species is Red listed under the Bird of Conservation Concern in Ireland (BoCCI). The applicant has incorporated the DAU's recommendations regarding nest searches and removal of vegetation during the bird nesting season in the mitigation measures to protect fauna. It is also proposed to install at least one Grey Wagtail nesting box to the bridge structure upon completion of the works for biodiversity enhancement. This addresses the concerns raised by the DAU and is an appropriate measure to mitigate potential impacts on the species.

The likely significant effects on a European site:

9.11. 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

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

9.12. 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. The proposed development is not directly connected to or necessary to the management of any European site and is therefore subject to the provisions of Article 6(3). The Board will note that this was established by Mayo Co Council in the Screening determination.

The Natura Impact Statement:

9.13. The application was accompanied by a Natura Impact Statement (NIS) which describes the proposed development, the project site and the surrounding area. The NIS was prepared by Flynn Furney Environmental Consultants. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS was revised in response to the further information.

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

- A desk top study which included a review of available data bases (NPWS, National Biodiversity Data Centre,)
- An examination of aerial photography and maps.
- Walkover survey of the site and surroundings in February 2020,
- Salmon and aquatic fauna survey July 2020.
- Habitat survey in July 2021.

The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not individually or in combination with other plans or projects adversely affect the integrity of any European site.

9.15. Having reviewed the NIS and the supporting documentation, including information supplied in response to the further information request, 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 below. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

Appropriate Assessment

9.16. The Stage 1 Screening Report for Appropriate Assessment considered all European sites within a 15km radius of the proposed development which included

- Mweelrea/Sheefry/Erriff Complex SAC (Site code 001932) at 0.1km
- Clew Bay Complex SAC (Site code: 001482) at 14km
- Lough Carra /Mask Complex SAC (Site code: 001774) at 8.9km
- Maumturk Mountains SAC (002008) at 11.2km
- Brackloon Woods SAC (Site code: 000471) at 11.5km
- Lough Corrib SAC (Site code: 000297) at 14.2km
- Lough Mask SPA (Site code: 004062) at 11.2km.

9.17. The Stage 1 Screening Assessment concluded that the proposed development could potentially result in significant effects on one European site, the Mweelrea/Sheefry/Erriff Complex SAC. The bridge crosses the Owenmore /Erriff River system which is part of the SAC. Therefore, the proposed works will impact directly on the SAC at this location and there are the possibility of further impacts upstream and downstream of the works. No other source-pathway-receptor linkages have been established and the other European sites in the vicinity were eliminated for further assessment on the following basis:

- Lack of connectivity between the works area and the designated site.
- Significant buffer between the proposed works area and the designated site.
- The nature of the site's conservation objectives
- No impact or change to the management of the designated site

9.18. Having regard to the information and submissions made, 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, I accept that the Mweelrea/Sheefry/Erriff Complex SAC is the only

European Site which has the potential to be significantly affected by the proposed development. I accept that the remaining sites can be screened out from further assessment because of the nature and scale of the works, the lack of hydrological or other ecologically significant connections and the separation distance between the works and the European sites.

No measures designed or intended to avoid or reduce any harmful effects on a European Site have been relied upon in this screening exercise.

Mweelrea/Sheeffy/Erriff Complex SAC (Site Code: 001932)

- 9.19. The SAC covers a large area of Co Mayo and is of special conservation interest for a range of habitats and species listed on Annex 1/11 of the E.U Habitats Directive, including five which are listed with priority status (blanket bog, petrifying springs, lagoon, machair and decalcified dune heath). It includes coastal, terrestrial and aquatic habitats and supports populations of rare and threatened plants (mosses, liverworts, stoneworts, ferns and flowering plants) and animals (invertebrates, fish, birds and mammals). Several river catchments are encompassed within the site including parts of the Owenmore River, which supports an important population of Salmon. The southern margin of the SAC is bounded by Killary Harbour and the Erriff River and the western section stretches as far as the coastline. The NPWS describes the site as of exceptional conservation interest and value.
- 9.20. Site-specific conservation objectives have been published for the site which is to maintain/restore the favourable conservation condition of the habitats/species for which the site is selected.
- 9.21. Details of the qualifying interests of the SAC and their Conservation Objectives are set out below, with those with the potential to be impacted by the proposed development highlighted (in bold). The Conservation Objective is to restore (R) or maintain (M) the favourable conservation condition of the qualifying interest feature.

Mweelrea/Sheeffy/Erriff Complex SAC

Qualifying Interests	Conservation Objective.
• Coastal Lagoons*	• R
• Annual Vegetation of Drift Lines	• M
• Atlantic Salt Meadows	• R
• Mediterranean Salt Meadows	• R
• Embryonic Shifting Dunes	• M
• Marram Dunes (White Dunes)	• M
• Decalcified Dune Heath*	• M
• Dunes with Creeping Willow	• M
• Machairs*	• R
• Oligotrophic Waters containing very few minerals	• M
• Oligotrophic to mesotrophic Standing Waters	• M
• Dystrophic lakes	• M
• Floating River vegetation	• M
• Wet Heath	• R
• Dry Heath	• R
• Alpine and Subalpine Heaths	• R
• Juniper Scrub	• M
• Hydrophilous Tall Herb Communities	• M
• Blanket Bog (Active)*	• R
• Transition Mires	• R
• Rhynchosporion Vegetaion	• R
• Petrifying Springs*	• M
• Alkaline Fens	• R
• Siliceous Scree	• R
• Calcareous Rocky Slopes	• M
• Siliceous Rocky Slopes	• R
• Geyer's Whorl Snail	• M
• Narrow-mounted Whorl Snail	• M
• Freshwater Pearl Mussel	• R
• Atlantic Salmon	• R
• Otter	• M
• Petalwort	• M
• Slender Naiad.	• M

* Priority status

Potential adverse effects during construction on qualifying habitats and species of the SAC

- 9.22. The proposed works are required to address a deterioration in scour protection measures downstream of the bridge which crosses the Owenmore River/Erriff River system. The river is within the SAC and the instream works required have the potential to result in direct impacts on the qualifying interests of the SAC.
- 9.23. The applicant has examined the potential for effects on each of the qualifying interests (QI's) of the SAC (Appendix 2 of NIS) and included consideration of conservation objectives relevant to the QI's in the further information response. Regarding qualifying habitats, there is no potential for any direct effects on any of the habitats for which the SAC is selected. None of the qualifying habitats occur within the footprint of the proposed works and while this expansive European site supports a considerable variety of habitats including coastal, saltmarsh, sand dune, lakes, bogs etc., these are located a significant distance from the site.
- 9.24. Having regard to the very localised nature of the works within the Owenmore River, the separation distance to the designated sites and the lack of hydrological or other ecological connections, there is no potential for direct or indirect impacts on any of these Annex 1 habitats.
- 9.25. The Board raised issues regarding the exclusion of one qualifying habitat '*Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation*' (Floating River Vegetation), on the basis of the scale of the works proposed and the possibility that this habitat occurs in the vicinity of the bridge. The applicant's response confirmed that while the habitat occurs upstream, it is not present in the area of the watercourse that will be impacted by the works and does not occur downstream. This habitat tends to be widespread in river systems where conditions are favourable but the site specific conservation objectives acknowledge that its full distribution within the SAC has not been documented or not mapped.
- 9.26. Regarding qualifying species, the SAC is designated for a number of species including Geyer's Whorl Snail, Narrow-mounted Whorl Snail, Freshwater Pearl Mussel, Atlantic Salmon, Otter and the plant species Slender Naiad and Petalwort. The NPWS show the distribution of both Whorl snail species which are concentrated

at coastal areas at the western end of the SAC and with no potential to be impacted by the proposed development. Similarly, the plants Slender Naiad and Petalwort do not occur at or in the vicinity of the site.

- 9.27. The site was surveyed (July 2020) for the presence of and the extent of the population of Freshwater Pearl Mussel. The surveyed area was limited to 50m upstream and 100m metres downstream of the bridge. One adult mussel was recorded in each location (above, underneath and downstream of the bridge). The conservation objective for this species applies to the Bundorragha River to the east, which flows south from Doo/Fin Lough into Killary Harbour.
- 9.28. The Erriff River system supports an important population of Salmon. A fish survey (4 snorkel survey passes) was conducted in July 2020 to determine what fish and age groups were present in the area of the proposed works. Salmon fry and salmon parr were the most abundant fish recorded. Limited juvenile salmonid habitat existed south of the bridge but excellent salmonid fry and parr habitat was abundant upstream. Some fry and parr habitat was also found under the bridge. Adult salmon were seen jumping during the site surveys.
- 9.29. Otter surveys which were carried out in February and July 2020 covered an area 300m upstream and downstream of the bridge. The survey included a dawn survey, a detailed instream bank survey, assessment of the undersides of the bridge and a detailed survey of the riparian island upstream of the bridge. The surveys did not indicate that otter was using the areas surrounding the bridge on a regular basis. No spraints or tracks were observed. One potential slide was found along the western edge of the island upstream. While there would be suitable sites upstream of the bridge, due to bank alteration, weir construction and erosion of the northern bank, suitable sites are generally absent.
- 9.30. A temporary access ramp will be constructed close to the bridge where there is potential for disturbance of otter that may use the site for commuting and foraging. The DAU refer to potential impacts on the attributes and targets for the species including the maintenance of a 10m terrestrial buffer on riverbanks. The works, which are essential to the maintenance of the bridge will impact on this buffer zone. The works will be temporary and once complete the access will be removed and the area re-instated to its original condition.

9.31. The construction stage of the development has the potential, in the absence of mitigation to result in direct effects on Salmon, Freshwater Pearl Mussel and Otter associated with disturbance, injury or death during construction and the dewatering of the cofferdams to facilitate the works. There is also potential for indirect associated with release of sediment laden water or other pollutants (hydrocarbons, concrete, chemicals) into the watercourse resulting in reduced water, which could impact on these species.

Potential adverse effects during operation on qualifying habitats and species of the SAC

9.32. The response to further information provides clarity on the operational implications for the installation of the enhanced scour protection works in terms of impacts on the river hydromorphology and any associated effects on the conservation objectives of the site. No significant change in river bed level or river channel width is proposed and there will be no changes to the arch or abutments of the bridge which would reduce the width of the channel. The proposed works will reinstate levels of the river channel to the original lines and levels existing prior to the failure of the scour protection levels. The boulders that will be placed in front of the concrete apron will be at the same elevation as the apron and will be graded to meet the existing pool downstream.

It is not therefore anticipated that there would be any operational impacts on qualifying habitat or species.

Potential in-combination and cumulative effects

9.33. The NIS identifies two active quarries located c 4km and 5km upstream of the proposed works. These are close (within 100m) to the Derrycraff River, a tributary of the Owenmore River, with the potential to release sediment to the watercourse. Subject to the mitigation measures proposed to be implemented as part of the works, it is not considered that the potential for cumulative impacts will arise.

Mitigation measures

9.34. A suite of mitigation measures are proposed to prevent sediment and other pollutants from entering the watercourse during construction. These include:

- Prior to the commencement of construction, a detailed Method Statement for the works will be prepared and incorporated into the CEMP which shall be agreed with NPWS and IFI. It will include measures to minimise the suspension and transfer of sediment downstream including the use of silt curtains, cofferdams and discharging all waters from working areas to an area of woodland via settlement tanks and silt bags.
- All in-stream works will take place in dry conditions, which will require temporary, localised damming and de-watering in order to produce suitable conditions. The works will take place in three stages across the width of the channel, maintaining flows within the water course for free movement of fish and other species.
- Works will only be undertaken in the period mid June -September inclusive to avoid the periods of greatest sensitivity for Salmonids. The exact timing of the works will be agreed with NPWS and IFI.
- An Ecological Clerk of Works (EcOW) will be appointed to monitor the construction works and to ensure the mitigation measures are implemented effectively. The local Conservation Ranger of the NPWS and the local environmental officer of IFI will be informed prior to commencement of the works.
- Prior to construction a Freshwater Pearl Mussel survey will be conducted and individuals in close proximity to the bridge will be moved under licence and under the supervision of the ECoW.
- During the dewatering of the works area an experienced ecologist will supervise the works and collect any protected fauna that may be exposed through electro fishing. Any species recovered will be placed in a sheltered area of the river.
- The proposed works will only take place over approximately 30-40% of the width of the river at any time.
- Pre-cast solutions are proposed to minimise the volume of in-situ concrete works within the river channel.

- There will be no re-fuelling of vehicles in the river channel. Standard type measures will be employed to prevent fuel and other hazardous materials from entering the watercourse. Any fuel, oils etc will be in a double skinned, banded contained located within the works compound.
- All other construction materials and plant will be stored in the compound. It will also house the site office and portaloos. The compound will be located on ground that is not prone to flooding.
- There will be no storage of fuels, oils, hydraulic fluids, concrete, waste piles or other potential pollutants within 25m of the watercourse. No re-fuelling of vehicle or concrete mixing will take place within 25m of the watercourse.
- An emergency response plan will be prepared and implemented in the case of an accidental pollutant incident.

Assessment

- 9.35. The conservation objectives for Freshwater Pearl Mussel relate to the Bundorragha catchment and there is no potential for the proposed works on the distribution, population size/structure, water quality or the habitat that supports this species within the river system. The proposed development will not impact on the conservation objective set for this species, which is to restore its favourable conservation condition.
- 9.36. The proposed development will not create any artificial barriers to block salmon migrating upstream or reduce the area of the river accessible to the species. No permanent barriers will be placed in the river and only up to 40% of the river will be worked on at any one time, thus ensuring free movement. No significant changes will occur as a result which would alter flow velocities or the hydrogeomorphology of the river. The proposed development will not therefore impact on the conservation objective, which is to restore the favourable conservation condition of this species.
- 9.37. Having regard to the lack of evidence of habitual use of the site by Otter, the suboptimal nature of the bankside vegetation, the limited duration of the works and the proposal to reinstate the riverbank to its original condition following completion of the works, I accept that significant adverse effects on Otter are not likely to arise. The proposed development will not impact on its distribution, habitat,

couching/holting sites and will not obstruct commuting routes. The development will not result in a significant decline in the species or impact on the conservation objective to maintain the favourable conservation condition of Otter within the SAC.

- 9.38. Subject to the mitigation measures proposed to protect water quality during construction, the appropriate timing of the works and their supervision by an experienced ecologist and compliance with IFI guidance regarding instream works, I accept that significant adverse effects on these species is not likely to arise.

Conclusion on Appropriate Assessment

- 9.39. Having regard to the nature of the proposed development and the mitigation measures proposed, the information presented with the application, including the Natura Impact Statement, which I consider is adequate to carry out an assessment of the implications of the proposed development on the integrity of European sites, I consider that it is reasonable to conclude that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Mweelrea/ Sheeffry/Erriff Complex SAC (Site code:001932), or any other European sites, in view of the sites' Conservation Objectives. There is no reasonable doubt to the absence of such effects.
- 9.40. Taking into account the application of the full suite of mitigation measures, the proposal to repair the scour protection at Erriff Bridge will not cause delays or interrupt progress towards achieving the conservation objectives of the Mweelrea/Sheeffry/Erriff Complex SAC. The proposed development will not adversely affect the integrity of the European site in view of its conservation objectives.

10.0 Recommendation

- 10.1. 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 Mweelrea/Sheeffry/Erriff Complex SAC (site code: 00193),
- (e) the policies and objectives of the Galway County Council Development Plan, 2014-2020,
- (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, and
- (h) 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 Mweelrea/Sheeffry/ Erriff Complex SAC (Site code: 001932) is the only European Sites 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, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Mweelrea/Sheeffry/ Erriff Complex SAC (Site code: 001932) and in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, 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 Sites, 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 and the information contained in the Natura Impact Statement, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures or other conditions or approval require further details

to be prepared by or on behalf of the local authority, these details shall be placed on 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 contained in the Natura Impact Statement shall be implemented in full.

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

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare following consultation with the relevant statutory agencies, the Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:

- a. A Method Statement for each phase of the works, including sequencing and timing,
- b. Details of the measures to minimise the suspension and transfer of sediment downstream,
- c. Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.
- d. Traffic management measures for the duration of the work.
- e. Details of how it is proposed to manage excavated material.
- f. Containment of all constructed related fuels and oil within a specifically constructed bund to ensure that fuel spillages are fully contained.
- g. Location of site compound including areas identified for the storage of waste, site office and staff facilities.
- h. Details of fencing/hoarding

- i. Measures to prevent the spillage of clay, rubble or other material on the public road.

A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be maintained on file as part of the public record.

Reason: In the interest of protecting the environment, the amenities of the area and public health.

4. 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. 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.

5. The works, including excavation and construction, shall only take place between mid-June and mid-September in any year.

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

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 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. A suitably qualified freshwater ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and the implementation and monitoring of the mitigation measures relating to ecology set out in the NIS. 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.

8. A suitably qualified and experienced ornithologist (with nest search experience) shall be retained by the local authority to carry out nest searches prior to any works during the bird nesting season (1st March-31st August). Should any nest be encountered appropriate mitigation measures shall be implemented in the form of an exclusion zone. No vegetation, including ground vegetation shall be removed during the nesting season. At least one Grey Wagtail nest box shall be provided under the bridge.

Reason: To protect nesting sites for birds in the vicinity of the bridge.

9. No trees shall be removed on the site. A suitably qualified arborist shall be retained by the local authority to prepare a tree protection and management plan for the site. The plan shall be prepared prior to any development taking place on the site and shall be in accordance with the guidance provided in 'Guidelines for the protection and preservation of trees, hedgerows and scrub prior to, during and post construction on national road scheme' published by the NRA. The plan shall include the following:

- (a) details of any pre-construction remedial works required for the protection and preservation of the trees on the site,
- (b) details of vertical barriers to be erected including heights (at least 2.3m), materials to be used, and appropriate signage regarding exclusion of construction activity, and storage of materials

(c) details of ground protection measures with the root protection zones to include details of materials to be used, proposals for removal following completion of the works,

(d) post construction monitoring.

Post construction monitoring shall take place for a period of 12 months following the completion of the development. Details of the tree protection and preservation plan shall be incorporated into the Construction and Environment Management Plan, which shall be placed on file as part of the public record.

Reason: To ensure that existing trees on site are adequately protected and preserved during construction.

Breda Gannon
Senior Planning Inspector

24th, September 2021