



An
Bord
Pleanála

Inspector's Report ABP-310146-21 & ABP-310147-21

Development	N52 Ardee Bypass
Location	Ardee, Co. Louth
Planning Authority	Louth County Council
Developer	Louth County Council
Applicant	Louth County Council
Type of Application	EIAR Direction (310146) NIS Direction (310147)
Date of Site Inspection	20 th August 2021
Inspector	Karla Mc Bride

1.0 Introduction

The purpose of this report is to recommend to the Board on whether it should issue a direction to Louth County Council that the proposed development of the N52 Ardee Bypass in County Louth should be subject to Environmental Impact Assessment (EIA) and/or Appropriate Assessment (AA), which would require the preparation and submission of an Environmental Impact Assessment Report (EIAR) and/or a Natura Impact Statement (NIS). The request for an EIA direction has been made by the Council under Section 50 of the Roads Act, 1993 (as amended), and the request for an NIS direction has been made the Council under Article 250 (1) of the Planning and Development Regulations 2001 (as amended).

2.0 Background

The N52 extends from the junction with the N2 in Ardee in County Louth to the junction with the M7 at Nenagh in County Tipperary. The road runs through Ardee town centre and the proposed development dates back to the late 1990s. In 1999, Louth County Council and the National Roads Authority (now TII) first identified the need for the project and in 2001 approval was received under the Part X process. In 2005, an amendment to the alignment of the then proposed bypass resulted in the submission of a revised planning application under the Part 8 process. The Part 8 application was approved by the Council in July 2005, and the associated Compulsory Purchase Order was confirmed by the Board in September 2006. The project did not progress at that time but was reactivated in 2018. Concerns were raised by the local community in relation to the junction arrangements, the project was reviewed and changes were made to the configuration and layout.

The Council's EIA Screening determined that the proposed development is sub-threshold and would not have significant effects on the environment by virtue of its characteristics, location, size of potential impacts, and that an EIA is not required. It also considered that, having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the distance to the nearest European sites, that no AA issues arise, and that the project would not have a significant effect on a European site and a Stage 2 AA is not required.

3.0 Site Location and Description

The c 4.5km long linear site is located to the W of Ardee in Co. Louth and the surrounding low-lying area is predominantly rural in character comprising a mix of farmland, farm buildings and dwelling houses. The site extends from the townland of Mandistown in the SW to the junction with the N2 at the townland of Glebe in the NE, it traverses several local roads, bridges and watercourses (incl. the River Dee & River Garra) and the N section skirts the Ardee Bog. The linear site was fenced off several years ago under the previous proposals for the Ardee Bypass. The site and environs are not covered by any sensitive natural or built heritage designations. The route traverses the River Dee and River Garra which drain into Dundalk Bay SAC, SPA and pNHA c.12.5km to the E at Annagassan and the Stabannan -Bragganston SPA is located c.4.5km to the NE of the site, and there are several pNHAs in the surrounding area including Ardee Bog to the NW. The route does not traverse any known features of archaeological or heritage interest.

4.0 Proposed Development

The proposed development would comprise the construction of the N52 Ardee Bypass on a greenfield site. The Part 8 development was previously approved by Louth County Council as summarised in section 2.0 above. The proposed development would comprise:

- Construction of a 4.5km road.
- Provision of 4 x junctions along the road:
 - A staggered T junction on Silverhill Road.
 - A staggered T junction on Townparks Road.
 - A T junction on Mullanstown Road
 - A multi-lane roundabout on the N2
- Construction of 2 x bridges over the River Dee & River Garra (c.30m)
- Construction of pedestrian & cyclist facilities.
- New drainage arrangements (incl. connection to SuDS network)
- Diversion of services & utilities.
- Landscaping, fencing, safety barriers & public lighting.
- Associated site works & work compounds

The following documents were submitted:

- EIA Screening Report
- AA Screening Report
- Project details
- European site maps
- Flood risk scenario maps (1:100 year)

5.0 Legislative & Policy Context

5.1 Environmental Impact Assessment

Section 50(1) (a) of the Roads Act, 1993 (as amended) lists road developments in respect of which there is a mandatory requirement to carry out environmental impact assessment (EIA) as follows-

- (i) the construction of a motorway,
- (ii) the construction of a busway,
- (iii) the construction of a service area, or
- (iv) any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of any existing public road.

Section 50(1) (b) states that if An Bord Pleanála considers that any road development proposed (other than development to which *paragraph (a)* applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be likely to have significant effects on the environment it shall direct that the development be subject to an environmental impact assessment.

Article 8 of the Roads Regulations, 1994 (S.I. 119 of 1994) states that the prescribed types of proposed road development for the purpose of subsection (1)(a)(iii) of section 50 of the Act shall be-

- (a) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such

new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500m or more in length in an urban area;

(b) the construction of a new bridge or tunnel which would be 100m or more in length.

(The Roads Act 2007 introduced changes to Article 8 – hence the reference to subsection (1)(a)(iii) rather than subsection (1)(a)(iv) – the latter being the reference to ‘prescribed type of proposed road development’)

The proposed road, being less than ‘four or more lanes’, ‘eight kilometres or more in length’ and not entailing the construction of ‘new bridge which would be 100m or more in length’, does not, therefore, require mandatory EIA.

Section 50(1)(c) states where a road authority or, as the case may be, the Authority considers that a road development that it proposes (other than development to which *paragraph (a)* applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be likely to have significant effects on the environment, it shall inform An Bord Pleanála in writing prior to making any application to the Bord for an approval referred to in *section 51(1)* in respect of the development.

Section 50(1)(d) is more specific in relation to EIA, and states-

In particular, where a proposed development (other than development to which *paragraph (a)* applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be located on —

- (i) a European Site within the meaning of Regulation 2 of the European Communities (Birds and Natural Habitats) Regulations 2011,
- (ii) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976,
- (iii) land designated as a refuge for fauna or flora under section 17 of the Wildlife Act 1976, or
- (iv) land designated a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,

the road authority or the Authority, as the case may be, proposing the development shall decide whether or not the proposed development would be likely to have significant effects on the environment.

Guidance is provided in the document entitled 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', published by the Department of the Environment, Heritage and Local Government in 2003, which states that the criteria for deciding whether or not a proposed development is likely to have significant effects on the environment are set out in the EC (Environmental Impact Assessment) (Amendment) Regulations, 1999 (S.I. No. 93 of 1999) and in Schedule 7 of the Planning and Development Regulations, 2001 (as amended) (S.I. No 600 of 2001). The key criteria are grouped under three headings as follows:

- Characteristics of the proposed development.
- Location of the proposed development.
- Characteristics of potential impacts.

Additional guidance with regard to the screening of road projects for EIA is provided in the NRA's 'EIA of National Road Schemes – A Practical Guide', (2008).

5.2 Appropriate Assessment

The Planning & Development Regulations, 2000 (as amended)

Article 250(1), states that where a local authority proposes to carry out a development it is required to carry out a screening of the proposed development to assess if the development individually or in combination with other plans or projects would be likely to have a significant effect on a European site. If on the basis of a screening under Article 250(1), it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, would have a significant effect on a European site, the local authority is required to determine that appropriate assessment of the proposed development is required and to prepare an NIS and submit the proposed development for approval to the Board under section 177AE of the Planning and Development Act, 2000, as amended.

5.3 Local planning policy

Louth County Development Plan 2015-2021: the site is located to the W of Ardee and it is covered by the provisions of the Development Plan whilst a small section lies within the development boundary of the Ardee Local Area Plan. The site mainly traverses un-zoned agricultural land, and both plans contain policies and objectives for the provision and maintenance of the road hierarchy, including a bypass of Ardee to alleviate traffic congestion in the town centre.

6.0 Request for EIA & NIS Directions

6.1 Applicants request

Louth County Council requested the Board to issue an EIA and NIS Direction in relation to the need for carry out assessment of any potential effects of the proposed road scheme (and amended junction arrangements) on the receiving environment and European sites in the surrounding area.

6.2 Schedule 7A Information (EIA)

Schedule 7A of the Planning and Development Regulations, 2001 (as amended), relates to information to be provided for the screening of sub-threshold development for the purposes of EIA. The planning authority was requested to submit the information set out in Schedule 7A of the Regulations and to confirm the current status of the Part 8 application.

6.3 Planning authority response

The planning authority's response to the Board's request for Schedule 7A and Part 8 information is summarised below. This response referred the Board to an updated version of the EIA Screening report (September 2021) as opposed to providing the details in a Schedule 7A format as requested. However, the relevant Schedule 7A information was extrapolated from the EIA Screening report and summarised below.

Schedule 7A (EIA Sub-threshold Screening Determination) information:

1. A description of the proposed development, including in particular –

(a) A description of the physical characteristics of the whole proposed development and, where relevant, demolition works:

- Construction of a 4.5km road with 4 x junctions & 2 x bridges.
- Construction of pedestrian and cyclist facilities.
- Utilities & services diversion works.
- Connection of road/land drainage outfalls to the new SuDS drainage network system.
- All associated site works (incl. landscaping & lighting).

(b) A description of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected.

- Linear rural site with low to medium biodiversity value, except for degraded section of Ardee Bog pNHA to N.
- Negligible risk to human health & will improve traffic conditions & safety in Ardee,
- Consistent with Development Plan objectives.
- Adequate absorption capacity for size & scale of development.
- No environmental constraints other than river crossings.
- Intermittent, periodic & insignificant construction impacts.

2. A description of the aspects of the environment likely to be significantly affected by the proposed development:

- Several km W of Ardee town on lands earmarked for new road.
- Bound by mainly agricultural lands and several dwelling houses.
- Rivers Dee & Garra traverse the S section of the route.
- Degraded section of Ardee Bog occupies N section of route.

3. A description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from -

(a) The expected residues and emissions and the production of waste, where relevant,

- None anticipated except during construction & regulated by CEMP.
- Construction waste addressed by CEMP.
- No operational waste or excessive emissions anticipated.
- Reduction in traffic related emissions in Ardee town centre.

(b) The use of natural resources, in particular soil, land, water and biodiversity.

- Imperceptible impacts on soil & land.
- Biodiversity enhancement from perimeter landscaping.
- Imperceptible impacts on water supply.
- Surface water management arrangements incorporate SuDs to ensure water quality protection (incl. Rivers Dee & Garra).

4. The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7:

- Impact will be limited to the immediate surrounds.
- Extent of impact will not be significant having regard to the criteria in Schedule 7 (refer to Screening Determination).

6.4 Screening for Appropriate Assessment

The planning authority's Screening for AA report described the project, the assessment methodologies and receiving environment. It identified the European sites within the Zone of Influence and potential connectivity between the project and these sites (Dundalk Bay SPA & SAC and Stabannan -Bragganston SPA). It identified and characterised the possible effects of the project on the European sites. The report formally concluded that the project is not likely to have a significant effect on any European sites, in view of best scientific knowledge and the Conservation Objective of the sites concerned, and that AA is not required in respect of the project.

7.0 Planning History

A summary of the previous Part 8 application and approval is provided in section 2.0 above (Background).

8.0 EIA Assessment

8.1 Requirement for EIA

The proposed development is listed as a type of infrastructure development under Part 11 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended) or Roads Act 1993 (as amended).

8.2 EIA Screening Criteria

In accordance with Article 109 (4) (a) the Board shall, in making its screening determination as to whether there is no real likelihood of significant effects on the environment arising from a proposed development or there is a real likelihood of significant effects on the environment arising from the proposed development, have regard to -

- The criteria set out in Schedule 7,
- The information submitted pursuant to Schedule 7A,
- Any further information submitted,
- The results from other assessments (e.g., SEA), and
- The location of the project in a sensitive site (e.g., SAC/SPA/NHA),

8.3 Schedule 7 Assessment

The proposed development will be assessed against the Schedule 7 criteria, having regard to the information submitted pursuant to Schedule 7A and the location of the site relative to a sensitive location, under the following headings:

- Characteristics of proposed development
- Location of proposed development
- Characteristics of potential impacts

8.3.1 Characteristics of Proposed Development

Size and Design of Proposed Development:

The proposed development would comprise the construction of the N52 Ardee bypass (c.4.5km) and ancillary works (incl. diversion of existing services & utilities and provision of new surface water drainage arrangements) along with two bridges (c.30m), landscaping, fencing and public lighting. The scale, size and design of the development would not justify the need for an environmental impact assessment being significantly below the threshold for mandatory EIA set out in the Roads Act.

Cumulation with Other Projects:

There are several other permitted or proposed developments in the surrounding area including agricultural, commercial, educational and residential developments, quarries, infrastructure projects and drainage schemes. However, none of these would have a significant cumulative impact when considered in conjunction with the proposed development. Most of the other developments and sites in the vicinity have been completed or are nearing completion. Any potential cumulative impacts would not justify the need for an environmental impact assessment.

Use of Natural Resources / Waste / Pollution / Nuisances / Accident Risk and Impact on Human Health:

The nature, use and scale of development is such that it would not result in a significant use of natural resources. Any waste, pollution or nuisance generated by the development would be balanced against the provision of a new road that would

serve to divert traffic away from Ardee and alleviate traffic congestion in the town centre, and by its limited scale (c.4.5km). Similarly, the nature and scale of the development is not such that it would lead to a likely creation of an accident risk or have an adverse impact on human health. Construction activities would be undertaken subject to best construction practices. Any potential impacts on natural resources would not justify the need for an environmental impact assessment.

Conclusion: Having regard to the nature, scale, linear design and location of the proposed development on lands and environs that have been identified for a Bypass Road, it is unlikely that the characteristics of the proposed development are such that there would be significant adverse impacts on the environment.

8.3.2 Location of Proposed Development

Existing and Approved Land Use:

The proposed development, which would comprise the construction of the N52 Ardee Bypass on lands that are mainly in agricultural use and would result in a change of use, however any potential impacts on land use would not justify the need for an environmental impact assessment having regard to the scale of the proposed works and modest extent of the land take.

Relative Abundance, Availability, Quality and Regenerative Capacity of Natural Resources:

The site in its current form comprises recolonising bare ground within an agricultural landscape which is a natural resource in the sense that it contains a variety of habitats for flora and fauna. The site is not identified as a European site and it is not connected to any such sites. Although it skirts the NE section of Ardee Bog proposed Natural Heritage Area, it is noted that this section is significantly degraded as a result of historic peat extraction. The proposed road would cross the River Dee and River Garra which have an aquatic connection to the Dundalk Bay SAC, SPA and pNHA however the mouth of the River Dee at Annagassan is located c.12.5km (straight line) and C.24km (aquatic) to the E of the proposed works. The surrounding area contains several protected species of aquatic and terrestrial flora and fauna, none of which have been recorded within the footprint of the proposed works.

It is noted that the proposed road would be mainly located within an agricultural area and it would be fenced off during the construction works. The proposed development would require some additional felling of trees and hedgerows, but not any significant clearance of natural vegetation, given that the site was previously cleared of vegetation several years ago.

Conclusion: Having regard to the nature, scale, linear design and location of the proposed development within a predominantly agricultural area, on lands identified for road use in the Louth County Development Plan and Ardee Local Area Plan, it is unlikely that significant natural resources would be used in its development and there would be minimal ongoing use of natural resources from the proposed use of the site for road purposes. Overall, there would no significant adverse impacts in terms of the relative abundance, availability, quality and regenerative capacity of natural resources.

The Absorption Capacity of the Natural Environment:

The site in its current form mainly comprises recolonising bare ground within an agricultural landscape. The nature of the proposed road use would be consistent with surrounding land uses, and the scale and design of the proposed development would be compatible with the existing environs of the site.

In terms of **natural heritage**, there are no features of significance in terms of designated European sites, Ramsar sites, Biospheres, Nature Reserves or Natural Heritage Areas that could be impacted by the proposed development. Although it skirts the NE section of Ardee Bog proposed Natural Heritage Area, it is noted that this section is significantly degraded as a result of historic peat extraction. The site is located close to the River Dee and River Garra, and the River Dee has an aquatic connection to the Dundalk Bay SPA, SAC and pNHA c.12.5km (straight line) and C.24km (aquatic) to the E at Annagassan. The surrounding riparian wetlands are ecologically sensitive and there are indications that they provide habitats for various species of aquatic and terrestrial flora and fauna. The Screening for Appropriate Assessment report concluded that the proposed development is not likely to have a significant effect on any European site.

As previously stated, the proposed road would be mainly located within an agricultural area and it would be fenced off during the construction works. The proposed development would require some additional felling of trees and hedgerows, but not any significant clearance of natural vegetation, given that the site was previously cleared several years ago.

In relation to **specific species**, the desktop studies and field surveys noted the presence of several rare and protected aquatic and terrestrial plant and animal species in the wider study area (incl. Otter, Badger, Hedgehog, Common frog, several Bat & Bird species, fisheries, and bogland vegetation). The River Dee and River Garra provide aquatic and riparian habitats that support several protected species (incl. Otter, Kingfisher, Daubenton's Bat, Salmon, Trout, Lampreys & Eel) and also function as ecological corridors. Several rare or protected species were recorded in the vicinity of the site during the surveys (incl. Badger, Otter, Hare & Bats) and Common frog, Smooth newt and Common lizard are likely to frequent the N section of the site close to Ardee Bog. However, the desktop studies and field surveys did not identify the presence of any rare or protected, terrestrial or aquatic, plant or animal species within the footprint of the linear site, which was cleared several years ago in preparation for the construction of road.

In terms of **built heritage**, there are several features of interest in the wider area which are of archaeological, historical and cultural significance. The proposed development has been the subject of a Desk-top Assessment which concluded that the site does not contain any Recorded Monuments, Protected Structures or Architectural Conservation Areas. Furthermore, the site is not located within any identified zone of archaeological significance or within 100m of a Recorded Monuments, and the likely impact of the development on archaeology and heritage is therefore considered to be negligible to low.

Conclusion: Having regard to the nature, scale and location of the proposed development on un-zoned agricultural lands, the absence of sensitive natural or built heritage features within the footprint of the works, and the proposed and construction

methodologies, significant adverse impacts are unlikely in terms of the absorption capacity of the natural environment or built heritage.

8.3.3 Characteristics of the Potential Impact

Nature, Magnitude and Extent of the Impact: Having regard to the foregoing and to the medium scale and low density of development in the surrounding area, I am satisfied that the extent of the potential impact in terms of geographical area and the size of the population is limited. During construction, there will be some limited impacts on local residents and environments arising from construction traffic, noise and dust. These impacts will be short term and would be mitigated by good construction practices. Having regard to the nature, scale and location of the proposed development, the project would have a minor localised visual impact on the low-lying landscape from along the local road network, and some minor local impacts on traffic, however there would be limited adverse impacts on the wider environment. There would be some localised temporary impacts on ecology and biodiversity, however there would be no significant loss of habitat or species in terms of population numbers.

Ecology and biodiversity: There will be no likely adverse impacts on biodiversity given that there are no sensitive habitats or protected or rare species of flora or fauna within the footprint of the linear development. The site would be fenced off during the proposed works and the proposed clear span bridges will avoid the river corridors. The bridge abutments would be set back c.2m from the river embankments, and in-stream works will be avoided.

Land & soils, water quality, air & climate, noise & vibration and material assets: Having regard to the nature and scale of the proposed development which would include intrinsic surface water management arrangements (incl. several attenuation ponds and hydrocarbon interceptors prior to discharge), the impact on land and soils is likely to be negligible and it will not give rise to a significant risk to water quality, subject to adherence to best construction practices. The 1 in 100-year Flood Risk Assessment Maps indicate that it is not likely to give rise to a significant flood risk (taking account of climate change). In relation to air and climate, and noise

and vibration, there is potential for impacts during the construction phase however given the nature and scale of the proposed development, it is considered that subject to the use of good construction practices, environmental impacts under these headings will not be significant. Given these limited impacts, and the design and linear layout of the proposed development, the medium scale and low density of development in the surrounding area, and the relationship to surrounding properties and lands, it is not considered that the proposed development would have a significant negative impact in terms of material assets.

Landscape and visual amenity: Having regard to the nature, linear scale and location of the proposed road development within low-lying agricultural land in a rural area that is not covered by any sensitive landscape designations or protected views, the proposed development would have an overall neutral effect on landscape quality and visual amenity.

Cultural heritage: As previously outlined in this report, the relationship of the proposed development to protected structures in the wider area is such that any potential adverse impacts would be mitigated by the proposed construction methodologies and adherence to best construction practices, and the potential for significant impacts is therefore low to negligible.

Potential interactions: There is some limited potential for interactions between environmental factors, mainly between water and ecology, air and climate and noise and vibration. Subject to best practice methodologies during the construction phase significant interactions are not considered likely or such as would give rise to likely significant additional environmental impacts.

Probability, Intensity and Complexity of Impacts: Having regard to the nature, scale and location of the proposed road development within a low-lying agricultural land in a rural area that is not covered any sensitive built heritage or environmental designations, it is likely that the existing heritage features or habitats will not be substantially lost or modified.

Duration, Frequency and Reversibility: Having regard to the nature, scale and location of the proposed road development on a c.4.5km long linear site, it is predicted that the impacts will be short term and that the works will be readily reversible at some stage in the future.

Trans frontier Nature of the Impact: No transfrontier impacts would arise as result of the proposed development as the international border with Northern Ireland is located c.12 km to the N. However, it is noted that the study area lies within the cross-border WFD Catchment No.06: Newry, Fane, Glyde and Dee.

8.4 Results of other assessments

The proposed development, which would be located within an area that is covered by the current Louth County Development Plan and Ardee Local Area Plan, would be in accordance with the results of the strategic environmental assessment of these plans undertaken in accordance with the requirements of the SEA Directive.

8.5 Conclusion

Having regard to the nature, scale, linear layout and location of the proposed road development on a mainly greenfield site and on lands located within an area identified for a new road use in the Louth County Development Plan and Ardee Local Area Plan, within a rural area, and to all of the foregoing, the characteristics of the potential impacts would not be likely to have significant effects on the environment and would not justify the need for an environmental impact assessment.

9.0 Screening for Appropriate Assessment

The proposed development would comprise the construction of the N52 Ardee bypass (c.4.5km) and ancillary works (incl. diversion of existing services & utilities and provision of new surface water drainage arrangements) along with landscaping, fencing and public lighting. The site is not located within or immediately adjacent to any European site. The nearest sites are the Stabannan-Braganstown SPA c.5km to the NE, and the Dundalk Bay SAC and SPA c.12.5km (c.24km) to the E.

Drainage arrangements:

The proposed road development includes surface water drainage arrangements that form an intrinsic part of the project using SuDS techniques, including attenuation for a 100-year flood event and 20% climate change, and runoff would drain to the River Dee and River Garra via hydrocarbon interceptors. The proposed c.30m long clear span bridges would traverse the two rivers and the bridge abutments would be set back c.2m from the river embankments, and in-stream works will be avoided. The remainder of the watercourses will be mainly crossed via culverts. The River Garra drains into the River Dee which in turn flows E to Dundalk Bay via Annagassan.

Desktop and field surveys:

Several desk top studies and site surveys were undertaken as part of the ecological assessment of the site. The surveys assessed the site and environs including nearby watercourses and Ardee Bog to the N for mobile species of SCI for the further afield European sites (incl. Greylag goose and several other species of waterbird). The ecological characteristics of the site and environs were described. The main habitats consist of recolonising bare ground, agricultural fields, trees and hedgerows, watercourses and a cutover bog (Ardee Bog). Several rare and protected aquatic and terrestrial plant and animal species are present in the wider study area (incl. Otter, Badger, Hedgehog, Common frog, several Bat & Bird species, fisheries, and bogland vegetation). The River Dee and River Garra provide aquatic and riparian habitats that support several protected species (incl. Otter, Kingfisher, Daubenton's Bat, Salmon, Trout, Lampreys & Eel) and also function as ecological corridors. Several rare or protected species were recorded in the vicinity of the site during the surveys (incl. Badger, Otter, Hare & Bats) and Common frog, Smooth newt and

Common lizard are likely to frequent the N section of the site close to Ardee Bog. The linear site, which was cleared several years ago in preparation for the construction of road, does not contain suitable habitat or foraging potential for any SCI, rare or protected species.

The study area lies within the WFD Catchment No.06: Newry, Fane, Glyde & Dee and is mainly drained by the River Dee and River Garra which ultimately discharge to the Dundalk Bay SAC and SPA (c.12.5m straight line & 24km aquatic) to the E. The EPA water quality status for the years 2013 to 2018 ranges from Poor to Moderate for the River Dee and the watercourses in the study area are “At Risk”. The N section of the River Dee and River Garra (and associated tributaries) are prone to flooding and the Ardee Bog to the N acts as a natural floodplain. The Flood Risk Assessment maps indicated that the proposed development would have an imperceptible impact on flows discharging to the watercourses (1:100-year event). The site is underlaid by two main aquifers, the one to the N is classified as Poor and Generally Unproductive except for Local Zones, whilst the one to the E & W is classified as Locally Important and Moderately Productive only in Local Zones. The Curraghbeg Boreholes which contribute to the Ardee Water Supply Project is located to the SW. Groundwater vulnerability ranges from Moderate to High. In relation to Dundalk Bay, the Transitional Water Body status is “Intermediate” and the Coastal Waterbody status at Annagassan is “Unpolluted”.

Concerns raised:

The proposed development may have the potential to result in significant effects on European sites in the surrounding area. The proposed development is not necessary to the management of any European site. However, it has an aquatic connection to and the Dundalk Bay SAC and SPA c.12.5km to the E via on-site watercourses and rivers (incl. the River Dee & River Garra) and a possible mobile connection to the the Stabannan-Braganstown SPA c.5km to the NE, and this triggers the requirement for Screening for AA.

Potential impacts:

The potential impacts that could arise during the construction and operational stages of the proposed development are:

- Release of sediment and pollutants, and potential for discharge to surface water, particularly during heavy rainfall, during both phases.
- Potential for spillages such as oils, fuels or other pollutants into groundwater during the construction stage.
- Loss of habitat/resting places used by QI and SCI species.
- Noise and disturbance QI and SCI species.

The following European sites lie within a potential Zone of Influence:

European site	Qualifying Interests and/or Special Conservation Interests	Distance
Dundalk Bay SAC Site code: 000455	Estuaries Mudflats & sandflats not covered by seawater at low tide Perennial vegetation of stony banks Salicornia & other annuals colonizing mud & sand Atlantic salt meadows Mediterranean salt meadows	c.12.5km (straight line)
Dundalk Bay SPA Site code: 004026	Great Crested Grebe, Greylag Goose & Light-bellied Brent Goose Shelduck, Teal, Mallard, Pintail, Common Scoter & Red-breasted Merganser Oystercatcher, Ringed, Golden & Grey Plover, Lapwing, Knot & Dunlin Black-tailed & Bar-tailed Godwit Curlew & Redshank Black-headed, Common & Herring Gull Wetland and Waterbirds	c.12.5km (straight line)
Stabannan-Braganstown SPA Site code: 004091	Greylag Goose	c.5.0km (straight line)

Potential Impacts on European Sites and test of Likely significant effects

1. Dundalk Bay SAC & SPA (site codes:000455 & 004026)

Description of European sites:

These overlapping European sites are located c.12.5km E of Ardee. Dundalk Bay is a very large open, shallow sea bay with extensive saltmarshes and intertidal sand/mudflats. It extends c.16km from Castletown River on the Cooley Peninsula (N) to Annagassan / Salterstown (S), and the bay encompasses the mouths and estuaries of the Rivers Dee, Glyde, Fane, Castletown and Flurry. The SAC comprises several Qualifying Interest (QI) habitats including estuaries, saltmarshes, sand and mudflats, and shingle beaches. The SPA is of international importance to a large number of wintering bird species and it contains a wide variety Special Conservation Interest (SCI) bird species as well as Wetlands and Water birds. The extensive sands and mudflats have a rich fauna of molluscs, polychaetes and crustaceans which provide an important food resource for most of the waterfowl.

Section specific description of European site:

The River Dee discharges to the Dundalk Bay SAC and SPA at Annagassan which is located in the SE section of the SAC between Seabank and Salterstown. This stretch of coastline is defined by a steep embankment that separates the shoreline from the adjacent lands on either side of the estuary. According to the NPWS Site Synopsis and accompanying Maps (Nos. 2, 3 & 5) the QI habitats “Estuaries” and “Saltmarshes” are not present in this section of the SAC, and the area is mainly defined by the QI habitat “Mudflats & sandflats not covered by seawater at low tide”. Map no.4 describes the Marine Community Types associated with this habitat and it indicates the widespread presence of the “Fine sand community complex” throughout the Bay along with the localized presence of “Muddy fine sand community” to the immediate N of where the River Dee discharges to the estuary. Map 5 also indicates the potential for Annex 1 “Saltmarsh” habitat at a point to the N and S of where the River Dee discharges to the estuary. Map no. 6 identifies the main Bird Use Zones, the area to the immediate N and S of the discharge zone parallel the coastline is defined as Supratidal, the estuarine section of the river is defined as Subtidal whilst the wider estuary is defined as Intertidal.

Conservation Objectives:

- (a) To maintain the favourable conservation condition of the habitats for which the **SAC** has been selected, subject to a list of targets and attributes (incl. area, distribution, physical structure & vegetation structure).
- (b) To maintain the favourable conservation condition of the various Special Conservation Interest bird species, Wetlands & Water birds in Dundalk Bay **SPA** subject to a list of targets and attributes (incl. population trends & distribution).

Connections:

The aquatic link between the proposed development and this European site is via the River Dee and River Garra (which drains to the River Dee), and ultimately discharges to Dundalk Bay SAC and SPA at Annagassan, a short distance downstream of the confluence of the River Dee and River Glyde. The proposed road would cross the two rivers as well as other on-site watercourses and ditches that drain to them. It is possible that mobile bird species from the European sites forage or rest within the environs of the proposed development.

Construction and operational phases:

The construction works associated with the proposed development and its future operational use will take place entirely within the boundaries of the site. The proposed drainage arrangements, that form part of the overall roads project, would ensure that no deleterious materials (incl. fine sediments, accidental chemical or fuel spills & other pollutants) would discharge to the River Dee and River Garra, and hence the Dundalk Bay SAC and SPA. The linear design of the proposed road and modest scale of the proposed bridges would ensure that the project would not introduce a barrier to bird mobility.

There will be no **direct impacts** on the QI habitats for the **SAC** arising from the proposed development. The project would be located a substantial distance upstream of this SAC (c.12.5km straight line & 24km aquatic) and this removes the potential for **indirect effects** on the SAC and its QI habitats (incl. Mudflats &

Sandflats) arising from any deterioration in water quality. Therefore, the food source for the SPA SCI bird species in Bird Use Zones (incl. Supratidal & Subtidal zones) would not be adversely affected by the proposed development.

There will be no **direct effects** on the **SPA** or any of its SCI species having regard to the substantial separation distance between the development and the European site. None of the SCI species were recorded in significant numbers in the desk top studies or during the surveys of the site and environs, although several SCI species (incl. Curlew, Lapwing, Teal, Black-headed gull & Greylag goose) were noted at Ardee Bog which acts as a natural floodplain for the River Dee and River Garra (and associated tributaries). The habitats and foraging potential of the site and adjacent lands are not suitable for/or preferred by these species and there is an abundance of similar agricultural habitat types in the surrounding area. Whilst the proposed development will remove potential foraging and breeding habitat for local bird species that use the area (incl. passerines), there is no evidence of any connectivity between the project and the SPA and there would be no potential for **indirect effects**.

In-combination effects:

The potential for in-combination effects with other plans and projects was considered in the AA Screening Report (incl. agricultural, commercial, educational & residential developments, quarries, infrastructure projects & drainage schemes). The lands would drain to the River Dee and River Garra via site specific drainage arrangements which form an intrinsic part of the proposed road development. The development site lies within an area covered by the Louth County Development Plan and partly within the boundary of the Ardee LAP, and the N52 Ardee Bypass is identified as a policy objective in both Plans. Both Plans were subject to an SEA which concluded that the implementation of either plans is not likely to give rise to significant effects on any European site or its qualifying interests.

2. Stabannan-Braganstown SPA (Site code: 004091)

Description of European site:

This European site is located c.6km NE of Ardee and c.5km inland from Dundalk Bay. It is a small, flat alluvial plain adjacent to the River Glyde and is bounded to the N and S by low, rolling hills. It has been selected for the SCI species Greylag Goose and the site is utilised by an internationally important wintering population in the winter. The site also supports smaller populations of Greenland White-fronted Goose, Whooper Swan and Golden Plover, along with small numbers of Bewick's Swan. At night most of the geese and swans roost in Dundalk Bay (SAC & SPA).

Conservation Objectives:

To maintain or restore the favourable conservation condition of the bird species (Greylag goose) listed as Special Conservation Interests for this SPA.

Connections:

There is no aquatic link between the proposed development and this European site which drains to the River Glyde. However, the proposed road would cross the River Dee and River Garra which ultimately discharge to Dundalk Bay SAC and SPA where the SCI species Greylag goose roosts at night, and it is possible that this species may forage or rest within the environs of the proposed development.

Construction and operational phases:

The construction works associated with the proposed development and its future operational use will take place entirely within the boundaries of the site. The proposed drainage arrangements, that form part of the overall road project, would ensure that no deleterious materials (incl. fine sediments, accidental chemical or fuel spills & other pollutants) would discharge to the River Dee and River Garra, and hence the Dundalk Bay SAC and SPA. The linear design of the proposed road and modest scale of the proposed bridges, notwithstanding their elevations, would ensure that the project would not introduce a barrier to bird mobility or a collision risk.

There will be no **direct impacts** on the QI habitats for the Dundalk Bay SAC arising from the proposed development. The project would be located a substantial distance upstream of this SAC which removes the potential for **indirect effects** on its QI habitats (incl. Mudflats & Sandflats) arising from any deterioration in water quality. Therefore, the food source for the SCI Greylag goose species in Bird Use Zones of Dundalk Bay SAC and SPA (incl. Supratidal & Subtidal zones) would not be adversely affected by the proposed development.

There will be no **direct effects** on the Stabannan-Braganstown SPA or its SCI species of Greylag goose having regard the absence of a connection between the proposed road development and the European site.

As previously noted, there will be no **direct effects** the QI habitats for the Dundalk Bay SAC arising from the proposed development and this removes the potential for **indirect effects** on its QI habitats (incl. Mudflats & Sandflats) arising from any deterioration in water quality, with no resultant impacts on food sources for Greylag goose anticipated. Greylag goose was not recorded in significant numbers in the desk top studies or during the surveys of the site and environs, although it was noted at Ardee Bog to the N. The habitats and foraging potential of the site and adjacent lands are not suitable for/or preferred by this species. Although the slightly elevated position of the bridges could result in a collision risk during take-off and landing, it is noted that Greylag goose would have to navigate the M1 motorway enroute from Dundalk Bay to Stabannan-Braganstown SPA and Ardee Bog. There is no evidence of any connectivity between the project and the SPA and there would be no potential for **indirect effects**.

In-combination effects:

The potential for in-combination effects with other plans and projects was considered in the AA Screening Report (incl. agricultural, commercial, educational & residential developments, quarries, infrastructure projects & drainage schemes). The lands would drain to the River Dee and River Garra via site specific drainage arrangements which form an intrinsic part of the proposed road development. The development site lies within an area covered by the Louth County Development Plan and partly within the boundary of the Ardee LAP, and the N52 Ardee Bypass is

identified as a policy objective in both Plans. Both Plans were subject to an SEA which concluded that the implementation of either plans is not likely to give rise to significant effects on any European site or its qualifying interests.

Conclusion on AA Screening

Having regard to the foregoing, it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on Dundalk Bay SAC, Dundalk Bay SPA and Stabannan-Braganstown SPA, or any other European Site, in view of the conservation objectives of these sites and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement for the proposed development is not, therefore, required.

10. Recommendation

Having regard to my assessment above, I consider that the proposed development of the N52 Ardee Bypass and all associated site development works would not be likely to have significant effects on the environment or the integrity of Dundalk Bay SAC, Dundalk Bay SPA and Stabannan-Braganstown SPA, I therefore, recommend that the Board does not direct the local authority to prepare an Environmental Impact Assessment Report or Natura Impact Assessment in respect of the development based on the reasons and considerations set out below.

Reasons and Considerations (1)

Having regard to:

- (a) the location of the site on lands that are covered by the Louth County Development Plan 2015 to 2021 and the Ardee Local Area Plan 2010 to 2016, and the results of the strategic environmental assessment of this plan undertaken in accordance with the requirements of the SEA Directive,
- (b) the nature, linear scale and location of the proposed development,
- (c) the design and construction methodology response to the natural heritage in the surrounding area,
- (d) the substantial separation distance to any designated European Sites,
- (e) the project details provided by Louth County Council,
- (f) the guidance set out in the '*Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development*' issued by the Department of the Environment, Heritage and Local Government,
- (g) to the criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001 (as amended), and
- (h) to the report and recommendation of the Inspector,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not therefore required.

Reasons and Considerations (2)

Having regard to:

- (a) The nature and scale of the proposed development,
- (b) The substantial separation distance between the proposed development site and the Dundalk Bay SAC and SPA, and the Stabannan-Braganstown SPA,
- (c) the length of the hydrological connection between the site and European sites at Dundalk Bay SAC and SPA,
- (d) the absence of a hydrological connection between the site and European site at Stabannan-Braganstown SPA,
- (e) the surface water management arrangements which form part of the overall project, and the separation distance to European Sites,
- (f) the submission made by the local authority, including the Appropriate Assessment Screening Report dated April 2021,
- (g) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter,

It is considered reasonable to conclude that on the basis of the information available, which is considered adequate to issue a screening determination, the proposed development, either individually and in combination with other plans or projects, would not be likely to have a significant effect on the Dundalk Bay SAC, Dundalk Bay SPA or Stabannan-Braganstown SPA, or any other European sites, in view of the conservation objectives of these sites and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement for the proposed development is not, therefore, required.

Karla Mc Bride

Senior Planning Inspector

24th September 2021