An Bord Pleanála

Inspector's Report ABP-310438-21

Development	Brooke Bridge Remediation Works.
Location	Monasterevin, Co. Kildare
Local Authority	Kildare County Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	NPWS, IFI, TII & GSI
Observer(s)	None
Date of Site Inspection	26th June 2021
Inspector	Karla Mc Bride

1.0 Introduction

1.1. Kildare County Council is seeking approval from An Bord Pleanála to undertake bridge remediation works at Brooke Bridge to the N of Monasterevin. The existing bridge traverses an un-named stream that drains W to the Figile River which discharges S to River Barrow and River Nore SAC and there are several other designated European sites in the wider area. 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 Site and Location

2.1. The site is located within a small settlement at Ballykelly to the N of Monasterevin in County Kildare and the surrounding area comprises a mix of agricultural land, farm buildings, and residential, recreational (GAA grounds) and commercial uses (former mill). Brooke Bridge carries a local road (L7049) over an un-named stream. The bridge, which dates from the mid-1800s, is a single span masonry arch structure made from rubble and square cut limestone which is in a poor state of repair and sections of the parapet wall are missing.

2.2. The un-named stream flows W from the bridge to the Figile River and under the Barrow Navigation Canal over a distance of c. 660m, and then S to the confluence with the River Barrow over a distance of c.880m. The environs are characterised by woodland and riparian vegetation with agricultural fields beyond. There is a farm

yard to the S and the former mill buildings to the N are currently being refurbished for distillery and cafe use.

2.3. The un-named stream and its environs are not covered by any sensitive natural heritage designations. However, the watercourse ultimately discharges S to River Barrow which forms part of the River Barrow and River Nore SAC, and the stream may be important for mobile species from other further afield European sites. There are several features of historic and cultural heritage interest in the vicinity of the stream including the former mill buildings which are currently being refurbished.

2.4. Photographs & maps in Appendix 1 describe the site & surroundings in more detail.

3.0 **Proposed Development**

Kildare Dublin County Council proposes to undertake bridge remediation works at Brooke Bridge, the proposed scheme would repair and protect public infrastructure and the works would take place over a c.2-month.

The proposed works would comprise:

- Replace soft grass verges with concrete rubbing strips.
- Install stainless steel drainage integrated into concrete rubbing strip.
- Raise existing road surface above the arch barrel by c.100mm.
- De-vegetate parapet/spandrel walls & repoint joints.
- Repair missing & damaged sections of parapet wall & coping.
- De-vegetate embankments.
- Replace masonry in abutments & arch barrel and repoint joints.
- Stitch repair to crack in abutment & arch barrel.
- Install fencing.
- Remove built up material from riverbed upstream, bridge span & downstream.

3.1. **Accompanying documents**

The application was accompanied by the following documents:

- Planning report
- Bridge Inspection report
- Drawings & photographs
- Appropriate Assessment Screening report (June 2020)
- Natural Impact Statement (April 2021)
- Screening for EIA report
- Bird & Bat Survey report
- Remediation Methodology report
- List of Prescribed Bodies & copies of Public Notices.

4.0 Planning History

4.1. Several planning cases in the vicinity and the following cases are of note.

Reg. Ref. 19/194: permission granted by KCC for the development of a distillery, café & ancillary facilities (c.5,106sq.m.) at Ballykelly Mills (PS) on a c.2.13ha site. NIS submitted & proposal subject to AA.

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. European sites located within the Zone of Influence of the subject site include:

- River Barrow & River Nore SAC (Site code: 002162)
- Pollardstown Fen SAC (Site code: 000396)
- Mountmellick SAC (Site code: 002141)

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. National and Regional Planning policy

National Planning Framework, 2018-2040

This Plan sets out a high-level strategic plan for shaping future growth and development to 2040. It seeks to develop a region-focused strategy to manage growth and environmentally-focused planning at a local level. It contains several National Strategic Outcomes (NSOs) which include seeking to achieve empowered rural economies and communities, enhanced amenity and heritage, and a transition to a low-carbon and climate resilient society.

National Development Plan, 2018-2027

This Plan underpins the National Planning Framework 2018-2040. It contains several priorities which include investment in regional growth potential and increasing investment in in national, regional and local roads.

Climate Action Plan, 2019

This plan seeks to tackle climate breakdown and achieve net zero greenhouse gas emissions by 2050. It identifies several risks as a result of climate change including rising sea-levels, extreme weather, further pressure on water resources and food production systems, and increased chance and scale of river and coastal flooding.

Architectural Protection Guidelines for Planning Authorities, 2004

These Guidelines provide a practical guide for planning authorities (and others) who must comply with Part IV of the Planning and Development Act 2000 on the protection of the architectural heritage. Section 14.2 deals specifically with bridges that are Protected Structures.

The Planning System and Flood Risk Management, 2009:

These Guidelines seeks to avoid inappropriate development in areas at risk of flooding and avoid new developments increasing flood risk elsewhere and they advocate a sequential approach to risk assessment and a justification test.

Eastern & Midland Regional Economic & Spatial Strategy 2019 - 2031:

The RSES supports the delivery of the programme for change set out in the National Planning Framework and the National Development Plan. It sets out a strategic vision and policy objectives for urban and rural areas, people, the economy, the environment, connectivity, amenities and utilities. *Regional Policy Obj. 7.15:* states that Local authorities shall take opportunities to enhance biodiversity and amenities and to ensure the protection of environmentally sensitive sites and habitats.

5.7. Local Planning policy

Kildare County Development Plan, 2019 – 2023 (as varied)

The site and surrounding lands are located within a rural area to the N of Monasterevin which are covered by the policies and objectives contained in the current Kildare County Development Plan.

Zoning: None specified

Built heritage: The Plan aims to protect, conserve and manage the archaeological and architectural heritage of the county and to encourage sensitive sustainable development so as to ensure its survival and maintenance for future generations. No heritage designations specified for Brooke Bridge. The adjacent Ballykelly Mills is a Protected Structure.

- ***Policy HF 1:*** seeks to secure the identification, protection & conservation of historic items & features of interest … including street furniture, surface finishes, roadside installations, items of industrial heritage and other stand-alone features of interest (items not listed on the RMP or RPS).

Natural heritage: The plan aims to contribute towards the protection, conservation and management of natural heritage including sites designated at national and EU level and protected species and habitats outside of designated sites and to develop a Green Infrastructure network in the interests of the proper planning and sustainable development of the county.

- ***Policy NH 1***: seeks to facilitate, maintain & enhance the natural heritage and amenity of the county by seeking to encourage the preservation and retention of woodlands, hedgerows, stonewalls, rivers, streams & wetlands.
- ***Policy NH 3***: requires compliance with the Habitats Directive with regard to encouraging the management of features in the landscape which are of major importance for wild fauna & flora. Such features are those which, by virtue of their linear & continuous structure (i.e. rivers & banks), are essential for the migration, dispersal & genetic exchange of wild species.
- ***Policy NH 4***: supports the conservation & enhancement of Natura 2000 Sites.
- ***Policy NH 5***: seeks to prevent development that would adversely affect the integrity of any Natura 2000 site.
- ***Policy NH 6***: seeks to ensure AA is carried out for any plan or project not directly connected with or necessary to the management of Natura 2000 site.
- ***Policy GI 8***: seeks to contribute towards the protection of and manage existing networks of woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character.

- ***Policy GI 18***: seeks to contribute towards the protection of and manage the natural, historical and amenity value of waterways.
- ***Policy GI 19***: requires an Ecological IA & AA (where necessary) including bat & otter surveys for developments along river, stream & canal corridors.
- ***Policy GI 20***: seeks to maintain a 10m biodiversity zone from the bank top.
- ***Policy GI 21***: seeks to mitigate lighting impacts on bats & other species along river, stream & canal corridors.
- ***Policy GI 22***: requires that runoff will not result in downstream deterioration.
- ***Policy GI 23:*** seeks to protect rivers, streams & other water courses.
- ***Policy GI 24***: seeks to consult with IFI in relation to any development that could potentially impact on aquatic ecosystems & associated riparian habitats.
- ***Policy GI 25:*** seek to ensure the protection, improvement or restoration of riverine floodplains.

6.0 Consultations

6.1. Prescribed Bodies:

The Council consulted with the following Statutory Bodies:

- NPWS, IFI & EPA

The Council circulated the project details to the following Prescribed Bodies:

- Dept. of Housing, Local Government & Heritage (& DAU)
- Dept. of Environment, Climate & Communications
- Dept. of Culture, Heritage & Gaeltacht
- Dept. of Transport
- NPWS, IFI, OPW, HSE, NTA & TII
- Failte Ireland, An Taisce, Heritage Council & An Chomhairle Ealaion

The Board circulated the application to the following Prescribed Bodies:

Department of Housing, Local Government & Heritage (DAU):

- Repair works have the potential to increase water siltation & pollution in the stream which is already affected by agricultural silt and cattle incursions.
- Query purpose of the fencing (to exclude cattle?).
- The River Barrow & River Nore SAC is less than 2km downstream.
- The NIS has relied on an older version of the COs for the QI of the site.
- QI White-clawed crayfish & Otter are closer to the site than noted in the NIS.
- Crayfish was recorded within 400m of the confluence with the Figile River.
- Otter footprints were noted at the bridge and the National Biodiversity Data Centre recorded it along the Navigation Canal.
- The “Crash Deck” drawings are illegible (mitigation measure).
- NIS correctly identifies possible effects on SAC & offers suitable mitigation.
- The Bird & Bat Survey was carried out in April which was suitable for nesting birds but too early to determine if there was a bat roost in the bridge.
- Although the Category 1 crevices would not be suitable for bat roosts, a dawn & dusk survey is required before works commence.
- No objections subject to the following recommendations:
    - NIS mitigation measures should be overseen by the project ecologist.
    - Re-survey crevices when scaffolding is in place to check for bats.
    - Works must cease if bats are found & NPWS contacted.

Inland Fisheries Ireland:

Context:

- Associated river is an important salmonoid tributary of River Barrow with large numbers of Brown trout noted & excellent populations of Salmon throughout.
- Barrow system is an important spring salmon & sea trout fishery which supports several Annex II species (Salmon, River, Brook & Sea Lampreys).
- Limited salmon spawning or nursery habitat in main Barrow channel because of navigation, and most salmonoid production occurs in its tributaries.

General concerns:

- The stream acts as a contributory to downstream habitat for juvenile salmonoids, lampreys & other species, as well as macrophytes, algae & macro-invertebrates which form part of the food supply for fisheries.
- The stream has the potential to convey deleterious construction materials downstream in the absence of appropriate safeguards.
- Uncured concrete can kill fish & macro-invertebrates by altering the pH of the water, delivery vehicles should not be washed out near the site, and cement bags should be held in a secure dry area.
- The unmitigated discharge of silt to fisheries waters can clog salmonoid spawning beds and juvenile gills, and smoother plant & macro-invertebrate communities leading to a loss or degradation of habitat.
- Oils & fuels should be stored in bunded areas with adequate capacity.
- Care required during refuelling, spill kits should be provided, and temporary oil interceptor should be installed if the works involve drainage water discharges.

Specific concerns:

- Require clarification of proposals to install scour protection measures downstream (noted in Bridge Inspection report).
- Concerned about any proposals to remove material from the river in the vicinity of the bridge, IFI do not re-call any build-up of material downstream of the bridge & satisfied that any stones that have fallen from the parapet upstream of the bridge are having no impact on the flood conveyance capacity of the bridges, therefore query the need to remove them.
- Works should adhere to IFI “Guidelines on protection of fisheries during construction works in and adjacent to waters.”
- No in-stream works without consultation & agreement with IFI.
- Protect water from deleterious discharges during concrete pouring, grouting or any other construction & repair works, protection systems should be adequate to deal with periods of prolonged rainfall.
- No in-stream works between October and June.

- Fuels, oils & hydraulic fluids should be stored in bunded compounds well away from the watercourse.
- Refuelling of machinery should be carried out in bunded areas.

Transport Infrastructure Ireland: No comment.

Geological Survey Ireland: No comment.

6.2. **Public Submissions:**

None received.

7.0 Assessment

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

The proposed Brooke Bridge remediation works would comply with national, regional and local policy in respect of climate change, residential amenity, cultural and natural heritage, and the environment.

Brooke Bridge carries a local road (L7049) over an un-named stream and the Council states that the repair works are justified as they would ensure the continued use of public infrastructure. The works would also ensure continued road access to private property on either side of the bridge and un-named stream.

The submissions received from Prescribed Bodies are summarised in section 6.0 above and the main concerns raised by NPWS and IFI relate to potential adverse effects on European sites, water quality, biodiversity and fisheries. No submissions were received members of the public.

Design and layout:

The location and design of the proposed Brooke Bridge remediation works are described in sections 2.0 and 3.0 above. The existing mid-1850s bridge is c.3.2m long and c.6.35m wide, the arch facing walls, parapets and spandrels are rubble and square cut limestone, while the arched barrel is made up of rubble masonry. The bridge is in a poor state of repair and requires remediation and maintenance works.

The Bridge Inspection report noted that a new road surface was required, sections of parapet, retaining wall, bridge arch and spandrel walls needed to be variously replaced, reconstructed, repointed and de-vegetated. Fencing of the left downstream embankment was also required.

The Planning Report notes that although Brooke Bridge is not a Protected Structure or covered by any other sensitive built heritage designations, the advice contained in the Architectural Protection Guidelines for Planning Authorities in relation to works carried out at historic bridges (S.14.2) of will be adhered to.

Given that the project would not comprise any new structures and minimal disturbance to the wooded riparian embankments, the design and layout of the proposed works are considered acceptable.

Residential & visual amenity:

Brooke Bridge and the surrounding rural area is characterised by a mix of mainly agricultural land with some residential, recreational and commercial uses. The surrounding small settlement at Ballykelly is not covered by any sensitive heritage or conservation designations, although the site is adjacent to an historic mill building. Ballykelly Mills is a designated protected structure which is currently being restored and developed as a distillery and cafe.

The un-named stream and the adjoining local road are defined by wooded areas, trees of mixed species in various stages of maturity and riparian vegetation, all of which contribute to the overall rural and riparian character of the area. Policy GI 8 of the Development Plan seeks to contribute towards the protection of and manage existing networks of woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character. However, it is noted that the proposed development does include any significant removal of trees or hedgerows, and the visual amenities of the area would not be adversely affected by the proposed repair works.

In terms of general residential amenity, the proposed works would not overlook, overshadow, result in a loss of privacy or otherwise adversely affect the amenity of any nearby dwelling houses. However, any localised removal of riparian vegetation in the vicinity of the bridge would have a minor adverse impact on the visual amenities and rural character of the area in the short term. Notwithstanding these concerns, the proposed works will not give rise to an adverse visual impact on the character of the area or the amenities of nearby houses in the long term.

Biodiversity:

The site and environs are characterised by a watercourse which has its source to the far E of the site, and woodland and riparian vegetation with agricultural fields beyond. Brooke Bridge, the un-named stream it crosses and its environs are is not covered by any sensitive natural heritage designations. However, the stream discharges to the Figile River c.660m the W which in turn forms a confluence with

the River Barrow c.880m to the S. The River Barrow forms part of the River Barrow and River Nore SAC, and the stream may be important for aquatic and mobile species this European site. Issues related to Appropriate Assessment will be addressed in sections 7.3 below.

The Bridge Inspection report noted that a new road surface was required, sections of parapet, retaining wall, bridge arch and spandrel walls needed to be variously replaced, reconstructed, repointed and de-vegetated. Fencing of the left downstream embankment was also required. The Bridge Inspection report noted that the downstream section of the riverbed required replacement scour protection and this was elaborated on in the Remediation Methodology report. Item 12 of the Methodology report states that the bed is lined, there is a scour skirt along the abutments and that minor works are required at the downstream end for c.1m.

The un-named stream and riparian environs may provide a habitat, refuge, foraging area or resting place for a variety of terrestrial and aquatic animal species (incl. otters, birds, bats, fish & aquatic invertebrates), which have been described in the submitted documents. This includes an Appropriate Assessment Screening Report and Natural Impact Statement which examined the relationship between the un-named stream and several European sites, and a Bird and Bat Survey report which examined the bridge and environs for the presence of nesting birds and roosting bats. These reports were informed by desk top studies and field surveys which described the ecological characteristics of the receiving environment, and identified the potential impacts on Europeans Sites and biodiversity. The NIS contains mitigation measures which have been incorporated into the Remediation Methodology report.

No European site QI habitats were recorded in the vicinity of the un-named stream in the NIS desktop studies and field surveys. However, the stream provides suitable support habitat for several QI species (incl. Salmon & Lampreys) and it is within the distribution range for White-clawed crayfish which is present in the Figile River. Otter may commute or forage along the stream as it has been recorded along the nearby Barrow Navigation Canal, and a pre-construction survey should be undertaken before the repair works commence. This could be addressed by way of a planning condition.

A wide variety of ***bird*** species were noted in the desk top study and Bird and Bat survey of the bridge and surrounding area (incl. common species & passerines) however none were recorded nesting at or close to Brooke Bridge, and there was no evidence of Kingfisher in the vicinity.

The surrounding agricultural lands and the linear wooded area along the stream provide suitable foraging habitat for ***bats*** and bridges can often provide suitable roosting habitats for various species. No evidence of bats was detected under the bridge during the surveys, and the cracks and crevices were considered too shallow to provide a suitable nesting habitat. The NPWS submission noted that the bat survey was conducted outside of the breeding season and advised that a pre-construction survey be undertaken along with further consultations in the event that bats are present. This concern could be addressed by a planning condition which would also require the applicant to seek a Derogation Licence to enable the safe and humane relocation of any specimens to another suitable nearby habitat, as required.

The un-named stream provides suitable habitat for several species of ***fish*** (incl. Salmon, Brown trout & Lampreys) and White-clawed crayfish is present in the Figile River a short distance downstream of the proposed works. The stream also provides suitable habitat for several prey species of aquatic invertebrate and macrophytes which form part of the food supply for fish species in the Figile and Barrow Rivers. The IFI noted that the Barrow system is an important spring salmon and sea trout fishery which supports several Annex II species, and given that there is limited salmon spawning or nursery habitat in main Barrow channel, most salmonoid production occurs in its tributaries.

The IFI raised concerns that the un-named stream has the potential to convey deleterious construction materials downstream in the absence of appropriate safeguards which could adversely affect water quality and fisheries (incl. riverbed smothering, changes to pH, clogging fish gills & habitat degradation). Refer to Section 6.1 above for more details.

I would concur that the proposed works have the potential to affect water quality and create barriers to species movement, along with general noise and disturbance. However, the mitigation measures contained in the NIS and Remediation Methodology report would ensure that appropriate protection measures are put in

place during the repair works (incl. the use of an enclosed “Crash Deck” during the works, no concrete mixing or vehicle washing on site, and protection of the watercourses from silt & chemical contamination, and spill kits).

The IFI requested that the works should adhere to its “Guidelines on protection of fisheries during construction works in and adjacent to waters”, no in-stream works should occur without its agreement, and water quality should be protected during the works which should avoid the fish breeding season. These concerns could be reflected in a planning condition.

The IFI requested clarification of proposals to install scour protection measures downstream as noted in Bridge Inspection report. As previously noted, Item 12 of the Remediation Methodology report states that minor works are required at the downstream end for c.1m. IFI also expressed concern about any proposals to remove material from the river in the vicinity of the bridge and is satisfied that any fallen parapet stones are having no impact on the flood conveyance capacity of the bridges and query the need to remove them. These concerns could be addressed by way of a planning condition which requires the applicant to consult with IFI in relation to any in-stream works.

No ***invasive plant species*** were recorded at or in the vicinity of Brooke Bridge or the stream during the surveys, however a biosecurity condition should be attached to ensure that the works (and vehicles) do not introduce invasive species to the area.

The proposed bridge remediation works would not require the removal of ***trees*** or the significant removal of ***riparian vegetation*** with no adverse impacts on biodiversity during the repair works anticipated, although there would be some localised disturbance to foraging areas, resting places and refuges. It is proposed to appoint a Project Ecologist to oversee the repair works and the mitigation measures contained in the NIS and Remediation Methodology report would protect sensitive species (incl. otter, birds, bats, fish & aquatic invertebrates). The works will be conducted in accordance IFI guidance and outside the Salmon and Brown trout spawning seasons, the removal of vegetation during the bird nesting season will be prohibited, and per-construction surveys for Otters and Bats will be required.

Having regard to all of the above, the predicted impacts on biodiversity would be temporary and short term as most species will return to the area after the works are complete. It is noted that NPWS and IFI had have no objections to the proposed development subject to pre-construction otter and bat surveys, the avoidance of works during the bird breeding and fish spawning seasons, the implementation of water quality protection measures, and adherence to IFI Guidelines.

Cultural heritage:

Brooke Bridge and its environs are is not covered by any sensitive heritage designations however the Council state that the remediation works would be undertaken in accordance with the advice contained in the Architectural Protection Guidelines for PAs in relation to works carried out at historic bridges (S.14.2).

The former Ballykelly Mills (PS) is located to the N of the bridge and the Barrow Navigation Canal located to the W, and the surrounding area may contain archaeological heritage. The proposed development would not adversely affect the character or setting of any Recorded Monuments, Protected Structures, NIAH features of ACAs in the area. However, it is possible that as yet undiscovered artefacts, including those related to the former historic mill related use of the nearby navigation canal, may be uncovered during the works, and archaeological monitoring should be required. This concern could be addressed by way of a planning condition.

It is noted that Policy HF 1 of the Development Plan seeks to secure the protection and conservation of historic items and features of interest including items not listed on the RMP or RPS, and that Policy GI 18 seeks to contribute towards the protection and management of the natural, historical and amenity value of waterways. The proposed development would comply with these policies.

Need, effectiveness & alternatives:

I am satisfied that the applicant has provided adequate background information to justify the need for the proposed works which seek to repair public infrastructure and that the proposed works will function effectively. I am also satisfied, on the basis of my examination of the submitted documents and assessment of the watercourse, that the proposed bridge remediation works constitute an appropriate and proportionate response to the conditions along this section of the un-named stream.

Conclusions:

Having regard to the foregoing, I am satisfied that the proposed development is acceptable in principle and that the bridge remediation works are justified.

7.2. The likely effects on the environment

The applicants Environmental Impact Assessment Screening Report concluded that the proposed remediation works at Brooke Bridge does not need to be subject to EIA and that no EIAR report if required for the proposed development.

The project is not of a type included in Schedule 5 Part 1 or Part 2 of the Planning and Development Regulations 2001 (as amended) or in the Road Act 1993 (as amended). Furthermore, it does not meet any of the criteria set out in Schedule 7 of the Regulations for determining whether a sub-threshold development would be likely to have significant effects on the environment, with regard to the characteristics of the works, its location and the characteristics of potential impacts.

Having regard to the nature and scale of the proposed development, which would comprise remediation works to an existing bridge along a short section of an un-named stream, and the characteristics of the receiving environment which is not densely developed or covered by any sensitive ecological, heritage or landscape designations, I am satisfied that the proposed works would not have any significant adverse effects on population and human health, biodiversity, land, soil or water, air and climate, material assets, cultural heritage or the landscape, and the need for environmental impact assessment can, therefore, be excluded.

Notwithstanding this conclusion, it is noted that the surrounding area has a rich cultural heritage related to the mill industry and nearby Barrow Navigation Canal, and the riparian habitats provide a refuge and foraging opportunities for a range of species (incl. mammals, fish, birds & bats). As such the Council should ensure that the NIS ecological mitigation measures are fully implemented, that pre-construction bat surveys of the bridge are undertaken before works commence, and that the works do not take place during the bird nesting or fish spawning seasons.

7.3. **The likely significant effects on a European site:**

The areas addressed in this section are as follows:

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

7.4. **Compliance with Articles 6(3) of the EU Habitats Directive**

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

7.5. **The Natura Impact Statement**

The application was accompanied by a Natural Impact Statement (NIS) which scientifically examined the proposed works and European sites. The application was accompanied by a Bird and Bat Survey report which was informed by desk top studies and field surveys, and a Remediation Methodology report was provided.

The desk top studies and field surveys described the site and surrounding area. This included details of potential connections between the proposed works and several European sites (incl. the River Barrow & River Nore SAC, Pollardstown Fen SAC & Mountmellick SAC). The reports assessed the surrounding watercourses and environs for aquatic and mobile species of Qualifying Interest for the European sites (incl. otter, birds & fish). The ecological characteristics of the riparian site, which includes woodland vegetation, were described. No European site QI habitats or species were recorded on or in the vicinity of the site during the field surveys. The desk studies referred to evidence of Otter and White-clawed crayfish activity along the nearby watercourses (incl. the Barrow Navigation Canal & River Figile). The desk studies and field surveys also noted that the un-named stream may not contain

suitable spawning habitat for QI fish species (incl. Salmon & Lampreys). The site is outside the favourable reference range for many QI species and/or does not contain suitable habitat or foraging potential for many of these species. No scheduled invasive species were also recorded along the watercourses.

The AA Screening report identified 3 x European sites located within a 15km radius of the proposed works, it examined connectivity and characterised the possible effects of the proposed development on these sites. It concluded that significant effects could not be ruled out for one of the sites (River Barrow & River Nore SAC) and that the preparation of an NIS was required.

The NIS report described the receiving environment and the proposed development. It described the River Barrow & River Nore SAC, listed its QI habitats and species for and described the nature of the connection between the proposed works and the European site. It characterised the potential effects on the European site including in-combination effects in view of the site's Conservation Objectives. The identified effects related to surface water pollution, discharges resulting in loss/change to habitats & disturbance to commuting/forging territory. The NIS formally concluded that no significant effects are likely on Natura 2000 sites, their features of interest or conservation objectives, and that the proposed project will not adversely affect the integrity of European sites.

7.6. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge, and details of mitigation measures are provided. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

7.7. **Appropriate Assessment**

7.8. The proposed development, which would comprise remediation works to an existing bridge over a short section of an un-named stream that ultimate discharges to the River Barrow & River Nore SAC less than 2km to the SW, is not directly connected with or necessary to the management of any European sites in the surrounding area.

7.9. Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, the following European Sites are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects**.**

7.10. The potential likely significant impacts that could arise during the construction and operational phases of the proposed development on the European site's QI habitats and species are:

- Release of sediment & pollutants to surface & ground water during the repair and remediation works.
- Loss of or damage to habitat/resting/foraging places used by QI species.
- Noise and disturbance to QI species during construction.
- Dispersal of invasive species with resultant impacts on QI habitats and species during the repair and remediation works.

Stage 1 Screening Assessment:

The European sites within the Zone of Influence (i.e the area over which an impact can have a potential effect in relation to proximity of European sites and the mobility of faunal species from further afield sites) of the proposed works and approximate separation distances are set out below.

European Site	Qualifying Interests	Distance	Link
River Barrow & River Nore SAC (Site code: 002162)	Estuaries & Reefs Mudflats & sandflats Salicornia & other annuals Atlantic salt meadows Mediterranean salt meadows Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation European dry heaths Hydrophilous tall herb fringe communities Petrifying springs with tufa formation Old sessile oak woods Alluvial forests Desmoulin's Whorl Snail Freshwater & Nore Pearl Mussels White-clawed Crayfish Sea, Brook & River Lampreys Twaite Shad & Salmon Otter & Killarney Fern	1.1km SW 1.5km (aquatic)	Yes
Pollardstown Fen SAC (Site code: 000396)	Calcareous fens Petrifying springs with tufa formation Alkaline fens Geyer's Whorl Snail Narrow-mouthed Whorl Snail Desmoulin's Whorl Snail	13km NE	No
Mountmellick SAC (Site code: 002141)	Desmoulin's Whorl Snail	14km SW	No

7.11. Based on my examination of the NIS report and supporting information (incl. the desktop studies & field surveys), NPWS website, aerial and satellite imagery, the scale of the proposed works and nature of the likely effects, the substantial separation distance and functional relationship between the proposed works and the European sites and their conservation objectives, the site specific characteristics,

and taken in conjunction with my assessment of the subject site and surrounding area, I conclude that a Stage 2 Appropriate Assessment is required for one of the three European sites referred to above which I consider to be within the Zone of Influence by reason of direct aquatic and/or mobile connections (River Barrow & River Nore SAC).

7.12. **Stage 2 Appropriate assessment:**

River Barrow & River Nore SAC:

This remaining European site lies within the Zone of Influence of the proposed works as it has a direct aquatic and/or mobile connection to the site of the proposed works.

European site description:

This extensive European site consists of the freshwater stretches of the Barrow and Nore River catchments as far upstream as the Slieve Bloom Mountains, and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. The site passes through eight counties and several major towns including Monasterevin in County Kildare.

The SAC is very important for a number of Annex 1 habitats (incl. Floating River vegetation, Tall herb fringe communities, Alluvial forests & Petrifying springs) and Annex II animal species (incl. Freshwater Pearl Mussel, White-clawed Crayfish, Salmon, Twaite Shad, Sea, Brook & River Lampreys, Whorl snail and Otter). The NPWS Site Synopsis noted that this is the only site in the world for the hard water form of the Nore Freshwater Pearl Mussel, and one of only a handful of spawning grounds in the country for Twaite Shad. The freshwater stretches of the Nore main channel is a designated salmonid river, the Barrow/Nore is mainly a grilse fishery and the upper stretches of the Barrow and Nore are very important for spawning.

The overall site supports many other important mammal species (incl. Daubenton's Bat, Badger, Irish Hare & Common Frog), fisheries, invertebrates and several species of bird (incl. Kingfisher). The main threats to the site include high nutrient inputs from agricultural run-off and several sewage plants, over-grazing, invasion by non-native species, and drainage activities and land reclamation. According to the NPWS Site Synopsis the water quality of the site remains vulnerable.

Qualifying Interest habitats and species:

This SAC is designated for its importance to a wide variety of habitats and species, which extend from the upland source of the watercourse (N) to the coastal estuary (S). The full list of QI habitats and species is set out in the table above.

It is noted from the NPWS documentation and accompanying maps (Nos. 2, 3, 4 & 5) that several of the QI habitats and species for the SAC (incl. coastal & estuarine QIs) are located a considerable distance downstream of the proposed development (more than 100km). For this reason, combined with the modest scale of the proposed works, the specific QI site characteristics and locational requirements, and the dynamics of coastal and tidal processes, the following QI habitats will be excluded from any further consideration: -

- Estuaries & Reefs
- Mudflats & sandflats
- Salicornia & other annuals
- Atlantic salt meadows
- Mediterranean salt meadows

It is further noted from the NPWS documentation and maps (Nos. 6 & 7) that several of the QI habitats and species for this SAC are either located upstream of the works along the River Barrow, along the River Nore section of the SAC at a point upstream of the confluence of the 2 x rivers, a considerable distance downstream of the proposed works (in excess of 70km), or have site specific locational requirements (low flow rates). For this reason, combined with the modest scale and nature of the proposed works, and the specific QI site characteristics and locational requirements, the following QI habitats and species will be excluded from any further consideration:

- European dry heaths
- Old sessile oak woods
- Petrifying springs with tufa formation
- Hydrophilous tall herb fringe communities
- Nore Freshwater Pearl Mussel
- Desmoulin's Whorl Snail
- Killarney fern

Conservation Objectives:

The Conservation Objectives for the various habitats and species seek to maintain the favourable conservation condition of the habitats and species in the River Barrow and River Nore SAC, which are defined by a specific list of attributes and targets.

Qualifying Interests, attributes & targets:

The relevant Qualifying Interests for the remaining habitats and species, and any applicable attributes and targets for the remaining QIs, are set out below.

Qualifying Interests	Attributes & targets
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation	Habitat Area (stable or increasing); Habitat Distribution (no decline); Hydrological regime (river flow & groundwater discharge); Substratum composition; Water chemistry; Water quality; Vegetation composition; Floodplain connectivity.
Alluvial forests	Woodland structure (no decline); Vegetation composition.
Freshwater Pearl Mussel	Under review
White-clawed Crayfish	Distribution; Population structure; Negative indicator species; Disease; Water quality; Habitat quality.
Sea, Brook & River Lamprey	Distribution; Population structure of juveniles; Juvenile density in fine sediment; Extent and distribution of spawning habitat; Availability of juvenile habitat.
Twaite Shad	Distribution; Population structure; Extent and distribution of spawning habitat; Water quality; Oxygen levels; Spawning habitat quality.
Salmon	Distribution; Adult spawning fish; Salmon fry abundance; Out-migrating smolt abundance; Number and distribution of redds; Water quality.
Otter	Distribution; Extent of terrestrial & freshwater habitats; Couching sites & holts; and Fish biomass (no significant decline).

Potential direct effects: The proposed development would not be located within a European site, and it is not relevant to the maintenance of any European site. No potential for direct effects having regard to the location and scale of the proposed repair and remediation works and to the separation distance between the works and the European site and its QI habitats and species.

Potential indirect effects: There is potential for indirect effects on this European site during the ***construction phase*** as a result of: - water pollution from the unmitigated release of fine sediments in runoff during repair and remediation works and hydrocarbons by way of accidental spillages from machinery which could give rise to water pollution, chemical contamination, riverbed smothering and clogging of fish gills, with resultant impacts on the attributes and targets for the QI habitats and species, in the absence of mitigation. Further potential indirect effects relate to the uncontrolled introduction of invasive species from works vehicles which could give rise to the colonisation of habitats by invasive species, with resultant impacts on the attributes and targets for the QI habitats and species, in the absence of mitigation. There is no potential for any additional significant indirect adverse effects during the ***operational phase*** as the proposed works comprise repairs to an existing bridge which has been used to cross over the un-named stream since the mid-1800s.

Mitigation measures: The NIS and Remediation Methodology report contains a full list of mitigation measures which would serve to protect the SAC and its QI habitats and species from adverse effects, and these include: -

- Surface water management measures to protect water quality for QI habitats and species (incl. an enclosed “Crash Deck” to contain the works, no concrete mixing or washing out on site, designated storage for waste, protection of all watercourses & drains from contamination, and spill kits) (Otter, Fisheries, White-clawed crayfish & other invertebrates).
- Adherence IFI Guidelines (Fisheries & Otter).
- Timing and seasonality of works (Fisheries & Otter).
- Pre-construction surveys (Otter).
- Appointment of Project Ecologist to oversee works (all habitats & species).

Floating water vegetation: The site drains to the River Figile to the W via the un-named stream over a short distance, and this river in turn discharges S to the River Barrow over a distance of less than 1km. There are no records to indicate the presence of this habitat in the vicinity or immediately downstream of the confluence of the River Figile and River Barrow. Notwithstanding this, and in the event that this

habitat may be present downstream, I am satisfied that following the implementation of the mitigation measures and any recommended conditions (incl. the management of sediments & accidental spills, and the control of invasive species) the proposed works would not have an adverse impact on water quality in the un-named stream, nearby River Figile or River Barrow, or introduce invasive species to the watercourses during any of the repair or remediation works. There would be no resultant adverse effects on this QI habitat with respect to its attributes and targets (incl. Habitat Area & Distribution, Hydrological regime, Substratum composition, Water quality, Vegetation composition/diversity, and floodplain connectivity).

Alluvial forests: There are no records to indicate the presence of this habitat in the vicinity or immediately downstream of the confluence of the River Figile and River Barrow. NPWS Map No.6 identifies the presence of Alluvial forests both upstream and downstream of the confluence of the two rivers, with the closest downstream site located in excess of 15km (straight-line) from the proposed works. Notwithstanding this distance, and in the event that Alluvial forest habitats may be present nearby, I am satisfied that following the implementation of the mitigation measures and any recommended conditions (incl. the management of sediments & accidental spills, and the control of invasive species) the proposed development would not have an adverse impact on water quality in the un-named stream, nearby River Figile or River Barrow, or introduce invasive species to the watercourses during any of the repair or remediation works. Therefore, there would be no resultant adverse effects on this QI habitat with respect to its attributes and targets (incl. Woodland structure & Vegetation composition/diversity).

Fisheries: Brooke Bridge crosses an un-named stream that drains to the River Figile to the W over a short distance, and this river discharges to the River Barrow less than 1km to the S. Several species of fish (incl. Salmon, Lampreys & Twaite Shad) have been recorded in the River Barrow and River Figile during their various lifecycle stages, and the IFI submission notes that the un-named stream may also contain suitable and/or support spawning habitat. The River Barrow tributaries are known to provide important spawning habitat for several species. Any deterioration of biological or chemical water quality or smothering of the riverbed substratum because of siltation, accidental fuel spills or poorly managed in-stream works could

have adverse resultant impacts on the QI fish species, by affecting spawning grounds, food availability (incl. macro-invertebrates & macrophytes) and health (incl. clogging of fish gills). However, I am satisfied that following the implementation of the mitigation measures (incl. the measures to protect water quality and the use of an enclosed “Crash Deck” for the works), the proposed development would not have an adverse impact on fisheries in the un-named stream, River Figile or River Barrow during the repair and remediation works. There would be no resultant adverse effects on these QI species with respect to their attributes and targets (incl. Distribution, Population structure & density, Extent and distribution of spawning habitat, Availability of juvenile habitat, & Water quality).

Aquatic invertebrates: There are no records to indicate the presence of Freshwater Pearl Mussel in the un-named stream, or in the vicinity or immediately downstream of the confluence of the River Figile and River Barrow, although the site lies within a catchment that previously recorded the presence of this species (NIS Fig.15). The NPWS submission noted that White-clawed Crayfish has been recorded to the E and W of the un-named stream and at confluence with the River Figile and to the W. NPWS Map No.7 identifies the presence of White Clawed Crayfish at several locations both upstream and downstream of the confluence of the River Figile and River Barrow, with the closest downstream site located a short distance downstream of this point. Any deterioration of biological or chemical water quality, or smothering of the riverbed substratum as a result of siltation, accidental fuel spills or poorly managed in-stream works could have adverse resultant impacts on the QI species, by affecting shelter, food availability (incl. macro-invertebrates & macrophytes) and health (incl. spreading disease/plague). However, I am satisfied that following the implementation of the mitigation measures (incl. the measures to protect water quality and the use of an enclosed “Crash Deck” for the works), the proposed works would not have an adverse impact on aquatic invertebrates in the un-named stream, River Figile or River Barrow during the repair and remediation works. Therefore, there would be no resultant adverse effects on these QI species with respect to their attributes and targets (incl. Distribution, Population structure, Negative indicator species, Disease, Water quality & Habitat quality).

Otter: Brooke Bridge crosses an un-named stream that flows W under the Barrow Navigation Canal and drains to the River Figile over a short distance, and this river discharges to the River Barrow less than 1km to the S. The NPWS submission noted that Otter has been recorded commuting and foraging along the River Barrow, River Figile and the Barrow Navigation Canal, and it is possible that it utilises the un-named stream. Any deterioration of water quality because of the proposed works and resultant impacts on the availability of fish biomass for Otter could have an adverse impact on this QI species. However, I am satisfied that following the implementation of the mitigation measures (incl. the measures to protect water quality and hence the availability of prey species) the proposed development would not have an adverse impact on Otter in nearby watercourses and River Barrow during the repair and remediation works. Therefore, there would be no resultant adverse effects on this QI species respect to its attributes and targets (incl. Distribution, Extent of terrestrial & freshwater habitats, Couching sites & holts, and availability of fish biomass).

Conclusion: Having regard to the foregoing, it can be reasonably concluded on the basis of best scientific knowledge therefore that the proposed development will not adversely affect the integrity of the River Barrow and River Nore SAC in view of the sites' Conservation Objectives.

Potential in-combination effects: Potential indirect in-combination effects relate to damage to QI habitats and species because of accidental spillages and sediment run off during the repair and remediation works, and the poorly managed removal of or introduction of invasive species. This could give rise to pollution, contamination and/or colonisation with resultant impacts on water quality, fisheries, and the availability of prey species for otter, having regard to the various plans or projects in wider area which include the restoration and redevelopment of Ballykelly Mills, in the absence of mitigation. However, having regard to the implementation of the aforementioned mitigation measures, I am satisfied that there would be no adverse cumulative effects on the European site or its QI habitats and species.

Residual effects: None anticipated post mitigation.

NIS Omissions: None noted, other than application of out-of-date Conservation Objectives for the Qualifying Interest habitats and species, however this did not affect the overall conclusions of the assessment.

Suggested conditions: 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. Having regard to the riverine industrial heritage of the area and given the proximity of the site to the Barrow Navigation Canal and the Ballykelly Mills, the works should be carried out under the supervision of an archaeologist.

Conclusion: I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European site in light of its Conservation Objectives, subject to the implementation of mitigation measures outlined above.

7.13. **Appropriate Assessment Conclusions:**

Having regard to the foregoing I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site no. 002162 or any other European site, in view of the site's Conservation Objectives.

8.0 **Recommendation**

On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including those 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 Government of Ireland Climate Action Plan, 2019,

(d) the Regional Economic & Spatial Strategy, 2019-2031,

(e) 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,

(f) the conservation objectives, qualifying interests and special conservation interests for the River Barrow and River Nore SAC (site code: 002162),

(g) the policies and objectives of the Kildare County Development Plan 2017 to 2023,

(h) the nature and extent of the proposed works as set out in the application for approval,

(i) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement, and

(j) 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 River Barrow and River Nore SAC (site code: 002162), is the only European Site in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the River Barrow and River Nore SAC, 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 and 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 and it would not give rise to likely effects on the environment.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.
   Reason: In the interest of clarity.

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development or as may be required in order to comply with the following conditions shall be implemented. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.
   Reason: In the interest of protecting the environment and European Sites.

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

4. The following nature conservation requirements shall be complied with:

   (a) The works shall be carried out in compliance with the Inland Fisheries Ireland document "Guidelines on protection of fisheries during construction works in and adjacent to waters."
   (b) No in-stream works shall be undertaken without prior consultation with Inland Fisheries Ireland, and the works shall only be undertaken between October and June (inclusive).
   (c) No riparian vegetation removal shall take place during the period 1st March to 31st August (inclusive).
   (d) A pre-construction otter survey shall be carried out before works commence.
   (e) A pre-construction bat survey shall be carried out by a suitably qualified ecologist during the active bat season.
   (f) Any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.

   Reason: In the interest of biodiversity and nature conservation.

5. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology. The ecologist shall be present during repair and remediation 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 biodiversity.

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. The County Council and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified archaeologist shall be appointed by the County Council to oversee the site set-up and construction of the proposed development and the archaeologist shall be present on-site during construction works.

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

Karla Mc Bride
Senior Planning Inspector
13th August 2021