An Bord Pleanála

Inspector's Report ABP-311745-21

Development	River Barrow Water Activity Centre.
Location	Carlow Town Park, Carlow, Co. Carlow
Local Authority	Carlow 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	DAU/NPWS
Observer(s)	None.
Date of Site Inspection	12th May 2022
Inspector	Karla Mc Bride

1.0 Introduction

1.1. Carlow County Council is seeking approval from An Bord Pleanála to undertake works to construct a water activity centre in the existing public park at Carlow Town Park. The existing park is located adjacent to the River Barrow, which in turn forms part of the River Barrow and River Nore SAC. 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 development.

2.0 Site and Location

2.1. Carlow Town Park is located within an urban area on the west side of Carlow town, and the surrounding area is characterised by a mix of residential and commercial uses. The entire E boundary is defined by a pedestrian footpath along the River Barrow (Bachelor's Walk) and the formally landscaped park is traversed by a network of pedestrian footpaths.

2.2. The lands are located to the W of the adjacent River Barrow that forms part of the River Barrow and River Nore SAC which is designated for a wide variety of habitats and species. It is possible that the park and river may also be important for mobile species from other further afield European sites. There are several features of historic and cultural heritage interest in the wider area related to the historic development of Carlow as a Norman settlement.

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

3.0 Proposed Development

3.1. Project elements

Carlow County Council proposes to construct the River Barrow Water Activity Centre which would comprise 3 x buildings at Site A and associated car parking at Site B:

Site A:

- Community building & café - 1.5 storeys facing the river.
- Facilities building - 2-storey in N section.
- Storage facility / boathouse building - single storey in W section.
- Central Public Plaza with stepped access to Bachelor's Walk.
- Landscaping, boundary treatment & public lighting.
- Associated site works (incl. tree felling & removal of storage structures).

Site B:

- Car park with access off Maryborough Street to W.

3.2. Accompanying documents

The application was accompanied by the following ***documents***:

- Project Report
- Drawings & photographs
- AA Screening & NIS Report
- Copies of Public Notices
- List of Prescribed Bodies

The application was supported by several ***Technical Appendices***, including:

- Appendix D: EIA Screening Report
- Appendix E: Civil Engineering Planning Report
- Appendix F: Flood Risk Assessment report
- Appendix G: CEMP

- Appendix J: Parking Requirements Analysis
- Appendix K: Archaeological Assessment
- Appendix L: Site Investigation Report & Water Characterisation Assessment

4.0 Planning History

4.1. Several planning cases in the vicinity, none of which are relevant to the project.

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. Articles 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 (SI No.293 0f 2001):** 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 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 within the Zone of Influence (0-15km) of the subject site include:

- River Barrow & River Nore SAC
- River Slaney SAC

5.5. **Planning & Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts set out the requirements for the appropriate assessment of projects that 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 local 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.

National Biodiversity Action Plan, 2022

The Plan sets out actions through which a range of government, civil and private sectors will undertake to achieve Ireland's 'Vision for Biodiversity', and follows on from the work of the first and second National Biodiversity Action Plans. It contains 119 x targeted actions which are underpinned by 7 x strategic objectives that lay out a clear framework for Ireland's national approach to biodiversity, ensuring that efforts and achievements of the past are built upon, while looking ahead to what can be achieved over the next five years and beyond.

Obj.1: seeks to mainstream biodiversity into decision making across all sectors.

Action 1.1.3: states that all public authorities and private sector bodies should move towards no net loss of biodiversity through strategies, planning, mitigation measures, appropriate offsetting and/or investment in Blue-Green infrastructure.

Climate Action Plan, 2021

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.

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.

Southern Regional Economic & Spatial Strategy, 2022

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. It states that Local authorities should seek to enhance biodiversity and amenities and ensure the protection of environmentally sensitive sites and habitats.

5.7. **Local Planning policy**

The site is located within an urban area that is covered by the policies and objectives contained in the current Carlow County Development Plan 2022-2028 and Joint Spatial Strategy for Greater Carlow Graiguecullen Urban Area, 2012-2018 (as extended).

Carlow County Development Plan, 2022-2028

The current Development Pan contains several policies and objectives for the protection and enhancement of the environment, biodiversity (incl. SPAs, SACs & pNHAs), water quality, cultural heritage (incl. archaeology, protected structures & NIAH listings), tourism, recreation, and amenity.

Joint Spatial Strategy for Greater Carlow Graiguecullen Urban Area, 2012-2018 (as extended)

The Site A lands are zoned for Amenity and Open Space, and recreational facilities are acceptable in principle. The Site B lands are zoned for Established Residential uses, and community facilities are acceptable in principle. The Strategy also contains several policies and objectives for the protection and enhancement of the environment, biodiversity, cultural heritage, tourism, recreation and amenity.

6.0 Consultations

6.1. Prescribed Bodies:

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

- DHLG&H (DAU/NPWS)
- EPA, OPW & Irish Water
- Inland Fisheries Ireland
- Waterways Ireland
- An Taisce, Failte Ireland & Heritage Council

DHLG&H (DAU/NPWS):

Otter:

- Works located partly within the SAC, Otter is a QI species that is protected under the Wildlife Acts & an Annex IV species which requires strict protection.
- NIS acknowledges its likely presence based on desktop studies as opposed to site surveys, AA must contain complete, precise & definitive findings & no details of survey methodology provided.
- Loss of ecological, commuting & dispersal corridor, adverse impacts on river islands which may contain otter habitat, and construction & operational phase disturbance, and detailed Otter surveys required by way of FI.

White-clawed crayfish:

- NIS confirms that the development site is located within the current distribution, range and favourable reference range for this QI species.
- Disease is a major threat to this species and protection from disease is a Conservation Objective target.
- The works could undermine the achievement of this objective but this has not been adequately assessed in the NIS which only deals with current but not maximum river usage (incl. boats & people).

- Propose to provide a designated hard surface area for users to wash down boats & equipment, waste will be collected and treated with a UV light sterilisation unit for bio-control prior to discharge to the surface water system, which will prevent pathogens entering the River Barrow.
- Unclear if this is an AA mitigation measure for crayfish, and if so, the disease threats should be clearly detailed in the AA, and threats from boats entering & exiting the river from other facilities should be detailed.
- Any mitigation (incl. UV treatment, biosecurity & education) should be specific to the threats identified, based on best practice & proven effective.
- Advice provided in relation to the boat washdown facility (incl. silt chamber capacity, rainwater harvesting, effectiveness of UV treatment, consideration of other biosecurity measures, protect river from invasive plant species seeds, investigate nature-based drainage solutions as opposed to underground storage & discharge, and user education).

Water quality:

- WFD status for this section of the River Barrow is “At Risk” and several QI species have water quality conservation objectives.
- Conflict noted in relation to the treatment of surface water run-off in the NIS & other documents and recommend nature-based solutions to surface water management as opposed to soakaways & underground attenuation.
- Solutions such as rainwater harvesting, lined raingardens & tree pits to remove pollutants from surface water should be investigated.

Ecological corridor:

- Loss of ecological & green infrastructure, amenity zoned lands & trees, and loss of biodiversity connectivity will affect animal movement & plant dispersal.
- Mitigation required to ensure no net loss of biodiversity, which may include greening the adjacent riverside footpath (Bachelor’s Walk). FI required.

Landscape plan:

- Landscaping Plan should include Nature Based Drainage Solutions, and tree & hedge planting should consist of native species (and not Acer & Fagus).
- Adhere to the principles outlines in the All Ireland Pollinator Plan 2021-2025.

Bats:

- Adverse impacts relate to habitat loss & night time artificial light disturbance and comprehensive bat survey required which should inform the mitigation measures (incl. modification of lighting proposals in line with BCI Guidance).
- New lighting should be kept to a minimum and have smart controls to allow cut-off periods during hours of darkness and diming at dan & dusk.
- LED lighting should not affect biodiversity by limiting lighting only to where it is required, and use “warm white” lighting with a Correlated Colour Temperature (CCT) of below 27000 kelvins.
- Any damage to roosts will require a Derogation Licence from NPWS.
- Consider incorporating bat bricks within the fabric of the project.

Birds:

- Tree & vegetation removal should take place outside the bird nesting season.
- Consider incorporating swift nest boxes within the fabric of the project.

Other Prescribed Bodies:

The remaining Prescribed Bodies did not submit any observations.

6.2. **Public Submissions:**

No submission received from members of the public.

6.3. County Council response

The issues raised by NPWS were considered during the design & planning stages.

Otter:

- Project is located within a modified habitat (recreational park) with limited natural habitat, otters may commute along the river.
- There is no recent record of it utilising the in-stream islands, given the high level of recreational activity in the vicinity and proximity to the urban area.
- Previous Flood Relief Scheme entailed significant engineering and amenity works in the vicinity of the site along the river (incl. pontoons & steps).
- The site & environs do not provide optimum habitat for breeding otter, no works will take place within 20m of a potential holt, constructions work will not take place when otter is foraging, operational phase water-based activities will be limited to daylight hours, and access to the island will be restricted.
- Willing to undertake a comprehensive otter survey of the island & implement aforementioned mitigation measures in event that breeding otter is present.

White-clawed crayfish:

- Boats & equipment will be washed down before use with IFI recommended chemicals to prevent the introduction of Crayfish Plague, the water will pass through a silt chamber which will trap invasive plant & invertebrate species, and then a UV filter to kill any pathogens, and thus protect aquatic species.
- The design capacity of the silt chamber is 850 litres; water usage in the wash down facility has been derived on the assumption that a light duty pressure washer would be used on the boats for 2 hr/day which equates to c.1137l/day (as per Appendix F); rainwater harvesting will be used to minimise water usage; and water run-off will be treated with an IFI approved disinfectant prior to discharge to the silt chamber for dilution and then UV treatment.
- UV systems are typically used in wastewater treatment systems as an effective method of pathogen disinfection, and the run-off from the wash down

facility & car parking areas will finally pass through a Petrol Interceptor before discharging to the existing stormwater network.

- Willing to accept a condition requiring the discharge of effluent from the washdown holding area to the public sewer that serves Carlow Town.

Water Quality:

- Nature based drainage solutions have been adopted where practicable, however site constraints have precluded the use of certain systems, and soakaways systems will not function in the underlying ground conditions.
- No changes proposed to existing vehicular entrance & internal road; site is constrained by existing in-ground infrastructure & associated easements (incl. combined sewer & storm trunk water lines); and the washdown area will be impermeable to facilitate treatment.
- Design retains as much of the grassed & planted areas as possible to mimic existing run-off characteristics; rainwater harvesting can be included to collect & store surface water run-off from roofs; and the wash down storage chamber will not store stormwater.
- The following clarification addresses any perceived discrepancy between the NIS & engineering design proposals which related to the to the hydrocarbon interceptor that stormwater will pass through before discharging to the existing surface water system:
    - Proposed stormwater drainage should connect to an existing surface water system, using attenuation techniques to regulate the flow.

- Water will not be attenuated on the site, but any potential for hydrocarbons will be removed before discharging from the site to the existing drainage network that has been designed for stormwater runoff.

Ecological corridor:

- Committed to ensuring no net loss of biodiversity and willing to provide for greening footpath in the riparian zone along the river.

Landscape Plan:

- Limited opportunities for nature-based drainage solutions due to constraints outlined above, rainwater harvesting will be introduced, Acer & Fagus will be replaced with native species hedging & will adhere to the Pollinator Plan.

Bats:

- A detailed bat survey can be carried out during to determine foraging activity, trees will be examined for potential roost features & and all lighting mitigation measures referenced by NPWS will be implemented.

Birds:

- Vegetation clearance will take place outside the bird nesting season and willing to consider incorporating Swift nest boxes into the fabric of the building.

7.0 Assessment

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

The proposed works would comply with national, regional and local policy in respect of climate change, residential amenity, cultural and natural heritage, the environment, biodiversity, recreation and amenity. The Council states that the works are justified as they would provide a major community and recreational facility along the River Barrow, which would encourage regeneration, stimulate economic growth and serve local communities, visitors and tourists. One submission was received from a Prescribed Body and none from members of the public.

Design and layout:

The location and design of the proposed River Barrow Water Activity Centre are described in sections 2.0 and 3.0 above. The project would comprise a mix of three single, 1.5 and 2-storey buildings, a small car park and a central plaza with steps down to Bachelor's Walk along the River Barrow. Having regard to the small scale and low-rise height of the project, and given that it would be located within the SW section of an existing amenity area adjacent to neighbouring buildings, the design and layout of the project is considered acceptable.

Visual amenity:

The existing public park is located on the west side of Carlow town and the surrounding urban area is characterised by a mix of mainly residential, recreational and commercial uses. The surrounding lands to W, S and E (on the opposite side of the river) comprises a mix of 2-storey houses and low-rise apartment, commercial and recreational buildings. The slightly elevated site is located to the W of an existing pedestrian footpath (Bachelors Walk) which extends N from Graiguecullen Bridge along the River Barrow. There are several features of cultural heritage interest the vicinity, including Graiguecullen Bridge and also within Carlow town centre.

The site comprises the SW section of a landscaped park with a relatively formal layout and the site boundaries are defined by a mix of walls, trees, hedges and shrubs, whilst the E site boundary is defined by the pedestrian footpath along the River Barrow. Several policies and objectives in the county Development Plan and

local Spatial Strategy seek to protect residential amenity, the environment, designated sites, biodiversity, trees and hedgerows, and water quality. Although the proposed development would entail the removal of several young trees which have a relatively formal layout, the proposed Landscaping Plan would provide for the planting of native species trees and hedges within the site which is considered acceptable. The project would not entail any physical incursion into the River Barrow. Although the proposed development would be visible from the public domain along the adjacent Bachelor's Walk, Graiguecullen Bridge to the S, intermittingly from along Centaur Street and the Barrow Track to the E, and from the Millennium Bridge to the NE which crosses the River Barrow, the visual amenities of the area would not be adversely affected by the proposed works having regard to the small scale of the project and the low-rise height of the proposed buildings.

Residential amenity:

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. The proposed construction works have the potential to cause a noise disturbance at nearby residences, however there would be no significant exceedance of acceptable standards. No adverse noise impacts are anticipated during the operational phase, having regard to the location of the existing park within a built-up urban area. Any localised removal of tree and hedgerow vegetation in the vicinity of the works would have a minor adverse impact on the visual amenities and 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.

Movement and access:

A total of 17 x off-street car parking spaces would be provided within Site A to the S and Site B to the N with access of Maryborough Road and Barrow Street to the W. The level of car parking provision is considered acceptable and broadly in line with Development Plan zoning objectives and standards, and it is noted that the proposed car parks would be ancillary to the community and recreational uses, and not for commercial purposes. The proposed vehicular access arrangements would not give rise to a traffic hazard or endanger the safety of other road users.

Biodiversity:

The site and environs are characterised by a landscaped public park with a relatively formal layout that is located on the W side of the River Barrow. The river forms part of the River Barrow and River Nore SAC which is designated for a wide variety of habitats and species. The SAC designation extends into the N part of the project lands within the landscaped park, and along the E site boundary with Bachelor's Walk. The site is separated from the River Barrow by a c.4m wide hard surface pedestrian footpath which is also located within the SAC. The river, project site and environs may also be of value to mobile species from further afield European sites. Issues related to Appropriate Assessment will be addressed in the following section.

Several desk top studies and a field survey were undertaken which were used to describe the receiving environment and to assess potential impacts on habitats and species. This includes an Appropriate Assessment (AA) Screening Report and Natural Impact Statement (NIS) which examined the relationship between the proposed works and European sites, and a Site Investigation and Water Characterisation Assessment report.

The NIS contains construction phase mitigation measures which would serve to protect the River Barrow and hence the River Barrow and River Nore SAC (and other sensitive ecological features) from any adverse effects.

The ecological characteristics of the project site and landscaped park include mown grassland, trees, hedgerows and shrubs. These areas may provide a habitat, refuge, foraging area or resting place for terrestrial animal species, which have been described in the submitted documents. The desk top studies and field surveys noted that the project site and landscaped park did not contain any protected habitats or plant species. The desktop studies recorded the historic presence of commuting otter along the river and several other species of mammal in the vicinity. Several species of bird were recorded in the vicinity (mainly passerines), and some species of foraging bat were recorded (incl. Daubenton's), and it is possible that the nearby by Graiguecullen Bridge contains suitable roosting habitat.

The River Barrow & River Nore SAC is designated for its importance to a wide variety of terrestrial and aquatic habitats (incl. heathland, woodland, riparian vegetation, estuarine & coastal), along with one species of mammal (Otter), several

species of fish (incl. Salmon, Shad & Lampreys), and 4 x freshwater invertebrate species (incl. pearl mussels, crayfish & whorl snail). The project site has a direct connection to this European site by reason of its proximity and partial location within the SAC site boundaries.

Otter has been recorded commuting and foraging along the larger rivers in the River Barrow and River Nore SAC and it is possible that it commutes along this section of the River Barrow and utilises the nearby in-stream island. The proposed development would be located within a formally landscaped public park which contains very few natural habitats, it would be separated from the River Barrow by a c.4m wide hard surface pedestrian path, and this section of the river embankment is defined by hard surfaces (incl. pontoons, steps & viewing areas). Although it is possible that otter commutes along this section of the river, the embankment and environs do not provide suitable resting or breeding habitat, and the proposed development is unlikely to have an adverse impact on this species or interfere with commuting patterns. Nonetheless, the NPWS raised concerns in relation to the possible presence of otter on the nearby in-stream island and a potential connection with the riverbank and environs of the site, although the Council's response indicates that there are no recent desktop or site survey records of otter occupancy.

A pre-construction otter survey of the island, river embankment and project site should be undertaken, and appropriate measures put in place to protect this species during the construction phase, and to provide for the relocation of any holts along the riverbank by way of an NPWS Derogation Licence. 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 species. However, the mitigation measures (incl. the measures to protect water quality and hence the availability of prey species) would serve to protect commuting otter during the construction and operational phases.

The River Barrow is of ornithological interest for several ***bird*** species and the site and riparian environs are mainly frequented by wintering waterbirds and passerines. The construction phase works have the potential to disturb nesting and wintering birds and the proposed tree felling could result in a minor loss of nesting and

foraging habitat. A condition should be attached which requires that works are undertaken outside the bird nesting season, and for Swift nesting boxes to be provided within the built fabric of the new buildings in line with the NPWS request.

Several species of ***bat*** were recorded foraging along the River Barrow and under Graiguecullen Bridge in the desktop and field surveys (incl. Daubenton's). The bridge arches may provide suitable roosting habitat for bats and it is possible that existing trees within the Town Park may have suitable bat roost features. A pre-construction bat survey should be undertaken of the site and environs. Artificial lighting (especially UV) has the potential to affect bats and their insect prey species (incl. attracting predators, collisions & a reduction in prey food availability) particularly along river corridors. However, the use of LED as opposed to UV luminaries and the implementation of the measures suggested by the NPWS (incl. modification of lighting proposals in line with BCI Guidance, use of smart controls to allow cut-off periods during hours of darkness and diming at dawn & dusk, and the use of "warm white" lighting with a Correlated Colour Temperature) would help ensure that there would be no additional light spill along the riparian corridor at inappropriate times.

A pre-construction bat survey should be undertaken, and appropriate measures put in place to protect bats during the construction phase, and any identified tree roosts should be relocated by way of an NPWS Derogation Licence. A condition should also be attached which requires the provision of bat bricks within the built fabric of the new buildings, in line with the NPWS request.

The proposed construction works have the potential to cause a ***noise disturbance***, however this would be of a relatively short duration and work would take place during the day, with no significant adverse impacts on wildlife predicted. No significant additional adverse noise impacts are anticipated during the operational phase, having regard to the location of the project in an existing long established public park that is fringed by a built-up urban area.

The River Barrow provides suitable habitat for several species of ***fish*** and macroinvertebrates prey species which form part of the food supply for fish species, and ***White-tailed crayfish*** has also been recorded up and down stream of the proposed works. The proposed boat washdown facility and site drainage arrangements have the potential to convey deleterious pathogens and construction materials into the river in the absence of appropriate safeguards which could adversely affect ***water quality*** (incl. changes to water chemistry, pH & turbidity), fisheries and aquatic invertebrates (incl. smothering, clogging & habitat degradation) and crayfish (incl. disease & plague). The proposed works therefore have the potential to affect water quality, aquatic invertebrates, fisheries and crayfish, along with general noise and disturbance. However, the project design (incl. the built-in boat washdown treatment system) and mitigation measures contained in the NIS would ensure that appropriate protection measures are put in place during the works (incl. management & treatment of boat washdown effluent, adherence to best construction practices, surface water management, buffer zones, and the protection of the watercourses from accidental spills and leaks). No vehicle refuelling, concrete mixing or vehicle washing would take place close to the river.

The concerns raised by the NPWS in relation to water quality and White-tailed crawfish are noted as is the Councils response to them which are summarised in sections 6.1 and 6.3 above. I am satisfied that the proposed arrangements would protect water quality and crayfish from disease and plague. However, having regard to the extreme sensitivity and vulnerability of crayfish, I recommend that the Board should err on the side of caution and the additional measure proposed by the Council in relation to requiring the treated effluent from the boat washdown holding area to be discharged to the public sewer, should be required by way of a planning condition, as a “belt and braces” approach to protecting this freshwater aquatic species from potential harm.

The proposed works would not require the significant removal of native species ***trees, hedgerows or any riparian vegetation*** with no adverse impacts on biodiversity anticipated, although there would be some short term, temporary localised disturbance to foraging areas, resting places and refuges. The Landscape Plan, as amended by the Council’s response submission would provide for the planting of native species trees and hedges only.

Invasive plant species a biosecurity condition should be attached to ensure that the works (and vehicles) do not spread or introduce invasive species to the area.

An ***Ecological Clerk of Works*** should be appointed to oversee the works and the mitigation measures contained in the NIS report in order to protect sensitive animal and plant species. The removal of vegetation during the bird nesting season (March to August) should be avoided.

In conclusion, having regard to all the above, I am satisfied that the proposed development would not have a significant adverse impact on biodiversity. Any impacts would be temporary and short term as most species will return to the area after the works are complete.

Flood risk:

The contents of the applicant's Flood Risk Assessment report are noted. The proposed works, which would be located within Flood Zone A but elevated above the flood risk area, would not give rise to a ***flood risk*** or contribute to downstream flooding, subject to the implementation of the proposed drainage arrangements and the proposed installation of rainwater harvesting measures. The concerns raised by the NPWS in relation to nature-based solutions to surface water management are noted as is the Councils response to them which are summarised in sections 6.1 and 6.3 above. Having regard to the location of the proposed development in an existing park within a long established urban area, and to the various site constraints outlined by the Council (incl. drains & wayleaves), I am satisfied that the proposed drainage arrangements are acceptable.

Cultural heritage:

Carlow Town Park and its environs are not fully covered by any sensitive cultural heritage designations and it does not contain any National Monuments. Neither Site A or Site B lie within a Zone of Archaeological Potential (ZAP), although Site B is partly located within a Zone of Notification, and Site A is partially located within an Architectural Conservation Area (ACA). There are no Protected or NIAH Structures in the vicinity. The proposed development would not adversely affect the character or setting of any Recorded Monuments, Protected Structures, NIAH features or ACAs in Carlow to any significant extent. However, given the proximity of the site to the

historic town of Carlow, it is possible that as yet undiscovered artefacts 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 several policies and objectives in the County Development Plan and local Spatial Strategy seek to secure the protection and conservation of historic items of archaeological and cultural heritage interest, and 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 provide for a water activity centre within an existing park adjacent to the River Barrow, and that the proposed works will function effectively and allow for greater public access to riverine activities. I am also satisfied, on the basis of my examination of the submitted documents and assessment of the proposed works, that the proposed development would constitute an appropriate and proportionate response to the need to provide for accessible river based recreational facilities in Carlow Town.

Conclusions:

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

7.2. The likely effects on the environment

In relation to screening for Environmental Impact Assessment (EIA), I note that there is no specific provision under Section 177AE of the Act to require EIA or to carry out a formal EIA Screening Determination for a local authority project submitted under this section of the Act. Nonetheless, the Board, in making its decision, is required to consider the likely effects on the environment in respect of 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 Roads 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 the construction of a small scale water activity centre adjacent to the River Barrow and associated amenity works, and the characteristics of the receiving environment which comprises an existing public park within an established urban area, and notwithstanding its aquatic connection to the River Barrow and River Nore SAC, I am satisfied that the proposed development, 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, or pose a risk of major accident, and the need for environmental impact assessment can, therefore, be excluded.

Notwithstanding this conclusion, it is noted that the surrounding area has a rich ecological and cultural heritage related to the river and the historic town of Carlow, and the wider riparian habitats provide a refuge and foraging opportunities for a range of species (incl. mammals, birds, bats, fish & macroinvertebrates). As such the Council should ensure that the NIS ecological mitigation measures and any recommended conditions are fully implemented, and that the works do not take place during the bird nesting season.

Notwithstanding the above conclusion, I note that the applicant submitted an EIA Screening report (Appendix D) with respect to Schedule 5 and 7 of the Regulations. The report described the characteristics of the proposed development and the receiving environment. It described and examined the characteristics of potential impacts arising from the proposed development on its own and in-combination with other plans and projects in the area in relation to several variables (incl. use of natural resources, waste generation, pollution [air & water] and nuisances [noise & dust], and risks [major accidents & human health]. The EIA Screening report concluded that the proposed development is below the mandatory threshold for an EIAR, the potential for the proposed development to cause significant adverse environmental impacts by itself or in-combination with other developments would be minimal, and that any potential for significant impacts would be managed by NIS

mitigation measures. It formally concluded that an EIAR would not be required. I concur with this assessment and conclusion.

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 Screening for Appropriate Assessment and Natural Impact Statement report (Appendix C) which scientifically examined the proposed works and European sites, and was informed by desktop and field surveys.

The desk top studies and field survey described the site and surrounding area. This included details of connections between the proposed works and European sites. The reports assessed the receiving environment and the ecological characteristics of the riverside site. The desk studies and field survey noted that the site does not contain any protected plant species, and that there may be invasive plant species in the locality.

The AA Screening report identified 2 x European sites located within the Zone of Influence of the proposed works. It concluded that significant effects could not be ruled out for 1 x site (River Barrow & River Nore SAC) and that an NIS was required in order to assess the potential impacts resulting from the construction and operational phases. All other European sites were ruled out from further examination due either to distance or absence of pathways with the project site.

The NIS report also described the receiving environment and the proposed development. It described the River Barrow & River Nore SAC, listed the SAC Qualifying Interest (QI) habitats and species, and it described the nature of the connection between the proposed works and the European site. It was informed by several desk top studies and field surveys. It characterised the potential effects on the European site in view of the site's Conservation Objectives, and with respect to any listed NPWS Targets, Measures and Attributes. The identified effects related to general disturbance during the works (incl. noise, dust & lighting) and water pollution resulting from the release of construction pollutants and delivery of silt and/or pathogens (from operational phase boat downwash) into the water at River Barrow & River Nore SAC. It also examined potential cumulative impacts in-combination with other plans and projects and listed a series of construction phase mitigation measures. The NIS formally concluded that subject to recommended mitigation measures, there would be no potential for significant impacts on European sites as a result of the proposed development by itself or in combination with other developments.

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).

7.6. **Appropriate Assessment**

7.7. The proposed development, which would provide a water activity centre within an existing park adjacent to the River Barrow, is not directly connected with or necessary to the management of any European sites in the surrounding area.

7.8. Having regard to the information available, the nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, the following 2 x 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**.**

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

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

Stage 1 Screening Assessment:

The European sites within the Zone of Influence of the proposed works and approximate separation distances are set out below.

European sites	Site code	Qualifying Interests	Separation distance	Links
River Barrow & River Nore SAC	002162	Estuaries, Reefs, Mudflats & sandflats Salicornia & other annuals Atlantic & Mediterranean salt meadows Floating River Vegetation European dry heaths	Within & adjacent to.	Yes

		Tall herb fringe communities Petrifying springs, Alluvial forests Old sessile oak woods Desmoulin's Whorl Snail Freshwater Pearl Mussel & Nore Pearl Mussel White-clawed Crayfish Sea, Brook & River Lamprey Twaite Shad & Salmon Otter & Killarney Fern		
Slaney River Valley SAC	000781	Estuaries, Mudflats & sandflats Atlantic & Mediterranean salt meadows Floating River Vegetation Old sessile oak woods Alluvial forests Freshwater Pearl Mussel Sea, Brook & River Lamprey Twaite Shad & Salmon Otter & Harbour Seal	c.10km	No

7.10. Based on my examination of the NIS report and supporting information (incl. the desktop studies, field surveys, Site Investigation & Water Characterisation report), 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, the species specific characteristics and requirements (incl. habitat preference, diet & foraging distances), and the absence of suitable support habitats or an aquatic connection between the European site and the proposed works, taken in conjunction with my own assessment of the subject site and surrounding area, I conclude that a Stage 2 Appropriate Assessment is required for one European site which I consider to be within the Zone of Influence by reason of mobile and/or aquatic connections (River Barrow & River Nore SAC).

AA Screening Conclusion

In conclusion, having regard to the nature and scale of the proposed development, to the separation of the public amenity site from the European sites, to the nature of the qualifying interests and conservation objectives of the European sites and to the available information as presented in the supporting documentation regarding ground and surface water pathways and mobile connections between the site and the European sites, and other information available, it is my opinion that the proposed development has the potential to affect one of the European sites having regard to the conservation objectives of the relevant site, and that progression to a Stage 2 Appropriate Assessment is required.

7.11. **Stage 2 Appropriate assessment:**

River Barrow & River Nore SAC:

River Barrow & River Nore SAC lies within the Zone of Influence of the proposed works as it has a direct aquatic connection to the site.

European site description:

This site consists of the freshwater stretches of the Barrow and Nore River catchments. It extends from the Slieve Bloom Mountains in Co. Offaly to the coastal estuary in Co. Waterford and it is designated for a variety of habitats and species.

Site name	QIs & SCIs	Conservation Objectives
River Barrow & River Nore SAC (002162)	Estuaries & Reefs, Mudflats & sandflats, Salicornia & other annuals, Atlantic & Mediterranean salt meadows. Floating River Vegetation, European dry heaths, Tall herb fringe communities, Petrifying springs, Old sessile oak woods, Alluvial forests. Desmoulin's Whorl Snail, Freshwater Pearl Mussel & Nore Pearl Mussel, White-clawed Crayfish. Sea, Brook & River Lamprey, Twaite Shad & Salmon. Otter & Killarney Fern	To maintain or restore the favourable conservation condition of the habitat(s) and/or the species for which the SAC has been selected, subject to specified Attributes and Targets

The River Barrow & River Nore SAC is designated for its importance to a wide variety of terrestrial and aquatic habitats (incl. heathland, woodland, riparian vegetation, estuarine & coastal), along with one species of mammal (Otter), several species of fish (incl. Salmon, Shad & Lampreys), and 4 x freshwater invertebrate species (incl. pearl mussels, crayfish & whorl snail). 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 that several of the QI estuarine and coastal habitats are located a considerable distance downstream of the proposed works and they will not be included for further consideration. It is also noted in NPWS Maps that some of the QI habitats and species are either upstream or at a considerable distance downstream of the proposed works, or are more likely to be present in the River Nore but not the River Barrow, and they will not be included for further consideration (Nore Freshwater Pearl Mussel & Old sessile oak woods & Killarney fern).

The remaining QI habitats and species and their main Attributes and Targets are summarised below:

Relevant QIs	Attributes & Targets
Floating River 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.
Tall herb fringe communities	Habitat distribution (no decline); Habitat area (stable); Hydrological regime (maintained); Vegetation structure (sward height); Vegetation composition (broadleaf herb: grass ratio); Vegetation composition (typical species & negative species indicator).
Alluvial forests	Habitat area (stable or increasing); Habitat distribution (no decline); Woodland size (stable or increasing); Woodland Structure (maintain cover, diversity & regeneration); Hydrological Regime (maintain flood depth); Woodland Structure (no decline); Vegetation Composition (maintain range of species & no increase in negative species indicators).
Petrifying springs	Habitat area (stable or increasing); Habitat distribution (no decline); Hydrological Regime, Water quality & Vegetation composition (maintain).
Desmoulin's Whorl Snail	Distribution (no decline); population size & density; Area of occupancy; Habitat quality (vegetation & soil moisture).
White-tailed crayfish	Distribution (no reduction), Population structure (recruitment); Negative species indicators; Disease; Water quality (at least Q3-4); & Habitat quality (no declines).

Freshwater Pearl Mussel	None specified & under review.
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 (extent of anadromy); Population structure (age classes); Extent and distribution of spawning habitat (no decline); Water quality (oxygen levels); Spawning habitat quality: Filamentous algae; macrophytes; sediment (stable).
Salmon	Distribution; Adult spawning fish; Salmon fry abundance; Out-migrating smolt abundance; Number and distribution of redds; Water quality
Otter	No significant decline in: - Distribution, Extent of terrestrial & freshwater habitats, couching sites & holts, Availability of fish biomass & Connectivity.

Potential direct effects: The proposed development would be partly located within a small section of an extensive European site, and this section is characterised by a formally landscaped public park that does not contain any natural habitats of significance. The proposed development it is not relevant to the maintenance of any European site. There is no potential for direct effects having regard to the location and scale of the proposed development within an existing public park, and to the separation distance between the works and the remaining 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 works and hydrocarbons by way of accidental spillages from machinery which could give rise to water pollution, chemical contamination, increased turbidity and riverbed smothering, 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 and disease from works vehicles which could give rise to the colonisation of habitats by invasive species, with resultant impacts on water quality and the attributes and targets for the QI habitats and species, in the absence of mitigation. There is potential for additional significant indirect adverse effects during

the ***operational phase*** resulting from the uncontrolled introduction of invasive species and pathogens from the proposed boat washdown facility, which could introduce disease and the colonisation of habitats by invasive species, with resultant impacts on water quality and the attributes and targets for the QI habitats and species, in the absence of mitigation.

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

- Adherence to best construction practice.
- Daily visual inspections.
- Timing and seasonality of works (to avoid heavy rainfall).
- Buffers & silt fences along the River Barrow.
- Surface water management measures to protect water quality:
- Designated concrete mixing and no on-site washing out areas.
- Storage of fuel & chemicals within secure areas.
- Waste management & emergency spill kits.
- Control of invasive species.

Floating river vegetation, Tall herb fringe communities, Alluvial forests & Petrifying springs: The site and environs drain to the River Barrow which forms part of the River Barrow and River Nore SAC. The NPWS Site Synopsis notes that these habitats are present throughout the river systems within the SAC both upstream and downstream of the proposed works. Having regard to the nature the proposed development and the avoidance of in-stream works, 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 River Barrow and River Nore SAC or introduce invasive species during any of the works. There would be no resultant adverse effects on these QI habitats with respect to their attributes and targets (incl. Habitat Area & Distribution, Hydrological regime, Floodplain connectivity, Substratum composition, Water quality,

Vegetation composition & diversity, Woodland size & structure and no increase in negative species indicators).

Desmoulin's Whorl Snail: There are no recent records of the occurrence of this species in this section of the River Barrow. However, it may be present in the tall herb communities fringing sections of the watercourse, and it could be indirectly affected by changes in water quality and sediment patterns, or the introduction of invasive species. Subject to the implementation of the water quality mitigation measures, there would be no resultant adverse effects on this QI species respect to its attributes and targets (incl. Distribution, Population size & density, Area of occupancy & Habitat quality).

Fisheries: the site and environs drain to the River Barrow which forms part of the River Barrow and River Nore SAC, and several species of fish (incl. Salmon, Twaite Shad, and Sea, River & Brook Lampreys) have been recorded in the this watercourse and its tributaries during their various lifecycle stages. 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 and any recommended conditions (incl. the management of sediments & accidental spills, ongoing water quality monitoring and the control of invasive species), the proposed development would not have an adverse impact on fisheries in the River Barrow and River Nore SAC. 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).

White-tailed crayfish: The NPWS Site Synopsis and Map no.6 specifically notes the presence of White-tailed crayfish in the River Barrow, both upstream and downstream of the proposed works. The proposed boat washdown facility and site drainage arrangements have the potential to convey deleterious pathogens and construction materials into the river in the absence of appropriate safeguards which

could adversely affect water quality (incl. changes to water chemistry, pH & turbidity), and crayfish health (incl. disease & crayfish plague). However, the project design (incl. the built-in boat washdown treatment system) and mitigation measures contained in the NIS would ensure that appropriate protection measures are put in place during the works (incl. management & treatment of boat wash-out, adherence to best construction practices, surface water management, buffer zones, and the protection of the watercourses from accidental spills & leaks). No vehicle refuelling, concrete mixing or vehicle washing would take place close to the river.

I am satisfied that the proposed arrangements would protect water quality and crayfish from disease and plague. However, having regard to the extreme sensitivity and vulnerability of crayfish, I recommend that the additional measure proposed by the Council in relation to requiring the treated effluent from the boat washdown holding area to be discharged to the public sewer, be required by way of a planning condition, to further protect this freshwater species from potential harm.

Having regard to the nature the proposed development and the avoidance of in-stream works, I am satisfied that following the implementation of the built-in design features, NIS mitigation measures and any recommended conditions, the proposed works would not have an adverse impact on water quality or river morphology in the River Barrow and River Nore SAC or introduce invasive species or disease to the watercourse during the construction and operational phases. There would be no resultant adverse effects on this QI species, with reference to its attributes and targets (incl. Distribution, Population structure, Negative species indicators; Disease and Water & Habitat quality).

Freshwater pearl mussel: The NPWS Site Synopsis notes that this species may be present throughout the SAC, although there are no records of it frequenting this section of the River Barrow. Having regard to the nature the proposed development and the avoidance of in-stream works, 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 or river morphology in the River Barrow and River Nore SAC or introduce invasive

species to the watercourse during any of the works. There would be no resultant adverse effects on this QI species.

Otter: has been recorded commuting and foraging along the larger rivers in the River Barrow and River Nore SAC and it is possible that it commutes along this section of the River Barrow and utilises the nearby in-stream island. The proposed development would be located within a formally landscaped public park which contains very few natural habitats, it would be separated from the River Barrow by a c.4m wide hard surface pedestrian path, and this section of the river embankment is defined by hard surfaces (incl. pontoons, steps & viewing areas). Although it is possible that otter commutes along this section of the river, the embankment and environs do not provide suitable resting or breeding habitat, and the proposed development is unlikely to have an adverse impact on this species or interfere with commuting patterns. Nonetheless, the NPWS raised concerns in relation to the possible presence of otter on the nearby in-stream island and a potential connection with the riverbank and environs of the site, although the Council's response indicates that there are no recent desktop or site survey records of otter occupancy.

A pre-construction otter survey of the island, river embankment and project site should be undertaken, and appropriate measures put in place to protect this species during the construction phase, and to provide for the relocation of any holts along the riverbank by way of an NPWS Derogation Licence. 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 species. However, the mitigation measures (incl. the measures to protect water quality and hence the availability of prey species) would serve to protect commuting otter during the construction and operational phases. 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 or Connectivity).

Conclusion: Having regard to the foregoing and taking account of the scale and nature of the proposed works which relate to the construction of a water activity centre in an existing public park, 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 & River Nore SAC in view of the sites' Conservation Objectives, subject to the implementation of the NIS mitigation measures and any recommended conditions.

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 works, and the accidental introduction of invasive species by construction vehicles. This could give rise to pollution, contamination and/or colonisation with resultant impacts on water quality, fisheries, crayfish, and the availability of prey species for Otter, having regard to the various plans or projects in wider area (incl. domestic, commercial & recreational projects) in the absence of mitigation. However, having regard to the implementation of the mitigation measures and recommended conditions (see below), I am satisfied that there would be no adverse cumulative effects on the European sites or their QI habitats and species.

Suggested conditions: Compliance with IFI "Guidelines on protection of fisheries during construction works in and adjacent to waters" should be required. Vegetation removal should not take place during the bird nesting season. Provide Swift nest boxes and bat bricks in built fabric. Pre-construction otter and bat surveys, and NPWS Derogation sought as required. Comply with BCI lighting guidance for bats. 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, and the washdown storage area should be connected to the public sewer. A Project Ecologist should be appointed to oversee the works.

Residual effects: None anticipated post mitigation.

NIS Omissions: None noted.

7.12. **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. 002126 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 Regional Economic & Spatial Strategy for the Southern Region, 2022,

(d) 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,

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

(f) the policies and objectives of the Carlow County Development Plan, 2022-2028,

(g) the policies and objectives of the Greater Carlow Graiguecullen Urban Area, 2012-2018 (as extended),

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

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, 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 Site, namely the River Barrow & 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.

9.0 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) The treated effluent from the boat washdown holding area shall be discharged to the public sewer for Carlow Town.

(c) No vegetation removal shall take place during the period 1st March to 31st August (inclusive).

(d) Swift nest boxes and bat bricks shall be incorporated in to the bult fabric of the buildings.

(e) A pre-construction otter survey by a suitably qualified ecologist shall be carried out before works commence, any destruction of otter holts or relocation of otter species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.

(f) A pre-construction bat survey shall be carried out by a suitably qualified ecologist during the active bat season; 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; and the works shall be undertaken in accordance with the Bat Conservation of Ireland document "Bats and Lighting, Guidance Notes for: Planners, engineers, architects and developers 2010".

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 the 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 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.

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Karla Mc Bride
Senior Planning Inspector
29th July 2022