



An
Bord
Pleanála

Inspector's Report 311943-21

Development	Deeps Bridge Remediation Works
Location	Deeps and Killurin, Co. Wexford
Local Authority	Wexford 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	Transport Infrastructure Ireland
Observer(s)	None
Date of Site Inspection	16 th March 2022
Inspector	Alaine Clarke

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1.0 Introduction

- 1.1. Wexford County Council is seeking approval from An Bord Pleanála to undertake remedial works to Deeps Bridge at Deeps and Killurin, Co. Wexford. Deeps Bridge traverses the River Slaney and is located within Wexford Harbour and Slobbs SPA and the Slaney River Valley SAC which are designated European sites. 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 European sites.
- 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 a NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

2.0 Proposed Development

- 2.1. The proposed remediation works are indicated to be necessary for the continued safe use and longevity of Deeps Bridge. The proposed works would take place over c. a 6 month period. The proposed works comprise the following:
 - Localised steel repairs/replacements to bridge deck, deck beams and parapets and piers (above the water line);
 - Grit blasting and repainting of central steel bascule span;
 - Road planing to remove existing surfacing layer on bridge deck and on sections of approach roads;
 - Installation of bridge deck waterproofing system;
 - Installation of bridge expansion joints;

- Renewal of deck drainage;
- New road surfacing, and;
- New vehicle containment system on bridge deck and approach embankment (kerb solution).
- Temporary site compound will be set up on the hard-standing area, west of the railway track.
- A temporary containment system / moveable scaffold wrap will be constructed to house the works to contain all debris, construction material and prevent run-off into the river.
- A new drainage system will be installed with oil petrol interceptors installed at outfalls.

2.2. Accompanying documents:

The application is accompanied by the following documents:

- Planning Report;
- Architectural Heritage Impact Assessment;
- Ecological Impact Assessment Report;
- Construction and Environmental Management Plan;
- EIA Screening Report;
- AA Screening Report;
- NIS;
- Design drawings;
- List of Prescribed Bodies and copies of public notices;

3.0 Site and Location

- 3.1. Deeps Bridge is located on the L3006 road approx. 8km northwest of Wexford. The bridge crosses the River Slaney in County Wexford in an east – west direction and measures 115m in length with a width of 5.1m.
- 3.2. The L3006 road forms a junction with the R730 c.600m to the west and connects to the N11 c.3.3km to the east. The Dublin-Wexford railway line is located along the western banks of the River Slaney. A railway bridge traverses the L3006 immediately west of the bridge. The site extends under and west of the railway bridge.
- 3.3. The area is generally flat and is rural in nature with a high number of single rural dwellings in the vicinity, particularly west of the bridge. There is an EPA licensed pig farm to the east and west of the bridge. There is also a closed licensed waste facility operated by Wexford County Council to the east of the bridge. Killurin Rowing Club, 'Killurin Pier' and an area of amenity grassland is located northwest of the bridge. A telecommunications mast is located southwest of the bridge alongside the railway line.
- 3.4. On the east side of the bridge, the road continues on an embankment across marshland before it meets the eastern riverbank. The bridge parapets extend from the end of the bridge onto the embankment.
- 3.5. The site is located within the Wexford Harbour and Sloba SPA (site code 004076), the Slaney River Valley SAC (site code 000781) and the proposed Natural Heritage Area (pNHA), Slaney River Valley (site code 000781). A section of Annex 1 habitat Alluvial Forest (code 91E0) lies c.100m to the southeast of the bridge.
- 3.6. The bridge was constructed in 1915 comprising reinforced concrete and a steel span. Although not a protected structure, the bridge has a Regional rating in the National Inventory of Architectural Heritage (NIAH) and is described as follows:

Reg. no. 15703218

Description

Eleven-span bascule road bridge over river, designed 1913; opened 1915.

Reinforced concrete deck on reinforced concrete cross braced piers with

reinforced concrete lattice parapets having lichen-spotted reinforced concrete coping. Sited spanning River Slaney with reed-covered banks to river.

Appraisal

A bridge erected by the British Reinforced Concrete Engineering Company (fl. 1908-90) of Manchester to a design by Alfred Dover Delap (1871-1943) of Dublin (DIA) representing an important component of the early twentieth-century civil engineering heritage of County Wexford with the architectural value of the composition, one succeeding a timber trestle bridge erected (1842-4) by James Barry Farrell (1810-93), confirmed not only by the innovative construction in "BRC Fabric", but also by the streamlined lattice work making a pleasing visual statement at a crossing over the River Slaney (cf. 15702907).

- 3.7. The site of the proposed works extends under the railway bridge located to the west of the River Slaney and across an intersection of local road L3006, which includes an existing hard-surface area. The hard-surface area facilitates access to a telecommunications mast which is located to the south of Deeps Bridge. The railway bridge is also listed in the NIAH, ref. 15703217, and has a regional rating.
- 3.8. I note that there are no recorded monuments within the immediate vicinity of the site that would be impacted by the proposed development

4.0 Planning History

- 4.1. No details of any relevant planning history has been forwarded with the application. A search of the Wexford County Council on-line planning register indicates that there is no recorded relevant planning associated with the site.

5.0 Legislative and Policy Context

- 5.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

- 5.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.
- 5.3. **National nature conservation designations:** The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.
- 5.4. The proposal is within the following designated sites:
- Slaney River Valley SAC, site code: 000781;
 - Wexford Harbour and Slobs SPA, site code: 004076;
 - Slaney River Valley, proposed NHA, site code 000781.
- 5.5. European sites located in proximity to the subject site include:
- Raven Point Nature Reserve SAC, site code: 000710 (c. 12.7km to the east);
 - The Raven SPA, site code: 004019 (c. 13.7km to the east);
 - Screen Hills SAC, Site Code 000708 (c.11km to the northeast).
- 5.6. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts, as amended, 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 (NIS) 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.

5.7. National Guidance

5.7.1. Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities

Guidance is provided for the competent authority to assess any plan or project. The impact of any plan or project alone or in combination with other projects on the integrity of the Natura 2000 site is considered with respect to the conservation objectives of the site and the structure and function.

5.8. Wexford County Development Plan 2013-2019

- 5.8.1. The operative development plan is the Wexford County Development Plan 2013-2019. . The site is located in a rural area outside towns and villages.
- 5.8.2. It is an objective of the transportation section (Chapter 8) of the plan to ensure that all proposed plans or projects (relating to transportation and any associated improvement works), individually or in combination with other plans or projects, are subject to appropriate assessment screening to ensure there are no likely significant effects on the integrity of any Natura 2000 site(s) or appropriate assessment as may be necessary (**Objective T03** and **Objective NH03**).
- 5.8.3. It is an objective of the plan to manage and maintain local roads in the county having regard to their important function (**Objective T30**). It is also an objective of the plan [for the Council] to exercise its functions with regard to the maintenance and improvement of all regional and local roads in a manner which has regard to the safety of all potential users of those roads and to protect the biodiversity and amenity value of roadside landscaping (**Objective T32**).
- 5.8.4. It is an objective of the plan to ensure that development permitted would not have an unacceptable impact on water quality and quantity (**Objective WQ05**).
- 5.8.5. With respect to natural heritage, it is an objective of the plan to conserve and protect the integrity of sites designated for their habitat/wildlife or geological / geomorphological importance and prohibit development which would damage or threaten the integrity of these sites (**Objective NH01**). It is also an objective to ensure the protection and conservation of areas, sites and species and ecological networks/corridors of local biodiversity value outside the designated sites throughout the county (**Objective NH04**).
- 5.8.6. In respect of built heritage, it is an objective of the plan to ensure that elements of the architectural heritage of the county, such as historic gardens, stone walls, ditches and street furniture that make a positive contribution to the built heritage, are retained (**Objective PS11**).
- 5.8.7. The site is located within the River Valley landscape character area (Map no. 13). It is an objective of the plan to ensure that developments are not unduly visually obtrusive in the landscape (**Objective L03**). **Objective L04** requires all developments to be appropriate in scale and sited, designed and landscaped having

regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised.

- 5.8.8. With respect to the new Wexford County Development Plan, material alterations to the draft Wexford County Development Plan 2022-2028 is on public display from 7th April 2022 to 6th May 2022 and as such is not a material consideration for the purposes of this application.

6.0 The Natura Impact Statement

- 6.1. Wexford County Council's application for the proposed development was accompanied by a Natura Impact Statement (NIS) which scientifically examined the potential impacts of the proposed development on European sites. The NIS identified and characterised the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works.
- 6.2. The NIS describes the elements of the project (along or in combination with other projects and plans) that are likely to give rise to significant effects on the European sites. Potential impacts are set out as well as an assessment of their possible adverse effects on the conservation objectives of qualifying interest features and the mitigation measures that are to be introduced to avoid, reduce or remedy any adverse effects on the integrity of the European site.
- 6.3. The NIS was accompanied by:
- a breeding bird survey, the details of which are appended to the NIS;
 - details of an ecological walkover survey, including a woodland survey.
- 6.4. The assessment of impacts presented in the NIS found that there is potential for significant (indirect) effects on a number of qualifying interest habitats and species which could result in adverse effects upon the integrity of the Slaney River Valley SAC, Wexford Harbour and Slobbs SPA and the Raven SPA arising from noise, vibration and the presence of humans and vehicles and water quality degradation. However, with implementation of mitigation measures in full, it is considered, beyond

reasonable scientific doubt, that no adverse effects on the integrity of the European sites would occur in light of the conservation objectives of that site.

7.0 Consultations

7.1. The application was circulated to the following bodies:

- Development Applications Unit, Department of Housing, Local Government and Heritage
- Office of Public Works
- Health Service Executive
- Inland Fisheries Ireland
- The Heritage Council
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce
- Railway Safety Commission
- Transport Infrastructure Ireland

7.2. One response was received from Transport Infrastructure Ireland. TII advised it has no observations to make in relation to the development. There were no submissions from the public. I also note that the applicant consulted with the NPWS through correspondence with DAU however no response was received.

8.0 Assessment

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

- the likely consequences for the proper planning and sustainable development of the area;

- the likely effects on the environment;
- the likely significant effects on a European site.

8.2. The Likely Consequences for the Proper Planning and Sustainable Development of the Area:

- 8.2.1. The proposed development primarily provides for remedial works to improve the structure of Deeps Bridge. Objective T30 of the Wexford County Development Plan 2013-2019 is relevant as it supports the management and maintenance of local roads in the county, while Objective T32 seeks the maintenance of local roads in a manner which has regard to the safety of users and to protection of biodiversity. The principle of the proposed works is therefore in accordance with the requirements of the development plan for the area.
- 8.2.2. It is noted that a Planning Report accompanies the application which sets out the planning policy context of the proposed development and includes reference to relevant policies relating to natural heritage, landscape and built heritage.
- 8.2.3. According to information on file, detailed inspections and structural assessments of the bridge were undertaken in 2010 and 2021. The inspections found that the bridge was exhibiting typical reinforced concrete defects for a structure of its age. The inspections noted high levels of concrete spalling (exposed reinforced concrete), damaged and missing parapets and paint protection failure within corrosion in the steel span. The reports found that remediation work will be required. I visited the site and can confirm to the Board that it is clear that remedial and repair works are required.
- 8.2.4. The bridge serves a public road and it was noted that traffic volumes were low at the time of my site visit, however, I consider that the proposed works appear to be essential and necessary to safeguard the structural condition of a river crossing on a public road.
- 8.2.5. Subject to an assessment of the proposal on the surrounding environment and European sites, I consider that the remedial works to the existing bridge are acceptable in principle and would generally accord with the wider policies and objectives of the Wexford County Development Plan 2013-2019. I consider,

therefore, that the proposed development would be in accordance with the proper planning and sustainable development of the area.

8.3. The Likely Effects on the Environment

- 8.3.1. Repair and remediation works to a bridge is a not a project type listed in Schedule 5 of the Planning and Development Regulations, 2001, as amended, which would trigger the requirement for the applicant to submit an Environment Impact Assessment Report (EIAR).
- 8.3.2. It is noted that an Environmental Impact Assessment Screening Report accompanies the application which concludes that, subject to best practice mitigation measures, the proposed remediation works will not result in significant negative impacts on the surrounding environments.
- 8.3.3. The most likely impact of the proposed development on the environment arises from the impact of the proposed works on the water quality of the Slaney River and the flora and fauna supported by the river. The Board will note that the site comprises part of the Slaney River SAC and the Wexford Harbour and Slobs SPA. Matters relating to appropriate assessment are discussed further below. Other potential impacts relate to roads and traffic, architectural heritage, visual amenity and biodiversity.

8.3.4. Roads & Traffic

The proposed works includes deck drainage, kerbing and resurfacing works to the bridge. The construction phase will require a temporary construction compound, which will be accessed off the L3006 to the west of Deeps Bridge and west of the railway bridge. A road diversion will divert traffic (c. 13km) from Deeps Bridge south to Ferrigcarrig Bridge to cross the River Slaney. While this diversion will result in an inconvenience, given that the nature of the works will be temporary and short term, I am satisfied that there will be no significant or long-term impacts arising. In this regard, I am satisfied that the proposed works are acceptable in terms of the proper planning and sustainable development of the area.

8.3.5. Architectural Heritage

Although not a protected structure, Deeps Bridge is described as an important component of the early twentieth-century civil engineering heritage of County

Wexford with a rating of regional importance in the National Inventory of Architectural Heritage (NIAH). Similarly, the railway bridge located across the site and to the west of the river is also referenced in the NIAH but is not listed on the record of protected structures. I note that an Architectural Heritage Impact Assessment (AHIA) has been undertaken and submitted with the application, the findings of which support the structural surveys that remedial works are necessary. The AHIA notes that there will be no long-term negative visual impact and that all existing elements of the bridge structure including the original parapets and steel opening spans will be retained, conserving the special character and appearance of the structure. I am satisfied, given the scope of proposed works, including the reference to conservation principles to be applied that the proposed works will not impact the architectural integrity of these structures in any way.

8.3.6. Visual Amenity

Having regard to the nature and extent of proposed works I am satisfied that the proposed works to Deeps Bridge will improve the visual amenity of the bridge and will therefore have a positive impact on the surrounding area. I further note the moveable containment system is temporary and will have a limited visual impact on the bridge and wider landscape. Given the nature of the works and the landscape of the surrounding lands I am satisfied that significant visual impacts will not arise.

8.3.7. Biodiversity

In terms of the likely effect of the proposed remedial works on the local biodiversity of the area, and not including issues of appropriate assessment, the proposed development has the potential to impact on the water quality of the river during the construction/remediation works to the bridge if emissions from the construction works area or compound were to enter the river. The introduction of alien species on machinery could also have an impact.

- 8.3.8. The application is accompanied by an Ecological Impact Assessment (EcIA) prepared by qualified ecologists from RPS. In respect of the construction phase, the EcIA states that as work is above water that there will be no direct impacts on aquatic habitats, Annex 1 habitats or species of the River Slaney. It further states that indirect impacts may arise during the construction phase from emissions from the construction area or compound area were to enter the river. The issues arising

from the works proposed within the SAC on water dependent habitats and key species of conservation interest are dealt with in the Natura Impact Statement (NIS) and is considered in more detail in the Appropriate Assessment below. As a general point, having regard to the information in the EclA, the NIS and the Construction and Environmental Management Plan (CEMP), I am satisfied that subject to the application of best work practices and the implementation of prescribed mitigation measures, all potential impacts to the Slaney River Valley SAC its qualifying interests will be avoided.

- 8.3.9. The EclA is accompanied with the findings of a Breeding Bird Survey. Of the 51 species of bird recorded, 8 are listed as special conservation interest (SCI) species of the SPA sites. In addition, Barn Swallows and House Martins were noted flying around the centre of the bridge with at least ten nests recorded on the underside of the bridge. Pied Wagtail was also recorded nesting in the bridge. Birds may be impacted during the remediation works due to noise (particularly from grit blasting), vibration and human disturbance. Mitigation measures such as, for example, erection of the containment unit prior to nesting season to prohibit birds nesting in the bridge will be subject to ecological monitoring. Grit blasting works will be undertaken outside the wintering bird season to reduce possible disturbance of wintering waterbirds in the vicinity will also be subject to ecological monitoring.
- 8.3.10. With respect to bats, the EclA notes that there is limited potential for bat roosts within or under the bridge structure but acknowledges that the surrounding habitat is of moderate suitability for bats. While I note that a bat survey was not undertaken to support the application, I am satisfied that the metal bridge would be of limited potential/suitability for roosting bats (as distinct from a stone bridge, for example, which offers a more suitable environment). Given the limited suitability of the bridge for bat roosts I am satisfied that there is no requirement for a bat survey in this instance.
- 8.3.11. The EclA notes that no protected flora were noted within the survey area during the ecological walkover. Winter Heliotrope (an invasive species) was recorded during the survey at the site of the proposed compound; interaction with this invasive species is considered unavoidable. The NIS notes that the spread of this species is unlikely to have any negative effect on qualifying interest (QI) habitat of the Lower Slaney River SAC or SCI of the Wexford Harbour and Slobbs SPA or increase the potential or

cause the spread of invasive species to European sites. A number of measures are proposed, including disposal or herbicide spraying which can be implemented by way of condition should the Board decide to grant permission.

8.3.12. To conclude, having regard to the short-term nature of the proposed remedial works, where no in-stream works will occur, and having regard to the CEMP, the EcIA and the NIS and subject to the implementation of the mitigation measures as presented, it is not expected that the proposed development will have a significant negative impact on biodiversity in the local environment.

8.4. 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.

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

8.5.1. 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.

8.5.2. The proposed development is not directly connected to or necessary to the management of any European site and is therefore subject to the provisions of Article 6(3).

8.6. The Natura Impact Statement:

8.6.1. As stated, the application was accompanied by an NIS, prepared by RPS, which describes the proposed development, the project site and the surrounding area. The application documentation includes a Stage 1 Screening Report which concluded that a Stage 2 Appropriate Assessment was required on the basis that it was not

possible to exclude the possibility of significant impacts on the Slaney River Valley SAC; the Wexford Harbour and Slobbs SPA; and The Raven SPA, in the absence of mitigation. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within three European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

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

- A desk top study;
- An examination of aerial photography and maps;
- An ecological survey of the proposal site and surroundings;
- Bird breeding surveys;
- Consultations with the Development Applications Unit (DAU) of the Department of Housing, Local Government and Heritage and the IFI; and
- Reference to a number of publications, data and datasets.

8.6.3. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not adversely affect the integrity of the three identified European Sites.

8.6.4. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided in Section 7 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.

8.7. Appropriate Assessment

8.7.1. Section 177AE sets out the requirements for appropriate assessment (AA) of development carried out by or on behalf of a local authority. Section 177(AE) (3) states that where a Natura Impact Statement 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 AA. There is no requirement for the Board to undertake screening in these cases as it presupposed that the Local Authority has established the need for AA through its own screening process (unless issues arise as to the adequacy or otherwise of the screening determination by the applicant). Nonetheless, it is considered prudent to review the screening process to ensure alignment with the sites brought forward for AA and to ensure that all sites that may be affected by the development have been considered.

- 8.7.2. I note that a screening statement from Wexford County Council was not provided with the application. Screening for AA was undertaken by RPS (on behalf of Wexford County Council) and presented as a separate report.

8.8. Screening Determination

- 8.8.1. 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 applicant considered the following European Sites relevant to include for the purposes of initial screening for appropriate assessment on the basis of likely significant effects.

- 8.8.2. European sites considered as part of screening for AA:

European site (SAC/SPA)	Qualifying Interests	Distance
Slaney River Valley SAC, Site Code 000781	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p>	Within the European site

European site (SAC/SPA)	Qualifying Interests	Distance
	<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]*</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twaite Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>	
<p>Wexford Harbour and Slobbs SPA, Site Code 004076</p>	<p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Bewick's Swan (<i>Cygnus columbianus bewickii</i>) [A037]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p>	<p>Within the European site</p>

European site (SAC/SPA)	Qualifying Interests	Distance
	<p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Hen Harrier (<i>Circus cyaneus</i>) [A082]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p> <p>Wetland and Waterbirds [A999]</p>	
<p>The Raven SPA, Site Code 004019</p>	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p>	<p>c. 13.7km to the east</p>

European site (SAC/SPA)	Qualifying Interests	Distance
	Common Scoter (<i>Melanitta nigra</i>) [A065] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Sanderling (<i>Calidris alba</i>) [A144] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wetland and Waterbirds [A999]	
Screen Hills SAC, Site Code 000708	Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] European dry heaths [4030]	c. 11km to the east
Raven Point Nature Reserve SAC, Site Code 000710	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] Humid dune slacks [2190]	c. 12.7km to the east

(* indicates a priority habitat under the Habitats Directive)

8.8.3. Based on my examination of the Screening Report, the NIS and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, I agree with the

conclusion of the applicant's consultants that a Stage 2 Appropriate Assessment is required for three of the five European sites referred to above, those being the Slaney River Valley SAC, Site Code 000781, Wexford Harbour and Slobbs SPA, Site Code 004076 and The Raven SPA, Site Code 004019.

- 8.8.4. The remaining European sites can be screened out from further assessment because of the nature and scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive hydrological or ecological linkage between the proposed works and the European site. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites Raven Point Nature Reserve SAC, Site Code 000710 or Screen Hills SAC, Site Code 000708 in view of their site conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.

8.9. Appropriate Assessment of the Slaney River Valley SAC

8.10. Description of the Slaney River Valley SAC (Site Code 000781)

- 8.10.1. This site comprises the freshwater stretches of the River Slaney as far as the Wicklow Mountains; a number of tributaries; the estuary at Ferrycarrig; and Wexford Harbour. The site flows through the Counties of Wicklow, Wexford and Carlow. The river is up to 100 m wide in places and is tidal at the southern end below Enniscorthy.
- 8.10.2. Floating river vegetation is found along much of the freshwater stretches within the site. Good examples of wet woodland are found along the banks of the Slaney and its tributaries, and within reedswamps. Old oak woodlands are best represented at Tomnafinnoge, though patches are present throughout the site. Below Enniscorthy there are several areas of woodland with a mixed canopy of oak, Beech, Sycamore, Ash and generally a good diverse ground flora. The site is considered to contain a very good example of the extreme upper reaches of an estuary. Tidal reedbeds with

wet woodland are present in places. Further south are expanses of intertidal mudflats and sandflats and shingle shore often fringed with a narrow band of saltmarsh and brackish vegetation. Wexford Harbour is an extensive, shallow estuary which dries out considerably at low tide exposing large expanses of mudflats and sandflats where four biological community complexes have been recorded.

8.10.3. The River Slaney is primarily a spring salmon fishery and is regarded as one of the top rivers in Ireland for early spring fishing. The upper Slaney and tributary headwaters are very important for spawning. The SAC is of particular conservation interest for supporting populations of a number of Annex II species including Sea Lamprey, River Lamprey, Brook Laprey, Otter, Salmon, Freshwater Pearl Mussel, Twaité Shad and the Common Seal. The site is also of high ornithological importance also, with internationally important populations of Mute Swan, Light-bellied Brent Goose, Bar-tailed Godwit and Black-tailed Godwit and at least a further 18 species of wintering waterfowl occur in numbers of national importance.

8.11. Slaney River Valley SAC, Site Code 000781 - Conservation Objectives

- 8.11.1. The Conservation Objectives for the Slaney River Valley SAC notes that the overall aim of the habitats directive is to maintain or restore the favourable conservation status of habitats and species of community interest. A site-specific conservation objective aims to define favourable conservation condition for a particular habitat or species at the site. The NPWS has prepared specific attributes and targets for the qualifying interests and the protection of habitats and species associated with the Slaney River Valley SAC, which can be found here: [link to site synopsis](#)
- 8.11.2. I note that the applicant has detailed the conservation objectives, targets, attributes, and risks in the NIS. I am satisfied that the applicant has examined all the features that could be affected in view of the individual conservation objectives attributable to the Slaney River Valley SAC, tables 5.1, 5.2 and 5.6 refer.
- 8.11.3. The overarching conservation objectives for the qualifying interests that I consider are at risk of potential impact are listed below in Table 1. Having regard to the NIS submitted, the nature and scale of the proposed work and the location of the qualifying interests of the Slaney River Valley SAC relative to the proposed works, I consider that the following specific qualifying interests listed in Table 1 are at risk of

potential impact; qualifying interests not specified below are discounted based on their location significantly removed from the proposed works, for example, Atlantic salt meadows and Mediterranean salt meadows.

Qualifying Interests that are at risk of potential impact	Overarching Conservation Objective
Estuaries	To maintain the favourable conservation condition of Estuaries
Mudflats and sandflats not covered by seawater at low tide	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide
Freshwater Pearl Mussel	Under review
Sea Lamprey	To restore the favourable conservation condition of Sea lamprey
Brook Lamprey	To restore the favourable conservation condition of Brook lamprey
River Lamprey	To restore the favourable conservation condition of River lamprey
Twaite Shad	To restore the favourable conservation condition of Twaite shad
Salmon	To restore the favourable conservation condition of Salmon
Harbour Seal	To maintain the favourable conservation condition of Harbour Seal
Otter	To restore the favourable conservation condition of Otter

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Table 1: Specific qualifying interests that are at risk of potential impact

8.12. Slaney River Valley SAC, Site Code 000781 – Potential Direct Impacts

- 8.12.1. The NIS notes that as all works are above water, no direct construction phase impacts are anticipated on aquatic habitats or species of the Slaney River SAC and no direct loss of habitat supporting key species are anticipated. The NIS further notes that no direct operational effects are envisaged.
- 8.12.2. I am satisfied, based on the information provided in the NIS, and having regard to the nature and scope of works proposed that there will be no potential direct impacts on the qualifying interest habitats or species of the Slaney River Valley SAC.

8.13. Slaney River Valley SAC, Site Code 000781 - Potential indirect effects

- 8.13.1. The following impacts were assessed in the NIS:
- Loss/reduction of habitat area;
 - Disturbance to key species;
 - Reduction in species density;
 - Changes in key indicators of conservation value – water quality;
 - Changes in key indicators of conservation value – Groundwater quality;
 - Changes in key indicators of conservation value – Invasive species.
- 8.13.2. There is potential for disturbance to key species arising from the effects of noise, vibration and human presence.
- 8.13.3. The NIS notes that there is potential for indirect water quality impacts during construction and operation via sedimentation and/or water quality deterioration during construction. There is potential for adverse effects upon the integrity of the Slaney River Valley SAC as a result of a reduction in species density through water quality deterioration and noise impacts.
- 8.13.4. Potential indirect construction phase impacts on aquatic ecology could only arise as a consequence of excessive emissions from the construction area or site compound, mainly related to concrete usage, hydrocarbons or other construction stage residues,

e.g., paint, grit blasting waste. Each of these represent potential sources of toxins and/or suspended solids that could enter the river and be transported downstream and result in the deterioration of water quality. Given the very high levels of lead in existing paintwork, the loss of lead to surface water in the form of dust during abatement works presents a toxicity risk to instream fauna.

8.13.5. Due to the nature of the works taking place on the surface of the bridge, groundwater will not be encountered, and no potential impacts are anticipated to groundwater quality.

8.13.6. Winter Heliotrope, an invasive species was found within the site. Other invasive species were found in proximity to the site but at a distance sufficient from the site where no interaction will occur. The area where the Winter Heliotrope was found will be levelled to accommodate the site compound, and interaction with this species is unavoidable. There is potential for this species to spread further in the European site.

8.13.7. The Freshwater Pearl Mussel (FWPM) is a Qualifying Interest (QI) of the SAC. The NIS notes that this species, or habitat suitable for this species, is not found within the development boundary. Indirect impacts (via impacts to salmonid host fish) from water pollution or degradation of habitat may result in adverse effects upon the life cycle of FWPM.

8.13.8. Otter are a QI of the SAC. The NIS notes that given the surrounding habitat there is potential for an otter holt to be present within 150m of the works. The NIS notes that noise generated during works may result in a temporary disturbance to the otter.

8.13.9. Other identified QI species with potential for indirect effects are listed in Table 1 above including fish species; the potential for indirect impacts arise during construction and operation via sedimentation and/or water quality deterioration during construction.

8.14. Slaney River Valley SAC, Site Code 000781 - Potential in-combination effects

8.14.1. The NIS states that other relevant projects and plans in the area were considered that could result in cumulative effects on the environment. A review of planning applications, the Wexford County Development Plan 2013-2019, the EIA portal and the HSA website (for proximate Seveso sites) was undertaken. In-combination

impacts of plans and projects are not predicted to result in any likely significant effect to any European site.

8.15. Slaney River Valley SAC, Site Code 000781 - Mitigation measures

8.15.1. Chapter 7 of the NIS sets out the mitigation measures proposed to avoid, reduce or prevent the risk of potential impacts arising from the proposed rehabilitation works to Deep's Bridge. The mitigation measures proposed include as follows:

- The principal mitigation measure will be the provision of a moveable temporary total containment system to encapsulate the bridge to mitigate potential pollutants entering the Slaney River Valley SAC. The containment system will be required to contain all debris, construction materials and to prevent material/run-off into the river during construction.
- A detailed Construction and Environmental Management Plan (CEMP) is submitted with the application which sets out the measures required for inclusion in the appointed contractor's CEMP under the following categories:
 - Water pollution control measures;
 - Invasive species control;
 - Waste control measures;
 - Noise and vibration;
 - Seasonal constraints;
 - Environmental emergency response procedures;
 - Monitoring (air, soil and water around the perimeter of the bridge and at distances downstream); and
 - Procedures to review inspections and non-compliance.
- An Ecologist, reporting directly to Wexford County Council, will be employed as part of the Site Team and will be on site during site set-up to ensure integrity of the containment system, attending weekly thereafter, and carrying out regular audits of the CEMP.

- In terms of drainage control, good site management and adherence to method statements will be implemented to reduce pollution sources. Any release of suspended solids will be controlled by interception and treatment.
- Concrete and cement controls include: concrete pouring is not permitted during periods of heavy rainfall and use of plastic sheeting membrane when concrete is being poured.
- Construction waste shall be collected in skips and the site will be kept tidy and free from debris at all times.
- Pre-construction otter surveys shall be undertaken prior to the commencement of any works to identify any otter activity in the vicinity of the bridge, holt locations, etc and to allow time for any license to be obtained (for temporary disturbance) if required.
- Biosecurity measures will be adhered to to prevent the spread of invasive species.

8.15.2. In my view the mitigation measures are appropriate to the risks identified and would, if implemented correctly, be sufficient to avoid any significant impacts and exclude adverse effects on site integrity.

8.16. Slaney River Valley SAC, Site Code 000781 - Residual effects/Further analysis

8.16.1. In consideration of the outlined mitigation measures which shall be implemented to prevent any potential impact on the qualifying interests of the Slaney River Valley SAC, I am satisfied that no residual impact is anticipated as part of this proposal.

8.17. Slaney River Valley SAC, Site Code 000781 - NIS Omissions

8.17.1. Due to limited access upstream and downstream an otter survey was not undertaken, this is a noted constraint in the NIS.

8.18. Slaney River Valley SAC, Site Code 000781 - Suggested related conditions

8.18.1. A number of measures are proposed which can be implemented by way of condition, should be Board decide to grant permission. These are set out in section 8.15 above and relate to timing of works, the requirement for a CEMP and the appointment of a project ecologist. Application of mitigation measures are expressly provided for in the schedule of conditions below.

8.19. Slaney River Valley SAC, Site Code 000781 - Conclusion

- 8.19.1. Following an examination and evaluation of the material submitted with the application, my findings are that the information before the Board comprehensively addresses all issues and concerns regarding potential adverse effects on the Slaney River Valley SAC. I consider that the information provided in the NIS allows for detailed assessment of the implications of the proposal on the conservation objectives of this European Site and complete, precise, and definitive findings for the purpose of Appropriate Assessment.
- 8.19.2. Following Appropriate Assessment, my recommendation is that it can be ascertained beyond reasonable scientific doubt that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Slaney River Valley SAC, in view of the sites Conservation Objectives, subject to the implementation of mitigation measures outlined above. In my view the mitigation measures are appropriate to the risks identified and would, if implemented correctly, be sufficient to avoid any adverse effect on site integrity.

8.20. Appropriate Assessment of Wexford Harbour and Sloba SPA

8.21. Wexford Harbour and Sloba SPA, Site Code 004076 - Description

- 8.21.1. Wexford Harbour is the lowermost part of the estuary of the River Slaney, a major river that drains much of the south-east region. The site is divided between the natural estuarine habitats of Wexford Harbour and tidal section of the River Slaney. Shallow marine water is a principal habitat, but at low tide extensive areas of intertidal flats are exposed which support a rich macro-invertebrate fauna. Salt marshes fringe the intertidal flats. The Sloba are two flat areas of farmland, which are drained by a network of channels which flow into two central channels, in parts several hundred metres in width. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for 32 bird species. The site is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds.
- 8.21.2. The NIS notes that SCI birds species that may be found in proximity to the works include Little Grebe, Cormorant, Grey Heron, Teal, Black-tailed Godwit, Dunlin, Great Crested Grebe, Lapwing, Shelduck Coot, Mallard and Black Headed Gull, all

wintering species in the SPA. Although not recorded breeding near Deep's Bridge, the SPA is also selected for breeding population of Little Tern. The NIS also state that the Slobbs support a nesting colony of Tree Sparrow and very localised breeding species, Reed Warbler, which are recorded in proximity to Deep's Bridge. A Grey Heron and Little Egret colony was found within 100m of the proposed works, which are a SCI species of the SPA.

8.22. Wexford Harbour and Slobbs SPA, Site Code 004076 - Conservation Objectives

8.22.1. The Conservation Objectives for the Wexford Harbour and Slobbs SPA, notes that the overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. The NPWS has prepared site specific conservation objectives, attributes and targets for the special conservation interests (SCI) associated with the Wexford Harbour and Slobbs SPA, which can be found here: [link to site synopsis](#)

8.22.2. I note that the applicant has detailed the conservation objectives, targets, attributes, and risks in the NIS. I am satisfied that the applicant has examined all the features that could be affected in view of the individual conservation objectives attributable to the Wexford Harbour and Slobbs SPA, tables 5.3, 5.4 and 5.7 refer.

8.23. Wexford Harbour and Slobbs SPA, Site Code 004076 – Potential Direct Impacts

8.23.1. The NIS notes that as all works are above water, no direct construction phase impacts are anticipated on SCI bird species or their supporting wetland habitat and no direct loss of habitat supporting key species are anticipated. The NIS further notes that no operational adverse effects are envisaged on the integrity of the European Site.

8.23.2. I am satisfied, based on the information provided in the NIS, and having regard to the nature and scope of works proposed that there will be no potential direct impacts on the QI/SCI of the Wexford Harbour and Slobbs SPA.

8.24. Wexford Harbour and Slobbs SPA, Site Code 004076 - Potential indirect effects

8.24.1. The NIS states that there will be no direct loss of wetland habitat for SCI species but that there is potential that a number of bird species may nest within the surrounding swamp habitat. The construction period is envisaged to last 6 months, with prolonged working hours, noise and human disturbance across this period which

may negatively affect roosting, nesting or foraging SCI birds in proximity to the bridge.

8.24.2. The NIS notes that there is potential for indirect water quality impacts during construction and operation via sedimentation and/or water quality deterioration during construction. Based on the information in the NIS I consider that the deterioration of water quality could lead to habitat degradation for SCI bird species.

8.24.3. A small area of amenity grass beside the site compound may, according to the NIS, provide supplementary feeding habitat for some SCI bird species of the Wexford Harbour and Slobs SPA (and potential ex-situ species of the Raven SPA). I concur with the NIS that any feeding in this is considered limited given the proximity of surrounding river habitat for birds to use.

8.25. Wexford Harbour and Slobs SPA, Site Code 004076 - Potential in-combination effects

8.25.1. The NIS states that other relevant projects and plans in the area were considered that could result in cumulative effects on the environment. A review of planning applications, the Wexford County Development Plan 2013-2019, the EIA portal and the HSA website (for proximate Seveso sites) was undertaken. In-combination impacts of plans and projects are not predicted to result in any likely significant effect to any European site.

8.26. Wexford Harbour and Slobs SPA, Site Code 004076 - Mitigation measures

8.26.1. Chapter 7 of the NIS sets out the mitigation measures proposed to avoid, reduce or prevent the risk of potential impacts arising from the proposed rehabilitation works to Deep's Bridge. The mitigation measures proposed include as follows:

- The total containment unit is to be installed prior to the bird breeding season (1st March to 31st August inclusive) to prohibit birds nesting in the bridge.
- The total containment unit will remain in situ for the duration of the works. Site investigation and grit blasting works have the potential to cause the most noise impacts and are to be restricted to being undertaken outside the wintering bird season (October to March inclusive), with potential to take place in mid-late March subject to monitoring and supervision by a suitably qualified ecologist.

- The works will take place during daylight hours, avoiding the need for artificial light which may cause disturbance to SCI species.
- A detailed Construction and Environmental Management Plan (CEMP) is submitted with the application which sets out the measures required for inclusion in the appointed contractor's CEMP which include the following categories:
 - Noise and vibration;
 - Seasonal Constraints;
 - Monitoring (air, soil and water around the perimeter of the bridge and at distances downstream); and
 - Procedures to review inspections and non-compliance.
- An Ecologist, reporting directly to Wexford County Council, will be employed as part of the Site Team and will be on site during site set-up to ensure integrity of the containment system, attending weekly thereafter, and carrying out regular audits of the CEMP.

8.26.2. In my view, the mitigation measures are appropriate to the risks identified and would, if implemented correctly, be sufficient to avoid any significant impacts and exclude adverse effects on site integrity.

8.27. Wexford Harbour and Slobbs SPA, Site Code 004076 - Residual effects/Further analysis

8.27.1. In consideration of the outlined mitigation measures which shall be implemented to prevent any potential impact on the qualifying interests of Wexford Harbour and Slobbs SPA, no residual impact on the Wexford Harbour and Slobbs SPA is anticipated as part of this proposal.

8.28. Wexford Harbour and Slobbs SPA, Site Code 004076 - NIS Omissions

None noted.

8.29. Wexford Harbour and Slobbs SPA, Site Code 004076 - Suggested related conditions

8.29.1. A number of measures are proposed which can be implemented by way of condition, should be Board decide to grant permission. These are set out in section 8.26 above and relate to timing of works, the requirement for a CEMP and the appointment of a project ecologist. Application of mitigation measures are expressly provided for in the schedule of conditions below.

8.30. Wexford Harbour and Slobbs SPA, Site Code 004076 - Conclusion:

8.30.1. Following an examination and evaluation of the material submitted with the application, my findings are that the information before the Board comprehensively addresses all issues and concerns regarding potential adverse effects on the Wexford Harbour and Slobbs SPA. I consider that the information provided in the NIS allows for detailed assessment of the implications of the proposal on the conservation objectives of this European Site and complete, precise, and definitive findings for the purpose of Appropriate Assessment.

8.30.2. Following Appropriate Assessment, my recommendation is that it can be ascertained beyond reasonable scientific doubt that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Wexford Harbour and Slobbs SPA, in view of the sites Conservation Objectives, subject to the implementation of mitigation measures outlined above. In my view the mitigation measures are appropriate to the risks identified and would, if implemented correctly, be sufficient to avoid any adverse effect on site integrity.

8.31. Appropriate Assessment of The Raven SPA

8.32. The Raven SPA, Site Code 004019 – Description

8.32.1. The Raven SPA extends from north of Rosslare Point to Blackwater Harbour on the coast of Co. Wexford. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Red-throated Diver, Cormorant, Greenland White-fronted Goose, Common Scoter, Grey Plover and Sanderling. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds. The Raven SPA is of international ornithological importance as it provides important roosting habitat for

the Wexford Harbour Greenland White-fronted Goose flock. Little Tern, a species breeding within the site, is also listed on Annex I of the Birds Directive.

8.33. The Raven SPA, Site Code 004019 - Conservation Objectives

- 8.33.1. The Conservation Objectives for The Raven SPA notes that the overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. The NPWS has prepared specific conservation objectives, attributes and targets for the special conservation interest species associated with the Raven SPA, which can be found here: [link to site synopsis](#)
- 8.33.2. I note that the applicant has detailed the conservation objectives, targets, attributes, and risks in the NIS. I am satisfied that the applicant has examined all the features that could be affected in view of the individual conservation objectives attributable to the Wexford Harbour and Slobbs SPA, tables 5.5 and 5.8 refer.
- ### **8.34. The Raven SPA, Site Code 004019– Potential Direct Impacts**
- 8.34.1. The proposed works are c. 13.7km from The Raven SPA. The NIS states that there will be no direct loss of wetland habitats for SCI species. I am satisfied, based on the information provided in the NIS, and having regard to the nature and scope of works proposed and distance to the European site that there will be no potential direct impacts on the qualifying interests of The Raven SPA.
- ### **8.35. The Raven SPA, Site Code 004019- Potential indirect effects**
- 8.35.1. The NIS notes that two SCI species of this SPA (Cormorants and Greenland White-fronted goose) forage within the Wexford Harbour and Slobbs SPA which overlaps the site. The NIS notes that there is potential for ex-situ impacts to the Cormorant and Greenland White-fronted Goose to occur, i.e., due to a reduction in food source from water quality impact should the proposed works result in any degradation to the supporting wetland habitat of Wexford Harbour and Slobbs SPA.
- 8.35.2. A small area of amenity grass beside the site compound may, according to the NIS, potentially provide supplementary feeding habitat for some ex-situ SCI bird species of the Raven SPA. I concur with the NIS that any feeding in this area is considered limited given the proximity of surrounding river habitat for birds to use.

8.36. The Raven SPA, Site Code 004019- Potential in-combination effects

- 8.36.1. The NIS states that other relevant projects and plans in the area were considered that could result in cumulative effects on the environment. A review of planning applications, the Wexford County Development Plan 2013-2019, the EIA portal and the HSA website (for proximate Seveso sites) was undertaken. In-combination impacts of plans and projects are not predicted to result in any likely significant effect to any European site.

8.37. The Raven SPA, Site Code 004019- Mitigation measures

- 8.37.1. Chapter 7 of the NIS sets out the mitigation measures proposed to avoid, reduce or prevent the risk of potential impacts arising from the proposed rehabilitation works to Deep's Bridge. The mitigation measures proposed for the SPA are the same measures set out for Wexford Harbour and Slob's SPA and are detailed in section 8.26 of this report.

8.38. The Raven SPA, Site Code 004019- Residual effects/Further analysis

- 8.38.1. In consideration of the outlined mitigation measures which shall be implemented to prevent any potential impact on the qualifying interests of Wexford Harbour and Slob's SPA and The Raven SPA no residual impact on The Raven SPA is anticipated as part of this proposal.

8.39. The Raven SPA, Site Code 004019- NIS Omissions

None noted.

8.40. The Raven SPA, Site Code 004019- Suggested related conditions

- 8.40.1. A number of measures are proposed which can be implemented by way of condition, should be Board decide to grant permission. These are set out in section 8.26 above and relate to timing of works, the requirement for a CEMP and the appointment of a project ecologist. Application of mitigation measures are expressly provided for in the schedule of conditions below.

8.41. The Raven SPA, Site Code 004019- Conclusion:

- 8.41.1. Following an examination and evaluation of the material submitted with the application, my findings are that the information before the Board comprehensively addresses all issues and concerns regarding potential adverse effects on The Raven

SPA. I consider that the information provided in the NIS allows for detailed assessment of the implications of the proposal on the conservation objectives of this European Site and complete, precise, and definitive findings for the purpose of Appropriate Assessment.

8.41.2. Following Appropriate Assessment, my recommendation is that it can be ascertained beyond reasonable scientific doubt that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of The Raven SPA, in view of the sites Conservation Objectives, subject to the implementation of mitigation measures outlined above. In my view the mitigation measures are appropriate to the risks identified and would if implemented correctly be sufficient to avoid any adverse effect on site integrity.

8.42. Appropriate Assessment Overall Conclusion:

8.42.1. The remediation works to Deeps Bridge has been considered in light of the assessment requirements of Section 177AE of the Planning and Development Act 2000, as amended.

8.42.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that the project may have a significant effect on the Slaney River Valley SAC, the Wexford Harbour and Slobbs SPA and The Raven SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

8.42.3. Following an examination and evaluation of the material submitted as part of the application, my findings are that the information before the Board comprehensively addresses all issues and concerns regarding potential adverse effects on the Slaney River Valley SAC, the Wexford Harbour and Slobbs SPA and The Raven SPA.

8.42.4. Following Appropriate Assessment, my recommendation is that it can be ascertained beyond reasonable scientific doubt that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Slaney River SAC, Wexford Harbour and Slobbs SPA or The Raven SPA or any other European site, in view of their Conservation Objectives.

8.42.5. I am satisfied that the project will not cause any delays or interrupt progress towards achieving the conservation objectives of the sites and will not disrupt factors that help maintain the favourable conservation conditions of the sites.

8.42.6. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the European sites;
- A detailed assessment of in-combination effects with other plans and projects;
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the European site: Slaney River SAC, Wexford Harbour and Sloba SPA or The Raven SPA.

9.0 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 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, as amended,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Slaney River Valley SAC (site code:000781), the Wexford

Harbour and Slobbs SPA (site code:004076) and The Raven SPA (site code: 004019).

- (e) the policies and objectives of the Wexford County Development Plan, 2013-2019,
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submission received in relation to the proposed development, and
- (i) 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 Slaney River Valley SAC (site code:000781), the Wexford Harbour and Slobbs SPA (site code:004076) and The Raven SPA (site code: 004019) are 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 Sites, namely the Slaney River Valley SAC (site code:000781), the Wexford Harbour and Slobbs SPA (site code:004076) and The Raven SPA (site code: 004019), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

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

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not:

- (a) have significant negative effects on the environment or the community in the vicinity,
- (b) give rise to a risk of pollution,
- (c) be detrimental to the visual or landscape amenities of the area,
- (d) seriously injure the amenities of property in the vicinity,
- (e) adversely impact on the cultural, archaeological and built heritage of the area and
- (f) interfere with the existing land uses in the area.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

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

2. The mitigation and monitoring measures identified in the Natura Impact Statement submitted with the application shall be implemented in full except as may otherwise be required in order to comply with other conditions. 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, the protection of European Sites and in the interest of public health.

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. The CEMP shall include:
 - a) all mitigation measures indicated in the Natura Impact Statement
 - b) specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the environment.

4. The following nature conservation requirements shall be complied with:
- (a) The total containment unit is to be installed prior to the bird breeding season (1st March to 31st August inclusive).
 - (b) The total containment unit will remain in situ for the duration of the works. Site investigation and grit blasting works shall be restricted to being undertaken outside the wintering bird season (October to March inclusive), with potential to take place in mid-late March subject to monitoring and supervision by a suitably qualified ecologist.
 - (c) 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.” A programme of water quality monitoring shall be prepared in consultation with the Contractor, the Local Authority and relevant statutory agencies and the programme shall be implemented thereafter. Details of the programme shall be placed on the file and retained as part of the public record.
 - (d) A pre-construction otter survey shall be carried out on behalf of the local authority before works commence.

Reason: In the interest of biodiversity and nature conservation.

5. 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.

6. 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 set out in Natura Impact Statement. The ecologist shall be present during site construction

works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of nature conservation and the protection of terrestrial and aquatic biodiversity.

7. The construction of the development shall be managed in accordance with a Construction and Traffic Management Plan.

Reason: In the interests of amenity, public health and safety.

Alaine Clarke
Planning Inspector

7th April 2022