



An
Bord
Pleanála

Inspector's Report

ABP-312635-22

Development

Repair works to the Laune Bridge consisting of vegetation clearance, masonry repointing, grouting of piers, grouting of foundations and replacement of scour protection.

Location

Laune Bridge, Killorglin, Co. Kerry.

Local Authority

Kerry 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

1. Department of Housing, Local Government and Heritage
2. Transport Infrastructure Ireland

Observer(s)

None.

Date of Site Inspection

20th July 2022

Inspector

Máire Daly

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1.0 Introduction

- 1.1. Kerry County Council is seeking approval from An Bord Pleanála to undertake repair and refurbishment works to Laune Bridge, Killorglin, which is within the Castlemaine Harbour SAC and c. 1.6km upstream from the Castlemaine Harbour SPA, which are both designated European site. There are several other designated European sites (SPAs and SACs) in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development Act 2000 (as amended) requires that where an appropriate assessment (AA) 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 AA 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 AA shall be carried out by the Board before consent is given for the proposed development.

2.0 Proposed Development

- 2.1. The proposed development will comprise of the following:
- Vegetation Clearance and refurbishment of the existing bridge including cleaning and repointing of all the piers, abutments and arches.
 - Concrete repair works to the scour apron and skirts around the right-hand abutment and pier 7.
 - Complete reconstruction of the upstream cutwater of pier 4, including installation of a concrete foundation.
 - Grouting below the base of piers 4, 5, 6 and 7.
 - All piers and abutments to be grouted up to the quarter points of the arches.
 - Riprap (existing scour protection) to be replaced with heavier rock armour.

The works will be restricted to the existing bridge structure to which remedial works will be carried out.

2.2. **Accompanying documents:**

- Planning Report and Statement of Consistency;
- Natura impact Statement (NIS);
- Construction and Environmental Management Plan (CEMP);
- Environmental Impact Assessment (EIA) Screening Report;
- Architectural and Archaeological Assessment;
- Copy of Newspaper Notice; and
- Associated Drawings - Drawings 21759-MPW-SBR-B14-DR-CB-0001, 21759-MPW-SBR-B14-DR-CB-0002, 21759-MPW-SBR-B14-DR-CB-0003, 21759-MPW-SBR-B14-DR-CB-0004 & 21759-MPW-SBR-B14-DR-CB-0005.

3.0 **Site and Location**

3.1. Laune Bridge traverses the River Laune which is located to the east of Killorglin town centre. The bridge carries the two-lane 5.4m wide carriageway of the N70 Road with a 1.5m wide footway on the upstream side. The bridge consists of an eight-span masonry arch structure with an overall length of 100.4m between abutments and an out-to-out dimension of 9.1m. The spans are typically 10.6m with 2.3m wide piers. The bridge is constructed in ashlar limestone.

3.2. The River Laune forms part of the Castlemaine Harbour SAC (Site Code: 000343) and further downstream connects into the Castlemaine Harbour SPA (site Code: 004029). The bridge provides access from the town via the N70 national secondary route to the eastern extents of the settlement where it joins with the N72 via a 4 no. exit roundabout. The bridge is bounded by the townlands of Dromavally to the east, and Castleconway and Farrantoreen to the west. To the immediate southeast of the bridge is the Puck Fair monument which is located on the south-eastern bank. A car park which serves a local B&B adjoins the bridge on the north-western bank. The immediate north-eastern and south-western banks are undeveloped with amenity grassland and vegetation.

3.3. The bridge consists of an eight-arch structure dating from 1885 with limestone ashlar voussoirs and rock-hewn round cutwaters. Laune/Killorglin Bridge was previously listed as a Protected Structure within the Kerry County Development Plan (CDP) 2015-2021, (Ref: 56- 7-2) and is also listed under the operative Kerry CDP 2022-2028 (Volume 3). The subject bridge is also listed on the National Inventory of Architectural Heritage (NIAH) where it is given a rating of Regional importance under the categories 'Architectural, Artistic, Historical and Technical' (NIAH ref: 21400702). The proposed development is not located within the proposed Killorglin Architectural Conservation Area (ACA) but is on the periphery of this area, with the ACA boundary located immediately adjacent to the proposed site's eastern side.

4.0 Planning History

4.1. No details of any relevant planning history has been forwarded with the application. I note that the majority of planning applications within 5km of the proposed development are related to development of and alterations to residential properties and are considered to be small in scale.

4.2. The applicant has stated in their submitted EIA Screening Report that there are proposals for a carpark and amenity area south of the bridge, however no details of same have been submitted. Following a search of the Kerry View (Planning Enquiry) ([Kerry Viewer \(Planning Enquiry\) \(arcgis.com\)](http://arcgis.com)) no record of this could be found to confirm this, however it is noted that the planning enquiry system does not include a record of all local authority proposals.

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 (as amended)**: 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 (NPWS) are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

5.4. European sites located within a 15km radius of Laune Bridge include:

- Castlemaine Harbour SAC (Site code:000343)
- Castlemaine Harbour SPA (Site code:004029)
- Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site code:000365)
- Lough Yganavan and Lough Nambrackdarrig (Site code:000370)
- Slieve Mish Mountains SAC (Site code:002185)
- Killarney National Park SPA (Site code:004038).

5.5. **Architectural Heritage Protection Guidelines for Planning Authorities, 2004**

These Guidelines recognise that there is a rich heritage of bridges throughout the country that require careful consideration when any repair or alteration work is proposed. It is noted that protected structures may contain features of special interest such as abutments, parapets, cut-waters and paving, and such features should be identified and preserved. During the consideration of proposals regarding bridges, efforts should be made to ensure that the least possible structural and visual damage is caused to the bridge.

5.6. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000, 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:

- Section 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, an 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 an NIS 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. **Local Policy**

5.7.1 The operative development plan is the Kerry County Development Plan 2022-2028 which came into force on 15th August 2022, however the Board should note that the proposed development was originally submitted under the previous Kerry County

Development Plan 2015-2021 and therefore the applicant refers to the policies under this plan within their submission.

Kerry County Development Plan 2022-2028

- 5.7.2 Section 4.4.4.1.2 refers to Regional Towns which includes Killorglin and states that generally, these towns have good transport links to larger towns and cities.
- 5.7.3 Section 8.3.3 of the plan outlines the policy in relation to Underwater Archaeology. Section 8.4 outlines the policies and objectives in relation to Built Architectural Heritage. Laune Bridge is listed as a protected structure under Volume 3 – Heritage, of the plan (RPS. Ref. 21400702). Section 9.4.1 outlines details in relation to the Kerry Hub and Knowledge Triangle and states that this is an Innovative economic hub within the established network of Killorglin, Tralee, Killarney and the Atlantic Economic Corridor. It is noted that the RSES recognises the important economic role of Killorglin in this network and its strong association with Tralee, Killarney and third level institutions. Chapter 11 of the plan contains the general planning policies and principles which will ensure that the natural environment, biodiversity and ecosystems are protected.
- 5.7.4 At the time of writing this report it was noted that a Draft Direction from the Minister for Housing, Local Government and Heritage regarding the making of the Kerry County Development Plan 2022-2028 had been received by Kerry County Council (August 2022). These issues mainly related to Map 12.4 of Volume 1 and Map 5 of Volume 4 of the plan which related to the Wind Energy strategy for the county and the related Wind Zoning Methodology. The issues raised do not concern the proposed development and therefore I am satisfied that the Ministerial Direction has no bearing on this current assessment in relation to the proposed works on Laune Bridge.

Killorglin Functional Area Plan 2010-2016

- 5.7.5 Section 1.2 of the Killorglin Local Area Plan as set out in Section 2 of the overall LAP highlights the title of Killorglin as the '*gateway*' to the Iveragh peninsula and the ring of Kerry. The importance of the Laune Bridge is further highlighted in Section 3.5 of the plan. Section 3.5.1 Roads states that Killorglin is located at the junction of the N70 Ring of Kerry route and the N72 Killarney to Killorglin National Secondary route. The intersection of the two routes immediately to the east of Laune Bridge, which is

the only river crossing means that all traffic entering the town from the east traverses the bridge.

- 5.7.6 Section 3.11 of the Killorglin Town Plan relates to Built Heritage. As part of this Development Objective BH-4 outlines that it is an objective of the Council to *“Preserve the town’s architectural heritage and encourage development that is designed in a manner that is in keeping with the scale, character and pattern of the existing built fabric and urban form. New developments must be designed to a high architectural standard and must take cognisance of local design features and materials”*.
- 5.7.7 The proposed development is not located within the proposed Killorglin Architectural Conservation Area (ACA) – as outlined in the LAP but is located within close proximity to its eastern boundary.
- 5.7.8 Objectives relating to protection of the Natural Environment are set out in NE1 to NE10 – many of which seek to protect the water quality and attributes of the River Laune.

Kerry Tourism Strategy and Action Plan 2016-2022

- 5.7.9 This plan highlights the importance of Tourism to the County and identifies over 270 specific actions in support of the plans overall vision *‘to maximise, in a sustainable manner, tourism’s contribution to the quality of life, economy, employment and local community development, paying particular attention to nurturing and protecting the natural, built, cultural and linguistic heritage of the county.’* Further development of Wild Atlantic Way is highlighted as a key aim of the plan.

Kerry Local Economic and Community Plan (LECP) 2016-2021

- 5.7.10 This plan supports the Kerry Tourism and Action Plan and one of its main objectives is to heighten the sustainability of the traditional sectors of tourism and agriculture and ensure that they continue to play a significant role in driving Kerry’s economy.

6.0 The Natura Impact Statement

- 6.1. Kerry County Council’s application for the proposed development was accompanied by a Natura Impact Statement (NIS) dated January 2022, which scientifically examined the proposed development and the European sites. The NIS identified and

characterised the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works.

- 6.2. The NIS was accompanied by an Appropriate Assessment Screening Report (dated July 2021) contained in Appendix 1 and Biosecurity Measures outlined in Appendix 2.
- 6.3. In general, I am satisfied that the NIS for the proposed bridge remediation works adequately describes the proposed development, the project site and the surrounding area. The Stage 1 Screening concluded that a Stage 2 Appropriate Assessment (NIS) was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within the European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for the sites and their conservation objectives, suggested mitigation measures, assessed in-combination effects with other plans and projects and identified any residual effects on the European sites and their conservation objectives.
- 6.4. The NIS was informed by the following studies, surveys and consultations:
- Desk review which comprised a review of the following publications, data and datasets:
 - OSI Aerial photography and 1:50000 mapping
 - National Parks and Wildlife Service (NPWS)
 - National Biodiversity Data Centre (NBDC) (on-line map-viewer)
 - BirdWatch Ireland
 - Teagasc soil area maps (NBDC website)
 - Geological Survey Ireland (GSI) area maps
 - Environmental Protection Agency (EPA) water quality data
 - South Western River Basin District (SWRBD) datasets (Water Framework Directive)

- Field based studies were undertaken on 2nd December 2020 and 21st August 2021. As part of these surveys riverine habitats were noted and any ecological features of relevance to protected aquatic species. Photographs of the site, underwater substrates and anthropogenic influences were taken.
- A targeted otter survey was also carried out and a stage 1 survey for freshwater pearl mussel (FWPM) *Margaritifera margaritifera* was undertaken on the 21st August 2021 under licence from NPWS (No. C47/2021). The entire river area under the bridge and to 10m upstream and 30 m downstream of the bridge was examined for the presence of FWPM. At this time, water levels were low, sunshine dominated, and underwater visibility was suitable for FWPM detection.
- Also a presence / absence survey for juvenile lampreys was undertaken in soft substrates downstream of the two piers using agitation sampling. Both agitation sampling and biological sampling was carried out to gather information on fauna in the river at the proposed development site.

6.5. I note that under the submitted EIA Screening it is stated that the bridge is not a suitable habitat for roosting bats, with no crevices observed in the barrel arches or spandrel walls. As a means of mitigation it is stated that the appointed Ecological Clerk of Works (ECoW) will conduct an examination of exposed parts of the bridge requiring work in advance of work taking place. If bats or evidence of bats are found the NPWS will be notified, and their recommendations will be followed.

6.6. Following the completion of the Screening for AA it was concluded that the project could have a significant effect on three Natura 2000 sites:

- Castlemaine Harbour SAC
- Castlemaine Harbour SPA and
- Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC

6.7. However, provided the recommended mitigation measures are implemented in full it is not expected that the Refurbishment of Laune Bridge, Killorglin, Co. Kerry will result in any adverse residual impact on the Natura 2000 sites considered

6.8. 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, and they are summarised in the NIS. I am satisfied that the information is sufficient to allow for an appropriate assessment of the proposed development (see further analysis under Section 8. below).

7.0 Consultations

7.1. The application was circulated to the following bodies:

- Department of Communications, Climate Action and Environment
- Department of Culture, Heritage and the Gaeltacht
- Department of Housing, Local Government and Heritage
- Department of Agriculture, Food and Marine
- Inland Fisheries Ireland
- Irish Water
- The Heritage Council
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce
- Transport infrastructure Ireland

Responses were received from the Department of Housing, Local Government and Heritage and Transport Infrastructure Ireland.

7.2. **Department of Housing, Local Government and the Gaeltacht** – received 16th March 2022:

Underwater Archaeology

- The riverine area of the proposed development is within a concentration of recorded monuments, five of which occur within c. 500m. These monuments

are subject to statutory protection in the Record of Monuments and Places established under Section 12 of the National Monuments (Amendment) Act 1930 (as amended). The proposed development area is located upstream of the find spot of the 11th Century Laune Crozier, which was recovered from the river near Beaufort Bridge in 1867. A number of wrecks are also recorded from the nearby Dingle Bay.

- It is noted that in stream works will be required to undertake a portion of the project works. In light of this the Department recommends the inclusion of a number of conditions, these are summarised as follows:
 - Mitigation to be included as per the submitted Architectural and Archaeological Assessment Report (date is January 2022).
 - The services of a suitably qualified and suitably experienced archaeologist shall be engaged to carry out archaeological monitoring of all enabling works, site investigation and all ground disturbance within the river associated with construction works. Archaeological monitoring shall be licensed by the Department of Housing, Local Government and Heritage and a detailed message statement shall accompany the license application. Dive survey and metal detection licenses shall also be required to facilitate in stream investigations if required during monitoring works. The communication strategy is to form part of the monitoring works to ensure full communication is in place between the monitoring archaeologist and the plant operators at all times during works. Should potential archaeology be identified during the works then the construction works shall be suspended in the affected location in order to facilitate further assessment by the monitoring archaeologist and the NMS section of the Department should be notified.

7.3. Transport Infrastructure Ireland – received 03rd March 2022:

- No specific observations to make in relation to the proposal.

7.4. Public Submissions:

- No public submissions were received.

8.0 Assessment

8.1. Under the provisions of Section 177AE (6) of the Planning and Development Act, 2000 (as amended), the Board is required to consider the following in respect of this type of application:

- The likely consequences for the proper planning and sustainable development of the area;
- The likely effects on the environment; and
- The likely impact on any European sites

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

8.2.1 As outlined above consent is sought by Kerry County Council for repair works to the Laune Bridge. It is stated within the information provided that Laune Bridge has been identified as being in need of refurbishment works in order to safeguard the structure and allow continued accessibility and that this is to be achieved in a manner which has taken account of the environmental sensitivities in the area. As part of the works necessary concrete repair is required to the scour apron and skirts around the right-hand abutment and pier 7. The works will also include complete reconstruction of the upstream cutwater of pier 4, including installation of a concrete foundation, as well as grouting below the base of piers 4, 5, 6 and 7.

8.2.2 Given that the bridge is the primary access point to the Iveragh Peninsula west of Killarney, the Council contends that this river crossing point is of strategic importance to the County and in particular to the communities and the economy of the Iveragh Peninsula and also highlight that as a measure of its importance the land use plans for the area support the provision of a second crossing point and a bypass of Killorglin. The bridge also provides a tourist function in that the route which passes over the bridge forms part of the Wild Atlantic Way. The works are required to protect the structural integrity of the bridge, which carries the N70, national secondary route. The bridge is of strategic importance in terms of the county's road infrastructure, and the proposal will ensure that its safety and integrity is maintained. The proposed development is wholly in accordance with the policies and objectives of the plan in

terms of the provision of sustainable infrastructure and supporting improvements to the national road network.

- 8.2.3 The bridge is described as a landmark structure in the area and forms a scenic entrance to Killorglin Town from the east and is included as a protected structure in the current Kerry County Development Plan (Killorglin Bridge RPS Ref. No. 21400702). The Council state that the sensitive design and approach to the proposed development has been informed by the desire to safeguard the character of the bridge while allowing for its refurbishment in a manner compatible with environmental and heritage protection. It is the policy of the Council as set out in the Kerry County Development Plan (Policy KCDP 8-40 and KCDP 8-41) to carry out conservation-led repair and rejuvenation of protected structures and to ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting including designed landscape features and views, is compatible with the special character of that structure. The principle of the proposed works is therefore in accordance with the requirements of the Development Plan for the area.
- 8.2.4 In addition to the above the bridge is listed in the National Inventory of Architectural Heritage (NIAH, Ref: 21400702) where it is given a rating of 'Regional' importance under the categories of 'Architectural, Artistic, Historical and Technical'. The proposed repair works are minor and will not materially alter the fabric, integrity or overall appearance of the bridge or its setting. Repairs are necessary to maintain the appearance of the bridge in good order as well as for the safety of users.
- 8.2.5 The submitted Architectural & Archaeological Assessment states that in the context of the essential infrastructure that Laune Bridge provides in this region, as well as the architectural, artistic and technical merits of the bridge, the proposed interventions are essential to safeguard the long-term survival of the structure and that without these interventions the longevity of the bridge cannot be guaranteed. I note the submission received from the Department which recommends conditions which should be included in any approval. I consider that these are reasonable to ensure the integrity of the protected structure and any potential surrounding underwater archaeology is protected.

8.2.6 Having examined the proposal I considered that the proposed works will complement the visual appearance of the structure and will not result in an adverse visual impact or unduly alter its character. Given the nature of the works and the use of the surrounding lands I am satisfied that visual impacts will not arise.

8.2.7 Having regard to the Architectural and Archaeological Assessment submitted and to the nature of the proposal, it is considered that the proposed works will be beneficial in terms of safeguarding the future of the bridge and are not likely to adversely impact the archaeological or architectural heritage of the area. Therefore, I consider that the development is acceptable in principle and accords with the objectives and policies of both the operative County Development Plan in terms of the protection of architectural and historical assets and also the continuance of safe and convenient access to the town of Killorglin and the surrounding area, including access to tourist attractions. Having regard to the foregoing I consider 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 While there is no requirement to carry out an EIA screening exercise for Section 177AE cases, Kerry County Council have submitted an EIA Screening Report in which the likely effects of the environment are examined. The need for an EIAR was considered within this report and was excluded on the basis that the proposed works would not introduce any new or additional effects of a significant or adverse nature such as to have a significant effect on the environment or warrant an EIA. I have examined the proposed development in relation to Schedule 5 of the Planning and Development Regulations and I am satisfied that the proposed works are not of a class for the purpose of EIAR and as such I do not consider an EIAR to be required in this instance. Regard was had to the criteria set out in Schedule 7 and Schedule 7(a) of the Planning and Development Regulations 2001, as amended, and I would note the following from the information submitted:

8.3.2 I note that the proposed works will involve the removal of vegetation which has grown on the sides of the bridge. The removal of such vegetation has the potential to dislodge material from the structure and impact the water quality of the river below. In addition, there is the potential risk of herbicide entering the water from vegetation

clearance operations through runoff from excess application and fall off of sprayed vegetation. Also, as part of the proposed works a new reinforced concrete foundation will be installed beneath the upstream cutwater of pier 4 before it is rebuilt. This will involve excavating 500mm below bed level, installing formwork and reinforcement. A concrete pump set up at road level will pump concrete into the new foundation and it is stated in the submitted information that this work will be carried out in conjunction with barrier damming and that same will not be carried out if there is a risk of the dry works area being inundated. Any works involving masonry repair, repointing or concrete scour repair are also to be carried out in conjunction with barrier damming. As the river is tidal, the dammed area maybe inundated during spring tides. In this scenario, the dry works will be cleaned in advance of high tide and work will be suspended. Once water levels have receded, water within the dammed area will be pumped out into a bunded area and works will recommence. I note that approximately 50m³ of cementitious grout will be required for grouting of the ground beneath the piers 4, 5, 6 and 7. Spotters will be employed to monitor the river during grouting operations to watch for grout escaping to the river. A bowser positioned downstream of the pier being grouted will be used to remove any contaminated water. Approximately 50m³ of limestone riprap is also to be placed in their stead to provide scour protection to the piers. The riprap will be cleaned before installation.

8.3.3 The proposed in-stream works have the potential to result in the release of sediment and other pollutants to the river. The construction stage may also cause temporary disturbance to wildlife and the spread of invasive species. The issues arising from the works proposed within the SAC on water dependent habitats and key species of conservation interest are dealt with in the NIS and is considered in more detail below. I note for instance that in order to avoid the times of migration of salmon smolts, the submitted NIS states that works should be carried out in the period July to September, inclusive. The proposed construction works, and the timing of instream works will be agreed with Inland Fisheries Ireland (IFI) prior to the commencement of works. The mitigation measures proposed including the CEMP are considered sufficient to ensure there is no significant negative impact and I agree with the conclusion reached that the proposed development would not be likely to have significant effects on the environment and an EIAR is not required.

- 8.3.4 I also note that the hydrological regime will not be altered as a result of this proposal and that the bridge structure lacks deep crevices, over the water line, favoured by bats. I have reviewed the process proposed for the phased installation of dams within the river and I am satisfied that significant changes to the velocity and flows of the river will not arise given the size of the areas to be dammed and the time of year in which works are to be carried out.
- 8.3.5 A site compound will be required for the successful contractor to undertake the works. This submitted documents state that this will be situated nearby, away from the works area and at a minimum distance of 25m from the River Laune. The applicant has indicated in their NIS that a car parking area to the northeast of the bridge should be sought for this purpose as it allows for river access and has been recently disturbed. While I acknowledge that the works are likely to cause disturbance to road users and traffic management measures are likely to be required, due to the temporary nature and short duration of the works these impacts are not expected to be significant.
- 8.3.6 The submitted EIA Screening states that there are a number of cultural heritage assets within the 1 km of the proposed development site including Church, Castle tower house, Graveyard, Cross-inscribed stone, Ringfort rath, Souterrain. As discussed previously under Section 8.2.3 above the bridge is listed as a protected structure under the operative County Development Plan and I am satisfied that the proposed works are relatively minor in nature and will have no adverse physical or visual impact on the appearance or historical structure of the bridge. In relation to possible archaeological impacts, I note that the localised drying of the working area by an aqua-dam and sandbags is to be subject to archaeological supervision and examination of the dried-out area of riverbed by an archaeologist before the taking-down of the cutwater stonework and requisite excavation of the foundation trench is also proposed. As stated previously and detailed under Section 7 of this report, a submission has been received from the Department of Housing, Local Government and Heritage in which it is acknowledged that in stream works will be required for a portion of the project works. In light of this the Department has recommended that 2 no. conditions in relation to Underwater Archeology and Impact Assessment are attached to any grant of permission, these conditions refer to the recommendations for mitigation as contained in the submitted Architectural and Archaeological

Assessment Report (dated January 2022). I note the submission received from the Department and consider these measures reasonable.

8.3.7 Given the location and scale of the proposed works, I am satisfied that any impacts arising from construction related activity in terms of noise and disturbance will be short term and can be adequately controlled in terms of construction hours in order to protect the amenity of nearby properties, and are therefore not considered to be significant.

8.3.8 In relation to potential cumulative impacts the submitted EIA Screening report considered the possibility that impacts may occur as a result of numerous projects within the vicinity being constructed at the same time. The EIA Screening refers to the results of a planning search but does not outline the details of same. Having carried out a search on Kerry County Councils planning enquiry system and following an examination of the results I am satisfied that any recently approved developments are either located a sufficient distance from the proposed bridge works or are of such a minor scale that they would not be expected to cause any significant cumulative effects.

8.3.9 Having regard to the characteristics and location of the proposed development and the type and characteristics of potential impacts as described above, I accept the conclusion reached by the planning authority that the bridge works as proposed are not likely to give rise to significant environmental impacts to warrant EIA. I am therefore satisfied that the proposed development will not give rise to any significant environmental impacts and I consider the proposed development to be acceptable in this regard. Impacts in relation to the qualifying interests of the surrounding Natura 2000 sites in particular the Castlemaine Harbour SAC (000343), Castlemaine Harbour SPA (004029) and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365) will be examined within the following Appropriate Assessment Section.

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

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

8.4.1 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.

The Natura Impact Statement

8.4.2 The application was accompanied by an NIS which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within several 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.

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

- A desk top study, which included an examination of aerial photography, maps, various databases including those of the National Parks and Wildlife Service (NPWS), National Biodiversity Data Centre (NBDC) (on-line map-viewer), BirdWatch Ireland, Teagasc soil area maps (NBDC website), Geological Survey Ireland (GSI) area maps, the Environmental Protection Agency (EPA) water quality data, South Western River Basin District (SWRBD) datasets (Water Framework Directive) and Myplan.ie.
- Field surveys of the proposal site and surroundings undertaken on 2nd December 2020 and 21st August 2021. As part of the surveys a targeted otter survey and a stage 1 survey for freshwater pearl mussel (FPM) *Margaritifera*

margaritifera was undertaken on the 21st August 2021 under licence from NPWS (No. C47/2021). A presence / absence survey for juvenile lampreys was also undertaken in soft substrates downstream of the two piers using agitation sampling.

- Consultations with the National Parks and Wildlife Service.

8.4.4 The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, it is not expected that significant impacts will result to the qualifying features identified for appraisal in the NIS and thus it is not expected that the proposal will have an adverse impact on Natura 2000 sites.

8.4.5 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. Details of mitigation measures are provided, and they are summarised in Section 7 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

Appropriate Assessment

8.4.6 I consider that the proposed development which consists of repair works to the Laune Bridge consisting of but not limited to vegetation clearance, masonry repointing, grouting of piers, grouting of foundations and replacement of scour protection is not directly connected with or necessary to the management of any European site.

8.4.7 Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, the following European Sites outlined under Table 8.1 below 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.

Table 8.1 European sites considered for Stage 1 Screening:

European site (SAC/SPA)	Qualifying Interests	Distance from site boundary	Rationale for screening in/out
Castlemaine Harbour SAC (Site Code: 000343)	1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1220 Perennial vegetation of stony banks 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 2170 Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) 2190 Humid dune slacks 91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>)* 1095 Sea Lamprey <i>Petromyzon marinus</i> 1099 River Lamprey <i>Lampetra fluviatilis</i> 1106 Salmon <i>Salmo salar</i> 1355 Otter <i>Lutra lutra</i> 1395 Petalwort <i>Petalophyllum ralfsii</i>	Proposed works within the designated site.	<p>In - Direct impacts on fluvial habitats used by aquatic conservation interests, including juvenile lamprey habitat that would be directly affected. This may contravene the 'Availability of juvenile habitat' conservation objective for the site, as juvenile lampreys are known to occur in waters classified as transitional. There is also potential for indirect water quality impacts on the sensitive aquatic species salmon and otter, which could affect 'Salmon fry abundance' and fish biomass available' conservation objectives for these conservation interests, respectively.</p> <p>Indirect water quality impacts may also occur as a result of the development on downstream habitats and sensitive aquatic species.</p>

Table 8.1 European sites considered for Stage 1 Screening:

European site (SAC/SPA)	Qualifying Interests	Distance from site boundary	Rationale for screening in/out
Castlemaine Harbour SPA (Site Code: 004029)	A001 Red-throated Diver <i>Gavia stellata</i> A017 Cormorant <i>Phalacrocorax carbo</i> A046 Light-bellied Brent Goose <i>Branta bernicla hrota</i> A050 Wigeon <i>Anas penelope</i> A053 Mallard <i>Anas platyrhynchos</i> A054 Pintail <i>Anas acuta</i> A062 Scaup <i>Aythya marila</i> A065 Common Scoter <i>Melanitta nigra</i> A130 Oystercatcher <i>Haematopus ostralegus</i> A137 Ringed Plover <i>Charadrius hiaticula</i> A144 Sanderling <i>Calidris alba</i> A157 Bar-tailed Godwit <i>Limosa lapponica</i> A162 Redshank <i>Tringa totanus</i> A164 Greenshank <i>Tringa nebularia</i> A169 Turnstone <i>Arenaria interpres</i> A346 Chough <i>Pyrrhocorax pyrrhocorax</i>	1.2km Southwest of proposed site.	In - Indirect water quality impacts on sensitive aquatic species and resultant displacement impacts on birds, affecting the conservation objective 'distribution'.

Table 8.1 European sites considered for Stage 1 Screening:

European site (SAC/SPA)	Qualifying Interests	Distance from site boundary	Rationale for screening in/out
	A999 Wetlands & Waterbirds		
Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365)	1024 Kerry Slug <i>Geomalacus maculosus</i> 1029 Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> 1065 Marsh Fritillary <i>Euphydryas aurinia</i> 1095 Sea Lamprey <i>Petromyzon marinus</i> 1096 Brook Lamprey <i>Lampetra planeri</i> 1099 River Lamprey <i>Lampetra fluviatilis</i> 1106 Salmon <i>Salmo salar</i> 1303 Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i> 1355 Otter <i>Lutra lutra</i> 1421 Killarney Fern <i>Trichomanes speciosum</i> 1833 Slender Naiad <i>Najas flexilis</i> 3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>)	5.4km to the Northeast of the proposed site.	In - The proposed works are located near the mouth of the River Laune, on a reach of river used by migratory fish ascending/descending from Lough Leane within the SAC. Any impacts on salmon and lampreys at Killorglin could affect conservation objectives, as these fish may be associated with the waterbodies within the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC.

Table 8.1 European sites considered for Stage 1 Screening:

European site (SAC/SPA)	Qualifying Interests	Distance from site boundary	Rationale for screening in/out
	<p>3130 Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i></p> <p>3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation</p> <p>4010 Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>4030 European dry heaths</p> <p>4060 Alpine and Boreal heaths</p> <p>5046 Killarney Shad Alosa <i>fallax killarnensis</i></p> <p>5130 <i>Juniperus communis</i> formations on heaths or calcareous grasslands</p> <p>6130 <i>Calaminarian</i> grasslands of the <i>Violetalia calaminariae</i></p> <p>6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)</p> <p>7130 Blanket bogs (* if active bog)</p> <p>7150 Depressions on peat substrates of the <i>Rhynchosporion</i></p>		

Table 8.1 European sites considered for Stage 1 Screening:

European site (SAC/SPA)	Qualifying Interests	Distance from site boundary	Rationale for screening in/out
	<p>91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)*</p> <p>91J0 <i>Taxus baccata</i> woods of the British Isles*</p>		
<p>Lough Yganavan and Lough Nambrackdarrig (Site Code: 000370)</p>	<p>2150 Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>)*</p> <p>3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>)</p> <p>1024 Kerry Slug <i>Geomalacus maculosus</i></p>	<p>5.8km East of the proposed site.</p>	<p>Out - No source-receptor pathway between the project site and this Natura 2000 site has been identified. This site is hydrologically isolated from the proposed works site.</p>
<p>Slieve Mish Mountains SAC (Site Code: 002185)</p>	<p>4010 Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>4030 European dry heaths</p> <p>4060 Alpine and Boreal heaths</p> <p>7130 Blanket bogs (* if active bog)</p> <p>8110 Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p>	<p>7.8km South of the proposed site.</p>	<p>Out - The conservation interests of this site are terrestrial and occur at a considerable distance from Killorglin. This site is therefore outside the zone of influence of the proposed development.</p>

Table 8.1 European sites considered for Stage 1 Screening:

European site (SAC/SPA)	Qualifying Interests	Distance from site boundary	Rationale for screening in/out
	8210 Calcareous rocky slopes with <i>chasmophytic</i> vegetation 8220 Siliceous rocky slopes with <i>chasmophytic</i> vegetation 1421 Killarney Fern <i>Trichomanes speciosum</i>		
Killarney National Park SPA (Site Code: 004038)	A098 Merlin <i>Falco columbarius</i> A395 Greenland White-fronted Goose <i>Anser albifrons flavirostris</i>	13.8km Northwest of the proposed site.	Out - The proposed works are in part of the Laune River downstream of the SPA and the habitats used by avifauna in the SPA, so there would be no impacts associated with indirect habitat deterioration through water quality impacts. Owing to the considerable distance between the proposed works and the SPA, there are no reasonably foreseeable potential adverse effects through disturbance/displacement.

8.4.8 Based on my examination of the NIS report and supporting information (including the submitted AA Screening Report, Planning Report, Drawings and CEMP), 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, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for three of the six European sites referred to above, namely the Castlemaine Harbour SAC (000343), Castlemaine Harbour SPA (004029) and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365).

8.4.9 The remaining three sites can be screened out from further assessment due to the zone of influence of the proposed works, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying Interests and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. 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 Site No(s) 000370, 002185 and 004038 in view of these sites conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites. No measures designed or intended to avoid or reduce any harmful effects on a European Site have been relied upon in this screening exercise.

Relevant European sites:

8.4.10 The Conservation Objectives and Qualifying Interests/Special Conservation interests, including any relevant attributes and targets for these sites, are set out below.

Castlemaine Harbour SAC (Site Code: 000343)

8.4.11 The site is described in the synopsis as a large site (8683ha) located on the south-east corner of the Dingle Peninsula, Co. Kerry. It consists of the whole inner section of Dingle Bay, i.e. Castlemaine Harbour, the spits of Inch and White Strand/Rosbehy and a little of the coastline to the west. The River Maine, almost to Castlemaine, and

much of the River Laune catchment, including the Gaddagh, Gweestion, Glanooragh, Cottoner's River and the River Loe, are also included within the site.

- 8.4.12 The rivers and their associated habitats also make up a considerable portion of the site. These associated habitats include wet grassland, woodland, scrub and bog/heath. In the valley up-river of Killorglin, is an interesting area of alluvial wet woodland, dominated by Alder (*Alnus glutinosa*) and willows (*Salix* spp.).
- 8.4.13 This SAC is designated for fourteen qualifying interest habitats and five qualifying interest species, all of which are listed in Table 8.2 below. Site-specific conservation objectives have been published for the site which is to maintain/restore the favourable conservation condition of the habitats/species for which the site is selected.
- 8.4.14 The primary threats to the SAC include marine/freshwater aquaculture, human intrusion and disturbance, particularly within the SAC's dune systems, land reclamation in the form of infilling wetland areas, and increased urbanisation around Castlemaine Harbour.
- 8.4.15 Details of the qualifying interests of the SAC and their Conservation Objectives are set out below, with those with the potential to be impacted by the proposed development highlighted (in bold). The Conservation Objective is either to restore (R) or maintain (M) the favourable conservation condition of the qualifying interest feature. Where potential impacts on listed qualifying interests are considered possible these are also detailed in the table.

Table 8.2 - Castlemaine Harbour SAC (Site Code: 000343)

Qualifying Interests and Conservation Objective (R or M)	Potential for Significant Effect
Estuaries [1130] (M)	Yes - It is noted that the fluvial habitats at the bridge are typical of a freshwater river, however some saline intrusion is probable when spring tides and low river flow coincide. This seaward habitat of this estuary likely comprises a mosaic of other Annex I habitats dominated by species indicative of estuarine conditions such as saltmarshes, mudflats and sandflats. The reach of the River Laune that overlaps with the project site comprises this habitat. Estuaries support a diverse range of plant and

Table 8.2 - Castlemaine Harbour SAC (Site Code: 000343)

Qualifying Interests and Conservation Objective (R or M)	Potential for Significant Effect
	<p>animal species dependent on good water quality for optimum ecological functioning. The construction phase of the project could potentially result in sediment release and deposit of silt in the main channel. Therefore there is potential for direct and indirect ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this qualifying interest habitat and associated dependent species related to the estuarine habitat further downstream.</p>
<p>Mudflats and sandflats not covered by seawater at low tide [1140] (M)</p>	<p>Yes - Much of the SAC comprises this habitat and occurs from just inside the mouth of the River Laune, c. 3.6km downstream of the project site, and extends into Castlemaine Harbour.</p> <p>Given the proximity of this habitat to the project site, there is potential for ecological impacts through water quality deterioration arising from the proposed remedial works and there is potential for significant effects to this habitat. A reduction in water quality at the proposed works site could result in indirect significant impacts to these habitats downstream.</p>
<p>Annual vegetation of drift lines [1210] (M)</p>	<p>No - This habitat has been documented in proximity to the spits of Inch and Rosbehy, at the periphery of Castlemaine Harbour. It occurs on sandy, shingle or stony substrate at the upper part of the strand, around the high tide mark. Given the distance of this habitat from the project site and its position above the high tide mark, potential significant effects to the habitat are not anticipated.</p>
<p>Perennial vegetation of stony banks [1220] (M)</p>	<p>No - This coastal habitat has been documented on the west edge of Cromane spit and is found above the high tide mark on beaches comprised of shingle. Given the distance of this habitat from the project site and its position above the high tide mark, potential significant effects to the habitat are not anticipated.</p>
<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] –</p>	<p>No - This habitat is likely to occur west of Inch. There is no information available on the conservation objectives for this habitat within the SAC. This habitat is found above the high tide mark; therefore, a source-pathway-</p>

Table 8.2 - Castlemaine Harbour SAC (Site Code: 000343)

Qualifying Interests and Conservation Objective (R or M)	Potential for Significant Effect
<p>Conservation Objective not stated within 2011 document - Site specific cons obj (npws.ie)</p>	<p>receptor link does not connect it to the project site. Thus, potential significant effects to the habitat are not anticipated.</p>
<p>Salicornia and other annuals colonising mud and sand [1310] (M)</p>	<p>Yes - This habitat is likely to occur in mosaic with estuarine habitats within Castlemaine Harbour and has been documented in proximity to the mouth of the River Laune. There is potential for direct and indirect ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this qualifying interest habitat. A reduction in water quality at the proposed works site could result in indirect significant impacts to these habitats downstream.</p>
<p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) (M)</p>	<p>Yes - This habitat is likely to occur in mosaic with estuarine habitats within Castlemaine Harbour and has been documented in proximity to the mouth of the River Laune. There is potential for direct and indirect ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this qualifying interest of this habitat downstream.</p>
<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] (M)</p>	<p>Yes - This habitat is likely to occur in mosaic with estuarine habitats within Castlemaine Harbour and has been documented in proximity to the mouth of the River Laune. There is potential for direct and indirect ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this qualifying interest habitat downstream.</p>
<p>Embryonic shifting dunes [2110] (M)</p>	<p>No - Due to the dynamic nature of this habitat, its extent within the SAC is not known. However, it has been documented along the western edges of both Inch and Rosbehy spits, in mosaic with other Annex I dune systems. This habitat is found above the high tide mark; therefore, a source-pathway-receptor link does not connect it to the project site. Thus, potential significant effects to the habitat are not anticipated.</p>

Table 8.2 - Castlemaine Harbour SAC (Site Code: 000343)

Qualifying Interests and Conservation Objective (R or M)	Potential for Significant Effect
Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] (M)	No - This habitat is found above the high tide mark; therefore, a source-pathway-receptor link does not connect it to the project site. Thus, potential significant effects to the habitat are not anticipated.
Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] (R)	No - This habitat is found above the high tide mark; therefore, a source-pathway-receptor link does not connect it to the project site. Thus, potential significant effects to the habitat are not anticipated
Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] (M)	No - This habitat is found above the high tide mark; therefore, a source-pathway-receptor link does not connect it to the project site. Thus, potential significant effects to the habitat are not anticipated.
Humid dune slacks [2190] (M)	No - This habitat is found above the high tide mark; therefore, a source-pathway-receptor link does not connect it to the project site. Thus, potential significant effects to the habitat are not anticipated.
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] (R)	No - Although the extent of this habitat within the SAC is not known an area comprising this habitat has been mapped c. 130m upstream of the project site. The project site does not overlap with and exists downstream of the nearest area containing this habitat. Therefore, potential significant effects to this habitat as a result of the proposed works are not anticipated.
<i>Petromyzon marinus</i> (Sea Lamprey) [1095] (M)	Yes - The River Laune Catchment is known to comprise of significant spawning habitat for Sea and River lamprey species and provides a migration corridor to the sea for adult Sea Lamprey. The proposed remedial works could result in water quality deterioration and could potentially result in a physical barrier to migration. Direct contact with grout and concrete wastewater is particularly damaging to this species. Discharge of polluting substances to the River Laune could result in a significant impact to lamprey ammocoetes contained in local silt and sand beds. Therefore, this species is

Table 8.2 - Castlemaine Harbour SAC (Site Code: 000343)

Qualifying Interests and Conservation Objective (R or M)	Potential for Significant Effect
	considered to be within the zone of influence of the proposed works and there is potential for significant effects to the species.
<i>Lampetra fluviatilis</i> (River Lamprey) [1099] (M)	Yes - The River Laune Catchment is known to comprise of significant spawning habitat for Sea and River lamprey species. It is likely that adult River Lamprey migrate from the River Laune to the estuarine habitats within Castlemaine Harbour to feed. The proposed remedial works could result in water quality deterioration and could potentially result in a physical barrier to migration. Direct contact with grout and concrete wastewater is particularly damaging to this species. Discharge of polluting substances to the River Laune could result in a significant impact to lamprey ammocoetes contained in local silt and sand beds. Removal of cobbles and the replacement with riprap from scour depressions has the potential to result in habitat alteration impacts to transformer and adult river lampreys. Therefore, this species is considered to be within the zone of influence of the proposed works and there is potential for significant effects to the species.
<i>Salmo salar</i> (Salmon) [1106] (M)	Yes - The River Laune Catchment is considered to be an important Salmon system with nurseries, riffle pools and glides found throughout the catchment. It is likely that adult salmon utilise the River Laune for migration purposes. The proposed remedial works could result in water quality deterioration and could potentially result in a physical barrier to migration. Direct contact with grout and concrete wastewater is particularly damaging to this species. Removal of cobbles and the replacement with riprap from scour depressions has the potential to result in habitat alteration impacts to juvenile salmon within the footprint of the proposed works. Therefore, this species is considered to be within the zone of influence of the proposed works and there is potential for significant effects to the species.
<i>Lutra lutra</i> (Otter) [1355] (R)	Yes - The complete distribution of this species within the SAC has not been mapped. However, this species is known to occur along the coastline of the SAC and the River Laune Catchment, including both terrestrial and freshwater habitats, is significant habitat for this species. There is potential for ecological impacts associated with water quality deterioration arising

Table 8.2 - Castlemaine Harbour SAC (Site Code: 000343)	
Qualifying Interests and Conservation Objective (R or M)	Potential for Significant Effect
	from the proposed works which could significantly affect the conservation objectives of this qualifying interest species.
<i>Petalophyllum ralfsii</i> (Petalwort) [1395] (M)	No - Although the complete distribution of this species within the SAC is not known., this species is associated with habitats found above the high tide mark; therefore, potential significant effects to this species are not anticipated.

Castlemaine Harbour SPA (Site Code: 004029)

- 8.4.16 Castlemaine Harbour SPA is a designated Natura 2000 site comprising a large coastal site, extending from the lower tidal reaches of the River Maine and River Laune to west of the Inch and Rosbehy peninsulas (c. 16 km from east to west). The site comprises the estuaries of the River Maine and the River Laune including the extensive areas of intertidal sand and mud flats. Salt marsh habitat fringes much of the shoreline within the site and a dune systems occur on both Inch and White Strand/Rosbehy spits. A substantial area of shallow marine water is included in the site.
- 8.4.17 The SPA is designated for sixteen species of waterbirds, listed in Table 8.3 below, that utilise the habitats within the SPA for foraging and roosting purposes. Castlemaine Harbour is considered to be one of the most important sites for wintering waterbirds in the south-west of Ireland.
- 8.4.18 The primary threats to the SPA include the introduction of invasive non-native species and marine/freshwater aquaculture.

Table 8.3 - Castlemaine Harbour SPA (Site Code: 004029)

Qualifying Interests and Conservation Objective (R or M)	Potential for Significant Effect
A001 Red-throated Diver <i>Gavia stellata</i> (M)	Yes - There is potential for ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this species
A017 Cormorant <i>Phalacrocorax carbo</i> (M)	Yes - There is potential for ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this species.
A046 Light-bellied Brent Goose <i>Branta bernicla hrota</i> (M)	Yes - There is potential for ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this species.
A050 Wigeon <i>Anas penelope</i> (M)	Yes - There is potential for ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this species.
A053 Mallard <i>Anas platyrhynchos</i> (M)	Yes - There is potential for ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this species.
A054 Pintail <i>Anas acuta</i> (M)	Yes - There is potential for ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this species.
A062 Scaup <i>Aythya marila</i> (M)	Yes - There is potential for ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this species
A065 Common Scoter <i>Melanitta nigra</i> (M)	Yes - There is potential for ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this species
A130 Oystercatcher <i>Haematopus ostralegus</i> (M)	Yes - There is potential for ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this species

Table 8.3 - Castlemaine Harbour SPA (Site Code: 004029)

Qualifying Interests and Conservation Objective (R or M)	Potential for Significant Effect
A137 Ringed Plover <i>Charadrius hiaticula</i> (M)	Yes - There is potential for ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this species
A144 Sanderling <i>Calidris alba</i> (M)	Yes - There is potential for ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this species
A157 Bar-tailed Godwit <i>Limosa lapponica</i> (M)	Yes - There is potential for ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this species
A162 Redshank <i>Tringa totanus</i> (M)	Yes - There is potential for ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this species
A164 Greenshank <i>Tringa nebularia</i> (M)	Yes - There is potential for ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this species
A169 Turnstone <i>Arenaria interpres</i> (M)	Yes - There is potential for ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this species
A346 Chough <i>Pyrrhocorax pyrrhocorax</i> (M)	Yes - There is potential for ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the conservation objectives of this species
A999 Wetlands & Waterbirds (M)	Yes - There is potential for water quality deterioration arising from the proposed refurbishment works, which could potentially result in significant indirect impacts to this qualifying feature of the SPA.

Killarney National Park, Macgillicuddy’s Reeks and Caragh River Catchment SAC (Site Code: 000365)

- 8.4.19 This designated Natura 2000 site encompasses the mountains, rivers and lakes of the Iveragh Peninsula and the Paps Mountains, stretching eastward from Killarney towards Millstreet. The majority of this large 76445ha site is in Co. Kerry, with a small portion in Co. Cork. This SAC overlaps with Killarney National Park SPA (004038) and Iveragh Peninsula SPA (004154) and is adjacent to Ballinskelligs Bay and Inny Estuary SAC (000335), Castlemaine Harbour SAC (000343), Castlemaine Harbour SPA (004029), Blackwater River (Cork/Waterford) SAC (002170) and Blackwater River (Kerry) SAC (002173).
- 8.4.20 This SAC is designated for a diverse range of 14 qualifying interest habitats (See Table 8.4 below). There are a number of river catchments associated with this SAC, including the River Flesk which supports floating and submerged river vegetation and discharges to Lough Leane. The SAC is also designated for 12 qualifying interest species including Lesser horseshoe bat, Kerry slug and a range of aquatic species (See Table 8.4 below).
- 8.4.21 The primary threats to the SAC include the introduction of invasive non-native species, peat harvesting, conifer forestry practices, and agricultural impacts such as livestock grazing and nutrient run-off.

Table 8.4 - Killarney National Park, Macgillicuddy’s Reeks and Caragh River Catchment SAC (Site Code: 000365)	
Qualifying Interests and Conservation Objective (R or M)	Potential for Significant Effect
Kerry Slug <i>Geomalacus maculosus</i> [1024] (M)	No - Given the habitat preference of this species and the lack of a hydrological connection linking this species to the proposed works, it was determined that a source-pathway-receptor link does not exist between the proposed works and this particular species. Therefore, potential significant effects to the species are not anticipated.

Table 8.4 - Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365)	
Qualifying Interests and Conservation Objective (R or M)	Potential for Significant Effect
Freshwater Pearl Mussel <i>Margaritifera Margaritifera</i> (R) [1029]	No - Given the location of the catchments to which the COs apply to, in the context of the project site, a source-pathway-receptor link does not exist between the proposed works and this particular species. In addition, I note that no evidence of FWPM was found during the specialist surveys conducted in August 2021. Therefore, potential significant effects to this qualifying interest species are not anticipated.
1065 Marsh Fritillary <i>Euphydryas aurinia</i> [1065] (R)	No - the total current distribution of this species within the SAC is unknown with one colony recorded within the SAC to date, c. 20km southeast of the project site. A source-pathway-receptor link does not exist between the proposed works and this particular species. Therefore, potential significant effects to the species are not anticipated.
Sea Lamprey <i>Petromyzon marinus</i> [1095] (M)	Yes – This lamprey species has been recorded in the lakes associated with this SAC and Sea Lamprey likely utilise the River Laune for migration purposes. The proposed remedial works could result in water quality deterioration and could potentially result in a physical barrier to migration. While the project site is outside the SAC, such potential impacts could affect the SAC's conservation objectives for this species. Therefore, this species is considered to be within the zone of influence of the proposed works and there is potential for significant effects to the species.
Brook Lamprey <i>Lampetra planeri</i> (M) [1096]	No - This lamprey species is likely to be associated with the upper reaches of the River Laune Catchment, upstream of the project site as they undergo more localised migrations than the other two Lamprey species. Therefore, significant impacts to the conservation objectives of this SAC's qualifying interest species are not anticipated.
River Lamprey <i>Lampetra fluviatilis</i> [1099] (M)	Yes - This lamprey species has been recorded in the lakes associated with this SAC and likely utilise the River Laune for migration purposes. The proposed remedial works could result in water quality deterioration and could potentially result in a physical barrier to migration. While the project site is outside the SAC, such potential impacts could affect the SAC's

Table 8.4 - Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365)	
Qualifying Interests and Conservation Objective (R or M)	Potential for Significant Effect
	conservation objectives for this species. Therefore, this species is considered to be within the zone of influence of the proposed works and there is potential for significant effects to the species.
Salmon <i>Salmo salar</i> [1106] (M)	Yes - It is likely that this species will utilise River Laune for migration purposes. The proposed remedial works could result in water quality deterioration and could potentially result in a physical barrier to migration. While the project site is outside the SAC, such impacts could affect the SAC's conservation objectives for this species. Therefore, this species is considered to be within the zone of influence of the proposed works and there is potential for significant effects to the species.
Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i> [1303] (M)	No - The project site is a minimum distance of c. 16km from the nearest known roost site (Bat Site Code: 615) for the SAC. Therefore, significant impacts to the conservation objectives of this SAC's qualifying interest species are not anticipated.
Otter <i>Lutra lutra</i> {1355} (M)	Yes - Otter is recorded as being widespread in the aquatic habitats of this SAC. This species is also a qualifying interest species of Castlemaine Harbour SAC. Lamprey and salmon are important prey species for Otter. The proposed remedial works could potentially impact on these prey species, ultimately impacting the prey biomass available to Otter. Therefore, this species is considered to be within the zone of influence of the proposed works and there is potential for significant effects to the species.
Killarney Fern <i>Trichomanes speciosum</i> [1421] (M)	No - A source-pathway-receptor link does not exist between the project site and this particular species. Therefore, potential significant effects to the species are not anticipated.
Slender Naiad <i>Najas flexilis</i> [1833] (M)	No - Given the location of suitable habitat for this species in the context of the project site, a source-pathway-receptor link does not exist between the

Table 8.4 - Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365)	
Qualifying Interests and Conservation Objective (R or M)	Potential for Significant Effect
	proposed works and this particular species. Therefore, potential significant effects to this qualifying interest species are not anticipated.
Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] (R)	No - Given the location of these habitats in the context of the project site, a source-pathway-receptor link does not exist between the proposed works and this particular habitat. Therefore, potential significant effects to this qualifying interest habitat are not anticipated.
Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130] (R)	No - Given the location of these habitats in the context of the project site, a source-pathway-receptor link does not exist between the proposed works and this particular habitat. Therefore, potential significant effects to this qualifying interest habitat are not anticipated
Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260] (M)	No - A source-pathway-receptor link does not exist between the proposed works and this particular habitat. Therefore, potential significant effects to the habitat are not anticipated.
Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] (R)	No - Given the distance from the project site and the lack of a hydrological connection, a source-pathway-receptor link does not exist between the proposed works and this particular habitat. Therefore, potential significant effects to the habitat are not anticipated.
European dry heaths [4030] (R)	No - Given the distance from the project site and the lack of a hydrological connection, a source-pathway-receptor link does not exist between the proposed works and this particular habitat. Therefore, potential significant effects to the habitat are not anticipated.

Table 8.4 - Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365)	
Qualifying Interests and Conservation Objective (R or M)	Potential for Significant Effect
Alpine and Boreal heaths [4060] (R)	No - Given the distance from the project site and the lack of a hydrological connection, a source-pathway-receptor link does not exist between the proposed works and this particular habitat. Therefore, potential significant effects to the habitat are not anticipated
Killarney Shad Alosa <i>fallax killarnensis</i> [5046] (R)	No - Given the location of suitable habitat for this species in the context of the project site, a source-pathway-receptor link does not exist between the proposed works and this particular species. Therefore, potential significant effects to this qualifying interest species are not anticipated.
<i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130] (M)	No - Given the distance from the project site and the lack of a hydrological connection, a source-pathway-receptor link does not exist between the proposed works and this particular habitat. Therefore, potential significant effects to the habitat are not anticipated.
<i>Calaminarian</i> grasslands of the <i>Violetalia calaminariae</i> [6130] (M)	No - Given the distance from the project site and the lack of a hydrological connection, a source-pathway-receptor link does not exist between the proposed works and this particular habitat. Therefore, potential significant effects to the habitat are not anticipated
<i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] (R)	No - Given the distance from the project site and the lack of a hydrological connection, a source-pathway-receptor link does not exist between the proposed works and this particular habitat. Therefore, potential significant effects to the habitat are not anticipated.
Blanket bogs (* if active bog) [7130] (R)	No - Given the distance from the project site and the lack of a hydrological connection, a source-pathway-receptor link does not exist between the proposed works and this particular habitat. Therefore, potential significant effects to the habitat are not anticipated.
Depressions on peat substrates of the <i>Rhynchosporion</i> [7150] (R)	No - Given the distance from the project site and the lack of a hydrological connection, a source-pathway-receptor link does not exist between the proposed works and this particular habitat. Therefore, potential significant effects to the habitat are not anticipated

Table 8.4 - Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365)	
Qualifying Interests and Conservation Objective (R or M)	Potential for Significant Effect
Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] (R)	No - Given the distance from the project site and the lack of a hydrological connection, a source-pathway-receptor link does not exist between the proposed works and this particular habitat. Therefore, potential significant effects to the habitat are not anticipated.
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>)* [91E0] (R)	No - Given the distance from the project site and the lack of a hydrological connection, a source-pathway-receptor link does not exist between the proposed works and this particular habitat. Therefore, potential significant effects to the habitat are not anticipated.
<i>Taxus baccata</i> woods of the British Isles* [91J0] (R)	No - Given the distance from the project site and the lack of a hydrological connection, a source-pathway-receptor link does not exist between the proposed works and this particular habitat. Therefore, potential significant effects to the habitat are not anticipated.

Assessment of Potentially Significant Effects

8.4.22 Having regard to the NIS submitted, the nature and scale of the proposed works and the location of the qualifying interests relative to the proposed works, I consider that those specific QIs/SCIs identified in bold in Tables 8.2, 8.3 and 8.4 above may be at risk of potential significant impact. The likelihood of significant effects to a Natura 2000 site from the project was determined based on a number of indicators including:

- Water quality deterioration and resource
- Habitat loss or alteration
- Disturbance and/or displacement of species
- Habitat or species fragmentation

These indicators are discussed in further detail overleaf:

Water quality deterioration and resources

8.4.23 The receiving environment of the proposed repair works at Laune Bridge is the River Laune. The main risk to water quality arises as a result of the potential for discharge of polluting substances required to carry out the repair works such as grout, and fuels/oils. There is potential for uncontrolled discharge of polluting substances from numerous activities including:

- Potential risk of herbicide entering the water from vegetation clearance operations;
- Potential for risk of old lime mortar and sediment release during construction and excavations of foundations and removal of rip-rap and tracking of machinery across the river;
- Potential risk of pollution through accidental spillage of hydrocarbons from construction related vehicles, machinery and equipment
- Potential risk of grout wastewater (which could increase the PH of the watercourse) escaping from beneath the pier arches, accidental spillage during grout injection operation or escape of grout to river.

8.4.24 It is considered that the main threat to the qualifying species and habitat types of the Castlemaine Harbour SAC (000343), Castlemaine Harbour SPA (004029) and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365) relate to water quality impacts. The species and habitat types that may suffer potentially significant impacts include:

- Sea lamprey
- River lamprey
- Salmon
- Otter
- Waterbirds
- Wetlands & Waterbirds
- Estuaries
- Mudflats and sandflats not covered by seawater at low tide
- Saltmarsh Habitats

8.4.25 The potential for significant impacts on these above QIs has already been outlined under Tables 8.2 and 8.4 above.

Habitat loss or alteration

8.4.26 The proposed remedial works will result in direct localised habitat loss immediately around four piers supporting Laune Bridge. There will also be approximately 200m² of habitat temporarily lost while the cobbles are excavated from the base of each pier before they will be replaced with heavier riprap.

8.4.27 These areas are of no particular importance to juvenile lampreys (not recorded during surveying but possibly occur in low densities). Atlantic salmon and lamprey species spawn in the freshwater reaches of the river where flow is unidirectional, therefore the tidal nature of the river in the vicinity of the bridge is considered unsuitable as it is influenced by the tide.

8.4.28 However, given that all of these fish species must pass under the bridge during spawning migration and again on migration to the sea, potential exists for significant habitat alteration impacts to occur through a reduction in water quality within the Castlemaine Harbour SAC Castlemaine Harbour SPA and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC owing to the proposed rehabilitation works and therefore mitigation is recommended. Potential for water quality impacts to occur through accidental spillages to the river during the proposed refurbishment works is also a possibility.

8.4.29 The species that may suffer potentially significant impacts include:

- Sea lamprey
- River lamprey
- Salmon
- Otter

Disturbance and/or displacement of species

8.4.30 There is potential for significant disturbance/displacement of migrating aquatic species as a result of dams which are proposed for use during the repair works. These dams may temporarily displace commuting or foraging otters, however, the impact is considered to be limited given the localised and temporary nature of the works and the wide availability of suitable habitat upstream and downstream of the

works. Therefore, it is not expected that otter will be significantly impacted by the proposed refurbishment works.

- 8.4.31 The proposed works also have the potential to result in direct disturbance to lamprey ammocoetes during the repair works as well as potential indirect impacts owing to water quality impairment. Therefore, the proposed refurbishment works at Laune Bridge have the potential to cause significant disturbance/displacement impacts to aquatic species within the Castlemaine Harbour SAC Castlemaine Harbour SPA and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC and mitigation is required.

Habitat and/or species fragmentation

- 8.4.32 Potential exists for water quality, habitat alteration and disturbance/displacement impacts to arise, owing to the proposed refurbishment works. It is considered that in the absence of mitigation, habitat or species fragmentation within the Castlemaine Harbour SAC and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC as a result of the proposed refurbishment works at Laune Bridge cannot be ruled out. The proposed project is not considered to result in habitat/species fragmentation in Castlemaine Harbour SPA given the location of this site downstream where only the eastern extent of the site could be impacted.

Invasive species

- 8.4.33 In addition to the above factors/indicators I note that Canadian pondweed is an Invasive Alien Species (IAS) present in the River Laune and has been recorded upstream of the bridge. This species is listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011, as amended) and is subject to strict legal requirements under Regulations 49 & 50. Japanese Knotweed was also noted on the southwestern bank of the river relative to the N72 Bridge. These species and appropriate measures to address any spread of same are further discussed under Section 8.4.42 below.
- 8.4.34 The tables below (Tables 8.5, 8.6 and 8.7) provide a summary of those QIs which have been identified as potentially suffering likely significant effects as outlined in detail in the preceding tables and whether or not mitigation is required and details of same.

Table 8.5 Castlemaine Harbour SAC (000343)

Qualifying Interests	Likely Significant Effect	Mitigation Y/N and Details
Estuaries [1130]	The construction phase of the project could potentially result in sediment release and deposit silt in the main channel. Therefore, there is potential for this conservation objective to be negatively affected.	Y - mitigation measures regarding protection of water quality need to be followed. Water quality is to be protected by following the mitigation set out under Section 7.2 of the NIS. These include specific measures in relation to vegetation clearance, site compound activities, management of dammed works area, fuel and oil management, mixing of materials (i.e. grout, mortar etc.), application of grout, grout and wastewater, method statements, scour repairs, masonry repointing, management of cementitious material and waste control and storage. Measures in relation to controlling the spread of invasive species are also outlined. These measures are further detailed and discussed under Sections 8.4.41 and 8.4.42 of this report below.
Mudflats and sandflats not covered by seawater at low tide [1140]	The project could potentially result in release of pollutants and affect the quality of the water associated with these habitats. Therefore, based on the precautionary principle, there is potential for this conservation objective to be negatively affected.	Y - mitigation measures regarding protection of water quality need to be followed. Water quality is to be protected by following the mitigation set out under Section 7.2 of the NIS. These include specific measures in relation to vegetation clearance, site compound activities, management of dammed works area, fuel and oil management, mixing of materials (i.e. grout, mortar etc.), application of grout, grout and wastewater, method statements, scour repairs, masonry repointing, management of cementitious material and waste control and storage. Measures in relation to controlling the spread of invasive species are also outlined. These measures are further detailed and discussed under Sections 8.4.41 and 8.4.42 of this report below.

Table 8.5 Castlemaine Harbour SAC (000343)		
Qualifying Interests	Likely Significant Effect	Mitigation Y/N and Details
Saltmarsh Habitats: <ul style="list-style-type: none"> • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] 	<p>The project could potentially result in release of pollutants and affect the quality of the water associated with these habitats. Therefore, based on the precautionary principle, there is potential for this conservation objective to be negatively affected.</p>	<p>Y - mitigation measures regarding protection of water quality need to be followed. Water quality is to be protected by following the mitigation set out under Section 7.2 of the NIS. These include specific measures in relation to vegetation clearance, site compound activities, management of dammed works area, fuel and oil management, mixing of materials (i.e. grout, mortar etc.), application of grout, grout and wastewater, method statements, scour repairs, masonry repointing, management of cementitious material and waste control and storage. Measures in relation to controlling the spread of invasive species are also outlined. These measures are further detailed and discussed under Sections 8.4.41 and 8.4.42 of this report below.</p>
Lamprey Species: <ul style="list-style-type: none"> • Sea Lamprey (<i>Petromyzon marinus</i>) [1095] 	<p>Artificial barriers can block or cause difficulties to lampreys' upstream migration, thereby limiting the species to lower stretches and restricting access to spawning areas. In-stream works</p>	<p>Y - Water quality is to be protected by following the mitigation set out under Section 7.2 of the NIS. The timing of the works (July to September) is vital and the work schedule (work on no more than 2 bridge piers at a time) will reduce negative impacts on salmon and lamprey. Lampreys in the areas directly affected by the proposed works will be removed by electrofishing in advance of the works following methodology in Harvey & Cowx (2003) and with prior authorisation from the Department of</p>

Table 8.5 Castlemaine Harbour SAC (000343)		
Qualifying Interests	Likely Significant Effect	Mitigation Y/N and Details
<p>• River Lamprey (<i>Lampetra fluviatilis</i>) [1099]</p>	<p>will be carried out in the dry. Only part of the channel will be blocked, the remaining flow will allow migration of lampreys.</p> <p>The construction phase of the project could potentially result in sediment release and silt up clean gravels and reduce oxygen levels to the eggs. In addition, suitable juvenile lamprey habitat does occur within the footprint of the proposed in-stream works.</p> <p>Therefore, there is potential for this conservation objective to be negatively affected, taking account of the precautionary principle.</p>	<p>Communication, Energy and Natural Resources. Areas covered with sandbags and areas within sandbagged enclosures will be subject to this mitigation. This work will be carried out by suitably qualified ecologists at low tide and ideally during normal/low river flow. Lampreys will be removed from the affected areas by electrofishing by performing at least three passes. Captured lampreys will be collected into a container of river water of adequate dimensions. Lampreys will be transferred to a suitable upstream location with reference to the habitat requirements of juvenile lampreys as outlined in Maitland (2003). Such suitable areas are available in the river within 100m upstream of Laune Bridge.</p>
<p>Atlantic Salmon <i>Salmo salar</i> [1106]</p>	<p>Through potential water quality impacts there is potential for the bridge works to indirectly affect</p>	<p>Y - Water quality is to be protected by following the mitigation set out under Section 7.2 of the NIS. The timing of the works (July to September) stated in Section 7.1.4 is also considered vital and the work schedule (work on no more than 2</p>

Table 8.5 Castlemaine Harbour SAC (000343)		
Qualifying Interests	Likely Significant Effect	Mitigation Y/N and Details
	<p>this species. The bridge works could potentially result in sediment and nutrient release and the construction phase of the project could potentially result in release of pollutants in the main channel and affect the quality of the water. Therefore, there is potential for this conservation objective to be negatively affected as a result of the proposed rehabilitation works.</p>	<p>bridge piers at a time) stated in Section 7.1.5 will reduce negative impacts on salmon and lamprey. Any salmonids found to be within the sandbag enclosures will be removed by electric fishing.</p>
<p>Otter <i>Lutra lutra</i> [1355]</p>	<p>Impacts arising from the proposed remedial works on aquatic species, including salmon and lamprey, could adversely impact on the quantity of prey available to this species. There is also potential for the proposed remedial works to act as a</p>	<p>Y - mitigation regarding protection of water quality need to be followed. The timing of the works (July to September) is vital and the work schedule (work on no more than 2 bridge piers at a time) will reduce negative impacts on the otter's prey of salmon and lamprey. The works will not involve blocking the river completely and there are no large pipes or excavations that might risk otter entrapment; therefore connectivity will not be affected.</p> <p>European eel <i>Anguilla anguilla</i> was found to occur in the instream areas directly affected by the works. Eel can form part of the otter's diet. Any eels encountered during electrical fishing for</p>

Table 8.5 Castlemaine Harbour SAC (000343)		
Qualifying Interests	Likely Significant Effect	Mitigation Y/N and Details
	temporary barrier, reducing the commuting capabilities of this species, taking account of the shy nature of this animal. Therefore, there is potential for this conservation objective to be negatively affected.	lampreys and salmonids will be removed from the works areas. This species will be sought where submerged rocks, other hard substrates and crevices occur.

Table 8.6 Castlemaine Harbour SPA (004029)		
Qualifying Interests	Likely Significant Effect	Mitigation Y/N and Details
Special Conservation Interest (SCI) Species: Red-throated Diver (<i>Gavia stellata</i>), Cormorant (<i>Phalacrocorax carbo</i>), Light-bellied Brent Goose (<i>Branta bernicla hrota</i>), Wigeon (<i>Anas penelope</i>), Mallard (<i>Anas</i>	The release of silt/sediment and pollutants (concrete material, fuel, oil, hydrocarbons, etc.) particularly from within the River Laune works area may impact upon the range of areas used by the SCI species listed above within Castlemaine Harbour.	Y - mitigation measures regarding protection of water quality need to be followed. Water quality is to be protected by following the mitigation set out under Section 7.2 of the NIS. These include specific measures in relation to vegetation clearance, site compound activities, management of dammed works area, fuel and oil management, mixing of materials (i.e. grout, mortar etc.), application of grout, grout and wastewater, method statements, scour repairs, masonry repointing, management of cementitious material and waste control and storage. Measures in relation to controlling the spread of invasive species are also outlined. These measures are further detailed and discussed under Sections 8.4.41 and 8.4.42 of this report below.

Table 8.6 Castlemaine Harbour SPA (004029)		
Qualifying Interests	Likely Significant Effect	Mitigation Y/N and Details
<p><i>platyrhynchos</i>), Pintail (<i>Anas acuta</i>), Scaup (<i>Aythya marila</i>), Common Scoter (<i>Melanitta nigra</i>), Oystercatcher (<i>Haematopus ostralegus</i>), Ringed Plover (<i>Charadrius hiaticula</i>), Sanderling (<i>Calidris alba</i>), Bar-tailed Godwit (<i>Limosa lapponica</i>), Redshank (<i>Tringa totanus</i>), Greenshank (<i>Tringa nebularia</i>), Turnstone (<i>Arenaria interpres</i>), Chough (<i>Pyrhocorax pyrrhocorax</i>)</p>	<p>Therefore, there is potential for the conservation objectives in relation to Distribution/ Number and range of areas used by waterbirds to be negatively affected.</p>	
<p>Wetlands & Waterbirds [A999]</p>	<p>Due to the nature, scale and location of the works the project is not</p>	<p>Y - mitigation measures regarding protection of water quality need to be followed. Water quality is to be protected by following the mitigation set out under Section 7.2 of the NIS. These include specific measures in relation to vegetation clearance, site compound activities, management of dammed works area, fuel and oil management,</p>

Table 8.6 Castlemaine Harbour SPA (004029)

Qualifying Interests	Likely Significant Effect	Mitigation Y/N and Details
	<p>likely to result in any changes in the long-term to habitat area for wetlands and the waterbird species listed above.</p> <p>However, there is potential for ecological impacts associated with water quality deterioration arising from the proposed works which could significantly affect the suitability of this attribute as a food source for birds e.g. damage to mudflats caused by water pollution.</p>	<p>mixing of materials (i.e. grout, mortar etc.), application of grout, grout and wastewater, method statements, scour repairs, masonry repointing, management of cementitious material and waste control and storage. Measures in relation to controlling the spread of invasive species are also outlined. These measures are further detailed and discussed under Sections 8.4.41 and 8.4.42 of this report below.</p>

Table 8.7 Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365)

Qualifying Interests	Likely Significant Effect	Mitigation Y/N and Details
<p>Lamprey Species:</p> <ul style="list-style-type: none"> • Sea Lamprey (Petromyzon marinus) [1095] • River Lamprey (Lampetra fluviatilis) [1099] 	<p>Water quality deterioration in the River Laune could prevent the upstream passage of migratory lampreys if such a condition was brought about by the works at a time that coincides with upstream ascent. It is important to note however that the likelihood of this is very low. There is however potential for this conservation objective to be negatively affected, taking account of the interconnectivity of this Sac with the River Laune (albeit upstream) and the precautionary principle. Suitable juvenile lamprey habitat does occur within the footprint of the proposed in-stream works. Sediment may be impacted and</p>	<p>Y - water quality is to be protected by following the mitigation set out under Section 7 of the NIS. The timing of the works (July to September) is vital and the work schedule (work on no more than 2 bridge piers at a time) will reduce negative impacts on salmon and lamprey.</p> <p>Lampreys in the areas directly affected by the proposed works will be removed by electrofishing in advance of the works following methodology in Harvey & Cowx (2003) and with prior authorisation from the Department of Communication, Energy and Natural Resources. Areas covered with sandbags and areas within sandbagged enclosures will be subject to this mitigation. This work will be carried out by suitably qualified ecologists at low tide and ideally during normal/low river flow. Lampreys will be removed from the affected areas by electrofishing by performing at least three passes. Captured lampreys will be collected into a container of river water of adequate dimensions. Lampreys will be transferred to a suitable upstream location with reference to the habitat requirements of juvenile lampreys as outlined in Maitland (2003). Such suitable areas are available in the river within 100m upstream of Laune Bridge.</p>

Table 8.7 Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365)

Qualifying Interests	Likely Significant Effect	Mitigation Y/N and Details
	<p>there could be lamprey fatalities. The project could potentially result in release of pollutants and affect the quality of the water associated with the silt beds.</p>	
<p>Atlantic Salmon Salmo salar [1106]</p>	<p>Salmon need good water quality high in oxygen, low in nutrients and suspended solids, neutral pH and with temperatures never exceeding 25° C. The bridge works could potentially result in sediment and nutrient release that could affect adult fish attempting to reach natal streams (upstream of project site). River damming will also be required. Salmon spawn in clean gravels. The bridge works could potentially result in sediment release and silt</p>	<p>Y – follow the mitigation set out in NIS Section 7.2. The timing of the works (July to September) is vital and the work schedule (work on no more than 2 bridge piers at a time) will reduce negative impacts on salmon and lamprey. Any salmonids found to be within the sandbag enclosures will be removed by electric fishing.</p>

Table 8.7 Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365)

Qualifying Interests	Likely Significant Effect	Mitigation Y/N and Details
	<p>up clean gravels and so could affect adult fish attempting to reach natal streams. Therefore, based on the precautionary principle, there is potential for this conservation objective to be negatively affected.</p>	
<p>Otter <i>Lutra lutra</i> [1355]</p>	<p>There is potential for the anadromous lifecycle of salmon and lamprey, important prey species of the Otter, to be impacted by the proposed remedial works. This could adversely impact on the quantity of prey available to Otter within this SAC. Therefore, there is potential for this conservation objective to be negatively affected.</p>	<p>Y - mitigation regarding protection of water quality need to be followed. The timing of the works (July to September) is vital and the work schedule (work on no more than 2 bridge piers at a time) will reduce negative impacts on salmon and lamprey. The works will not involve blocking the river completely and there are no large pipes or excavations that might risk otter entrapment; therefore connectivity these will not be affected.</p> <p>European eel <i>Anguilla anguilla</i> was found to occur in the instream areas directly affected by the works. Eel can form part of the otter's diet. Any eels encountered during electrical fishing for lampreys and salmonids will be removed from the works areas. This species will be sought where submerged rocks, other hard substrates and crevices occur.</p>

Potential in-combination effects:

- 8.4.35 To assess the potential for cumulative effects on the relevant designated Natura 2000 sites, Section 4.5 of the NIS assessed the plans, projects and ongoing activities occurring in the wider landscape for any in combination effects with the proposed development.
- 8.4.36 The proposed works were considered in combination with the Kerry County Development Plan 2015-2021 and the Killorglin Functional Local Area Plan 2010-2016 and the National Biodiversity Plan 2017-2021. It was noted that a proposed walkway and a proposed relief road are included in the Killorglin LAP and that there is potential for cumulative water quality effects and cumulative disturbance/displacement effects should these proposals be constructed without appropriate mitigation at the same time as the proposed works. However, significant cumulative impacts are not predicted with the plans listed above, as each plan has a range of environmental and natural heritage policy safeguards in place. As part of the in-combination assessment I have also considered the policies and objectives outlined under the Kerry County Development Plan 2022-2028 and the related Ministerial Direction as referenced previously under Section 5.7.2 to 5.7.4 of this report. I consider that the range of environmental and natural heritage policy safeguards proposed in the plan are sufficient to ensure no in-combination impacts with the proposal development.
- 8.4.37 Land management practices and on-going activities were also examined and an assessment of high and medium impact pressures and threats to the Castlemaine Harbour SAC, Castlemaine Harbour SPA and or Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC was conducted.
- 8.4.38 Current development was examined in the context of in combination effects and a search of planning applications permitted within the last 5 years within the nearby townlands was also carried out, as were all activities within the surrounding area such as forestry, peat extraction and agriculture. During the December 2020 site visit, a number of observations were also made that could be impacting on protected sites, these included oil discharge to the river c.200m upstream of the bridge and the noted removal of a large quantity of river substrates within and alongside the river on the right side of the channel downstream of the bridge. It is noted however that the

proposed works with mitigation will not result in any in poor water quality or habitat loss/damage.

8.4.39 The impact of salmon farming, genetic dilution, pollution from the growing agri-sector and related worsening water quality of natal streams and sea lice are factors that affect salmon reproduction, distribution and populations and were also examined as well as the impact of Climate Change on the migration route of salmon at sea. In addition, the fact that smaller stocks of fish can adversely affect otters, which depend on fish for survival was also taken into account.

8.4.40 This section of the NIS concluded that the land management practices and activities listed above may interact with the project to cause significant cumulative effects. Therefore, there is potential for the project to act in combination with the aforementioned activities to cause significant adverse cumulative effects to the integrity of the Castlemaine Harbour SAC, the Castlemaine Harbour SPA or Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC. All of these sites are subject to various point and diffuse sources of pollution arising from ongoing industrial, wastewater, agricultural and urban activities. Should significant water quality impacts arise as a result of the discharge of grout or hydrocarbons to the receiving river, there is potential for significant cumulative water quality impacts in combination with the existing various point and diffuse sources of pollution. Therefore, mitigation measures are required to ensure no adverse impacts on the site integrity of the above-mentioned sites. Details of these measures are outlined in the following section.

Mitigation Measures relating to above sites

8.4.41 Mitigation measures have been set out within Section 7 of the submitted NIS and include a range of measures as outlined under Section 8.4.42 below. Standard best practice in relation to construction are also outlined with more detail presented in the associated CEMP. The NIS also states that a suitably qualified project ecologist will be employed for the duration of the works to ensure that mitigation measures and relevant ecological planning conditions are implemented in full. It is stated within these documents that good site management, frequent inspections and ongoing vigilance will ensure that no impacts arise. The project has been designed to avoid adverse impacts to water quality.

8.4.42 The mitigation measures are proposed under a number of headings including vegetation clearance, site compound activities, management of dammed works areas, fuel and oil management, mixing of materials (i.e. grout, mortar etc.), application of grout, grout and wastewater, method statements, scour repairs, masonry repointing, management of cementitious material and waste control and storage. Measures in relation to controlling the spread of invasive species are also outlined. The main ones are summarised as follows:

- All works will be carried out in accordance with the CEMP;
- A suitably qualified project ecologist will be employed for the duration of the works to ensure that mitigation measures and relevant ecological planning conditions are implemented in full. The project ecologist will also have a role in reviewing and approving all work method statements. The project ecologist will have the authority to stop works should an unforeseen issue arise.
- A full toolbox talk will be given by the project ecologist before works begin to ensure that all workers are fully understanding of their responsibilities onsite regarding the sensitivity of the project site, the potential ecological impacts and mitigation measures in place.
- The proposed works area will be delineated with some suitable feature and no works will be allowed outside this zone, nor will machinery be allowed access any area outside this zone.
- The works area will be confined to 10m upstream to 10m downstream of the bridge except where access is required.
- The site compound including designated parking areas will be located at a minimum distance of 25m from the River Laune.
- No parking of construction related vehicles will be permitted in proximity to the River Laune, adequate parking facilities for site workers and construction related vehicles will be made available within the site compound.
- A bunded containment area will be provided within the compound for the storage of fuels, lubricants, oils etc.
- Staff welfare facilities will be maintained by the appointed contractor, and removed from site on completion of the works or when these facilities are no longer required

- To avoid the times of migration of salmon smolts, works should be carried out in the period July to September, inclusive. The proposed construction works, and the timing of instream works will be agreed with Inland Fisheries Ireland (IFI) prior to the commencement of works.
- Works should be planned so that no more than two bridge piers and spans are being repaired at any given time. This will minimise disturbance impacts on adult salmon and lampreys.
- Weather forecasts should be checked daily, which will assist in planning the work, anticipating high water levels therefore carrying out the works in a safer manner.
- Measures are recommended to minimise the potential for herbicide entering the watercourse including: Approval of the selected herbicide by IFI; and spot application/treatment of herbicide to individual plant clusters to minimise volumes used and runoff of herbicide into the watercourse.
- Instream access is not permitted for the intention of vegetation removal from embankments.
- Blocks, sandbags and impermeable liner used to dam the works area must be clean of debris (sediment, cementitious material, invasive plant material, etc.) and inspected prior to placement in the watercourse.
- The footprint of the works area will be well-sealed and comprise of chemically inert materials that do not impact on water quality. Regular inspections and maintenance of the dam will be carried out in order to detect leaks and necessary action taken to repair same if required.
- A fuel and oil management plan will be developed by the civil contractor prior to commencement of construction. This will outline measures to prevent fuel and oil from entering the River Laune and emergency procedures to deal with any accidental spillages. General mitigation measures including details of spill trays, plant refueling areas, contingency plans to deal with any emergency accidents or spills, fuel container and storage requirements And measures in relation to preparation and mixing of materials (grout, mortar etc.) are also detailed.

- Measures are also detailed in relation to the application of grout in order to protect river water quality.
- Method statements will be produced by the contractor and should be approved by the IFI and the project ecologist prior to commencement of instream works to ensure that the mitigation measures as outlined above are fully incorporated.
- All scour protection works will be done in the dry and measures in relation to the scour repairs equipment and machinery involved, as well as the masonry repointing procedures are also outlined.
- The management of cementitious material and measures proposed to ensure no impacts on water quality within the river Laune are also detailed.
- Waste control and storage measures are detailed, as well as a Waste Management Plan (WMP) will be implemented on site to control waste generated.
- Invasive Species – Canadian Pondweed - measures will be put in place during the proposed works in order to prevent the spread of invasive alien species to other areas outside of the project site and the introduction of other invasive species listed on the third schedule of the 2011 Regulations to the project site and the River Laune. As per the requirements of the Contract, if the Contractor encounters invasive plant species such as Japanese Knotweed (*Fallopia japonica*) or any other invasive species, they should cordon off the affected area and erect signage indicating the presence of the particular invasive species. The riparian area to the southwest of the bridge will be avoided at all times as it contains Japanese knotweed. No vegetation clearance works should be carried out in the affected area.
- In addition, regarding the potential for spread of invasive species Section 2.2 of the CEMP submitted refers to this in detail including with the biosecurity protocols supplied in Appendix 2, preconstruction surveys and measures to ensure that during construction, machinery and equipment is not contaminated.
- Measures are also outlined to ensure the management of construction noise and disturbance during the works period.

Conclusion on Castlemaine Harbour SAC (000343)

8.4.43 I consider that the potential direct and indirect effects on the qualifying interests identified as having the potential to be affected have been satisfactorily identified. The mitigation measures outlined are comprehensive and address the potential direct and indirect effects appropriately. I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its conservation objectives subject to the implementation of mitigation measures outlined above and detailed within Section 7 of the submitted NIS and CEMP.

Conclusion on Castlemaine Harbour SPA (004029)

8.4.44 I consider that the potential direct and indirect effects on the special conservation interests identified as having the potential to be affected have been satisfactorily identified. The mitigation measures outlined are comprehensive and address the potential direct and indirect effects appropriately. I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its conservation objectives subject to the implementation of mitigation measures outlined above and detailed within Section 7 of the submitted NIS and CEMP.

Conclusion on Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (000365)

8.4.45 I consider that the potential direct and indirect effects on the qualifying interests identified as having the potential to be affected have been satisfactorily identified. The mitigation measures outlined are comprehensive and address the potential direct and indirect effects appropriately. I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its conservation objectives subject to the implementation of mitigation measures outlined above and detailed within Section 7 of the submitted NIS and CEMP.

Residual effects/Further analysis:

8.4.46 Provided that the recommended mitigation measures as outlined in Section 7 of the NIS are implemented in full, it is not expected that significant impacts will result to the qualifying features identified for appraisal within the sections and tables above

and thus it is not expected that the proposal will have any residual impact on Natura 2000 sites.

NIS Omissions:

8.4.47 None noted.

Integrity Test

8.4.48 Following the Appropriate Assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Castlemaine Harbour SAC (000343), Castlemaine Harbour SPA (004029) or Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365) in view of the Conservation Objectives of this site.

8.4.49 This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Appropriate Assessment Conclusion:

8.4.50 The proposed Laune bridge repair and rehabilitation works has been considered in light of the assessment requirements of Sections 177AE of the Planning and Development Act 2000, as amended.

8.4.51 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Castlemaine Harbour SAC (000343), Castlemaine Harbour SPA (004029) and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365). 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.

8.4.52 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites No.s 000343, 004029 or 000365 or any other European site, in view of the site's Conservation Objectives. 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 Castlemaine Harbour SAC (000343), Castlemaine

Harbour SPA (004029) and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365);

- Detailed assessment of in-combination effects with other plans and projects including historical projects, current proposals and future plans; and
- The demonstration, beyond reasonable scientific doubt, that with full and proper implementation of mitigation measures that these will prevent any possible construction related pollutants from entering the River Laune and thus the proposed development will not result in adverse effects on the integrity of Castlemaine Harbour SAC (000343), Castlemaine Harbour SPA (004029) or Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365).

The conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of such effects.

9.0 Recommendation

- 9.1 On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the Natura Impact Statement.

10.0 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 Castlemaine Harbour SAC (000343), Castlemaine Harbour SPA (004029) and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365),
- (e) the policies and objectives of the Kerry County Development Plan 2022-2028,
- (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 submissions 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 Castlemaine Harbour SAC (000343), Castlemaine Harbour SPA (004029) and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365) are the 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 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 Castlemaine Harbour SAC (000343), Castlemaine Harbour SPA (004029) and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365) in view of the sites' 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, specifically upon the Castlemaine Harbour SAC (000343), Castlemaine Harbour SPA (004029) and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365),
- 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 sites' 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 sites' conservation objectives and there is no reasonable scientific doubt remaining as to the absence of such effects.

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

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not pose a risk to water quality, 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, in particular the protected bridge structure or underwater archaeology, would not interfere with the existing land uses in the area and would be acceptable in terms of traffic safety and convenience. 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 measures and monitoring commitments identified in the Natura Impact Statement, and other plans and particulars submitted with the application shall be carried out 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 clarity and protection of the environment and the protection of European Sites during the construction and operational phases of the proposed development.

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) Location of the site and materials compounds including areas identified for the storage of construction waste,
- b) Location of areas for construction site offices and staff facilities,
- c) Intended construction practice for the development, including hours of working,

- d) Means to ensure that surface water run-off is controlled in line with a Sediment & Erosion Control Plan, such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses,
- e) Containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained,
- f) The management of construction traffic and off-site disposal of construction waste,
- g) Traffic management measures including any alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of the public road during the course of site development works,
- h) Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness, and
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

A record of daily checks that the works are being undertaken in accordance with the CEMP shall be maintained on file as part of the public record.

Reason: In the interest of protecting the environment and adjacent European Sites and in the interest of public health and safety.

4. Prior to the commencement of development, details of measures to protect the fisheries and water quality of the river systems shall be outlined and placed on file. In-channel works shall adhere to the timing restrictions set out in the Natura Impact Statement. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.

Reason: In the interest of the protection of receiving water quality, fisheries and aquatic habitats.

5. The County Council and any agent acting on its behalf shall engage a suitably qualified ecologist to oversee the site set up and construction of the proposed

development and implementation of mitigation measures relating to ecology set out in the submitted NIS and any other relevant measures included within submitted documents. 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 the proper planning and sustainable development of the area and to ensure the protection of the European sites.

6. Prior to commencement of works the ecologist shall carry out a survey of the works area to identify the presence of any invasive species and to prepare an Invasive Species Management Plan if required. Details shall be maintained on the file as part of the public record.

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 and upon removal from the site to prevent the spread of hazardous invasive species and pathogens.

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

7. A suitably qualified conservation architect shall be retained by the local authority to oversee the site set up and works in the vicinity of the bridge. Upon completion of works, a conservation report of the site works shall be prepared by the appointed conservation architect to be kept on file as part of the public record.

Reason: In the interest of cultural heritage.

8. 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 underwater archaeologist shall be appointed by the County Council and the archaeologist shall be present on site during the removal works. The requirements of the Department of Housing, Local Government and Housing as set out in their

response dated 16th March 2022 shall be complied with and a report on same shall be kept on record.

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.

Máire Daly
Planning Inspector

23rd November 2022