



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313274-22

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<b>Development</b>	Maintenance works to restore three bridges; Lacklea West Bridge (McDevitt's), Lacklea East Bridge (Greenan's) & Edenfinfreagh West Bridge, along the R253
<b>Location</b>	In the townlands of Mully, Greenans, Lacklea, Edenfinfreagh and Tangaveane between 6.5km and 9km east of the town Glenties on the R253, County Donegal
<b>Local Authority</b>	Donegal County Council
<b>Type of Application</b>	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
<b>Prescribed Bodies</b>	Department of Housing, Local Government and Heritage Department of Environment Climate and Communications Inland Fisheries Ireland (Donegal)
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	2022.06.21
<b>Inspector</b>	Jimmy Green

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## 1.0 Introduction

- 1.1. Donegal County Council is seeking approval from An Bord Pleanála to undertake maintenance works to restore three bridges in the townlands of Mully, Greenans, Lacklea, Edenfinfreagh and Tanganveane within and in the vicinity of the West of Ardara/Mass Road SAC [Site Code: 002301] which is a designated European site. There are other designated European sites (SPAs and SACs) in the wider area of the proposed works (see further analysis below in Section 9 of this recommendation). 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) ("the Act") requires that where an appropriate assessment is required in respect of development by a local authority the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

## 2.0 Proposed Development

- 2.1. Donegal County Council want to undertake restorative bridge maintenance works to three masonry bridges along the R253 east of Glenties. Where masonry is missing it is proposed to be repaired using similar material, vegetation is to be removed from the bridge surfaces and the external walls of the bridges will be hand pointed as required. All works are stated to constitute essential maintenance work required to preserve the structure in a safe and serviceable state. The proposed works comprise the carrying out of the following specific works to the three subject bridges:

### Lacklea West Bridge (McDevitts):

- All masonry work to be cleared of vegetation and re-pointed,

- Remove vegetation growing on structure,
- Excavation and removal of existing grass verges and replacement with bitmac (incl. laying 1200-gauge plastic, 200mm clause 804 granular material, AC 14 close surf material, two layers of clause 914 material) between the carriageway and bridge walls,
- Hand-pointing of internal masonry joints with cement mortar.
- All vegetation growing on or out of the bridge structure to be removed.

Lacklea East Bridge (Greenan's):

- Masonry surfaces to be repointed,
- Excavation and removal of existing grass verges and replacement with bitmac (incl. laying 1200-gauge plastic, 200mm clause 804 granular material, AC 14 close surf material, two layers of clause 914 material) between the carriageway and bridge walls,
- Repair downstream spandrel incl. infilling the space between the cutwater and main structure with matching stone following removal of tree,
- Replace missing masonry on cutwaters and place concrete coping on same.
- Voussoirs (wedge shaped stones in arches) to be stitched to soffit using fixings,
- Provision of warning signs fixed to the leading edge of each masonry parapet,
- Holes in soffit, abutments, and piers to be filled prior to pointing,
- All vegetation growing on or out of the bridge structure to be removed.

Edenfinfreagh West Bridge:

- Masonry arch to be repointed,
- Excavation and removal of existing grass verges and replacement with bitmac (incl. laying 1200-gauge plastic, 200mm clause 804 granular material, AC 14 close surf material, two layers of clause 914 material) between the carriageway and bridge walls,
- Increase the height of existing blockwork wall from 0.8m to 1.1m,
- Install new concrete slab to underpin buttress,

- All vegetation growing on or out of the bridge structure to be removed.

## 2.2. **Accompanying documents:**

The application was accompanied by the following documents:

- Notice of the Proposed Development,
- Natura Impact Statement (NIS),
- Drawings detailing the proposed works.

These documents were updated and augmented following the request for Further Information (FI) which issued from the Board in August 2022. The Further Information is discussed in detail in Section 8 of this report.

## 3.0 **Site and Location**

3.1. The proposed development constitute works to three separate bridges, all of which are on the R253 which runs in a generally eastern direction out of Glenties towards Ballybofey (but it does not extend as far as Ballybofey) in Co. Donegal. The site and condition of the three bridges can be described as follows:

3.2. **Lacklea West Bridge (McDevitts):** Is located at the confluence of three townland boundaries – Mully, Greenans and Lacklea, approximately 6 kilometres (straight-line distance) to the east of the centre of Glenties, Co. Donegal. The subject structure is a triple-span masonry arch bridge which crosses the Owenea River and is located immediately adjacent to an existing rural public house/dwelling. The bridge has a total span of c.13.5m with each of the individual arches measuring between 3 and 4.3m in width. The bridge deck is c. 6.6m wide. The application documentation notes that the pointing on the deck, abutments, and piers is poor throughout this bridge, with the masonry becoming loose. Some masonry is missing within the piers and abutments.

3.3. **Lacklea East Bridge (Greenan's):** Is located at the confluence of three townland boundaries – Lacklea, Tangaveane and Edenfinfreagh, approximately 6.7 kilometres (straight-line distance) from the centre of Glenties. The subject structure is a twin-span masonry bridge crossing the Owenea River. The bridge has a total span of approx. 10.5m with each individual arch measuring approx. 5m. The bridge deck is approx. 3.6m wide. The application documentation notes that the bridge is

constructed from a mix of dressed rubble and ashlar quality masonry, the pointing is poor in the deck and a hole has formed in the soffit (lower surface of the arch), there are also voids and cracks in the deck, the arch ring is detaching as is the downstream wing-wall, with missing masonry in the cutwaters, as well as isolated voids in the in the abutments and piers.

- 3.4. **Edenfinfreagh West Bridge:** Is located in the townland of Edenfinfreagh approximately 7.8km (straight-line distance) east of Glenties. The subject structure is a single span masonry arch bridge which has been extended upstream with a concrete pipe and downstream with a concrete slab bridge. The masonry arch section of the bridge is approx. 7.4m long and the concrete slab portion is approx. 1.8m wide. This bridge/piping runs under the R253 road and Edenfinfreagh Church carpark/grounds. The application documentation notes that the concrete slab and piped sections of the bridge are in good condition however there is an approximate 2m section of the masonry arch structure which has poor pointing and missing masonry as the bed beneath one of the downstream buttresses has scoured resulting in it dropping and cracking.
- 3.5. Two of the three bridges (Lacklea East and West) are located within the West of Ardara/Maas Road SAC, while the Edenfinfreagh West Bridge crosses a tributary of the Owenrea River which runs into the SAC.

#### 4.0 **Planning History**

- 4.1. There are no recent planning applications located in the immediate vicinity of any of the subject bridges. Applications in the wider area are predominantly related to rural dwellings, although I note that permission was refused under PI. Ref. 14/51110 on a site approx. 120m southeast of the Edenfinfreagh West Bridge for an extension of an existing graveyard. Permission was also refused under PI. Ref. 10/30263 for a 5-turbine wind farm on lands approx. 500m south of Edenfinfreagh West Bridge.

#### 5.0 **Legislative and Policy Context**

- 5.1. **The EU Habitats Directive (92/43/EEC):**

5.1.1. This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Articles 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

**5.2. European Communities (Birds and Natural Habitats) Regulations 2011 as amended:**

5.2.1. 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. These 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:**

5.3.1. The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

5.3.2. European sites located in the vicinity of the subject site include:

- West of Ardara/Maas Road SAC [Site Code: 000197], two of the subject bridges are located within this SAC,
- River Finn SAC [Site code: 002301], 3.6km northeast of Edenfinfreagh Br.,
- Lough Nillan Bog SPA [Site code: 004110], 760m southwest Lacklea West Br.,
- Lough Nillan Bog (Carricakatlieve) SAC [Site code: 000165], 780m southwest of Lacklea West Br.,

- Meenaguse Scragh SAC [Site code: 001880], 2.8km southeast of Edenfinfreagh Br.,
- Meenaguse/Arbane Bog SAC [Site code: 000172], 4.7km southeast of Lacklea East Br.,
- Lough Eske and Ardnamona Wood SAC [Site code: 000163], 10.1km southeast of Lacklea East Br.,
- Gannivegil Bog SAC [Site code 000142], 10.2km northwest of Lacklea West Br.,
- Coolvoy Bog SAC [Site Code 001107], 9.8km northwest of Edenfinfreagh Br.,
- Cloghernagore Bog and Glenveagh National Park SAC [Site Code 002047], 10.8km northwest of Edenfinfreagh Br.,
- Derryveagh and Glendowan Mountains SPA [Site Code 004039], 6.1km north of Edenfinfreagh Br., and
- Meentygrannagh Bog SAC [Site Code 000173], 14.3km northeast of Edenfinfreagh Br.

5.4. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Act 2000 (as amended) (“the Act”) sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact statement has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the 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.

## 5.5. Donegal County Development Plan

5.5.1. The County Donegal Development Plan 2018-2024 (CDP) is the relevant planning policy document in relation to the proposed development, it acknowledges *“The need for investment in new roads access and improvements to existing roads infrastructure within the county is a priority intervention to be sought through the life of the Plan.”*<sup>1</sup> The CDP contains a number of policies and objectives to support the provision and maintenance of appropriate roads and access infrastructure across the county.

- Objectives T-O-2 and T-O-3 of the CDP support achieving quality strategic inter-urban transport corridors and the provision of high-quality connectivity within the County.
- The CDP also supports safeguarding the carrying capacity and safety of national and regional roads (Objective T-O-6 refers).
- Policy T-P-2 states that the Council will support and facilitate the appropriate development and improvement of Donegal’s transport network.

5.5.2. All three bridges are located in an area that has been designated as being of High Scenic Amenity (HSA) under the provisions of the CDP but are not located in the vicinity of any designated views and neither are any of the bridges listed on the Record of Protected Structures (RPS).

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<sup>1</sup> Donegal County Development Plan 2018-2024, Transport Strategy Page 23

## 6.0 The Natura Impact Statement

- 6.1. Donegal County Council's application for the proposed development was accompanied by a Natura Impact Statement (NIS) 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 conduct an appropriate assessment of the proposed works.
- 6.2. The NIS was accompanied by the statutory application documentation and the public consultation document in relation to the proposed works on the three bridges.

## 7.0 Consultations

- 7.1. The application was circulated to the following bodies:
  - The Minister for Department of Housing Local Government and Heritage,
  - The Minister for the Department of the Environment, Climate and Communications (addressed to The Minister for Communications Climate Action and Environment),
  - An Taisce,
  - The Office of Public Works
  - The Loughs Agency
  - Inland Fisheries Ireland,
  - Donegal County Council,
  - National Parks and Wildlife Service (NPWS),
  - Fáilte Ireland, and
  - Waterways Ireland
- 7.2. Responses were received from the Development Applications Unit (DAU) of the Department of Housing Local Government and Heritage (DHLGH), Inland Fisheries Ireland (IFI) and the Department of the Environment, Climate and Communications (DECC) -Geological Survey Ireland.

**7.2.1. Department of Housing, Local Government and Heritage:**

7.2.2. The submission by the DHLGH was made by the DAU and refers to both Archaeology and Nature Conservation. The Department's comments in relation to Archaeology can be summarised as follows:

- Notes the presence of recorded monuments within the environs (DG075-005-Ringfort, and DG075-004003-mound), and that the proposed development may give rise to impact(s) on terrestrial and/or underwater archaeological heritage.
- Arising from the above the Department recommends that an Underwater Archaeological Impact Assessment (UAIA) should be conditioned in the event of favourable consideration.
- The submission goes on to articulate the wording of two conditions to include the provision of an UAIA report providing:
  - a full inventory and mapping of the sites of all identified archaeological/cultural heritage features and structures (incl. underwater),
  - a licenced dive/wade assessment,
  - metal detection survey of the riverine works areas,
  - architectural assessment of the bridge structures to facilitate an understanding of their age, phasing, and structural composition.
  - Archaeological surveying and reporting to be carried out in advance of any works, to allow identification of any features and allow for design review/mitigation and to inform an archaeological response/strategy to be agreed with the National Monuments Service.

7.2.3. The Department's submission in relation to Nature Conservation can be summarised as follows:

- Department notes the location of the works within the West of Ardara/Maas Road SAC and that the freshwater qualifying interests (QI) which are sensitive to water quality and habitat deterioration effects include, Freshwater Pearl Mussel (FWMP), Salmon and Otter.
- In relation to FWPM:
  - The NIS should detail the methodology used to survey for FWPM,

- Raw data results should when appropriate be included in an appendix, and,
- The Department states that it is of the opinion that the NIS does not consider the proximity of site works in relation to the presence of FWPM records included in the NPWS 2009a unpublished report on the Owenea sub-basin management-plan draft. The Department recommends that Further Information (FI) should be provided that includes references to all known FWPM locations.

- In relation to Otter:

- Department is concerned that the NIS conclusions are not supported by an appropriate Otter survey, accordingly it recommends that works are undertaken outside the otter breeding period, alternatively to eliminate the risk of disturbance to breeding Otter a survey (incl. a search for holts) should be undertaken to include 100m up and downstream of proposed works sites.

7.2.4. In relation to Biodiversity in general and beyond the NIS the DAU recommends that the applicant provides information on the presence of Bats at the three work sites and notes that Donegal County Council has commissioned an assessment of the presence of bats at the three bridges in the recent past and that that report contains valuable information for assessing the impact of the proposed projects to Bats. The presence of Daubentons bats is a notable occurrence at these sites and the mitigation measures indicated in the Councils commissioned report could be considered as conditions for the consent.

### 7.3. Inland Fisheries Ireland

7.3.1. The IFI state that the Owenea is an extremely productive fishery and is ranked at 33 of 173 catchments accounting for 0.55% of the national fluvial habitat accessible to Salmon. The Owenea provides habitat and spawning habitat for Atlantic Salmon (Annex II), Brown Trout, Sea Trout, River and Brook Lamprey, and Eel (which is protected under Evaluation of Council Regulation (EC) No1100/2007 which established measures for the recovery of the European Eel stock. The IFI submission also notes the following:

- The use of cement and concrete must be subject to careful management and wet concrete must be kept out of all watercourses, with no washing out of concrete trucks on site.
- Site preparation and construction must adhere to best practice and conform to the publication 'Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters' as well as the relevant sections of Fishery Guidelines for Local Authority Works, Sustainable Drainage Systems.
- There must be no run-off of fuels, oils, concrete, stockpiles of materials or general run-off. Hazardous substances must be stored in lockable bunded containers, spill kits and staff training carried out, diesel/petrol pumps (if required) should be placed in bunded units, and all wastes disposed of in accordance with the Waste Management Act, 1996.
- Contractor must nominate a person to oversee environmental monitoring and housekeeping on site and ensure good practice and guidelines are adhered to.
- Bio-security protocol to be implemented to managed invasive species, i.e. restricting introduction and spread.
- Consultation and approval of the IFI to be obtained prior to any instream works.
- Should riverbed works be required they should be carried out from 1<sup>st</sup> May to 30<sup>th</sup> September to ensure minimal interruption/impact on salmonid spawning cycles and juveniles.

#### **7.4. Department of the Environment, Climate and Communications (DECC) - Geological Survey Ireland**

- 7.4.1. The submission from the Department is from the Geological Survey of Ireland and provides a list of publicly available datasets they consider relevant for planning purposes.

#### **7.5. Public Submissions:**

- 7.5.1. There have been no submissions received from the public in relation to the proposed development.

## 8.0 Further Information

### 8.1. Further Information Request

8.1.1. The Board sought further information in relation to a number of issues as summarised below:

- The provision of a comprehensive Construction and Environmental Management Plan (CEMP),
- Additional details to augment the submitted NIS in relation to the Freshwater Pearl Mussel and Otter, as well as clarification as to the consideration of an additional SPA within the screening component of the AA process.
- Review of the status of Bats at the locations of the proposed works and whether additional mitigation measures would be appropriate.
- Clarification as to the extent of vegetative clearing associated with the proposed works.
- Whether the applicant wanted to comment on any of the submissions lodged.

### 8.2. Further Information Response

8.2.1. The applicant responded to the FI request (following an agreed time extension to facilitate the response) on the 11<sup>th</sup> of January. The response documentation submitted included:

- FI response document,
- Revised NIS,
- Construction and Environmental Management Plan (CEMP),
- Bat Survey Report,
- Ecological Survey Report,
- Revised Drawing Set

The applicant's responses to the FI request can be summarised as follows:

- The applicant has submitted a detailed CEMP which provides significant additional detail in relation to construction methods, practices, timeframes, priority, scheduling, and mitigation measures to reduce environmental

impacts (particularly in relation to birds, Bats, and otter) as well as including the following clarifications:

- No machinery will be required in the riparian area with mortar and materials being brought to the structures by hand, access will be via the R253 and adjacent riparian zone.
  - Extensive site clearance will not be required other than the removal of vegetation growing on the structures themselves.
  - Works will be carried out in accordance with IFI document “Guidelines on Protection of Fisheries During Construction Works in and adjacent to Waters” (2016).
  - Environmental constraints will result in works only being carried out from mid-August to late September (Works must be outside the salmonid spawning so can be carried out between May to September, which is further restricted by having to be outside the bird nesting season (March to late August) and to protect bats can only take place between mid-March – mid May, or late August to mid-October).
  - Lighting measures will not be employed on site due to environmental sensitivities and will not be required due to timing of works.
  - Mortar mixing will occur on a bunded trailer and a works area will be set up in identified existing hardstanding areas along the existing road so that mixing and storage will occur on an impervious base. In the unlikely event of the identified hard-standing areas not being available criteria have been set to
- Additional details of surveying methodology for, and confirmation of incorporation of consideration of all relevant previous records of the Freshwater Pearl Mussel have been set out. A comprehensive Otter survey was carried out and documented, and the additional SPA incorporated into the AA screening document. A revised NIS considering all these elements has been submitted.
  - A preliminary roost assessment of each of the bridge structures was conducted (December 2022) and details of a previous 2019 bat survey of the

structures provided. The presence of Bats and suitable roosting features has been acknowledged and identified. Additional in-season surveying is recommended prior to commencement of works and mitigation through bespoke construction methodologies have been outlined (and incorporated into the submitted CEMP) in relation to the proposed works. It is recommended that further survey work be carried out to inform this strategy and that the finalised mitigation should be confirmed with the NPWS.

- The applicant has clarified that vegetative clearance is not required within 4m of the structures and it is only vegetation on the structures that is proposed for removal.
- The applicant did not take the opportunity to address any of the submissions lodged individually in relation to the proposed development.

8.2.2. The response was considered to be significant and accordingly the applicant was asked to re-advertise and the details circulated to the prescribed bodies.

### 8.3. Further Information Submissions/Observations

Submissions/Observations in relation to the FI response were received from DAU of the DHLGH in relation to nature conservation as well as the IFI.

#### 8.3.1. Development Applications Unit.

The DAU acknowledges the submission of the NIS, Ecological Survey, Bat Report and CEMP with the application and notes the following:

- The Department agrees with the recommendation that further bat surveys are carried out in the summer months and that the mitigation measures be put in place to protect roosting bats prior to any works being undertaken. Surveys and mitigation should be in accordance with the updated Bat Mitigation Guidelines for Ireland<sup>2</sup>.
- If bats are found roosting derogation licences will need to be sought if exclusion is required.

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<sup>2</sup> Bat Mitigation Guidelines for Ireland v2. Irish Wildlife Manuals, no. 134, NPWS, DHLGH 2022.

- All mitigation measures set out in the submitted Ecological Report, NIS, CEMP, and Bat Survey report should be conditioned in the event of favourable consideration.
- An ecological clerk of works should oversee the necessary works to protect habitats and species.

### 8.3.2. **Inland Fisheries Ireland.**

8.3.3. The IFI submission received by the Board in March 2023 reiterates its initial submission received by the Board in May 2022 which has been previously summarised above in section 7.4.

## 9.0 **Assessment**

### 9.1. **Introduction**

9.1.1. The Board, in making a decision in respect of an application under Section 177AE must consider:

- The likely consequences for the proper planning and sustainable development of the area,
- The likely effects on the environment, and
- The likely significant effects of the proposed development upon a European Site.

The structure of this report follows the above three topics. The first two are discussed in Sections 9.2 and 9.3 below, and the third in Section 10.

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

9.2.1. The background to the proposed development is that the works to all three bridges are required in order to restore and repair the structures which form integral parts of the regional road network. The works are predominantly structural and constitute the repair of the bridges using like-for-like materials. The bridges are all old, well-established structures and the maintenance works are restorative in nature and will ensure that they remain in a serviceable and safe state.

- 9.2.2. The proposed development is supported by Objective T-O-6 of the County Development Plan which supports the safeguarding of the carrying capacity and safety of national roads and other specified regional roads. Objective T-O-2 and T-O-3 of the CDP support achieving quality strategic inter-urban transport corridors and the provision of high-quality connectivity within the County, while Policy T-P-2 states that the Council will support and facilitate the appropriate development and improvement of Donegal's transport network.
- 9.2.3. In principle I have no objection to the proposed works as they will ensure that the existing structures remain serviceable and continue to serve the wider community in as important pieces of infrastructure on the transportation network. The scale of the proposed works and the use of like-for-like materials will ensure that the character of the bridges are retained and will be visually assimilated within this area of High Scenic Amenity.
- 9.2.4. The proposed development will not alter the extant use on site and will improve the carriageways/decks along all of the structures. It is acknowledged that the proposed development constitutes works within the Ardara West/Maas Road SAC, and discussion of potential of impacts arising on this designated site are set out further in Section 10 of this recommendation below.
- 9.2.5. In conclusion, the proposed development which represents minor but essential maintenance works to the existing roads infrastructure is compliant with the provisions of the County Development Plan and is consistent with the proper planning and sustainable development of the area, and accordingly I am of the opinion that the proposed development is appropriate in principle at these three locations.

### 9.3. **The likely effects on the environment**

- 9.3.1. There is no provision under Section 177AE of the Act to require Environmental Impact Assessment (EIA) or to carry out a formal EIA screening of development for a local authority project which has been submitted under this section of the Act. I do note, however, that the proposed development which is small in scale and represents essential maintenance/restorative works to three bridges is not of a development type for the purposes of Part 10 as listed in Schedule 5 of the Planning and Development Regulations 2001 (as amended) ("the Regulations").

9.3.2. Having reviewed the application documentation and bearing in mind the small-scale nature of the proposed development I consider that the proposed development will not give rise to significant environmental impacts, however, the proposal does merit further consideration in relation to the following:

- Visual Amenity,
- Traffic/Access
- Biodiversity,
- Flooding, and
- Cultural heritage.

9.3.3. Visual Amenity:

9.3.3.1. The three bridges subject to the proposed development are located within an area designated as being of High Scenic Amenity in the County Development plan. The nature of the works are small scale and represent restorative maintenance to existing structures using like-for-like materials. It is proposed to raise the single parapet wall of the Edenfinfreagh Bridge by approximately 30cm. Existing vegetation growing on (and in) the bridges is proposed to be removed, and grassed verges on the deck are to be removed and replaced with Bitmac. I consider that these changes are all minor in nature (particularly as in general they involve like-for-like replacement and upgrade) and will contribute to the maintenance and restoration of the structures for the use they were intended. Furthermore, I consider the proposed maintenance works will assimilate effectively with the existing structures and will not result in an inappropriate visual intrusion within this area of High Scenic Amenity.

9.3.4. Traffic/Access:

9.3.4.1. In relation to traffic/access, the structures are all located on the R253 Road which is generally in good condition throughout and is an important element of the transportation network. I note that the works will involve temporary impacts on the existing road and traffic management will be required with certain periods of traffic restrictions. I do not consider the impact of traffic management to facilitate the works to be significant and that while construction and construction traffic will have an impact it is necessary in order to ensure the maintenance and safety of the bridge

structures. Accordingly, in relation to traffic/access I conclude that the proposed development is appropriate and will not give rise to inappropriate movement/generation of traffic nor present a traffic hazard during construction.

9.3.5. Biodiversity:

9.3.5.1. In relation to Biodiversity I note there will be impacts on the river-bed where works will be required to be carried out inside the barrels of the arches of bridges but these works shall be carried out in strict accordance with the CEMP (submitted in response to the Boards FI request) which has been fully informed by the sensitive environmental context of the site and which provides for a range of mitigation measures to be incorporated to minimise the potential for impacts to arise.

9.3.5.2. The proposed works are to existing built structures which form part of the transportation network. The works are minor in nature and while I note that there will be impacts including noise and dust from the construction activities, a comprehensive suite of mitigation measures has been incorporated into the submitted CEMP (and informed by the findings of the ecology and bat reports) to minimise any impacts which could give rise to disturbance to wildlife in the vicinity. The construction phase will be temporary, and the impacts arising from the operational phase of the proposed development will be consistent with that already in place (i.e. the works will not give rise to additional traffic or activity following construction). Accordingly, in my opinion, important or ecologically sensitive habitats will not be lost or fragmented from the works.

9.3.6. The proposed works on two of the bridges (Lacklea East and West) are located within the West of Ardara/Maas Road SAC, while the works to the Edenfinfreagh bridge are located over a river which flows into the SAC. A detailed discussion of the potential for impacts and required mitigation measures for the SAC is set out in full in Section 10 of this recommendation.

9.3.7. I note that vegetation growing on the structures is to be removed as part of the proposed development (as clarified in response to the FI request it is only intended to remove vegetation on the structures themselves). The vegetation on the structures is not unique and its removal will not in my opinion have adverse impacts

on biodiversity provided this is carried out at an appropriate time of the year to minimise disturbance to sensitive species.

- 9.3.8. The submitted CEMP details the construction methods to be adopted and confirms that machinery will not need access to the riparian zone as materials will be hand delivered to site and confirms that instream works are required to ensure activities and maintenance on the bridge arches and barrels are carried out in dry-arch conditions. Importantly the CEMP also identifies the location of proposed staging areas/compounds for works which will be located in the vicinity of the three bridges on existing impermeable hardstanding and confirms that mortar mixing will occur in bunded vehicles/trailers prior to the required materials being hand delivered to the bridges themselves.
- 9.3.9. The proposed development is located in the Owenea River, and instream works are proposed as part of the overall construction methodologies. The Owenea and its tributaries are a productive fishery and forms part of an SAC. The IFI have set out a range of comments seeking works and construction activities to be carried out in an appropriate manner and at an appropriate time of year to minimise and avoid potential impacts on salmonids as well as river and sea lamprey. While I consider the works to be minimal and necessary, due to their nature and importance of the watercourse habitats the proposed development must be carried out in an appropriate manner to ensure significant adverse impacts do not arise.
- 9.3.10. In this regard FI was sought from the applicant in relation to providing a CEMP to detail mitigation and construction management techniques that will ensure species and habitats are not affected. The CEMP submitted in response to the FI request sets out a number of measures which will protect sensitive environmental receptors from adverse impacts, including prioritising and phasing the works, confirming the restricted time of year which works can be carried out (to avoid salmonid spawning, birds nesting and bat roosting sensitivities) and setting out the methodology of how instream works will be carried out.
- 9.3.11. In relation to the multi-arch bridges (Lacklea East and Lacklea East), water will be excluded from the relevant arch where works are being conducted by using clean and sealed sandbags, deploying plastic sheeting on the riverbed when dry and conducting the works within each of the arches in turn. For the Edenfinfreagh West

Bridge (which only has a single span) water will be conveyed through the works area from the temporary installation of a pipe to convey the flow from upstream (which comes via an existing pipe/culvert into the upstream side of the bridge) to the downstream channel beyond the works area which will be protected by sandbags, thus facilitating works at this location to be carried out in dry conditions. I also note that the concrete required to underpin the buttress of the Edenfinfreagh bridge will be poured in these dry conditions with the concrete being pumped directly to the works area from the R253 road above and left to dry, thus avoiding the possibility of any wet concrete entering the watercourse.

9.3.12. In relation to salmonids the IFI have recommended that works be conditioned to only occur between the 1<sup>st</sup> of May and 30<sup>th</sup> September where access to the river-bed is required. This will ensure minimal interruption and impact on salmonid spawning cycles. As set out above instream works are required at all bridge locations, and while I consider the methodologies proposed to be robust, it is appropriate to restrict the works periods due to the sensitivity of the watercourses. In my opinion, subject to the provision of the mitigation measures in the CEMP, Ecological Survey Report, and NIS as well as the application of the management and methodologies set out in the CEMP the proposed development will not have an adverse impact on the fisheries potential of the river, nor will significant adverse impacts arise on sensitive environmental receptors.

9.3.13. In relation to the Freshwater Pearl Mussel (FWPM), surveys were undertaken of the riverbed in the vicinity of the proposed works and no evidence of this species was recorded. In response to the FI request the applicant has considered the findings of all previous FWPM surveys in the wider area and acknowledged the locations of the previously identified individuals while confirming that no individuals have been identified in suitable habitats more proximate to the proposed works. The applicant has adopted a precautionary approach in relation to this species and included a detailed suite of water protection measures within the submitted CEMP. The FWPM is acknowledged as being present downstream of the works and it is a QI of the West of Ardara/Maas Road SAC. This species is very sensitive to water pollution and increased sediment levels, and accordingly detailed mitigation measures to ensure construction practices are monitored and controlled to ensure activities do not lead to increased sedimentation or pollution have been set out within the CEMP.

I accept that subject to the implementation of the water protection mitigation measures set out in the CEMP that the works will not have a direct impact on the FWPM. I note in this regard that the DAU has also recommended that the water quality and habitat protection measures set out be conditioned in the event of favourable consideration.

9.3.14. Following the FI request an otter survey was carried out in support of the original application within 150m of proposed works. The surveyed areas did not support any holts or obvious couches or day rests, a spraint was recorded approx. 100m west of Lacklea Bridge and trails were identified to the east of that bridge. It was concluded that the surveyed areas form an important part of the territory of at least one Otter. The proposed works have the potential to give rise to some short-term disturbance to otter commuting corridors (given that individual arches will be dried and scaffolding provided), however, given the duration and the fact that alternative habitat will remain in place I do not consider this impact to be significant and it will not be long term. Furthermore, works will only occur during daylight and no artificial lighting will be employed on site as confirmed in the CEMP.

9.3.15. In relation to Bats a Preliminary Roost Assessment was conducted in daylight conditions in December 2022 in response to the FI request. The results of this assessment acknowledge the presence of, and/or the potential for support of roosting for this species at all three structures. Bats roost in small crevices which are prevalent in all of the structures and there is sufficient clearance to the water levels to make the bridge structures attractive to them. No bats were recorded at the Lacklea West Bridge, although many potential roost features (crevices and cracks etc.) were identified and the structure was considered to offer high bat roost potential. Two Daubentons bats were identified at Lacklea East Bridge. A previous 2019 survey recorded that this bridge supported a maternity roost of 15 no. Daubentons bats and the two crevices which accommodated that maternity roost are still in place and are considered to be of the greatest importance. Overall the Lacklea East Bridge was considered to be likely to support roosting bats year-round and was found to contain an extensive range of features which provide roosting opportunities for the species. Edenfinfreagh Bridge differs from the other two structures as it is effectively closed at one end with a culvert running into the upstream part of the bridge. It is therefore almost cave-like in appearance with a low water level and

accordingly while bats were not recorded in the December 2022 survey it is considered to offer potential for hibernating bats while the older parts of the structure have high potential to support roosting bats. It is noted that the December survey was not carried out during roosting periods (late May to mid-August) and accordingly prior to works being carried out it is recommended that appropriate seasonal surveying be carried out to prove and augment the stated mitigation measures incorporated into the CEMP. The Bat protection measures set out in the submitted CEMP are summarised below:

- Water flows will be diverted into the adjacent arch to allow dry access to the arch proposed for works (for the Edenfinfreagh Bridge the temporary pipe for conveying water through the single archway from the extant upstream culvert pipe will be installed).
- A weighted sheet will be deployed in front of the upstream face of the arch (for the Edenfinfreagh bridge there is only one open side to the arch). This sheet will be of sufficient size to cover the entirety of the arch opening from the top to the dry riverbed and will be affixed to the face of the bridge structure to ensure that bats cannot re-enter the arch from the upstream side.
- An Ecological clerk of works will be present, equipped with night vision aids and thermal imaging to ensure that all bats have exited the arch structure.
- Following emergence of all bats from the arch a second weighted sheet will be deployed in front of the downstream face of the arch. This sheet will also cover the entire area of the arch opening to the dry riverbed and affixed to the face of the bridge structure to ensure that bats cannot re-enter the arch. Thus excluding all bats from the arch.
- The ecologist the following morning, using thermal imaging, will confirm that no bats have gained access to the arch during the night.
- Proposed works will be subsequently conducted in the arch in daylight hours (sheets can be lifted during daylight hours to gain access). Prior to leaving the site in the evening.
- A proportion of bat roost features within the arch will be retained within the works, if this is not possible due to concerns regarding the structural integrity of the bridge then Bat boxes will be installed. Alternatively superficial crevices

(providing a more like for like replacement) will be created by the stone mason that will provide new roosting opportunities whilst not compromising the structural integrity of the bridge.

- Following completion of works at one arch, sheets will be removed, and the same methodology applied to the adjacent arch.

9.3.16. The CEMP has also confirmed that in order to restrict impacts on potential maternity roosting Bats that works could only be conducted between mid-March to mid-May or late August to mid-October.

9.3.17. In relation to birds, a Dippers nest was identified on the Lacklea East bridge, and several Wrens nests were identified in the cavities in the interior of the modern section of the Edenfinfreagh Bridge. The proposed works have the potential to give rise to impacts on nesting birds through disturbance to nesting birds in the bridge structures themselves as well as through the removal of minimal areas of vegetation which have the potential to support nesting birds. In order to minimise impacts arising on birds I concur with the provisions in the CEMP and DAU submissions which seeks to limit the works to outside of the Bird nesting season.

9.3.18. In the interests of minimising the potential impacts that could arise from the proposed development the works must be restricted to a narrow annual window. The DAU submission and CEMP acknowledge that works need to be restricted to avoid impacts on salmonids (works can only be carried out between May to September), breeding birds (works must not be carried out from March to August) and bats (works can only take place mid-March to mid-May or late August to Mid-October). This effectively leaves September as the only month in which works can be carried out while ensuring maximum protection of site sensitivities. In this regard I note that the submission from the DAU notes that "*September would be a suitable time.*," and that the CEMP notes "late August" as the end of the bird nesting season. In my opinion, it would be possible to carry out works in late August (i.e. the last two weeks of that month) provided it was proven by advance ornithological survey that there were no birds nesting in the structure that was to be subject to specific works. The DAU and CEMP agree that works can be carried out in September. The CEMP has acknowledged the restricted time periods for works and has prioritised the bridge works accordingly in order of need, with the Lacklea East bridge being priority 1,

Lacklea West bridge priority 2, and Edenfinfreagh bridge priority 3. Dependent on the mobilisation of resources therefore it may be necessary to carry out the works over a number of years. In this regard I wish to clarify that I do not consider that there would be an adverse additional cumulative impact arising should works be conducted on all three bridges concurrently provided the construction methodologies were followed (i.e. only one arch being worked on within each bridge structure at a time as set out in the CEMP).

9.3.19. In conclusion, in relation to Biodiversity I note that the structures subject to the proposed development are already in use as part of the regional road network and that the works proposed are small-scale maintenance/restorative works.

Notwithstanding the small scale of the proposed development and its appropriate nature I consider that the construction operations should be made subject to conditions requiring the implementation of all mitigation measures set out in the CEMP, Bat report, ecological report and NIS including controls being applied to construction activities and good on-site housekeeping. With the implementation of such mitigation measures and conditions I consider that the proposed development will not have a significant adverse impact on biodiversity.

9.3.20. Flooding:

9.3.20.1. In relation to floodrisk I note that as the works represent maintenance and repair of existing bridge structures and that once complete the works will not impede or alter the flow of the river or capacity of the bridges from that which is currently in place. A review of floodinfo.ie confirms that there have been no recorded or mapped past flood events at (or upstream of) any of the subject bridges and that the works will of necessity have to be conducted in low-flow conditions. Two of the bridges (Lacklea East and West) are within lands that have been modelled as having medium probability of fluvial flooding (100-year return period or odds of occurrence in any given year of 100:1). As the works are maintenance works to existing structures which will not alter flows or capacity of bridges and that the works will have to be carried out in low-flow conditions I consider that the proposed development is appropriate and will not have an adverse or significant effect on flood capacity or design over and above the existing conditions.

### 9.3.21. Cultural Heritage:

- 9.3.21.1. One of the bridges (Lacklea West) is recorded as being of regional importance in the National Inventory of Architectural Heritage (NIAH) which notes that it is an attractive triple-arch bridge built c.1780 that has performed the social purpose of carrying traffic over the Owenea River for in excess of two centuries. Neither of the other two bridges are recorded on the NIAH nor are any of the structures listed on the Record of Protected Structures (RPS).
- 9.3.21.2. The bridges are not located in the immediate vicinity of any archaeological recorded monuments or features nor are any buildings from the record of protected structures affected. The closest recorded monuments are SMR No. DG075-005 (Rath/Ringfort) which is located approximately 175m northeast of the Lacklea East Bridge, and DG075-004003 (Mound) located 580m west of Lacklea West Bridge. I note the submission from the DAU in relation to their requirement that an Underwater Archaeological Impact Assessment (UAIA) including an architectural assessment of the bridge structures be carried out, in advance of, and to inform, the subject works. Furthermore, I note that the CEMP submitted by the applicant acknowledges the likely requirement of an UAIA, in advance of works.
- 9.3.21.3. The majority of the subject works do not require excavation works or new construction anywhere in or near the riverbed, with the exception of the works required to underpin the existing buttress of the Edenfinfreagh bridge. The underpinning requires pouring of concrete and is located upstream and in excess of one kilometre distant from the nearest recorded archaeological feature (Rath-DG01897). As the works essentially constitute the repair and maintenance of existing bridge structures with no works required to the river bed or banks for all but the Edenfinfreagh structure, I am of the opinion that the subject works do not require UAIA in advance and that cultural heritage and features will be adequately recorded and surveyed through inclusion of a condition requiring archaeological monitoring of the works and of the river bed under dry-arch conditions in the event of favourable consideration. My consideration of this matter is informed by the nature of the proposed works, their remoteness from identified archaeological features, and the environmental/ecological sensitivities of the site (which requires limitations on both

the extent, effect, and duration of works). While I do not consider it necessary, I note that the Board may be minded to require an UAIA considering that one was requested by the DAU.

9.3.21.4. In relation to architectural assessment of the structures I note that none of the three bridges is on the RPS and that while one (Lacklea West) is on the NIAH that all works proposed are maintenance works using like for like materials with limited use of machinery and accordingly will have minimal impact.

## **10.0 The likely significant effects on a European site:**

10.1. The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement and associated documents
- Appropriate Assessment Screening, and
- Appropriate Assessment.

### **10.2. Compliance with Articles 6(3) of the EU Habitats Directive:**

10.2.1. 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 before consent can be given.

### **10.3. The Natura Impact Statement**

10.3.1. The application is accompanied by an NIS (an updated version was submitted in response to the FI request) which describes the proposed development (Section 3 of the NIS refers) and the receiving environment (Section 4 refers). The submitted NIS contains a Stage 1 Screening Assessment (Section 5 of the NIS) which concluded that a Stage 2 Appropriate Assessment was required in relation to one European

Site, West of Ar dara/Maas Road SAC [Site Code 000197], due to the presence of works within this site and hydrological linkages to Qualifying Interests (QIs). The submitted NIS goes on to outline the methodology used for assessing potential impacts on the habitats and species within the European Site that have the potential to be affected by the proposed development. It predicts the potential impacts for this site and its conservation objectives, considers in-combination effects with other plans and projects. The NIS also includes mitigation measures and sets out its conclusions in relation to the potential for effects to arise in the context of the application of these measures.

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

- A desk top study of all relevant records and research,
- Ecological Survey (incl. Otter Survey) and
- A Freshwater Pearl Mussel Survey,

10.3.3. The NIS considered that potential impacts that could be arising from the proposed development on the Natura 2000 site arising from:

- Construction works leading to siltation and pollution of surface waters due to the works being carried out on two bridges within the SAC and another bridge on a tributary river which feeds into the SAC resulting in presence of pathways and potential for impacts. This could lead to adverse effects on water quality resulting in mortality of species, failed recruitment and population decline in QI species (as well as prey reduction in relation to Otter).

10.3.4. The NIS considered that the potential for impact only arose for three of the QIs of the SAC (Freshwater Pearl Mussel, Salmon, and Otter) due to the presence of hydrological pathways to the relevant freshwater environment.

10.3.5. The submitted NIS concludes as follows:

*“Following the implementation of a range of mitigation measures in respect of these impact pathways it is considered that any likely significant effects will be fully mitigated and as such the proposed works will not give rise to any adverse impacts on the integrity of any European sites.”*

10.3.6. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions. 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).

#### **10.4. Appropriate Assessment Screening**

- 10.4.1. Section 177AE of the Act sets out the requirements for appropriate assessment (AA) of development carried out by or on behalf of a local authority. Section 177(AE) (3) states that where a Natura Impact Statement has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the AA. There is no requirement for the Board to undertake screening in these cases as it presupposed that the Local Authority has established the need for AA through its own screening process. Nonetheless, it is considered prudent to review the screening process to ensure alignment with the sites brought forward for AA and to ensure that all sites that may be affected by the development have been considered.
- 10.4.2. The submitted NIS conducted by RPS on behalf of Donegal County Council included AA Screening which concluded on the basis of objective information and in view of best scientific knowledge, the possibility of significant effects from the proposed project on European sites could not be ruled out and therefore an Appropriate Assessment was required. The AA screening section of the NIS concluded that there was potential for the proposed development to significantly impact the West of Ardara/Maas Road SAC from construction activities (i.e. siltation and pollution arising from site discharges) causing pollution of surface waters and accordingly to the freshwater environment.
- 10.4.3. Appropriate Assessment Screening Determination
- 10.4.4. I consider that the proposed maintenance/restorative works to the three subject bridges is not directly connected with or necessary to the management of any European site.
- 10.4.5. 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 (as set out in Table 10-1) 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 10-1: European sites considered for Stage 1 screening:**

European site (SAC/SPA) [Site Code]	Qualifying Interests (QI) [and code]	Approximate Straight-line Distance to site of proposed development
West of Ardara/Maas Road SAC [Site Code: 000197],	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Large shallow inlets and bays [1160]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Decalcified fixed dunes with <i>Empetrum nigrum</i> [2140]</p> <p>Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (Salicion arenariae) [2170]</p> <p>Humid dune slacks [2190]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p>	Two of the subject bridges are located within this SAC.

European site (SAC/SPA) [Site Code]	Qualifying Interests (QI) [and code]	Approximate Straight-line Distance to site of proposed development
	<p>Alpine and Boreal heaths [4060]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Alkaline fens [7230]</p> <p>Vertigo geyeri (Geyer's Whorl Snail) [1013]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Euphydryas aurinia (Marsh Fritillary) [1065]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p> <p>Najas flexilis (Slender Naiad) [1833]</p>	
<p>River Finn SAC [Site code: 002301]</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Transition mires and quaking bogs [7140]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p>	<p>3.6km northeast of Edenfinfreagh Bridge</p>

European site (SAC/SPA) [Site Code]	Qualifying Interests (QI) [and code]	Approximate Straight-line Distance to site of proposed development
Lough Nillan Bog SPA [Site code: 004110],	Merlin ( <i>Falco columbarius</i> ) [A098] Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] Greenland White-fronted Goose ( <i>Anser albifrons flavirostris</i> ) [A395] Dunlin ( <i>Calidris alpina schinzii</i> ) [A466]	760m southwest Lacklea West Bridge.
Lough Nillan Bog (Carrickatlieve) SAC [Site code: 000165]	Oligotrophic waters containing very few minerals of sandy plains ( <i>Littorelletalia uniflorae</i> ) [3110]  Blanket bogs (* if active bog) [7130]	780m southwest of Lacklea West Bridge
Meenaguse Scragh SAC [Site code: 001880],	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]	2.8km southeast of Edenfinfreagh Br.,
Meenaguse/Arbane Bog SAC [Site code: 000172]	Blanket bogs (* if active bog) [7130]	4.7km southeast of Lacklea East Br.,
Lough Eske and Ardnamona Wood SAC [Site code: 000163],	Oligotrophic waters containing very few minerals of sandy plains ( <i>Littorelletalia uniflorae</i> ) [3110] Petrifying springs with tufa formation ( <i>Cratoneurion</i> ) [7220] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Salmo salar (Salmon) [1106] Trichomanes speciosum (Killarney Fern) [1421]	10.1km southeast of Lacklea East Br.,
Gannivegil Bog SAC [Site code 000142],	Oligotrophic waters containing very few minerals of sandy plains ( <i>Littorelletalia uniflorae</i> ) [3110]	10.2km northwest of Lacklea West BR.,

European site (SAC/SPA) [Site Code]	Qualifying Interests (QI) [and code]	Approximate Straight-line Distance to site of proposed development
	<p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>Blanket bogs (* if active bog) [7130]</p>	
Coolvoy Bog SAC [Site Code 001107],	Blanket bogs (* if active bog) [7130]	9.8km northwest of Edenfinfreagh Br.,
Cloghernagore Bog and Glenveagh National Park SAC [Site Code 002047],	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Trichomanes speciosum</i> (Killarney Fern) [1421]</p>	10.8km northwest of Edenfinfreagh Br.,
Derryveagh and Glendowan Mountains SPA [Site Code 004039],	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Merlin (<i>Falco columbarius</i>) [A098]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Dunlin (<i>Calidris alpina schinzii</i>) [A466]</p>	6.1km north of Edenfinfreagh Br.

European site (SAC/SPA) [Site Code]	Qualifying Interests (QI) [and code]	Approximate Straight-line Distance to site of proposed development
Meentygrannagh Bog SAC [Site Code 000173],	Blanket bogs (* if active bog) [7130] Transition mires and quaking bogs [7140] Alkaline fens [7230] Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]	14.3km northeast of Edenfinfreagh Bridge.

10.4.6. Based on my examination of the NIS report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, 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 in relation to one of the European sites referred to above.

- West of Ardara/Maas Road SAC, [Site Code 000197]

10.4.7. Having reviewed the project and application details, I consider that there is potential for effects to arise on the West of Ardara/Maas Road SAC due to the location of the subject works within the SAC and on a river which flows into the SAC giving rise to the presence of pathways for effects during the construction phase.

10.4.8. I note that the proposed development constitutes repair works to bridges which already form part of the regional road network and accordingly the use and operational status of the bridges and landuse are not altered. The subject works will not give rise to increased traffic or human activity at the relevant site locations and accordingly I do not consider that the operational phase of the proposed development will have any adverse impacts on the SAC.

10.4.9. I consider that the remaining eleven sites can be screened out from further assessment because of the nature, scale and character of the proposed works, the nature of the Conservation Objectives, Qualifying 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: 002301, 004110, 000165, 001880, 000172, 000163, 000142, 001107, 002047, 004039 or 000173 in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

10.4.10. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

#### 10.5. **Stage II Appropriate Assessment**

10.5.1. The following is an objective scientific assessment of the implications of the proposal on the relevant conservation objectives of the European sites identified as having the potential to be affected by the proposed development using the best scientific knowledge (provided in the NIS). All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed for effectiveness. I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- EC (2021) Assessment of plans and projects in relation to Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC

#### 10.5.2. Description of the West of Ardara/Maas Road SAC

10.5.2.1. The West of Ardara/Maas Road SAC occupies an area of coast immediately north of Ardara and further north around the coast including the Gweebarra River to Doocharry, it also includes a large area of Blanket Bog west of Glenties. The site

includes the Owenea River system (which includes the location of two of the three bridges that the proposed works are on). The site is of considerable conservation value on account of the high level of habitat diversity. There are 26 habitats present which are listed under Annex I of the E.U. Habitats Directive, six which have priority status. The presence of important populations of rare and threatened habitats, plants and animals, along with breeding and wintering birds, makes this a site of very high conservation value.

10.5.2.2. The main aspects of the proposed development that could adversely affect the conservation objectives of the West of Ardara/Maas Road SAC, in my opinion, arise from the potential for water pollution and sediment/hydrocarbon release to occur from construction into surface waters and freshwater habitats. Sediment and/or hydrocarbon release during construction activities could occur in the absence of appropriate mitigation or management.

### 10.5.3. Conservation Objectives for West of Ardara/Maas Road SAC

10.5.3.1. The West of Ardara/Maas Road SAC has a list of 34 Qualifying Interests (QIs) as set out in Table 10-1 above. Twenty-six of these relate to habitats, with the remaining eight related to species. In relation to the habitats QIs the Conservation Objectives (COs) for the SAC is to either maintain or restore each of the twenty-seven to favourable conservation status which is defined across a varying range of attributes and targets. The potential impacts arising from the proposed development relates to potential for sediment release and pollution occurring to the Owenea River system within the SAC (i.e. impacting on the freshwater habitat within the SAC). Accordingly, only those QIs which rely on freshwater habitat, and which have a proximate pathway connection to the proposed works have the potential to be impacted by the proposed development. In summary –

- The QI habitats within the SAC which relate to marine habitats (Estuaries, Mud/Sand flats, Annual vegetation drift lines, Atlantic/Mediterranean salt meadows, a range of seven different Dune types, and Machairs) will not be impacted by the proposed works due to their non-reliance on freshwater and distance to the proposed works. I, therefore, conclude that there is no potential for impacts to arise on these QIs.

- The QI habitats relating to heaths, grasslands, and meadows (European, Alpine and Boreal, Juniperus comminus formations, semi-natural dry, Molina Meadows, and Lowland hay) are not dependent on water quality nor are there linkages/pathways to the proposed works. I, therefore, conclude that there is no potential for impacts to arise on these QIs.
- The QI habitats relating to Oligotrophic and Oligotrophic to Mesotrophic waters are water features which are surface and ground water-fed and are sensitive to hydrological changes. There are, however, no linkages/pathways of connectivity between the proposed development and these habitats as they are located upstream/separated from the works areas. I, therefore, conclude that there is no potential for impacts to arise on these QIs.
- The QI habitats in relation to Bogs, Fens, and Wet Heath (Northern Atlantic Wet Heaths, Depressions on Peat substrate, Blanket Bog and Alkaline fens) are all to a certain degree hydrologically sensitive. There are, however, no linkages/pathways between the proposed development and these habitats as they are located separate to and upstream of the works areas. I, therefore, conclude that there is no potential for impacts to arise on these QIs.
- Having regard to the QI's relating to species, I am satisfied that the habitats for the Geyers Whorl Snail, Harbour Seal, Slender Naiad, Petalwort and Marsh Fritillary will not be impacted by the proposed development for reasons including – separation distances, lack of potential pathways for impact, nature of the locations at which the proposed development will be carried out and the specific characteristics of the habitats on which the QIs rely. I, therefore, conclude that there is no potential for impacts to arise 5 no. QIs.
- The QI's which rely on freshwater habitats and upon which impacts could arise from the proposed development due to sediment release, pollutants or disturbance are Salmon, Otter, and Freshwater Pearl Mussel. The proposed works relate to the maintenance of existing bridge structures and therefore direct habitat loss will not arise, however, there is potential for these QIs to be adversely affected in the context of water quality impacts arising from construction activities. In this regard I note the findings of the Freshwater Pearl Mussel survey which was undertaken by the applicants, and which

recorded no presence of this species in the riverbeds in the vicinity of the proposed development, although it is also noted that this species is present further downstream from the subject works.

10.5.4. The proposed development in the absence of appropriate mitigation and management could give rise to the following effects on the SAC.

Potential direct effects:

- Construction works directly resulting in loss/reduction of habitat area arising from poor project design/site selection and/or construction practices.
- Habitat/Species fragmentation arising from habitat loss, construction activities, and/or light pollution.
- Construction activities can create disturbance to key species (both protected species, their prey and/or other important species within the local ecosystem) through noise, dust, sediment, and any pollutants leaving the site.

Potential indirect effects:

- Notwithstanding the small scale of the proposed development the primary indirect effect that could arise is the potential adverse impact on water quality in the SAC associated with pollution that could arise from the construction stage.

10.5.5. Potential in-combination effects:

- In-combination effects could arise from interactions with extant or permitted developments and/or from other plans or programmes pertaining to the area. The primary plan in relation to the area is the Donegal Development Plan 2018-2024 this plan provides the framework and context for consent of any proposed projects in the vicinity and has been subject to Strategic Environmental Assessment (SEA) and Natura Impact Reporting, to ensure compliance with European Directives. The Development Plan is the framework within which development consents are considered and any proposed or consented development must provide its own AA Screening or NIS as appropriate and will only be permitted to proceed in the context of the requirements of the protection of the integrity of the SAC. Accordingly, I do not consider that there will be in-combination effects arising from the proposed

development, the Development Plan or currently proposed or consented projects. Other relevant plans in the wider area include the National Planning Framework, Regional Spatial and Economic Strategy, NPWS Conservation Plans, Inland Fisheries Corporate Plan 2021-2025, Ground/Surface-water protection programmes, Catchment Floodrisk Assessment and Management Study and River Basin Management Plans. All of these plans and programmes have been developed and considered in the context of applying relevant environmental protections and where works are required Appropriate Assessment will be undertaken. Accordingly, no in-combination effects will arise. In terms of on-going landuse and activities (commercial operations, agriculture, forestry) all relevant works are subject to their own controls under a range of regulations as necessary (planning consent, Nitrates Directive, felling licences) at which stage AA matters and considerations will be applied and mitigated. As the proposed development, subject to mitigation and conditions applied will not have an adverse impact on the SAC, and as the proposed development does not compound or interact with any effects arising from other plans, projects or programmes I do not consider that in-combination effects will arise.

#### 10.5.6. Mitigation measures:

- The nature and location of the proposed works are focused on the structures of the three existing subject bridges, which ensures that the proposed development will not have a direct impact on habitats of conservation or relatively high ecological value. The proposed development will not therefore result in the loss of any Annex I habitat. This mitigation by design ensures that there will be no direct loss, or fragmentation of habitat which forms part of the QIs of the SAC or of habitat relied upon by QI species.
- Construction activities will be subject to a Construction and Environmental Management Plan (a copy of which has been included in response to the Further Information request issued from the Board). The CEMP provides a detailed list of the mitigation/management/control measures under which the proposed development will be constructed. Broadly speaking the CEMP will ensure the application of good house-keeping, monitoring, reporting, and scheduling of construction (both time of year and phasing of work) will ensure

that disturbance to species will be minimised. The mitigation measures proposed include –

- All materials will be stored in a secure location at least 10m away from the river's edge. The storage of material will occur on the R253 or associated lay-bys. Should the need for storage on lands adjacent to the Owenea River be required a number of criteria have been identified which the contractor must consider when choosing an appropriate location. However the preference will be to use impervious surfaces and bring materials to site on an as need basis using contractor's vans, trailers and in the case of Edenfinfreagh Bridge, ready mix concrete lorry.
- All mixing and refuelling (and equipment lubrication) activities will be undertaken in a secure bunded area at least 10m away from the river's edge. Refuelling of plant on site is not likely to be necessary and the refuelling of hand tools will be undertaken using metal gerry cans in a suitably bunded area or using drip trays.
- Mortars will be mixed in small batches in a dedicated bunded area or bunded trailer and transported to the works area by hand. There will be no requirement to transport mortar to site and all mixing will occur within the storage areas delineated for the works, set back from any water course.
- Where pumps are required to remove excess water from a works area, silt bags will be attached to the outfall the pump which will only discharge to grassland areas a minimum of 10 metres from a watercourse or drainage ditch so as to prevent silt from entering the aquatic environment.
- Emergency procedure shall be developed in advance of the repair works and spill kits shall be available at all times on site.
- Construction works will be informed by best practice guidance from IFI on the prevention of pollution during development projects including "Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters" (2016), and "Good practice guidelines on the control of water pollution from construction sites" (CIRIA, 2001)

- Site personnel will be trained in the importance of preventing pollution and all mitigation measures through tool-box talks etc.
- The use of protective plastic sheeting will prevent any debris entering the watercourse.
- Contractor's plant, equipment etc. shall be free of any mechanical defects, and be well maintained and serviced so as to prevent oil or fuel leaks into the river.
- The appointed contractor will adhere to the relevant measures detailed within the 'Control of Water Pollution from Construction Sites: Guidance for Consultants and Contractors' (SP156) (CIRIA 2002).
- Construction method statements will be submitted to the Inland Fisheries and NPWS for review prior to commencement of the repair work.
- Contractor's plant, equipment etc. shall be free of any mechanical defects, and be well maintained and serviced so as to prevent oil or fuel leaks into the river.
- Repair works will be completed in the dry to avoid pollution of the freshwater environment.
- Fuels, lubricants, and hydraulic fluids for equipment used on site will be carefully handled to avoid spillage, properly secured against unauthorised access or vandalism, and provided with spill containment according to codes of practice.
- The contractor shall ensure that good housekeeping is maintained at all times and that all site personnel are made aware of the importance of the river environment and the requirement to avoid pollution of all types.
- Hours of operation will be limited to daytime hours and artificial lighting will not be used (No night works will be carried out).
- Construction activities will be scheduled to take place only during appropriate periods (i.e. late August and September) to minimise disturbance.

The application of the range of construction mitigation measures set out within the CEMP will ensure that the SAC will be protected from any inappropriate discharges from site during construction (e.g., dust,

hydrocarbons, or sediment laden water) which could potentially impact on its qualifying interests.

I consider that the proposed mitigation measures as articulated in the NIS and detailed in the submitted CEMP, combined with the additional conditions requiring restrictions on construction activities, will be sufficient to avoid significant effects arising and will exclude adverse effects on the integrity of the SAC.

10.5.7. Residual Effects/Further Analysis:

Having considered the design of the proposed development, its scale, location, and current use, as well as the detailed mitigation measures and conditions recommended to be provided in the event of favourable consideration, I am satisfied that there will be no residual impacts associated with the proposed development.

10.5.8. NIS Omissions:

The amended/revised NIS submitted in response to the FI request does not contain any omissions.

10.5.9. Integrity Test

Following the appropriate assessment and having regard to the scale of the proposed development and the implementation of the mitigation measures as set out I can ascertain with confidence that the proposed development will not adversely affect the West of Ardara/Maas Road SAC in view of its qualifying interests and conservation objectives. This conclusion has been based on a complete assessment of all implications of the proposed development alone and in combination with plans and projects.

10.6. **Appropriate Assessment Conclusions:**

10.6.1. The proposed restorative maintenance works to Lacklea West, Lacklea East and Edenfinfreagh Bridges have been considered in light of the assessment requirements of Section 177AE of the Planning and Development Act, 2000 (as amended).

10.6.2. Having carried out screening for Appropriate Assessment of the project, I concluded that there was potential for the project to affect the West of Ardara/Maas Road SAC. Accordingly, an Appropriate Assessment was required of the implications of the project on the qualifying interests of the SAC in light of its conservation objectives.

- 10.6.3. Following examination and review of all the material submitted within the planning application and on review of the submitted NIS, I am satisfied that the applicant has considered all the elements/features that could be affected in relation to the conservation objectives of the West of Ardara/Maas Road SAC and the information before the Board comprehensively addresses all issues and concerns regarding potential adverse effects on the SAC (subject to the implementation of mitigation measures and conditions outlined above and below respectively).
- 10.6.4. On the basis of the above I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the West of Ardara/Maas Road SAC [European site no. 002301], or any other European site, in view of their Conservation Objectives.

## 11.0 Recommendation

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

### Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011 as amended,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the West of Ardara/Maas Road SAC [European site no. 002301],

- (e) the policies and objectives of the County Donegal Development Plan, 2018-2024,
- (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 and observations 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 West of Ardara/Maas Road SAC [European site no. 002301], is the only European Site in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely West of Ardara/Maas Road SAC [European site no. 002301] in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

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

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

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

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

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the revised details received on the 11<sup>th</sup> of January 2023 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 Construction and Environment Management Plan or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

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

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development, including those set out in the Natura Impact Statement, Construction and Environmental Management Plan, Bat Survey Report and Ecological Report shall be implemented in full or as may be required in order to comply with the following conditions. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

**Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.**

- 3 The proposed development shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) received by the Board on the 11<sup>th</sup> of January 2023.

**Reason: In the interest of protecting the environment.**

3. (a) Prior to the commencement of development, details of measures to protect fisheries and water quality shall be outlined and placed on file. 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 Inland Fisheries Ireland and the programme shall be implemented thereafter.

(b) Prior to the commencement of any instream works the developer must participate in consultation with Inland Fisheries Ireland and instream works can only be carried out following approval of methodologies and timing from that body.

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

4. The County Council and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

5. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in the submitted Natura Impact Statement, Ecological Report, Bat Survey Report and Construction and Environmental Management Plan and conditions here stated. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works and performance of all mitigation measures shall be prepared by the appointed ecologist to be kept on file as part of the public record.

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

6. The following nature conservation requirements shall be complied with:
  - (a) The permitted works will be phased as set out in the submitted Construction and Environmental Management Plan and will only be carried out in the month of September. Should ornithological surveying by an appropriately qualified individual confirm that there are no nesting birds in the structures (or associated vegetation to be removed) in advance of works in any given year, works can be carried out in the final two weeks of August in that year subject to agreement with the National Parks and Wildlife Service. A record of the relevant ornithological survey shall be placed on file for record.

- (b) Works will ensure the retention or suitable replacement of the identified dippers nest as well as the provision of cavities/boxes for the dipper on each of the subject structures, subject to approval by the project ecologist.
- (c) Summer bat surveys shall be undertaken at each of the bridges prior to commencement of development to fully inform construction methodologies and finalise appropriate mitigation measures. All surveys will be undertaken in the appropriate season immediately prior to works being carried out in each of the structures. If bats are found roosting the mitigation measures and methodology as set out in the submitted Bat Survey Report will at a minimum be put in place. Derogation licenses must be sought if exclusion is required to carry out bridge repair works. Details of the methodology, timing, and extent of the surveys as well as the relevant mitigation measures including the retention of existing and provision of additional/alternative roosting cavities/boxes shall be agreed with the National Parks and Wildlife Service in advance of works.

**Reason: In the interests of nature conservation, protecting the environment, minimising impacts on protected species and the proper planning and sustainable development of the area.**

7. The County Council and any agent acting on its behalf shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
  - (a) employ a suitably-qualified archaeologist who shall monitor all site investigations and works, and
  - (b) provide arrangements, acceptable to the National Monuments Service, for the recording and for the removal of any archaeological material which the Service considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**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.**

**Reason:** To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

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Jimmy Green  
Senior Planning Inspector  
13/04/2023