



An  
Bord  
Pleanála

## Inspector's Report ABP-315772-23

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<b>Development</b>	Repair works at Formaoil Bridge.
<b>Location</b>	Shenadh Pheistin, Co. Galway
<b>Local Authority</b>	Galway 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>	Inland Fisheries Ireland Peter Sweetman & Wild Ireland Defence CLG.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14 <sup>th</sup> April 2023
<b>Inspector</b>	Karla Mc Bride



## 1.0 Introduction

- 1.1. Galway County Council is seeking approval from An Bord Pleanála to undertake bridge repair works at Formaoil Bridge at Seanaphesateen / Formaoil to the NE of Rossaveel. The existing bridge, which is located within the Connemara Bog Complex SAC and upstream of the Connemara Bog Complex SPA, traverses the Casla River which drains S to Casla Bay and ultimately Kilkieran Bay and Islands SAC, and there are several other designated European sites in the wider area. A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

## 2.0 Site and Location

- 2.1. The site is located within the townland of Formaoil to the W of the Seanaphesateen Road which links Rossaveel to Oughterard, in W County Galway. The surrounding undulating area comprises a mix of peatlands, rocky outcrops, lakes and grazing land. There are a small number of detached houses located along the local road which Formaoil Bridge carries over the Casla River. The existing bridge structure supports 2 x arch concrete slab / cast in place concrete bridge which is in a poor state of repair and sections of the parapet wall are missing.
- 2.2. The Casla River is a high energy upland eroding watercourse that is characterised by boulders and outcropping rocks with little or no in-stream vegetation, and it flows S through Dereen and Fermoye lakes towards Casla Bay. The upstream E riverbank

supports tightly grazed acidic grassland over peaty soils, whilst the up and downstream W bank comprise deeper peat corresponding to degraded and overgrazed lowland blanket bog. The riverbed comprises good nursery and spawning habitat for sea trout, brown trout, salmon and eel.

- 2.3. The site is located within the Connemara Bog Complex SAC which is designated for several habitats and species (incl. peatlands, lakes, fish & otter), and upstream of the Connemara Bog Complex SPA which is designated for several species of bird (incl. Cormorant, Merlin, Golden plover & Common gull). The Casla River ultimately discharges S to the Kilkieran Bay and Islands SAC c.9km (20km aquatic) to the W and SW via Casla Bay. There are several other European sites in wider area including Lough Corrib SAC and SPA and the Maumturk Mountains SAC to the N and NE, and the river and its environs may be important for mobile species from other further afield European sites.
- 2.4. Photographs & maps in Appendix 1 describe the site & surroundings in more detail.

### 3.0 **Proposed Development**

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

#### **The proposed works would comprise:**

- Vegetation clearance.
- Provision of temporary road surface N of the bridge to cross the river.
- Damming and deflection of the Casla River up & downstream of bridge.
- Demolition of the existing parapets & deck.
- Localised concrete repairs to the pier & abutments.
- Replacement of existing bridge deck.
- Replacement of existing concrete parapets with stonework parapets.
- Installation of rock armour.
- Resurfacing works.

## **Accompanying documents**

The application was accompanied by the following documents:

- Planning report
- Drawings & photographs
- Natural Impact Statement (Incl. AA Screening)
- Formaoil Bridge Aquatic Assessment
- List of Prescribed Bodies
- Copies of Public Notices.

## **4.0 Planning History**

4.1. Several planning cases in the vicinity but none of note.

## **5.0 Legislative and Policy Context**

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

5.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

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

5.4. European sites located within the Zone of Influence (c.15km) of the site include: -

- Connemara Bog Complex SAC (Site code: 002034)
- Connemara Bog Complex SPA (Site code: 004181)
- Kilkieran Bay & Islands SAC (Site code: 002111)
- Lough Corrib SAC (Site code: 000297)
- Lough Corrib SPA (Site code: 004042)
- Ross Lake & Woods SAC (Site code: 001312)
- Maumturk Mountains SAC (Site code: 002008)

5.5. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

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

- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
  - The likely effects on the environment.
  - The likely consequences for the proper planning and sustainable development of the area.
  - The likely significant effects on a European site.

## 5.6. National and Regional Planning policy

### ***National Planning Framework, 2018-2040***

This Plan sets out a high-level strategic plan for shaping future growth and development to 2040. It seeks to develop a region-focused strategy to manage growth and environmentally focused planning at a local level.

### ***National Development Plan, 2018-2027***

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

### ***Climate Action Plan, 2023***

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

### ***Biodiversity Action Plan***

The Plan sets out actions through which a range of government, civil and private sectors will undertake to achieve Ireland's 'Vision for Biodiversity' and follows on from the work of the first and second National Biodiversity Action Plans. It contains 119 x targeted actions which are underpinned by 7 x strategic objectives.

### ***The Planning System and Flood Risk Management, 2009***

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

### ***The Northern and Western Regional Economic & Spatial Strategy, 2020-2032***

The RSES supports the delivery of the programme for change set out in the National Planning Framework and the National Development Plan. It sets out a strategic vision and policy objectives for urban and rural areas, people, the economy, the environment, connectivity, amenities and utilities.

## **5.7. Local Planning policy**

### ***Galway County Development Plan, 2022 - 2028***

The site and surrounding lands are located within a rural area to the NW of Galway City and N of Rossaveel, Fermoyle and Costello which are covered by the policies and objectives contained in the current Galway County Development Plan. Chapter 4 deals with rural living, Chapter 7 deals with infrastructure, Chapter 8 deals with the landscape and Chapter 10 deals with natural heritage and biodiversity.

#### **Natural heritage policies:**

- ***NHB 1 to 11:*** seek to protect natural heritage, biodiversity and designated sites, habitats and species.
- ***NHB 5:*** seeks to support the protection & enhancement of biodiversity and ecological connectivity in non-designated sites (incl. rivers & streams).
- ***NBH 9:*** seeks to protect bats and their roosts, feeding areas, flight paths and commuting routes (incl. linear features such as watercourses).

- **WR 1:** seeks to protect water resources (incl. rivers & streams).
- **P 1:** seeks to ensure that designated peatland areas are conserved.
- **IS 1&2:** seek to support measures for the prevention and eradication of invasive species and to require IS Management Plans.
- **TWHS 1:** seeks to protect & retain natural boundaries (incl. stonewalls).

**Landscape character:**

- The site lies within an Uplands and Bog Landscape.

## 6.0 Consultations

### 6.1. Prescribed Bodies:

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

- Dept. of Housing, Local Government & Heritage (DAU)
- Dept. of Tourism, Culture, Arts, Gaeltacht, Sports & Media
- Inland Fisheries Ireland
- Uduras Na Gaeltachta
- Failte Ireland
- An Taisce
- An Chomhairle Ealaion

**Inland Fisheries Ireland:**

The Casla River is the main river of the Costello & Fermoyle Sea Trout & Salmon Fishery, and request that the following conditions be attached: -

- The free passage of fish should be fully accommodated at all times.
- In-stream works be undertaken as per IFI Guidelines between.
- The temporary road diversion should preferably utilise a bailey bridge structure rather than the proposed piping of the watercourse.
- Full adherence with method statements & pollution mitigation measures with any deviations agreed locally with IFI officers.

- Appoint a member of staff with responsibility for environmental issues, record keeping, liaising with IFI staff, & reporting incidents to IFI Galway.
- Mitigate any threats to the aquatic environment in the event of a flood event.
- In-stream works & use of concrete should take place during periods of low water flows.
- Fully re-instate any riparian zones damaged by machinery or equipment.
- Prevent the introduction of spread of invasive species (incl. Zebra mussels).
- Observe appropriate health and safety conditions.
- IFI contact details provided.
- Obtain prior consent of the owner of the fishing rights.
- Notify relevant bodies before works commence.

## 6.2. Public Submissions:

One submission received from Peter Sweetman & Wild Ireland Defence CLG: -

- Compliance with EU Directives (EIA & AA) and Planning Act required.
- AA Screening conclusion does not accord with EUCJ requirements as the mitigation measures appear to be centred on “best practice”.
- Previous “best practice” caused a major pollution incident in similar works in the LEEANNE RIVER.

## 7.0 Assessment

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

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

Formaoil Bridge carries a local cul-de-sac road over the Casla River and the Council states that the repair works are justified as they would ensure the continued use of public infrastructure which would also ensure continued road access to landholdings and private property on the W side of the river.

The submissions received from Prescribed Bodies are summarised in section 6.0 above and the main concerns raised by IFI relate to potential adverse effects on water quality and fisheries. One submission was received a member of the public (Peter Sweetman) who raised concerns in relation to compliance with EU Directives and the consideration of “best practice” as a mitigation measure.

#### ***Design and layout:***

The location and design of the proposed Formaoil Bridge repair works are described in sections 2.0 and 3.0 above. The existing bridge is in a poor state of repair and requires repair and maintenance works. The Council’s submission noted the existing parapet and bridge deck will need to be demolished and replaced, that localised concrete repairs to the pier abutments and the installation of rock armour is needed, and that and a new road surface will be required. The river will also need to be temporarily dammed and the flow of water redirected, and a temporary river crossing will be provided to the N so as to maintain access to properties and lands to the W. Given that the project would not comprise any new structures and minimal disturbance to the riparian embankments, the design and layout of the proposed works are considered acceptable.

#### ***Visual and residential amenity:***

In relation to visual amenity, Formaoil Bridge and the surrounding rural area is characterised by a mix of mainly peatland and grazing land with some residential uses. The overall lands are located within an Uplands and Bog Landscape and the

surrounding small settlement at Formaoil is not covered by any sensitive built heritage or conservation designations. The riverbanks and the adjoining local road are defined by low growing peatland vegetation, which contributes to the overall character of the area. Several Development Plan policies seek the protection of features which contribute to landscape character. However, given the small scale, low profile and linear nature of the repair works to an existing bridge, the proposed development would not have an adverse impact on residential or visual amenities.

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

***Biodiversity:***

The site and environs are characterised by a relatively exposed, undulating upland peatland area with rocky outcrops and lakes. This section of the Casla River comprises a fast-flowing upland eroding watercourse which has its source to the NE of the site. The fast-flowing watercourse does not support any significant in-stream or riparian vegetation, and the surrounding peatlands / blanket bog environs have been heavily degraded by overgrazing. However, Formaoil Bridge and the section of the Casla River that it traverses are located on the S edge of the Connemara Bog Complex SAC and to the immediate N of the Connemara Bog Complex SPA. Policies NHB 1 to 11 seek to protect natural heritage, biodiversity and designated sites, habitats and species, and Policy NHB 5 seeks to support the protection & enhancement of biodiversity and ecological connectivity in non-designated sites (incl. rivers & streams).

The Casla River ultimately discharges to Kilkieran Bay and Islands SAC to the SW over an aquatic distance of c.20km, via a series of downstream and down gradient lakes (incl. Dereen & Fermoyle) and Casla Bay. The river and environs may also be important for aquatic and mobile species from further afield European sites. Issues related to Appropriate Assessment will be addressed in sections 7.3 below.

The Council's submission noted that the existing parapet and bridge deck will need to be demolished and replaced, that localised concrete repairs to the pier abutments and the installation of rock armour is needed, and that a new road surface will be required. The river will also need to be temporarily dammed and the flow of water redirected, and a temporary river crossing will be provided to the N so as to maintain access to properties and lands to the W.

The river and its embankments may provide a habitat, refuge, foraging area or resting place for a variety of terrestrial and aquatic animal species (incl. otter, birds, fish & aquatic invertebrates), which have been described in the submitted documents. This includes an Appropriate Assessment Screening Report and Natural Impact Statement which examined the relationship between the watercourse and its environs, and several European sites. The AA Screening and NIS reports were informed by desk top studies and field surveys which described the ecological characteristics of the receiving environment and identified the potential impacts on European Sites and biodiversity, and the NIS also contains mitigation measures. However, the surveys noted that the site and environs do not provide optimum habitat conditions for foraging otter or bats, particularly given the open and exposed nature of the surrounding peatlands.

No European site QI habitats or species, or SCI species were recorded in the vicinity of the river. However, it is possible that Otter may commute or forage along the river, the watercourse may provide suitable life cycle habitat for fish, and the surrounding peatlands could provide foraging opportunities or nesting habitat for birds.

Although **otter** was not recorded in the vicinity it is a QI species for the Connemara Bog Complex SAC, a pre-construction survey should be undertaken before the repair works commence. This could be addressed by way of a planning condition.

A wide variety of **bird** species were noted in the desk top study and field surveys of the bridge and surrounding area, including SCI species for the nearby Connemara Bog Complex SPA (incl. Cormorant, Merlin, Gull & Golden plover) along with more common species and passerines, however none were recorded nesting at or close to Formoil Bridge or along the surrounding riverbanks. Although there would be some disturbance during the construction works, given the small scale, low profile and

linear nature of the repair works to an existing bridge, it is unlikely that the proposed development would cause a long-term disturbance to birds.

The surrounding exposed peatland environs do not provide suitable foraging habitat for ***bats*** given the absence of trees and hedgerows, and no evidence of bat activity was detected under the existing bridge as the cracks and crevices are too shallow to provide suitable nesting or roosting habitat.

The fast-flowing upland eroding Casla River provides suitable habitat for several species of ***fish*** in their various life cycle stages (Atlantic Salmon, Brown Trout, Sea Trout & European Eel) and it is the main river of the Costello and Fermoy Sea Trout and Salmon Fishery. An Aquatic Assessment was undertaken upstream and downstream of the bridge (NIS - Appendix C). The river may also provide suitable habitat for several prey species of aquatic invertebrate and macrophytes which form part of the food supply for fish species in the river. The concerns of Inland Fisheries Ireland (IFI) are summarised in section 6.1 above. The proposed bridge works at Casla River have the potential to release and convey deleterious construction materials downstream in the absence of appropriate safeguards which could adversely affect water quality and fisheries (incl. riverbed smothering, changes to pH, clogging fish gills & habitat degradation), and potentially create temporary barriers to species movement, along with general noise and disturbance. However, the mitigation measures contained in the NIS report would ensure that appropriate protection measures are put in place during the repair works (incl. no concrete mixing or vehicle washing on site, and protection of the watercourses from silt & chemical contamination).

The IFI requested that the works should adhere to its “Guidelines on protection of fisheries during construction works in and adjacent to waters”, no in-stream works should occur without its agreement, and water quality should be protected during the works which should avoid the fish breeding season. The IFI also requested that the free passage of fish should be fully accommodated at all times, and that the temporary road diversion across the river should preferably utilise a bailey bridge structure rather than the proposed piping of the watercourse. These concerns could be addressed by way of a planning condition.

No **invasive plant And animal species** were recorded at or in the vicinity of Formaoil Bridge or the stream during the surveys, however a biosecurity condition should be attached to ensure that the works (and vehicles) do not introduce or contribute to the spread of invasive species to the area, including Zebra mussel, which is a particular concern for IFI in relation to the watercourse and fisheries.

The proposed bridge repair works would not require the significant removal of any **riparian vegetation** as it is not a defining riverbank characteristic, as they are mainly characterised by degraded peatland habitats that have been overgrazed.

It is proposed to appoint an **Ecological Clerk of Works** to oversee the repair works and the mitigation measures contained in the NIS report would protect sensitive species (incl. birds & fish). The works will be conducted in accordance IFI guidance and outside the salmon and trout spawning seasons, the removal of vegetation during the bird nesting season will be prohibited, and per-construction surveys for Otters will be required as per the recommended conditions.

Having regard to all of the above, the predicted impacts on biodiversity would be temporary and short term. Although there could be some short-term localised disturbance to habitats, foraging areas, resting places and refuges during the works, most species will return to the area after the works are complete. It is also noted that IFI had have no objections to the proposed development, subject to the consideration of the issues summarised above and in section 6.1.

#### ***Cultural heritage:***

Formaoil Bridge and its environs are not covered by any sensitive heritage designations, and it is not of any heritage value. The proposed development would not adversely affect the character or setting of any Recorded Monuments, Protected Structures, NIAH features of ACAs in the area. However, it is possible that the river crossing and peatland environment may contain historical artefacts that may be uncovered during the works, and archaeological monitoring should be required. This concern could be addressed by way of a planning condition.

***Need, effectiveness & alternatives:***

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

**Conclusions:**

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

**7.2. The likely effects on the environment**

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

Having regard to the small scale, low profile and linear nature of the proposed development, which would comprise repair works to an existing bridge along a short section of a river, and the characteristics of the receiving environment which is not densely developed or covered by a sensitive built heritage or landscape designations, and notwithstanding its location on the periphery of the Connemara Bog Complex SAC, I am satisfied that the proposed works would not have any significant adverse effects on population and human health, biodiversity, land, soil or water, air and climate, material assets, cultural heritage or the landscape, and the need for environmental impact assessment can, therefore, be excluded.

Notwithstanding this conclusion, the Council should ensure that the NIS ecological mitigation measures are fully implemented, that pre-construction otter surveys are undertaken before works commence, and that the works do not take place during the bird nesting or fish spawning seasons.

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

The areas addressed in this section are as follows:

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

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

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

### 7.5. **The Natura Impact Statement**

The application was accompanied by a Natural Impact Statement (NIS) which scientifically examined the proposed works and European sites, and an Aquatic Survey report, which were informed by desk top studies and field surveys.

***The desk top studies and field surveys*** described the site and surrounding area. This included details of potential connections between the proposed works and several European sites (incl. Connemara Bog Complex SAC & SPA). The reports assessed the surrounding watercourse and peatland environs for Qualifying Interest

habitats and species and aquatic and mobile species of Qualifying Interest (QI) and Special Conservation Interest (SCI) for the European sites (incl. otter, birds & fish). The ecological characteristics of the riparian site and environs, which includes peatland habitats and vegetation, were described. Remnants of some European site QI peatland habitats were recorded in the vicinity of the site during the field surveys and the stream may contain suitable habitat for QI fish species during the early stages of their life cycles. The site is outside the favourable reference range for some of the QI and SCI species and/or does not contain suitable habitat or foraging potential. No scheduled invasive species were also recorded in the vicinity.

**The AA Screening report** identified 7 x European sites located within a 15km radius of the proposed works, it examined connectivity and characterised the possible effects of the proposed development on these sites. It concluded that significant effects could not be ruled out for 2 of the sites (Connemara Bog Complex SAC & SPA) and that the preparation of an NIS was required.

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

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

### 7.7. **Appropriate Assessment**

7.8. The proposed development, which would comprise repair works to an existing bridge over a short section of Casla River, is not directly connected with or necessary to the management of any European sites in the surrounding area.

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

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

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

### ***Stage 1 Screening Assessment.***

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

European Site	Qualifying Interests	Distance	Link
<b>Connemara Bog SAC</b> (Site code: 002034)	Coastal lagoons & Reefs Oligotrophic waters Oligotrophic to mesotrophic standing waters Natural dystrophic lakes & ponds Floating river vegetation Northern Atlantic wet heaths European dry heaths Molinia meadows & Blanket bogs Transition mires & quaking bogs Depressions on peat substrates Alkaline fens & Old sessile oak woods Marsh Fritillary & Slender Naiad Salmon & Otter	Within	Yes
<b>Connemara Bog SPA</b> (Site code: 004181)	Cormorant & Merlin Golden Plover & Common Gull	c.0.3km (S)	Yes
<b>Kilkieran Bay &amp; Islands SAC</b> (Site code: 002111)	Mudflats & sandflats Coastal lagoons & Reefs Large shallow inlets & bays Atlantic salt meadows Mediterranean salt meadows Machairs & Lowland hay meadows Oligotrophic to mesotrophic standing waters Otter & Harbour Seal Slender Naiad	c.8km (S- straight) c.20km (S - aquatic)	Yes (long distance)
<b>Lough Corrib SAC</b> (Site code: 000297)	Oligotrophic waters Oligotrophic to mesotrophic standing waters Hard oligo-mesotrophic waters Floating river vegetation Semi-natural dry grasslands	c.10km (N)	No

European Site	Qualifying Interests	Distance	Link
	Molinia meadows Active raised bogs Degraded raised bogs Depressions on peat substrates Calcareous fens Petrifying springs & Alkaline fens Limestone pavements Old sessile oak woods Bog woodland Freshwater Pearl Mussel White-clawed Crayfish Sea & Brook Lamprey Salmon & Lesser Horseshoe Bat Otter & Slender Naiad Green Feather-moss		
<b>Lough Corrib SPA</b> <b>(Site code:004042)</b>	Gadwall, Shoveler & Pochard Tufted Duck & Common Scoter Hen Harrier & Golden Plover Black-headed & Common Gull Common & Arctic Tern, Coot Greenland White-fronted Goose Wetland and Waterbirds	c.14km (N)	No
<b>Ross Lake &amp; Woods</b> <b>SAC</b> <b>(Site code:001312)</b>	Hard oligo-mesotrophic waters Lesser Horseshoe Bat	c.14km (E & NE)	No
<b>Maumturk Mountains</b> <b>SAC</b> <b>(Site code: 002008)</b>	Oligotrophic waters Northern Atlantic wet heaths Alpine & Boreal heaths Blanket bogs Depressions on peat substrates Siliceous rocky slopes Salmon & Slender Naiad	c.14km (N)	No

7.11. Based on my examination of the NIS report and supporting information (incl. the desktop studies & field surveys), NPWS website, aerial and satellite imagery, the scale of the proposed works and nature of the likely effects, the substantial separation distance and functional relationship between the proposed works and the European sites and their conservation objectives, the upstream location, the site specific characteristics, and taken in conjunction with my assessment of the subject site and surrounding area, I conclude that a Stage 2 Appropriate Assessment is required for 2 of the European sites referred to above which I consider to be within the Zone of Influence by reason of direct aquatic and/or mobile connections (Connemara Bog Complex SAC & SPA).

7.12. **Stage 2 Appropriate assessment:**

**Connemara Bog Complex SAC & SPA:**

These European sites lie within the Zone of Influence of the proposed works as they have a direct aquatic and/or mobile connection to the site of the proposed works.

***European site description:***

This extensive **SAC site** encompasses the majority of the south Connemara lowlands, and it supports a wide range of habitats, including extensive tracts of western blanket bog, which form the core interest, as well as areas of heath, fen, woodlands, lakes, rivers and coastal habitats. It contains 14 x QI habitats (incl. Wet & Dry Heaths, Blanket Bogs and Oligotrophic & Dystrophic lakes), 4 x QI species (Otter, Atlantic salmon, Marsh Fritillary & Slender Naiad), and 9 x protected plant species (incl. Bog Orchid). The River Casla, which is one of the main river systems within the SAC, is noted as a good example of a western acidic spate river which supports Atlantic Salmon and contains good spawning and nursery grounds. The site is internationally important for Cormorant and nationally important for Greenland White-fronted Goose and it contains nesting sites for Golden Plover.

The **SPA site** is of high ornithological importance, for its nationally important breeding populations of Cormorant, Merlin, Golden Plover and Common Gull, and three of the regularly occurring species are listed on Annex I of the E.U. Birds Directive (Greenland White-fronted Goose, Merlin & Golden Plover).

The main damaging operations and threats to the **SAC and SPA** include peat cutting, afforestation, and over-grazing by sheep and cattle with erosion of peat ensuing. Other threats and potentially damaging operations include land drainage and reclamation, fertilization, quarrying and dumping.

**SAC Qualifying Interest habitats and species:**

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

It is noted from the NPWS documentation and accompanying maps (Nos. 3, 4 & 8) that several of the QI habitats for the SAC are located a considerable distance downstream or far away from the proposed development. For this reason, combined with the modest scale of the proposed works, the substantial separation distances, the specific QI site characteristics and locational requirements, and the assimilative capacity and dynamics of coastal and tidal processes, the following QI habitats will be excluded from any further consideration: -

- Coastal Lagoons
- Reefs
- Old sessile oak woods

***SAC Conservation Objectives:***

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

***SAC Qualifying Interests, attributes & targets:***

The relevant QIs for the remaining SAC habitats and species, and their applicable attributes and targets, are set out below.

<b>Qualifying Interests</b>	<b>Attributes &amp; targets</b>
<b>Oligotrophic waters</b>	Habitat Area & Distribution; Typical species; Vegetation composition & distribution; Hydrological regime; Lake substratum; Water quality (transparency, nutrients, phytoplankton biomass & composition, algal biomass & macrophyte status); Acidification status; Water colour; Dissolved organic carbon; Turbidity; and Fringing habitat.
<b>Oligotrophic to mesotrophic waters</b>	As for Oligotrophic waters.
<b>Natural dystrophic lakes &amp; ponds</b>	As for Oligotrophic waters.
<b>Floating river vegetation</b>	Habitat Area & Distribution; Hydrological regime (river flow & groundwater discharge); Substratum composition; Water quality; Vegetation composition; floodplain connectivity & riparian habitat.
<b>Slender Naiad</b>	Population (strength, depth, viability & abundance); Species distribution; Hydrological regime; Lake substratum quality; Water quality; Acidification status; Water colour; Associated species; and Fringing habitat.
<b>Northern Atlantic wet heaths with Erica tetralix</b>	Habitat Area & Distribution; Ecosystem function; Community diversity; Vegetation composition (incl. cross-leaved heath, lichens & bryophytes, ericoid species & crowberry, dwarf shrub species, native trees & shrubs, bracken and soft rush); Vegetation structure; Physical structure; Indicators of local distinctiveness.
<b>European dry heaths</b>	As for Northern Atlantic wet heaths (incl. lichens & bryophytes, native trees and shrubs, bracken, soft rush & ling).
<b>Molinia meadows</b>	As for Northern Atlantic wet heaths (incl. moss, bracken & broad leaf herb).
<b>Transition mires &amp; quaking bogs</b>	As for Northern Atlantic wet heaths (incl. positive indicator species).
<b>Depressions on peat substrates</b>	As for Northern Atlantic wet heaths (incl. Rhynchospora spp., native trees & shrubs, Sphagnum moss).
<b>Blanket bogs</b>	As for Northern Atlantic wet heaths (incl. lichens & bryophytes, native trees & scrub and Sphagnum moss)
<b>Alkaline fens</b>	As for Northern Atlantic wet heaths (incl. brown mosses, vascular plants, native trees & scrub and soft rush & common reed).
<b>Marsh Fritillary</b>	Distribution; Proof of breeding; and Potential habitat area.
<b>Salmon</b>	Distribution; Adult spawning fish; Salmon fry abundance; Out-migrating smolt abundance; Number and distribution of redds; Water quality.
<b>Otter</b>	Distribution; Extent of terrestrial & freshwater habitats; Couching sites & holts; and Fish biomass (no significant decline).

### **SPA Special Conservation Interest species:**

#### **SPA Conservation Objectives:**

The Conservation Objectives for the various bird species seek to maintain the favourable conservation condition of the bird species in the Connemara Bog Complex SPA, which is defined by a specific list of attributes and targets.

**SPA Special Conservation Interests, attributes & targets:**

The relevant Special Conservation Interests for the Bird species, and any applicable attributes and targets for the remaining QIs, are set out below.

Special Conservation Interests	Attributes & targets
<b>Cormorant</b>	Breeding population size; Productivity rate; Distribution (available nesting options); Prey biomass (fish); Disturbance (breeding site & close to colonies); and Barriers to connectivity.
<b>Merlin</b>	Population size; Productivity rate; Distribution (available nesting options); Extent and condition of suitable open habitats for foraging; and Disturbance at breeding sites.
<b>Golden Plover</b>	Breeding population trend; Productivity rate; Distribution of breeding habitat; Extent and condition of breeding habitat; Disturbance at breeding site; Barriers to connectivity; and Forage spatial distribution, extent and abundance.
<b>Common Gull</b>	Breeding population trend; Productivity rate; Distribution of breeding habitat; Prey biomass (invertebrates, fish, offal & eggs); Disturbance (breeding site & close to colonies); and Barriers to connectivity.

**Consideration of potential impacts:**

**Potential direct effects:** The proposed development would be located within the **SAC site** (but not the SPA site) however it is not relevant to the maintenance of the site. There is potential for direct effects on this SAC site during the ***construction phase*** as a result of: - water pollution from the unmitigated release of fine sediments in runoff during the repair works and hydrocarbons by way of accidental spillages from machinery which could give rise to surface and ground water pollution with resultant impacts on terrestrial peatland and aquatic freshwater habitats, chemical contamination, changes to pH status, riverbed smothering, disturbance to spawning and nursery habitat, clogging of fish gills and barriers to fish migration, with resultant impacts on the attributes and targets for the QI habitats and species, in the absence of mitigation. Further potential direct effects relate to the loss or disturbance to habitats and species (incl. foraging and commuting Otter), and the uncontrolled introduction of invasive species from works vehicles which could give rise to the colonisation of habitats by invasive plant and animal species, with resultant impacts on the attributes and targets for the QI habitats and species, in the absence of mitigation. There is no potential for any additional significant direct adverse effects during the ***operational phase*** as the proposed works comprise repairs to an existing bridge which crosses the Casla River.

**Potential indirect effects:** The potential for downstream indirect effects on the **SAC and SPA sites** during the **construction phase** is similar to the range of potential direct effects outlined above, in relation to resultant indirect effects for foraging bird species and loss of prey species, and short-term localised habitat loss and disturbance during the works. There is no potential for additional significant direct adverse effects during the **operational phase** as the proposed works comprise repairs to an existing bridge.

**Mitigation measures:** The NIS report contains a full list of mitigation measures which would serve to protect the European sites and their QI habitats and species, and SCI species from adverse effects, and these include: -

- Surface water management measures to protect water quality habitats and species (incl. no concrete mixing or washing out on site, designated storage for waste, protection of all watercourses & drains from siltation & contamination, and spill kits).
- Adherence IFI Guidelines.
- Protection measures for peatland habitats.
- Timing and seasonality of works.
- Precautions to prevent the spread of invasive species (incl. Zebra mussel).
- Pre-construction surveys.
- Construction and Environmental Management Plan (CEMP).
- Appointment of an Ecological Clerk of Works to oversee works.
- Contingency measures for unforeseen events.

**Peatland habitats:** There are several peatland habitats in the vicinity of Formaoil Bridge and this section of the River Casla which have the potential to be adversely affected by the proposed works. Although it is not entirely clear from the NPWS documentation and maps if any of these areas comprise QI habitats or their constituent species, it is possible that some remnant habitats may occur. However, having regard to the relatively small scale of the repair works to an existing bridge which would result in a small loss and/or minor disturbance to peatland habitats, which are in turn already degraded by cattle and sheep grazing, I am satisfied that

following the implementation of the mitigation measures and any recommended conditions (incl. the management of sediments & accidental spills, and the control of invasive species) the proposed works would not have an adverse impact on peatland habitats, or introduce invasive species to the surrounding area during any of the works. There would be no resultant adverse effects on the QI peatland habitats with respect to their attributes and targets (incl. Habitat Area & Distribution; Ecosystem function; Community diversity; Vegetation composition; Vegetation structure; Physical structure; Indicators of local distinctiveness).

**Lake habitats & Slender Naiad:** There are several lakes downstream of Formaoil Bridge that the River Casla flows through which have the potential to be affected by the proposed works, although it is not clear from the NPWS documentation and maps if any of these lakes comprise any QI habitats (and constituent species) or Slender Naiad species. However, having regard to the relatively small scale of the repair works to an existing bridge, I am satisfied that following the implementation of the mitigation measures and any recommended conditions (incl. the management of sediments & accidental spills, and the control of invasive species) the proposed works would not have an adverse impact on water quality in the River Casla, or introduce invasive species to the downstream lakes during any of the repair works. There would be no resultant adverse effects on the QI lake habitats with respect to their attributes and targets (incl. Habitat Area & Distribution; Typical species; Vegetation composition & distribution; Hydrological regime; Lake substratum; Water quality (transparency, nutrients, phytoplankton biomass & composition, algal biomass & macrophyte status); Acidification status; Water colour; Dissolved organic carbon; Turbidity; and Fringing habitat.). There would be no resultant adverse effects on the QI Slender Naiad species which may be present in the downstream lakes with respect to its attributes and targets Population (strength, depth, viability & abundance); Species distribution; Hydrological regime; Lake substratum quality; Water quality; Acidification status; Water colour; Associated species; and Fringing habitat.

**Floating water vegetation:** There are no records to indicate the presence of this habitat or its constituent species in the vicinity or immediately downstream of Formaoil Bridge, and I did not observe any presence during my site inspection.

Notwithstanding this, and in the event that this habitat may be present downstream, and having regard to the relatively small scale of the works to an existing bridge, I am satisfied that following the implementation of the mitigation measures and any recommended conditions (incl. the management of sediments & accidental spills, and the control of invasive species) the proposed works would not have an adverse impact on water quality in the River Casla, or introduce invasive species to the watercourse during any of the repair works. There would be no resultant adverse effects on this QI habitat with respect to its attributes and targets (incl. Habitat Area & Distribution; Hydrological regime (river flow & groundwater discharge); Substratum composition; Water quality; Vegetation composition; Floodplain connectivity & Riparian habitat.).

**Salmon:** Several species of fish (incl. Atlantic salmon) have been recorded in the River Casla during their various lifecycle stages, and the IFI submission notes that the stream may also contain suitable and/or support spawning and nursery habitat. Any deterioration of biological or chemical water quality or smothering of the riverbed substratum because of siltation, accidental fuel spills or poorly managed in-stream works could have adverse resultant impacts on the QI fish species, by affecting spawning grounds, food availability (incl. macro-invertebrates & macrophytes) and health (incl. clogging of fish gills). However, I am satisfied that following the implementation of the mitigation measures and any recommended conditions (incl. the measures to protect water quality and the use of a bailey bridge), the proposed development would not have an adverse impact on fisheries in River Casla during the repair works. There would be no resultant adverse effects on the QI species of Atlantic salmon with respect to its attributes and targets (incl. Distribution; Adult spawning fish; Salmon fry abundance; Out-migrating smolt abundance; Number and distribution of redds; Water quality).

**Otter:** There are no records to indicate the presence of this species in the vicinity of Formaoil Bridge, and I did not observe any signs of its presence during my site inspection, although it may commute or forage along the River Casla given the abundance of prey species in the river. Any deterioration of water quality because of the proposed works and resultant impacts on the availability of fish biomass for Otter could have an adverse impact on this QI species. Notwithstanding this, and in the

event that Otter may be present and having regard to the relatively small scale of the works to an existing bridge, I am satisfied that following the implementation of the mitigation measures (incl. the measures to protect water quality and hence the availability of prey species) the proposed development would not have an adverse impact on Otter during the repair works. Therefore, there would be no resultant adverse effects on this QI species respect to its attributes and targets (incl. Distribution, Extent of terrestrial & freshwater habitats, Couching sites & holts, and availability of fish biomass).

**Marsh Fritillary:** There are no records to indicate the presence of this species in the vicinity of Formoil Bridge and environs given the absence of suitable habitat, and I did not observe any signs of its presence during my site inspection (incl. larval webs or Devil's Bit Scabious). I am satisfied that there would be no resultant adverse effects on this QI species with respect to its attributes and targets (incl. Distribution; Proof of breeding; and Potential habitat area).

**Birds:** Although the SCI bird species are present in the surrounding area and are likely to commute and forage along the Casla River, I am satisfied that following the implementation of the mitigation measures, the proposed development would not have an adverse impact on any SPA bird species during the repair works, except for a minor disturbance during the works. There would be no adverse effects during the operational phase given the small scale, low profile and linear nature of the project. Therefore, there would be no resultant adverse effects on the SCI species respect to their attributes and targets (incl. Breeding population trend; Productivity rate; Distribution of breeding habitat; Extent and condition of breeding habitat; Disturbance at breeding site and nearby colonies; Barriers to connectivity; and Forage spatial distribution, extent and abundance).

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

**Potential in-combination effects:** Potential indirect in-combination effects relate to damage to QI habitats and species and SCI species because of accidental spillages and sediment run off during the repair works, and the poorly managed removal of or introduction of invasive species, in-combination with agricultural works including cattle and sheep grazing. This could give rise to pollution, contamination and/or colonisation with resultant impacts on water quality, fisheries, and the availability of prey species for Otter, having regard to the various plans or projects in wider area which include the small-scale rural projects, in the absence of mitigation. However, having regard to the implementation of the mitigation measures, I am satisfied that there would be no adverse cumulative effects on the European sites or their QI habitats and species, and SCI species.

**Residual effects:** None anticipated post mitigation.

**NIS Omissions:** None noted.

**Suggested conditions:** All plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens. IFI requirements should be adhered to, including the provision of a baily bridge as a temporary road crossing. Pre-construction otter surveys should be undertaken. Having regard to the location of the bridge repair works within a peatland environment, the works should be carried out under the supervision of an archaeologist.

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

### **7.13. Appropriate Assessment Conclusions:**

Having regard to the foregoing I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site nos. 002034 and 004181 or any other European site, in view of the site's Conservation Objectives.

## 8.0 Recommendation

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

### Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the Government of Ireland Climate Action Plan, 2023,
- (d) the Regional Economic & Spatial Strategy, 2020 - 2032,
- (e) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (f) the conservation objectives, qualifying interests and special conservation interests for the Connemara Bog Complex SAC and SPA (site codes: 002034 and 004181),
- (g) the policies and objectives of the Galway County Development Plan 2022 to 2028,
- (h) the nature and extent of the proposed works as set out in the application for approval,
- (i) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement, and
- (j) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

**Appropriate Assessment:**

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Connemara Bog Complex SAC and SPA (site codes: 002034 and 004181), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Connemara Bog Complex SAC and SPA, in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

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

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

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

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

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

## **Conditions**

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

**Reason:** In the interest of clarity.

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

**Reason:** In the interest of protecting the environment and European Sites.

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

**Reason:** In the interest of protecting the European Sites and biodiversity.

4. The following nature conservation requirements shall be complied with:
  - (a) The works shall be carried out in compliance with the Inland Fisheries Ireland document “Guidelines on protection of fisheries during construction works in and adjacent to waters.”
  - (b) No in-stream works shall be undertaken without prior consultation with Inland Fisheries Ireland, and the works shall only be undertaken between October and June (inclusive).
  - (c) The free passage of fish shall be fully accommodated, and the temporary road diversion shall utilise a bailey bridge structure instead of the proposed piping of the watercourse.
  - (d) In-stream works shall take place during periods of low water flows.
  - (e) A pre-construction otter survey by a suitably qualified ecologist shall be carried out before works commence, any destruction of otter holts or relocation of otter species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.
  - (f) No riparian vegetation removal shall take place during the period 1<sup>st</sup> March to 31<sup>st</sup> August (inclusive).
  - (g) Any riparian zones damaged by machinery or equipment shall be fully re-instated.
  - (h) Prevention measures shall be put in place to prevent the introduction or spread of Zebra mussel in the watercourse.

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

5. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology. The ecologist shall be present during repair and remediation works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

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

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

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

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

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

### **Professional Declaration**

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Karla Mc Bride

Senior Planning Inspector

3<sup>rd</sup> May 2023