Inspector's Report
ABP-316122-23

Development	Proposed widening and rehabilitation of O'Hanrahan Bridge over the River Barrow
Location	New Ross, Co. Wexford
Applicant Local Authority	Kildare County Council
Type of Application	Application for approval made under section 177AE of the Planning & Development Act, 2000 (as amended) (local authority development requiring appropriate assessment)
Prescribed Bodies	1. Inland Fisheries Ireland (IFI) 2. Department of Housing, Local Government and Heritage
Observer(s)	None
Date of Site Inspection	29th September 2023
Inspector	Anthony Kelly

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1.0 **Introduction**

1.1. Kildare County Council is seeking approval from An Bord Pleanála to widen O'Hanrahan Bridge in New Ross, Co. Wexford by approximately 1 metre on the downstream side, alter the existing quay walls on the southeast and southwest corners of the bridge, and carry out rehabilitation and renewal works to the bridge, which is within the River Barrow and River Nore Special Area of Conservation (SAC), a designated European site. There are two other designated European sites (River Nore special protection area (SPA) and Lower River Suir SAC) in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under section 177AE of the Planning & Development Act, 2000 (as amended) was lodged by Kildare County Council on the basis of the proposed development's likely significant effect on a European site.

1.2. Section 177AE requires that where an appropriate assessment (AA) is required in respect of development by a local authority the authority shall prepare a NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Section 177V of the Act requires that the AA shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the AA shall be carried out by the Board before consent is given for the proposed development.

1.3. The application for approval is sought by Kildare Co. Co. despite the fact that the site location is in New Ross, Co. Wexford. The local authorities have entered into a Section 85 Agreement under the Local Government Act, 2001 (as amended). See paragraphs 5.4 and 5.5 of this inspector's report for further detail in this regard.

1.4. The application for approval was received by the Board on 22nd March 2023. I considered that the wing walls proposed in the original application would not be acceptable in terms of compliance with article 6 (3) of the Habitats Directive as they would have resulted in the loss of areas of 'mudflats and sandflats not covered by seawater at low tide', a qualifying interest (QI) of River Barrow and River Nore SAC. A further information request in this regard issued to the applicant on 14th December 2023 with a response received by the Board on 29th February 2024. Subsequently, the

applicant did the things required under section 177AE (5)(d) of the Act i.e. publish a newspaper notice relating to same and inform prescribed bodies.

1.5. For clarity, this inspector's report is based on the proposed development with revised wing walls as received by the Board on 14th December 2023, as per section 177AE (5)(b) of the Act which states that where a local authority makes the alterations specified 'the terms of the development as so altered shall be deemed to be the proposed development for the purposes of this section'.

2.0 Site Location and Description

2.1. O'Hanrahan Bridge spans the River Barrow in New Ross, Co. Wexford, in an east-west orientation. The bridge is a single carriageway bridge (regional road R723) with footpaths, guard rails, and public lighting on both sides.

2.2. The eastern bank is the more urbanised of the two banks. There is a roundabout at the end of the bridge and a public realm/car parking area along the river in the vicinity. There are four and five storey buildings to the north of the river on the western bank, but it is less developed to the south. A section of the South East Greenway is also located to the western side of the river.

3.0 Proposed Development

3.1. The proposed development comprises:

- widening O'Hanrahan Bridge by approx. 1 metre on the downstream side,
- altering the existing quay walls at the southeast and southwest corners of the bridge, and,
- rehabilitation and renewal works to the bridge.

3.2. The application is accompanied by:

- a 'Planning Report' prepared by Roughan & O'Donovan Consulting Engineers (ROD) dated February 2024,

- an ‘EIA Screening Report’ prepared by ROD dated February 2024,
- an ‘Appropriate Assessment Screening Report’ prepared by ROD dated February 2024,
- a ‘Natura Impact Statement’ prepared by ROD dated February 2024,
- plans and particulars including a list of prescribed bodies notified of the proposed development, a letter from the Office of Public Works giving consent under section 50 of the Arterial Drainage Act, 1945, a letter from the Department of Housing, Local Government and Heritage relating to foreshore consent, copies of public notices, and a Section 85 Agreement between Wexford and Kildare County Councils.

3.3. The key objectives of the proposed development, as per the Planning Report, are:

- to carry out rehabilitation works on the existing bridge to enhance its structural integrity and improve its structural durability, thus prolonging its lifespan,
- to provide enhanced shared pedestrian and cycling facilities along the existing bridge,
- to provide a pedestrian and cyclist connection between the future greenway and the town, and,
- to replace the bridge parapets to meet current TII safety barrier standards.

3.4. O’Hanrahan Bridge is a 1960’s nine-span post-tensioned concrete beam and reinforced concrete slab bridge. The overall length of the bridge is 175 metres with an ‘out-to-out’ width of 11.6 metres. The bridge itself is to be widened by a reinforced concrete cantilever slab made integral with the existing deck slab to include a parapet. The instream piers will not be affected. To tie the widened section into the quays a 20 metres long section of the existing quay wall to the south east has to be reconstructed up to 2 metres out from the existing wall. Similarly, an approx. 60 metres section to the south west corner will require widening works by approx. 1 metre out from the existing wall. The edge beam on the northern side will be strengthened and other works will also be carried out such as waterproofing of the bridge deck and joint replacements, replacing lighting, concrete repair works on the bridge where minor

concrete defects are identified, a new drainage system, and modifications to the mini-roundabout on the eastern end of the bridge.

3.5. The existing bridge consists of a 7.3 metres wide carriageway with 1.8 metres (southern) and 1.84 metres wide (northern) footpaths and two 0.3 metre wide parapet beams. It is proposed to increase the overall width to 12.5 metres accommodating a reduced carriageway width of 6.5 metres, a 3 metres wide shared footpath/cycleway on the south side, a 2 metres wide footpath on the northern side, and two 0.5 metre wide 1.4 metres high parapet beams. The parapets will likely be constructed of steel or aluminium. A structural assessment in 2020 deemed the existing parapets to be incapable of withstanding collisions from modern vehicles. An existing plaque on the north west corner will be relocated to the south west corner.

3.6. The proposed quay wall extension to the south east will involve the construction of a cantilevered deck slab supported by a large concrete counterweight behind the existing quay wall. A similar construction methodology is proposed to the extension in the south west corner for approx. 19 metres in length. A 41 metres length of the existing flood defence wall and restraining slab will be reconstructed along the widened alignment. Three options were considered for the widening works to the south east corner and two for the south west corner. Option 1 (sheet piling) was originally proposed for both corners but, after this was not deemed to be appropriate by the Board because it would adversely affect the integrity of the River Barrow and River Nore SAC, the cantilever options were progressed. In the south east area it is proposed to remove the existing solid section of pier wall and replace it with opaque glazed panels, subject to TII approval. If this is not possible the flood defence wall will be reconstructed to match existing.

3.7. The construction phase is expected to last approximately nine months. Chapter 4 of the Planning Report outlines the construction sequence and methodology, the construction programme, materials to be used etc. At least one lane of the bridge will be kept open at all times. The construction compound will be on Council-owned land north west of the bridge as shown on figure 4-1 of the Planning Report. The bridge was previously under the remit of TII as it was a national route. However, it has been reclassified as a regional road and will be maintained and managed by Wexford Co. Co.

4.0 Planning History

4.1. There is no relevant planning history on site.

5.0 Legislative and Policy Context

The EU Habitats Directive (92/43/EEC)

5.1. This Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the EU. Articles 6(3) and 6(4) require AA 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.

European Communities (Birds and Natural Habitats) Regulations 2011 (as amended)

5.2. 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 article 42(21) that where an AA 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 AA under its own code of legislation is required to take account of the AA of the first authority.

Planning & Development Act, 2000 (as amended)

5.3. Part XAB sets out the requirements for the AA of developments which could have an effect on a European site or its conservation objectives.

- Section 177AE sets out the requirements for the AA of certain development carried out by or on behalf of local authorities.
- Section 177AE (1) states where an AA is required in respect of development the local authority shall prepare, or cause to be prepared, a NIS in respect of the proposed development.

- Section 177AE (2) states that a proposed development in respect of which an AA is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177AE (3) states that where a NIS has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the AA.
- Section 177V (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:

  (i) the likely effects on the environment,

  (ii) the likely consequences for the proper planning and sustainable development of the area, and,

  (iii) the likely significant effects on a European site.

Local Government Act, 2001 (as amended)

5.4. Part 10 sets out agreements and arrangements concerning functions. Section 85 (1) states that 'Where in the opinion of a local authority any function performable by it should be performed, generally or in a particular case, by another local authority, and that other authority is able and willing so to perform the function, then the authorities may enter into an agreement that – (a) the function shall be so performed on behalf of the first-mentioned authority by the other authority, and (b) it becomes so performable by that other authority in accordance with the agreement'.

5.5. A copy of the Section 85 Agreement between Kildare and Wexford County Councils is submitted with the application. It states that Transport Infrastructure Ireland (TII) has approved the project be undertaken by Kildare Co. Co. 'because the TII Regional Bridge Manager is an employee of Kildare County Council and Kildare County Council would be best placed to implement any consent and/or approval for the project and to administer the contract'. Further, Wexford Co. Co. is of the opinion that, 'in relation to

the design, construction and completion of the project, it would be more convenient if all statutory powers, functions and duties which may be exercised and performed by it to this extent were exercised and performed by Kildare County Council on behalf of Wexford County Council and Kildare County Council being able and willing to exercise and perform the functions, powers and duties …' Both parties have entered into agreement.

National Planning Framework Project Ireland 2040 (NPF)

5.6. The NPF is a high level strategic plan to shape the future growth and development of the country to 2040. It will be focused on delivering 10 National Strategic Outcomes (NSOs). One of the criteria mentioned in relation to NSO 1 ('compact growth') is 'Ensure transition to more sustainable modes of travel (walking, cycling, public transport) … within an urban context' (page 139). NSO 4 is 'sustainable mobility' and includes 'Develop a comprehensive network of safe cycling routes in metropolitan areas to address travel needs and to provide similar facilities in towns and villages where appropriate' (page 142). For NSO 7 ('enhanced amenity and heritage'), 'green modes of movement such as pedestrian and cycling facilities' is a factor in what constitutes an attractive place. It is also stated that there will be a focus on 'walking and cycling routes, including continuous greenway networks and targeted measures to enhance permeability and connectivity' (page 146).

Climate Action Plan (CAP) 2024

5.7. The CAP 2024 is the third annual update to Ireland's Climate Action Plan. It builds upon the 2023 CAP by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings. It provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and reach net zero by no later than 2050, as committed to in the Climate Action and Low Carbon Development (Amendment) Act 2021.

5.8. Table 15.6 outlines key actions to deliver abatement in transport for the period 2024-2025. One of the measures (action number TR/24/11 (TF)) is an active travel infrastructure programme involving roll-out of walking/cycling infrastructure in line with National Cycle Network and CycleConnects plans.

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2010)

5.9. This guidance is intended to assist and guide planning authorities in the application of articles 6(3) and 6(4) of the Habitats Directive as it relates to their roles, functions, and responsibilities in undertaking AA of plans and projects. It applies to plans and projects for which public authorities receive an application for consent, and to plans or projects which a public authority wishes to undertake or adopt.

Design Manual for Urban Roads and Streets (DMURS)

5.10. The provisions of DMURS are relevant to the proposed development. Section 4.4.1 (Carriageway Widths) are considered in paragraph 8.16 of this inspector's report.

Cycle Design Manual 2023

5.11. The manual draws on the experience of delivering cycling infrastructure across Ireland over the last decade, as well as learning from international best practice, and has been guided by the need to deliver safe cycle facilities for people of all ages and abilities.

Regional Spatial and Economic Strategy for the Southern Region (RSES)

5.12. Page 187 states 'Active walking and cycle infrastructure will support active health initiatives and healthy communities, encourage transition to sustainable modes of travel, promote sustainable mobility and significantly assist our transition to a lower carbon society'. Regional Policy Objective (RPO) 174 states that certain walking and cycling objectives will guide investment including, for example, 'Delivery of high-quality safe cycle route network across the Region and cycling environments (applicable to cities, towns and villages) with provision for segregated cycle tracks' and 'Enhance pedestrian facilities in all urban areas in the region'.

Wexford County Development Plan 2022-2028

5.13. Strategic transport objective TS07 is 'To plan for the appropriate development of all aspects of the transport network for all modes and to ensure that the design and investment decisions prioritise sustainable transport modes'. General roads objectives include objective TS42; 'To provide and maintain a safe, efficient and sustainable roads network in the county, to secure improvements to the road network and to

balance the needs of all users placing pedestrians, cyclists and public transport at the top of the hierarchy of users'.

5.14. The road across the bridge is the regional road R723 which extends from Ballymacar roundabout south east of New Ross, across the River Barrow, and into Co. Kilkenny. It is identified as a class 1 regional road in table 8-11 of the Plan. Objective TS72 is 'To manage, maintain, improve and implement traffic management measures to regional roads as necessary, having due regard to public safety, and the strategic function of, and investment in, regional roads, as resources allow'.

6.0 **Consultations**

Original Application

6.1. Notice of the application was circulated to the following prescribed bodies by Kildare Co. Co. at the time of the submission of the application:

- Wexford Co. Co.
- Minister for Transport
- Minister for Housing, Local Government and Heritage
- Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media
- Minister for Agriculture, Food and the Marine
- Minister for the Environment, Climate and Communications
- Transport Infrastructure Ireland (TII)
- Inland Fisheries Ireland (IFI)
- Waterways Ireland
- Environmental Protection Agency
- Health Service Executive
- An Taisce
- The Heritage Council

- Fáilte Ireland
- An Chomhairle Ealaíon

6.2. Two submissions were received. These can be synopsised as follows:

1. Inland Fisheries Ireland (IFI)

6.3. The site is at the boundary of the Barrow Nore Estuary Upper and New Ross Port transitional water bodies. Both are considered at risk of not reaching their Water Framework Directive objectives by 2027; relevant pressures include urban runoff and agriculture. A number of observations are made which can be summarised as follows:

- mitigation measures in the NIS and CEMP must be implemented,
- storage, management, and conveyance of materials must not result in deleterious matter reaching surface water systems. Works must adhere to IFI's 'Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters' (2016),
- only clean, uncontaminated water should be discharged to surface water,
- buffer zones should be marked in advance of works commencing,
- hazardous substances to be bunded,
- clarification is required in relation to the construction compound location,
- detailed method statements for instream or riparian works should be provided to IFI at least ten days in advance of works commencing,
- a suitably qualified person should be appointed to oversee and implement environmental mitigation measures. Records should be made available to authorised persons upon request.

2. Department of Housing, Local Government and Heritage

6.4. The submission is made under two separate sub-headings; archaeology, and nature conservation (matters related to AA). The submission is summarised as follows.

Archaeology

6.5. The site is within the Zone of Archaeological Potential WX029-013 for the medieval town of New Ross and is downstream of a series of earlier timber bridges. The

Department concurs with the proposals for mitigation contained in section 14.6 of the applicant's Planning Report. An archaeological condition, as set out in the submission, should be included in any grant of permission.

Nature conservation (NPWS)

6.6. The NIS states 82m^2 of the annex I habitat 'estuaries' and 32m^2 of the annex I habitat 'mudflats and sandflats not covered by seawater at low tide' will be permanently lost from the River Barrow and River Nore SAC. Notwithstanding, it concludes that, given full implementation of mitigation, the development will not adversely affect the integrity of any European site.

6.7. Departmental pre-planning advice noted the potential for loss of SAC QI habitat. EU guidance states that when a permanent loss of a part of a habitat is identified as an impact resulting from a project it can be concluded that the project will cause an adverse effect on the integrity of the site. A conservation objective target for both habitats is 'the permanent habitat area is stable or increasing, subject to natural processes'. It is clear that the permanent loss of these QI habitats will prevent the achievement of this conservation objective.

6.8. Protection afforded to European sites from adverse effects on site integrity is outlined in article 6.3 of the EU Habitats Directive. Objectives of the Wexford County Development Plan 2022-2028 also apply. The Board is advised to consider whether the permanent loss of part of these QI habitats will adversely affect the integrity of the site in the context of the conservation objective targets and the undermining of these conservation objectives by the proposed development. 'Where doubt remains as to the absence of adverse effects on the integrity of the site, An Bord Pleanála must refuse authorisation …'

<u>Further Information</u>

6.9. Further information was sought on the issue of the impact of the original proposed development on the integrity of the SAC. On receipt of the further information response the Board deemed it to contain significant additional data. The application was re-advertised and the prescribed bodies cited in paragraph 6.1 of this inspector's report were notified on same. Two separate submissions were received from the Department of Housing, Local Government and Heritage and can be summarised as follows.

1. Department of Housing, Local Government and Heritage

6.10. This submission, dated 8th April 2024, was made under the heading of 'Underwater Archaeology' and effectively repeats the content of the 'Archaeology' submission received on foot of the Department's original submission.

2. Department of Housing, Local Government and Heritage

6.11. This submission, dated 2nd May 2024, relates to architectural heritage. The supporting photographic assessment indicates earlier construction of quay walls which are the starting point of the proposed modifications. The proposal has provided minimal information describing the setting of the bridge within the context of the historic town and the likely impact of the proposed enlargement on the architectural character of the historic quays. Insufficient information has been provided to describe the design and adjustment to the landing points of the bridge extension in relation to the historic quay walls.

6.12. Recommendations are made for (i) the input of a Grade 1 Conservation Architect to raise awareness of the historic setting, identify historic fabric, guide mitigation, and identify design opportunities to improve the proposal including consideration of opportunities to provide enhanced access to heritage and the amenity of the riverscape, and (ii) the provision of 3D images and views of the proposed bridge enlargement and enhancement within the historic setting to understand its impact on the historic setting.

7.0 Submissions / Observations

7.1. No observations were received by the Board from other third parties on foot of the public notices.

8.0 Assessment

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

8.1. The proposed development would widen O'Hanrahan Bridge to provide improved pedestrian and cycle facilities and would reconfigure the overall carriageway space. General improvement works are also proposed.

8.2. There does not appear to be any specific planning objective relating to the proposed development itself. Notwithstanding, the provision/improvement of pedestrian and cycle facilities within the urban area is development of a type that is broadly supported at all levels of the planning framework. Specific provisions of the NPF, CAP 2024, RSES, and Wexford County Development Plan 2022-2028, as outlined in section 5 of this inspector's report, demonstrate that the proposed development is consistent with these policy documents. The proposed works would significantly improve the pedestrian and cycle link between both banks of the Barrow within the urban area of New Ross.

8.3. Having regard to the foregoing, I consider that the proposed development would be consistent with the relevant planning framework, would improve facilities for vulnerable road users, would improve connectivity across the Barrow, and would be in accordance with the proper planning and sustainable development of the area.

2. The Likely Effects on the Environment

EIA screening

8.4. An EIA Screening Report was submitted with the application. It states that the proposed development is not of a class or does not exceed a threshold specified in parts 1 or 2 of schedule 5 of the Planning & Development Regulations, 2001 (as amended). Therefore mandatory EIA is not required. The applicant considers the proposed development to be a sub-threshold development and assesses whether it would require a sub-threshold EIAR in chapter 6 (Sub-Threshold EIA Screening Assessment). Table 6.2 assesses the likely significance of impact on environmental receptors and table 6.3 considers cumulative impacts. The screening report concludes that the 'proposed development would not be likely to have significant effects on the

environment by virtue of its characteristics, location, size or potential impacts and does not require an Environmental Impact Assessment Report to be undertaken'.

8.5. The applicant's EIA Screening Report does not specify the class of development that the proposed development could be considered under. In my opinion there is no applicable relevant class or threshold and, therefore, there is no necessity to consider whether the proposed development may or may not comprise a sub-threshold development.

8.6. Notwithstanding, I have also considered the Roads Act, 1993 (as amended). Section 50 (1)(a) sets out mandatory thresholds for EIA. The most relevant threshold is subsection (iv) which refers to 'any prescribed type of road development consisting of the construction of a proposed public road or the improvement of an existing public road'. Prescribed roads, as set out in article 8 of the Roads Regulations, 1994 are:

(a) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500 metres or more in length in an urban area; or,

(b) the construction of a new bridge or tunnel which would be 100 metres or more in length.

8.7. The proposed development does not involve the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, and it does not involve the construction of a new bridge. Therefore it does not fall under a prescribed type of road development.

8.8. Section 50 (1)(b) permits the Board to require an EIAR should it consider any other public road development would be likely to have significant effects on the environment. I have taken into consideration the contents of the applicant's Planning Report and EIA Screening Report and the relevant thresholds set out in both the Roads Act and Regulations. The proposed development involves the widening by 1 metre of an existing bridge by way of a cantilever. The subject road has two lanes, not four as per the threshold, and they are to be reduced in width. While the bridge is over 100 metres in length it is an established bridge, in situ since the 1960s, and a new bridge is not proposed. The development works would not attract any additional vehicular traffic

though it is hoped that it would increase the number of pedestrian and cyclist movements.

8.9. Having regard to the foregoing, the proposed development is substantially below any relevant EIA threshold. I am satisfied that the proposed development would not result in such significant effects on the environment that would warrant sub-threshold EIA under the Roads Act, and therefore I do not consider preparation of an EIAR is required.

8.10. Notwithstanding that an EIAR is not required, the applicant has submitted a Planning Report which, in layout, detail, and content, is effectively an EIAR. It includes chapters on the description of the development, alternatives considered, and major accidents and disasters. There are chapters addressing the environmental factors of traffic and transport, population and human health, biodiversity, hydrology, soils, geology and hydrogeology, landscape and visual, air quality and climate, noise and vibration, archaeology, architecture and cultural heritage, and material assets and land. There are detailed appendices. I refer to the Planning Report in the following assessment. Not all of the chapters in the Planning Report need to be considered and addressed in this inspector's report, in my opinion, given the relatively limited nature and scale of the proposed development. Notwithstanding, I have read each chapter in full.

8.11. Having regard to the nature, scale, and location of the proposed development and the likely effects on the environment I consider the following issues should be considered and assessed. These are:

- Traffic and Transport
- Biodiversity
- Hydrology
- Landscape, Visual, and Historic Impact
- Noise and Vibration

Traffic and Transport

8.12. Chapter 6 of the applicant's Planning Report addresses matters of traffic and transport. Manual junction turning count surveys were carried out at both ends of the bridge on

Wednesday March 4th 2020 reflecting the situation subsequent to the opening of the Rose Fitzgerald Kennedy Bridge / N25 bypass which opened that January. Details are set out in tables 6-2 to 6-5. The bridge has an estimated annual average daily traffic (AADT) of 11,615.

8.13. During the construction phase the effects on traffic flow from delivery of construction materials 'are considered temporary and imperceptible'. The construction stage will be broken into at least five phases to facilitate existing traffic, pedestrians, and cyclists as this is the only bridge within the town. Traffic management for the various phases are set out in section 6.4.1.2. At operational stage there is expected to be a 'very significant positive impact' on active travel with a non-significant impact on traffic.

8.14. I note the applicant states that there would be an average of two HGV round-trips per day during the construction stage. In practise it is likely that the number of associated daily HGV trips would regularly be higher than two, even though the overall average over the duration may be two. In addition, the Planning Report implies that the average of two relates to HGV traffic to the construction compound. Moving construction materials to the specific site would further increase HGV movement associated with the proposed development. Notwithstanding, having regard to the relatively limited scale of the development I do not consider that construction-phase HGV traffic would be a significant concern.

8.15. It is proposed to remove an existing vehicular access to the Riverside/Waterside apartment building adjacent to the north west of the bridge e.g. pages 55, 90, and 377. This access is currently fenced off. Its purpose is unclear as its length is short and it only accesses a pedestrianised area surrounding the apartment building. I have no objection to this vehicular access being removed but, in my opinion, a pedestrian access gate should be provided at this location in lieu, in the interest of residents' permeability and desire lines. This could be attached as a condition of a grant of approval.

8.16. It is proposed to reduce the width of each carriageway from 3.65 metres to 3.25 metres. DMURS notes that research has found that narrow carriageways are one of the most effective design measures that calm traffic and the widths of carriageways should be minimised to meet predominant user needs. In the context of New Ross I consider that the R273 can be considered to function as a 'link' street under DMURS.

It is stated that 'In new designs the standard lane width on … Link Streets should lie in the range of 2.75m to 3.5m. Within this range the preferred values are 3.0m and 3.25m'. It is also stated that 'When carrying out upgrades, or traffic-calming works on existing streets, the first priority of authorities should be to narrow existing carriageways where they exceed' the listed standards. Having regard to the foregoing I consider that the reduction in carriageway widths would bring the proposed carriageways within the parameters recommended by DMURS.

8.17. In conclusion, I am satisfied that there would be no adverse traffic or transport impact as a result of the proposed development. During the operational stage the upgrade would not attract or in any way create additional vehicular traffic, it would significantly improve the pedestrian and cyclist experience, it would support and facilitate active travel, and it would be consistent with the relevant planning framework.

Biodiversity

8.18. Given that the proposed development would affect a river, biodiversity is a matter to be considered. Notwithstanding, issues specific to AA are separately addressed in section 8.3 (paragraphs 8.41-8.90) of this inspector's report.

8.19. Chapter 8 (Biodiversity) of the applicant's Planning Report comprises an Ecological Impact Assessment (EcIA). Ecological surveys were carried out between September 2021 and January 2023 (though all surveys were only undertaken in the months of September and January), and a desktop study was carried out. Habitats and species of ecological significance occurring, or likely to occur, within the zone of influence (ZoI) or the study area are classified as key ecological receptors (KERs).

8.20. The receiving environment is set out in section 8.3 of the Planning Report. In terms of the desk survey, the applicant notes that the Barrow is tidal in New Ross and there are small areas of intertidal habitat at the base of the artificial quay walls. Three European sites and nine nationally designated sites are within the ZoI, up to 24.4km away, hydrologically (Duncannon Sandhills proposed natural heritage area (pNHA) being the furthest away cited). Fish/aquatic species are described as well as some terrestrial mammals (bats and otter), amphibians and reptiles, birds, and invasive alien species. Field survey results are also described. 14 separate habitats were recorded and are described, including the two Annex I habitats of tidal rivers and mud shores.

The invasive species Himalayan balsam and common cordgrass were recorded. The site area has been highly modified from its natural state and is typical of urbanised estuarine environments. The river itself is the habitat with the highest biodiversity value. Specific benthic surveys were carried out at the south eastern and south western corners of the bridge. The benthic fauna was low in diversity and numbers. No notable results were recorded for flora (apart from the invasive species), bats, otters, and birds (though approx.150 starlings were roosting under the bridge), and no amphibians or reptiles were recorded. Seven KERs are identified following on from the desk and field surveys: the river, intertidal habitats, migratory fish, otter (these four KERs all being of international importance), bats (local importance (higher value)), invasive species, and nationally designated sites (national importance), and these are described in table 8-15 of the Planning Report.

8.21. Unmitigated potential impacts are set out in section 8.7. The applicant notes the overlap between the EcIA and the NIS which are standalone documents and do not rely on each other. The four internally important KERS are also considered in the NIS. General construction phase impacts are habitat loss, disturbance/displacement, impact on water quality, and the spread of invasive species. General operational phase impacts are disturbance/displacement e.g. noise and artificial light, and hydrological impacts e.g. new in-stream structures. Table 8-16 describes the likely unmitigated ecological significance on each individual KER from both construction and operational phases.

8.22. Mitigation measures are set out in section 8.8 of the Planning Report. General measures which would apply during both construction and operational phases are outlined in section 8.8.1 and specific measures relating to the KERs are outlined in section 8.8.2. The potential for ecological impacts is eliminated where possible and minimised where total elimination is not possible. The residual ecological significance on the KERs after mitigation is set out in table 8-17.

8.23. The EcIA concludes by stating, inter alia, that ‘there will be no significant residual impacts on any of the Key Ecological Receptors which are of Local (Higher Value), County, National or International Importance, either from the proposed development individually or in combination with other past, present or reasonably foreseeable plans or projects’.

8.24. I note the content of the applicant's EcIA. There is a significant overlap between it and the AA carried out in section 8.3 of this inspector's report. It should be noted that under this 'Biodiversity' heading I am only considering wider and general biodiversity impact and not the habitats and species specific to European sites. These habitats and species are separately considered in section 8.3.

8.25. I consider that the EcIA is detailed and provides an accurate and robust description of the receiving environment and the potential impacts of the proposed development. I note that mitigation measures outlined use terminology such as 'shall' and 'will' etc. I note in particular the appointment of a 'Site Environmental Manager to carry out environmental monitoring and to ensure that the mitigation measures proposed … is followed'.

8.26. IFI have made a submission on the application. Inter alia, the submission states that all mitigation measures should be implemented. Though a number of specific observations are made, IFI does not cite any particular concern that would lead to a refusal of permission being considered. One of the submissions from the Department of Housing, Local Government and Heritage refers to biodiversity issues but, as these relate to AA, and notwithstanding that they were addressed through the further information request, I consider that they are more appropriately addressed in section 8.3 of this inspector's report.

8.27. Overall I am satisfied as to the information and detail contained within the EcIA in so far as it relates to general biodiversity issues and I do not consider the proposed development would have any undue impact on same, subject to implementation of the mitigation measures outlined.

Hydrology

8.28. Hydrology is set out in chapter 9 of the applicant's Planning Report and I consider it particularly relevant to this assessment of the likely effects on the environment given the nature of the proposed development and its location at the River Barrow.

8.29. There are two broad categories of hydrological impact; quantitative e.g. inappropriately designed structures, and qualitative e.g. contamination. The baseline hydrological regime and water quality is set out in section 9.3.1 of the Planning Report. The river is tidal at this location and the proposed development is in the Barrow Nore Upper

Estuary Waterbody, only 290 metres upstream of the New Ross Port Waterbody. EPA water quality status for both these transitional waterbodies was 'moderate' for the 2016-2021 period. Key pressures include agriculture and urban runoff. Both waterbodies have been given a 3rd Cycle Water Framework Directive (WFD) risk score of being 'at risk' of not achieving 'good' status, contrary to the WFD objective. Hydromorphology is a key consideration in defining waterbody status. The Barrow Estuary has been historically altered, with the New Ross Port waterbody characterised as heavily modified. There is an elevated level of, primarily tidal, flood risk at this location, but also pluvial flood risk. The site compound area would not be affected.

8.30. Potential impacts from the construction phase include contamination of surface water runoff and also alteration of the river bed and bank morphology. Flood risk is also cited as a potential impact. Operational phase impacts are considered to be imperceptible. Construction phase mitigation is outlined, both standard measures and specific measures relating to concrete works. The use of concrete cannot be avoided so it must be carefully controlled. No operational phase mitigation is proposed. Residual impacts during the construction phase on both water quality and flooding are cited as temporary, negative, and imperceptible/slight.

8.31. I consider that an appropriate amount of detail has been provided in the hydrology chapter. I note the updates contained in the applicant's February 2024 Planning Report from the original Planning Report e.g. WFD information, pluvial flooding detail, and the amended quay wall widening methodology. There is a degree of overlap between hydrology and AA, and AA-specific issues are addressed in section 8.3.

8.32. I consider that the proposed bridge extension works is a standard construction project similar to other bridge-related works whether replacement bridges or rehabilitation works. The mitigation measures proposed are standard and well-proven measures. In addition to a site environmental manager as referenced in the biodiversity mitigation, the hydrology mitigation includes reference to both a site environmental manager and an ecological clerk of works. Mitigation measures use terminology such as 'shall' and 'will' etc. I consider the proposed development to be acceptable in relation to impact on hydrology and would not adversely affect the river in terms of WFD status.

Landscape, Visual, and Historic Impact

8.33. Chapter 11 of the applicant's Planning Report is a landscape and visual impact assessment (LVIA). A landscape/townscape assessment relates to changes in the physical environment which may alter its character. VIA relates to changes in the composition of views and are population-based impacts. The study area (approx. 300 metres from the centre of the bridge) is a highly modified, utilitarian, and anthropomorphic landscape that is and will continue to be in a regular state of evolution and change. The study area is considered to have a medium landscape sensitivity with a slight/negative landscape/townscape impact predicted during the construction phase and a slight/positive impact at the operational stage. There is also considered to be a medium visual impact sensitivity. Two viewpoints were selected on the east side of the bridge. The construction stage is deemed to have a slight negative visual impact but there is predicted to be a slight/imperceptible positive visual impact at both viewpoints, for the operational stage. Photomontages are provided as appendix F to the Planning Report. The visual impacts are considered to be the same from the west side of the bridge. No specific mitigation is proposed. The Planning Report considers the proposed development to be 'an appropriate contribution to both the built fabric of this urban area and it will not result in any significant townscape or visual impacts'.

8.34. The existing bridge has a length of 175 metres and an 'out-to-out' width of 11.6 metres. It is of 1960's construction and is functional, relatively low above the river, and without any particularly notable architectural or engineering feature. On page 201 of the Planning Report it is stated that 'the widening of … (the) bridge by a further 1 metre (and using comparable materials, finishes and heights), in a heavily built-up urban town core that is continually evolving, is likely to have a negligible impact upon the character of the receiving landscape/townscape, whilst facilitating an upgrade to the appearance of the bridge and improved functionality'. I agree with this description. Apart from the widening there are alterations proposed to lane widths, parapet heights (which will increase in height from 1 metre to 1.4 metres), and public lighting. In relation to lighting it is stated that these 'will be of a similar height and spacing to the existing, will utilise the existing lighting duct in the footpath and will provide a lighting intensity similar to what is already in place' (page 57).

8.35. The Planning Report (section 2.4) describes the different quay wall options that were considered; three in the south east area of the bridge and two in the south west area. One of the criteria considered in selecting a favoured option was 'aesthetic'. Subsequent to the Board's further information request the applicant selected option 2 for both corners. It is the mid-ranking option in terms of aesthetics for the south eastern corner. It 'offers visual continuity from the cantilever widening on O'Hanrahan Bridge … but … is short of the visual enhancement that Option 3 can provide'. Both options for the south west were 'considered to be of equal aesthetic merit'. Notwithstanding, in my view whichever option combination was chosen would not have such a significant landscape or visual impact advantage or disadvantage over any of the other combinations that they would be any more or less favoured given the relatively limited landscape or visual impact that would result.

8.36. Only two viewpoints were selected for the visual impact assessment and photomontages, both on the eastern side of the bridge. It is disappointing that no viewpoint on the western side was selected to give a viewpoint towards the main area of the town. While I concur with the applicant that 'views from the western end of the bridge will be very similar in nature (but reversed) …' (page 205) photomontages were already being prepared and the view east would have a different backdrop.

8.37. The Department of Housing, Local Government and Heritage made submissions relating to archaeology, AA, and architectural heritage, though the architectural heritage submission was only made on foot of the further information response. The architectural heritage submission outlines two recommendations, though it is unclear whether these are recommended as further information issues or conditions. Notwithstanding, having regard to the extent of the information submitted with the planning application, including chapter 14 (Archaeology, Architectural, and Cultural Heritage), I am satisfied that the proposed development would not have any significant adverse impact on architectural heritage. The proposed development, which is relatively minor in the context of the scale of the existing bridge and quayside, is a natural, contemporary step in the progression of the urban area. I consider that the recommendations cited in the Department's submission are not necessary given relatively limited scale and nature of the proposed development and the context of the urban area.

8.38. Overall, I consider that the landscape and visual impact of the proposed development would be limited in practical terms. The bridge structure would be freshened up, improved, and made more pedestrian and cyclist friendly. The works would reflect an urban landscape and environment that is constantly changing and evolving and I consider a small positive impact on landscape and visual amenity would result from the proposed works with no significant architectural heritage impact.

Noise and Vibration

8.39. Only construction phase impacts are assessed in chapter 13 of the applicant's Planning Report as the upgrade works are intended for pedestrian and cyclist use with no direct effects on vehicular traffic. Baseline noise and vibration surveys were carried out. Noise surveys showed averages over a series of three non-consecutive 15 minute afternoon periods at four attended noise sensitive locations of between 63 and 69dB L_{Aeq} during the day, unattended values of 59 and 61dB L_{Aeq} between 19.00-23.00 at two locations on both sides of the bridge, and unattended values of 44 and 46 dB L_{Aeq} between 23.00-07.00 at the same two locations. The noise environment was dominated by the R723. Vibration surveys recorded a maximum peak particle velocity of 0.75mm/s (millimetres per second) on the west side of the bridge. Recommended daytime construction noise limits are 70dB, and 60dB in the evening period. Anticipated construction noise levels are set out. They are expected to be temporary in duration and range from imperceptible to significant in terms of effects. It is unlikely that any works will be carried out at night. There is expected to be a negative, slight, temporary vibration impact. Construction traffic will not be an issue in terms of noise and vibration. Mitigation measures are set out in section 13.7 and include provision of a noise barrier, notification of any works forecast to cause appreciable levels of noise or vibration, and adherence to best practice etc.

8.40. Page 265 of the Planning Report states that the evening noise impact effects are 'slight-significant', despite no significant impact being predicted for the evening time in any of tables 13-13 to 13.17. Notwithstanding, I do not consider this has a significant material impact in assessing noise impacts. I note the disclaimers in the table comments that this is a worst-case assessment and piling will only take place intermittently during the daytime. I note that this is a town centre location with much of

the construction activity taking place on the bridge itself and away from noise sensitive locations. Construction works are necessary to widen the bridge to improve infrastructural facilities for vulnerable road users and construction nuisance such as noise is inevitable. Overall I am satisfied that the proposed development would not result in an undue adverse noise impact.

3. The Likely Significant Effects on a European Site(s)

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

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

Compliance with article 6(3) of the EU Habitats Directive

8.42. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the EU. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to AA 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.

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

The Natura Impact Statement (NIS)

8.44. The application includes a NIS which was prepared by ROD on behalf of Kildare Co. Co. and is dated February 2024. Inter alia, it provides a detailed description of the proposed development including the receiving environment, identifies European sites within the zone of influence of the proposed development and assesses relevant potential adverse effects, outlines mitigation measures, considers in-combination

effects, and reaches a conclusion. A separate AA Screening Report was also prepared and submitted to the Board. It concluded that the proposed development has the potential to give rise to likely significant effects on European sites.

8.45. The NIS was informed by a desk study, consultations with NPWS and IFI, a habitat survey, a watercourses, fisheries, and aquatic fauna survey, and otter, birds, invasive alien plant species, and benthic field surveys. A comprehensive Planning Report and an EIA Screening Report were also submitted with the application.

8.46. The NIS concludes that 'An Bord Pleanála, as the Competent Authority in this case, should determine that, given the full and proper implementation of the mitigation prescribed in this NIS, the proposed development, either individually or in combination with other plans or projects, will not adversely affect the integrity of the River Barrow and River Nore SAC, the Lower River Suir SAC, the River Nore SPA, or any other European site'.

8.47. Submissions from IFI and the Department of Housing, Local Government and Heritage were received in relation to the proposed development. Though the IFI submission notes that the river is part of the River Barrow and River Nore SAC, it does not make any direct reference to AA-related issues. The Department's initial submission, however, did, and the wing walls originally proposed were amended in response to a further information request.

8.48. Having reviewed the NIS, submissions, 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. I am satisfied that the information is sufficient to allow for AA of the proposed development.

Appropriate Assessment (AA)

Stage 1 Screening

8.49. Section 177AE of the Planning & Development Act, 2000 (as amended), sets out the requirements for AA of development to be carried out by or on behalf of a local authority. Section 177AE(3) states that where a NIS has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the

provisions of Part XAB shall apply to the carrying out of the AA. There is no requirement for the Board to undertake screening in these cases as it is presupposed that the local authority has established the need for AA through its own screening process (unless issues arise as to the adequacy or otherwise of the screening determination by the applicant). Nonetheless, it is considered prudent to review the screening process to ensure alignment with the site(s) brought forward for AA and to ensure that all site(s) that may be affected by the development have been considered.

8.50. The ZoI in the applicant's AA screening report comprises the area within 550 metres[1] of the bridge, the Barrow and Nore transitional waters upstream and downstream of the bridge, and the transitional waters of the River Suir as far as the Lower Suir Estuary. The European sites within this are River Barrow and River Nore SAC (site code 002162), Lower River Suir SAC (site code 002137), and River Nore SPA (site code 004233). Other European sites were excluded due to factors such as overland or upstream distance, lack of hydrological connection, and/or lack of supporting habitat for qualifying interest (QI) species in the vicinity of the proposed development. I agree that the ZoI as defined by the applicant is appropriate.

Table 1 – European sites considered at the screening stage

European site (site code)	Qualifying interests (QIs) / Special conservation interests (SCIs)	Distance from application site	Source-pathway-receptor link?	Considered for stage 2 AA?
River Barrow and River Nore SAC (002162)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170][2] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410]	Immediately adjacent	Yes, proximity	Yes

[1] It is somewhat unclear as to how the 550 metres distance was defined.
[2] 23 no. QIs are cited on the NPWS webpage for this SAC, including reefs [1170]. However, reefs are not specifically included in the Conservation Objectives NPWS document.

	Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] European dry heaths [4030] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Desmoulin's whorl snail [1016] Freshwater pearl mussel [1029] White-clawed crayfish [1092] Sea lamprey [1095] Brook lamprey [1096] River lamprey [1099] Twaite shad [1103] Salmon [1106] Otter [1355] Killarney fern [1421] Nore pearl mussel [1990]			
River Nore SPA (004233)	Kingfisher [A229]	Approx. 9.2km in a straight line to the north west and approx. 12.7km hydrologically	Yes, hydrological	Yes

Lower River Suir SAC (002137)	Atlantic salt meadows [1330] Mediterranean salt meadows [1410][3] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Taxus baccata woods of the British Isles [91J0] Freshwater pearl mussel [1029] White-clawed crayfish) [1092] Sea lamprey [1095] Brook lamprey [1096] River lamprey [1099] Twaite shad [1103] Salmon [1106] Otter [1355]	Approx. 14km in a straight line to the south and approx. 17.2km hydrologically	Yes, hydrological	Yes

8.51. Notwithstanding the relatively limited nature of the proposed development and the distances to both the River Nore SPA and Lower River Suir SAC these are transitional waterbodies and therefore, as per table 2.1 of the applicant's AA screening report, 'there is a tidal influence which can potentially bring waters (and suspended matter)

[3] The Conservation Objectives document includes Mediterranean salt meadows [1410] as a QI despite this not being listed on the NPWS webpage.

from the River Barrow upstream' into both the Nore and the Suir, with potential for likely significant effects on the QIs/SCIs as a result of the proposed development.

8.52. Based on my examination of the application, the applicant's NIS and AA screening report, supporting information such as the NPWS website, the scale and nature of the proposed development, the separation distances and functional relationship between the proposed works and the European sites, the sites' conservation objectives, the applicant's Planning Report, and taken in conjunction with my assessment of the application site and the surrounding area, I agree with the applicant's screening for AA and conclude that stage 2 AA is required for:

- River Barrow and River Nore SAC
- River Nore SPA
- Lower River Suir SAC

Stage 2 (AA)

1. River Barrow and River Nore SAC (site code 002162)

8.53. This section on the River Barrow and River Nore SAC should be read in conjunction with table A1 in the appendix to this inspector's report which tabulates all of the following information.

Description of site

8.54. The site consists of the freshwater stretches of the Barrow and Nore rivers as far upstream as the Slieve Bloom Mountains, and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. Both rivers rise in the Slieve Bloom Mountains. The site is very important for the presence of a number of E.U. Habitats Directive Annex II animal species. It is the only site in the world for the hard water form of the freshwater pearl mussel and one of only a handful of spawning grounds in the country for twaite shad. The site is of ornithological importance for a number of E.U. Birds Directive Annex I species. The water quality of the site remains vulnerable.

Conservation objectives

8.55. The conservation objectives are set out in the 'Conservation Objectives River Barrow and River Nore SAC 002162' document published by NPWS. The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. Attributes, measures, and targets for 22 no. QIs are set out[4]. The conservation objective for eleven of the QIs is to restore its favourable conservation condition and the conservation objective for ten QIs is to maintain the favourable conservation condition. The NPWS document states that the status of the freshwater pearl mussel as a QI for this SAC is currently under review and the outcome of the review will determine whether a site-specific conservation objective is set.

8.56. Table 3-2 of the applicant's NIS contains a list of 23 no. SAC QI species[5]. Eight QIs have been excluded by the NIS from further consideration: reefs, dry heath, petrifying springs, old sessile oak woods, whorl snail, white-clawed crayfish, brook lamprey, and Killarney fern for reasons of, variously, the absence of any direct loss or damage to habitat, the scale of the development, the duration of works, the distances, the dilution capacity of the river and wider estuary, water quality impacts at the location of the habitat would be negligible, they are terrestrial or freshwater spring habitats/species, or the known location of the species is outside of transitional waters/in freshwater. Therefore, it can be concluded beyond reasonable scientific doubt that the proposed development will not have an adverse effect on these QIs.

8.57. Certain habitats i.e. estuaries, and mudflats and sandflats, are present at the site location and river and sea lamprey, twaite shad, salmon, and otter would use the general site area. These are included for further consideration due to, variously, potential water quality impacts resulting in pollution/affect prey availability, increase in artificial lighting may prevent a barrier to migration, and disturbance/displacement during construction.

[4] As per footnote 1, reefs have not been included.

[5] Table 3-2 includes reefs. It notes that while the NPWS does not contain a site-specific conservation objective, the conservation objective for Hook Head SAC (site code 000764) has been used. The conservation objective for that SAC is to maintain the conservation objective for the habitat. Given the proximity (approx. 3.9km) I consider this to be appropriate.

8.58. There are some habitats/species i.e. Salicornia …, Atlantic and Mediterranean[6] salt meadows, alluvial forests …, and Nore freshwater pearl mussel which, though not present at the site or in the general vicinity, are sensitive to water quality and/or spread of invasive species, and in the case of the mussel is dependent on salmonid fish for its lifecycle. The applicant has included these for further consideration in the NIS. However, in my view, having regard to the nature and scale of the proposed development, the distance between the development site and the four habitats, and the diluting nature of the Barrow, a seventh order stream, I do not consider that there is any reasonable possibility of any adverse effects on the integrity of these QIs from water quality impact or spread of invasive species and therefore I do not consider that these habitats should be further considered.

8.59. There are others whose distribution within the SAC is unknown i.e. water courses of plain to montane levels … and hydrophilous tall herb fringe communities …, and freshwater pearl mussel[7] but which are sensitive to water quality impacts and/or spread of invasive species. The applicant has taken the precautionary approach and stated that adverse effects on these cannot be ruled out.

8.60. Having regard to the nature of the proposed development, the location within transitional waters, and the content of the NPWS document, I agree with the applicant's NIS in terms of the QI habitats and species that could potentially be adversely affected by the proposed development, and those that could not, apart from the four habitats cited in paragraph 8.58.

Potential direct impacts

8.61. As the proposed development would not directly interfere with any QI of the SAC, I do not consider that there are any potential direct effects.

[6] The location of Mediterranean salt meadows is unclear. Table 3-2 of the applicant's NIS states that the nearest location of Mediterranean salt meadows is 19km downstream. However, the NPWS document states that there is 0.04 hectares of this habitat in Rochestown which is approx. 10km downstream. It also states that there is 6.70 hectares of Mediterranean salt meadow in Ringville, the adjoining townland to Rochestown. No such habitat is, however, clearly identifiable on map 5 of the NPWS document. I also note that 6.70 hectares is also the area cited for Atlantic salt meadows in Ringville so this could be a typographical error.

[7] As per footnote 3, as there is no site-specific conservation objective for freshwater pearl mussel in the NPWS document the conservation objective for this species as per the Lower River Suir SAC is used. This is to restore the favourable conservation condition of the species. Given the proximity and interaction between both SACs I consider this to be appropriate.

Potential indirect impacts

8.62. Potential indirect impacts to the QIs of this SAC are land take (though none is proposed), impact on water quality from the construction phase, spread of invasive species given the presence of same adjacent to the site, barriers to migration from artificial lighting, and disturbance to species during the construction phase.

Mitigation measures

8.63. Mitigation measures are set out in section 5 of the applicant's NIS. They relate to:

- Water quality – A CEMP will be prepared which will include an Environmental Operating Plan and an Incident Response Plan. Measures are outlined relating to:
    - Sedimentation and surface water runoff e.g. covering of stockpiles, retention of stockpiles for as short a period as possible, works areas of minimum size, use of sediment filters/shallow berms, bunding of chemical and fuel-filling areas, foul drainage to be contained and disposed of appropriately, water quality monitoring.
    - Concrete works – use of hydrophilic grout and quick-setting mixes, supervision of an ecological clerk of works, avoidance of concrete pours if inclement weather is forecast, any spills will be contained and managed, over-water concrete repairs will be done by hand.
    - Hydrocarbons/chemicals – refuelling off-site, bunding, daily inspection of plant and machinery.
- Lighting – Nocturnal lighting can affect nocturnal species e.g. migratory fish and otter. Lighting shall be the minimum required, if any. Light spill shall be minimised with hoarding erected to address same in the event of night works. During the operational phase the number, height, and location will be as per the existing bridge with cowls fitted and no upward spill.
- Invasive alien species – A biosecurity protocol will be prepared. Good construction site hygiene will be employed with washing of plant and machinery prior to the introduction of same to site and screening of imported material.

8.64. I consider that the proposed mitigation measures are appropriate and would have a high degree of likely success. The proposed development is a relatively routine

construction project, and these are relatively standard and well-proven mitigation measures.

Potential in-combination effects

8.65. Table 6-1 of the applicant's NIS outlines a number of plans and projects considered in terms of potential in-combination effects. The NIS considers that, with the implementation of mitigation measures, 'the proposed development does not have the potential to significantly affect any European site in combination with other plans or projects' (page 104).

8.66. Having regard to the relatively limited nature and scale of the proposed development, the residual impacts anticipated, and the nature of plans and projects in the area, I agree with the applicant that there is no potential for in-combination adverse effects on the integrity of the site.

NIS omissions

8.67. In this regard, I acknowledge the applicant's use of the attributes, measures, and targets for the freshwater pearl mussel as contained in the Lower River Suir SAC Conservation Objectives NPWS document, and I consider its use to be appropriate to inform the NIS.

Integrity test

8.68. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of River Barrow and River Nore SAC in view of the conservation objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

2. <u>River Nore SPA (site code 004233)</u>

Description of site

8.69. The River Nore SPA is a long, linear site which includes the river channel and marginal vegetation. The River Nore SPA is of high ornithological importance as it supports a nationally important population of kingfisher.

Conservation objectives

8.70. The conservation objectives are set out in the 'Conservation objectives for River Nore SPA [004233]' document published by the Department of Housing, Local Government and Heritage. First-order site-specific conservation objectives are available for this site i.e. to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. The applicant's NIS states that no attributes or targets are defined for any other SPA where kingfisher is listed as a qualifying interest. The NIS cites the Department's document when it notes that the favourable conservation status of a species is achieved when population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Potential direct impacts

8.71. As the proposed development would not directly interfere with the SPA/kingfisher I do not consider that there are any potential direct effects.

Potential indirect impacts

8.72. As noted in the applicant's NIS, the proposed development could give rise to water quality impacts upstream given the tidal nature of the river, which could affect fish upon which the kingfisher depends as a food source.

Mitigation measures

8.73. Some of the proposed mitigation measures relating to water quality are summarised in paragraph 8.63 of this inspector's report.

Potential in-combination effects

8.74. As per paragraph 8.66 of this inspector's report I do not consider that there would be any potential for in-combination adverse effects on the integrity of the site.

NIS omissions

8.75. The applicant states that there are no site-specific conservation objectives for kingfisher for any SPA in the state for which kingfisher is included as a QI species, and I note this.

Integrity test

8.76. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of River Nore SPA in view of the conservation objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

3. Lower River Suir SAC (site code 002137)

8.77. This section on the Lower River Suir SAC should be read in conjunction with table A2 in the appendix to this inspector's report which tabulates all of the following information.

Description of site

8.78. Lower River Suir SAC consists of the freshwater stretches of the River Suir immediately south of Thurles, the tidal stretches as far as the confluence with the Barrow/Nore immediately east of Cheekpoint in Co. Waterford, and many tributaries. The site is of particular conservation interest for the presence of a number of Annex II animal species, including freshwater pearl mussel, white-clawed crayfish, salmon, twaite shad, three species of lampreys - sea lamprey, brook lamprey and river lamprey, and otter. This is one of only three known spawning grounds in the country for twaite shad. Parts of the site have also been identified as of ornithological importance for a number of Annex I (E.U. Birds Directive) bird species. The rivers are vulnerable to pollution from run-off of fertilisers and slurry.

Conservation objectives

8.79. The conservation objectives are set out in the 'Conservation Objectives Series Lower River Suir SAC 002137' document published by NPWS. The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. Attributes, measures, and targets for 15

no. QIs are set out. The conservation objective for eleven of the QIs is to restore its favourable conservation condition and the conservation objective for four QIs is to maintain the favourable conservation condition.

8.80. Table 3-3 of the applicant's NIS contains a list of the 15 no. SAC QI species. Nine QIs have been excluded by the NIS from further consideration: Atlantic and Mediterranean salt meadows, water courses of plain to montane levels …, hydrophilous tall herb fringe communities …, old sessile oak woods …, alluvial forests …, taxus baccata woods …, white-clawed crayfish, and brook lamprey, for reasons of, variously, the distances between the subject site and the location of QIs, the assimilative capacity of the watercourses, and the fact that certain habitats are strictly terrestrial and certain species are strictly freshwater and therefore there is no pathway for impact. Therefore, it can be concluded beyond reasonable scientific doubt that the proposed development will not have an adverse effect on these QIs.

8.81. Five of the remaining six species would use the general site area and are included for further consideration due to, variously, potential water quality impacts resulting in pollution/affect prey availability, increase in artificial lighting may prevent a barrier to migration, and disturbance/displacement during construction. The freshwater pearl mussel, though a freshwater species, is dependent on salmonid fish for its lifecycle and therefore potential impacts to host fish could impact the freshwater pearl mussel.

8.82. Having regard to the nature of the proposed development, the location within transitional waters, and the content of the NPWS document, I agree with the applicant's NIS in terms of the QI habitats and species that could potentially be adversely impacted by the proposed development, and those that could not.

Potential direct impacts

8.83. As the proposed development would not directly interfere with any QI of the SAC I do not consider that there are any potential direct effects.

Potential indirect impacts

8.84. Potential indirect impacts to the QIs of this SAC are impact on water quality from the construction phase, barriers to migration from artificial lighting, and disturbance to species during the construction phase. Notwithstanding, given the distance between the proposed development site and the SAC, I consider that the potential indirect

impacts would be significantly weaker at Lower River Suir SAC than they may be in the vicinity of the proposed development site.

Mitigation measures

8.85. Relevant mitigation measures in terms of water quality and lighting are summarised in paragraph 8.63 of this inspector's report.

8.86. As per paragraph 8.64, I consider that the proposed mitigation measures are appropriate and would have a high degree of likely success. The proposed development is a relatively routine construction project, and these are relatively standard and well-proven mitigation measures.

Potential in-combination effects

8.87. As per paragraph 8.66 of this inspector's report I do not consider that there would be any potential for in-combination adverse effects on the integrity of the site.

NIS omissions

8.88. None noted.

Integrity test

8.89. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Lower River Suir SAC in view of the conservation objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Appropriate Assessment (AA) Conclusion

8.90. Having regard to the foregoing, I consider that it is reasonable to conclude on the basis of the information on the file, and other available information, which I consider adequate in order to carry out a Stage 2 AA, that the proposed development, individually or in combination with other plans and projects, would not adversely affect the integrity of the European site nos. 002162, 004233, and 002137, or any other European site, in view of the sites' conservation objectives.

9.0 **Recommendation**

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

(d) the conservation objectives, qualifying interests and special conservation interests for River Barrow and River Nore SAC (site code 002162), River Nore SPA (site code 004233), and Lower River Suir SAC (site code 002137),

(e) Project Ireland 2040 National Planning Framework (NPF),

(f) the Climate Action Plan 2024,

(g) the Design Manual for Urban Roads and Streets (DMURS),

(h) the Regional Spatial and Economic Strategy for the Southern Region (RSES),

(i) the policies and objectives of the Wexford County Development Plan 2022-2028,

(j) the nature and extent of the proposed works as set out in the application for approval,

(k) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,

(l) the submissions received in relation to the proposed development, and,

(m) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the River Barrow and River Nore SAC (site code 002162), River Nore SPA (site code 004233), and Lower River Suir SAC (site code 002137) 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 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 River Barrow and River Nore SAC, River Nore SPA, and Lower River Suir SAC, in view of the sites conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

ii. the mitigation measures which are included as part of the current proposal, and

iii. the conservation objectives for the European sites.

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

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

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 or significantly affect biodiversity in the area, 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 result in adverse traffic impact, 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 improve the active travel infrastructure and facilities for vulnerable road users in New Ross. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 29th February 2024, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

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

2. The mitigation measures outlined in the plans and particulars relating to the proposed development, including those set out in Section Five of the Natura Impact Statement and in the Planning Report, shall be implemented in full. Prior to the commencement of development details of a time schedule for implementation of mitigation measures 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 the European site**s**, and in the interest of public health**.**

3. The preservation, recording, and protection of archaeological materials or features that may exist within the site shall be facilitated. In this regard, a suitably qualified archaeologist shall be retained to monitor all site investigations and other excavation works and provide arrangements for the recording and for the removal of any archaeological material considered appropriate to remove.

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.

4. 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 environment.

5. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river system 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 relevant statutory agencies and the programme shall be implemented thereafter.

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

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

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

7. A pedestrian gate access shall be provided to the Riverside/Waterside apartment complex in lieu of the vehicular access to be removed adjacent to the north west of the bridge.

Reason: In the interest of residential amenity.

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.

Anthony Kelly
Planning Inspector
28th May 2024

Appendices

Table A1

River Barrow and River Nore SAC (site code 002162) **Summary of key issues that could give rise to adverse effects:** • **Land take** • **Impact on water quality** • **Spread of invasive species** • **Barriers to migration (artificial lighting)** • **Disturbance** **Conservation objectives: see http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002162.pdf**					
Summary of Appropriate Assessment					
Qualifying interest (QI) feature	**Conservation objectives**	**Potential adverse effects**	**Mitigation measures**	**In-combination effects**	**Can adverse effects on integrity be excluded?**
Estuaries [1130]	To maintain the favourable conservation condition of estuaries	*Land take* – A stable or increasing permanent habitat area is an attribute/target. However, land take is not proposed and therefore there is no potential for adverse effects. *Water quality* – A reduction in water quality could affect the community distribution attribute's target that sediment communities should be maintained in a natural condition. Potential construction phase impacts include the risk of sedimentation, spillage of cementitious material and/or hydrocarbons, and faecal contamination.	Mitigation measures are set out in section 5.2 of the applicant's NIS. They include: Water quality – During the construction phase a CEMP including an Environmental Operating Plan and Incident Response Plan will be prepared, and measures related to sedimentation and surface water run-off,	Table 6-1 of the NIS sets out other plans and projects that could act in combination with the proposed development. The applicant's NIS considers that, given the implementation of the proposed	Yes. The project was identified as having potential adverse effects on this habitat / species. Once the mitigation prescribed is implemented it will remove the

		Invasive alien species – The spread of common cordgrass through, for example, machinery movement, presents a risk to the conservation condition of benthic communities.	concrete works, and hydrocarbons will be adhered to. Water quality monitoring is also proposed. Invasive species – Best practice for biosecurity would be implemented such as good construction site hygiene, cleaning of plant and machinery prior to import to site, and screening of any required soil/topsoil.	mitigation measures, there is no potential for the proposed development to significantly affect the European site in combination with other plans or projects. I agree with this consideration of in-combination effects.	risk of adverse effects. The applicant's NIS states that the proposed development, either individually or in combination with other plans or projects will not adversely affect the integrity of the SAC or any other European site. I agree with this conclusion.
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of the habitat	As above	As above	As above	As above
Watercourses of plain to montane levels with the Ranunculion	To maintain the favourable conservation condition of the habitat	*Land take* – The habitat distribution and area attributes require no decline. No land take of the habitat, which was not recorded in the vicinity, is proposed.	Water quality – as per [1130]	As above	As above

fluitantis and Callitricho-Batrachion vegetation [3260]		*Hydrological regime* – Attributes of the conservation objective includes the hydrological regime. The proposed development will not affect the existing hydrological regime. *Water quality* – Attributes include substratum composition, water chemistry and water quality, and vegetation composition. Potential construction phase impacts include the risk of sedimentation, spillage of cementitious material and/or hydrocarbons, and faecal contamination.			
Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]	To maintain the favourable conservation condition of the habitat	*Land take* – As above *Hydrological regime* – As above *Invasive alien species* – Some attributes relate to vegetation structure and composition. Targets for the attributes could be affected by the spread of invasive alien species present adjacent to the site through, for example, machinery or personnel movement.	Invasive alien species – as per [1130]	As above	As above
Sea lamprey [1095]	To restore the favourable conservation condition of sea lamprey	*Barriers to migration* – The target for the attribute of distribution requires greater than 75% of main stem length of rivers to be accessible from the estuary. No natural barrier is proposed as part of the proposed development. Artificial lighting during the construction and operational phases may impact migratory behaviour.	Lighting barriers – Lighting at night would be the minimum required, would avoid light spill, and hoarding erected around any areas subject to night-working to limit light spill.	As above	As above

		Water quality – This species is unlikely to experience water quality impact as they only spend a short time in the estuary.			
River lamprey [1099]	To restore the favourable conservation condition of river lamprey	*Barriers to migration* – The target for the attribute of distribution requires greater than 75% main stem and major tributaries down to second order accessible from estuary. No natural barrier is proposed as part of the proposed development. Artificial lighting during the construction and operational phases may impact migratory behaviour. *Water quality* - A reduction in water quality from potential construction phase impacts such as sedimentation, spillage of cementitious material and/or hydrocarbons, and faecal contamination, could affect prey availability or oxygen depletion for species which have prolonged residence times in the estuary such as river lamprey.	Lighting barriers – as per [1095] Water quality – as per [1130]	As above	As above
Twaite shad [1103]	To restore the favourable conservation condition of twaite shad	*Barriers to migration* – The target for the attribute of distribution requires greater than 75% of main stem length of rivers to be accessible from the estuary. No natural barrier is proposed as part of the proposed development. Twaite shad generally migrate during daylight so artificial lighting should not be an issue. However, lighting at night could affect twaite shad sheltering at the channel edge. *Water quality* – Construction phase pollution would affect juvenile habitat and prey availability.	Lighting barriers – as per [1095] Water quality – as per [1130]	As above	As above

		A reduction in water quality from potential construction phase impacts such as sedimentation, spillage of cementitious material and/or hydrocarbons, and faecal contamination, could affect prey availability or oxygen depletion for species which have prolonged residence times in the estuary such as twaite shad.			
Salmon [1106]	To restore the favourable conservation condition of salmon	*Barriers to migration* - The target for the attribute of distribution requires 100% of river channels down to second order to be accessible from the estuary. No natural barrier is proposed as part of the proposed development. Artificial lighting during the construction and operational phases may impact migratory behaviour. *Water quality* – This species is unlikely to experience water quality impact as they only spend a short time in the estuary.	Lighting barriers – as per [1095] Water quality – as per [1130]	As above	As above
Otter [1355]	To restore the favourable conservation condition of otter	*Land take* – The proposed development would have no impact on the attributes of distribution or extent of terrestrial or freshwater/river habitat, or affect the attribute of couching sites and holts. *Water quality* – A target of the attribute availability of fish biomass could be affected by a reduction in water quality from potential construction phase impacts such as sedimentation, spillage of cementitious material and/or hydrocarbons, and faecal contamination.	Water quality – as per [1130] Lighting barriers – as per [1095]	As above	As above

		Disturbance – Construction activity would give rise to impacts. Though otters are not considered to be too sensitive to this given their occurrence in urban areas noise and lighting has the potential to cause disturbance, particularly at night.			
Freshwater pearl mussel [1029]	To restore the favourable conservation condition of freshwater pearl mussel	Attributes of the conservation objective includes distribution, population size and structure, suitable habitat, hydrological regime, and fringing habitat. The proposed development would not affect these attributes or their targets. *Water quality* – Water and substratum quality are two attributes and construction phase activity could impact these. While this species is a freshwater species it is dependent on host fish (an attribute), which could be affected by a reduction in water quality.	Water quality – as per [1130]	As above	As above
Nore pearl mussel [1990]	To restore the favourable conservation condition of the Nore freshwater pearl mussel	As above	Water quality – as per [1130]	As above	As above
For the remaining 12 no. QI species please see paragraphs 8.55-8.60 of the inspector's report					
Overall Conclusion: Integrity Test					

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of River Barrow and River Nore SAC in view of the conservation objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Table A2

Lower River Suir SAC (site code 002137)

Summary of key issues that could give rise to adverse effects:

- **Impact on water quality**
- **Barriers to migration (artificial lighting)**
- **Disturbance**

Conservation objectives: see https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002137.pdf

Summary of Appropriate Assessment

Qualifying interest (QI) feature	Conservation objectives	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Sea lamprey [1095]	To restore the favourable conservation condition of sea lamprey	*Barriers to migration* – The target for the attribute of distribution requires greater than 75% of main stem length of rivers to be accessible from the estuary. No natural barrier is proposed as part of the proposed development. Artificial lighting during the construction and operational phases may impact migratory behaviour.	Mitigation measures are set out in section 5.2 of the applicant's NIS. They include: Lighting barriers – Lighting at night would be the minimum required, would avoid light spill, and hoarding	Table 6-1 of the NIS sets out other plans and projects that could act in combination with the proposed development. The applicant's NIS considers that,	Yes. The project was identified as having potential adverse effects on this habitat/species. Once the mitigation prescribed is implemented it will

		Water quality – This species is unlikely to experience water quality impact as they only spend a short time in the estuary.	erected around any areas subject to night-working to limit light spill.	given the implementation of the proposed mitigation measures, there is no potential for the proposed development to significantly affect the European site in combination with other plans or projects. I agree with this consideration of in-combination effects.	remove the risk of adverse effects. The applicant's NIS states that the proposed development, either individually or in combination with other plans or projects will not adversely affect the integrity of the SAC or any other European site. I agree with this conclusion.
River lamprey [1099]	To restore the favourable conservation condition of river lamprey	*Barriers to migration* – The target for the attribute of distribution requires access to all watercourses down to first order streams. No natural barrier is proposed as part of the proposed development. Artificial lighting during the construction and operational phases may impact migratory behaviour. *Water quality* - A reduction in water quality from potential construction phase impacts such as sedimentation, spillage of cementitious material and/or hydrocarbons, and faecal contamination, could affect prey availability or oxygen depletion	Lighting barriers – as per [1095] Water quality – During the construction phase a CEMP including an Environmental Operating Plan and Incident Response Plan will be prepared, and measures related to sedimentation and surface water runoff, concrete works, and hydrocarbons will be	As above	As above

		for species which have prolonged residence times in the estuary such as river lamprey.	adhered to. Water quality monitoring is also proposed.		
Atlantic salmon [1106]	To restore the favourable conservation condition of Atlantic salmon	*Barriers to migration* - The target for the attribute of distribution requires 100% of river channels down to second order to be accessible from the estuary. No natural barrier is proposed as part of the proposed development. Artificial lighting during the construction and operational phases may impact migratory behaviour. *Water quality* – This species is unlikely to experience water quality impact as they only spend a short time in the estuary.	Lighting barriers – as per [1095]	As above	As above
Twaite shad [1103]	To restore the favourable conservation condition of twaite shad	*Barriers to migration* – The target for the attribute of distribution requires greater than 75% of main stem length of rivers to be accessible from the estuary. No natural barrier is proposed as part of the proposed development. Twaite shad generally migrate during daylight so artificial lighting should not be an issue. However, lighting at night could affect twaite shad sheltering at the channel edge though this would not affect the Lower River Suir twaite shad population. *Water quality* – Construction phase pollution would affect juvenile habitat and prey availability. A reduction in water quality from potential construction phase impacts such as sedimentation, spillage of cementitious material	Lighting barriers – as per [1095] Water quality – as per [1099]	As above	As above

		and/or hydrocarbons, and faecal contamination, could affect prey availability or oxygen depletion for species which have prolonged residence times in the estuary such as twaite shad.			
Freshwater pearl mussel [1029]	To restore the favourable conservation condition of freshwater pearl mussel	Attributes of the conservation objective includes distribution, population size and structure, suitable habitat, hydrological regime, and fringing habitat. The proposed development would not affect these attributes or their targets. *Water quality* – Water and substratum quality are two attributes and construction phase activity could impact these. While this species is a freshwater species it is dependent on host fish (an attribute), which could be affected by a reduction in water quality.	Water quality – as per [1099]	As above	As above
Otter [1355]	To maintain the favourable conservation condition of otter	*Water quality* – A target of the attribute availability of fish biomass could be affected by a reduction in water quality from potential construction phase impacts such as sedimentation, spillage of cementitious material and/or hydrocarbons, and faecal contamination. *Disturbance* – Construction activity would give rise to impacts. Though otters are not considered to be too sensitive to this given their occurrence in urban areas noise and lighting has the potential to cause disturbance, particularly at night. However, this would not affect the Lower River Suir SAC otter population.	Water quality – as per [1099] Lighting barriers – as per [1095]	As above	As above
For the remaining 9 no. QI species please see paragraphs 8.79-8.82 of the inspector's report					

Overall Conclusion: Integrity Test

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Lower River Suir SAC in view of the conservation objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.