Inspector's Report
ABP-316554-23

Development	Dredging and removal of silt and vegetation from a man-made shallow lake 'Glendowns'.
Location	Portlaoise, Co. Laois.
Local Authority	Laois County Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	Department of Housing, Local Government and Heritage
Observer(s)	None
Date of Site Inspection	31st May 2023
Inspector	Fiona Fair

Contents

1.0 Introduction

1.1. Laois County Council is seeking approval from An Bord Pleanála for dredging and removal of silt and vegetation from a man made shallow lake 'Glendowns' which is located within the built up area of Portlaoise.

1.2. Glendowns Pond is located along the western boundary of the Glendowns Housing Estate, southeast of Portlaoise town centre. It is situated in a semi urban setting with fields to the south and west and housing to the east. It is fed by the Little Borris stream, a tributary of the Triogue River. The general area is urban in nature with a low density housing estate, a school, creche and apartments located close by.

1.3. There are two other lakes in the vicinity of Glendown Pond, neither of which is hydrologically linked to Glendown Pond. Pairc an Phobail (People's Park) Lake is located in a public park to the west of Glendowns and is fed by the Triogue River, a tributary of the River Barrow. To the east a road attenuation pond is located just off Stradbally Road / Southern Circular Road.

1.4. The project site does not lie within any European site. Glendowns Pond is hydrologically linked to the River Barrow and River Nore SAC (site code: 002162) via 13 Km along the Borris Great Stream and River Triogue.

1.5. The Ridge of Portlaoise pNHA (site code 00876) is located some c. 120m to the west. The Ridge of Portlaoise pNHA is not hydrologically connected to the pond.

1.6. A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.

1.7. Section 177AE of the Planning and Development Act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the development.

2.0 Site and Location

2.1. Glendowns Pond is located a short distance to the SE of Portlaoise town centre on the South side of the Stradbally Road (N80). The Glendowns Housing Estate is located to its eastern boundary. It is situated in a semi urban setting with fields to the south and west and housing to the east. It is fed by the Little Borris stream, a tributary of the Triogue River.

2.2. The area of the application site is stated as 0.8563 ha

2.3. Glendowns Pond is located c. 120m to the east of the Ridge of Portlaoise pNHA (site code: 00876). The NPWS site synopsis describes the site as follows:

"the Ridge of Portlaoise is an elongated raised ridge or esker formed of sand and gravel which was deposited when a mass of ice covered this area during the last period of glaciation. The esker runs to the eastern part of Portlaoise town and extends in the south-southeast and to north-northwest direction."

"Eskers are under increasing threat in Ireland, due to the demand for sand and gravel for the construction industry. Of the few eskers which have survived only a small percentage retaining their semi natural flora of woodland and this is one of the best examples of esker in County Laois, along with those at Timahoe (000421) to the southeast and Clonaslee (000859) to the northwest. The ridge of Portlaoise also has two rare plants one of which is protected under the Flora Protection Order."

2.4. Rare plants referenced are Netal-Leaved bellflower (Campanula trachelium) and Blue fleabane (Erigeron acer). There are no records of either species from the environs of Glendown Pond. The Ridge of Portlaoise pNHA is not hydrologically connected to the pond.

2.5. Glendowns Pond is hydrologically linked to the River Barrow and River Nore SAC (002162) via 13 Km along the Borris Great Stream and the River Triogue.

2.6. In the wider zone of Influence, the following Natura 2000 sites occur: -

- Blackstairs Mountain SAC (site code: 000770) c. 53km distant
- Ballyprior Grassland SAC (site code: 002256) c. 11.6km distant
- Mountmellick SAC (site code: 002141) c. 10.4km distant

- Slieve Bloom Mountains SAC (site code: 000412) c. 13.3 km distant
- Slieve Bloom Mountains SPA (site code: 004160) c. 9.5km distant
- River Nore SPA (site code: 004233) c. 15km distant

2.7. Photographs & maps in Appendix 1 describe the site & surroundings in more detail.

3.0 **Proposed Development**

3.1. Laois County Council proposes to carry out dredging and removal of silt and vegetation from Glendowns Pond using an excavator. The proposed works also entails pruning of light timber for access in a publicly accessible area, wood chippings of brash, processing of timber and removal of all arisings. The works also entails setting up and maintenance of pedestrian control measures.

Works will take approximately 3 – 4 weeks to complete.

3.2. The proposed works would comprise:

- Pruning
- Wood – Chipping
- Excavator dredging
    - Rubber mats will be used where necessary to prevent damage to the ground where machines will be working / travelling.
    - Machine will move to position beside bank of pond and remain a minimum of 1.5m from the edge.
    - Silt traps / curtains will be put in place along the outflow channel / stream to minimise the silt travelling upstream. These will be placed upstream from the brash screen at the point where the stream passes under the Stradbally Road and will be in place through excavation works.
    - The excavator will clear silt and debris within its reach and stack / pile in neat stacks on the pond bank. This will allow for natural drainage of material and allow insects etc. to make their way back into the pond habitats.

    - Small light debris will be removed manually using a hook attached to fiberglass rods.

- No excavation works will take place on the inflow stream (Little Borris Stream). Works will take place on the outflow stream as this is heavily silted. However, works will only remove silt down to the original gravel bed of the stream. There will be no alterations to the invert level of the outflow stream. Works will also be limited at the confluence of the inflow stream and lake (under guidance of an Ecological Clerk of Works (ECoW)).
- A site compound to park the excavator and store material over night will be formed at the southern end of the pond on unused lands.
- Following completion of works any damaged areas of amenity grassland will be reinstated and any damage to trees if needed be replaced (these trees are non – native landscape planting within amenity grassland between the estate road and the pond.
- Some fallen trees will be removed and some trees pruned back on the western side of the pond.
- Waste
    - Silts to be removed from the pond are equivalent to “17 05 06 dredging spoil other than those mentioned in 17 05 05 as per Wate Classification List of Waste & Determining if Waste is Hazardous or Non-Hazardous (EPA 2018). Once removed from the pond the wastes will initially be placed on the bank (on the designated silt dewatering areas) to allow both water and aquatic organisms to return to the pond, this will be supervised by ECoW. Waste silt shall then be transferred to a truck for removal offsite under licence and disposal at an appropriately licence facility.

Accompanying documents

The application was accompanied by the following documents:

- EIA Screening Determination
- AA Screening & NIS

- Proposed site layout plan / Proposed site location map
- Copies of Public Notices.
- Site specific method statement and risk assessment
- Aquatic Ecology Report
- Hydrology Report

4.0 Planning History

None of note.

5.0 Legislative and Policy Context

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

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

5.3. **National nature conservation designations:** The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of

designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

5.4. European sites located within the Zone of Influence of the subject site include: -

SAC	SPA
River Barrow & River Nore SAC (002162) Blackstairs Mountain SAC (000770) Ballyprior Grassland SAC (002256) Mountmellick SAC (002141) Slieve Bloom Mountains SAC (000412)	Slieve Bloom Mountains SPA (004160) River Nore SPA (004233)

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

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

- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
    - The likely effects on the environment.
    - The likely consequences for the proper planning and sustainable development of the area.
    - The likely significant effects on a European site.

5.6. National and Regional Planning Policy

National Planning Framework, 2018-2040

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

National Development Plan, 2018-2027

This Plan underpins the National Planning Framework 2018-2040.

Climate Action Plan, 2023

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

Biodiversity Action Plan

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

The Regional Economic & Spatial Strategy for the Southern Region, 2020-2032

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

5.7. Local Planning Policy

Laois County Development Plan, 2021 – 2027

The site is in the main zoned “Open Space and Amenity” with the objective “To preserve, provide for and improve active and passive recreational public and private open space”. A section to the south west corner is zoned “Residential 2 - New Proposed Residential” in the current statutory Laois County Development Plan, 2021 – 2027 with the objective “To provide for new residential development, residential services and community facilities”.

Chapter Climate Action and Energy,

Chapter 5 Quality of Life & Sustainable Communities

10.2 Surface Water, Drainage and Flooding

10.4.2 Environmental Protection

Water Quality Policy Objectives

ES 17 Implement the provisions of water pollution abatement measures in accordance with National and EU Directives and other legislative requirements in conjunction with other agencies as appropriate.

ES 18 Maintain and improve the water quality in rivers and other water courses in the county, including ground waters. The Council will have cognizance of, where relevant, the EU’s Common Implementation Strategy Guidance Document No. 20 and 36 which provide guidance on exemptions to the environmental objectives of the Water Framework Directive.

ES 19 Minimise the impact on groundwater of discharges from domestic wastewater treatment systems and other potentially polluting sources.

The Council will comply with the Environmental Protection Agency's 'Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses' (2009) and the Environmental Protection Agency's 'Code for Treatment Systems for Small Communities, Business, Leisure Centres and Hotels'.

ES 20 Assist and support with the Blue Dots Catchment Programme which been established under the current River Basin Management Plan specifically for the protection and restoration of high ecological status water bodies.

Flood Risk Management Policy Objectives.

Chapter 11 Biodiversity and Natural Heritage,

Chapter 12 Built and Cultural Heritage and

Chapter 14 Implementation and Monitoring.

NRPO 9 Encourage and facilitate the development of green infrastructure that recognises the synergies that can be achieved with regard to the following:

- Provision of open space amenities;
- Sustainable management of water;
- Protection and management of biodiversity;
- Protection of cultural heritage;
- Protection of protected landscape sensitivities

11.3 Biodiversity and Climate Change

11.4 Designated Sites

Table 11.1 Special Areas of Conservation in County Laois

Site Name	**Site Code**
Ballyprior Grassland	002256

Clonaslee Eskers and Derry Bog	000859
Coolrain Bog	002332
Knockacoller Bog	002333
Lisbigney Bog	000869
Mountmellick	002141
River Barrow And River Nore	002162
Slieve Bloom Mountains	00041

11.4.2 Special Protection Areas (SPA)

These are sites designated under the EU Birds Directive 79/409/EEC as a result of their importance for birds. There are two SPAs to date in County Laois, the Slieve Bloom Mountains SPA designated for the Hen Harrier, but also important for Merlin, Peregrine and Red Grouse and the River Nore SPA whose feature of interest is the Kingfisher.

Table 11.2 Special Areas of Protection in County Laois

Site Name	Site Code
Slieve Bloom Mountains	004160
River Nore	00423

11.4.3 Natural Heritage Area (NHA's)

To date, only a selection of raised and blanket bog NHAs have been given formal legal protection. In County Laois, these sites are:

• 000652-Monaincha Bog / Ballaghmore Bog NHA

• 002357-Clonreher Bog NHA.

BNH 1 Protect, conserve, and seek to enhance the county's biodiversity and ecological connectivity.

BNH 2 Conserve and protect habitats and species listed in the Annexes of the EU Habitats Directive (92/43/EEC) (as amended) and the Birds Directive (2009/147/EC), the Wildlife Acts 1976 and 2010 (as amended) and the Flora Protection Orders.

BNH 3 Support and co-operate with statutory authorities and others in support of measures taken to manage proposed or designated sites in order to achieve their conservation objectives and maintain the favourable conservation status and conservation value of Sites under National and European legislation and International Agreements and maintain and /develop linkages between them where feasible.

BNH 4 Protect and maintain the conservation value of all existing and future Natural Heritage Areas, Nature Reserves, Ramsar Sites, Wildfowl Sanctuaries and Biogenetic Reserves in the county.

BNH 5 Projects giving rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall not be permitted on the basis of this Plan (either individually or in combination with other plans or projects)[1]. Screening for AAs and AAs undertaken shall take into account invasive species as relevant.

BNH 6 Assess, in accordance with the relevant legislation, all proposed developments which are likely to have a significant effect (directly or through indirect or cumulative impact) on designated natural heritage sites, sites proposed for designation and protected species.

BNH 7 Protect Natural Heritage Areas (NHA) from developments that would adversely affect their special interests.

BNH 9 Engage with the National Parks and Wildlife Service to ensure Integrated Management Plans are prepared for all Natura sites (or parts thereof) and ensure that plans are fully integrated with the County Development Plan and other plans and programmes, with the intention that such plans are practical, achievable and sustainable and have

regard to all relevant ecological, cultural, social and economic considerations and with special regard to local communities.

DM BNH 1 Developments in Proximity To pNHA

DM BNH 2 Appropriate Assessment

11.6 Trees, Woodlands and Hedgerows

11.7 Waterways and Wetlands

BNH 31 Protect waterbodies and watercourses from inappropriate development, to ensure they are retained for their biodiversity and flood protection values and to conserve and enhance where possible, the wildlife habitats of the County's rivers and riparian zones, lakes, canals and streams which occur outside of designated areas to provide a network of habitats and biodiversity corridors throughout the county.

6.0 Consultations

6.1. Prescribed Bodies:

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

6.2. The application was circulated to the following bodies:

- Department of Housing, Local Government and Heritage
- An Taisce
- The Heritage Council
- Office of Public Works (OPW)
- National Parks and Wildlife Service (NPWS)
- Inland Fisheries Ireland (IFI)
- Environmental Protection Agency (EPA)
- Department of Environment, Climate and Communications
- Department of Agriculture Food and Marine.

A response was received from:

- The Dept. of Housing, Local Government & Heritage

- The Department notes that the proposed dredging location is located within the former Demesne of Portran House and has the potential to contain structures, features or objects of underwater cultural heritage significance. Section 3 of the National Monuments (Amendment) Act 1987 is the primary piece of Legislation for the protection of underwater cultural heritage. Accordingly, it is recommended that should planning permission be granted, conditions should be attached:
    - Archaeological monitoring is to take place of all works that involve an impact to the lake pond, summarised as follows:
        - The services of a suitably qualified and suitably experienced archaeologist shall be engaged to carry out the archaeological monitoring.
        - The archaeological monitoring shall be licensed.
        - A Communication Strategy is to form part of the monitoring strategy.
        - Should archaeological materials be found during the curse of the monitoring, the works shall stop pending further archaeological investigation and a decision by the Department regarding appropriate mitigation.
        - The National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work / excavation required.

6.3. **Public Submissions:**

- None submitted.

7.0 **Assessment**

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

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

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

7.3. As outlined above consent is sought by Laois County Council for works including the dredging and removal of silt and vegetation from Glendowns Pond, using an excavator. Also the pruning of light timber for access in a publicly accessible area, wood-chipping of brash, processing of timber and removal of all arisings. The works also entails setting up and maintenance of pedestrian control measures.

7.4. The site is in the main zoned “Open Space and Amenity” with the objective “To preserve, provide for and improve active and passive recreational public and private open space”. A section to the southwest corner is zoned “Residential 2 - New Proposed Residential” in the current statutory Laois County Development Plan, 2021 – 2027 with the objective “To provide for new residential development, residential services and community facilities”.

7.5. The Laois County Development Plan 2021-2027 sets out the vision, core strategy, aims and policy objectives for the proper planning and sustainable development of County Laois. The plan contains a large number of policy objectives relating to biodiversity. The plan was subject to AA, including the preparation of a Natura Impact Report (CAAS, 2022), which assessed, at a strategic level, the implications of the plan for European sites, including the River Barrow and River Nore SAC. Where potential adverse effects were identified, the plan was amended to mitigate those effects. Following these amendments, the adopted plan now contains specific text in relation to the protection of these and other European sites, as well as river corridors, floodplains and wetlands. These includes restrictions on development within riparian

corridors, requirement for assessment under Article 6 of the Habitats Directive for development likely to have a significant effect on European sites, use of sustainable urban drainage systems (SUDS), and commitments to develop green infrastructure to support European sites and biodiversity generally, in line with Article 10 of the Habitats Directive and Article 3 of the Birds Directive.

7.6. The lake is showing signs of extensive siltation and requires intervention in order to address siltation and improve its biodiversity value. Also, I note that the Office of Public Works (OPW) Flood Risk Mapping identifies Stradbally Road at the outflow from Glendowns Pond as an area subject to repeat flooding (MCOS, 2004).

7.7. Initially consideration was being given to more extensive remedial works within the pond – in part to alter patterns of silt deposition within the pond. An assessment of baseline hydrology of the pond was therefore prepared by SLR on behalf of Laois County Council. However, it is submitted that based both on concerns that silt might be mobilised into the downstream culvert system and the ecology of the pond, the proposals being advance are of a more minor scale.

7.8. The proposed works are scheduled to be undertaken and to be completed within 3-4 weeks. It is stated that the impacts potentially arising from the proposed works include disturbance to habitats and species, as well as impacts on water quality and flooding regime. Any non-significant effects arising from disturbance to habitats or species, or water quality impacts, will be brief or temporary, i.e. there will be full recovery of any effects within one year.

7.9. Given the foregoing I consider that the proposed works are in accordance with the provisions of the Laois County Development Plan 2021-2027 and the proper planning and sustainable development for the area.

The likely effects on the environment

7.10. A description of the proposed development is set out in full, in section 3.0 of this report above, it incorporates excavator dredging, to remove silt down to the original gravel bed of the pond, to remove silt from the outflow stream and some fallen trees will be removed and some trees pruned back on the western side of the pond. It is considered that the duration of any impacts will be over a 3–4-week period.

7.11. The main issues of concern in relation to the proposed works in the context of environmental impacts relate to the following: (Impacts on the SAC and qualifying interests will be assessed under the Appropriate Assessment Section below).

- **Production of waste**
- **Hydrological Impacts Biodiversity - Pollution and Nuisance**
- **Need, Effectiveness & Alternatives**
- **Risk of Accidents & Risks to Human Health**
- **Construction Works and Machinery**
- **Spread of Invasive Plant Species**
- **Water Quality**
- **EIS Screening**
- **Appropriate Assessment (AA)**

7.12. **Production of waste**

7.12.1. A site specific method statement and risk assessment has been carried out and submitted. It is submitted that Parklawn Tree Services Ltd undertake tree and landscaping maintenance works for Laois Co Co. and will be responsible for carrying out the works should the Board grant approval. As set out above, under proposed development section 3.0 of this report, a site compound to park the excavator and store material overnight will be formed at the southern end of the pond on unused lands.

7.12.2. It is submitted that only a company who carries a permit under the Waste Management Act 1996 to dispose of waste will be used. Wherever possible, arisings are stored at the depot in purpose built holding bays and utilised as a renewable energy source. Alternatively, wood chip may be put back onto the land as mulch, where it will benefit the local Eco-system. Mature timber may be stacked for use by the owner or occupier of the land as a source of fuel or as a habitat. Disposal of waste in the form of silt is to be agreed with Laois Co Co.

7.12.3. The information submitted in support of the application indicates silts to be removed from the pond are equivalent to dredging spoil and non-hazardous, as per Wate Classification List of Waste & Determining if Waste is Hazardous or Non-Hazardous

(EPA 2018). Once removed from the pond the wastes will initially be placed on the bank (on the designated silt dewatering areas) to allow both water and aquatic organisms to return to the pond, this will be supervised by Ecologist / ECoW. Waste silt shall then be transferred to a truck for removal offsite under licence and disposal of at an appropriately licence facility.

7.12.4. As stated above all waste from the site shall be removed and appropriately disposed of. Waste produced during the works will be managed by a site specific construction and demolition waste management plan. During the operational phase there will be no non hazardous waste and packaging waste, WEEE, empty containers etc.

7.12.5. I consider given the nature of the works, process and procedure proposed, the site-specific method statement and risk assessment carried out and that a CEMP be required by way of condition that impacts from waste material would not be significant.

7.13. Hydrology

7.13.1. The Little Borris stream and Unnamed Stream feed into the pond. Hydrology analysis / report has been carried out by SLR Consulting (Ireland) for Atkins, August 2022, to develop a better understanding of the flows entering the pond. The pond has been heavily silted. It is contended that this is likely due to the increased urbanisation surrounding the pond and alluvium deposits within the Little Borris Stream which has occurred in the past. The catchment area at the location of the pond is stated as c. 6.55 km2.

7.13.2. As referred to above, the Office of Public Works (OPW) Flood Risk Mapping identifies Stradbally Road at the outflow from Glendowns Pond as an area subject to repeat flooding. A trash gate, is fitted on the outflow channel from the pond (just before it is culverted under Stradbally Road, N80). This recurring flood incident at the outflow from the pond is recorded under ID-2646. According to the Minutes of a Council Meeting, the flooding at this location has been mitigated. The minutes state:

> “A tributary of the river Triogue overflows its banks after very heavy rainfall. Last occurred in the winter of 1994/1995. The council and a developer have undertaken redial work and it has not flooded since”.

7.13.3. The subject site is within Flood Risk Management Plan for the Barrow River Basin and Portlaoise AFA (Area for Further Assessment). The CFRAM flood mapping indicates that the streams and pond do not cause flooding for the 1% AEP (annual exceedance probability). There is a minor flooding at the confluence of the unnamed stream and the pond for the 0.1% AEP events. The surrounding area of the site is within Flood Zone C (low risk of flooding). I note that no changes are proposed to the inflow stream; to the invert level on the outflow; to the trash gate or to the downstream culvert network.

7.13.4. It is submitted that the following measures shall apply to prevent water quality impacts generally: -

- During all stages of construction, site management shall ensure that good housekeeping is maintained at all times and that all site personnel are made aware of the importance of the freshwater environments and the requirement to avoid pollution. Tools and equipment shall not be cleaned in any watercourse and wash water shall not be discharged directly into any watercourse or road drains without appropriate treatment.
- The Contractor shall make daily checks for elevated water levels/flows in the stream and weather warnings or flood alerts from Met Éireann and/or Laois County Council. All areas of exposed soil (slippage) shall be securely covered with hessian matting if heavy rain is predicted. Works may resume once any flood waters have receded and any warning/alert been lifted.
- If heavy rainfall is predicted, works carrying the greatest risk of pollution (e.g. any works involving wet concrete or other cementitious material) shall be suspended and all plant, equipment, construction materials and personnel shall be removed from the potential flood zone.

*Inspectors Note - No concrete is to be used on site.

- The Contractor shall undertake daily visual checks of water coloration (turbidity) for signs of silt escapement from the works area downstream of silt control measures. Should signs of silt escapement be identified works will be suspended until remedial measures are put in place.

7.13.5. The works will generate silt within the water column. The following measures are proposed to prevent silt laden waters entering the River Triogue:

a. A series of 3 no. silt fences / sedimats will be placed along the length of the Outflow Stream – starting from close to the brash screen and working backwards up the stream. These will be placed ca. 10m apart.

b. The placement of these measures will be supervised by the Ecologist / ECoW.

c. The proposed arrangement would be to place a Sedimat initially to absorb the bulk of the silt followed by 2 no. silt fences.

d. Silt fences will be checked daily by the site foreman and also by the Ecologist / ECoW when they attend site. Should signs of silt escapement be identified, works will be suspended until remedial measures are put in place.

2. At no point will any equipment be washed out within the work area or adjacent to a watercourse.

7.13.6. As stated above no concrete is to be used on site. Based on the information submitted I am satisfied that the applicant has adequately demonstrated that the proposed development will not give rise to water pollution there will be no residual impacts which would deteriorate the water quality of the River Triogue. The likely significant effects on a European site will be accessed separately below. I acknowledge the merits of the proposed desilting works which would vastly improve the biodiversity and recreational value of Glendowns Pond. The information provided is adequate in my opinion to allow for an adequate assessment of impacts, I therefore consider the proposed works to be acceptable in this regard.

7.14. Biodiversity - Pollution and Nuisance

7.14.1. The proposed development has the potential to result in pollution and nuisances in the area during the construction phase.

7.14.2. During the proposed works, there will be some disturbance to habitats and species within the area of the proposed works, associated with the main works items and access and egress by vehicles, plant and personnel. The proposed works will not involve the removal of any trees, but some pruning of trees and removal of fallen trees is proposed. While there will be impacts on pondside vegetation at the

excavator access points removal of emergent vegetation along the pond banks is not part of this proposal; the main aim of which is to remove accumulated silts within the pond which are reducing habitat quality in the pond.

7.14.3. The Glendowns Pond aquatic assessment report carried out by Triturus Environmental Limited for Atkins, January 2023 sets out that the Glendowns Pond is a shallow, clear water, alkaline pond that supports both fish and invertebrates of high conservation value. These include European eel, lamprey, brown trout and white-clawed crayfish which also are present in the Little Brosna Stream that supplies water to the pond. Environmental DNA (eDNA) helped to identify the presence of these species, which supported the observations of the site surveys. Neither the Little Borris Stream or Glendowns Pond supported any rare or protected macrophytes or Annex I aquatic habitats. No rare or protected macro-invertebrate species were recorded in the Glendowns Pond sample or from the Little Borris Stream.

7.14.4. The pond and Little Borris Stream has capacity to support otter. However, no otter signs were recorded during the site surveys apart from a disused holt in the northwest corner of the pond basin. As Otter is a QI species for the nearby River Barrow and River Nore SAC I would recommend that a pre-construction survey should be undertaken before the dredging and pruning works commence so as to avoid disturbance to this species during the breeding season, in the event that a used holt or holts are identified in the surrounding area. This could be addressed by way of a planning condition.

7.14.5. Mallard and moorhen species were noted in the surveys of the lake and surrounding area. Although none were recorded nesting, the lake has foraging, nesting and roosting potential. Although there would be some disturbance during the dredging and pruning works given the small scale and nature of the works, it is unlikely that the proposed development would cause a long-term disturbance to birds. However, any vegetation clearance should take place outside of the bird nesting season.

7.14.6. It is acknowledged in the documentation submitted that “removal / pruning of any shrubs in the vicinity of the compound / works area should be kept to a minimum during proposed works. Trees along banks of the pond form effective shelter belts which create areas of high local insect abundance which will be exploited by foraging

bats. Lines of trees create wildlife corridors along which bats may navigate and commute between roost and foraging sites". I note that no bat survey was carried out. However, there are no structures associated with the lake or the works that has bat roost potential. The nature of the works, do not in my opinion, have the potential to cause disturbance to bat roosts. I note that no Bat species are designated QIs for any of the SACs, I am satisfied that this concern could be addressed by a pre-construction bat survey, should the Board deem this necessary, which should be undertaken before the works commence. In the event that a roost is recorded the applicant should be required to either or avoid works during the nesting season and / or seek a Derogation Licence to enable the safe and humane relocation of any specimens to another suitable nearby habitat, as considered necessary. This could be addressed by way of a planning condition.

7.14.7. Glendowns Pond is a shallow, clear water, alkaline pond that supports both fish and invertebrates of high conservation value. The proposed works at the lake have the potential to release and convey deleterious construction materials into the water in the absence of appropriate safeguards which could adversely affect water quality, aquatic invertebrates and fisheries (incl. contamination and habitat loss & degradation), along with general noise and disturbance. However, the mitigation measures contained in the NIS report would ensure that appropriate protection measures are put in place during the works (incl. no concrete mixing or vehicle washing on site, protection of the waterbodies from silt & chemical contamination). The works should adhere to the IFI publication "Guidelines on protection of fisheries during construction works in and adjacent to waters", works should only take place during climate appropriate conditions and water quality should be protected. These concerns could be addressed by way of a planning condition.

7.14.8. The proposed lake works would require the removal of silt and pruning of vegetation which would have a short-term localised impact on biodiversity in terms of disturbance to foraging areas, resting places and refuges during the works, however no adverse long-term impacts are anticipated after the woks are completed.

7.14.9. It is proposed to appoint an Ecologist / ECoW to oversee the works and the mitigation measures contained in the NIS report would protect sensitive species (incl. fish, invertebrates, otter, bats and birds). The works should be conducted in

accordance IFI guidance, the removal of vegetation during the bird nesting season will be prohibited, and pre-works surveys for Otters and Bats should be required.

7.14.10. The duration of disturbance will be limited to the duration of the works, estimated at 3-4 weeks. Due to the nature of the proposed works, they will involve some noise and impacts to fauna in the receiving environment. However, they do not involve any physical disturbance to breeding or resting places of any species of conservation concern. Given the scale and duration of the works at each location, see description of development set out in section 3.0 above, I consider any disturbance impacts will be localised, of low magnitude and brief duration. Mitigation measures are proposed to deal with these issues including proper construction methodology. Soil and water pollution impacts are insignificant and will not result in pollution or nuisance. Subject to the implementation of the best practice measures I consider that these impacts would not be significant and there will be no significant effects on fauna arising from such disturbance.

7.14.11. I note that the aquatic baseline survey of Glendowns Pond has highlighted a number of key issues relating to its future management, both in terms of its function as a biodiversity asset, as well as a recreational amenity site. The most significant threats to the pond are enrichment and the siltation (infilling) of the shallow pond basin. Excessive algal growth is likely causing fluctuations in dissolved oxygen through oxygen depletion over-night and limited wind exposure on the pond's surface (due to the basin being highly sheltered) reduces natural oxygenation of the pond. Excessive growth and decomposition of aquatic plants (and algae) results in a significant source of phosphorus and organic nitrogen within the sediment and a perpetual cycle of growth and decay that diminishes the biodiversity value of the pond over time.

7.14.12. In addition to the foregoing, I note that while the National Parks and Wildlife Service (NPWS), Inland Fisheries Ireland (IFI), the Environmental Protection Agency (EPA), Department of Environment, Climate and Communications and the Department of Agriculture Food and Marine were all consulted no observations were made.

7.14.13. In light of the observed significant siltation issue and enrichment, desilting works, I believe, would vastly improve the biodiversity and recreational value of Glendowns Pond.

7.14.14. It can be concluded, in my opinion, that based on the scale and nature of the proposed works the predicted impacts on biodiversity would be temporary and short term as most species will return to the area after the works are complete. I consider given the nature of the works, process and procedure proposed, the site-specific method statement and risk assessment carried out and pursuant to mitigation measures and a CEMP being put in place that impacts would not give rise to significant pollution or nuisance effects.

7.15. **Need, Effectiveness & Alternatives:**

7.15.1. I am satisfied that the applicant has provided adequate background information to justify the need for the proposed works which seek to resolve the significant siltation issue and enrichment. Desilting works would vastly improve the biodiversity and recreational value of Glendowns Pond. I am also satisfied, on the basis of my examination of the submitted documents and assessment of the area, that the proposed works constitute an appropriate and proportionate response to the most significant threats to the pond which comprise enrichment and the siltation (infilling) of the shallow pond basin.

7.15.2. **Risk of Accidents & Risks to Human Health**

7.15.3. It is set out in the submitted Method Statement & Risk Assessment that a full time Health and Safety Officer will be employed. Albeit no risk of accidents is identified, it is acknowledged that tree works are potentially hazardous by nature.

7.15.4. The General Method Statement submitted in support of the application sets out that the works entail the setting up and maintenance of pedestrian control measures. The work will be carried out by skilled, trained and competent individuals working in groups of not less than two and usually three or more at the work site as dictated by a task/job risk assessment. All works procedures incorporate safe systems of working and form part of the internal quality control. These include the Forestry Industry Safety Accord (FISA) (Formerly the Arboricultural & Forestry Advisory Group (AFAG)) guidelines published by the HSE (UK) and the Guide to Good

Climbing Practice. Parklawn Tree Services Ltd expects all clients to comply with the statutory requirements of Health and Safety Legislation and inform the contractor of all known hazards and risks that may affect health and safety whilst at the client's location. The training in work procedures, safe systems of working and management systems ensure that the works are completed in a safe manner.

7.15.5. Risks to human health from the proposed development can principally arise from noise and dust emissions during works. The proposed lifespan of the works is short at 3-4 weeks and subject to the implementation of the mitigation and best practice measures I consider that these impacts would not be significant.

7.15.6. I am satisfied that the applicant has adequately demonstrated that the proposed development will not give rise to risk of accidents. Risk of accidental impact upon biodiversity, water quality and Natura 2000 sites is assessed separately in this report.

7.16. Construction works and Machinery.

7.16.1. A Site Specific Method Statement and Risk Assessment has been carried out for the project, it details site access, work procedures, tools and personal protective equipment, depot, plant and machinery, transport, environmental policy and waste.

7.16.2. Evaluation of construction works and machinery is linked to health and safety, site access, works procedures etc

7.16.3. All works are undertaken in accordance with the procedures contained within the relevant HSE Forestry Industry Safety Accord (FISA) leaflets. These procedures are monitored and reviewed to incorporate up to date knowledge and experience as necessary. Clients' own health and safety standards and procedures can take precedence when they are of an equal or higher standard.

7.16.4. It is submitted that Parklawn Tree Services Ltd expect all clients to provide whatever information and supervision is necessary to ensure the safety of their employees during all site works. Work will be carried out between 8.00am and 6pm Mon-Fri and 8am – 5pm Saturdays. Noisy work will be restricted before 8.30am each morning. Alternative work patterns will be arranged directly with clients, site owners, occupiers or other stakeholders, should it be required.

7.16.5. The information provided is sufficient in my opinion to allow for an adequate assessment of construction works and machinery impacts, I therefore consider the project to be acceptable in this regard.

7.17. Spread of Invasive Plant Species

7.17.1. No invasive species, such as Japanese knotweed (Fallopia japonica), have been recorded at Glendowns Pond. It is acknowledged in the submitted documentation that the introduction or spread of any aquatic or riparian invasive alien species could negatively affect the river and there are clear pathways for impacts from invasive alien species.

7.17.2. I note that any works in and adjacent to watercourses carry a risk of the introduction or spread of invasive alien species, which can negatively affect native ecosystems. All due care must be taken to avoid the introduction of knotweed, or any such species (including aquatic invasive plant species) to the pond. Appropriate biosecurity measures must also be implemented to prevent the introduction of diseases such as aphanomycosis ("crayfish plague"). The ATKINS report of likely significant effects notes that given the results of the site visits, there is minimal risk of invasive species being spread within or exported from the works area as a result of the proposed works. Therefore, the main risk is the import of such species to the area. However, given the scale and duration of the proposed works, and the biosecurity protocol to be followed, I consider the risk from invasive alien species to be low.

7.17.3. I note the applicant's proposal to conduct a pre-construction invasive species survey prior to the commencement of works on site. If any invasive species are recorded, these shall be fenced off using a 7m buffer from the outermost edges of the invasive species plant(s).

7.17.4. I therefore consider the proposed works to be acceptable in this regard subject to a biosecurity condition being attached to ensure that prevention measures are put in place to prevent the introduction or spread of invasive species.

7.18. Water Quality

7.18.1. The nature of the proposed works give rise to potential impacts on water quality through the input or resuspension of fine sediment and input of hydrocarbons.

7.18.2. Sources of potential fine sediment input include release of soil from the banks of the lake due to disturbance during access and working by the excavator. Sources of fine sediment resuspension include disturbance of accumulated silt during its removal from the pond and any silts generated when moving the excavator between working points. Plumes of silt or fine sediment can directly affect aquatic fauna, e.g. by clogging their gills, and can also reduce habitat quality, e.g. by smothering of spawning gravels for salmonid species. Suspended sediment can also interact with other pollutants, magnifying their effects.

7.18.3. Sources of hydrocarbon input include leaks of substances such as fuel, e.g. petrol or diesel, or lubricating oil from vehicles, plant or equipment and excavators. Hydrocarbons can have direct toxic effects on the flora and fauna of contaminated waters and soils.

7.18.4. It is submitted that given the small scale and short duration of the proposed works, and mitigation proposed, as set out in the foregoing section Hydrology of this report, the probability of any pollution incident occurring is low and such incident would likely be localised and of a small magnitude and short duration.

7.18.5. I agree having regard to the small scale of the proposed works and the brief duration of both the works themselves and the impacts, mitigation measures proposed to control the risk of water quality impacts from specific sources during all stages of operation works. Including the use of silt fences / sedimats, no concrete to be used on site, no washing of any equipment within the work area or adjacent to the watercourse, biosecurity protocols and supervision by the appointed Ecologist that there will be no residual impacts and the proposed project will not have likely significant effects.

7.18.6. Based on the information submitted, as stated above in the Hydrology section of this report, I am satisfied that the applicant has adequately demonstrated that the proposed development will not give rise to water pollution there will be no residual impacts which would deteriorate the water quality of the Borris Great Stream and River Triogue. I acknowledge the merits of the proposed desilting works which would vastly improve the biodiversity and recreational value of Glendowns Pond. The information provided is adequate in my opinion to allow for an adequate assessment of impacts, I therefore consider the proposed works to be acceptable in this regard.

7.18.7. In addition to the foregoing, I note that the Department of Culture, Heritage and the Gaeltacht has raised no concerns.

7.19. **Conclusions:**

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

EIA Screening

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

The applicant submitted an Environmental Impact Assessment Screening Determination Report. The project is of a type included in Schedule 5 Part 1 or Part 2 of the Planning and Development Regulations 2001 (as amended).

7.20.1. Schedule 5 of the Planning and Development Regulations 2001, as amended, outlines the categories of development for the purposes of Part 10 of the Planning and Development Act 2000, as amended – that is development that requires EIAR.

7.20.2. The following category may be relevant:

Schedule 5, Part 2 10. Infrastructure projects:

(f) (ii) Canalisation and flood relief works, where the immediate contributing sub-catchment of the proposed works (i.e. the difference between the contributing catchments at the upper and lower extent of the works) would exceed 100 hectares or where more than 2 hectares of wetland would be affected or where the length of river channel on which works are proposed would be greater than 2 kilometres.

7.20.3. The subject site has a given area of 0.8563ha. I agree with the opinion of the PA that the proposed development does not sit comfortably within this class of development as it relates to the dredging of a small pond in order to improve its function as a biodiversity asset, a recreational amenity asset and alleviate possible localised flooding.

Sub-threshold EIA

7.20.4. The key issue with regard to the possible need for EIA of sub-threshold development is whether the development would or would not be likely to have significant effects on the environment.

7.20.5. Article 120 of the Planning and Development Regulations 2001, as amended states the following: 120. (1)

(a) Where a local authority proposes to carry out a sub threshold development, the authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

(b) Where the local authority concludes, based on such preliminary examination, that:

(i) there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required,

(ii) there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall prepare, or cause to be prepared, the information specified in Schedule 7A for the purposes of a screening determination, or

(iii) there is a real likelihood of significant effects on the environment arising from the proposed development, it shall:

(I) conclude that the development would be likely to have such effects, and

(II) prepare, or cause to be prepared, an EIAR in respect of the development.

(III) (1A) (a) Where the local authority prepares, or causes to be prepared, the information specified in Schedule 7A.

7.20.6. For sub-threshold developments listed in Schedule 5 Part 2, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

Schedule 7

7.20.7. The proposed development is considered against the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended. This is based on the existence of realistic doubt in regard to the likelihood of significant effects on the environment and considering the nature, size and location of the proposed development in the context of the criteria set out in Schedule 7 to the 2001 Regulations.

Formal Screening Determination

7.20.8. Whether EIA is required pursuant to Schedule 7A to the 2001 Regulations.

Characteristics of the proposed development

7.20.9. This is set out in detail in section 3.0 of this report above.

Size of the proposed development

7.20.10. The area of the application site is given as 0.8563ha.

The cumulation with other proposed development

7.20.11. Existing development in the surrounding area comprises existing residential development to the east, institutional use to the north and agricultural land to the west. Subject to appropriate restrictions on the proposed development in relation to pollution, noise and dust emissions solely during the works phase, it is considered that the potential for significant impacts on the environment from the proposed development and cumulative effects will not arise.

The Use of Natural Resources

7.20.12. Natural resources on the site and in the surrounding area include:

Glendowns Pond is located ca. 120m to the east of the Ridge of Portlaoise pNHA (site code 00876). There is no hydrological connection between the Glendowns Pond / Lake and the Ridge of Portlaoise pNHA.

7.20.13. An assessment of the proposal and its likely effects on the environment has been set out in the preceding section of this report under the provisions of Section 177AE (6) of the Planning and Development Act, 2000 (as amended). An NIS has been included with the proposed project. Based on the Zone of Influence, 9 SAC's

and 2 SPA's, Natura 2000 sites have been selected for inclusion in the screening assessment. The likely significant effect on a European site is considered in detail in the succeeding section of this assessment. The NIS concludes that, based on the small scale of the proposed works and the brief duration of both the works themselves and any impacts arising from them, they will not give rise to likely significant effects on the River Barrow and River Nore SAC or any other Natura 2000 site, in combination with other plans or projects.

7.20.14. The production of waste, pollution and nuisances and risk of accidents has been assessed in the preceding sections of this report. Having assessed the project against the criteria set out in Schedule 7 of the Regulations (for determining whether a sub-threshold development would be likely to have significant effects on the environment), with regard to the characteristics of the works, its location and the characteristics of potential impacts, I am satisfied that having regard to the small scale nature of the works, brief duration and mitigation measures proposed, notwithstanding its hydrological connection with River Barrow and River Nore SAC and its location outside any Natura 2000 site, that the proposed works would not have any significant adverse effects on population and human health, biodiversity, land, soil or water, air and climate, material assets, cultural heritage or the landscape, and the need for full environmental impact assessment can, therefore, be excluded.

7.20.15. Notwithstanding this conclusion, the Council should ensure that the NIS ecological mitigation measures are fully implemented, that pre-construction Otter and Bat surveys are undertaken before works commence, and that the works do not take place during the bird nesting season.

7.21. **The likely significant effects on a European site:** The areas addressed in this section are as follows:

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

7.22. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site. The likely significant effects on Natura 2000 sites is dealt with under the AA section below.

8.0 **Appropriate Assessment**

8.1. The NIS dated 14th April 2023 has been prepared by ATKINS on behalf of Laois County Council.

8.2. The NIS prepared by ATKINS describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development. It identifies the source-pathway-receptor chains between the proposed works and the qualifying interests of Natura 2000 sites, and evaluation of effects in view of the relevant conservation objectives. It was informed by surveys, a desk top study, maps and ecological and water quality data from a range of sources.

8.3. A site visit to Glendowns Pond was carried out by Atkins Ecologists on the 20th August 2018. A number of visits were also undertaken in November 2017 and April 2018. A second site visit was undertaken on the 9th of July 2022 by Triturus Environment Ltd, who were contracted by Atkins to conduct an aquatic baseline and fisheries survey of Glendowns Pond,

8.4. Glendowns Pond is distantly linked to the River Barrow and River Nore SAC (site code: 002162) via 13km along the Borris Great Stream and the River Triogue. The Ridge of Portlaoise proposed Natural Heritage Area (pNHA) (site code:000876) is located c. 120m to the west of Glendowns Pond but has no hydrological connection to the proposed works area.

- Hydrology Report, by SLR, dated March 2023

The subject site is within Flood Risk Management Plan for the Barrow River Basin (UoM No. 14), and Portlaoise AFA (Area for Further Assessment).

The CFRAM flood mapping indicates that the streams and pond do not cause flooding for the 1% AEP (annual exceedance probability). There is a minor flooding at the confluence of the unnamed stream and the pond for the 0.1% AEP events.

The surround area of the site is within Flood Zone C (low risk of flooding).

- Glendowns Pond Aquatic Assessment Report, by Triturus, January 2023. The following surveys were carried out:
    - A desktop survey.
    - An aquatic baseline & fisheries survey.

      The Little Borris Stream has high local biodiversity value with a semi-natural character supporting brown trout, lamprey and crayfish populations.

      The full survey is included in Appendix B, attached to the file. Glendowns Pond and the Little Borris Stream were broadly characterised in terms of their physical habitats, fish, macro-invertebrate and macrophyte (aquatic plant) communities. Environmental DNA (eDNA) was also collected to help validate the present of cryptic fish and invertebrate species including European eel (Anguilla anguilla), lamprey (Lampetra sp.) and white-clawed crayfish (Austropotamobious pallipes).

      Mallard and moorhen were recorded using the Lake.

- White-clawed crayfish survey.

      Species recorded are indicators of moderate water quality. Of note, two juvenile white-clawed crayfish (Austropotamobius pallipes) were recorded in the sample. White-clawed crayfish is listed on Annex II of the EU Habitats Directive. Crayfish have been recorded by the EPA in 1997 from the Triogue River (S478971), but not from the Little Borris Stream (Source; NBDC). Thus, this stream is of ecological importance and its value should be maintained. Therefore, any proposed works to the Lake should not extend back up the inflow stream.

- Macro-invertebrates (sweep sampling)

  No rare or protected macro-invertebrate species were recorded in the Glendowns Pond sample when compared to national red lists for aquatic beetles (Foster et al., 2009), stoneflies (Feeley et al., 2020), mayflies (Kelly-Quinn & Regan, 2012) and other relevant taxa (e.g., molluscs; Byrne et al., 2009). The invertebrate community at Glendowns Pond was dominated by pollution-tolerant species such as corixids (water boatmen), chironomids (bloodworm), freshwater hog-louse (Asellus aquaticus), gastropod snails and tubificid worms. A single specimen of the ubiquitous blue-tailed damselfly (Ischnura elegans) was recorded with an absence of any notable rare damselfly or dragonfly species.

  A single mayfly species, the pond olive (Cloeon simile), was recorded in fair numbers during the survey. This species is common in ponds where oxygen levels are good but the species is notably tolerant of enrichment and siltation.

- Macro-invertebrates (Q-sampling)

  No rare or protected macro-invertebrate species (according to national red lists) were recorded in the biological water quality samples taken from n=2 sites in July 2022 from the Little Borris Stream.

- Macrophyte and aquatic bryophyte survey

- Otter Survey.

  No otter signs were recorded apart from a disused otter holt (ITM 647801, 698379) in the northwest corner of Glendowns Pond in dense tree cover and scrub.

- Environmental DNA (eDNA)

  The composite eDNA samples collected from Glendowns Pond tested positive for white-clawed crayfish, lamprey, brown trout and European eel. The strong eDNA signatures (i.e. 12 positive qPCR replicates out of 12) supports the presence of these species within the lake. The oxygenation from the Little Borris Stream likely helps support these high conservation value species within the pond basin, which suffers from

eutrophication pressures and heavy siltation. Northern pike (Esox lucius) eDNA was detected; however, the shallow nature of the lake and poor water quality would likely be incapable of supporting the species. No smooth newt eDNA was recorded which is consider evidence of the species' absence at Glendowns Pond.

- Biosecurity Survey
- Invasive Species

  There are no records of Japanese knotweed (Fallopia japonica) from Glendowns Pond (Source: NDBC). It has, however, been recorded from Páirc an Phobail to the west. There are also no records of Himalayan (Indian) balsam (Impatiens glandulifera); Giant Hogweed (Heracleum mantegazzianum), Giant-rhubarb (Gunner sp.). Himalayan knotweed (Persicaria wallichii) or Giant knotweed (Fallopia sachalinensis) from Glendowns Pond.

  No aquatic invasive species were noted.

- Site Specific Method Statement and Risk Assessment. Sets out:
  - The method of works.
  - Site risk assessment.
  - Risk prevention

8.5. The NIS report concluded that, taking into account the nature of the project, removal of silt and pruning of trees and the European sites within the zone of Influence. Following an evaluation of the potential direct, indirect and cumulative impacts on the qualifying interests for the SAC, and the implementation of the proposed environmental protection measures, that there will be no residual impacts and the proposed project will not have an adverse effect on the integrity of the River Barrow and River Nore SAC or any other Natura 2000 site.

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

Stage 1 Screening

8.7. Notwithstanding the submission of a NIS, it is prudent to review the screening process to ensure alignment with the sites brought forward for AA and to ensure that all sites that may be affected by the development have been considered.

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

Table 1. European sites considered for Stage 1 screening

European Site Name & Code	Distance	Qualifying Interest	Source-pathway-receptor	Considered further in screening
River Barrow and River Nore SAC (site code: 002162)	13Km	• Estuaries (1130) • Mudflats and sandflats not covered by seawater at low tide (1140) • Reefs (1170) • Salicornia and other annuals colonising mud and sand (1310) • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) (1330) • Mediterranean salt meadows (Juncetalia maritimi) (1410) • Water courses of plain to montane levels with the Ranunculion fluitantis and	Direct hydrological link.	**Yes** - Potential for significant effects arising from impacts to: Sea Lamprey, River Lamprey & Brook Lamprey, White-clawed Crayfish, Water courses of plain to montane levels & Otter.

		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 (Vertigo moulinsiana) (1016) • Freshwater Pearl Mussel (Margaritifera margaritifera) (1029) • White-clawed Crayfish (Austropotamobius pallipes) (1092) • Sea Lamprey (Petromyzon marinus) (1095)		

		• Brook Lamprey (Lampetra planeri) (1096) • River Lamprey (Lampetra fluviatilis) (1099) • Twaite Shad (Alosa fallax) (1103) • Atlantic Salmon (Salmo salar) (1106) • Otter (Lutra lutra) (1355) • Killarney Fern (Trichomanes speciosum) (1421) • Nore Freshwater Pearl Mussel (Margaritifera durrovensis) (1990)		
Blackstairs Mountain SAC (Site code: 000770)	c.53 Km	• Northern Atlantic wet heaths with Erica tetralix [4010] • European dry heaths [4030]	There is a remote hydrological connection - via the Triogue River and the River Barrow.	**No**. Given the distance the SAC is located downstream of the proposed works, nature of the works, impact of the works and the qualifying interests, significant impacts can be ruled out at this stage.
Ballyprior Grassland SAC (site code: 002256)	c.11.6 km south	• semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) [6210]	No pathway exists	**No**
Clonaslee Eskers and	c.11.3 km	• Petrifying springs with tufa formation (Cratoneurion) [7220]	No pathway exists	**No**

Derry Bog SAC (site code: 000859)		• Alkaline fens [7230] • Vertigo geyeri (Geyer's Whorl Snail) [1013]		
Coolrain Bog SAC (site code: 002332)	c. 21 km	• Active raised bogs [7110] • Degraded raised bogs still capable of natural regeneration [7120] • Depressions on peat substrates of the Rhynchosporion [7150]	No pathway exists	**No**
Knockacoller Bog SAC (site code: 002333)	c.17.6 km	• Active raised bogs [7110] • Degraded raised bogs still capable of natural regeneration [7120] • Depressions on peat substrates of the Rhynchosporion [7150]	No pathway exists	**No**
Lisbigney Bog SAC (site code: 000869)	c.19 km	• Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] • Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	No pathway exists	**No**
Mountmellick SAC (Site code: 002141)	C.10.4Km	• Desmoulin's Whorl Snail (Vertigo moulinsiana) [1016].	No pathway exists	**No.**
Slieve Bloom Mountains SAC (Site code: 00041)	c.13.3Km	• Northern Atlantic wet heaths with Erica tetralix [4010], • Blanket bogs (* if active bog) [7130] • Alluvial forests with Alnus glutinosa Fraxinus excelsior (Alno-Padion, Alnion	No pathway exists	**No**

		incanae, Salicion albae) [91E0]		
Slieve Bloom Mountains SPA (Site code: 004160)	c.9.5Km	• Hen Harrier (Circus cyaneus) [A082]	No pathway exists	**No**
River Nore SPA (Site code 00423)	c.15Km	• Kingfisher (Alcedo atthis) [A229]	No pathway exists	**No**

8.9. The NIS submitted screens out all Natura 2000 sites except the River Barrow and River Nore SAC (site code: 002162), on the grounds that they are removed from the development and will not be affected by disturbance. While there is a remote hydrological connection to the Blackstairs Mountain SAC (Site code: 000770) the SAC is located c. 53 Km distant and given the nature of the works and the qualifying interests, significant impacts can be ruled out at this stage. There is a lack of hydrological linkages to all other seven SPA's and two SAC's identified as within the zone of influence of the works. This approach seems reasonable. However, I agree there is a potential to impact the water quality of the River Barrow and River Nore SAC, which is hydrologically (downstream) connected to the Glendowns Pond via 13km stretch along the Borris Great Stream and the River Triogue. Due to the nature of the proposed works, they give rise to potential impacts on water quality through:

- Release of soil from the banks of the lake due to disturbance during access and working by the excavator. Sources of fine sediment resuspension include disturbance of accumulated silt during its removal from the pond and any silts generated when moving the excavator between working points. Plumes of silt or fine sediment can directly affect aquatic fauna, e.g. by clogging their gills, and can also reduce habitat quality, e.g. by smothering of spawning gravels for salmonid species. Suspended sediment can also interact with other pollutants, magnifying their effects.
- Leaks of substances such as fuel, e.g. petrol or diesel, or lubricating oil from vehicles, plant or equipment and excavators. Hydrocarbons can have direct toxic effects on the flora and fauna of contaminated waters and soils.

8.10. Therefore, based on my examination of the NIS report and supporting information, the nature and scale of the proposed development, its likely that the water quality of downstream watercourses will be impacted from the proposed works and effects by way of disturbance could be caused to otter, white-clawed crayfish and River, Brook and Sea Lamprey. These habitats and species are directly sensitive to water quality impacts and are qualifying interests of the River Barrow and River Nore SAC. The introduction or spread of any aquatic or riparian invasive alien species could also negatively affect the river itself. I would conclude that a Stage 2 Appropriate Assessment is required for the River Barrow and River Nore SAC.

Stage II Appropriate Assessment

8.11. The following Appropriate Assessment of the implications of the proposed works alone and in combination with other relevant plans and projects will be carried out in relation to the following European site in view of its conservation objectives:

- River Barrow and River Nore SAC

8.12. The NIS submitted by Laois County Council concluded that following a comprehensive evaluation of the potential direct, indirect and cumulative impacts on the qualifying interests for the SAC, and the implementation of the proposed environmental protection measures, there will be no residual impacts and the proposed project will not have an adverse effect on the integrity of River Barrow and River Nore SAC or any other European site.

8.13. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European site using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

8.14. **Potential for direct and indirect effects**

8.15. The River Barrow and River Nore SAC consists of the freshwater stretches of the Barrow and Nore River catchments 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. The site passes through eight counties – Offaly, Kildare, Laois, Carlow, Kilkenny, Tipperary, Wexford and Waterford.

8.16. The site is a Special Area of Conservation (SAC) selected for the habitats and/or species listed on Annex I / II of the E.U and detailed in Table 1 above.

8.17. The site is very important for the presence of a number of E.U. Habitats Directive Annex II animal species including White-clawed Crayfish, Salmon, Twaite Shad, three lamprey species – Sea Lamprey, Brook Lamprey and River Lamprey, the tiny whorl snail and Otter. This is the only site in the world for the hard-water form of Freshwater Pearl Mussel (M. m. durrovensis) and one of only a handful of spawning grounds in the country for Twaite Shad. The freshwater stretches of the River Nore main channel is a designated salmonid river. The Barrow/Nore is mainly a grilse fishery though spring salmon fishing is good in the vicinity of Thomastown and Inistioge on the Nore. The upper stretches of the Barrow and Nore, particularly the Owenass River, are very important for spawning. The old oak woodland at Abbeyleix has a typical bird fauna including Jay, Long-eared Owl and Raven.

8.18. The site supports many other important animal species. Those which are listed in the Irish Red Data Book include Daubenton's Bat, Badger, Irish Hare and Common Frog. The rare Red Data Book fish species Smelt occurs in estuarine stretches of the site. In addition to the Freshwater Pearl Mussel, the site also supports two other freshwater mussel species, Anodonta anatina and A. cygnea. Three rare invertebrates have been recorded in alluvial woodland.

8.19. The site is of ornithological importance for a number of E.U. Birds Directive Annex I species, including Greenland White-fronted Goose, Whooper Swan, Bewick's Swan, Bar-tailed Godwit, Peregrine and Kingfisher. Nationally important numbers of Golden Plover and Bar-tailed Godwit are found during the winter. Wintering flocks of migratory birds are seen in Shanahoe Marsh and the Curragh and Goul Marsh, both in Co. Laois, and also along the Barrow Estuary in Waterford Harbour. There is also an extensive autumnal roosting site in the reedbeds of the Barrow Estuary used by Swallows before they leave the country. The old oak woodland at Abbeyleix has a typical bird fauna including Jay, Long-eared Owl and Raven. The reedbed at Woodstown supports populations of typical waterbirds including Mallard, Snipe, Sedge Warbler and Water Rail

8.19.1. Due to the location and nature of the proposed works I consider that water courses of plain to montane levels, white-clawed crayfish, sea lamprey, brook lamprey, River

lamprey and otter specifically are the qualifying interests at risk from the proposed development within the River Barrow and River Nore SAC.

8.19.2. There will be no works with the River Barrow and River Nore SAC. The works area is 13km upstream of the main channel of the River Barrow. I note that water courses of plain to montane levels habitat, occur along the Triogue outside of the SAC. White-clawed crayfish were recorded at low density in the Little Borris Stream. Albeit that the works are 13km from water courses of plain to montane levels habitat and populations of crayfish within the River Barrow and River Nore SAC, connection is assumed. The main risk to crayfish is through deterioration in water quality. However, removal of extensive silt beds in the centre of the pond may result in an increase in habitat quality for crayfish over time. The attributes of sea, brook and river lamprey are the same and have similar targets across the three species. As already stated, an inactive otter holt was noted in the north-western corner of the pond. No other otter signs were noted. The main source of potential impact to otter is through deterioration in water quality. In the longer-term removal of silts will increase habitat quality within the pond.

8.20. The conservation objectives for the River Barrow and River Nore SAC aim to maintain or restore the favourable conservation condition for habitats and/or species at these sites. The maintenance of habitats and species within the Natura 2000 sites at favourable condition will contribute to the overall maintenance of favourable conservation status of those species at a national level.

8.21. The NIS submitted acknowledges that the proposed works will give rise to a potential for both direct and indirect significant impacts and proposes measures to mitigate these impacts.

SAC Qualifying Interests, attributes & targets:

8.21.1. The relevant SAC Qualifying Interests, conservation objectives, attributes and targets for the potentially impacted QIs, are set out below in Table 2.

Table 2

Qualifying Interests	Conservation Objectives	Attributes & targets
Water courses of plain to montane levels	Maintain	Habitat area and distribution, hydrological regime, water quality, vegetation composition and floodplain connectivity.

Qualifying Interests	Conservation Objectives	Attributes & targets
White-clawed Crayfish	Maintain	Distribution, population structure, negative indicator species, disease, water quality and habitat quality.
Sea Lamprey **Brook Lamprey** **River Lamprey**	Restore	Distribution, population structure of juveniles, juvenile density in fine sediment, extent and distribution of spawning habitat, and availability of juvenile habitat.
Otter	Restore	Distribution, extent of terrestrial habitat, extent of freshwater (river) habitat.

The QI's identified for the River Barrow and River Nore SAC include the following, however in my opinion they can be screened out as there is no potential impact:

* Freshwater Pearl Mussel - There are no records of freshwater pearl mussel in the River Triogue or on the main channel of the Barrow in the environs of the project.

"The status of the freshwater pearl mussel (Margaritifera margaritifera) as a qualifying Annex II species for the River Barrow and River Nore SAC is currently under review. The outcome of this review will determine whether a site-specific conservation objective is set for this species. Please note that the Nore freshwater pearl mussel (Margaritifera durrovensis) remains a qualifying species for this SAC. This document contains a conservation objective for the latter species".

* Twaite Shad - It is uncertain how far upstream some individuals of this species may migrate. However given the distance of the works from estuaries and coastal waterers, pathways for impacts can be ruled out at this stage. Results from the desk top surveys and site surveys did not show evidence of Twaite Shad at Glendowns Pond.

* Atlantic Salmon - Results from Triturus Aquatic Assessment did not show evidence of Atlantic Salmon within Glendowns Pond or in the inflow or outflow watercourses of the lake. Given the distance from the proposed works to the River Barrow and River Nore SAC (ca. 13km downstream) impacts on this species are not considered likely as a result of the proposed works. Therefore, impacts on this species can be ruled out at this stage.

* Whorl Snail - As the habitats in the vicinity of the proposed works and habitats along the Borris Great Stream and the Triogue River are not suitable for this species, there are no pathways for impacts on this species from the proposed works. Therefore, impacts can be ruled out at this stage.

Consideration of potential impacts:

8.21.2. In the absence of mitigation measures, it is predicted that the water quality of downstream watercourses will be impacted from the proposed works. Further, given that instream works will occur during the proposed works on Glendowns Pond and that White-clawed crayfish were recorded upstream of the lake in Little Borris

Stream, during the site surveys conducted in July 2022 of the proposed works site, in the absence of mitigation measures there is potential for diseases such as crayfish plague to spread and have a significant effect on this species.

8.21.3. The works are not relevant to the maintenance of the SAC. However, there is potential direct effects and potential for indirect effects on the River Barrow and River Nore SAC during the ***works phase***.

Potential direct effects:

8.21.4. There is potential for direct effects on the River Barrow and River Nore SAC during the ***works phase*** as a result of: - habitat loss and disturbance, water pollution from the unmitigated release of fine sediments in runoff during the works and hydrocarbons by way of accidental spillages from machinery which could give rise to water pollution and chemical contamination, with resultant impacts on habitats and constituent species, and sediment transfer and siltation. This could have resultant impacts on the attributes and targets for the QI habitats and constituent species, in the absence of mitigation. Further potential direct effects relate to the uncontrolled introduction of invasive species from works vehicles which could give rise to the colonisation of habitats by invasive plant and animal species, with resultant impacts on the attributes and targets for the QI habitats and species, in the absence of mitigation. There is no potential for any significant additional direct adverse effects during the ***works phase*** which comprise the dredging and removal of silt from the shallow lake and light pruning of timber.

Potential indirect effects:

8.21.5. The potential for indirect effects on the River Barrow and River Nore SAC during the ***works phase*** would be similar to the direct effects outlined above, except for habitat loss. Any resultant impacts on water quality could have a knock-on effect for otter which is a QI for the River Barrow and River Nore SAC in terms of general disturbance to distribution, extent of terrestrial habitat, extent of freshwater (river) habitat.

Mitigation measures:

8.21.6. The NIS report contains a full list of mitigation measures which would serve to protect the European site, River Barrow and River Nore SAC and its QI habitats and species from adverse effects, and these include: -

- An Ecological Clerk of Works (ECoW) will be appointed and will supervise all aspects of the critical works on site.
- On-site induction training for workers.
- A Temporary Traffic Management zone will be created within the road corridor. This shall be used for parking and deliveries of materials.
- Works will be carried out during day-time hours, except in the event of an emergency (to be agreed with Laois County Council).
- All items of plant will be checked prior to use before each shift for signs of wear/damage.
- Rubber mats will be used where necessary to prevent damage to the ground.
- No grout or cement is to be used on site.
- No works are to take place in the inflow stream (Little Borris Stream).
- Removal / pruning of any shrubs in the vicinity of the compound / works area to be kept to a minimum to minimise impact to foraging bats.
- Surface water management measures to protect water quality for habitats and species (incl. no concrete mixing or washing out on site, designated storage for waste, protection from siltation & contamination, avoidance of sediment entering the River Triogue during removal of silt, by way of use of silt fences / sedimats).
- Carry out daily visual checks of water coloration (turbidity) for signs of silt escapement from the works area downstream of silt control measures.
- The Contractor shall make daily checks for elevated water levels/flows in the stream and weather warnings or flood alerts from Met Éireann and/or Laois County Council.
- Works to be suspended if heavy rainfall is expected.
- All works are undertaken in accordance with adherence to relevant guidelines, in particular, the procedures contained within the relevant HSE Forestry Industry Safety Accord (FISA) leaflets.

- Importation of materials shall comply with Regulation 49 of the EC (Birds and Natural Habitats) Regulations 2011.
- A pre-construction invasive species survey will be conducted prior to the commencement of works on site.

Potential in-combination effects.

8.22. The NIS assessment of potential in combination effects is noted. (Refers to 8 no. projects in the context of in-combination effects incl. a wind energy project, electrical cabling, extraction of sand, mineral extraction, quarry, anaerobic digestion facility, recycling facility, new domestic dwellings, extensions, retentions, restructuring of rural land holdings, commencing use of uncultivated land or semi-natural areas for intensive use, and land drainage works on lands used for agriculture).

8.22.1. Potential in-combination effects relate to damage to QI habitats and species because of accidental spillages and sediment run off during the desilting and pruning works, and the poorly managed removal of or introduction of invasive species, in-combination with agricultural, aquaculture, recreational, commercial and residential works in the wider area. This could give rise to pollution, contamination and/or colonisation by invasive species, with resultant impacts on water quality, fisheries, and the availability of freshwater (river) habitat within the pond, having regard to the various plans, projects and activities in the wider area, in the absence of mitigation. However, having regard to the implementation of the mitigation measures, I am satisfied that there would be no adverse cumulative effects on the River Barrow and River Nore SAC and its QI habitats and species.

Residual effects: None anticipated post mitigation.

NIS Omissions: None noted.

Suggested conditions:

- All plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

- A pre-construction survey for otter and bats should be undertaken, a Clerk of works (CoW) and / an Ecologist should be appointed to oversee works.
- A construction environmental management plan (CEMP) should be prepared and adhered to. (Construction activity restrictions & noise control).
- Timing and seasonality of works to be restricted to outside of bird nesting Season and of wintering bird season.
- The archaeological monitoring in accordance with requirements of Department of Housing, Local Government and Heritage.

AA Conclusion:

8.22.2. I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European site (SAC) in light of its Conservation Objectives, subject to the implementation of mitigation measures and attachment of Conditions to any approval, outlined above.

8.22.3. Having regard to the foregoing I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site no. 002162 River Barrow and River Nore SAC or any other European site, in view of the site's Conservation Objectives.

9.0 Recommendation

9.1.1. 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 those requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

Reasons and Considerations

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

(a) the EU Habitats Directive (92/43/EEC),

(b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,

(c) the Government of Ireland Climate Action Plan, 2023,

(d) the Regional Economic & Spatial Strategy, 2020 - 2032,

(e) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,

(f) the conservation objectives and qualifying interests for the River Barrow and River Nore SAC (site no. 002162),

(g) the conservation objectives and special conservation interests for the site no. 002162 River Barrow and River Nore SAC,

(h) the policies and objectives of the Laois County Development Plan 2021 – 2027,

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

(j) the information submitted in relation to the EIA Screening Determination, potential impacts on aquatic habitats, flora and fauna, including the Natura Impact Statement, and

(k) the submission received in relation to the proposed development,

(a) 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 no. 002162) is the only European site for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for the River Barrow and River Nore SAC (site no. 002162), in view of the Sites Conservation Objectives.

In completing the assessment, the Board considered, in particular:

i. Likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon the River Barrow and River Nore SAC (site no. 002162),

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

iii. Conservation Objective for the European Site, and

iv. Views of the Department of Housing, Local Government and Heritage.

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 Site, having regard to the site's conservation objectives.

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

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

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

Conditions

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

Reason: In the interest of clarity.

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

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

4 The following nature conservation requirements shall be complied with:

(a) The works shall be carried out in compliance with the Inland Fisheries Ireland document “Guidelines on protection of fisheries during construction works in and adjacent to waters.”
(b) Vegetation removal shall be restricted to outside of bird nesting season and of wintering bird season.
(c) A pre-construction otter survey by a suitably qualified ecologist shall be carried out before works commence, any destruction of otter holts or relocation of otter species shall be carried out by a suitably qualified

ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.

(d) A pre-construction bat survey shall be carried out by a suitably qualified ecologist during the active bat season; any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage; and the works shall be undertaken in accordance with the Bat Conservation of Ireland document "Bats and Lighting, Guidance Notes for: Planners, engineers, architects and developers 2010".

(e) Any areas damaged by machinery or equipment shall be fully re-instated.

(f) Prevention measures shall be put in place to prevent the introduction or spread of invasive species.

Reason: In the interest of biodiversity and nature conservation.

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

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

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

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

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

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

Professional Declaration

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

Fiona Fair
Senior Planning Inspector
4th January 2023