Inspector's Report

ABP-317484-23

Development	Development of a pedestrian/cycle route and bridge crossing of the River Derry
Location	Townlands of Clonegal and Kildavin, Co. Carlow and Co. Wexford
Local Authority	Carlow County Council in collaboration with Wexford 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	Inland Fisheries Ireland
Observer(s)	None
Date of Site Inspection	31st July 2024
Inspector	Susan Clarke

Contents

1.0 Introduction

1.1. Carlow County Council in collaboration with Wexford County Council is seeking approval from An Bord Pleanála to undertake the construction of a c.405m pedestrian and cycle route and bridge in the townlands of Clonegal and Kildavin to join the South Leinster Way and The Wicklow Way. The proposal includes for a pedestrian/cycle bridge to traverse the River Derry which forms part of the Slaney River Valley SAC (site code:000781), a designated European site. A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority based on the proposed development's likely significant effect on a European site.

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

2.0 Proposed Development

2.1. The proposed development consists of the construction of a pedestrian and cycle route and bridge over the River Derry to join the South Leinster Way and The Wicklow Way. The proposed new pedestrian and cycle bridge seeks to enhance the safety and connectivity between the villages of Clonegal and Kildavin for all road users, particularly focusing on active travel modes. The Local Authority advises that the local roads in the area are used heavily by large vehicles servicing local quarries. The proposed bridge location was selected due to there being a foot bridge at this location historically.

2.2. The proposed works comprise the following:

- a new two-span, pedestrian/cycle bridge approx. 3.5m wide and 35m long;

- the northern section of the bridge (c.15.5m) will traverse the River Derry, while the southern section (c.10.9m) will traverse low-lying land south of the River.
- The prefabricated, stone clad reinforced concrete structure bridge will be supported on three piled abutments. The abutments will be setback 2.7m from the banks of the Derry River.
- The proposed pedestrian/cycle route either side of the bridge crossing is to be constructed generally at grade and following the levels of the existing topography. It is to be constructed in accordance with cycle trail pavement type C1 of TII Design Guide DN-GEO-03047 Rural & Cycleway.
- Timber or precast concrete edging with tension mesh fencing will be provided on each side of the pavement to delineate the route.
- Gates will provide access to the route.

The bridge will cross the Derry River in a single span. No instream works or works to the banks of the River will be required. The foundation/substructure will be cast in-situ, while the bridge will be pre-cast off-site and installed using a crane.

2.3. **Accompanying documents:**

2.3.1. The application is accompanied by the following documents:

- Natura Impact Statement
- EIA Screening Report and Natura Impact Statement
- Flood Risk Assessment
- Construction and Environmental Management Plan
- Construction Methodology
- design drawings, and,
- a list of Prescribed Bodies and copies of public notices;

2.3.2. In response to a request for further information, the following information was submitted to An Bord Pleanála:

- Public Notices and Site Notices
- Cover Letter

- Invasive Species Management Plan
- Revised Natura Impact Statement
- Ecological Impact Assessment
- Planning Report
- Revised EIA Screening Report
- Construction and Environmental Management Plan
- Construction Methodology, and
- Planning Drawings.

3.0 Site and Location

3.1. The proposed development is located on the administrative boarder of Carlow County Council and Wexford County Council. The site is situated between the villages of Kildavin and Clonegal, in a board river valley, which is rural in character. The route follows an historic trail route bounding quarries, woodland and the River Derry and River Slaney. The N80 national road runs to the west of Kildavin to Carlow and to Tullow via the N81.

3.2. Approximately 100m downstream of the proposed crossing point, the Derry River merges with the main channel of the River Slaney. The River Slaney then flows south and east, and reaches the coast approx. 150m downstream in Wexford Harbour.

3.3. The route will traverse though an arable fields to the north of the River Derry in the floodplain area, where it joins with the River Slaney. The southern side of the embankment is wooded and slopes up to the Ballyshonock Road, in close proximity to two detached dwellings, one of which is a Protected Structure, Bridge House.

3.4. The site is partially located within the River Slaney SAC (site code: 000781).

4.0 Planning History

4.1. Several planning cases in the vicinity, none of which are relevant to the project.

5.0 Legislative and Policy Context

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

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

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

5.3.1. The proposal is within the following designated site:

- Slaney River SAC, site code 00781

5.3.2. European sites located in proximity to the subject site include:

- Blackstairs Mountains SAC, site code 000770

5.4. **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.

5.5. Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities

5.5.1. Guidance is provided for the competent authority to assess any plan or project. The impact of any plan or project alone or in combination with other projects on the integrity of the Natura 2000 site is considered with respect to the conservation objectives of the site and the structure and function.

6.0 Policy Context

6.1. Introduction

6.1.1. The following sets out a list of applicable national, regional and local policy relevant to the assessment of the application.

6.2. 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. It contains several National Strategic Outcomes (NSOs) which include seeking to achieve empowered rural economies and communities, enhanced amenity and heritage, and a transition to a low-carbon and climate resilient society. It includes amenities in rural areas such as activity based tourism and trails including greenways, blueways and peatways. The NPF states that the development of such greenways offers a unique alternative means for tourists and visitors to access and enjoy rural Ireland. It states:

> *"The development of a strategic national network of these trails is a priority and will support the development of rural communities and job creation in the rural economy, as well as the protection and promotion of natural assets and biodiversity."*

6.2.1. The NPF also sets out a number of national policy objectives focused on sustainable transportation, greater accessibility and improved air quality arising from increased use of alternatives to the car, including:

- NPO 22 - Facilitate tourism development and in particular a National Greenways, Blueways and Peatways Strategy, which prioritises projects on the basis of achieving maximum impact and connectivity at national and regional level.
- NPO 27 - Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility…
- NPO 28 - Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved integration and greater accessibility in the delivery of sustainable communities and the provision of associated services.
- NPO 64 - Improve air quality and help prevent people being exposed to unacceptable levels of pollution in our urban and rural areas through integrated

land use and spatial planning that supports public transport, walking and cycling as more favourable modes of transport to the private car…

6.3. **Strategy for the Development of National & Regional Greenways, 2018**

This Strategy seeks to assist in the strategic development of nationally and regionally significant Greenways in appropriate locations constructed to an appropriate standard in order to deliver a quality experience for all Greenways users. It also aims to increase the number and geographical spread of Greenways of scale and quality around the country over the next 10 years with a consequent significant increase in the number of people using Greenways as a visitor experience and as a recreational amenity.

6.4. **Design Manual for Urban Roads and Streets, 2019 ('DMURS')**

DMURS states that:

• 'Better street design in urban areas will facilitate the implementation of policy on sustainable living by achieving a better balance between all modes of transport and road users. It will encourage more people to choose to walk, cycle or use public transport by making the experience safer and more pleasant.'

• 'Designing for cyclists must also be given a high priority. Trips by bicycle have the potential to replace motor vehicles as an alternative means of transport for short to medium range trips (and in some cases longer range trips). Cycling also promotes a healthy lifestyle.'

6.5. **Cycle Design Manual, September 2023**

The 2011 National Cycle Manual is now replaced by this new Cycle Design Manual, which draws on the experience of cycle infrastructure development over the past decade and international best practice to help deliver safe cycle facilities for people of all ages and abilities. The Manual is intended as a live document that will be updated to reflect emerging best practice.

Chapter 2 of the Manual sets out the five main requirements (safety, coherence, directness, comfort and attractiveness), that designs should fulfil to cater for existing cyclists and to attract new cyclists to the network. Key design principles include a network approach, segregation and inclusive mobility. It is advised that promoters of

cycle facilities should cycle. Information is also provided on the types of cycle vehicles, cycle links, appropriate facilities and width calculations.

Chapter 3 of the Manual addresses cycle network planning, as well as the planning of cycling in private developments and public infrastructure projects. Designing for cycling is covered in Chapter 4, with guidance provided on the following:

- Geometric requirements (design speed, sight distance, visibility splays, horizontal and vertical alignments, surface crossfall, clearance and headroom),
- Cycle links (segregated cycle facilities, standard and stepped cycle tracks, protected cycle lanes, two-way cycle tracks, greenways and shared active travel facilities, cycle lanes, cycling in mixed traffic, contraflow cycling, parking and loading on links, bus stops, transitions, pedestrian crossings at cycle tracks),
- Priority junctions,
- Signal-controlled junctions (including protected junctions),
- Crossings,
- Roundabouts.

Details relating to implementation and maintenance, including public lighting and signage/ wayfinding, are provided in Chapter 5, and Chapter 6 sets out the various design principles on cycle parking. Finally, typical layouts for cycle infrastructure are included in the appendix.

6.5.1. **Get Ireland Walking Strategy and Action Plan 2017-2020**

The 'Get Ireland Walking' initiative was established in 2013 and its vision is to "empower and support people to choose to walk more often for recreation, transport and health as part of their daily life". A number of actions are set out including the creation of opportunities for improved access to lands for recreational walking and to develop and market recreational walking infrastructure.

Other relevant national policy and guidance:

- National Development Plan 2018-2027

- Climate Action Plan 2023
- National Cycle Policy Framework 2009-2020
- Smarter Travel: A Sustainable Transport Future, 2009-2020
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) (2009).

6.6. **Regional Policy**

Southern Regional Economic & Spatial Strategy, 2022

6.6.1. The RSES follows on from the NPF in terms of the overall strategy of achieving sustainable modes of transport which will in turn support active health initiatives and healthy communities, as well as promoting tourism and assisting to a transition to a lower carbon society. Regional Policy Objective 53 promotes the delivery of greenways in the context of developing sustainable walking and cycling trails and opening greater accessibility to the marine and countryside environments.

6.6.2. RPOs 124 and 125 deal with green infrastructure, and it is a stated objective to promote the concept of connecting corridors for the movement of wildlife and encourage the retention of features of biodiversity value, ecological corridors and networks that connect areas of high conservation value such as woodlands, hedgerows, earth banks, watercourses and wetlands. Transport infrastructure provides potential opportunities to act as Green Infrastructure corridors. It is an objective to support local authorities acting together with relevant national infrastructure providers to co-develop infrastructural management plans to enhance biodiversity.

6.6.3. Section 6.3.6.10 of the RSES deals with Walking and Cycling and states that active walking and cycle infrastructure will support active health initiatives and healthy communities, encourage transition to sustainable modes of travel, promote sustainable mobility and significantly assist our transition to a lower carbon society. RPO 174 sets out the walking and cycling objectives.

6.6.4. Section 7.2.7 deals specifically with the development of Greenways, Blueways and Peatways and states that the RSES supports the development of Greenways, Blueways and Peatways including initiatives to extend existing routes and links to regional and national networks, ports and other transport hubs. It is a stated objective

to support investment in the development of walking and cycling facilities, greenway and blueway corridors within the region – RPO 201 refers.

6.7. Carlow County Development Plan, 2022-2028

6.7.1. The current Development Pan contains several policies and objectives for the protection and enhancement of the environment, biodiversity (incl. SPAs, SACs & pNHAs), water quality, cultural heritage (incl. archaeology, protected structures & NIAH listings), tourism, recreation, and amenity.

Section 11.13.1 Outdoor Recreation Infrastructure Scheme (ORIS) states:

> *The Government's ORIS was established in 2016 and provides funding for the development of new outdoor recreational infrastructure. The scheme helps to make use of the resources of the countryside to contribute to healthy active lifestyles, while also supporting economic and tourist potential for local communities and tourist visitors.*
>
> *In 2021 connecting the Wicklow Way with the South Leinster Way in County Carlow was one of the key large-scale projects that received funding of €371,250 under the ORIS. In addition, funding of €200,000 was also allocated to the Oak Park Forest Park Looped Walks. This investment will involve significant development of these important and popular outdoor amenities in the County.*
>
> *Other walking routes in the County, including those listed by the National Trails Office and those promoted by Carlow Tourism*
>
> ■ *Nine Stones to Kildavin Walk*

Section 15.4.6 (Clonegall Plan) outlines the Objectives for the Village*:*

> *To retain, protect and enhance the unique natural and built heritage characteristics of Clonegall which is located in a high-quality attractive rural landscape, while seeking to strengthen the level of services and community facilities to cater for local demand while accommodating growth at a sustainable level.*

CG. P11: Protect and enhance the high-quality natural amenities present in and surrounding the village which contribute to the amenity of the village e.g. the River Derry, the Wicklow Way, trees, boundary hedgerows, fields etc.

CG. P12: Maximise recreational opportunities for the village through the proposed connection/link between the Wicklow Way and the South Leinster Way which traverses through Clonegall and seek to ensure that any infrastructure within the village associated with same is of a high quality appropriate to the character of the village.

CG. P13: Promote the retention of trees and hedgerows as the traditional boundary form which is a characteristic of the village. These should be incorporated in future development proposals.

CG P16: Investigate the designation of an Architectural Conservation Area(s) within Clonegall village in order to protect and enhance the historic character and heritage value of the village.

CG. P19: Manage flood risk on part of the village core lands to the east of the L2021 within Flood Zone A and B in Clonegal in accordance with the following provisions:

Development shall be:

- Limited to extensions, renovations and change of use; and,
- Infill residential development and demolition and reconstruction can only take place in Flood Zone C.

Any future development should be subject to an FRA which should follow the general guidance provided in Section 6 of the SFRA and must specifically address the following:

- Existing flood data is indicative and does not provide flood levels. An appropriately detailed hydraulic model will be required to confirm flood levels and extents;
- The sequential approach should be applied, and highly vulnerable infill and redevelopment shall not be permitted in Flood Zone A or B;
- FRA should address climate change scenarios in relation to FFLs and potential mitigation measures;
- Finished floor levels should be above the 1% AEP level plus climate change and freeboard;
- The residual risk of bridge blockage should be investigated;

- Bedrooms should be located in the upstairs of two-storey buildings when extending existing property in Flood Zone A/B;
- Flood resilient construction materials and fittings should be considered if in Flood Zone A/B;
- Proposals should not impede existing flow paths or cause flood risk impacts to the surrounding areas;
- Emergency evacuation plan and defined access / egress routes should be developed for extreme flood events; and,
- Any development shall also be required to be built in accordance with Carlow County Council SuDS Policy.

Section 15.4.7 (Kildavin Village) outlines the Objectives for the Village:

> *To promote Kildavin village as a settlement with a strong village character, located in an attractive rural environment to be protected and enhanced, while strengthening the existing and proposed services and supporting growth of the local community addressing recent population decline to sustainable growth levels.*

KD P13: Protect and enhance natural amenities present in and surrounding the village which form part of the village setting e.g. tributary of the River Slaney which flows through the village, mature trees, boundary trees, hedgerows, fields etc.

KD P16: Assess the need for improved roads, footpaths and improved permeability in relation to existing and future projected traffic generation in the village and give due consideration to the need to establish a safe and quality village environment and village character.

KD P17: Seek to ensure that strong linkages to the village core are provided from established community uses including the GAA facilities located outside the village and that new development addresses connectivity to the core of the settlement, community / service facilities with the provision of footpaths/ cycleways, where deemed appropriate

6.8. Wexford County Development Plan, 2022-2028

6.8.1. Similar to the Carlow CDP, the Wexford County Development Plan contains several policies and objectives for the protection and enhancement of the environment, biodiversity (incl. SPAs, SACs & pNHAs), water quality, cultural heritage (incl. archaeology, protected structures & NIAH listings), tourism, recreation, and amenity.

Objective TM14: To support and develop our towns and villages and rural heritage sites including our beaches for tourism purposes through the facilitation of links by public transport, greenways, blueways and associated infrastructure subject to compliance with the Habitats Directive and normal planning and environmental criteria.

Objective TM35: To facilitate and encourage the development of new and expanded outdoor activities such as cycling routes, walking trails (including in the Blackstairs Mountains in consultation with Coillte and other landowners), mountain hiking, bird watching, water sports and canoeing. The location of these developments will be considered on a case-by-case basis, having regard to the nature of the proposal, its location and siting, its scale, potential for impacts on its host rural area and residential amenities and environment and subject to compliance with the Habitats Directive and normal planning and environmental criteria.

7.0 The Natura Impact Statement

7.1. The application for the proposed development was accompanied by a Natura Impact Statement (NIS), which scientifically examined the proposed development and the European sites. A revised version was submitted following a request for further information by the Board. The NIS identified and characterised the possible implications of the proposed development on European sites, in view of the sites' conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works.

7.2. The NIS describes the elements of the project that are likely to give rise to significant effects on the European sites. Potential impacts are set out as well as an assessment of their possible adverse effects on the conservation objectives of qualifying interest features and the mitigation measures that are to be introduced to avoid, reduce or remedy any adverse effects on the integrity of the European site.

7.3. The assessment of impacts presented in the NIS found that there is potential for significant effects from the proposed development to significantly impact the Slaney

River Valley SAC due to reduced water quality during the construction phase. However, with implementation of mitigation measures in full, it is considered, beyond reasonable scientific doubt, that no adverse effects on the integrity of the European site would occur in light of the conservation objectives of that site.

8.0 **Consultations**

8.1. The application was circulated to the following bodies:

- Inland Fisheries Ireland
- Heritage Council
- An Taisce
- Office of Public Works
- Development Applications Unit
- Minister for Tourism, Culture, Arts, Gaeltacht, Sports and Media.

8.1.1. Responses were received from IFI:

IFI state that it has concerns regarding the potential for pollution of the Derry and Slaney rivers during construction works on-site. In particular, there is potential to convey deleterious matter from those works such as concrete, silt, fuel, lubricating and hydraulic oils from construction plant and equipment downstream unless proper safeguards are in place. In addition, there is potential for the proposed development to discharge silt-laden waters to fisheries streams where earth-moving and excavation works are on-going. The IFI concerns are as follows:

- The design should take into account the likelihood for the arches of the new structure to become blocked/partially blocked during flood conditions and the potential for scour/erosion of bed material if this occurs. Long sections of the Derry River upstream are heavily wooded with the potential for large woody material to enter the Derry River during flood events.
- Confirmation that the underside of this Bridge will not have lighting added to it to illuminate the River or underside of the bridge
- Confirm that there is no access from the proposed routeway to the large pond associated with the sand/gravel quarry, which has the invasive fish species

Roach, and that the area adjacent to the pond is not developed as an amenity area.

- Important that the existing Penny Brook crossing has adequate capacity for future flow predictions and that the existing crossing does not represent a barrier to fish migration.
- Clarification on any works to the existing roadways (widening/realignment) and ask that the impacts from any such works upon the Derry and Slaney River downstream are fully considered.
- Systems should be put in place to ensure that there shall be no discharge of suspended solids or any other deleterious matter to watercourses during the construction phase and during any landscaping works. These systems should be adequate to deal with periods of prolonged rainfall.
- Given the scale of the proposed works the pollution threat from concrete and concrete/cement washings is significant. Good housekeeping is of the utmost importance while using concrete or cement near watercourses.
- Fuels, oils, greases and hydraulic fluids must be stored in bunded compounds.
- Refuelling of machinery must be carried out in bunded areas.

8.2. Public Submissions

8.2.1. There are no public submissions on file.

8.3. EIA Screening

8.3.1. There is no provision under Section 177AE of the Planning and Development Act, 2000 as amended, to require Environmental Impact Assessment or to carry out a formal EIA Screening Determination for a Local Authority project, which was submitted under this section of the Act.

8.3.1. Screening for EIA is only required either if the proposed development (a) constitutes a sub threshold development being of a class of development as set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations or (b) having regard to the definition of a road (Part 1 Section 2 Roads Act 1993 as amended), falls within a class of development set out in Section 50 (1) (a) of the Roads Act, 1993, as substituted by S. 9 (1) (d) (i) of the Roads Act 2007. The proposed development

described as a pedestrian cycle route and bridge (with a total length of c400m) is not of a development type for the purposes of Part 10 listed in Schedule 5 of the Planning and Development Regulations, 2001 (as amended). Under the Roads Act (Section 50(1)(a)) it is stated that a road authority or the Authority shall prepare a statement of the likely effects on the environment ('environmental impact statement') of any proposed road development it proposes consisting of —

(i) the construction of a motorway,

(ii) the construction of a busway,

(iii) the construction of a service area, or

(iv) any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of an existing public road.

8.3.2. The proposal does not constitute any of these types of development.

8.3.3. Article 8 (b) of the Roads Regulations requires the preparation of an EIA for the construction of a new bridge or tunnel which would be 100 metres or more in length. As the bridge measures 35m in length, it is significantly below the mandatory threshold. Section 2.3.3 of the "Environmental Impact of National Road Schemes – Practical Guide" (National Roads Authority, 2008) in relation to the Consideration of Environmentally Sensitive Sites states that if a proposed sub-threshold road scheme would be located on an environmentally sensitive site, the road authority shall decide whether it would or would not be likely to have significant environmental impacts.

8.3.4. A (Revised) EIA Screening Report (dated October 2023) submitted as part of the RFI Response states that EIA is not mandatory as the project is listed under Part 1 of Schedule 5 of the Planning Regulations (Section 5.3). In addition, it is stated none of the classes under Part 2 of Schedule or projects under Section 50(1)(b) and (c) of the Roads Act and Article 8 of the Roads Regulations trigger the mandatory requirement for EIA. Nonetheless, the Applicant screened the development in terms of Schedule 7 criteria and concluded that the proposed development will not result in any significant environmental impacts.

8.3.5. Having regard to the scale and nature of works on lands within a rural area and information on file, I consider that the proposed development would not have a significant environmental impact.

9.0 Assessment

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

9.1.1. The proposed development consists of the construction of a pedestrian and cycle route and bridge over the River Derry to join the South Leinster Way and The Wicklow Way. The proposal seeks to enhance the safety and connectivity between the villages of Clonegal and Kildavin for all road users, focusing on sustainable travel modes.

9.1.2. The proposed works comprise:

- a new two-span, pedestrian/cycle bridge approx. 3.5m wide and 35m long;
- the northern section of the bridge (c.15.5m) will traverse the River Derry, while the southern section (c.10.9m) will traverse low-lying land south of the River.
- The prefabricated, stone clad reinforced concrete structure bridge will be supported on three piled abutments. The abutments will be setback 2.7m from the banks of the Derry River.
- The proposed pedestrian/cycle route either side of the bridge crossing is to be constructed generally at grade and following the levels of the existing topography. It is to be constructed in accordance with cycle trail pavement type C1 of TII Design Guide DN-GEO-03047 Rural & Cycleway.
- Fencing will be erected either side of the pathway to delineate the route. In addition, gates will be provided at either ends of the pathway.

The bridge will cross the Derry River in a single span. No instream works or works to the banks of the River will be required.

9.1.3. As outlined in Section 6.0 above, greenways are strongly advocated at a national, regional and local policy level in particular CG. P12 of the Carlow CDP which aims to maximise the recreational opportunities for the village through the proposed connection/link between the Wicklow Way and the South Leinster Way. Whilst the proposed route is relatively short in comparison to many other permitted and existing greenways, as stated above, it will join the South Leinster Way and The Wicklow Way and as such would be a key infrastructural component. I am satisfied that the proposed development would be consistent with strategic policy objectives to encourage and

promote designated cycle and walking trails and provide enhanced recreational amenities. Furthermore, I note from my site visit that there is a notable volume of HGVs in the rural area associated with local quarrying activities. The proposal will provide for a safer means of travel for pedestrians and cyclists. Section 11.13.1 of the Carlow CDP states that funding has been received for the project under the ORIS. I am satisfied that the applicant has provided adequate background information to justify the need for the proposed works.

9.1.4. In summary, having regard to the nature and scale of the works, I consider the principle of development acceptable subject to an assessment of the effects on the environment and integrity of the Natura 2000 network.

9.2. The Likely Effects on the Environment

9.2.1. The Board should note that the subject application has been made under section 177 AE of the Planning and Development Act 2000 as amended, and in this context, regard must be had to the broader environmental impacts of the development.

9.2.2. The sub categories to assess the broader environmental impact are listed below. It should be noted that these sub categories do not follow the formal headings as in EIA Directive 2014, but are considered most relevant to the project in determining its broader environmental impact.

- Design
- Population and Human Health
- Water
- Biodiversity
- Cultural Heritage.

9.3. Design

9.3.1. The bridge will have two spans: one span crossing the River and the second span crossing the low-lying grounds on the southern side. It will be constructed using a combination of pre-cast and cast-in situ elements. The Revised NIS (October 2023) and planning drawings outline that the bridge will be clad with cut stone of approximately 150m size designed to match the nearby road bridge over the Slaney

River.[1] The base of the bridge will have a minimum vertical clearance of 2.3m above the normal river level at its centre. The cross-sectional basal width of the bridge superstructure will be 3.54m with an internal usable space of 2m. The parapet walls will be a minimum of 1.25m in height. The abutments will be setback a minimum of 2.7m from the banks of the River. In response to concerns raised by the IFI, the Applicant confirmed that the bridge will be designed to withstand accidental loadings which come from hydraulic pressure of any flooding and collision from loose debris as part of the detailed design process. The current level of the bridge has been set above the considered flood level of the area as directed by the flood risk assessment. As such, no scouring of the riverbed is anticipated.

9.3.2. In terms of the pathway, it will be constructed in a typical greenfield environment. The level of the route will be constructed at-grade to minimise excavation and removal of material from the site. The Construction Methodology (October 2023) states that the pavement construction will be Pavement Type C1 in compliance with TII design standard DN-GEO-03047 Rural Cycleway Design (Offline and Greenway). The pavement will be constructed on existing subgrade with a CBR of >2.5% with 200mm of unbound granular mixture (UGM) subbase and a 75mm gravel surface course. Section 3 of the Revised EIA Screening Report states that "*the stone path maybe surface dressed to reduce maintenance requirements and offer a resilient form of construction that will not be destroyed as a result of flooding*". Having regard to the fact that the proposal is located in a flood zone (see Section 9.5 below), I recommend that should the Board approve the scheme, that a condition be attached requiring that the pathway be finished with an impermeable surface to avoid potential increases of sedimentation entering the River, which forms part of the Slaney River SAC, during flooding periods impacting on water quality.

9.3.3. The Planning Report outlines that timber fencing is proposed between the field entrance and the route with no engineered barrier between the river and the route. It is stated that this will prevent general meandering through agricultural lands. Natural

[1] I note that Revised EIA Screening Report and Planning Report state that the bridge will have an open form to allow maximum visibility and will be subject to agreement with the local authority. It is stated that timber finish would be considered the most appropriate. I consider these statements to be errors as they do not correspond with the planning drawings submitted with the application.

mid-level barrier planting will be provided on approach to the bridge crossing. Native species of hedging, locally sourced, will be utilised for biodiversity enhancement.

9.3.4. Whilst the proposed development will introduce a new structure of significance, having regard to the location of the bridge and the design attempts to mimic the existing stone arch road bridge further downstream on the Slaney River, I do not consider that it will significantly alter the character or visual amenity of the surrounding landscape and would be an acceptable intervention in the rural setting. The Applicant highlights that the crossing location was selected as there was a historical connection at this point.

9.3.5. I consider that the proposed bridge will provide an attractive amenity for pedestrians and cyclists to enjoy views of the River and the surrounding rural area and will provide a significantly improved experience in terms of safety.

9.4. Population and Human Health

9.4.1. The delivery of the pedestrian/cycle route and bridge will provide a safe route for locals, in addition to improving connectivity and accessibility between the villages of Clonegal and Kildavin. Importantly, it will join the South Leinster Way and The Wicklow Way improving the additional active and passive recreation amenities for locals and tourists.

9.4.2. Having regard to the rural location of the proposed works removed from the village centres and the scale of the proposal, I consider that there will be relatively minor short-term impacts during the construction phase of the proposal. The Construction Methodology (October 2023) states that a Temporary Traffic Management Plan (TTMP) in consultation with Carlow County Council's Roads and Transportation Department prior to the commencement of construction. Section 4 of the Construction and Environmental Management Plan states that HGV movements are not expected to exceed 2 vehicles per hour during the busiest period of the construction works. The site will be accessed from the north and south by way of existing field accesses from public roads.

9.4.3. During the operational phase, the greenway would provide many benefits in terms of its recreational and amenity value and potential positive impacts on human health. The bridge will be designed to ensure sufficient height to allow passage beneath on the river for leisure activities.

9.4.4. In summary, I consider that the proposal will have a positive impact on the quality of the population and human health. The proposal is a pivotal piece of infrastructure that will improve route safety and connectivity between the villages of Clonegal and Kildavin.

9.5. Hydrology

Water Quality

9.5.1. The EIA Report states that the River Derry forms part of the Slaney catchment and is approx. 7-8m wide at the proposed crossing point and 0.5-1m in depth. Approximately 100m downstream of the proposed crossing point, the Derry River merges with the main channel of the Slaney River. The Slaney River then flows south and south-east for approx. 50km before reaching Wexford Harbour. The final 20km of the river (downstream of Enniscorthy) is estuarine. The Derry River has a Moderate status, while the freshwater section of the Slaney Rover ranges from Moderate to Good. The lower sections of the Slaney River have Poor status.

9.5.2. There are no instream works (including propping) proposed as part of the development. The abutments will be cast in-situ and will involve pouring concrete within 2.7m of the River. Silt fences will be installed between the abutments and the River on both sides of the River for 10m in length and will be curved away from the river bank to ensure that overload flow of water is captured and cannot flow around the sides. The base of the fencing will be buried underground and will be held in an upright position using a temporary fence or wooden supports.

9.5.3. A number of other mitigation measures are outlined in the Revised NIS[2] (Section 6) to protect water quality:

- The main construction compound will be off-site and where planning permission is required for same, it will be sought separately.
- Construction materials and precast elements will only be brought to site when required.

[2] These measures are repeated in the EIA.

- No welfare facilities, fuel storage or refuelling activities will be carried out at the off-site compound. If any on-site refuelling is required, it will take place at least 50m away from the river. Immobile plant will be refuelled over drip-trays.
- While in operation, diesel pumps, generators or other similar equipment will be placed on drip trays to catch any leaks.
- Spill kits will be kept on-site if any spills occur, work will cease immediately and measures will be taken to intercept hydrocarbons or chemicals before they can reach the river.
- Concrete pouring/mixing will only take place in dry weather conditions.
- If any on-site mixing of concrete is required, it will be carried out at least 50m away from the River. If any cement-based products will be stored on-site, they will be kept in a sheltered area at least 50m away from the river and will be covered.
- Ready-mix lorries and larger plant will not be cleaned on site, but rather will be taken to an appropriate off-site facility. If any on-site cleaning of tools or concrete-batching plant is required, it will take place at least 50m away from the river.
- Excavation works will be suspended if high intensity local rainfall events are forecast.
- If any excavations need to be dewatered, an SS-contaminated water will be collected and pumped into a propriety settlement tank system and then discharged to a soakaway located at least 50m away from the river.
- Stockpiles of mud, sand, or other fine sediments will be stored at least 50m away from the river.
- Dust suppression and road cleaning measures will be implemented in accordance with IFI guidelines.

9.5.4. Section 5 of the CEMP contains similar measures as the NIS. In relation to the use of a proposed proprietary sediment settlement tank, the CEMP states that a geotextile liner will be placed over an infiltration trench to remove any residual sediment before infiltration to the underlying geology. The infiltration trench is to be constructed in

advance of any topsoil stripping or earthworks and forms part of the permanent construction of the access path. Dwg. No. 210145-1-95-SW-XXX-DR-DBFL-CE-1201 Revision P02 which was submitted with the RFI Response states that "*All surface water run-off and sediment laden ground water from excavations shall be directed to a proprietary sediment settlement tank placed 50 metres from the river [location to be agreed with the project ecologist].*"

9.5.5. I concur with the Applicant's statement in the Revised NIS that many of the measures listed above are "*standard pollution control measures that are regularly used on construction sites in Ireland and confidence in their success is high*". With respect to the construction compound, the Applicant states that it will be off-site and where planning permission is required for same, it will be sought separately, which would involve screening for AA. Having regard to the narrow and tight profile of the red line boundary to the proposed works area, in my opinion, there is insufficient space for Board to specify where the construction compound could be located via condition attached to an approval. However, having regard to the scale and nature of the proposed development, in particular the number of abutments and the extent of excavation required for their construction, subject to the implementation of the mitigation measures listed above, and the identification of the off-site compound in the final CEMP, which should be prepared in consultation with the project ecologist, prior to the commencement of the development, I am satisfied that the proposed development will not adversely impact on water quality.

Flooding

9.5.6. The Applicant's Flood Risk Assessment (April 2023) states that the proposed pedestrian cycle route to the north of the River Derry and part of the south falls with the 1% AEP flood plain. The most significant flood risk to the proposed development is from fluvial flooding associated with the River Derry and River Slaney.

9.5.7. Section 4.3.3 of the FRA states that a comparative assessment between a topographical survey and CFRAM mapping suggests a flood level of approx. 36m OD on the northern field dropping to 35m OD on the southern and surrounding fields. The Applicant contends that there is an error with the flood mapping or that the flood waters from the River Slaney are breaching the banks upstream and are moving in a

secondary route over land, permeating into the underlying geology with small volumes moving into the channel of the River Derry.

9.5.8. Table 3.2 of the Planning System Flood Risk Management Guidelines considers the use on water-compatible development appropriate on lands within Flood Zone A or application of the justification test for proposals for less vulnerable development. Water-compatible development, such as amenity open space and outdoor sports and recreation is considered appropriate. I consider the proposal can be defined as amenity open space and is considered water compatible.

9.5.9. In terms of surface water management, the Applicant states that the path will drain naturally to the underlying soil. This will be a combination of a mix of over the edge drainage as well as draining through the permeable layers of the pavement build-up. The bridge will be constructed with a minimum longitudinal fall of 1:200 on the deck to provide for the removal of surface water which will naturally drain to the surrounding area. There would not be any significant increase in surface water runoff having regard to the open undeveloped environment. Noting that the site is located in a flood zone which is partially drained by the Derry River which forms part of the Slaney River Valley SAC, I recommend that the pathway be finished with an impermeable surface to protect water quality. This would result in a very minor increase in hard surfaced area, however acknowledging the surrounding open undeveloped environment, I do not consider that it would significantly increase the flooding risk in the area.

9.5.10. The Applicant highlights that flooding will be rare and as such a formal warning system is not required. Nonetheless, it is stated it is the intention of Carlow County Council that when storm events are notified by Met Eireann, a representative would visit the route and put signage in pace notifying the closure of the route if necessary.

9.5.11. In summary, having regard to the nature and extent of the proposed development, I do not consider the works will cause any flood displacement or exacerbate flooding occurrence or consequences.

9.6. Biodiversity

Habitats

9.6.1. As part of the RFI Response, the Applicant provide a classification of habitats according to the Fossitt scheme occurring in the area of the proposed works. The habitats consist of Depositing/lowland rivers (FW2), Riparian woodland (WNS),

Broadleaved Woodland (WD1), Scrub (SW1), Arable crops (BC1), Improved agricultural grassland (GA1), and Active quarry (ED4)/artificial lake (FL8). The majority of the site is within arable crops (BC1) and Improved Agricultural Grassland (GA1). The Applicant highlights that there is a patch of woodland adjoining the quarry that could be considered to be Alluvial forests with Alnus glutinosa and Fraxinus excelsior which is a qualifying interest of the Slaney River Valley SAC (Site code: 000781), notwithstanding that it is not shown in the Site's Specific Conservation Objectives Series for the European Site. Accordingly, the Applicant states that it is not one of the best examples of this type of habitat. There are no works proposed in this area and as such, the proposed development will have no direct impacts on this habitat.

Invasive Species

9.6.2. Two invasive species were recorded in the area: Japanese Knotweed and Himalayan Balsam (See Dwg. No.210145-1-95-SW-XXX-DR-DBFL-CE-1200, Revision P02). An Invasive Species Management Plan (ISMP) (27th October 2023) was submitted with the RFI Response. The Applicant states that Himalayan Balsam is widespread throughout the Slaney River, including within the subject site. A large patch was identified in a depression by the entrance to the arable field at the northern end of the site. Japanese Knotweed was recorded outside of the site boundary on opposite sides of the track approx. 80-90m north-east of the site. Section 3 of the ISMP outlines a management strategy with the following objectives:

- Treat plants in the footprint of works, both prior to and during works.
- Install fencing to prevent Japanese Knotweed overhanging the access track.
- Continue treatment until Japanese Knotweed is eradicated. It will not be feasible to eradicate Himalayan Balsam, because it is widespread in the river catchment and will recolonise the site.

9.6.3. The ISMP states that herbicide/manual treatment will continue during construction. This will ensure that no Himalayan Balsam seeds are spread during the works and will reduce the height off the Japanese Knotweed. Before construction commences a temporary construction fence will be installed along each side of the track that leads to the northern side of the site where Japanese Knotweed has been identified. This will ensure that all knotweed stems are held back from the road surface and prevent from snagging or passing construction vehicles. Notice should be placed on the fence

to inform construction personnel that the area contains Japanese Knotweed. Annual monitoring and treatment should continue after the completion of construction works. This will allow ongoing assessment of all of known infestations and also the identification of plants that have accidentally been spread during construction. It is important to identify an appropriate endpoint for monitoring and which time Carlow County Council can consider to have fully met its responsibilities regarding invasive species this would be when all Japanese Knotweed recorded during the base line surveys in 2023 have been eradicated and it can be demonstrated that the project has not caused the spread of any of these species outside the areas. It is acknowledged that Himalayan Balsam is widespread throughout the Slaney catchment and it will inevitably recolonize the site in the future so a reasonable end point in this regard will be the clearance of plants within the red line boundary.

The proposed development will result in increased activity in the area, which may spread the invasive species. However, I consider that the ISMP proposes reasonable measures in relation to the eradication/control of the species.

Trees

9.6.4. In terms of trees, as outlined above, Riparian Woodland (WN5) was recorded as part of the site's habitat classification. Alluvial forests with Alnus glutinosa and Fraxinus excelsior, a qualifying interest of the Slaney River Valley SAC (Site code: 000781), was recorded to the north of the site, adjoining the quarry. The Applicant confirms in the EIA (Section 5.2) that the proposed development will not require the removal of any stands of trees or individual specimens of significance. The Applicant states in the RFI Response that as it was evident that the proposed scheme would not have any impact on stands of trees of any individual specimens of significance, a tree survey was not completed. However, the Applicant commits to undertaking a detailed tree survey as part of the detailed design process and submitted in compliance of any conditions imposed. To ensure minimum impact to trace the contractor will follow the guidance from the National Road's Authority in establishing real protection areas. This will be established in consultation with the project arborist.

Badger

9.6.5. The EIA (October 2023) highlights that a badger subsidiary set was found in a ridge of sand between the arable field and the quarry lake. The Applicant states that it

appears that the tunnels and chambers are all contained within the sand ridge to the south of the edges; it would not extend under the arable fields because the water table is high at this location. The Applicant states that, therefore, the set will not be directly affected by the proposed development. Nonetheless, the Applicant notes that construction work will take place in close proximity to the set including the construction off the paved surface, passage of heavy vehicles (notably the crane) and the installation of fencing. These activities have potential to cause noise and vibration and more disturbed badges occupying the set. It is unlikely to kill or injure the badgers but might cause them to abandon the set.

Section 6.4 of the EIA outlines a number of mitigation measures to avoid or minimize disturbance of Badgers during construction in accordance with TII's *Guidelines for the treatment of badgers prior to the construction of national road schemes* (2006). It is proposed that Badgers are temporarily excluded from the set for a 21-day period while construction works are taking place by one-way gates that will be secured in closed position to prevent badgers re-entering the sett. The sett will be reopened when construction is completed. As the sett is considered to be a subsidiary sett rather than a main sett, the Applicant contends that it is not necessary to provide an artificial set. The condition of the gates will be monitored by the ECoW and if the sett is reoccupied the exclusion process will restart. The mitigation strategy is to be discussed with the local Conservation Ranger of the NPWS prior to the commencement of any works, and a final mitigation strategy will be agreed. I note that the CEMP states that an ECoW will be engaged to assist with the implementation of the mitigation measures. Subject to the implementation of the mitigation strategy outlined by the Applicant, I am satisfied that there will be no long-term adverse impacts on badgers.

Otter

9.6.6. The Applicant has advised that no otters holts, breeding or resting areas were recorded within 150m of the bridge crossing. Whilst no otter spraints or other field signs were recorded, it is noted that the species is a qualifying interest of the Slaney River SAC and that they are reported to be widespread within the SAC. The Applicant states that it is certain that the species forages along the river in the vicinity of the site. The Applicant contends that as the abutments will be set back at least 2.7m from the riverbanks, no-stream works or changes to the river channel, the proposed development will not obstruct otter foraging either within the river or along the banks.

Section 6 of the EIA list various mitigation measures to protect water quality during the construction phase. As such, the Applicant contends that the proposed development will not negatively impact on food supplies for the species. Having regard to the information on file and subject to the implementation of appropriate mitigation, I am satisfied that the proposed development will not have any long-term adverse impacts on Otter.

Bats

9.6.7. Whilst no bat roost features were identified, the Applicant states in the EIA that the site is considered to be of Local importance for foraging purposes. As outlined above, no tree felling is proposed. In addition, the Applicant has confirmed as part of the RFI Response that no lighting will be provided, including underneath the bridge. Having regard to the foregoing, and noting the scale and nature of the project and that the works will be undertaken during the daytime, I do not consider it likely that the proposed development would adversely impact on the local bat population.

Aquatic Ecology

9.6.8. Whilst no surveys were carried out, the Applicant states that it is assumed that the qualifying interests of the Slaney River Valley SAC (freshwater pearl mussel, sea lamprey, brook lamprey, river lamprey, twaite shad and salmon) are present in the River Derry. I reiterate that no in-stream works are proposed. In addition, subject to implementation of various water protection measures outlined in the CEMP and EIA, no adverse impacts on water quality are anticipated (see Section 9.5 above.)

9.6.9. The IFI highlighted that the invasive fish species Roach is present in the adjacent quarry pond. The Applicant has confirmed as part of the RFI that the area adjacent to the pond will not be developed as an amenity area, with no public access to be provided. Having regard to the foregoing, I consider that the proposed development does not represent a risk to the spread of the invasive species.

Biodiversity – Conclusion

9.6.10. Having regard to the documentation submitted with the original application and as part of the RFI Response, conducted a site visit, and the nature and extent of the proposed development, I am satisfied that the proposed development will not have a significant impact on the area's local biodiversity, subject to the implementation of the proposed mitigation measures in the EIA and CEMP.

9.7. Cultural Heritage

9.7.1. The subject site is not covered by any sensitive cultural heritage designations, and it does not lie within a Zone of Archaeological Interest or an Architectural Conservation Area. Nonetheless, the Applicant highlights that Clonegal is an important historical settlement. In my opinion, the proposed development would not adversely affect the character or setting of any Recorded Monuments, Protected Structures, or NIAH features. However, given the proximity of the site to a number of these structures including Huntington Castle (RPS CW50), Bridge House (RPS WCCC1051), and River Bridge (PRS CW331) and noting that the proposed bridge crossing location was selected as there was a historical footbridge at this point before, it is possible that as yet undiscovered artefacts may be uncovered during the works and archaeological monitoring should be required. This matter could be addressed by way of a planning condition. It is noted that several policies and objectives in the CDPs seek to secure the protection and conservation of historic items of archaeological and cultural heritage interest, and the proposed development would comply with these policies.

9.8. Other Environmental Considerations

9.8.1. Having regard to the nature, scale and location of the proposed development and duration of the proposed works, I do not consider that it would have any negative long-term impacts on the area's material assets, land, or soil. The proposed development will provide a sustainable and safer route from pedestrians and cyclists and increase connectivity in the area. I consider that this will have a positive impact on air, climate and human health.

9.8.2. In conclusion, I am satisfied that the development will not result in likely significant effects on the environment.

9.9. The Likely Significant Effects on a European Site

9.9.1. 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

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

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

9.11. **The Natura Impact Statement**

9.11.1. The RFI Response was accompanied by a Revised NIS (27th October 2023) which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required for one site (Section 4.5). The NIS outlined the methodology used for assessing potential impacts on the habitats and species within two European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

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

- A desk top study.
- Site inspection on 25th February 2022 and 22nd October 2023 with the primary focus on the route that crosses the Derry River.
- Searches for field signs of fauna (notably otter) were also carried out along both banks of the river for 150m upstream and downstream of the crossing point.

9.12.1. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not adversely affect the integrity of the Slaney River Valley SAC or any other European Site.

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

identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided and they are summarised in Section 6 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

9.13. **Appropriate Assessment**

9.13.1. The proposed development of the pedestrian/cycle route and bridge is not directly connected with or necessary to the management of any European site.

9.13.2. 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 (SAC/SPA)	**Qualifying Interests and conservation objectives** **C: currently under review** **M: maintain favourable conservation condition** **R: restore favourable conservation condition**	**Distance (as-the-crow-flies)**
Slaney River SAC, site code 00781	Freshwater Pearl Mussel Margaritifera margaritifera (1029) C Sea Lamprey Petromyzon marinus (1095) R Brook Lamprey Lampetra planeri (1096) R River Lamprey Lampetra fluviatilis (1099) R Twaite Shad Alosa fallax (1103) R Atlantic Salmon Salmo salar (only in fresh water) (1106) R Estuaries (1130) M Mudflats and sandflats not covered by seawater at low tide (1140) M Otter Lutra lutra (1355) R Harbour Seal Phoca vitulina (1365) M Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation (3260) M Old sessile oak woods with Ilex and Blechnum in the British Isles (91A0) R	0m - Development site is partially located within this European Site

European site (SAC/SPA)	Qualifying Interests and conservation objectives C: currently under review M: maintain favourable conservation condition R: restore favourable conservation condition	Distance (as-the-crow-flies)
	Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) (91E0) R	
Blackstairs Mountains SAC, site code 000770	Northern Atlantic wet heaths with Erica tetralin (4010) M European dry heaths (4030) M	6.33km southwest

9.13.3. Based on my examination of the Revised NIS report and supporting information (including EIA, CEMP, and ISMP), the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for the River Slaney Valley SAC (Site code: 000781).

9.13.4. The Blackstairs Mountains SAC (site code 000770) can be screened out from further assessment because of the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distance and the lack of a substantive linkage between the proposed works and the European Site. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Blackstairs Mountains SAC (site code 000770) in view of the site's conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

9.14. **Relevant European sites:** The Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for the site, are set out below.

Table 2: Slaney River SAC (Site Code 000781)					
Summary of Key issues that could give rise to adverse effects: • **Impacts to water quality through construction related pollution events (e.g. chemicals, oil/fuel, cementitious materials etc.) or sediments/silt run-off.** • **Disturbance and or displacement of species listed as qualifying interests due to potential water quality impacts during construction or disturbance of foraging/commuting routes or breeding habitats.** • **Habitat loss, fragmentation or alteration.** • **Introduction of invasive species or biosecurity issues during construction.**					
Conservation Objectives: Slaney River Valley SAC | National Parks & Wildlife Service (npws.ie)					
Summary of Appropriate Assessment					
Qualifying Interest feature	**Conservation Objectives Targets and attributes**	**Potential adverse effects**	**In-combination effects**	**Mitigation measures**	**Can adverse effects on integrity be excluded?**
91E0 * Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)	To restore the favourable conservation condition of Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion) in the Slaney River Valley SAC, which is defined by the following list of attributes and targets: - Habitat area: Area stable or increasing, subject to natural processes, at least 18.7ha for sites surveyed - Habitat distribution: No decline. Surveyed locations shown on map 6 - Woodland size: Area stable or increasing. Where topographically possible, "large" woods at least	Although not recorded on Map 6 of the SSCO, the Applicant notes that the patch of trees north of the quarry may be classified as 'Alluvial Forests'. There are no works proposed in this area. In addition, the Applicant has confirmed in the RFI Response that no stands of trees or individual specimens of significance will be removed.	None.	See Section 9.15 below. No trees are to be felled as part of the proposed development. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures are also set out in the NIS to	Yes No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.

	25ha in size and “small” woods at least 3ha in size - Woodland structure: cover and height: Diverse structure with a relatively closed canopy containing mature trees; subcanopy layer with semi- mature trees and shrubs; and well-developed herb layer - Woodland structure: community diversity and extent: Maintain diversity and extent of community types - Woodland structure: natural regeneration: Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy - Hydrological regime: Flooding depth/height of water table: Appropriate hydrological regime necessary for maintenance of alluvial vegetation - Woodland structure: dead wood: At least 30m³/ha of fallen timber greater than 10cm diameter; 30 snags/ha; both categories should include stems greater than 40cm diameter (greater than 20cm diameter in the case of alder)	Siltation or pollution, invasive species could decrease water quality negatively impacting on the habitat areas downstream of the site during the construction phase.		prevent the spread of invasive species/ biohazards. Ecological Clerk of Works to be appointed to ensure that the mitigation strategies for important ecological features are represented in the contractors construction management plan and method statements.	

	- Woodland structure: veteran trees: No decline - Woodland structure: indicators of local distinctiveness: No decline - Vegetation composition: native tree cover: A variety of typical native species present, depending on woodland type, including alder (Alnus glutinosa), willows (Salix spp) and, locally, oak (Quercus robur) and ash (Fraxinus excelsior) - Vegetation composition: negative indicator species: Negative indicator species, particularly non-native invasive species, absent or under control				
91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles	To restore the favourable conservation condition of old sessile oakwoods with Ilex and Blechnum in the Slaney River Valley SAC, which is defined by the following list of attributes and targets: - Habitat area: Area stable or increasing, subject to natural processes, at least 146.17ha for sub-sites surveyed. See map 6 - Habitat distribution: No decline. Surveyed locations shown on map 6 - Woodland size: Area stable or increasing. Where topographically	Whilst the Applicant does not record this habitat in the immediate area of the site, Map 6 of the SSCO illustrates that the habitat is located downstream of the subject site at Bunclody. Siltation or pollution, invasive species could decrease water quality negatively impacting on the	None	See Section 9.15 below. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures are also set out in the NIS to prevent spread of invasive species/	Yes No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity

	possible, "large" woods at least 25ha in size and “small” woods at least 3ha in size - Woodland structure: cover and height: Diverse structure with a relatively closed canopy containing mature trees; subcanopy layer with semi- mature trees and shrubs; and well-developed herb layer - Woodland structure: community diversity and extent: Maintain diversity and extent of community types - Woodland structure: natural regeneration: Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy - Woodland structure: dead wood: At least 30m³/ha of fallen timber greater than 10cm diameter; 30 snags/ha; both categories should include stems greater than 40cm diameter - Woodland structure: veteran trees: No decline - Woodland structure: indicators of local distinctiveness: No decline - Vegetation composition: native tree cover: No decline. Native tree cover not less than 95%	habitat area during the construction phase.		biohazards. Ecological Clerk of Works to be appointed to ensure that the mitigation strategies for important ecological features are represented in the contractors construction management plan and method statements.	

	- Vegetation composition: typical species: A variety of typical native species present, depending on woodland type, including oak (Quercus petraea) and birch (Betula pubescens) - Vegetation composition: negative indicator species: Negative indicator species, particularly non-native invasive species, absent or under control				
3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation	To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation in the Slaney River Valley SAC, which is defined by the following list of attributes and targets: - Habitat distribution: No decline, subject to natural processes. See map 6 for mapped known extent - Habitat area: Area stable at 12.6km or increasing, subject to natural processes. See map 6 - Hydrological regime: river flow: Maintain appropriate hydrological regimes - Hydrological regime: tidal influence: Maintain natural tidal regime	The Applicant states that the Derry River and Slaney River are 3260 Water courses of plain to montane levels. Siltation or pollution, invasive species could decrease water quality negatively impacting on the water quality during the construction phase.	None	See Section 9.15 below. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures are also set out in the NIS to prevent spread of invasive species/ biohazards. Ecological Clerk of Works to be appointed to ensure that the mitigation strategies for	Yes No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.

	- Substratum composition: particle size range: For the tidal sub-type, the substratum of the channel must be dominated by particles of sand to gravel, with silt at the river margins - Water quality: nutrients: The concentration of nutrients in the water column must be sufficiently low to prevent changes in species composition or habitat condition - Vegetation composition: typical species: Typical species of the relevant habitat sub-type reach favourable status - Floodplain connectivity: area: The area of active floodplain at and upstream of the habitat must be maintained			important ecological features are represented in the contractors construction management plan and method statements.	
1365 Harbour Seal Phoca vitulina	To maintain the favourable conservation condition of Harbour Seal in the Slaney River Valley SAC, which is defined by the following list of attributes and targets: - Access to suitable habitat: Species range within the site should not be restricted by artificial barriers to site use. See map 7 - Breeding behaviour: The breeding sites should be maintained in a natural condition. See map 7	The SSCO only records the species in harbour areas, approx. 30km downstream of the subject site. Having regard to size, scale and nature of the proposed development, no potential indirect impacts during construction or	None	None required.	Yes

	- Moulting behaviour: The moult haul-out sites should be maintained in a natural condition. See map 7. - Resting behaviour: The resting haul-out sites should be maintained in a natural condition. See map 7 - Disturbance: Human activities should occur at levels that do not adversely affect the harbour seal population at the site. See map 7	operational phases are anticipated on this QI.			
1355 Otter Lutra lutra	- Distribution: No significant decline - Extent of terrestrial habitat: No significant decline. Area mapped and calculated as 64.7ha above high water mark (HWM); 453.4ha along river banks/ around ponds - Extent of marine habitat: No significant decline. Area mapped and calculated as 534.7ha - Extent of freshwater (river) habitat: No significant decline. Length mapped and calculated as 264.1km - Extent of freshwater (lake/lagoon) habitat: No significant decline. Area mapped and calculated as 0.4ha - Couching sites and holts: No significant decline	The Applicant conducted a 150m search upstream and downstream of the proposed crossing point and identified no signs of the species. However, the Applicant states that it is likely that Otters use the area for foraging purposes. Siltation or pollution could result in deterioration of water quality, reducing fish biomass available.	No	See Section 9.15 below. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality and consequently fish biomass. Construction during daylight hours only. Ecological Clerk of Works to be appointed to ensure that the mitigation strategies for important ecological features	Yes No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.

	- Fish biomass available: No significant decline - Barriers to connectivity: No significant increase			are represented in the contractors construction management plan and method statements.	
1140 Mudflats and sandflats not covered by seawater at low tide	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in the Slaney River Valley SAC, which is defined by the following list of attributes and targets: - Habitat area: The permanent habitat area is stable or increasing, subject to natural processes. See map 4 - Community distribution: The following community types should be maintained in a natural condition: Estuarine muds dominated by polychaetes and crustaceans community complex; and Sand dominated by polychaetes community complex. See map 5	The SSCO only records the habitat in harbour areas, approx. 30km downstream of the subject site. Having regard to size, scale and nature of the proposed development, no potential indirect impacts during construction or operational phases are anticipated on this QI.	None	None required.	Yes
1130 Estuaries	To maintain the favourable conservation condition of Estuaries in the Slaney River Valley SAC, which is defined by the following list of attributes and targets: - Habitat area: The permanent habitat area is stable or increasing, subject to natural processes. See map 3	The SSCO only records the habitat in harbour areas, approx. 30km downstream of the subject site. Having regard to size, scale and nature of	None	None required.	Yes

	- Community distribution: The following community types should be maintained in, or restored to, a natural condition: Mixed sediment community complex; Estuarine muds dominated by polychaetes and crustaceans community complex; and Sand dominated by polychaetes community complex. See map 5	the proposed development, no potential indirect impacts during construction or operational phases are anticipated on this QI.			
1106 Atlantic Salmon Salmo salar (only in fresh water)	To restore the favourable conservation condition of Salmon in the Slaney River Valley SAC, which is defined by the following list of attributes and targets: - Distribution: extent of anadromy: 100% of river channels down to second order accessible from estuary - Adult spawning fish: Conservation Limit (CL) for each system consistently exceeded - Salmon fry abundance: Maintain or exceed 0+ fry mean catchment-wide abundance threshold value. Currently set at 17 salmon fry/5 min sampling - Out-migrating smolt abundance: No significant decline - Number and distribution of redds: No decline in number and distribution of spawning redds due to anthropogenic causes	Whilst no surveying of the River Derry or Slaney was undertaken the Applicant assumes that the species is present. Siltation or pollution could decrease water quality during the construction phase.	None	See Section 9.15 below. No instream works are proposed. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures are also set out in the NIS to prevent spread of invasive species/ biohazards. Ecological Clerk of Works to be appointed to ensure that the mitigation	Yes No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity

	- Water quality: At least Q4 at all sites sampled by EPA			strategies for important ecological features are represented in the contractors construction management plan and method statements.	
1103 Twaite Shad Alosa fallax	To restore the favourable conservation condition of Twaite shad in the Slaney River Valley SAC, which is defined by the following list of attributes and targets: - Distribution: extent of anadromy: Greater than 75% of main stem length of rivers accessible from estuary - Population structure- age classes: More than one age class present - Extent and distribution of spawning habitat: No decline in extent and distribution of spawning habitats - Water quality- oxygen levels: No lower than 5mg/l - Spawning habitat quality: Filamentous algae; macrophytes; sediment: Maintain stable gravel substrate with very little fine material, free of filamentous algal (macroalgae) growth and macrophyte (rooted higher plants) growth	Whilst no surveying of the River Derry or Slaney was undertaken the Applicant assumes that the species is present. Siltation or pollution could decrease water quality during the construction phase.	None	See Section 9.15 below. No instream works are proposed. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures are also set out in the NIS to prevent spread of invasive species/ biohazards. Ecological Clerk of Works to be appointed to ensure that the mitigation	Yes No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity

				strategies for important ecological features are represented in the contractors construction management plan and method statements.	
1099 River Lamprey Lampetra fluviatilis	To restore the favourable conservation condition of River lamprey in the Slaney River Valley SAC, which is defined by the following list of attributes and targets: - Distribution: extent of anadromy: Greater than 75% of main stem and major tributaries down to second order accessible from estuary - Population structure of juveniles: At least three age/size groups of river/brook lamprey present - Juvenile density in fine sediment: Mean catchment juvenile density of brook/river lamprey at least 2/m - Extent and distribution of spawning habitat: No decline in extent and distribution of spawning beds - Availability of juvenile habitat: More than 50% of sample sites positive	Whilst no surveying of the River Derry or Slaney was undertaken the Applicant assumes that the species is present. Siltation or pollution could decrease water quality during the construction phase.	None	See Section 9.15 below. No instream works are proposed. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures are also set out in the NIS to prevent spread of invasive species/ biohazards. Ecological Clerk of Works to be appointed to ensure that the mitigation	Yes No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity

				strategies for important ecological features are represented in the contractors construction management plan and method statements.	
1096 Brook Lamprey Lampetra planeri	To restore the favourable conservation condition of Brook lamprey in the Slaney River Valley SAC, which is defined by the following list of attributes and targets: - Distribution: Access to all water courses down to first order streams - Population structure of juveniles: At least three age/size groups of brook/river lamprey present - Juvenile density in fine sediment: Mean catchment juvenile density of brook/river lamprey at least 2/m² - Extent and distribution of spawning habitat: No decline in extent and distribution of spawning beds - Availability of juvenile habitat: More than 50% of sample sites positive	Whilst no surveying of the River Derry or Slaney was undertaken the Applicant assumes that the species is present. Siltation or pollution could decrease water quality during the construction phase.	None	See Section 9.15 below. No instream works are proposed. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures are also set out in the NIS to prevent spread of invasive species/ biohazards. Ecological Clerk of Works to be appointed to ensure that the mitigation	Yes No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity

				strategies for important ecological features are represented in the contractors construction management plan and method statements.	
1095 Sea Lamprey Petromyzon marinus	To restore the favourable conservation condition of Sea lamprey in the Slaney River Valley SAC, which is defined by the following list of attributes and targets: - Distribution: extent of anadromy: Greater than 75% of main stem length of rivers accessible from estuary. - Population structure of juveniles: At least three age/size groups present - Juvenile density in fine sediment: Juvenile density at least 1/m² - Extent and distribution of spawning habitat: No decline in extent and distribution of spawning beds. Improved dispersal of spawning beds into areas upstream of barriers - Availability of juvenile habitat: More than 50% of sample sites positive	Whilst no surveying of the River Derry or Slaney was undertaken the Applicant assumes that the species is present. Siltation or pollution could decrease water quality during the construction phase.	None	See Section 9.15 below. No instream works are proposed. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures are also set out in the NIS to prevent spread of invasive species/ biohazards. Ecological Clerk of Works to be appointed to ensure that the mitigation	Yes No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity

				strategies for important ecological features are represented in the contractors construction management plan and method statements.	
1029 Freshwater Pearl Mussel Margaritifera margaritifera	The status of the freshwater pearl mussel (Margaritifera margaritifera) as a qualifying Annex II species for the Slaney River Valley SAC is currently under review. The outcome of this review will determine whether a site-specific conservation objective is set for this species	Whilst no surveying of the River Derry or Slaney was undertaken the Applicant assumes that the species is present. Siltation or pollution could decrease water quality during the construction phase.	None	See Section 9.15 below. No instream works are proposed. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality. Biosecurity measures are also set out in the NIS to prevent spread of invasive species/ biohazards. Ecological Clerk of Works to be appointed to ensure that the mitigation	Yes No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity

				strategies for important ecological features are represented in the contractors construction management plan and method statements.	
Overall conclusion: Integrity test: Following the implementation of mitigation, the construction. operation and decommissioning of the proposed development will not adversely affect the integrity of the Slaney River SAC (Site Code 000781) in light of the site's Conservation Objectives. No reasonable scientific doubt remains as to the absence of such effects.					

9.15. Mitigation

9.15.1. Section 6 of the NIS details all the mitigation measures which are proposed during the construction and operational phases of the proposal. The measures are summarised below:

- No instream works (including propping) proposed as part of the development.
- Silt fences will be installed between the abutments and the River on both sides of the River for 10m in length and will be curved away from the river bank to ensure that overload flow of water is captured and cannot flow around the sides. The base of the fencing will be buried underground and will be held in an upright position using a temporary fence or wooden supports.
- The main construction compound will be off-site and where planning permission is required for same, it will be sought separately.
- Construction materials and precast elements will only be brought to site when required.
- No welfare facilities, fuel storage or refuelling activities will be carried out at the off-site compound. If any on-site refuelling is required, it will take place at least 50m away from the river. Immobile plant will be refuelled over drip-trays.
- While in operation, diesel pumps, generators or other similar equipment will be placed on drip trays to catch any leaks.
- Spill kits will be kept on-site if any spills occur, work will cease immediately and measures will be taken to intercept hydrocarbons or chemicals before they can reach the river.
- Concrete pouring/mixing will only take place in dry weather conditions.
- If any on-site mixing of concrete is required, it will be carried out at least 50m away from the River. If any cement-based products will be stored on-site, they will be kept in a sheltered area at least 50m away from the river and will be covered.
- Ready-mix lorries and larger plant will not be cleaned on site, but rather will be taken to an appropriate off-site facility. If any on-site cleaning of tools or

concrete-batching plant is required, it will take place at least 50m away from the river.

- Excavation works will be suspended if high intensity local rainfall events are forecast.
- If any excavations need to be dewatered, the SS-contaminated water will be collected and pumped into a propriety settlement tank system and then discharged to a soakaway located at least 50m away from the river.
- Stockpiles of mud, sand, or other fine sediments will be stored at least 50m away from the river.
- Dust suppression and road cleaning measures will be implemented in accordance with IFI guidelines.
- No fuel, oil or chemical containers will be stored at the site.
- Temporary fencing to be installed around areas with Japanese Knotweed. The knotweed to be treated with herbicide to be eradicated.
- Any Himalayan Balsam within the site is to be removed by hand pulling or herbicide treatment.

9.16. **Potential In-combination Effects**

9.16.1. Potential indirect in-combination effects relate to damage to QI habitats and species because of accidental spillages and sediment run off during the works, and the accidental introduction of invasive species by construction vehicles. This could give rise to pollution, contamination and/or colonisation with resultant impacts on water quality, fisheries, crayfish, and the availability of prey species for Otter, having regard to the various plans or projects in wider area (incl. domestic, commercial & recreational projects) in the absence of mitigation. However, having regard to the implementation of the mitigation measures and recommended conditions (see below), I am satisfied that there would be no adverse cumulative effects on the European sites or their QI habitats and species.

9.17. **Residual Effects**

9.17.1. No residual impacts on any of the species or habitats where identified. I am satisfied that those mitigation measures proposed will protect the aquatic species and habitats which have the potential to be impacted.

9.18. **NIS Omissions**

9.18.1. None noted.

9.19. **Suggested Related Conditions**

9.19.1. A number of measures are proposed which can be implemented by way of condition, should the Board decide to grant permission, and are set out in full in section 6 of the NIS, some of which are set out in section 9.15 above. The NIS states that an ECoW will be appointed to ensure that the mitigation strategies for important ecological features are represented in the contractor's construction management plan and method statements. In the interest of clarity, I consider it appropriate, in the event of a grant of permission, and having regard to the nature of the works in a SAC to require the appointment of a project ecologist to oversee the construction works.

9.19.2. The off-site construction compound should be agreed with the ecologist and identified in the detailed CEMP prior to the commencement of the development.

9.19.3. Noting that the trees in the immediate vicinity of the site may be classified as 'Alluvial forest' (a QI of the Slaney River SAC), an Arboricultural Report shall be completed by a qualified arborist for written agreement with National Parks and Wildlife Services prior to the commencement of the development. This Report should detail all the necessary measures to protect trees in the immediate area of the site during the construction phase.

9.19.4. Application of mitigation measures are expressly provided for in the schedule of conditions below.

9.20. **Conclusion**

9.20.1. I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European sites in light of their conservation objectives (subject to the implementation of mitigation measures outlined above).

9.21. Appropriate Assessment Conclusions

9.21.1. Having regard to the nature, scale and location of the proposed works which are partially located in the River Slaney Valley SAC (Site code: 000781), 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 aforementioned European site, or any other European site, in view of the site's Conservation Objectives.

9.22. Recommendation

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

10.0 Reasons and Considerations

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

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

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

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

(d) the conservation objectives, qualifying interests and special conservation interests for the River Slaney Valley SAC (Site code: 000781),

(e) the policies and objectives of the Carlow County Development Plan 2022- 2028 (in particular CG. P12) and Wexford County Development Plan 2022-2028,

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

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

(h) and, the report and recommendation of the Inspector.

Appropriate Assessment:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the River Slaney Valley SAC (Site code: 000781) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Revised Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the additional information submitted to the Board, the submissions on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the River Slaney Valley SAC (Site code: 000781) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

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

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

iii. the conservation objectives for the European Sites.

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

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

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, 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.

11.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and additional plans and particulars submitted on 27th October 2023, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Revised Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record. Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.
2.	The pathway shall be finished with impermeable surface. Reason: To protect water quality and the qualifying interests of the Slaney River SAC (site code: 000781).
3.	The mitigation and monitoring measures identified in the Natura Impact Statement dated 27th October 2023 shall be implemented in full except as may otherwise be required in order to comply with other conditions. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record. Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.
4.	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 the 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 biodiversity.
5.	Prior to the commencement of development, an Arboricultural Report, including appropriate mitigation measures for the protection of trees in the vicinity of the proposed works, shall be completed by a qualified arborist for written submission and agreement with National Parks and Wildlife Services Reason: To protect Alluvial forests with Alnus glutinosa and Fraxinus excelsior a Qualifying Interest of the Slaney River Valley SAC (Site code: 000781).
6.	Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the project ecologist and relevant statutory agencies, a detailed Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement, Ecological Impact Assessment, Invasive Species Management Plan, Construction Methodology, and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include: a) all mitigation measures indicated in the Natura Impact Statement; b) Identification of the off-site compound location in accordance with the specifications outlined in the NIS and CEMP submitted as part of the RFI Response. c) Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness. d) methods to avoid pollution of the Derry River/Slaney River. Reason: In the interest of protecting the environment and the European Sites.
7.	The following nature conservation requirements shall be complied with: a) Prior to the commencement of development, details of measures to protect fisheries and water quality of the river systems shall be outlined and placed on file. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines

	on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). b) No vegetation removal shall take place during the period 1st March to 31st August (inclusive). c) A pre-construction otter survey by a suitably qualified ecologist shall be carried out before works commence. d) A pre-construction bat survey shall be carried out by a suitably qualified ecologist during the active bat season. e) 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. Reason: In the interest of biodiversity and nature conservation.
7.	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.
8.	The County Council and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified 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.

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.

Ms Susan Clarke
Senior Planning Inspector

2nd April 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317484-23
Proposed Development Summary	Development of a pedestrian/cycle route and bridge crossing of the River Derry
Development Address	Townlands of Clonegal and Kildavin, Co. Carlow and Co. Wexford

1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	**Yes**	
	No	✓

2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?

Yes		Class……	EIA Mandatory EIAR required
No	✓		Proceed to Q.3

3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?

		Threshold	**Comment (if relevant)**	**Conclusion**
No	✓	N/A		No EIAR or Preliminary Examination required
Yes		Class/Threshold…..		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	**Preliminary Examination required**
Yes		**Screening Determination required**