An Bord Pleanála

Inspector's Report ABP 318244-23

Development	Repair works to Boston Bridge.
Location	Gearha South, Blackwater, Killarney, Co. Kerry
Local Authority	Kerry County Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	Department of Housing, Local Government and Heritage
Observer(s)	None
Date of Site Inspection	22/11/23
Inspector	Pauline Fitzpatrick

Contents

1.0 **Introduction**

1.1. Kerry County Council is seeking approval from An Bord Pleanála to undertake repair and refurbishment works to Boston Bridge, Gearha South, Blackwater, Killarney, Co. Kerry which is within the Blackwater River (Kerry)(SAC) which is a designated European site. There are several other designated European sites (SACs) in proximity to the proposed works (see further analysis below). An application under Section 177AE, accompanied by a Natura Impact Statement (NIS) was lodged by the Local Authority on the basis of the proposed development's likely significant effects on European sites.

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 a Natura Impact Statement 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 comprises of the following:

- Repointing on removal of vegetation (100m^2) of parapets/safety barrier.
- Repair of 4m section at east end of south parapet (2m^3).
- Control of embankments/revetments vegetation
- Removal of vegetation on spandrels and wing walls and repointing (160m^2).
- Removal of vegetation and repointing of eastern abutment (18m^2).
- Western abutment vegetation removal and repointing required (20m^2).
- Minor repointing on piers.

- Masonry repair on deck/slab/arch barrel.
- Masonry repointing ($20m^2$) and masonry repair ($2m^2$) at each arch.
- Re-building the wing wall on the south-west corner which has collapsed due to tree roots (note: the north point given on the bridge plan drawings is incorrect).
- Installation of 8 stainless steel tie-bars *

Note: * 8 no steel bars are referenced in the public notice, 6 no. steel bars are referenced in the planning report and NIS. 8 no. are delineated on the accompanying plans.

2.2. **Accompanying documents:**

- Cover letter.
- Planning Report and Statement of Consistency
- Natura Impact Statement
- Drawings (2 no.)
- Copy of Newspaper Notice
- Notice to prescribed bodies

2.3. A response to a request for further information sought by way of Section 177AE(5) of the Act was received. The response is dated 19/01/24.

3.0 Site and Location

3.1. Boston Bridge traverses the Blackwater River (Kerry) and is located c. 11km to the northeast of Sneem. It is a three-span masonry arch bridge structure with two piers within the river. The bridge carries the two lane carriageway of the R568 which is approx. 4.9 metres in width at the bridge. A section of the wall on the south-western section of the carriageway has collapsed. There is heavy vegetation on and in the vicinity of the bridge.

3.2. The bridge is within a rural location with its immediate vicinity characterised by a wooded area to the north with lands in the wider area in agricultural use with one off housing interspersed.

4.0 Planning History

There is no record of previous planning applications at the site. The planning authority in its statement of consistency notes that the planning history of the wider area is typical of such a rural area with a number of housing and agriculture type applications.

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 article 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

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

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

- Blackwater River (Kerry) SAC

- Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC
- Kenmare River SAC
- Old Domestic Building, Dromore Wood SAC

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

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
    - The likely effects on the environment.
    - The likely consequences for the proper planning and sustainable development of the area.
    - The likely significant effects on a European site.

5.6. **Local Policy**

Kerry County Development Plan 2022-2028

Objective KCDP 8-38 - retention and appropriate repair and upgrading of historic buildings, structures, road bridges, railway bridges and tunnels throughout the county, subject to environmental assessment.

Note: The bridge is not a protected structure and is not included in the National Inventory of Architectural Heritage.

Objective KCDP 11-2 - maintain the nature conservation value and integrity of Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs). This shall include any other sites that may be designated at national level during the lifetime of the plan in co-operation with relevant state agencies.

Objective KCDP 11-5 - support and facilitate the actions in the National Biodiversity Action Plan and Kerry County Council's Biodiversity Action Plan 2022 – 2028.

Objective KCDP 14-34 - Support the sustainable upgrading, strengthening and improvement to the existing Regional Road network including road schemes and by-passes outlined in Table 14.3.

The bridge is located within a visually sensitive area with views from the R568 listed for protection.

Kerry County Council's Biodiversity Action Plan 2022-2028 is in Volume 6 of the Plan.

Under the heading Objective 2 the Council seeks to conserve, protect and enhance biodiversity and ecosystem services in the county and action 2.1.5 states that bridge upgrade proposals in the county are to be environmentally assessed and, where possible, to incorporate biodiversity measures.

In specific key areas where the Council can lead by example in promoting biodiversity works, bridge upgrade proposals will take into account any existing biodiversity features of interest and, where possible, incorporate biodiversity measures (e.g. provide for improved fish passage, mammal ledges, bird nesting and/or bat roosting). Any instream works will only be undertaken between July and September and/or in agreement with IFI.

6.0 **The Natura Impact Statement**

Kerry County Council's application for the proposed development is accompanied by a Natural Impact Statement (NIS) which scientifically examined the proposed development and the European sites. The NIS identifies and characterises the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provides information to enable the Board to carry out an appropriate assessment of the proposed works.

The Board is advised that the appendix referenced in the document pertaining to the Freshwater Pearl Mussel Survey was not attached to the copy accompanying the application. It was subsequently requested and submitted.

7.0 **Consultations**

7.1. The application was circulated to the following bodies:

- Department of Housing, Local Government and Heritage
- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
- Inland Fisheries Ireland
- The Heritage Council
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce

7.2. A response was received from the **Development Applications Unit, Department of Housing, Local Government and Heritage** which can be summarised as follows:

- The Blackwater River (Kerry) SAC (site code 002173) is one of the important sites for the endangered species Freshwater Pearl Mussel.
- While the Gearha Bridge area has not always maintained high water quality since the Habitats Directive came into force it is currently at high status.

- The Department has reservations about the use of a floating pontoon as a base of works under the bridge during summer months where scaffolding cannot be erected. There is the potential to cause damage or disturbance to mussels. More detailed information on the feasibility of options in relation to the occurrence of groups of mussels is recommended.
- It is not clear how tree stumps are to be removed from the cutwaters and piers where a scaffolding platform is not feasible (i.e. how debris, broken masonry etc. will be collected using a pontoon platform).
- Contact with the NPWS is recommended before the detailed methods are decided upon.
- Gearha Bridge is within the foraging range of a roost of Lesser Horseshoe Bat (Map 5 Conservation Objectives for the SAC). Ivy and other vegetation on the bridge may form a commuting corridor for the species. If bats are using the vegetation on the bridge as a commuting route it is possible that bats may still use the bridge stone structure after vegetation removal. Lighting in the vicinity of the bridge needs to be eliminated.
- The bridge is the potential habitat for Daubenton's Bat which is an Annex IV protected species.
- It is the potential habitat for grey wagtail, a species in the Red List of Birds of Conservation Concern in Ireland 2020-2026 whilst the dipper is a river bird that often nests on stone bridges. These would need to be checked for prior to works commencing during spring or summer. The river contains a high invertebrate biodiversity.

7.3. **Public Submissions**:

No submissions received.

8.0 Further Information

8.1. Kerry County Council

A request for further information was issued to Kerry County Council dated 14/12/23. The response received dated 19/01/24 can be summarised as follows:

8.1.1. Use of Floating Pontoon and Pearl Mussel

- Pearl Mussel surveys were carried out during medium – low water. It was determined that a floating pontoon is the most appropriate approach to cover the areas indicated on the map on page 41 of the NIS due to the sufficient depth within those areas, particularly under the left abutment and on the right of the left pier where significant groups of mussels were identified.
- Where pontoons are not viable due to insufficient water depths, scaffolding will be used with sub-aqua equipment under the supervision of the onsite ECoW. Suitable locations for scaffold legs that do not intrude on mussels will be identified by the ecologists. Ladder beams allowing for up to 12m span between legs can be utilised giving flexibility in the layout to avoid locations where mussels occur.

8.1.2. Removal of Tree Stumps

- With assistance from ecologists with sub aqua equipment scaffold legs would be positioned near the left bank where only 4 mussels were identified and adjacent to the right-hand pier, where no mussels were identified. A scaffold platform of 8m span can be erected to access both cutwaters on the upstream side.

8.1.3. Lesser Horseshoe Bat

- It is intended to undertake a pre-construction bat survey during summer months which will confirm if bats are commuting near the bridge.
- Vegetation removal is limited to removing ivy from the bridge, removing some light scrub from the wing walls to prevent wing walls from further deteriorating the structure and to removing log-jams from the cutwaters. The vegetation to be removed constitutes a small percentage of what is present and does not break the commuting corridor for the species.

8.1.4. Birds & Daubenton's Bat

- No nests were found during survey work. A breeding bird survey will be carried out at the start of the breeding season. If there are nests the works can be scheduled once the birds have fledged.

- A pre-construction survey for bats will be carried out. If a roost is identified appropriate action will be taken in consultation with a bat expert and NPWS.

8.2. **Department of Housing, Local Government and Heritage (DAU)**

The above response was circulated for comment. The DAU's submission dated 27/02/24 can be summarised as follows:

8.2.1. Freshwater Pearl Mussel

- No details, measurements or specifications are provided regarding the water depth at which the original survey was carried out, apart from a reference to medium to low levels. There is no reference to the minimum depth that would be required to allow the floating pontoon methodology to be implemented whilst avoiding adverse impact on the species (such as accidental crushing, shading or disturbance).
- The further information states that further survey works will be required to identify areas where scaffold legs may have no impact the species. Such detail and survey work should be dealt with and provided in the NIS for the appropriate assessment to provide certainly as to the absence of any adverse effects.

8.2.2. Lesser Horseshoe Bats and other Bat Species

- The applicant has not confirmed whether or not Lesser Horseshoe Bats are using the structure as part of a commuting/foraging route. Any survey works should be provided at the time of the NIS for the appropriate assessment.
- No clear commitment or timing or season is provided for the proposed survey for bat roosts. Such survey works should take place pre-planning consent. A derogation licence may be required. The Board is advised of the judgement made by the Court of Justice of the European Union c-166/22 in this respect.

9.0 EIA Screening

The proposed development which involves the repair and rehabilitation of Boston Bridge is not a class of development under the classes listed in Schedule 5 of the

Planning & Development Regulations 2001 (as amended) and, therefore, no EIA screening is required.

10.0 Assessment

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

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

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

10.1.1. Boston Bridge is a three-span stone bridge that carries regional road R568 over River Blackwater (Kerry) in south-west Kerry. The purpose of the approval project is to carry out remedial works in order to safeguard the structure and to prevent its collapse into the Blackwater River. The proposed works include vegetation clearance and tree removal, masonry reconstruction and repointing including the reinstatement of c. 2.5 metres of the wall on the south-west corner of the bridge which has collapsed due to tree roots, removal of soft verges and installation of kerbs on road edge, resurfacing works, and installation of 8 no. steel bars.

10.1.2. The Kerry County Development Plan in section 14.4.2 notes that regional and local roads are of vital importance, linking the national roads with the towns and villages and remaining rural areas within the County. It is the policy of the plan to continue the ongoing upgrading, strengthening and improvement works on all regional & local roads in a sustainable manner in accordance with the objectives of this Plan and in compliance with the annual roads programmes. Objective KCDP 14-34 of the plan specifically seeks to support the sustainable upgrading, strengthening and improvement to the existing Regional Road network.

10.1.3. I consider that the proposed works are considered essential and necessary to safeguard the structural condition of a river crossing on this regional road. Subject to

an assessment of the proposal on the surrounding environment and European sites, I consider that the proposed bridge remediation works are acceptable in principle and are in accordance with the proper planning and sustainable development of the area.

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

10.2.1. Having regard to the nature and scale of the proposed development, I consider that the main environmental effects to be assessed, other than those covered under the appropriate assessment, are as follows:

- Biodiversity
- Landscape and Visual Amenity
- Cultural Heritage
- Roads and Traffic

Biodiversity

10.2.2. The proposed works including the removal of vegetation and loose material and repair works to the bridge and carriageway has the potential to give rise to a number of environmental impacts which are largely related to water quality and disturbance to habitat and species. The Board is advised that the issues arising from the works proposed within the SAC on water dependent species of conservation interest are dealt with in the NIS and is considered in more detail in the appropriate assessment below.

10.2.3. The bridge is considered to be of some potential for bats. Masonry arch bridges can offer suitable roosting opportunities through loss of stones and mortar creating crevices and cavities. In this context I note that the Lesser Horseshoe Bat is a qualifying interest of the Blackwater River (Kerry) SAC which shall be addressed below.

10.2.4. The Development Applications Unit, Department of Housing, Local Government and Heritage in its submission notes that the bridge may be suitable for Daubenton's Bat which is an Annex IV protected species. In response the applicant states that vegetation removal is limited to removing ivy from the bridge, removing some light scrub from the wing walls to prevent wing walls from further deteriorating the structure and to removing logjams from the cutwaters. This is considered to

constitute a small percentage of what is present with the bridge, itself, surrounded by scrub, woodland and riparian vegetation and its removal would not break the commuting corridor for the species. In terms of the use of the bridge for roosting it is proposed to undertake a pre-construction bat survey and, if a roost is identified, appropriate action in consultation with the NPWS is proposed. The DAU in its submission to the further information considers the response to be lacking in terms of commitment and timing for the proposed survey for bat roosts, and that such survey works should take place pre-planning consent and that a derogation licence may be required. It refers the Board to paragraph 59 of the judgement made by the Court of Justice of the European Union C166/22 in this respect which states that potential derogation must necessarily be adopted before development consent is given.[1]

The DAU in its submission notes the location of the bridge as a potential habitat for grey wagtail which is a species in the Red List of Birds of Conservation Concern in Ireland 2020-2026, whilst the dipper is a river bird that often nests on stone bridges. The applicant proposes to undertake a breeding bird survey to identify any nests and, if identified, the remedial works will be scheduled after the birds have fledged. This is considered an appropriate course of action and is sufficient to identify and protect birds from potential impact. A condition to this effect is recommended should the Board be disposed to a favourable condition.

Landscape and Visual Amenity

10.2.5. The bridge, subject of the proposed works, is located within an area designated as visually sensitive in the Kerry County Development with views from the R568, of which it forms part, listed for protection. The bridge is not visually evident, and I submit that it does not form an integral feature as viewed from the road. I do not consider that the works proposed have any potential to impact on the visual amenities or landscape character of the area and would concur with the view as expressed in the local authority's statement of consistency that the works will safeguard the visual appearance of the structure.

Cultural Heritage

[1] CURIA - Documents (europa.eu)

10.2.6. I note that the bridge is not a protected structure and is not included in the National Inventory of Architectural Heritage.

10.2.7. The site is within the zone of influence of a recorded monument Ke091 041 in the Record of Monuments and Places (Hut Site). As the proposal entails remedial works to an existing bridge structure, only, with no greenfield works proposed the potential for impact on the said recorded monument is considered negligible. The Local Authority's Statement of Consistency makes reference to the County Archaeologist's conclusions that specific archaeological mitigation is not required. I note that the Department in its submission did not include any considerations in terms of cultural heritage. I do not consider that a condition requiring archaeological monitoring to be necessary should the Board be disposed to a favourable decision.

Roads and Traffic

10.2.8. As noted above the purpose of the project is so as to safeguard the structure and to prevent its collapse into the Blackwater River thereby ensuring the continued operation of the regional road. It is anticipated that traffic restrictions/controls will be required during the works but will be temporary in nature.

Any disturbance arising from noise during the works would, again, be of limited duration. I note that that there are no dwellings in the immediate vicinity of the bridge.

10.3. **The likely significant effects on a European site:**

The areas addressed in this section are as follows:

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

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

10.3.1. 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.

The Natura Impact Statement

10.3.2. The application is accompanied by an NIS which describes the proposed development, the project site and the surrounding area. The NIS contains a Stage 1 Screening Assessment which concludes that a Stage 2 Appropriate Assessment is required. The NIS outlines the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicts the potential impacts for these sites and their conservation objectives, it suggests mitigation measures, assesses in-combination effects with other plans and projects and it identifies any residual effects on the European sites and their conservation objectives.

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

- A desk top study.
- Field surveys (7th and 14th October 2022) of the site and its surroundings including aquatic species, riparian habitats, the physical and hydromorphogical characteristics and to look for signs of species of interest.
- Freshwater Pearl Mussel survey (14th October 2022)

10.3.4. As noted above the said appendix pertaining to the Freshwater Pearl Mussel survey was not attached to the NIS accompanying the application and was subsequently provided to the Board. I consider that the detail and conclusions contained in the appendix are effectively summarised in the main body of the NIS.

10.3.5. Details of mitigation measures are provided, and they are summarised in Section 4 of the NIS.

10.3.6. The NIS concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not cause significant effects on Blackwater River (Kerry) SAC or Kenmare River SAC.

Appropriate Assessment

10.3.7. I consider that the proposed development of remedial works to Boston Bridge, Gearha South, Blackwater, Killarney, Co. Kerry is not directly connected with or necessary to the management of any European site.

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

Table 1: European sites considered for Stage 1 Screening:

European site (SAC/SPA)	**Qualifying Interests**	**Distance**
Blackwater River (Kerry) SAC (site code 002173) www.npws.ie/protected-sites/sac/002173	European dry heaths [4030] Kerry Slug (Geomalacus maculosus) [1024] Freshwater Pearl Mussel (Margaritifera margaritifera) [1029] Salmon (Salmo salar) [1106] Lesser Horseshoe Bat (Rhinolophus hipposideros) [1303] Otter (Lutra lutra) [1355]	in SAC
Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site code 000365) www.npws.ie/protected-sites/sac/000365	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]	600m to north-east. No hydrological connection. Outside the foraging range of Lesser

European site (SAC/SPA)	Qualifying Interests	Distance
	Water courses of plain to montane levels with the Ranunculion fluitantis and CallitrichoBatrachion vegetation [3260] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Juniperus communis formations on heaths or calcareous grasslands [5130] Calaminarian grasslands of the Violetalia calaminariae [6130] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Blanket bogs (* if active bog) [7130] Depressions on peat substrates of the Rhynchosporion [7150] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Taxus baccata woods of the British Isles [91J0] Kerry Slug (Geomalacus maculosus) [1024]	Horseshoe Bat roosts (map 10)

European site (SAC/SPA)	Qualifying Interests	Distance
	Freshwater Pearl Mussel (Margaritifera margaritifera) [1029] Marsh Fritillary (Euphydryas aurinia) [1065] Sea Lamprey (Petromyzon marinus) [1095] Brook Lamprey (Lampetra planeri) [1096] River Lamprey (Lampetra fluviatilis) [1099] Salmon (Salmo salar) [1106] Lesser Horseshoe Bat (Rhinolophus hipposideros) [1303] Otter (Lutra lutra) [1355] Killarney Fern (Trichomanes speciosum) [1421] Slender Naiad (Najas flexilis) [1833] Killarney Shad (Alosa fallax killarnensis) [5046]	
Kenmare River SAC (site code 002158) www.npws.ie/protected-sites/sac/002158	Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	4km north (5.2km downstream)

European site (SAC/SPA)	Qualifying Interests	Distance
	Mediterranean salt meadows (Juncetalia maritimi) [1410] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] European dry heaths [4030] Juniperus communis formations on heaths or calcareous grasslands [5130] Calaminarian grasslands of the Violetalia calaminariae [6130] Submerged or partially submerged sea caves [8330] Narrow-mouthed Whorl Snail Overtigo angustior) [1014] Lesser Horseshoe Bat (Rhinolophus hipposideros) [1303] Otter (Lutra lutra) [1355] Harbour Seal (Phoca vitulina) [1365]	
Old Domestic Building, Dromore Wood SAC (site code 000353) www.npws.ie/protected-sites/sac/000353	Lesser Horseshoe Bat (Rhinolophus hipposideros) [1303]	4.5km to northwest. No hydrological connection.

European site (SAC/SPA)	Qualifying Interests	Distance
		Site outside foraging range (2.5km) of species

10.3.9. Based on my examination of the NIS report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distances and functional relationships 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 2 of the 4 European sites referred to above.

10.3.10. The remaining 2 sites can be screened out from further assessment because of the scale of the proposed works, the nature of the conservation objectives, qualifying interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. It is therefore reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Nos. 00365 and 00353 in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

Relevant European sites

Blackwater River (Kerry) SAC (site code 002173)

Site Description

10.3.11. This site is situated on the south-western slopes of the Macgillycuddy's Reeks, overlooking the Kenmare River inlet. The underlying geology is Old Red Sandstone. The site comprises most of the catchment of the Blackwater River system. Two other main rivers, the Kealduff and Derreendarragh, link into the Blackwater and these rivers are characterised by having numerous tributary streams. The rivers rise at

altitudes of up to 600 m and flow quite rapidly over their journey of about 10 km to the sea.

10.3.12. The principal habitats within the site are upland grassland and various types of heaths. The grassland is improved to varying extents. Where the peat is deeper blanket bog has developed, though much of this is now cutaway. Deciduous woodland occurs along some of the rivers. Coniferous afforestation is a significant land use within the site.

10.3.13. This site has an extensive network of good quality watercourses which support one of the largest populations of Fresh Water Pearl Mussel in the country and has a population of otter. The rivers are also important salmonid fisheries and are of high importance for the conservation of salmon. The site contains an internationally important population of lesser horseshoe bat (>150 individuals) and includes both the breeding site and the surrounding foraging habitat. Kerry slug is frequent within the site where suitable open heath habitat occurs. The site includes areas of dry heath.

Qualifying Interests (QI) and Conservation Objectives

The site is selected as an SAC for the habitats and species listed in Table 1 above. Conservation objectives for each qualifying interest are to maintain or restore the favourable conservation condition of the QI by reference to specific attributes, measures and targets. The favourable conservation status of a species is achieved when population data indicates that it is maintaining itself, and the natural range is neither being reduced or likely to be reduced for the foreseeable future and there is likely to be a sufficiently large habitat to maintain its population on a long-term basis.

10.3.14. The likelihood of significant effects to the Natura 2000 sites from the project was determined based on a number of indicators including:

- Water quality deterioration
- Habitat loss or alteration
- Disturbance and/or displacement of species

Table 2 Blackwater River (Kerry) SAC

Qualifying Interests and Conservation Objective (**R**estore or **M**aintain)	Potential for Significant Effect
European dry heaths (**M**)	No - The habitat does not exist within the works area nor will the works damage or drain this habitat. Potential significant effects to the habitat are not anticipated.
Kerry Slug (Geomalacus maculosus)(**M**)	No - The mapped area for the species is over 1km to the north-west of the site. The works will be limited to the proposed development site and access route. Potential significant effects to the species are not anticipated.
Lesser Horseshoe Bat (Rhinolophus hipposideros)(**M**)	**Yes -** As per Map 5 the site is within the foraging range of the species.
Otter (Lutra lutra)(**M**)	**Yes** - Species likely forages in the vicinity of the bridge.
Freshwater Pearl Mussel (Margaritifera margaritifera)(**R**)	**Yes** - The species is abundant in the reach of the Blackwater River at Boston Bridge. As per map 4 is within the distribution target and catchment of the species.
Salmon (Salmo salar) (**R**)	**Yes -** There is spawning habitat upstream and downstream of the proposed works.

Kenmare River SAC

10.3.16. Kenmare River is a long and narrow south-west facing bay. It is a deep, drowned glacial valley, approximately 12 km wide at the mouth and 55 km long. Numerous islands and inlets along the length of the bay provide further areas of additional shelter in which a variety of habitats and unusual communities occur. The coastal fringe is dominated by a mosaic of dry and wet heath, along with patches of blanket

bog, coastal grassland and exposed rock. The heath is particularly well developed at Derrynane Bay, which supports a fine dune system. Also present are small areas of deciduous woodland and fresh-water marsh.

10.3.17. Kenmare River has very high conservation interest, with very good quality examples of large shallow bays, reefs, and marine caves. It has a very wide range of communities from exposed coast to ultra sheltered areas, and there is an extremely high number (24) of rare and notable species.

10.3.18. The site has internationally important summer and winter roosting sites for lesser horseshoe bat. It also supports important populations of otter and harbour seal.

10.3.19. The SAC lies downstream of Boston Bridge.

Table 3: Kenmare River SAC

Qualifying Interests and Conservation Objective (R or M)	Potential for Significant Effect
Large shallow inlets and bays (**M**)	**Yes** – This habitat occurs within the Blackwater River Estuary c.5.2km downstream of Boston Bridge. It is considered to be in the ZOI.
Reefs (**M**)	**Yes** – This habitat occurs within the Blackwater River Estuary c.5.2km downstream of Boston Bridge. It is considered to be in the ZOI.
Perennial vegetation of stony banks (**M**)	No **-** This habitat is found above the high tide mark; therefore, a source-pathway-receptor link does not connect it to the project site. Potential significant effects to the habitat are not anticipated.
Vegetated sea cliffs of the Atlantic and Baltic coasts (**M**)	No - Given the distance from the project site and the lack of a hydrological connection, a source-pathway-receptor link does not exist between the proposed works and this

	particular habitat. Potential significant effects to the habitat are not anticipated.
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) (**M**)	No - This habitat has not been documented within the Blackwater Estuary, and where it occurs is separated from the estuary by a large body of saline water. Potential significant effects to the habitat are not anticipated.
Mediterranean salt meadows (Juncetalia maritimi) (**M**)	No - This habitat has not been documented within the Blackwater Estuary, and where it occurs is separated from the estuary by a large body of saline water. Potential significant effects to the habitat are not anticipated.
Shifting dunes along the shoreline with Ammophila arenaria (white dunes) (**M**)	No - This habitat is found above the high tide mark; therefore, a source-pathway-receptor link does not connect it to the project site. Potential significant effects to the habitat are not anticipated.
Fixed coastal dunes with herbaceous vegetation (grey dunes) (**M**)	No - This habitat is found above the high tide mark; therefore, a source-pathway-receptor link does not connect it to the project site. Potential significant effects to the habitat are not anticipated.
European dry heaths (**M**)	No - Given the distance from the project site and the lack of a hydrological connection, a source-pathway-receptor link does not connect it to the project site. Potential significant effects to the habitat are not anticipated.
Calaminarian grasslands of the Violetalia calaminariae (**M**)	No - Given the distance from the project site and the lack of a hydrological connection, a

	source-pathway-receptor link does not exist between the proposed works and this particular habitat. Potential significant effects to the habitat are not anticipated.
Submerged or partially submerged sea caves (**M**)	No - This habitat is separated from the estuary by a large body of saline water. Potential significant effects to the habitat are not anticipated.
Narrowmouthed Whorl Snail (Vertigo angustior) (**M**)	No - This species is in a separate catchment to the proposed site. Potential significant effects to the species are not anticipated.
Lesser Horseshoe Bat (Rhinolophus hipposideros) (**M**)	No – The site is approx. 8km from the Dunkerron souterrain winter roost for the species. It is outside the 2.5km buffer and is not within the delineated potential foraging grounds (see Map 9). Potential significant effects to the species are not anticipated.
Otter (Lutra lutra) (**R**)	**Yes** - Species is known to occur along the coastline of the SAC, so likely occurs in the Blackwater Estuary.
Harbour Seal (Phoca vitulina) (**M**)	No - The COs for seal relate to accessibility, breeding behaviour, moulting behaviour, resting behaviour and disturbance, none of which will be affected to any significant level by the proposed works. Potential significant effects to the species are not anticipated.

Direct and Indirect Effects

10.3.20. Having regard to the NIS submitted, the nature and scale of the proposed works and the location of the qualifying interests relative to the proposed works, I consider that

those specific QIs/SCIs identified in **bold** in Tables 2 and 3 above may be at risk of potential significant impacts.

10.3.21. Freshwater Pearl Mussel (FPM)

The ecological quality ratio (EQR) targets set for FPM represent high water quality with very low nutrient concentrations (oligotrophic conditions). The most recent EPA biological water quality rating at Boston Bridge was Q5, implying a highly sensitive aquatic ecosystem. FPM are abundant at Boston Bridge. Most occur under the left side of the left arch, the left side of the right arch, and along the upstream face of the structure.

Construction works could **directly** affect the species. Accessing the river to facilitate the works and erection of scaffolding risks trampling and crushing FPM. **Indirect effects** could arise from impacts on water quality. If sediment is released from denuded riparian areas or cement is released from repair works, these substances could affect water quality and therefore FPM, especially juveniles. If machinery is to be used, there is a risk of hydrocarbon pollution and downstream effects of water quality. Even small amounts of substrate siltation can cause reduction in habitat suitability.

10.3.22. Salmon

There is spawning habitat upstream and downstream of the proposed works site but not within the footprint of the works proposed. Salmon need good water quality high in oxygen, low in nutrients and suspended solids and neutral pH. The proposed works could have **indirect effects** with the potential to introduce sediment and pollutants to the watercourse, reducing water quality and causing a change to pH (concrete escapement to river). The works have the potential to liberate silt from substrates and riparian areas rendering downstream habitats less suitable for spawning.

10.3.23. Lesser Horseshoe Bat

A derelict stone building at Derreenafoyle is used as a nursery site by the species. The subject site is close to woodland and scrub which provide both suitable foraging habitat and shelter for bats to commute between this site and the winter hibernation site(s). Suitable foraging habitat in the form of deciduous woodland and riparian vegetation occurs along the Blackwater River.

There is the potential for **direct effects** arising from fragmentation of foraging habitat as a result of the vegetation removal as part of the works.

10.3.24. Otter

The habitats along the banks in the environs of Boston Bridge are of limited breeding value to otter. No couching sites or holts were recorded within the study area. The species is known to use the area for foraging and is known to occur along the coastline of the Kenmare River SAC. There is potential for **direct** effects arising from disturbance of this species as a result of the proposed works. Potential entry of polluting material from the proposed works to the river may **indirectly effect** otter which likely forage in the vicinity of the bridge. The proposed works may result in the reduction of water quality which could reduce prey availability for the species.

10.3.25. Large shallow inlets and bays

With regard to intertidal reef community complex, which occurs along the shores of the Blackwater River Estuary, there is the potential for **indirect effects** associated with water quality deterioration arising from the proposed development.

10.3.26. Reefs

There is potential for **indirect effects** associated with water quality deterioration arising from the proposed works which could affect the conservation objectives of this habitat.

Potential in-combination effects

10.3.27. To assess the potential for cumulative effects on the relevant designated Natura 2000 sites, Section 3.2 of the NIS assesses the plans, projects and ongoing activities occurring in the wider area for any in-combination effects with the proposed development.

10.3.28. The proposed works were considered in combination with the Kerry County Development Plan 2015-2021, the Kenmare Municipal District Local Area Plan (LAP) and the National Biodiversity Plan 2017-2021. There is potential for cumulative water quality effects and cumulative disturbance/displacement effects arising out of proposals that may ensue from plans linked with development in the settlements associated with the Kenmare Municipal District LAP and the county development plan. I consider that the range of environmental and natural heritage policy

safeguards proposed in the plan are sufficient to ensure no in-combination impacts with the proposed development.

10.3.29. The Kerry Blackwater Sub-Basin Management Plan (NS2, 2010) identifies the key pressures affecting the status of the FPM in the Kerry Blackwater catchment. These are agriculture and peat cutting.

10.3.30. Agricultural practices that contribute to increases in nutrient or silt to the river can be damaging to pearl mussels. The risks identified were field drainage, diffuse silt, diffuse nutrient, bank erosion, barriers to migration and riparian zone issues.

10.3.31. Peat cutting was evident throughout the catchment, and most significantly, it occurred within the vicinity of the FPM populations. In addition to the impacts on adult and juvenile pearl mussels, the run-off of peat silt from peat cutting operations can seriously impact on receiving rivers through:

- Settlement on key substrates e.g. salmonid spawning and nursery area.
- Formation of secondary banks and islands which vegetate, stabilise and may alter stream morphology and hydrology.
- Prevention of erosion of gravel and cobble materials from banks back into channel.
- Elimination of flora and fauna.

10.3.32. Having regard to the above there is a potential for an in-combination impact on the water quality of the Blackwater River.

Mitigation measures

10.3.33. The mitigation measures are set out in Section 4 of the NIS. They are proposed under a number of headings including terrestrial habitats, Freshwater Pearl Mussel (FPM), vegetation removal and tree pruning, debris removal, silt control, tie-bars, masonry and pointing, in addition to measures that are considered best practice methods for use and maintenance of machinery and site housekeeping. The measures are summarised as follows:

Supervision

- Retention of suitably qualified ecologist, or ecologists with proven experience in FPM surveys and freshwater environments who will act as Ecological Clerk of Works (ECoW) for the duration of works.
- Preparation of a method statement.

Footprint of Works

- The works will be restricted to the existing bridge structure and the carriageway above which works will be carried out. The area of riparian areas disturbed will be minimised by choosing a short access route. Access to the bridge will be from the south through a field of grassland. The most sensitive riparian habitats will be avoided in getting access to the river and modified habitat will be used over semi-natural habitats. The berth required for access will be minimal, and its boundary marked with stakes and high visibility tape.
- A ground-bearing scaffold system and crash deck will be set up to access the underside of the bridge deck as required. The scaffold will be carried by hand into the river for assembly. The bay length and width of the scaffolding should be as long as possible to limit the number of baseplate points instream.
- The fallen willow tree may block access to required work areas, so may need to be removed/partially removed. A minimal amount of wood from this tree will be removed to gain access to the work area. Cuttings will be sent downstream through the right arch and removed from the river to a location chosen by the ECoW.
- Removal of woody debris at the upstream end of the left pier (if it persists) may need to be removed. If so, this will be carried out under the direction of the ECoW,

Protection of Water Quality

- Flows under the bridge will be maintained throughout the works.
- A line of silt fencing will be placed between the river and the access track to the river. Silt fencing will also be used at other areas where sediment transfer into the river is a risk, as identified by the ECoW. In the event that terram (or other textile used) on the silt fences becomes clogged with silt and the area is no longer percolating, terram shall be replaced as needed. The disturbed

ground of the construction area will be fenced off with stock-proof fencing until it has re-vegetated and is no longer vulnerable to silt movement.

- Whichever platform system is chosen (see protection of Freshwater Pearl Mussel below), its deck and sides up to 30cm around its perimeter will be lined with Terram T1000 or similar approved geotextile sufficient to prevent ingress of fines into the river. This will be secured into position to ensure that it catches any material and prevents it from entering the watercourse. The geotextile barrier will be supplemented by a lining of impermeable material which will control any mortar or grouting spoil. Any loose mortar and fines falling on the deck will be gathered and disposed of at least daily (more often during rainfall) within the on-site skip.
- Debris will be removed from the river to a location chosen by the ECoW.
- Removal of tree stumps from upstream cutwaters and downstream face of piers will be by taking down sections of the piers and cutwaters, removing the tree trunk and rebuilding the pier and cutwater. No herbicides will be used.
- Masonry and pointing will be carried out by experienced stone masons.
- No pointing will to be carried out below water level.
- The wing wall to be repaired, which is on the bank away from the river, will be repaired under dry weather conditions and a bunded dropsheet is to be used. For the installation of the tie-bars, the platform/scaffold must be in place, and this is to be carried out in dry calm weather. All mortar gathered shall be disposed of regularly within the on-site skip.
- All mixing of mortar and cleaning of tools and other soiled equipment will be within the site compound.
- Pointing on areas exposed to weather shall not be carried out during forecasted periods of heavy rainfall. Weather forecasts will be monitored during the construction phase.
- Work to be carried out outside sensitive periods for fish species i.e. the salmon run, and periods of the year when there are low levels of precipitation. The works must be completed when river flow is normal between July and September inclusive. IFI and NPWS to be consulted regarding timing of works.

Protection of Freshwater Pearl Mussel

- To avoid the species a platform/deck over the riverbed is to be used to carry out the proposed repair works and will provide access for masonry repairs, vegetation clearance and pointing. This will consist of one or a combination of two components:
    - A pontoon system / floating working platform comprising a number of floating dock sections (pontoons) which can rise and fall with the river. This is considered the most appropriate approach to cover the areas indicated on the map on page 41 of the NIS due to the existing of sufficient depth within those areas, particularly under the left abutment and on the right of the left pier where significant groups of mussels were identified. The areas suitable for pontoon in the map is based on 50%ile flow. As the river drops, the suitable area will reduce. If the river is at low flow, for example 95%ile flow, then the area suitable for pontoon installation will reduce. The pontoon components will be carried by hand into the river for assembly. An indicative location for the pontoon is delineated.
    - Where pontoons are not viable due to insufficient water depths, a scaffolding deck will be used. The platform installation and removal works will be supervised by the ECoW. Suitable locations for scaffold legs that do not intrude on mussels will be identified by the ecologists. Ladder beams allowing up to 12m span between legs can be utilised giving flexibility in the layout to avoid locations where mussels occur. This may require the ECoW indicating FPM locations using markers to assist avoiding adult FPM and juvenile FPM habitat (likely corresponding to niches where adults occur). Platform installation works can only be carried out once the ECoW is satisfied that no FPM under and surrounding the bridge will be affected, either directly (trampling, compaction) or indirectly (changes to flows caused by movement of instream substrates). If the platform cannot be installed without such impacts on FPM, then some FPM may have to be translocated. Any interference with FPM can only be carried out with

permission from NPWS. Any relocation would be carried out by an appropriately qualified ecologist with the appropriate NWPS licence.

- There will be no interference with water passing through arches of the bridge, so that all FPM in the environs of the bridge receive adequate supply of water for the duration of the proposed works.

Bats

- A pre-construction bat survey will be undertaken during summer months which will confirm if bats are commuting near the bridge.

Site Management

- The site compound will be located in an agricultural grassland field south of Boston Bridge.
- Any waste generated will be collected and stored in proper waste containers at the site compound within a prefabricated bunded storage unit and will be removed and disposed of appropriately.
- Prior to being deployed for the current works, all machinery to be used for the works shall be washed thoroughly in the designated washing area in the contractor's yard to preclude the introduction of invasive species.

NIS Omissions

10.3.34. The NIS screened out the potential for significant effects on the qualifying species Lesser Horseshoe Bat (Blackwater River (Kerry)SAC). The applicant in its response to the further information request stated that it is intended to undertake a pre-construction bat survey during summer months which will confirm if bats are commuting near the bridge (as inserted above). Vegetation removal is to be limited to removing ivy from the bridge, removing some light scrub from the wing walls to prevent wing walls from further deteriorating the structure and to removing log jams from the cutwater and that the vegetation to be removed constitutes a small percentage of what is present and does not break the commuting corridor for the species.

Assessment

10.3.35. As per the details provided in the NIS the survey undertaken indicates the importance of the Blackwater River at Boston Bridge for **Freshwater Pearl Mussel** with a total of 1453 recorded within 9 metres of the structure. This presents specific challenges in terms of the methods to be employed to carry out the remedial works. It is noted that most occur under the left side of the left arch, the left side of the right arch and along the upstream face of the structure and these areas are to be avoided insofar as possible with either a floating pontoon when river flows allow or otherwise a scaffolding deck where water levels are low.

10.3.36. The DAU's submission consequent to the further information considers that the information provided with respect to Freshwater Pearl Mussel is not definitive with lack of detail provided with respect to minimum water depth that would be required to allow the floating pontoon option to be implemented. It also considers that the NIS is not conclusive in terms of the potential impacts from the installation of a platform. Whilst the document states that it may be possible to install an entire conventional scaffolding deck while avoiding FPM it also states that where it cannot be installed without such impact then some of the Freshwater Pearl Mussel may have to be translocated. On this basis it is inevitable that further survey work will be required to identify where the scaffolding legs can be placed without impact on the species. Such detail cannot appropriately be deferred to post consent and should be available at this juncture to facilitate the appropriate assessment process. Thus, I do not consider that there is sufficient information before the Board on which to conclude that the proposed development will not impact on the conservation objective set for this species, which is to restore its favourable conservation condition.

10.3.37. As noted above the appendix to the NIS pertaining to the Freshwater Pearl Mussel Survey undertaken was not provided in the documentation accompanying the application. It was subsequently requested and received and is on the file before the Board. I submit that the detail and conclusions in the appendix are effectively summarised in the main body of the NIS and does not provide for any additional detail which would alter my assessment and conclusions. Should the Board not concur with my recommendation and be disposed to a favourable decision it may consider it appropriate to seek revised public notices to address the original

deficiency in terms of the completeness of the documentation accompanying the application.

10.3.38. In terms of the **Lesser Horseshoe Bat** no details are provided to confirm whether or not the bridge structure is used as a commuting/foraging route. Again, it is considered that pre-construction survey work is not appropriate and that such details should be provided at this juncture to allow for appropriate assessment.

10.3.39. Thus, I do not consider that there is sufficient information before the Board on which to conclude that the proposed development will not impact on the conservation objective set for this species, which is to maintain its favourable conservation condition.

10.3.40. The proposed development will not create any artificial barriers to block **Salmon** migrating upstream or reduce the area of the river accessible to the species. There is to be no alteration to water flow with water quality to be protected by mitigation. The proposed development will not, therefore, impact on the conservation objective, which is to restore the favourable conservation condition of this species.

10.3.41. Having regard to the lack of evidence of habitual use of the site by **Otter**, the suboptimal nature of the bankside vegetation, the limited duration of the works and the proposal to reinstate the riverbank to its original condition following completion of the works, I accept that significant adverse effects on otter are not likely to arise. The proposed development will not impact on its distribution, habitat, couching/holting sites and will not obstruct commuting routes. The development will not result in a significant decline in the species or impact on the conservation objective to maintain the favourable conservation condition of otter within the Blackwater River (Kerry) SAC and to restore the favourable conservation condition of the species in Kenmare River SAC.

10.3.42. By reason of the mitigation measures to protect water quality to be implemented and the relative distance from the qualifying interests **Large Shallow Inlets and Bays** and **Reefs** the development will not impact on the conservation objectives to maintain the favourable conservation conditions of the habitats with the Kenmare River SAC.

Conclusion

10.3.43. On the basis of the information provided I am not satisfied that precise, definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the project on Freshwater pearl Mussel and Lesser Horseshoe Bat have been provided.

10.3.44. I consider that it is not reasonable to conclude on the basis of the information on the file that the proposed development individually or in combination with plans and projects would not adversely affect the integrity of European site no. 002173 in view of the site's Conservation Objectives. I am not satisfied that the project will not cause any delays or interrupt progress towards achieving the conservation objectives of the sites and will not disrupt factors that help maintain the favourable conservation conditions of the sites.

11.0 Recommendation

Refuse approval for the above described development:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Blackwater River (Kerry) SAC (site code 002173) and the Kenmare River SAC (site code 002158) are the only European sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for Blackwater River (Kerry) SAC (site code 002173) and Kenmare River SAC (site code 002158), in view of the sites' conservation objectives. 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.

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

In completing the AA, the Board accepted and adopted the appropriate assessment carried out in the inspector's report in respect of the potential effects of the proposal on the integrity of the aforementioned European Sites, having regard to the sites' Conservation Objectives.

Thus, the Board is not satisfied that the Local Authority has demonstrated that the proposal would not adversely affect the integrity of the Blackwater River (Kerry) SAC in view of the site's Conservation Objective, as the proposal would entail works in an area where Freshwater Pearl Mussel is known to be present. There are lacunae in the information provided as to minimum water level depths required for use of the floating pontoon methodology and the installation of a scaffolding deck without impacting on the species. There are also lacunae in the information provided on the use of the structure as part a commuting/foraging route of the Lesser Horseshoe Bat.

In overall conclusion, the Board is not satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's conservation objectives.

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.

Pauline Fitzpatrick
Senior Planning Inspector
March, 2024