



An
Bord
Pleanála

Inspector's Report ABP 319450-24

Development	Upgrade and enhancement of Tullow Town Park.
Location	Tullow, Co. Carlow
Local Authority	Carlow 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	<ul style="list-style-type: none">• Department of Environment, Climate and Communications• Environmental Protection Agency• Inland Fisheries Ireland• Irish Water• Waterways Ireland• National Parks and Wildlife Service• Geological Survey of Ireland• Office of Public Works

Observer(s)

None

Date of Site Inspection

23/07/24

Inspector

Pauline Fitzpatrick

1.0 Introduction

- 1.1. Carlow County Council is seeking approval from An Bord Pleanála to undertake upgrade and improvement works to Tullow Town Park which is partly located within 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 on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development Act 2000, as amended, requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000, as amended, requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

2.0 Proposed Development

- 2.1. The proposed upgrade and enhancement of Tullow Town Park consists of:
 - Construction of a demarcated and enhanced network of cycle and pedestrian paths of asphalt surfacing and locally sourced grey stone aggregates, leading to a sequence of outdoor spaces laid out along the length of the park,
 - A skatepark,
 - Fenced basketball court with multi-use games line markings/goal posts,
 - Gathering area with covered seating arranged to frame an open space where performances/presentations can be held,
 - Removal of trees in poor condition. Small scrubby specimens are to be removed with all healthy, mature trees kept and pruned where required,

- River access points, 1 no. to allow safe entry to the water and 1 no. allowing views of the river's central island,
- Seating and picnic areas,
- Planting including ornamental and parkland trees,
- Public lighting.

2.2. SuDs to capture water run-off from the new, hard surfaced amenity areas and to help contain flood water from the river is proposed. The use of soakaways for final disposal of storm water is not considered possible due to the riverside location and high ground water. A final overflow discharge to the river is proposed and is to be achieved by repurposing the sewers which are to be decommissioned by Uisce Eireann as part of the pumping station upgrade works.

2.3. Construction works do not necessitate any works within the watercourse. During excavation works, soil would be temporarily stored onsite. Any excess soil/stone would be used for landscaping and reinstatement works, where possible, or exported offsite via a licenced contractor. The expected construction timeframe is approx. 24 weeks.

2.4. The application is accompanied by 2 no. volumes of documentation in addition to plans and drawings. The documentation comprises of:

- Planning and Design Statement
- Site Specific Flood Risk Assessment
- Ecological Impact Assessment
- NIS
- Storm Water Management
- Lighting Design

3.0 Site Location and Description

3.1. The existing town park, which has an approx. area of 1.13 hectares, is located in the centre of Tullow on the western bank of the River Slaney. Access is via a pedestrian

link from Tullow Street which crosses the river to the north. The park can also be accessed through the Tesco car park and from Abbey Street to the west/north west.

- 3.2. The park comprises of a looped pedestrian path with a playground and skate park. The site generally slopes down towards the river to the east with the boundary to the river delineated by mature trees and vegetation. There is an island in the river in the vicinity of the park boundary, also comprising of mature trees and vegetation.
- 3.3. There are existing wastewater sewers and combined sewers traversing the site which serve the pumping station that bounds the west of the site. The pumping station overflows via an existing overflow pipe which discharges to the river Slaney south of the existing footbridge.
- 3.4. Access to the park is currently closed off arising from works on behalf of Uisce Eireann for the upgrade of the Tullow Waste Water Network which includes the construction of a new wastewater pumping station and associated pipe connections. As part of the project it is proposed to decommission a number of the existing combined sewers and the existing combined sewer overflow (CSO) to the river. A new CSO is proposed to the south of the site.

4.0 Planning History

22/235 – permission granted 05/09/23 for Tullow wastewater network upgrade works including a pumping station located to the east of the Tesco superstore (to the west of Tullow Park), a combined gravity sewer, a storm overflow sewer from the pumping station to the River Slaney and a rising main from the pumping station to the Tullow WwTP. The Tullow WwTP is located c.1km to the south-west of the pumping station site. Works on the upgrade have commenced.

5.0 Legislative and Policy Context

- 5.1. **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.

European sites located in proximity to the subject site include:

- Slaney River Valley SAC (site code 000781)

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.

- Section 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. National and Regional Planning Policy

5.5.1. 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.

5.5.2. National Development Plan, 2018-2027

This Plan underpins the National Planning Framework 2018-2040. It contains several priorities which include investment in regional growth potential.

5.5.3. Southern Regional Economic & Spatial Strategy, 2022

The RSES supports the delivery of the programme for change set out in the National Planning Framework and the National Development Plan. It sets out a strategic vision and policy objectives for urban and rural areas, people, the economy, the environment, connectivity, amenities, and utilities. It states that local authorities should seek to enhance biodiversity and amenities and ensure the protection of environmentally sensitive sites and habitats.

5.6. Local Planning Policy

5.6.1. Carlow County Development Plan 2021-2028

The following policies and objectives are considered relevant with respect to open space and recreational activities:

DT O2, R P1, R P2, R P4, R P8 and R O1

Of note:

R P1 seeks to promote the value of the County's outdoor recreational and amenity resources as key assets for the local economy and for the health and well-being of communities and continue to support the expansion of existing amenities.

With respect to Natural and Built Heritage the following are noted:

NH P1, NH P2, NS P1, NS P2, NS P4. ND P6, WT P1, IW P1, IW P3, IW P5, IW P6 and IW P12

Of note:

NS P1 which seeks to support the conservation and enhancement of Natura 2000 Sites, and to protect the Natura 2000 network from any plans and projects that are likely to have a significant effect on the coherence or integrity of a Natura 2000 site, in accordance with relevant EU Environmental Directives and applicable National Legislation, Policies, Plans and Guidelines.

IW P5 seeks to maintain a biodiversity protection (buffer) zone of not less than 10 metres from the top bank of all watercourses in the County, with the full extent of the protection zone to be determined on a case-by-case basis by the Planning Authority, based on site specific characteristics and sensitivities in consultation with Inland Fisheries Ireland.

5.6.2. Tullow Local Area Plan 2017-2023

The site is zoned Amenity and Open Space (F).

Chapter 6 – Town Centre, Landscape and Public Realm

Section 6.9 lists key projects which will play an important role in promoting sustainable development for Tullow Town Centre and includes extension and

enhancement of the town park so as to provide greater connectivity to the town centre and residential areas.

Chapter 8 – Community, Social and Recreational Development

Section 8.6 Sport, Recreation and Play

Policy SP 1: To maintain and enhance existing recreational facilities.

Section 8.7 acknowledges the recreational potential of the River Slaney with considerable potential both waterside and landside to be used as a recreational asset to Tullow.

Chapter 10 Built and Natural Heritage

Objective HO 5: To develop a network of green corridors throughout the town interconnecting open space and extending out to the wider hinterland.

Policy HR 10: (a) Not to permit projects giving rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other on the basis of this plan (either individually or in combination with other plans or projects).

Policy HR 11: To facilitate the conservation, protection and enhancement of the River Slaney including the adjacent wetlands and associated habitats and to ensure that development does not significantly adversely affect conservation values.

5.6.3. Tullow Town Centre First Plan 2023

The non-statutory plan has been prepared in line with the Town Centre First Policy brought forward by the Dept. of Housing, Local Government and Heritage and the Dept. of Rural and Community Development. The Town Centre First Plan provides a rationale for the regeneration and re-imagination of Tullow's Town Centre that can bring forward economic, social and environment benefits over the long term.

A number of projects are identified, one being Riverfront Amenity Areas, the purpose of which is to re-activate public open spaces and to upgrade amenity areas. This project will provide for an upgrade to the public realm, delivering more vibrant spaces that will enhance the overall quality of the townscape. In terms of the town park the

project seeks to further enhance the quality and attractiveness of Town Park for the benefit of the local community and to promote its use by people of all ages.

Measures to treat the riverside vegetation will strengthen the relationship between pedestrians and the river which is an important natural resource for Tullow.

The project features:

- Provision of an enhanced amenity and recreation resource for the local community in Tullow.
- Management of the riverbank areas along the southern section of the River Slaney.
- Opening up of the River Slaney on Tullow Street.
- Enhancing the visual quality and user experience of the urban environment.

Physical Changes are to include:

- Environmental works to treat the overgrown riverbank vegetation along the southern section of the River Slaney.
- Upgraded planting, paving, play equipment and seating solutions throughout the Town Park.

6.0 Consultations

6.1. Prescribed Bodies

The application was circulated to the following bodies:

- Department of Environment, Climate and Communications
- Environmental Protection Agency
- Inland Fisheries Ireland
- Irish Water
- Waterways Ireland
- National Parks and Wildlife Service
- Geological Survey of Ireland
- Office of Public Works

No submissions received.

6.2. Public Submissions

None received.

7.0 **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.

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

- 7.1.1. The existing park in the centre of Tullow comprises of a series of footpaths, a small playground, skateboard apparatus and outdoor exercise equipment within a landscaped setting. The proposed works seek to enhance and improve the quality of the public realm so as to provide a fully accessible, multi-activity facility within the town centre for use by the local community whilst providing for a wider visitor attraction.
- 7.1.2. The works can be seen to comply with national, regional and local policy in terms of enhancing the environment and the provision of recreation and amenity and are, therefore, acceptable in principle.
- 7.1.3. No submissions were received from prescribed bodies or members of the public.

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

- 7.2.1. 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 appropriate assessment, are as follows:

- Landscape and Visual Amenity
- Flood Risk
- Biodiversity
- Other Environmental Considerations

Landscape and Visual Amenity

- 7.2.2. The location and design of the proposed works are described in sections 2.0 and 3.0 above. The works include a demarcated and enhanced network of cycle and pedestrian paths, construction of a partially sheltered outdoor event/classroom space, skate park, a kickabout lawn area and a multi-use games court in addition to upgrading of seating areas and landscaping. The design and layout of the proposed works within the existing amenity area is considered acceptable.
- 7.2.3. Given the existing mature trees and vegetation along the River Slaney views from the park are screened with no visual connection to the town. Activation along the riverside is stated to be a key element in the design with a place to access the waterside and provision of viewing areas proposed. It is proposed to lift the canopy of existing trees and remove bramble and smaller invasive trees to facilitate this activation with the application accompanied by a tree survey which details the trees that are proposed to be removed.
- 7.2.4. The works which will open up access and site lines to the river from the park itself, whilst also allowing for a visual connection to the town, are considered acceptable and will add to the visual amenities of both the amenity space and the town.

Flood Risk

- 7.2.5. A Site Specific Flood Risk Assessment has been prepared and is in Appendix D of the provided documentation. The review of flood risk data has identified a fluvial flood risk to the site from the River Slaney with the site within Flood Zones A and B.
- 7.2.6. Table 3.1 of the Planning System and Flood Risk Management Guidelines for Planning Authorities 2009, classifies public amenity space as 'water compatible' development and does not require a justification test.
- 7.2.7. The site topography is relatively flat with a slight gradient towards the river to the east. As per the hydraulic modelling completed for the river reach adjacent to the

subject site under the Southeast CFRAM Study Model HA-12 Model 2, flood levels of 68.56mOD for the 1% AEP return and 68.9mOD for the 0.1%AEP return were calculated. Ground levels within the site range from approx. 68.5 to 70.25mOD. Therefore much of the site is above the 0.1%AEP flood extent. However it is noteworthy that the observed flood level in October 2023 of 69.083mOD is higher than the said predicted 10% AEP probability of 68.9 metres. Thus, a cautious approach is taken to interpreting and applying flood model outputs from the CFRAM study. From the inundation maps prepared flooding is concentrated to an area outside of the site to the south with pockets of inundation within the site boundary. In terms of flood depths the identified areas within the site boundary would experience low flood depth (10 -15 cm) for the 1% AEP return and average depths of up to 44cm for the 0.1%AEP return. The highest flood depths would be near the proposed riverbank footpath where the 0.1%AEP event could reach 89cm at the northern portion of the flood envelope.

- 7.2.8. The proposed layout relocates the existing amenities to different areas within the park making the spaces more usable, both in times when the park can be fully used and also when the park is under flood. All playing areas including multi-use games area and the skate park are to be positioned above the 1/1000 year predicted flood level. SuDS are an integral part of the proposed development and include rain gardens, permeable paving, overflow connections and retention of existing drainage with discharge of excess rain water to the river. The said drainage infrastructure is proposed to be decommissioned as part of the Uisce Eireann Tullow Wastewater upgrade works
- 7.2.9. The nature and extent of the works do not alter existing surface flows or remove areas of flood storage within the amenity space and would, therefore, not lead to the displacement of flood water or restrict water flows across the site and would not affect neighbouring lands.
- 7.2.10. I conclude that the proposed development would accord with the provisions of the Flood Risk Management Guidelines and with the relevant policies and provisions of the Carlow County Development Plan and Tullow LAP.

Biodiversity

- 7.2.11. Several desk top studies and a field survey were undertaken which were used to describe the receiving environment and to assess potential impacts on habitats and species. This includes a Natura Impact Statement (NIS) which examines the relationship between the proposed works and European sites, and an Ecological Impact Assessment report.
- 7.2.12. The site constitutes a landscaped public park in a relatively formal layout in the town centre on the western side of the River Slaney, an SAC which is designated for a wide variety of habitats and species. The eastern section of the site is delineated by riparian woodland dominated by willow, sycamore and ash with an understory of brambles and undergrowth. 2 no. 3rd Schedule invasive flora were noted therein, namely Indian Balsam and Three-corned Garlic. The removal or alteration of existing riparian vegetation and trees could potentially affect birds and other fauna that utilise these habitats for nesting, foraging or as migration corridors. Additionally, there is a risk of water pollution due to the accidental release of construction materials or sediment runoff which could degrade water quality and negatively impact aquatic species and indirectly impact terrestrial species that rely on those aquatic habitats.
- 7.2.13. Several species of bird were recorded (mainly passerines) with evidence of otter noted (spraints) with the species likely to commute along the river and the riparian zone. Otter is a qualifying interest of the Slaney River Valley SAC. It is also likely bats are in the area with moderate potential for bats roosting or utilising habitats within and outside the proposed development. The hedgerows, treelines and grasslands would provide suitable habitat for invertebrates. No frogs, newts or lizards were recorded. No other fauna was observed. Small fish were observed in the river.
- 7.2.14. The proposal will entail the direct and permanent loss of trees and understory in the riparian woodland to allow for access and opening up of views both from within the park, itself, and also providing for a better visual connection to the town than heretofore exists. A tree survey was undertaken in November 2023, and I refer the Board to the drawing titled 'Tree Management Plan' and to drawing nos. RDA_2-23_TSP_002_Rev A and RDA_2023_TSP_003 Rev A. In terms of the riparian woodland adjacent to the River Slaney a cluster of sycamore trees considered to be

low ecological value in the northern section, and a number of trees whose value would be lost within 10 years in the central section are proposed to be removed. Further stands are suggested for removal due to interference with development construction. I estimate that in the region of 58 no. trees would be removed from the said woodland area. I consider that the loss would be minor given the retention of a majority of the existing trees.

- 7.2.15. Where possible vegetation removal works will be scheduled outside the 1st March to 31st August period so as not to disturb nesting birds. Appropriate buffer zones to trees to be retained are to be maintained with tree protection measures as per BS5837:2012 to include a root protection zone, protection fencing or hoarding etc. Due regard is to be had to the NRA's 'Guidelines for the Protection and Preservation of Trees, Hedgerows and Scrub Prior to, During and Post Construction of National Road Schemes.' All planting of trees and hedges is to be undertaken during the bare root season of November to April. Native species are to be incorporated into the landscape plan.
- 7.2.16. There is the risk of spread of invasive species Indian Balsam and Three-corned Garlic. A management plan is to be put in place which would detail regular monitoring and control measures with best practice measures to be employed during the construction phase.
- 7.2.17. No works will take place within the river but will be undertaken up to the river's edge for the installation of steps etc. The measures to protect the river from sediment and accidental pollution are in accordance with what are considered to be best practice methods. The Board is advised that the issues arising from the works proposed to water dependent species of conservation interest within the SAC are dealt with in the NIS and are considered in more detail in the appropriate assessment below.
- 7.2.18. The appropriate best practice measures to protect badgers and otters should they enter the active construction site are proposed. As noted previously the latter is a qualifying interest of the SAC. In addition best practice measures are proposed with respect to bats including a bat survey where trees of moderate bat roost potential are to be felled. I recommend that a pre-construction survey be required by way of condition. Lighting proposals to avoid disturbance which align with best practice for both construction and operational phases are detailed.

7.2.19. I recommend that a suitably qualified ecologist be appointed to oversee the works and the mitigation measures contained in the Ecological Impact Assessment and Natura Impact Statement in order to protect sensitive species.

7.2.20. I am satisfied that the proposed development would not have a significant adverse impact on biodiversity. Any impacts would be temporary and short term.

Other Environmental Considerations

Cultural Heritage

7.2.21. The site is not within nor in proximity to a zone of archaeological potential, a recorded monument, protected structure or an architectural conservation area. In view of the nature of the works entailing the upgrading of an existing park and absence of instream works it is reasonable to conclude that the potential for the works to impact on previously unrecorded sites would be limited.

Conclusion

7.2.22. I am satisfied that the applicant has provided adequate information to justify the need for the proposed works which seek to provide for a more accessible and user friendly public amenity space and that the proposed works are appropriate and proportionate, will function effectively and will allow for greater public access to the river.

7.3. The likely significant effects on a European site:

The areas addressed in this section are as follows:

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

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

7.3.1. 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.

Natura Impact Statement

- 7.3.2. 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 concluded that a Stage 2 Appropriate Assessment was required. The NIS outlines the methodology used for assessing potential impacts on the habitats and species within the European Sites that has the potential to be affected by the proposed development. It predicts the potential impacts for the site and its conservation objectives, it suggests mitigation measures, assesses in-combination effects with other plans and projects and it identifies any residual effects on the European site and its conservation objectives.
- 7.3.3. The NIS was informed by the following studies, surveys and consultations:
- A desk top study.
 - A field survey of the proposal site and surroundings including habitat survey undertaken in accordance with the standard methodology outlined in Fossitt's 'A Guide to Habitats in Ireland', in addition to a survey of bird species and signs of fauna activity.
- 7.3.4. The report concluded that, subject to the recommended mitigation measures, there would be no potential for significant impacts on European sites as a result of the proposed development and that this conclusion refers to the development by itself or in combination with other developments.
- 7.3.5. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in Section 8 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

Appropriate Assessment

- 7.3.6. I consider that the proposed development comprising of upgrade works to Tullow Town Park is not directly connected with or necessary to the management of any European site.
- 7.3.7. 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.

European sites considered for Stage 1 screening:

European Site (SAC/SPA)	Qualifying Interests and conservation objectives	Distance	Link
Slaney River Valley SAC (site code 00781)	Estuaries; Mudflats & sandflats; Atlantic & Mediterranean salt meadows; Floating River Vegetation; Old sessile oak woods; Alluvial forests; Freshwater Pearl Mussel; Sea, Brook & River Lamprey; Twaite Shad; Salmon; Otter & Harbour Seal	Development site partly located in SAC	Yes
Holdenstown Bog SAC (site code 001757)	Transition mires and quaking bogs	c.12km to north east	No
River Barrow and River Nore SAC (site code 002162)	Estuaries; Reefs; Mudflats & sandflats; Salicornia & other annuals; Atlantic & Mediterranean salt meadows; Floating River Vegetation; European dry heaths; Tall herb fringe communities; Petrifying springs;	c.15km to west	No

	Alluvial forests; Old sessile oak woods; Desmoulin's Whorl Snail; Freshwater Pearl Mussel & Nore Pearl Mussel; White-clawed Crayfish; Sea, Brook & River Lamprey; Twaite Shad & Salmon; Otter & Killarney Fern		
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- 7.3.8. Based on my examination of the NIS report and supporting information (including desktop studies and field survey), 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 conclude that a stage 2 appropriate assessment is required for Slaney River Valley SAC (site code 000781).
- 7.3.9. The remaining 2 no. 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 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 European Sites Holdenstown Bog SAC (site code 001757) and River Barrow and River Nore SAC 001757 (site code 002162) in view of the sites' conservation objectives and a stage 2 appropriate assessment is not, therefore, required for these sites.

Slaney River Valley SAC

- 7.3.10. The River Slaney sources 26km northeast of the subject site in the townland of Imael North, near Camarahill mountain east of Baltinglass, Co. Wicklow. It flows south through Tullow, Bunclody and Enniscorthy where it subsequently discharges into Wexford harbour. The tidal influence extends upriver as far as Enniscorthy. The main river tributaries include the Bann, Glasha, Clody, Derry, Derreen, Douglas and Carrigower rivers. The SAC is of high importance for the conservation of fish species, notably Atlantic Salmon with Q4 (good status) values set as an objective in freshwater. Sea Lamprey, River Lamprey and Brook Lamprey all require clean gravels for spawning. Twaite Shad needs stable gravel substrate with very little fine material, free of filamentous algal and plant root growth. Otter is well distributed throughout the SAC and water quality would impact on prey stocks.
- 7.3.11. The Conservation Objectives and Qualifying Interests, including a summary of the relevant attributes and targets for the site, are set out below. The Board is advised that the relevant Statutory Instrument includes a number of habitats which are not included in the NPWS Conservation Objective Series document. The NIS refers to the full suite of qualifying interests.

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 \(npws.ie\)](https://www.npws.ie/en/conservation/objectives/000781)

Statutory Instrument: [S.I. No.637 of 2023 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2023/si/637)

Summary of Appropriate Assessment

Qualifying Interest feature Maintain (M) Restore (R)	Conservation Objectives Targets and attributes	Potential adverse effects	In-combination effects	Mitigation measures	Can adverse effects on integrity be excluded?
Estuaries (M) (Maps 3 & 5)	- Habitat area: The permanent habitat area is stable or increasing, subject to natural processes. Community distribution: The following community types should be maintained in, or restored to, a natural condition: Mixed sediment community complex; Estuarine muds dominated by	The tidal stretches of the River Slaney are approx. 46km hydrologically downstream of the site. Having regard to size, scale and nature of the proposed development, no	None	None required	Yes

	polychaetes and crustaceans community complex; and Sand dominated by polychaetes community complex. See map 5	potential indirect impacts during construction or operational phases are anticipated on this QI.			
Mudflats and sandflats not covered by seawater at low tide (M) (Map 4)	- Habitat area: The permanent habitat area is stable or increasing, subject to natural processes. 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 tidal stretches of the River Slaney are approx. 46km hydrologically downstream of the 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
Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	None specified	The nearest examples of this habitat are located approx. 46km hydrologically downstream of the subject site. Having regard to size, scale and nature of the proposed development, no potential indirect impacts	None	None required	Yes

		during construction or operational phases are anticipated on this QI.			
Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	None specified	<p>The nearest examples of this habitat are located approx. 46km downstream of the subject site.</p> <p>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.</p>	None	None required	Yes
Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation (M) (Map 6)	<ul style="list-style-type: none"> - 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. - Hydrological regime: river flow: Maintain appropriate hydrological regimes - Hydrological regime: tidal influence: Maintain natural tidal regime 	<p>The development is within the known distribution and current range of the habitat. It is noted as being present along much of the freshwater stretches of the site. The habitat was not recorded during site survey</p> <p>Siltation or pollution could negatively impact water</p>	None	<p>See Section 7.3.12 below.</p> <p>Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality.</p>	<p>Yes</p> <p>No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.</p>

	<ul style="list-style-type: none"> - 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 	quality during the construction phase.			
<p>* Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) (R)</p> <p>(Map 6)</p>	<ul style="list-style-type: none"> - Habitat area: Area stable or increasing, subject to natural processes, at least 18.7ha for sites surveyed - Habitat distribution: No decline. - Woodland size: Area stable or increasing. Where topographically possible, "large" 	A tree survey has been conducted. The tree species in the riparian woodland within the site boundary are not those typically associated with the qualifying interest.	None.	See Section 7.3.12 below. Best practice drainage and pollution prevention methods are set out in the NIS and include detailed	<p>Yes</p> <p>No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent</p>

	<p>woods at least 25ha in size and “small” woods at least 3ha in size</p> <ul style="list-style-type: none"> - 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 	<p>The nearest Alluvial Forest is located 7.3km hydrologically downstream</p> <p>Siltation or pollution, could decrease water quality and spread of invasive species could negatively impact on the habitat area during the construction phase.</p>		<p>measures to mitigate impacts to water quality.</p> <p>Biosecurity measures are also set out in the NIS to prevent the spread of invasive species/ biohazards.</p>	<p>direct or indirect effects on integrity.</p>
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	<p>than 40cm diameter (greater than 20cm diameter in the case of alder)</p> <ul style="list-style-type: none"> - 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 (<i>Alnus glutinosa</i>), willows (<i>Salix</i> spp) and, locally, oak (<i>Quercus robur</i>) and ash (<i>Fraxinus excelsior</i>) - Vegetation composition: negative indicator species: Negative indicator species, particularly non-native invasive species, absent or under control 				
<p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles (R)</p> <p>(Map 6)</p>	<ul style="list-style-type: none"> - Habitat area: Area stable or increasing, subject to natural processes, at least 146.17ha for sub-sites surveyed. - Habitat distribution: No decline. - Woodland size: Area stable or increasing. Where topographically possible, "large" 	<p>A tree survey has been conducted. The tree species in the riparian woodland within the site boundary are not those typically associated with the qualifying interest.</p>	None	<p>See section 7.3.12 below.</p> <p>Biosecurity measures are also set out in the NIS to prevent spread of invasive species/ biohazards.</p>	<p>Yes</p> <p>No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent</p>

	<p>woods at least 25ha in size and “small” woods at least 3ha in size</p> <ul style="list-style-type: none"> - 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 	<p>The nearest located Old Oak Woodland is located 8.5 km hydrologically downstream.</p> <p>Spread of invasive species could negatively impact on the habitat during the construction phase.</p>			direct or indirect effects on integrity
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	<ul style="list-style-type: none"> - Woodland structure: indicators of local distinctiveness: No decline - Vegetation composition: native tree cover: No decline. Native tree cover not less than 95% - Vegetation composition: typical species: A variety of typical native species present, depending on woodland type, including oak (<i>Quercus petraea</i>) and birch (<i>Betula pubescens</i>) - Vegetation composition: negative indicator species: Negative indicator species, particularly non-native invasive species, absent or under control 				
Freshwater Pearl Mussel <i>Margaritifera margaritifera</i>	<ul style="list-style-type: none"> - The status of the freshwater pearl mussel (<i>Margaritifera margaritifera</i>) 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 	<p>The development is located within the current known distribution, current range and favourable reference range of the QI</p> <p>There are no NBDC records for the species in the vicinity of the proposed development. The nearest</p>	None	<p>See section 7.3.12 below.</p> <p>No instream works are proposed.</p> <p>Best practice drainage and pollution prevention methods are set out in the NIS and include detailed</p>	<p>Yes</p> <p>No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity</p>

		<p>have been found in the Derry River downstream.</p> <p>Siltation or pollution could decrease water quality during the construction phase.</p>		measures to mitigate impacts to water quality.	
Atlantic Salmon <i>Salmo salar</i> (R)	<ul style="list-style-type: none"> - 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 	<p>The site is located within the current known distribution, current range and favourable reference range of the QI.</p> <p>Siltation or pollution could decrease water quality during the construction phase.</p>	None	<p>See section 7.3.12 below.</p> <p>No instream works are proposed.</p> <p>Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality.</p>	<p>Yes</p> <p>No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity</p>

	<ul style="list-style-type: none"> - Water quality: At least Q4 at all sites sampled by EPA 				
Twaite Shad <i>Alosa fallax</i> (R)	<ul style="list-style-type: none"> - 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 	<p>The species is mainly restricted to the lower reaches of the River Slaney due to artificial barriers along the main channel.</p> <p>The site is located outside the current known distribution and favourable reference range of the QI.</p> <p>Precautionary approach adopted.</p> <p>Siltation or pollution could decrease water quality during the construction phase.</p>	None	<p>See section 7.3.12 below.</p> <p>No instream works are proposed.</p> <p>Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality.</p>	<p>Yes</p> <p>No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity</p>
River Lamprey <i>Lampetra fluviatilis</i> (R)	<ul style="list-style-type: none"> - Distribution: extent of anadromy: Greater than 75% of main stem and major tributaries down to second order accessible from estuary 	<p>The development is located within the current known range and distribution of the QI.</p>	None	<p>See section 7.3.12 below.</p> <p>No instream works are proposed.</p>	<p>Yes</p> <p>No doubt as to the effectiveness or implementation of</p>

	<ul style="list-style-type: none"> - 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 	<p>Applicant assumes the species is present in the vicinity of the site.</p> <p>Siltation or pollution could decrease water quality during the construction phase.</p>		Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality.	mitigation measures proposed to prevent direct or indirect effects on integrity
Brook Lamprey <i>Lampetra planeri</i> (R)	<ul style="list-style-type: none"> - 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 	<p>The development is located within the current known range and distribution of the QI.</p> <p>Applicant assumes the species is present in the vicinity of the site.</p> <p>Siltation or pollution could decrease water quality during the construction phase.</p>	None	<p>See section 7.3.12 below.</p> <p>No instream works are proposed.</p> <p>Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality.</p>	<p>Yes</p> <p>No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity</p>

	<ul style="list-style-type: none"> - Availability of juvenile habitat: More than 50% of sample sites positive 				
Sea Lamprey <i>Petromyzon marinus</i> (R)	<ul style="list-style-type: none"> - 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 	<p>The site is located outside the current known distribution, current range and the favourable reference range of the QI.</p> <p>Precautionary approach adopted that the species is present in the vicinity downstream of the site</p> <p>Siltation or pollution could decrease water quality during the construction phase.</p>	None	<p>See section 7.3.12 below.</p> <p>No instream works are proposed.</p> <p>Best practice drainage and pollution prevention methods are set out in the NIS and include detailed measures to mitigate impacts to water quality.</p>	<p>Yes</p> <p>No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity</p>
Otter <i>Lutra lutra</i>	<ul style="list-style-type: none"> - 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 	Evidence of otter recorded within the riparian woodland. It is likely that otter uses the area for foraging purposes.	No	<p>See section 7.3.12 below.</p> <p>Best practice drainage and pollution prevention methods are set out in the NIS</p>	<p>Yes</p> <p>No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent</p>

	<ul style="list-style-type: none"> - 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 - Fish biomass available: No significant decline - Barriers to connectivity: No significant increase 	<p>Siltation or pollution could result in deterioration of water quality, reducing fish biomass availability.</p> <p>Disturbance due to noise, dust and lighting during the construction phase.</p>		<p>and include detailed measures to mitigate impacts to water quality and consequently fish biomass.</p> <p>Construction during daylight hours only.</p>	direct or indirect effects on integrity.
Harbour Seal <i>Phoca vitulina</i> (M) (Map 7)	<ul style="list-style-type: none"> - Access to suitable habitat: Species range within the site should not be restricted by artificial barriers to site use. - Breeding behaviour: The breeding sites should be maintained in a natural condition. 	<p>The species is recorded in harbour areas, approx. 45km hydrologically downstream of the subject site.</p> <p>Having regard to size, scale and nature of the</p>	None	None required.	Yes

	<ul style="list-style-type: none"> - 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 	proposed development, no potential indirect impacts during construction or operational phases are anticipated on this QI.			
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Overall conclusion:

Integrity test:

Following the implementation of mitigation measures, the construction and operation of the proposed development will not adversely affect the integrity of the Slaney River Valley SAC (Site Code 000781) in light of the site's Conservation Objectives. No reasonable scientific doubt remains as to the absence of such effects.

Mitigation Measures

7.3.12 Section 8 of the NIS details the mitigation measures proposed during the construction and operational phases of the proposal and can be summarised as follows:

Construction Phase

General:

- Relevant training of personnel on monitoring and mitigation measures requirements,
- Daily visual inspections and recording of same,
- Biodiversity protection protocol,
- Confinement of construction works to the development footprint,
- Working hours to be confined to normal working hours,
- Otter proof fencing around the construction site,
- Where possible vegetation removal works to be scheduled outside of 1st March to 31st August period,
- Landscaping to be integrated to the wider network of green corridors along the eastern boundary between the development site and the River Slaney,
- NPWS to be notified should protected species be found,
- Lighting to be angled away from trees and the river during both construction and operational phases.

Water Quality

- Adherence to standard construction best practice with due cognisance of CIRIA's Control of Water Pollution from Construction Sites: Guidance for Consultants and Contractors, 2001; Control of Water Pollution from Construction Sites – Guide to Good Practice, 2002 and IFI's Guidelines on Protection of Fisheries during Construction Works in and adjacent to Waters, 2016,
- No instream works proposed.

- Silt fencing to be placed along any area where debris or sediment could enter the river,
- Vegetation clearance only when required to prevent leaving exposed ground for periods of time, and reseeded to be undertaken as soon as possible to stabilise the soil and prevent runoff,
- Any spoil generated to be stored in a temporary designated spoil area away from the river or drainage ditch. Spoil to be covered or graded to avoid ponding or water saturation,
- Regular inspection of the site access road to ensure no silt laden surface runoff leaves the site,
- Excavations and earth moving activities to be planned outside periods of heavy rain,
- Manhole covers and stormwater gullies to be protected by silt blankets and additional measures such as sandbags to be incorporated on steeper gradients if required,
- Should water be encountered during excavation works it is to be pumped to an appropriately located and sized lagoon/infiltration area for settlement,
- Maintenance of construction plant machinery and equipment,
- Designated area for storage of hydrocarbons,
- Spill kits to be available on site,
- Cessation of work should deterioration in water quality be suspected, investigation undertaken and NPWS and IFI to be notified,
- Use of herbicides/pesticides or chemicals not to be used within 10 metres of the river bank.

Invasive Species

- An invasive species management plan to be put in place for the treatment of Indian Balsam and Three-cornered Garlic with appropriate measures for their removal,
- Any vegetation cutting to occur once control of the species has occurred,

- Inspection of all equipment and plant for the presence of invasive species and thoroughly washed prior to entering and leaving the site,
- Herbicide application to be carried out by suitably qualified contractors or operators.

Operational Phase

- Long term management plan for invasive species to be put in place to include regular monitoring and control measures.

Potential In-combination Effects

7.3.13 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 spread of invasive species. This could give rise to contamination and/or colonisation with resultant impacts on water quality, fisheries and the availability of prey species for otter, having regard to the various plans or projects in the wider area (incl. domestic and commercial 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 site or its QI habitats and species.

Residual Effects

7.3.14 Taking account of the mitigation measures outlined above and the limited scale of the proposed development I consider that there is no potential for residual adverse effects on any of the QI species or habitats or the overall integrity of the Slaney River Valley SAC.

NIS Omissions

7.3.15 None noted.

Suggested Related Conditions

7.3.16 I recommend that a suitably qualified ecologist be appointed to oversee the works and to ensure that the mitigation strategies for important ecological features are represented in the contractor's construction management plan and method statements.

- 7.3.17 In the interests of clarity I also recommend that the location and extent of silt fencing to be used on the site be detailed in the CEMP.

Conclusion

- 7.3.18 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).

Appropriate Assessment Conclusions

- 7.3.19 Having regard to the nature, scale and location of the proposed works partly within 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.

8.0 EIA Screening

The proposal entailing upgrade works to an existing town park c. 1.13 hectares in area is a project not of a type included in Schedule 5 Part 1 or Part 2 of the Planning and Development Regulations 2001 (as amended) and therefore no EIA screening is required.

9.0 Recommendation

On the basis of the above assessment I recommend that the Board approve the proposed development for 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 as amended,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Slaney River Valley Special Area of Conservation (Site Code: 00781),
- (e) the policies and objectives of the Carlow County Development Plan, 2022-2028 and Tullow Local Area Plan 2017-2023,
- (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 Natura Impact Statement,
- (h) 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 Slaney River Valley Special Area of Conservation (site code: 00781), is the only European Site in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, 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 Slaney River Valley Special Area of Conservation (site code: 00781), 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 Site, having regard to the site's conservation objectives.

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

Proper Planning and Sustainable Development/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 give rise to increase in flood risk, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

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

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

2. The mitigation and monitoring measures identified in the Ecological Impact Assessment and Natura Impact Statement submitted with the application shall be implemented in full. 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.

3. 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.

4. 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 Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and Ecological Impact Assessment 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 and Ecological Impact Assessment,
 - b. location and extent of silt fencing to be installed on site.
 - c. specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness,

Reason: In the interest of protecting the environment and the European Site.

5. 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 system shall be outlined and placed on file. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.
 - b. no vegetation removal shall take place during the period of the 1st day of March to the 31st day of August (inclusive) without the written approval of the Ecological Clerk of Works. Such approval shall be placed on the public file.

- c. a pre-construction otter survey by a suitability 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, and,

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 of Housing, Local Government and Heritage.

Reason: In the interests of biodiversity and nature conservation.

- 6. The Local Authority 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.

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

August, 2024