



An
Coimisiún
Pleanála

Inspectors Report ABP-321416-24

Development	N80 Leagh Bends Scheme Road Project
Location	In the Townlands of Graiguenaspiddoge, Castletown, Leagh, Ballybeg, Kilballyhue and Kilcoole, County 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	<ol style="list-style-type: none">1. Dept. of Housing Local Government and Heritage2. Uisce Eireann
Observers	<ol style="list-style-type: none">1. Albert Glynn (CPO 109)2. Ann Glynn (Rep of late David Glynn) (CPO 109)3. Allan Glynn (CPO 109)4. Noel Glynn (CPO 109)

5. Donal Murphy (CPO 127)
6. Tom Nolan (CPO 112)
7. David Nolan (CPO 113)
8. DTN Electrical Ltd (CPO OC 112)
9. Thomas and Mary Nolan (CPO 139
& OC 112)
10. Matthew Kennedy and Others
11. John and Heather Shirley (CPO 122,
135 and 138)
12. John and Elizabeth Wall (CPO 110)
13. Caitriona Farrell (CPO 105)
14. John Farrell (CPO 105)
15. Ronan Farrell
16. Michael and Maureen Regan and
Others (CPO 101)

Date of Site Inspection

14/03/2025

Inspector

Laura Finn

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1.0 Introduction

Carlow County Council with the support of Transport Infrastructure Ireland (TII) is seeking approval from An Coimisiún Pleanála to undertake a proposed development along a section of the N80 Road known as the N80 Leagh Bend Scheme located in the townlands of Graiguenaspiddoge, Castletown, Leagh, Ballybeg, Kilballyhue and Kilcoole, County Carlow.

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

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 (now referred to as An Coimisiún Pleanála (ACP)) 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 ACP 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 ACP before consent is given for the proposed development.

The site is not located within or adjacent to any European Site. There are 3 no. designated European Sites located within 15km of the site including River Barrow and River Nore SAC [002162] located c. 5.8km west, Slaney River Valley SAC [000781] located 7.4km to the east and Blackstairs Mountain [000770] located 13.5km to the south. The site is hydrologically linked at a distance of c. 9.5km downstream to the River Barrow and River Nore SAC via the Kilmeany River and the Burren River (see further analysis below).

2.0 Proposed Development

The proposed development known as the N80 Leagh Bends Scheme will consist of an upgrade to the current N80 road from Castletown Crossroads to the Graiguenaspiddoge Crossroads as follows;

- Realignment and upgrading of c. 3km of the N80 National Secondary route between Graiguenaspiddoge and Castletown.
- Realignment of the Graiguenaspiddoge Castletown Crossroads.
- Diversion of the Kilmeany Stream and replacement of the existing culvert with a new culvert crossing the N80.
- Provision of drainage system including attenuated outfalls.
- Provision of all necessary ancillary civils works and accommodations works.

The junction of the L3050, along with the N80, will be moved c. 175m to the north. This will create a staggered crossroads at Graiguenaspiddoge Cross. Improvements and widening are proposed at the Graiguenaspiddoge Cross and Castletown Cross. The works will require the removal of adjacent field boundaries including hedgerows and hedgerows/treelines totalling c. 3.33km in length and the construction of new drainage ditches totalling c. 1.65km in length. Additionally, 4.2km of new hedgerow will be planted as part of the works.

Drainage works are proposed along the length of the carriageway, including 3 no. attenuation ponds and 2 no. oversized pipes. Boundary treatment / fencing, mammal underpass(s) and water quality protection measures will be provided along the route.

The proposed development route will require excavation and filling to facilitate realignment, levelling of the route and associated verge/hard shoulder.

Although the proposed scheme will be developed mainly online on the existing N80, the proposed scheme will require the acquisition of c. 17.7 ha. This includes c. 13.5 ha of permanently acquired land (made up of c. 5.6 ha public road, c. 7.7 ha agricultural land and c. 0.25 ha of other land). In addition, c. 4.2 ha of land will be temporarily acquired (of which c. 0.12 ha is public road, c. 3.6 ha is agricultural lands, and c. 0.5 ha is other land). The estimated timeframe for construction works is approximately 18 to 24 months.

2.1. **Accompanying Documents**

This application for approval is accompanied by the following documents:

- Cover letter dated 2nd December 2024.

- Planning Notices.
- Notices Issued to Prescribed Authorities, dated November 2024, List of Prescribed Authorities Notified and Registered Postage Records, addendum list of prescribed bodies.
- Planning Report under S177AE including Appendices 01 – 18 as follows;
 1. Ecological Impact Assessment Report
 2. Appropriate Assessment Screening and Natura Impact Statement
 3. Outline Construction Environmental Management Plan
 4. Environmental Impact Assessment Screening Report
 5. Air Quality Assessment Report
 6. Climate Impact Assessment Report
 7. Noise Impact Assessment Report
 8. Ground Investigation Report
 9. Geotechnical Assessment
 10. Environmental Report
 11. Site Specific Flood Risk Assessment
 12. Hydrology and Hydrogeology Assessment Report
 13. Assimilative Capacity Assessment
 14. Design Drawings
 15. Preliminary Waste Management Plan
 16. Archaeology, Architecture and Cultural Heritage Report
 17. Agronomy Assessment Report
 18. Landscape Assessment Report

3.0 **Site and Location**

The N80 National Secondary Road extends from Enniscorthy, Co. Wexford to Tullamore in County Offaly. The section of road located c. 6km south of Carlow town, which extends c. 2.5km between Castletown Crossroads at the northern end and Graiguenaspiddoge Crossroads to the south is considered deficient in both width and alignment. This section of road lies between two upgraded sections of road.

The N80 is surrounded by agricultural fields and scattered dwellings. The northern part of the site is located c. 1km south of the M9 Motorway. The Kilmeany River flows under the N80 near the Castletown crossroad.

4.0 Planning History

No relevant recent planning history on the site. Recent planning history in the vicinity of the site relates to the construction of one-off houses, extensions of existing residential units and the provision of agricultural buildings.

5.0 Legislative and Policy Context

5.1. Relevant Legislative Provisions

5.1.1. 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).

5.1.2. 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.

5.1.3. National Nature Conservation Designations

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:

- River Barrow and River Nore SAC [002162] located c. 5.8km west
- Slaney River Valley SAC [000781] located 7.4km to the east
- Blackstairs Mountain [000770] located 13.5km to the south

5.1.4. 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. Please note that where the Board is mentioned in the legislation below, that this now relates to An Coimisiún Pleanála (ACP);

- 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.

5.2. **National & Regional Policy**

The following National and Regional Policy is relevant;

- Climate Action Plan 2025;
- National Planning Framework, First Revision, April 2025 (NPF);
- National Development Plan 2021 - 2030;
- Regional Spatial and Economic Strategy for the Southern Region, Jan 2020;
- National Biodiversity Action Plan 2023 – 2030 (NBAP);
- The Planning System and Flood Risk Management, 2009;

5.2.1. **Climate Action Plan, 2025**

The Climate Action Plan 2025 builds upon the Climate Action Plan 2024 (CAP 24) by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with CAP 24. References to CAP 25 in this report therefore also includes recognition of CAP 24.

As part of its functions, the Coimisiún must, in so far as, perform its functions in a manner that is consistent with the most recently approved climate action plan, most recently approved national long term climate action strategy, national adaptation framework, sectoral plans, furtherance of national climate objective and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State [section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended)]. The Climate Action Plan is prepared in accordance with the Climate Action and Low Carbon Development (Amendment) Act 2021. Under the Plan, targets include for a 20% reduction in total vehicle kilometres and significant increases to sustainable transport trips.

5.2.2. **National Planning Framework, First Revision, April 2025 (NPF)**

The NPF is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. It seeks to develop a region-focused strategy to manage growth and environmentally focused planning at a local level. The revised NPF NSO's remain the same as the previous National Planning Framework 2040 (2018) with some minor amendments. The NPF National Strategic Outcomes (NSOs) relate to enhanced regional accessibility between key urban centres of population and their regions. NSO 3 relates to Enhanced Regional Accessibility, while NSO 4 relates to High-Quality International Connectivity and NSO 5 relates to Sustainable Mobility.

5.2.3. **National Development Plan, 2021-2030**

This Plan underpins the National Planning Framework. It contains several priorities which includes investment in regional and local road network protection and renewal.

5.2.4. **Regional Spatial and Economic Strategy for the Southern Region, January 2020 (RSES)**

Under the National Planning Framework, the southwest, southeast and mid-west regions of Ireland are combined into a southern region covering broadly one-third of the state. 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. **RPO 126** promotes biodiversity protection and habitat connectivity. **RPO 127** relates to policies for the management of invasive species. The RSES contains the following actions and objectives:

5.2.4.1. **Key Infrastructural Requirements**

- Priority transport infrastructure - enhanced rail services and improved line speeds, town bus services, Kilkenny Road – Wexford N80-R448 (Southern Relief Road), N80 upgrade as a key inter-regional route and link to Rosslare Europort.

5.2.4.2. **Regional Policy Objectives**

- **RPO 146** - Strengthening and maintaining access to ports through enhanced transport networks and improved journey times including support for M11 and N80 improved connectivity to Rosslare.
- **RPO 167 - National Road Projects** - The provision of National Road Projects to be delivered during the period up to 2027 to achieve NSO: Enhanced Regional Accessibility subject to the required appraisal, planning and environmental assessment processes are supported including;
 - Upgrade N80 Enniscorthy to Carlow and Midlands.
- **RPO 168 – Investment in Regional and Local Roads** - Local Authorities have identified infrastructure to strengthen regional accessibility and sustainable mobility for Key Towns;
 - Wexford: Improved accessibility from Rosslare and Wexford to Waterford, improvements to M11/M25 from Oilgate to Rosslare, N30 and N80

5.2.5. **National Biodiversity Action Plan 2023 – 2030 (NBAP)**

Ireland's 4th NBAP sets the biodiversity agenda for the period 2023 – 2030. The NBAP has a list of Objectives which promotes biodiversity as follows; **Objective 1** Adopt a whole of government, whole of society approach to biodiversity; **Objective 2** Meet urgent conservation and restoration needs; **Objective 3** Secure nature's contribution to people; **Objective 4** Enhance the evidence base for action on biodiversity; **Objective 5** Strengthen Ireland's contribution to international biodiversity initiatives. The Wildlife (Amendment) Act 2023 provides that every public body, as listed in the Act, is obliged to have regard to the objectives and targets in the National Biodiversity Action Plan.

5.2.6. **The Planning System and Flood Risk Management, 2009**

These Guidelines seek to avoid inappropriate development in areas at risk of flooding and avoid new developments increasing flood risk elsewhere and they advocate a sequential approach to risk assessment and a justification test.

5.3. Local Planning Policy

5.3.1. Carlow County Development Plan 2022-2028 (CCDP 2022)

The Carlow County Development Plan 2022-2028 (CCDP 2022) is the relevant plan for the County. The CCDP 2022 contains the following relevant policies in relation to roads upgrades.

Section 5.8.2 of the Plan in relation to the National Road Networks and the importance of the N80 states that;

‘Carlow is served by the N80 and N81 National Roads traversing the county. The N80 is a strategic link, connecting the Midlands Region to the South-East Region, serving the key towns of Tullamore, Portlaoise, Carlow and Enniscorthy, in addition to connecting with the M7 and M8 motorways providing onward connectivity with Limerick and Cork. South of the N80 via the N11 and N25 onward connectivity is provided to Wexford Town and Rosslare Europort. Extending from the N80, the N81 route provides access to Dublin City to the north-east including access to key settlements of Tullow and Blessington.’

5.3.1.1. National Road Network – Carlow County Council Policies

- **NR.P1:** Co-operate with Transport Infrastructure Ireland (TII) to maintain and develop the national road network (N80 and N81) through the county and to seek to ensure that the capacity, efficiency and safety of the network and associated junctions is maintained in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities DECLG (2012).
- **NR.P3:** Ensure that the capacity, efficiency and safety of the national road network within Carlow is protected and to control development that could impact traffic safety and / or hinder the future upgrading of the national road network.

5.3.1.2. National Road Network – Carlow County Council Objectives

- **NR.01:** Pursue the options and interventions contained in the National Secondary Roads Needs Study 2011- South East Region (or latest approved version).

- **NR.02:** To seek delivery of the following improvement / works on / along the national road network - N80 Carlow to Ballon Re-alignment.

5.3.1.3. **Carlow Road Safety Strategy 2023-2030**

The Plan notes that Carlow County Council is '*committed to improving the physical road network, including improving road safety by maintaining, developing and improving existing roads, while pursuing proposals to construct new roads as financial resources permit.*'

5.3.1.4. **Landscape Character**

The site falls within the landscape character area of '*Central Lowlands*' and within the landscape type of '*Farmed Lowland*'. Most of the County lies within this character area and its key characteristics include a gently rolling landscape of predominantly fertile agricultural lands with medium to large fields defined by low trimmed hedgerows and occasional to frequent mature hedgerow trees. The area comprises low vegetation of grassland and long distant views with a limited capacity to absorb developments unobtrusively. There is an extensive road network penetrating the character area.

5.3.2. **Protection of Biodiversity and Natural Heritage**

The following policies and objectives are considered relevant with respect to the protection of biodiversity and natural heritage:

- **General Protection of Biodiversity and Natural Heritage Policies** - NH P1, NH P2, NH P3, NH P5, NH P6, NH P9, NHO 1.
- **Protection of Natura 2000 Sites** - NS P1, NS P2, NS P3, NS 01,
- **Protection of Natural Heritage Areas (NHAs)** - NHA P1, NHA P2,
- **Protection of Flora and Fauna** - ND P1 - P5, ND P7,
- **Protection of Trees/Hedgerows** - WT P1 - P5, WT P8,
- **Protection of Watercourses** - IW P1 – P5, IW P7, IW P10
- **Management of Invasive Species** – IS P1 – P3

Of note:

- **NH P2** which seeks to ensure as far as is practicable, that development does not adversely impact on wildlife habitats and species, and that biodiversity is conserved for the benefit of future generations in the interests of sustainability. This will include moving towards no net loss of biodiversity from plans adopted by the projects granted permission/authorised by the Council.
- **NH P9** which promotes the carrying out of ecological/habitat assessments to inform the layout and design of development proposals and ensure they integrate the protection and enhancement of biodiversity and landscape features wherever possible, by minimising adverse impacts on existing habitats (whether designated or not) and by including mitigation and/or compensation measures, as appropriate.
- **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.
- **WT P1** which seeks to protect and manage existing woodlands, trees and hedgerow which are of amenity or biodiversity value and/or contribute to landscape character and ensure that proper provision is made for their consideration, protection and management when undertaking, approving or authorising development.

6.0 The Natura Impact Statement (NIS)

Carlow County Council's application for the proposed development was accompanied by a Natural Impact Statement (NIS) which scientifically examined the proposed development and the European sites. It includes an appropriate assessment screening of all sites likely to be affected by the proposed development. The screening concluded that 2 no. designated sites, Slaney River Valley SAC, and Blackstairs Mountain SAC, could be screened out given the distances separating the site from these European sites and the absence of impact pathways such as hydrological connections. The report stated that it can be objectively concluded that the proposed

development will not, either alone or in combination with other plans or projects, result in any significant effects on these European sites.

A hydrological connection was identified between the River Barrow and River Nore SAC and the site, via the Kilmeany River and River Burren.

Based on the Qualifying Interests (QIs), special conservation interests, conservation objectives, the nature of the onsite habitats, the location of the site and the scale of the proposed development, the Appropriate Assessment (AA) screening identified significant effects in the absence of mitigation as a result of the proposed works on the Otter, Atlantic Salmon, Sea Lamprey, Brook Lamprey, River Lamprey and White-clawed Crayfish.

Hence, the River Barrow and River Nore SAC was brought forward for Stage 2 NIS. The NIS identified and characterised the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provided information to enable the Coimisiún to carry out an appropriate assessment of the proposed works.

The NIS was accompanied by Appendix A – Site Layout and Drainage Layout and Appendix B – Ecological Assessment of Watercourses prepared by Sweeney Consultancy. The NIS will be evaluated under Section 12 of this report.

7.0 Consultations and Observations

7.1. Introduction

I note to the Coimisiún that the 16 no. public submissions received by ACP, to both this 177AE application (File Ref 321416-24) and to the associated CPO application (File Ref 321417-24) are identical. All of the submissions received have been read and are summarised within this section of the report.

In relation to the associated CPO application (File Ref. 321417-24), details of submissions made to the oral hearing are assessed in Section 10.0 of that report and hence both reports should be read in conjunction.

7.2. Prescribed Bodies

The application was circulated to the following bodies: An Chomhairle Ealaíon, Fáilte Ireland, An Taisce, The Heritage Council, Inland Fisheries Ireland, Waterways Ireland – Head Quarters, Waterways Ireland – Eastern Regional Office, Córas Iompair Éireann, Transport Infrastructure Ireland, Environmental Protection Agency, Health Service Executive, Department of Environment, Climate and Communications, Irish Water, South East Regional Authority, Southern Regional Assembly, National Transport Authority, Department of Agriculture, Food and the Marine, Department of Housing, Local Government & Heritage, Department of Tourism, Culture, Arts, Gaeltacht, Sport & Media, Department of Transport, Department of Public Expenditure, NDP Delivery and Reform, Department of Rural and Community Development, Irish Aviation Authority, Department of Children, Equality, Disability, Integration and Youth, Department of Justice, Department of Enterprise, Trade and Employment.

7.3. Responses Received from Prescribed Bodies

Responses were received from 2 no. prescribed bodies, as follows:

- Department of Housing, Local Government and Heritage (Submission dated 31st January 2025)
- Uisce Éireann (Submission dated 31st January 2025)

The key points raised by prescribed bodies and the applicant's response are summarised below. I have assessed these submissions within my main assessment in this report (See Section 10.0) ;

7.3.1. Department of Housing, Local Government and Heritage (Submission dated 31st January 2025)

	Issues Raised	CCC Response
1	Archaeology/Archaeological Requirements Dept. refers to Archaeological Impact Assessment (AIA) submitted with application. Noted that proposed works will have direct impacts to a number of areas of archaeological potential including a number of stream crossings. Recommending Advance Archaeological Test Excavation, Advance Underwater/Wade Surveys and Advance Metal Detection Surveys prior to commencement of development.	All Mitigation will be carried out in accordance with CEMP, EIAR and plans and particulars. Project Archaeologist will be appointed for works stage who will agree scope of works. Full surveys and reports will be carried out in accordance with standard TII contract.
2	Appropriate Assessment (Invasive Species) NIS prepared by applicant identified invasive plant species including a large stand of Japanese knotweed at Castletown Crossroads and Himalayan balsam was identified at Graiguenaspiddoge Crossroads. Dept. recommend that mitigation be included to prevent the spread of invasive species during the construction phase, to protect hydrologically connected Natura 2000 sites.	Japanese Knotweed currently being treated by CCC. Plan not yet in place for Himalayan Balsam due to landownership and access. Mitigation during construction will ensure these species don't spread.
3	Ecological Impact Assessment and EIAR Council have screened out likelihood of significant environmental effects and EIAR. Dept. concern regarding large scale of the project including removal of significant amount of good quality hedgerows and trees (c. 3.33km), new drainage ditches (1.65km) and planned diversion of the Kilmeany Stream. Dept. consider that an EIAR is required in accordance with CCDP 2022 – 2028 policy objectives NH P2 and NH P9 and in accordance with Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive of Ireland. Dept. concerned about impact of tree and hedgerow removal on protected bat species. Dept. recommend bat and badger surveys and mitigation measures to facilitate safe mammal crossing including underpasses and mammal fencing. Recommends that the Guidance	Ecological Impact Assessment prepared (Appendix 1) Bat surveys (Appendix B) carried out and more surveys will be carried out prior to construction A mammal underpass will be installed underneath the widened N80 road at ch740 for mammals including badgers. Local seed will be used for the wildflower planting.

	document 'Pollinator-friendly management of Transport Corridors' should be adhered to while planting wildflowers over the length of the road scheme and that seed should be of local provenance. The removal of hedgerow, scrub and trees must take place outside the bird nesting season (1March to 31 August inclusive)	Removal of hedgerow, scrub and trees will take place outside of bird nesting season.
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7.3.2. **Uisce Éireann (Submission dated 31st January 2025)**

	Issues Raised	CCC Response
1	The submission notes that there are Uisce Éireann (UE) assets within the road reserve of the N80 and that approval is required from UE's Diversions team prior to commencement of development. UE have recommended conditions.	Approval will be sought from Uisce Éireann's Diversions team prior to commencement of works.

7.4. **Public Submissions relating to the Proposed Road Development**

In total, 22 no. submissions were received, as per the original statutory notices of which 6 no. submissions were withdrawn prior to the associated CPO Oral Hearing for the road scheme (File Ref. 321471).

The public submissions received are broadly summarised in the following section of my report. I note that the Council has responded to the issues raised and such responses will be examined in relation to the submissions within the assessment section of this report hereunder (See Section 11.0).

7.4.1. **Albert Glynn (CPO 109), Rep of late David Glynn (c/o Ann Glynn) (CPO 109) and Allan Glynn (CPO 109) and Noel Glynn (CPO 109)**

Glynn family business in bus and haulage services since 1930s. The main issues relate to maintaining unobstructed access, devaluation of property, highlighting concern regarding proposed new access and maintaining existing access points, disturbance, impact on business and devaluation of property.

7.4.2. **Donal Murphy (CPO Ref 127)**

Issues raised include closure of current access into his dwelling house from the N80 – strenuously objects to this, objecting to closure of access gate on N80 to dog pens in field opposite house, lack of information provided regarding his proposed new

access off L30504, lack of detailed information regarding boundary treatments and levels of new N80, inadequate drainage detail and concern regarding flooding, requesting all existing infrastructure and access be retained during construction works.

7.4.3. Tom Nolan (Folio CW24445F – Plot C) (CPO 112)

Scheme drawings show changes to the roadway and access arrangements serving property (**Folio CW24445F – Plot C – Thomas Nolan**). Drg no. 19165-01-0116 provided for identification purposes. Main concerns are itemised on map provided with submission including Items 3, 3.1, 4, 4.1, 4.2, 5, 6 and 7.

7.4.4. David Nolan (Folio CW28008F – Plot A) (CPO 113)

Scheme drawings show changes to the roadway and access arrangements serving property (**Folio CW28008F – Plot A – David Nolan**). Drg. no. 19165-01-0116 provided for identification purposes. Same submission as Tom Nolan (See Items 3 3.1, 4, 5, 6, 7 and Other Matters) with an additional Item (Item 1).

7.4.5. DTN Electrical Ltd (Folio CW12769F – Plot B) (CPO 112)

Scheme drawings show changes to the roadway and access arrangements serving property (**Folio CW12769F – Plot B – DNT Electrical Ltd.**) Drg. no. 19165-01-0116 provided for identification purposes. Same submission as Tom Nolan (See Items 2, 3, 3.1, 4, 5, 6, 7 and Other Matters) with an additional Item (Item 2). Main concerns are itemised on map provided with submission.

7.4.6. Thomas and Mary Nolan (Folio CW12769F – Plot B & Folio CW10876F – Plot D) (CPO 139)

Scheme drawings show changes to the roadway and access arrangements serving property (**Folio CW12769F – Plot B and Folio CW10876F – Plot D**) as indicated on Drg. no. 19165-01-0116 provided for identification purposes. Same submission as Tom Nolan (See Items 2, 3, 3.1, 4, 4.1, 4.2, 5, 6, 7 and Other Matters). Main concerns are itemised on map provided with submission.

7.4.7. Matthew Kennedy and Others

Road Safety Issue - Concerned about the omission of safe turning measures onto L30504 and L7148 from the main N80 road. Requesting these turning measures are included in the plans. Current road configuration on L30504 dangerous. This straight point on a N80 is used for overtaking at high speeds. Turning on L30504 coming from Carlow and L7148 coming from Ballon requires vehicles to stop in the middle of the very busy and fast-moving national primary road, putting vehicles at high risk of being struck. Understand after meeting with Senior Engineer in Carlow Co Co that the road was surveyed for suitability for turning lanes during the preliminary planning phase. Informed that the volume of traffic on the road does not justify the implementation of a turning lane. This conclusion fails to acknowledge the grave safety risks involved and volumes of traffic on the N80.

Oral Hearing - Request made for Oral Hearing.

7.4.8. John and Heather Shirley (CPO 122, 135, 138)

Issues relate to location of proposed bungalow entrance, detail in relation to width of proposed accesses/entrances into property, requesting sound barriers in the form of high block walls and low noise asphalt outside their houses and residential soundproofing, concerned about air quality during and post construction. They request an underpass to overcome severance of the farm. Consider the permanent acquisition of the farmyard excessive and have highlighted the severe impact the CPO will have on their farm operations. They request access is maintained during the course of the construction works. They consider the temporary CPO to be excessive up to the exterior walls of the residence and consider it will be overly impactful. Shirleys require more information on temporary boundary arrangements/fencing during construction phase. Requesting double width gates and specific detail for boundary treatment.

7.4.9. John and Elizabeth Wall (CPO 110)

Submission prepared by James Cody & Sons Solicitors on behalf of John Wall and Elizabeth Wall. Owners of Folio 4366F, which is the family home. Concerned about

the closure of the local road and its impact on them gaining access to the local road network without having to use the N80. Raised issue about impact on 16 horses on two acres to the rear of the property, impact on business and passing trade, impact on community and isolation, concern regarding devaluation of their property and ability to sell their house. Noted that there was no notable consultation with them. Impact of noise and vibration, public lighting and access to rear of property.

7.4.10. Caitriona Farrell, John Farrell and Ronan Farrell (CPO 105)

Issues relate to proposed site compound layout (Drg. No. 19165-01-0191) location and use following completion of works, Impact on property value if compound remains following works and safety issues in relation to access to the site compound.

7.4.11. Michael and Maureen Regan and Others (CPO 101)

Issues relate to boundary treatment, landowner consultation, noise and construction impacts.

8.0 EIA Screening

An EIA Screening Report was submitted with the application documentation (See Appendix 4 of applicants Planning Report). The report concludes that based on the findings of this EIA screening report, the N80 Leagh Bends Scheme does not require a mandatory EIA, nor does it meet the criteria where a sub-threshold EIA would be warranted. Therefore, there is no requirement to submit an Environmental Impact Assessment Report (EIAR) in support of the Proposed Development.

The proposed development which involves a road project measuring c. 3km is not a class of development under the classes listed under Schedule 5 of the Planning & Development Regulations 2001 (as amended), nor is it a type of development listed under Section 50 of the Roads Act 1993, as amended and Article 8 of the Roads Regulations 1994, for which a mandatory EIA is required.

I consider the proposed development is of a Class but is subthreshold development as per;

- Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001, specifically;
 - Part 2 - Class 1 (a) 'restructuring of rural land holdings' (a) Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres;
- Roads Act 1993, Section 50(1)(c)
- Roads Regulations, 1994, Article 8

Refer to Forms 1 and 3 in the appendices of this report where I have carried out an EIA Pre-Screening (Form 1) and an EIA Screening Determination (Form 3).

The proposed development does not meet or exceed any relevant thresholds. I consider there is no real likelihood of significant effects on the environment and therefore an EIA is not required.

9.0 **Assessment**

The assessment will be undertaken in three parts as per the requirements of Section 177AE as follows:

- 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.

10.0 **The Likely Effects on the Environment**

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:

- Landscape and Visual Impact
- Ecology and Biodiversity including Arboriculture
- Water Environment
- Land, Soils and Geology
- Agronomy
- Traffic
- Noise and Vibration
- Archaeology, Architectural and Cultural Heritage
- Air Quality
- Climate
- Material Assets
- Population and Human Health

10.1. Landscape and Visual Impact

10.1.1. Issues Raised

Public submission raised the issue that as part of the scheme works, trees are to be removed, which will negatively impact on the environment and the amenity of their property, without adequate screening and planting replacement proposals.

10.1.2. Context

The applicant submitted a Landscape and Constraints and Routes Options Study which was prepared by Cunnane Stratton Reynolds Ltd. The study identified the landscape constraints to inform the selection of the preferred route. The report describes the guidelines and documentation used to inform the study including the Guidelines for Landscape and Visual Impact Assessment, 2013 (GLVIA), TII guidance and the CCDP 2022.

10.1.3. Baseline

The site and the site area does not fall within any built or natural heritage sites such as Architectural Conservation Areas (ACA), Area of Archaeological Importance or any European protected conservation site. However, there are a few Protected Structures within the study area.

Relevant landscape protection policies include LA.P1, LA.P2, LA.P6, LA.P8 and LA.P10. Other policies of relevance which relate to the protection of mature hedgerows and trees include GI.P3 and WT.01. The Scenic View 26 - Killyballyhue falls within the study area. Following policy is relevant;

LA.P11: Protect and preserve the established appearance and aesthetic attributes of views and prospects that contribute to the inherent quality of the County's landscape, including views, prospects and scenic routes listed in Tables 9.3 and 9.4, and particularly views to and from mountains, hills, river valleys and river corridors, and views of historical or cultural value (including buildings and townscapes) and views of natural beauty.

As per the Landscape Character Assessment (LCA), the site lies within the 'Central Lowlands' landscape character area and under the 'Farmed Lowland' landscape type.

(Appendix 7 of the CCDP 2022). The '*Farmed Lowland*' landscape type falls within the sensitivity of 2-4, that is Decreasing – Increasing, depending on Development Type.

The report describes the site as being characterised by gently undulating topography with higher contours and levels of 150 – 180m OD on gently mounded hills or ridges to the west and overlooking the road corridor which gently slopes to the east creating extensive panoramas to the distant Wicklow and Leinster Mountains. Vegetation is comprised predominantly of field boundaries of mature hedgerows with individual trees and rows of trees, with some woodlands or copses of trees in places, particularly on higher ground or associated with historic estates/demesnes.

10.1.4. **Potential Effects and Mitigation**

Section 3 of the applicant's report reviews the route options for the proposed N80 project in terms of landscape issues. Three options were assessed in Table 3.2.1 '*Table of Landscape Characteristics and Comparative analysis against route options*' which include Option 1 – Online Upgrade, Option 2 – Offline to the East and Option 3 – Offline to the West. Figure 9 illustrates the options. The overall impact in terms of Regional Landscape Value were not significant/neutral for the online option, minor or slightly negative for the offline – East and Moderately Negative for the Offline – West.

The report concludes the following;

- Option 1 (Online) – Not perceivable, Low Significant and Neutral – Preferred
- Option 2 (East) – Perceivable, Medium Significance and Adverse – Intermediate
- Option 3 (West) - Perceivable, Medium Significance and Adverse – Least Preferred

The potential effects of the Preferred Option, the online route include impacts on field boundaries along the existing alignment, with the loss of vegetation including mature hedgerows and trees and more visibility in the short term. Mitigation proposed includes the reinstatement of planting to the road boundaries.

10.1.5. Assessment (Landscape and Visual Assessment)

The preferred road alignment, Option 1 which is the online option will have impacts which have been described in the study as not perceivable, low significant and neutral. Whilst there is no doubt that the proposed development would change the local landscape from a visual perspective, in my view the established landscape is capable of absorbing change.

In terms of residential property, I fully acknowledge that the proposed N80 road realignment will have a material visual impact when viewed from certain receptors especially in the short-term and that mitigation by means of landscaping, whilst assisting in terms of screening, will fundamentally alter their environment and setting and thereby the amenities currently enjoyed. I consider that this impact has to be balanced against the identified need to provide a national secondary road to an acceptable standard and the needs of the common good. In that context, therefore, the impacts are considered acceptable.

10.2. Ecology and Biodiversity including Arboriculture

10.2.1. Issues Raised

Submission made by Department of Housing, Local Government and Heritage dated 31st January 2025 recommending mitigation to be included to prevent the spread of invasive species during the construction phase to protect hydrologically connected Natura 2000 sites. In addition, Dept. notes that the Council have screened out likelihood of significant environmental effects and EIAR. Dept. concern regarding large scale of the project including removal of significant amount of good quality hedgerows and trees (c. 3.33km), new drainage ditches (1.65km) and planned diversion of the Kilmeany Stream. Dept. consider that an EIAR is required in accordance with CCDP 2022 – 2028 policy objectives NH P2 and NH P9 and in accordance with Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive of Ireland. Dept. concerned about impact of tree and hedgerow removal on protected bat species. Dept. recommend bat and badger surveys and mitigation measures to facilitate safe mammal crossing including

underpasses and mammal fencing. Recommends that the Guidance document 'Pollinator-friendly management of Transport Corridors' should be adhered to while planting wildflowers over the length of the road scheme and that seed should be of local provenance and that the removal of hedgerow, scrub and trees must take place outside the bird nesting season (1st March to 31st August inclusive).

10.2.2. Context

The EclA sets out the regulatory and policy framework, methodology, provides a description of the proposed N80 Leagh Bends Scheme, describes the results of study's undertaken and describes the characteristics and potential impacts of the proposed works and mitigation measures. The EclA described the methodology utilised to determine the Zone of Influence (ZOI). An initial Desk Survey was carried out (Section 4.1 of EclA), then Field Surveys were carried out (Section 4.2 of EclA) including Habitat Survey, Protected and Notable Species Surveys, Amphibians, Hedgehogs and Pygmy Shrews Habitat Survey, Badger Survey, Bat Survey, Breeding Bird Transect Survey, Otter Survey and Invasive Species Survey. A specialist Ecological Assessment of the Kilmeany River and River Burren was conducted by Sweeney Consultancy.

The method employed for assessment of impacts on ecological features followed that recommended by the Chartered Institute of Ecology and Environmental Management (CIEEM) in the *Guidelines for Ecological Impact Assessment in the UK and Ireland*.

The applicants EclA concludes in Section 6 as follows;

- The Site itself is currently considered to be of low local ecological value.
- No bat roosts identified within the 19 no. trees with potential roost features identified for removal. Low numbers of bats commuting / foraging onsite. The Site is not considered to be a significant area for bats.
- The Site is not considered to be of high suitability or a site of importance for any Annex I or Annex II species or Red listed birds.
- No significant impacts predicted on ecological receptors identified following the implementation of mitigation measures.
- The Landscape Plan will compensate for any vegetation removed.

- The installation of the proposed drainage infrastructure will result in a positive effect on water quality within the surrounding area.

An Arboricultural Impact Assessment was submitted with the application (Appendix E of EclA), which was prepared by Linnane Arboriculture Ltd. and carried out in accordance with BS5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations.

10.2.3. **Baseline**

There are three international nature conservation designations within the ZOI of the Site (Table 4-1) including River Barrow and River Nore SAC (002162), River Slaney SAC (000781) and Blackstairs Mountain SAC (000770). The site is hydrologically connected to the River Barrow and River Nore SAC via the Kilmeany River and the Burren River. There are no Natural Heritage Areas (NHA) or proposed Natural Heritage Areas (pNHAs) within 5km of the site.

A review of the National Biodiversity Data Centre (NBDC) database recorded the following Bird Species, Terrestrial Species and Invasive Species within 2km of the site; Barn Owl, Common Kestrel, Eurasian Curlew, Yellow Hammer, West European Hedgehog and Japanese Knotweed. Himalayan Balsam was also identified.

Badgers evidence was recorded on lands to the west of the site (Figure 4-4). Bats were recorded during the bat surveys, indicating bat roosts are likely to be present within the local area, although no bat roosts were identified on the site. No evidence of otters was identified during surveys along the Kilmeany River.

The hedgerows/treelines are considered suitable for a range of nesting birds. A total of 21 no. species of bird were recorded onsite or were flying over the site and immediately adjacent fields of which 2 species are protected under Annex II or III of the Birds Directive and 3 species appear on the Amber list of Birds of Conservation Concern in Ireland (BoCCI) (See Table 4-3).

The Site is situated within the Barrow Catchment (Catchment ID:14) and the Barrow_SC_090 Sub-catchment (Sub-catchment ID:14_13). The Kilmeany River flows in a north/north-westerly direction and crosses under the existing N80 road near the Castletown crossroad. Under the Water Framework Directive (WFD) 2000/60/EC, the EPA classifies the status and the risk of not achieving 'good' water quality status

for all waterbodies in Ireland. According to the WFD 2016-2021 monitoring events, the water quality within the Kilmeany River is 'good,' however, the river is considered 'at risk'. The Kilmeany River flows c. 3.6km north of the crossing point under the N80 before discharging into the River Burren. The River Burren discharges into the River Barrow, a designated Special Area of Conservation (SAC), in Carlow Town, c. 5.9km downstream of the confluence with the Kilmeany River. The water surveys did not identify any suitable habitat within the Kilmeany River for freshwater pearl mussel, lamprey spawning, salmonids or white-clawed crayfish. Brown trout are likely to be supported in the Kilmeany River.

Based on the Arboricultural Assessment, 289 no. trees were identified and classified within the study area. This included 12 no. Category A trees (high quality), 80 no. Category B (moderate quality), 123 no. C (low quality), 74 no. U trees (trees not likely to survive for longer than 10 years). 12 no. hedgerows were recorded varying in condition from well-maintained low hedges to 5-8m high lapsed hedgerows where maintenance has ceased.

10.2.4. Potential Effects

The potential for impacts in the construction and operational phases are assessed in Section 5 of the EclA. The EclA states that a range of environmental measures have been incorporated into the project at the design stage. These design measures include a Landscape Plan (Appendix D) which includes ecological enhancement measures, protection of hedgerow/treelines to be retained, introduction of a mammal underpass and the inclusion of 3 attenuation ponds and drainage infrastructure to filter pollutants to the Kilmeany River.

Table 5-1 of the EclA provides a scoping assessment of impacts on identified ecological receptors. The report notes that European Designated Sites are assessed in the NIS report.

Nationally Designated Sites, Habitats and Flora and Fauna including Arable Crops, Tilled Land, Stone Walls, Improved Agricultural Grassland, Flora and Amphibians have been scoped out of further assessment.

Habitats and Flora and Fauna including Scrub, Hedgerows/Treelines, Drainage Ditch, Kilmeany River, Buildings and Artificial Surfaces, Bats, Badgers, Birds, Otter,

Hedgehogs, Pygmy Shrews, Aquatic Species and Invasive Species were scoped in for further assessment.

The Scoping Justification in Table 5-1 provides a detailed description of the potential impacts on the various ecological receptors that were screened in. These impacts include loss of biodiversity/habitats/bats/other common species with the removal of vegetation, potential impact of pollution and sedimentation reaching the sites waterways/drainage ditches during construction, impact on breeding birds through the removal of farm buildings, impact on local badger populations, impact on nesting birds in treeline/hedgerows to be removed, impact on water quality from pollutants specifically in relation to otters or other aquatic species downstream and spread of invasive species including Japanese knotweed and Himalayan balsam.

Section 5.3 details the proposed mitigation measures during construction phase which includes measures to protect water quality, protection measures for trees and root systems, protection measures for species including bats, breeding birds and terrestrial mammals and biosecurity mitigation measures against the unintentional introduction of invasive species during construction. Mitigation measures for the operational phase are outlined in Section 5.3.2 of the EclA which include measures for the protection of water quality, recommendations in relation to road surfacing to reduce noise, ecological enhancement measures comprising proposed hedgerow / woodland planting, attenuation ponds, wetland habitats and wildflower and grassland planting.

Based on the Arboricultural Impact Assessment, the development will result in the complete removal of 184 no. trees and 7 no. hedgerow and the partial removal of 1 no. hedgerow, totalling to c. 3.3km in length. Replacement tree planting is recommended when construction works have been completed. To ensure adequate protection of any retained trees and hedgerows, construction exclusion zones are recommended to be set in place and fences erected. In respect to any necessary and unavoidable structures required within the root protection area, efforts to minimise impacts have been recommended, including manual only procedures to limit root damage during excavations.

10.3. **Assessment (Ecology and Biodiversity including Arboriculture)**

I have assessed, analysed and evaluated the Ecological Impact Assessment (EclA) submitted with the application (Appendix 1), dated December 2023, which was prepared by Malone O'Regan Environmental.

Direct impacts as described above will arise due to the removal of vegetation and loss of 184 no. trees and 3.3km of hedgerows. In addition, potential impacts arise from sedimentation of watercourses and drainage systems during the construction phases. I consider the Landscaping Plan which provides replanting of hedgerow and trees, areas of woodland planting, wildflower and grassland areas and attenuation ponds and wetland habitats will adequately compensate for the proposed vegetation removal. An updated walkover survey of the site is proposed prior to any vegetation clearance works to confirm the absence of bat roosts. I am satisfied that this and other measures proposed by the applicant will ensure that there will be no impact on bat roosts or bats in the local area. I note that invasive species has been identified on the site and that biosecurity measures have been identified to mitigate its spread onto the construction site. (See OCEMP – Section 4.1.7.1)

I consider that the appointment of an Ecological Clerk of Works (ECoW) who will inspect the site in advance of works commencing and will undertake site inspections during the works to ensure that they will be completed in line with the mitigation measures detailed within this EclA, the NIS and the CEMP will ensure that there will be no significant ecological impacts on the local area. Table 2-1 of the OCEMP submitted with the application outlines the schedule of environmental commitments. I am satisfied that the mitigation measures and monitoring outlined in the EclA are proven good practice measures.

In relation to the submission by the Dept. in relation to the requirement for an EIAR, I have carried out an EIA Screening Determination in Section 8.0 of this report and consider there is no real likelihood of significant effects on the environment and therefore an EIA is not required (See Appendix 1 and 2 of this report).

I am satisfied that the proposed development would not have a significant negative impact on biodiversity (including habitats and species), subject to compliance with relevant legislation and guidance, implementation of the final CEMP, NIS and EclA mitigation measures and compliance with recommended conditions.

10.4. Water Environment

10.4.1. Issues Raised

Uisce Éireann's (UE) submission dated 31st January 2025 notes that there are UE assets within the road reserve of the N80 and that approval is required from UE's Diversions team prior to commencement of development. UE have recommended conditions.

Public submissions have raised the issue of inadequate drainage details provided including capacity of existing drains. Concern was also raised that existing culverts and drains will be negatively impacted by the works leading to problems.

In addition, concerns raised regarding flooding as a result of the works. Requesting written commitment from the Council that the scheme works will not cause flooding.

10.4.2. Context

A Hydrology and Hydrogeology Assessment prepared by IE Consulting dated April 2023 accompanies the application (Appendix 12). The objective of the assessment was to identify any likely significant impacts on hydrology (surface waters) and hydrogeology (ground water) of the area due to the roads project. The report describes the methodology and legislative environment, the methodology, the baseline of the existing water environment, identifies likely negative impacts and mitigation measures to avoid, remediate or reduce negative impacts and assesses any residual and cumulative impacts of the site operations on the water environment.

The application is also accompanied by an Environmental Report (Appendix 10), a Site-Specific Flood Risk Assessment (SSFRA) (Appendix 11) and an Assimilative Capacity Assessment (Appendix 13).

10.4.3. Baseline

10.4.3.1. Hydrology

The hydrology and hydrogeology assessment is based on a 2km radius from the site. The site is located in the River Barrow catchment, WFD sub-catchment Barrow_SC_090 and in the hydrometric area No. 14 (Barrow) which is part of the Irish

southeast Burren River basin district. The site is part of the Burren Water Management Unit.

The report notes that the Kilmeany Stream originates about 180m south of the southern end of the site. It then travels roughly parallel to the east side of the road. It is c. 125m east of the current road at the southern boundary of the proposed road improvements. It is 600m east of the site at its furthest point and then approaches the road again and crosses under the road at the existing bridge, which is to be replaced. The stream then continues to join the River Burren c. 3km north off where the stream crosses the site. The River Burren eventually joins the River Barrow 7km north-west of where the stream crosses the site. The River Barrow is a part of the River Barrow and River Nore SAC. The EPA includes the Kilmeany Stream in a River Waterbody classified as BURREN_050.

10.4.3.2. **Hydrogeology**

The site is located on the outcrop of the Leinster Granite in the Tullow Pluton on the Tullow type 2 Equigranular granite and the Tullow Type 2 Sparsely Porphyritic Granite. This is generally mapped as a Locally Important Aquifer - Bedrock which is Moderately Productive only in Local Zones. A **small** area of the southern portion of the **site** is characterized as Poor Aquifer - Bedrock which is Generally Unproductive except for Local Zones. Locally, the aquifer type is either one of the two forementioned on site.

Aquifer or groundwater vulnerability is a relative measure of the ease with which the groundwater could be contaminated by human activity and depends on the aquifer's intrinsic geological and hydrogeological characteristics. The site is mapped as having moderate to extreme vulnerability. The majority of the site has High vulnerability. Topography slopes towards the north-east and groundwater flow is predicted to follow this and flow towards the northeast. There are no reported wells on the site.

10.4.3.3. **Flood Risk**

The PFRA flood mapping indicates that the majority of the proposed road improvement scheme does not fall within an indicative fluvial flood zone. A minor extent of indicative fluvial flood zone is indicated at the location where the Kilmeany Stream crosses the existing N80 road.

The SSFR Assessment indicates that the primary potential flood risk can be attributed to an extreme fluvial flood event in the Kilmeany Stream at the location where the stream watercourse crosses the existing N80 road and that the scheme is not at risk of potential pluvial or groundwater flooding.

10.5. Potential Effects and Mitigation

10.5.1.1. Hydrology and Hydrogeology

Section 5 of the assessment notes the conventional source-pathway-receptor model was applied to assess the potential impacts on the water environment. The impact assessment process was summarised in Table 8.

Section 5.2.1 describes the sources of potential contamination which include hydrocarbon leakage and spills, multiple heavy metals from road drainage waters are highly hazardous to surface and groundwater, uncured concrete and sedimentation and silt run off to the local streams which can harm fish and macroinvertebrates.

Section 5.1.3 describes the potential pathways which include surface water runoff, accidental spillages, wind and blow dust during dry weather, migration of contaminants/hydrocarbons to the bedrock aquifer and travelling with groundwater flow direction.

Section 5.1.4 has identified two potential receptors. The first is surface watercourses in proximity to the site and the Kilmeany Stream. The second is groundwater down gradient of the site. This includes those who may use the groundwater via wells down gradient (northeast) of the site. This includes the Locally Important Aquifer and the Poor Aquifer both located in the New Ross GWB.

Mitigation measures are described in Section 5.1.5 which range from provision of a suitable surface water management and pollution control system for the road, production of an Emergency Response Plan for spillages of hazardous materials, production of a Water Quality Management Plan, agreement of works with IFI for in-stream works, general good housekeeping mitigation measures to prevent runoff and

siltation especially during heavy rainfall and to protect water courses and compliance with relevant guidance for working near water.

10.5.1.2. Flood Risk

The SSFRA was undertaken in accordance with 'The Planning System and Flood Risk Management Guidelines – DoEHLG 2009', which included the extent of the proposed road improvement scheme. The primary potential flood risk to the proposed road improvement scheme can be attributed to an extreme fluvial flood event in the Kilmeany Stream at the location of the proposed upgraded and replacement culvert. Potential secondary, or residual flood risk, can be attributed to a blockage of the upgraded and replacement culvert on the Kilmeany Stream. The extent of the proposed road improvement scheme is not predicted to be at significant risk of pluvial or groundwater flooding. The SSFR concludes in Section 9 that due to the more elevated profile of the proposed scheme finished road levels at the location of the Kilmeany Stream culvert crossing in comparison to the existing N80 road, that there is a minor increase in predictive flood extents upstream of the proposed culvert, however any increase is considered to be negligible and is confined to a localised area of agricultural lands and does not impact any existing properties. There is also no increase in the flood extents or depths downstream of the proposed culvert. Potential flood risk to the proposed road improvement scheme at this location is adequately mitigated due to the more elevated profile of the proposed scheme finished road levels at this location.

10.5.2. Assessment (Water Environment)

I note that there will be some increased run-off areas where new road surfaces are proposed, however the road upgrades will include the construction of a new drainage and filtration system. I consider this will have a positive impact as I note from the documentation there is no current system to manage surface water runoff. The new roads upgrade will decrease the level of contaminants entering surface and groundwater systems.

During the construction and operational phases, potential impacts include pollution of waterbodies by uncontrolled runoff, accidental pollution by spillages and mobilisation of contaminants to surface and groundwaters. I am satisfied that following the implementation of embedded mitigation measures, implementation of the Water Quality Management Plan and Emergency Response Plan and other mitigation measures as outlined in Section 5.1.5, that no adverse impacts on the Water Environment are likely to occur.

I am also satisfied that no significant adverse impact is likely to arise on the WFD status of the River Barrow catchment, WFD sub-catchment Barrow_SC_090 and in the hydrometric area No. 14 (Barrow) following implementation of the proposed mitigation measures.

Having reviewed the SSFRA, I am satisfied that even though there is a minor increase in predictive flood extents upstream of the proposed Kilmeany Stream culvert, that this increase will be negligible and is confined to a localised area of agricultural lands and does not impact any existing properties.

In relation to Uisce Éireann's (UE) request for specific conditions, please refer to Section 11.3 of this report in the Planning Assessment.

I have considered the submissions made in relation to the water environment and am satisfied that they have been appropriately addressed in terms of the application and that no significant negative effects are likely to arise. I consider the new road drainage system will have a positive effect on water quality with a decrease of contaminants entering surface and ground water.

10.6. Land, Soils and Geology

10.6.1. Issues Raised

None raised.

10.6.2. Context

The application is accompanied by a Geotechnical Assessment prepared by AGL Consulting dated 12th September 2023. Ground conditions were assessed through the completion of a desk-based study, including a review of geotechnical reports

prepared following a ground investigation undertaken along the proposed route. This assessment follows practice guidance from the Institute of Geologists of Ireland (IGI) Guidelines for the preparation of the Soils, Geology and Hydrogeology chapters of an Environmental Impact Assessment Report (2013).

Appendix 15 comprises a Preliminary Waste Management Plan (pWMP) which has been prepared to ensure that all potential construction phase environmental impacts associated with waste management are addressed in accordance with current legislative requirements and best practice guidelines. This pWMP outlines the management procedures to enable the appointed site manager to respond to potential environmental risks from construction activities on-site. The final WMP will cover all aspects of the construction development. The appointed site manager will be required to develop an updated WMP prior to the commencement of any construction works and this will be submitted to CCC for approval.

10.6.3. **Baseline**

The project will involve an excavation volume of c. 47,810 m³ and a fill volume of c. 46,160 m³. It is anticipated that c. 39,874 m³ of the excavated material is suitable for reuse onsite following processing and therefore c. 7,936 m³ will require offsite disposal to a licensed facility.

Section 11.2 of the accompanying Planning Report notes that the quaternary sediment underlying the proposed scheme is predominantly derived from granites and a small patch of Alluvium is found along the path of Kilmeany Stream. Bedrock underlying the proposed scheme is Equigranular Granite (Tullow Pluton) - Pale, fine to coarse-grained granite with a Sparsely Porphyritic Granite (Tullow Pluton) - Granite, some microcline phenocrysts in the first 200m of the stretch. Ground Investigations were carried out as described in Section 5.0 and 6.0 of the Geotechnical Assessment.

The report notes in Section 8.0 that in general, the ground conditions along the alignment comprises a cohesive or a granular glacial till except between approx. Ch. 2+300 to 2+850 where there is a peat and a very soft alluvium identified on the logs and on the GSI quaternary maps.

There is no reported Karst or Wells or Geological Heritage Sites near the site. The report notes that according to the GSI, groundwater vulnerability rating in the vicinity of the proposed scheme is moderate to high with a very small stretch in the middle with a rating of extreme.

10.6.4. Potential Effects and Mitigation

The road realignment works comprise fill against the existing road with localised cut sections required for the drainage trench. A summary of the cut/fill heights along the road is given in Section 4.0, Table 4-1 and 4-2 of the Geotechnical Assessment. The pWMP notes that general and residual wastes will be generated primarily from the clearance and excavation of areas surrounding the existing road, as well as from minor demolition works.

During construction phase, a number of potential risks to local soils and underlying bedrock during the construction phase have been considered including potentially unidentified areas of karst (such as voids, infill cavities, extensive fracturing / extensive weathering) which may be within the vicinity of the scheme. Such risks include; accidental leaks or spillages of fuel, oil, paint or varnish; soils compaction, slope stability and contaminated land. Mitigation measures are described in Section 11.4 of the applicants planning report and include general good construction management practices aimed at minimising the risk of pollution to water. To minimise the overall impact on soils, mitigation measures include the use of temporary berms around stockpiles to prevent run-off, dampening of stockpiles during dry periods, location of stockpiles 20m from watercourses and ditches and segregation of stockpiles for reuse or removal.

Hazardous Waste which could include contaminated soils, waste oils and fuels or used aerosol containers will be kept separate from other C&D waste, will be stored in suitable receptors for subsequent separation and disposal at a suitable facility.

During operational phase, the potential risks to local soils is from accidental fuel leaks or spillages, oil or paint during road maintenance works. Mitigation measures for the operational phase are described in Section 11.3.2 of the applicants Planning Report.

10.6.5. Assessment (Land, Soils and Geology)

Mitigation measures associated with both the construction and operational phases of the proposed development have been embedded within the design.

During the construction phase, potential impacts to soil and groundwater quality could occur from accidental spillages and leakages, soils compaction, slope stability and contaminated land. The Outline Construction Environmental Management Plan (OCEMP) in Section 2, Table 2-1 Schedule of Commitments notes that any soft spots encountered at the proposed foundation depth will be excavated and replaced with lean mix concrete. I am satisfied mitigation measures outlined in Section 11.4 of the applicants Planning Report will limit and minimise any significant impacts relating to soil, surface and groundwater contamination.

I am satisfied that during operational phase all storm water run-off will be attenuated, and pollution control measures will be put in place prior to discharge including bypass petrol interceptors at outfalls. A manual shut off valve will be fitted to the outfall pipe to assist in the event of any accidental spillage. I consider the design of the drainage system will protect nearby watercourses from any potential impacts.

I consider the implementation of all the environmental management measures outlined in the pWMP will ensure that the construction programme will be completed without significant adverse effects on the surrounding environment.

I consider the applicants assessment has identified the relevant issues in relation to Land, Soils and Geology and that no significant effects are likely to arise.

10.7. Agronomy

10.7.1. Issues Raised

Impact on horses and dogs raised in public submissions as well as impact on agricultural operations and severance of agricultural holdings.

10.7.2. Context

Agronomy is the science associated with the interaction between cultivation of land, soil management and animal and crop production for food production and other human benefits. An Agronomy Impact Assessment dated February 2023 was prepared by

Philip Farrelly & Co which accompanies the planning application (See Appendix 17). The report describes the study area, the methodology used which included a desktop review and farm visits, assessment of enterprise sensitivity, the existing environment, an assessment of the proposed route, assessment of the proposed project, potential impacts and mitigation measures proposed.

The agronomy study carried out an assessment of the agricultural impact on each holding of the proposed project and assessed it using the enterprise sensitivity criteria as presented in table 2.3.A and agricultural impact criteria as presented in table 2.4.A. The impact of the proposed project on agriculture has been assessed under several categories, including agricultural land take, land quality (Table 2.4.1.A) land use (Table 2.4.2.A), land severance and farmyard disturbance (Table 2.4.3.A) for both the construction and operational phase.

10.7.3. Baseline

The report notes that land use in the study area is predominately grassland and tillage. Of the land that is in grassland, the majority of holdings are mixed livestock farms, either sheep and/or beef farms. No dairy or equine farms were identified within the proposed project. The main soil type of land holdings along the proposed scheme are classified as soil association "Elton" which is described as a fine loamy drift with limestones. The soil is associated with flat and gently rolling topography. This soil is suitable for grassland and tillage.

10.7.4. Potential Effects and Mitigation

The assessment comprised of 17 no. different land parcels being farmed or owned by 13 no. landowners. The report noted that due to the nature of the road development and the nature of agriculture along the route, the project impact found in the majority of cases was very low. 11 no. land parcels were assessed as very low. 2 no. land parcels were considered low impact due to the land takes for the attenuation ponds. 3 no. parcels had a medium impact. In one case the attenuation pond restricts movements of the landowner from one parcel to another. In the other two medium impact cases, the impact is due to land take and minor land severance within the parcels at the junctions of Castletown Cross and Graiguenaspiddoge Cross.

1 no. parcel will have a high impact. This parcel contains land on both sides of the N80. The farmyard entrance from the N80 will be closed and a new entrance lane will be created which will result in some land take. The farm sheds located adjacent to the N80 will be decommissioned. This action will have high impact on the landowner's agricultural enterprise. The ability for landowner to gain access to additional farm parcels on the opposite side of the N80 will continue as it was prior to the proposed project with the crossing of the N80 with stock or agricultural machinery. Construction phase impacts are described in Section 5.1 of the Agronomy Assessment and include the following;

- Temporary loss of land use on or adjacent to the construction site;
- Temporary loss of services (water, power, paddock fencing);
- Nuisance caused by increased traffic volume due to construction;
- Nuisance caused by noise emanating from the construction site;
- Nuisance caused by dust emanating from construction;
- Impact on shelter from removal of mature trees and strong hedgerows for livestock;
- Disturbance to farm operations;
- Land condition;
- Interruption to drainage systems;
- Restriction on use of land for specialist crop production or animal husbandry adjacent to construction site;
- Spread of noxious weeds when soil is exposed.

Operational phase impacts are described in Section 5.2 and include the following;

- Permanent loss of land including land/hedgerows along the route and land for 3 no. attenuation ponds and severance to 2 no. farmland parcels.
- Possible sub-division of land with an interruption of access to possible sub-divided lands;
- Access will be closed to some parcels which contain multiple access points;

- Injurious affection to retained land including alterations to existing drainage systems;
- Loss of productivity of soils for cropping post-reinstatement which might be caused by soil mixing, loss of topsoil or soil compaction.

Mitigation measures are described in Section 18.4 of the Agronomy Assessment which address impacts in relation to land severance, impact on field drainage and interruptions to water or power and access to drinking points as a result of the construction and operational phase of the proposed project. Appendix A of the Agronomy report outlines the exact mitigation measures proposed to minimise the impact of the project on specific agricultural enterprises. The report notes that mitigation measures have been designed to restore land to its pre-disturbance condition and to minimise alteration to drainage systems. The implementation of these mitigation measures combined with appropriate reinstatement will result in minimal impacts on the current land use, once the proposed project is operational.

General mitigation measures as described in Section 18.4 include providing notice to individual landowners to enable making arrangements for their farm activities, agreeing fencing arrangements, replacement of hedgerows during construction period, maintaining drainage connections and services such as water, farmyard entrances and handling facilities. The report notes that where permanent land take will occur, the landowner will be compensated for the permanent land loss under the statutory process. Monetary compensation measures for the loss of land, severance, injurious affection and farmyard disturbance will be agreed with all impacted landowners.

10.7.5. **Assessment (Agronomy)**

The Agronomy Assessment in my opinion is a robust analysis of the impact of the proposed route on agricultural holdings, indicating that some individual farm holdings along the route will be subject to negative impacts such as land take, land severance, access issues and there is one case of farmyard disturbance.

During the construction phase, I consider the majority of impacts will be temporary and short term in nature, however there will be some negative impacts on individual farming operations, and some impacts such as land take and severance will have

permanent impacts. I consider that following the implementation of the mitigation measures proposed in Section 18.4 and in Appendix A of the Agronomy Assessment, the impact to agricultural practices in the area will be minimised.

The farmyard disturbance mentioned above relates to landowner (LO8 PR1), where the overall impact is considered very high. The result is that the farmyard will be severely impacted, and it is proposed to be demolished. In addition, the land is proposed to be severed to construct a new dwelling access. The Agronomy Assessment states in Appendix A that mitigation measures are not possible for the loss of the farmyard. I have reviewed the design of the proposed route and note that where possible farmyards and sensitive farm enterprises have been avoided.

I consider that in the case of farmyard LO8 PR1, avoidance has not been possible based on the current road layout, the design options available and with the intention of providing the optimal road realignment of the N80 at this location on the road. Although this situation is not ideal for the landowner of the farmyard, it is necessary for the common good and to provide a safe road at this location. This issue has also been assessed in the corresponding CPO application File Ref 321417.

I note that the applicants have stated that where permanent land loss and severance is necessary, compensation is proposed as mitigation. Compensation will be dealt with under the relevant statutory process and does not form part of this assessment.

I consider the proposed roads scheme will not have a significant effect on farming in the area as a whole as the overall land take will not significantly reduce the overall agricultural land in the locality.

10.8. Traffic

10.8.1. Issues Raised

Issue raised in public submission regarding safety of vehicles accessing the site compound. Also, road safety concerns raised in relation to safe turning measures onto L30504 and L7148 from the main N80 road.

10.8.2. **Context**

Section 15 of the Applicants Planning Report provides an assessment of the current receiving environment in terms of existing road traffic characteristics and quantifies the associated baseline scenario whilst undertaking an assessment of the proposed development to identify its likely effects on the traffic environment.

10.8.3. **Baseline**

The existing N80 is a single carriageway with narrow hard strips at the carriageway edges. The average lane widths in each direction are approximately 3.0m with no hard shoulders and limited verge space. Approximately 70% of the horizontal curves on the road are substandard for a 100km/h road. This leads to issues with sight distance, with the minimum stopping sight distance of 215m not being achieved along c. 50% of the existing road.

The proposed scheme will provide a road which is designed to comply with TII design standards. The road will consist of two lanes of 3.65m, a hard shoulder of 2.5m wide for each carriageway and a verge of 3m on both sides of the carriageway. At Graiguenaspiddoge Crossroads a ghost island junction has been provided.

The changes in traffic volumes on the N80 that will occur over future years would not be expected to be significantly affected by the existence or not of the scheme.

10.8.4. **Potential Effects and Mitigation**

Impacts in relation to the proposed development have been assessed in other sections of this report in relation to noise and vibration, air quality and climate and will not be repeated here.

The potential impacts during the construction phase are considered to be short term and slight on the surrounding area. The development will be carried out in accordance with a Construction Traffic Management Plan (CTMP) which will be produced by the appointed contractor and agreed with CCC prior to construction. The CTMP will ensure that the construction related impacts on both the public off-site and internal on-site workers are fully considered and managed to protect the health and safety of all involved.

10.8.5. **Assessment (Traffic)**

I consider the proposed development will bring the section of road up to an appropriate standard and agree with the conclusion of the traffic assessment that the project will lead to a significant improvement in road safety through the improvement in geometry, provision of sightlines along the road particularly at junctions and access points, provision of improved road cross-section, provision of signing and road markings to modern standards, provision of safety fencing where required, and in general a more predictable and comfortable driving experience.

I note the road safety concerns raised by Matthew Kennedy and others regarding safe turning measures onto L30504 and L7148 from the main N80 road. They believe the current road configuration on the L30504 is dangerous as this straight point on a N80 is used for overtaking at high speeds. They are requesting a ghost island right turn lane onto the L30504. The Council have responded to these concerns stating that a Junction Type Selection report was prepared in accordance with TII Publication DN-GEO-03060 – Geometric Design of Junctions for the junction of the L30504/L7148 with the N80. This assessment considered both safety and operational performance of the junction. The assessment indicated that a Ghost Island Right Turn Lane was not warranted at this location. It was considered the traffic volumes did not meet the requirements for a right turn lane nor did the junction have a poor collision record from the information that was available and the assessment indicated that the situation in terms of safety would not be greatly changed by the provision of a ghost island right turn lane junction. The Council note that the provision of Ghost Island Right Turn Lanes at locations where they are not warranted can lead to increased collisions elsewhere on the mainline from a result of dangerous overtaking manoeuvres due to driver frustration as a result of reduced overtaking opportunities. I consider the Council have responded adequately to the concerns raised by Matthew Kennedy and Others and have provided sound engineering and safety reasons as to why a Ghost Island Right Turn Lane would not be appropriate at this location. I am satisfied the proposed design is in line with TII Guidelines and provides the best solution for this junction.

Overall, I consider the proposed upgrades to the N80 will have a positive impact on traffic and road safety for road users and the local community and residents.

10.9. Noise and Vibration

10.9.1. Issues Raised

Public submissions have raised the issue that inadequate information has been provided regarding the mitigation measures that are being proposed to control noise pollution from the scheme during the works and after construction. In addition, low noise asphalt was requested to reduce noise levels, as well as soundproofing of homes.

10.9.2. Context

The planning application was accompanied by a Noise Impact Assessment prepared by Malone O'Regan Environmental (MOR) which assesses the potential impacts on noise and vibration during construction and operation. The assessment describes the methodology used, the receiving environment, the predictive noise modelling, the results and mitigation measures proposed.

10.9.3. Baseline

The report notes that the proposed road realignment development is an upgrade to an existing length of road. As such operational vibration is not deemed a likely impact and has been scoped out for further assessment.

The baseline acoustic environment has been determined via a combination of short-term monitoring and continuous monitoring undertaken in 2020 (Table 3-1 – 3-5 and Figure 3-1). A total of 6 locations were surveyed – 2 no. unattended and 4 no. attended. Two of these locations were located at houses along the existing route (CSLM1 and CSLM2). Three were selected to represent one-off housing in proximity to the existing roads (Spot 1, Spot 2 and Spot 3) and one was located on the existing N80 carriageway. The primary source of noise emissions relates to the existing N80 road and subsequent secondary roads.

99 no. noise sensitive receptors comprising residential houses were identified in the vicinity of the site. (Table 3-6 and Figure 3-2). These receptors were grouped together into four bands based on distance from the N80 (0m – 300 m).

Predictive noise modelling is discussed in Section 4 of the report. The noise model relates strictly to noise generated from traffic movements and its impact on sensitive receptors. Traffic was modelled for the existing year (2022), the opening year (2025) and the design year (2040). The noise model was based on the Calculation of Road and Traffic Noise (CRTN).

10.9.4. Potential Effects and Mitigation

Section 5 of the report summarises the results of the noise assessment as follows;

10.9.4.1. Construction Phase Noise & Vibration

For the purposes of the noise assessment, a 12-month construction phase for the project was considered. The construction phase will include the use of noisy plant including HGVs delivering materials to the site, site equipment (consaws, cement mixers, hammering, metal works, breakers), diesel generators and JCBs, excavators, security and hoarding works. Table 5-1 describes the construction phase noise estimations for plant equipment. Table 5-2 provides a table of the predicted construction phase noise emissions for the N80. Receptors in Band 1-3 (0-200m) would experience noise levels in exceedance of the noise limits outlined by the NRA (70dBA LAeq). Based on the above, the construction phase is expected to produce high levels of short-term noise, prior to the implementation of mitigation measures.

Vibration impacts can be caused by traffic movements and by construction activities. The NRA Guidelines recommends limit levels for vibrations caused by road construction activities in line with international best practice (See Table 5-3). The applicant notes that monitoring will be undertaken along the route to confirm compliance with the limits, and actions taken to stop, review and rectify site construction work in the event of a breach occurring.

Section 6 of the report details the mitigation measures proposed to protect sensitive receptors. The implementation of a 2.4m hoarding would expect to reduce noise levels by 10dB. Other measures proposed are outlined in Section 6.1.1 and include the

avoidance of unnecessary revving of engines, use of quiet plant, limiting working hours on site from 7am to 7pm on weekdays, monitoring of vibration and maintaining contact with locals.

10.9.4.2. Operational Phase Noise & Vibration

The NRA Guidelines detail a design goal of a Lden 60dB for any road improvement and new road projects to meet, or a requirement for mitigation needs to be included in the design. Of the total 149 no. noise sensitive receptors identified, 48 no. showed a Lden value greater than 60dB under the current road design.

For the Opening Year noise levels (2025) (Figure 5-1 & Table 5-5) and the Design Year (2040) (Figure 5-2 & Table 5-6), of the 149 no. receptors identified, 2 no. (R14 and R13) were shown to meet the conditions required for mitigation to be implemented. I note to the Bord that Section 6.1.2 of the applicant's noise report refers to sensitive receptor R15 as requiring mitigation. I consider that this is a typo based on Table 5-5 and Table 5-6 and the sensitive receptors requiring mitigation are R13 and R14. The report notes that an increase in 1-2dB at the sensitive receptors can be compensated for using low noise road surfacing, such as stone-mastic material, which would result in reductions of upwards of 3-5dB(A).

The report notes that according to the NRA Guidelines, no limits are necessary regarding operational vibration as the ground vibrations caused by road traffic are unlikely to cause any perceptible structural damage in properties located near a well-maintained and smooth road surface.

10.9.5. Assessment (Noise and Vibration)

Having examined the applicants noise modelling, which has been carried out in line with relevant guidance, I am satisfied that the models and resultant conclusions are robust. I consider that during the construction phase, there is potential for short-term noise and vibration disturbance for properties located within 50m of the road. Mitigation is proposed including the use of hoarding, low noise plant and ongoing monitoring. With the implementation of mitigation measures, I consider the proposed development will comply with the appropriate guidance in relation to noise and vibration and hence I consider the associated impact is acceptable.

For the two noise sensitive receptors located to the southern extent of the proposed development (R13 and R14) where a 1-2dB exceedance is predicted, I consider the use of low noise surfacing in that location would be acceptable and would reduce the noise impact at that location in line with the guidance. I accept that based on NRA guidelines, no significant impacts are deemed likely for the operational phase.

Overall, I am satisfied that adverse noise effects during construction and operational phases of the development will not be significant due to the mitigation proposed and based on compliance and implementation of recommended conditions.

10.10. Archaeology, Architectural and Cultural Heritage

10.10.1. Issues Raised

The Department of Housing, Local Government and Heritage made a submission dated 31st January 2025. Noted that proposed works will have direct impacts to a number of areas of archaeological potential including a number of stream crossings. Recommending Advance Archaeological Test Excavation, Advance Underwater/Wade Surveys and Advance Metal Detection Surveys prior to commencement of development.

10.10.2. Context

Cultural Heritage is addressed in the Phase 3 Design and Evaluation Archaeological, Architectural and Cultural Heritage Report prepared by Colm Flynn, Rosanne Walker and Ger Wallace. The report outlines the potential impacts of the N80 Leagh Bends Scheme on the archaeological, architectural and cultural heritage resources within the proposed development area.

The report identifies the risks associated with the scheme on cultural assets and proposes mitigation measures. A geophysical study was undertaken to inform the study as well as archaeological monitoring of geotechnical site investigation works carried out along the proposed route. Fieldwork was carried out for the report in May 2022, January and February 2023 and January 2024. This report examined the results of a geophysical survey carried out in 2022 along the scheme route. The geophysical survey did not examine the location of the proposed attenuation features.

10.10.3. **Baseline**

In total 7 no. geotechnical works areas were archaeologically monitored. No archaeological features and no artefacts were identified during the archaeological monitoring of geotechnical site investigations. However, the geophysical survey identified several anomalies that could be archaeological features, within the temporary and permanent works area for the scheme. Section 4.4 (Table 2) of the report provides a list of Archaeological Heritage (AH) and Archaeological Potential (AP) sites within the scheme area.

Table 3 of the report provides a list of Architectural Heritage (BH) sites within the site. The Former Graiguenaspiddoge National School (RPS CW293 & NIAH 10-301235) is a protected structure and on the National Inventory of Architectural Heritage (NIAH) which is located within the site area. The report notes that there will be a direct, moderate negative impact on the proposed structure by the road scheme development.

10.10.4. **Potential Effects and Mitigation**

The proposed road realignment will not directly impact on any known or legally protected archaeological heritage site. The report notes that the proposed development will potentially result in impacts on several potential (subterranean) archaeological heritage assets. It is proposed that the extent of any archaeological impacts will be established through invasive archaeological mitigation measures.

The report concludes that the proposed roads scheme will have a moderate direct negative impact on one architectural heritage site that is protected by law (Graiguenaspiddoge National School). The report notes in this regard that the scheme provides a new access road to the school. The boundary of the proposed scheme directly adjoins the rubble stone boundary wall of the school. The proposed scheme alters the roadside setting of the school from a prominent position at a junction to a disconnected position with indirect access provided by an access road. There is currently an uninterrupted view of the school from the road and this will likely be disturbed by boundary treatment between the road and access road along with alterations to the pavement and a potential increase in roadside furniture. The boundary walls will be preserved in situ by the scheme.

The proposed development will impact negatively several architectural heritage assets that are not protected by law. These heritage assets are listed in the report at Table 4 – List of Traditional Structures within the scheme area. It is noted that there is expected to be a direct moderate negative impact on the Garage and petrol pump at Graiguenaspiddoge which is situated adjacent to the protected Former Schoolhouse. A significant direct negative impact is expected on the Road bridge at Kilballyhue.

10.10.5. **Assessment (Archaeology, Architectural and Cultural Heritage)**

Given the identification of several potential subterranean archaeological sites from the geophysical survey and the potential for discovery of previously unknown archaeological sites within the footprint of the site including the attenuation areas, which were not the subject of geophysical surveys, it is recommended that prior to construction, a programme of archaeological test excavations be carried out within the site. This can be dealt with by way of condition.

I note there will be a moderate direct negative impact on one architectural heritage site (Graiguenaspiddoge National School). The proposed scheme alters the roadside setting of the school from a prominent position at a junction to a disconnected position with indirect access provided by an access road. There is currently an uninterrupted view of the school from the road and this will likely be disturbed by boundary treatment between the road and access road along with alterations to the pavement and a potential increase in roadside furniture.

A new access road will be provided to the school. The boundary of the proposed scheme directly adjoins the rubble stone boundary wall of the school. I note the school and boundary wall are currently in poor condition. The boundary walls will be preserved in situ by the scheme. To reduce the visual impact of the proposed road, the road signage, boundary treatment etc. will be carefully selected and positioned to minimise the visual interference of views towards the school.

A significant direct negative impact is expected on the road bridge at Kilballyhue. In this regard, the feasibility of retaining the outside arch was carefully assessed and not considered a viable option, following discussions with the engineering design team. The bridge will be recorded with a measured, photographic and written survey prior to demolition.

Overall, following the implementation of the pre-construction mitigation measures as outlined in Section 14.4 of the submitted planning report, I am satisfied, with the exception of the Road Bridge at Kilballyhue (as outlined above), that the proposed scheme will not result in any significant impacts on any archaeological, architectural and cultural heritage resource during the construction or operational phases.

10.11. Air Quality

10.11.1. Issues Raised

Public submission raised concern regarding impact on air quality during construction and from traffic post construction.

10.11.2. Context

The planning application was accompanied by a Phase 3 Air Quality Impact Assessment, which is based on the online route option prepared by Malone O'Regan Environmental (MOR). The proposed development will consist of a Type 1 Single Carriageway cross section throughout, designed in accordance with TII Standards. The report assesses the construction and operation phase impacts on air quality.

10.11.3. Baseline

The baseline environment is described in Section 3 of the report. EU legislation on air quality requires that Member States divide their territory into zones for assessment and management of air quality. All receptors used within the assessment are located in Air Quality Zone D, which is used to represent rural locations.

The report describes the methodology in Section 2 and notes that an Air Quality Appraisal was conducted in 2020 by MOR. The results of the appraisal indicated that impacts on nearby sensitive receptors were “minor or slightly positive”.

Since there have been no significant alterations to the route since the appraisal took place, the assessment outcome is still considered to be relevant for the current Phase 3 assessment. Therefore, it was considered that there was no need to update the Index of Overall Change as per the TII Guidance [2] and hence it was concluded that

local air quality monitoring as part of this current Phase 3 assessment was not necessary.

A Dust Risk Assessment of potential impacts during the construction phase was carried out in accordance with IAQM.

The report notes that pollutants of primary concern related to road traffic emissions are nitrogen dioxide (NO₂) and particulate matter (PM₁₀, PM_{2.5}). Since there are no sensitive ecological receptors within 5km of the proposed development, an assessment of ammonia impacts was not required [2]. The TII Road Emissions Model (REM) was employed, which calculates the rates at which pollutants are released from each road link source as a product of the traffic flow and composition of vehicles using the road.

For the purposes of local air quality, for the operational phase sensitive receptors located within 200m of the determined links were included. For the construction dust risk assessment, sensitive receptors were identified within 350m of the proposed site boundary. A total of 32 no. receptors were identified to represent the receptors that may be impacted by the proposed development and incorporated into the model. (Table 3-4 and Figure 3-1) The model included the existing (2022), Opening Year (2025) and Design Year (2040).

10.11.4. Potential Effects and Mitigation

10.11.4.1. Construction Phase

The construction phase for the project is expected to last 18 months. There are a number of sensitive receptors, predominantly residential properties, in close proximity to the proposed scheme. The most significant construction phase air emission impacts include traffic related emissions due to congestion on the road from the works, fugitive dust from movement of soil, track out on construction vehicles, road breaking and the realignment of the road and vehicle emissions from plant and operations working on the site. A series of mitigation measures are set out in Section 6.1 and Table 6-1, which include general mitigation measures for the construction phase. Table 6-2 details activity specific mitigation measures which have a medium risk of dust soiling and low risk of PM₁₀ exposure from dust emissions. The report summarises the findings in Section 7 as follows;

- The effects of NO₂ concentrations on sensitive receptors are determined as not significant.
- Regarding particulate matter concentrations (PM₁₀), the construction dust risk assessment concluded that the risk of impacts to human health from PM₁₀ exposure is a 'Low Risk', which will be reduced to 'Negligible' with the implementation of mitigation measures.
- Considering the implementation of mitigation measures during the construction phase and low concentrations of pollutants predicted at sensitive receptors, the assessment concludes that the activities' effects on air quality are not significant and short-term in nature.

10.11.4.2. **Operational Phase**

The operational phase impacts relate to traffic movements associated with the realignment of the road. The report notes that no changes in Annual Average Daily Traffic (AADT) or road speeds are predicted between the Do Nothing and the Do Something Scenario and hence AADT are based on perceived growth in vehicle usage. No significant effects are predicted for the operational phase and hence no mitigation measures are required. The report concludes that 'considering the small scale of the proposed development and its minimum contribution to air pollutants, the effects at all receptors have been determined as 'Neutral'. In addition, the report notes that it is expected that air quality will improve over time, and the effects will decrease due to increased technology and electrification of the Irish vehicle fleet.

10.11.5. **Assessment (Air Quality)**

I consider that the baseline information and general approach to the assessment to be adequate as described in the Stage 3 Air Quality Assessment. The construction phase dust impacts will be short-term and not significant subject to implementation of mitigation including the preparation of a Dust Management Plan (DMP) as set out and will not cause a nuisance on nearby sensitive receptors.

During the operational phase I accept that the road contributions to NO₂ and particulate matter concentrations are relatively low compared to background concentrations and that the impacts on sensitive receptors will be neutral.

I have considered the applicants documentation and am satisfied that all issues have been appropriately addressed and that no significant effects are likely to occur in relation to Air Quality.

10.12. Climate

10.12.1. Issues Raised

None raised.

10.12.2. Context

The planning application was accompanied by a Phase 3 Climate Impact Assessment prepared by Malone O'Regan Environmental (MOR). The proposed N80 Leagh Bends Improvement Scheme will result in the removal of a number of low radii bends at Leagh and the provision of a Type 1 Single Carriageway in accordance with TII Publications. The scheme also incorporates the realignment of the side roads and provision of a ghost island at Graiguenaspiddoge Crossroads. The alignment of the side roads at Castletown Crossroads will be retained but upgraded to suit the revised N80 mainline alignment. The new road alignment follows the line of the existing road with widening on one or both sides of the existing carriageway. No lighting, footpaths or cycling lanes are required for the proposed development. The development is described in the report as a 'Minor Project', with an estimated value of between €5 – 20 million, and hence, a quantitative assessment of greenhouse gas (GHG) emissions was conducted to quantify the emissions associated with the proposed development in accordance with TII guidance.

10.12.3. Baseline

The report describes the scope of the assessment, competency of assessors, methodology and a Climate Change Risk Assessment was prepared. The level of assessment regarding Green House Gas (GHG) emissions was based on the potential for significant effects to occur. The lifecycle of the road is c. 60 years as per TII guidance. The GHG emissions for the proposed development was calculated using the TII Carbon Tool. Emissions were contextualised in terms of a Do Minimum and Do Something approach (Section 2.2). A Climate Vulnerability Screening was

undertaken to determine the potential significant impacts of climate change on the proposed development. Section 3 of the report, describes the receiving environment discussing the baseline climate, projected future climate change and identification of climate hazards.

10.12.4. **Potential Effects and Mitigation**

Characteristics of the proposed development are discussed in Section 4 of the report. Potential climate related impacts during the construction phase include GHG emissions resulting from plant and machinery operation, vegetation clearance and associated land works, embedded CO₂ as a result of the construction material being used and travel of employees vehicles and HGVs to and from the construction compound. Embodied carbon represents the largest contribution to construction phase GHG emissions associated with the proposed development ((2,131tCO₂e), amounting to 0.03% of Irelands National GHG emissions targets for 2030.

Mitigation measures are detailed in Section 7 of the report. The measures relate primarily to the construction phase following a hierarchy of avoid, reduce, replace and offset. The significance of GHG emissions associated with the proposed development is considered 'not significant' and having a 'minor adverse effect'. Thus, emissions from the project can be managed through the implementation of good practice measures.

The report notes that the main source of GHG emissions during the operational phase is related to traffic road emissions. There are no expected changes in traffic volumes due to the proposed development. The total GHG emissions calculated to be generated by traffic emissions for the proposed development between 2022 to 2025 is 9,364 tonnes of CO₂e (0.009MtCO₂e). The contribution of operational phase emissions associated with the proposed development to the carbon budget of the Transport sector is determined to be 0.017% for the period 2022 to 2025. This percentage indicates that the emissions from the proposed development will have a minimal impact on the overall carbon budget of the Transport Sector during that timeframe.

Section 6 describes the potential impacts of climate on the proposed development. The Climate Vulnerability Assessment concluded that based on the combination of the sensitivity of the assets and their exposure, the vulnerability of the proposed

development is determined as 'Low'. As per the EC Guidance, when the vulnerability is determined as low, a detailed climate assessment is not required. Therefore, the effects of climate change on the proposed development are considered not likely and not significant.

10.12.5. **Assessment (Climate)**

I consider that a robust climate assessment has been completed in the Phase 3 Climate Impact Assessment submitted with the application. I accept the conclusion of the report and consider potential impacts on GHG emissions during the construction phase will be insignificant and will have minor adverse effects. Mitigation measures can be introduced as described in Section 7, which include the prevention of leaving onsite plant and generators idle when not in use and minimising waste. For the operational phase, I consider impacts will be insignificant and that no specific mitigation measures are required in relation to climate.

I consider the proposed development will not hinder the transport sector's ability to achieve national targets for reducing GHG emissions and I accept the conclusion that the proposed development does not exhibit vulnerability to climate hazards such as flooding or extreme temperatures. Therefore, I consider the proposed development is acceptable in terms of climate effects.

10.13. **Material Assets**

10.13.1. **Issues Raised**

None raised.

10.13.2. **Context**

Material assets are defined by the EPA as built services and infrastructure. The application documentation includes a design drawings which details existing utilities (Appendix 14) including Eircom and water services along the verges of the N80, and ESB overhead cables. A Preliminary Waste Management Plan (pWMP) is included in Appendix 15.

10.13.3. **Baseline**

The waste management objectives for the construction phase are to prevent waste and maximise recycling and recovery of waste, diverting waste from landfill, prevent littering and prevent any other environmental pollution such as oil or water contamination.

10.13.4. **Potential Effects and Mitigation**

10.13.4.1. **Built services**

There will be a requirement to relocate occasional utility services as outlined in design drawings. Potential service conflicts will involve the maintenance and protection of these services with occasional diversions required. These diversions have been agreed in principle with the relevant utility companies.

10.13.4.2. **Waste Management**

The construction phase of the development will generate waste such as construction and demolition waste, Mixed Municipal Waste (MMW), recyclables such as plastic wrapping, wooden pallets, paper and/or waste electrical and electronic equipment (WEEE). Mitigation measures are outlined in Section 5 of the pWMP and include measures in relation to waste handling, general segregation of waste, proposals for minimising, reuse and recycling of C&D waste, soil management measures, training, waste auditing and details of handling of hazardous waste. Monitoring, implementation, review and training are discussed in Section 6 of the pWMP and include protocols for complaint handling, evaluation of compliance, control of records and training awareness and competence.

10.13.5. **Assessment (Material Assets)**

I note that there will be a requirement to relocate occasional utility services as outlined in design drawings. Potential service conflicts will involve the maintenance and

protection of these services with occasional diversions required. I am satisfied there will be no significant impacts if these diversions have been agreed in principle with the relevant utility companies, as described in the applicants documentation.

I am satisfied that the pWMP outlines the procedures to enable the Appointed Site Manager to respond to potential environmental risks from construction activities on-site. A final WMP will be prepared by the appointed contractor to be submitted to CCC for approval.

A condition in relation to a Waste Management Plan (WMP) will ensure the inclusion of design and construction measures that apply the waste hierarchy principles and minimise effects on waste. I am satisfied that significant adverse impacts in relation to waste will be mitigated through the preparation and implementation of a final WMP and compliance with mitigation measures.

10.14. Population and Human Health

10.14.1. Issues Raised

Public submission raised the issue of impact on property value, business and horses due to proposed road scheme works.

10.14.2. Context

The applicant has prepared an assessment of the impacts on population and human health in Section 19 of the accompanying Planning Application Report. The report provides a description of the receiving environment with respect to population and human health and describes the potential impacts associated with the proposed scheme and proposed mitigation measures. This assessment was prepared taking account of the findings of relevant chapters of the planning report, and the findings of a desk-based review of Online Maps (2020); and, CSO (2022), Census 2022 SAPMAP Area: County Carlow.

10.14.3. Baseline

The assessment describes the receiving environment in Section 19.2 and describes the number of collisions on the road over recent years. The land uses along the roads

are described as being in use for tillage and grassland and used for livestock production, with dispersed rural housing along the scheme. The population for the area in 2022 is 602 as per CSO data. The development is located in Zone D in relation to air quality. The assessment describes noise monitoring locations, waterways in the area and describes the lands as being predominantly agricultural in nature with small portions of made ground intercepted by the proposed scheme.

10.14.4. **Potential Effects and Mitigation**

Section 19.3 describes the impacts in relation to population and human health. It notes that the road will be used by local residents and others in the area and it is anticipated that there will be a positive, long-term impact on population and human health, with collision numbers decreasing and reduced journey times.

Construction phase impacts include the following;

- The proposed scheme will impact a number of land holdings, which will be permanently changed in nature, impacting on access to, use of and maintenance of the landholdings and potentially agricultural practices.
- A conservative estimation of construction phase noise for the proposed development is expected to produce high levels of short-term noise, prior to the implementation of mitigation measures. The implementation of a 2.4m hoarding would expect to see reductions of 10dB of noise received at sensitive receptors. Implementation of the mitigation measures will further help in reducing impact of the construction phase noise.
- There is the potential for some dust emissions to occur during the construction phase of the scheme.
- The proposed scheme is anticipated to have a minor impact on waste production.
- The potential traffic impact during the construction phase is considered to have a short-term slight impact on the surrounding network.

Operational phase impacts include the following;

- The embodied CO2 emissions associated with the construction materials and their transport to site are considered insignificant in terms of Ireland's total annual GHG emissions. Construction stage climate impacts have been assessed to be short-term, negative, and imperceptible. Overall, during operation, the proposed scheme will have an imperceptible impact on air quality at all worst-case receptors assessed. As there are no predicted changes to the traffic flows along the proposed alignment when compared with the do-nothing scenario the predicted change in emissions is associated with increased vehicles speeds along the proposed alignment.
- Overall, during operation, the proposed scheme will have an imperceptible impact on air quality at all worst-case receptors assessed. There is a predicted improvement in air quality at the majority of receptors assessed due to the proposed alignment being further from the properties than the existing alignment. While this is considered a positive impact, it is overall imperceptible.
- The operational phase climate impact is considered long-term, negative, and imperceptible due to the proposed scheme. As there are no predicted changes to the traffic flows along the proposed alignment when compared with the do-nothing scenario, the predicted change in emissions is associated with increased vehicles speeds along the proposed alignment.
- Following the NRA Guidelines, a series of noise models were created to assess the potential impact the proposed development would have on sensitive receptors located at varying distances from the road. The models were run for the Opening Year and Design Year. A total of 2 residential properties were identified as meeting the criteria of the NRA/TII for mitigation, both positioned near the southern extent of the proposed development. Options to mitigate this impact include the use of low noise road surfacing, to minimise the impact of the road tyre noise along this route of the proposed development.

Specific mitigation measures for Air Quality, Climate Change, Noise and Vibration, Land, Soils and Geology and Water are addressed in this report under those headings and will not be repeated here.

10.14.5. **Assessment (Population and Human Health)**

I am satisfied that the proposed development would not have a significant impact on Population and Human Health, subject to compliance with relevant legislation and guidance, implementation of the mitigation measures and final CEMP mitigation measures and compliance with recommended conditions.

10.15. Conclusion

I consider that it can be concluded that the likely significant effects on the environment can be suitably mitigated. I consider the main environmental impacts related to the proposed road scheme include the removal of 3.3km of hedgerows and 184 no. trees and the potential for sedimentation of watercourses and drainage systems during the construction phase. During the construction phase, potential impacts to soil and groundwater quality could occur from accidental spillages and leakages, soils compaction, slope stability and contaminated land. There will be short-term noise and vibration during the construction phase and impact of noise during the operational phase for two noise sensitive receptors located to the southern extent of the proposed development. The proposed development will potentially result in impacts on several potential (subterranean) archaeological heritage assets during the construction phase. There will also be a moderate direct negative impact on one architectural heritage site (Graiguenaspiddoge National School) and a significant direct negative impact is expected on the Road bridge at Kilballyhue.

In relation to agronomy, during the construction phase, I consider the majority of impacts will be temporary and short term in nature, however there will be some negative impacts on individual farming operations and some impacts such as land take and severance will have permanent impacts.

Overall, I consider the proposed development will bring the section of road up to an appropriate standard which will lead to a significant improvement in road safety through the improvement in geometry, provision of sightlines along the road particularly at junctions and access points, provision of improved road cross-section, provision of signing and road markings to modern standards, provision of safety fencing where required, and in general a more predictable and comfortable driving experience.

I am also satisfied there will be a positive impact in relation to surface water drainage as the new drainage and filtration system with the new road upgrade will decrease the level of contaminants entering surface and groundwater systems.

To conclude, I am satisfied the proposed development would not give rise to significant negative residual effects on the environment, subject to mitigation measures and the other measures set out in the application documentation and subject to compliance with recommended conditions.

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

I address this topic under the following relevant headings;

- Need for the Scheme
- Design and Layout including Alternatives Considered
- Site Specific Observations
- Comments on Conditions

11.1. Need for the Scheme

Carlow County Council proposes to undertake the N80 Leagh Bends Scheme which involves the improvement and realignment of the N80 between Graiguenaspiddoge and Castletown for c. 3km including regularising the rural link road connections at either end. The proposed works also include the realignment of the Kilmeany Stream, provision of three attenuation ponds, two oversized pipe attenuation tanks, fencing and safety barriers along with all associated works.

The applicant notes that the current road is deficient in width and alignment and contains a series of bends. I note Section 3.1 of the applicants Planning Report which states the following in relation to the existing roadway;

'The existing N80 at this location comprises of a single carriageway with narrow hard strips at the carriageway edges. The average lane widths in each direction are approximately 3.0m with no hard shoulders, limited verge space and unforgiving roadsides. Overall, the cross section of the road is sub-standard for a National Road of 100km/h speed limit. In terms of horizontal and vertical alignment, there are several curves that fall below the desirable minimum radius as set out by TII Publications; approximately 70% of the horizontal curves are substandard. There are two junctions on this section of road and a high number of direct accesses. Junctions are simple priority junctions. In terms of direct accesses along the N80 mainline, there are a total of 34 No. split between field accesses (22 No.) and property accesses (12 No.). As previously mentioned,

the horizontal and vertical alignment of the carriageway is substandard for a 100km/h road. This, in turn, leads to issues with substandard sight distances. The amount of carriageway super-elevation on these bends is low.'

A Type 1 single carriageway is proposed which will provide continuity to previous sections of the N80 already upgraded in the past. The N80 to both the north and south of the proposed upgrade section is of improved standard and has hard shoulders. This substandard section, with no hard shoulders and a series of bends, has had several collisions.

The applicant notes that the purpose of the proposed road scheme is to improve safety and the frequency of transport collisions within the N80 corridor as well as improving the overall consistency and efficiency of the route. The N80 Leagh Bends Scheme will also provide for safer journeys as well as more reliable and reduced journey times. The provision of a standard hard shoulder will provide safer access for cyclists. I note in Section 3.5 of the Planning Report submitted with the application that in terms of traffic safety, the collision rate for this section of N80 roadway assessed over the three-year period (2015 – 2017) was in excess of twice the figure for a typical Rural Two-Lane Road.

The N80 Leagh Bends Scheme is supported in National, Regional and Local Policy, specifically Regional Policy RPO 146, RPO 167, RPO 168 and Local Policy NR.P1, NR.P3, NR.01, and NR.02 as outlined in Section 5.0 of this report.

It is the policy of the County Development Plan to co-operate with TII to maintain and develop the national road network (N80 and N81) through the county and to seek to ensure that the capacity, efficiency and safety of the network and associated junctions is maintained (Section 5.8.2 of CCDP 2022).

The Carlow Road Safety Strategy 2023-2030 is committed to improving the physical road network, including road safety by maintaining, developing and improving existing roads as outlined in Section 5.3.1.3 of this report.

I consider that the proposed realignment and upgrading of c. 3km of the N80 to be necessary to improve road safety along this portion of the road where collision rates are twice the figure for a typical rural two-lane road. Subject to an assessment of the proposal on the surrounding environment and European sites, I consider that the

proposed N80 Leagh Bends Scheme is acceptable in principle and that there is a clear case for the scheme which is in accordance with the proper planning and sustainable development of the area.

11.2. Design and Layout

In relation to alternatives assessed, the applicants initially carried out a Constraints Study to inform the design of the route. A number of options were developed including the Eastern Option, Online Option and the Western Option, the Western Option 2 (deep cut option) as well as the Do-Nothing and the Do-Minimum Options. The options were assessed in Stage 1 under the headings of Engineering, Economy and the Environment. For Stage 2, the options were assessed under each Project Appraisal criteria and upon review of the Project Appraisal Matrices, the Online emerged as the preferred option. Stage 3 involved preparing a Project Appraisal Balance Sheet (PABS) which identified the overall benefits associated with providing the Preferred Option as the improvement scheme. The selection process concluded that the preferred option is the 'Online Option'.

In relation to alternatives assessed and the chosen design of the proposed scheme, I am satisfied that this has been carried out in accordance with TII design standards as outlined in Section 15.3 of the Planning Report submitted with the application documentation. The proposed N80 Mainline consists of a Type 1 single carriageway and is designed in accordance with TII Rural Road Link Design, DN-GEO-03031. The road will consist of two lanes of 3.65m, a hard shoulder 2.5m wide for each carriageway and a verge of 3m on both sides of the carriageway. I consider the improved access/egress arrangements to/from houses will benefit the local community in terms of providing safer accessibility to the road.

Having regard to the above, I am satisfied that the proposed road scheme will provide for a significant upgrade to the roadway, resulting in increased overall consistency and efficiency and providing for road safety. I consider that the selected option and the general thrust of the design as well as the consideration of details including with respect to surface water are appropriately described and sufficient.

I conclude that the development would constitute a positive intervention and would be in accordance with the proper planning and sustainable development of the area.

11.3. Site Specific Observations

The public submissions received are broadly summarised in the following section of my report, along with the response from Carlow County Council which was received by ACP on 30th April 2025, and my assessment of issues raised. I also refer the Coimisiún to my assessment in the corresponding CPO report (ABP File Ref 321417-24)

11.3.1. Albert Glynn (CPO 109), Rep of late David Glynn (c/o Ann Glynn) (CPO 109) and Allan Glynn (CPO 109) and Noel Glynn (CPO 109)

Glynn family business in bus and haulage services since 1930s. The main issues relate to maintaining unobstructed access, highlighting concern regarding proposed new access and maintaining existing access points, disturbance, impact on business and devaluation of property.

Albert Glynn (CPO 109)		
Issues Raised	CCC Response	Inspectors Assessment
Unobstructed Access - Required for safety and efficiency in their daily business activities. Piece of land situated opposite garage premises is crucial for heavy machinery to pull in safely, allowing them to wait for heavy traffic to pass prior to crossing the road securely.	The proposed scheme includes the provision of a ghost island right turn lane at the realigned junction of the N80 with the L3050 and a new access road from the L3050 to the garage premises and lands on the west side of the N80. The provision of this ghost island right turn lane and new access off the L3050 will provide a safer access to the garage premises and lands and will negate the need to pull into lands on the east side of the N80. This arrangement is illustrated on drawing 19165-01-0116 contained in Appendix 14 of the Section 177AE Report.	I consider the Council have addressed this concern and have provided appropriate, safe access arrangements.
New Entrance - Location of the proposed new entrance will severely impact access to existing commercial yard, garage, outbuildings and protected granite schoolhouse (Daniel Robertson design and built in 1845).	Access to the commercial yard, garage, outbuildings, and the historical and protected granite schoolhouse will be maintained via the new access road - see drawing 19165-01-0116 contained in Appendix 14 of the Section 177AE Report. The landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this landowner by the Council which will be subject of a separate process.	I consider the Council have addressed this concern and have provided appropriate, safe access arrangements.

<p>Concerned about cultural and historical impact due to obstruction to this area. Renovation of schoolhouse are within future plans and any changes to impede access or disrupt the integrity of the schoolhouse would be detrimental to these plans.</p>	<p>The former Graiguenaspiddoge School which is a Protected Structure (RPS no. CW293) is not within the boundary of the lands to be acquired by CPO. The realigned N80 road will be further from the boundary of the former schoolhouse than the current road. Nonetheless, if the project is approved, following construction the former schoolhouse will remain visible from the N80. Access to the former schoolhouse for any future works will be maintained during and after construction.</p> <p>There will be no obstruction to accessing the schoolhouse. Access to the schoolhouse will be maintained via the new access road - see drawing 19165-01- 0116 contained in Appendix 14 of the Section 177AE Report. It will remain visible from the realigned N80.</p>	
<p>Existing Infrastructure – The lands contain oil tanks, fuel pumps and a water well which would be obstructed by the proposed entrance hindering their operation and maintenance.</p>	<p>Access to the oil tanks, fuel pumps and the water well will be maintained via the new access road - see drawing 19165-01-0116 contained in Appendix 14 of the Section 177AE Report. Any services that are interrupted or interfered with during the works by the County Council, its agents, contractors or sub-contractors shall be repaired without unreasonable delay, maintained in effective condition during the works and finally restored to as good a condition as before commencement of the Works.</p>	<p>I consider the Council have addressed this concern and have provided appropriate, safe access arrangements.</p>
<p>Existing Access Points – Existing access points to the land are crucial to the smooth operation of the business. Limited access to the property is unacceptable. Having only one access point to serve three properties is not acceptable. The two residential properties, along with the yard and buildings require separate and adequate access to ensure safety and convenience.</p>	<p>The proposed scheme includes the provision of a ghost island right turn lane at the realigned junction of the N80 with the L3050 and a new access road from the L3050 to these lands. The provision of a ghost island right turn lane and a new access off the L3050 will provide a safer access to these lands. This arrangement is illustrated on drawing 19165-01-0116 contained in Appendix 14 of the Section 177AE Report.</p> <p>The new access road will provide separate access points to the properties in this area. Removing direct access from the N80 and the provision of a separate access road provides safer access to these properties in this area.</p> <p>The landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this</p>	<p>I consider the Council have addressed this concern and have provided appropriate, safe access arrangements.</p>

	landowner by the Council which will be subject of a separate process.	
Impact on Enjoyment of Land - The new access would compromise the security, privacy and peaceful enjoyment of their property, with the proposed layout making it easier for unauthorised persons to enter the premises.	The landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this landowner by the Council which will be subject of a separate process.	In my opinion an adequate alternative is being provided.

11.3.1.1. Noel Glynn (CPO 109)

Noel Glynn (CPO 109)		
Issues Raised	CCC Response	Inspectors Assessment
Impact on Business – Directly affected by the proposed works, including closing off the road frontage at their premises at Graiguenaspiddoge, Nurney, Co. Carlow which would have serious impact on any future business at their premises. Would like an opportunity to meet and discuss the changes.	The proposed scheme includes the provision of a ghost island right turn lane at the realigned junction of the N80 with the L3050 and a new access road from the L3050 to these lands. The provision of a ghost island right turn lane and a new access off the L3050 will provide a safer access to these lands. This arrangement is illustrated on drawing 19165-01-0116 contained in Appendix 14 of the Section 177AE Report. The landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this landowner by the Council which will be subject of a separate process.	I consider the Council have provided appropriate safe access arrangements. I note the Councils position that the landowner will be entitled to claim for compensation arising from injurious affection arising out of the use of the land acquired for the CPO.

11.3.2. Donal Murphy (CPO Ref 127)

Issues raised include closure of current access into his dwelling house from the N80, closure of access to field opposite from N80 which is currently used to access doghouses, lack of information provided regarding his proposed new access off L30504, lack of detailed information regarding boundary treatments and levels of new

N80, inadequate drainage detail and concern regarding flooding, requesting all existing infrastructure and access be retained during construction works.

Donal Murphy (CPO 127)		
Concern	CCC Response	Inspectors Assessment
<p>Closure of Access - Objecting to the proposed closure of the current access into his lands, doghouses and dog-runs at plot references 127i.201 and 127j.201 (field gate onto the N80 road at present), which is positioned c. 20m opposite his house and farmyard for management and security purposes. The Council proposes to replace this access with a new one, off the L7148, c. 150m away from his house. Requesting that a new pedestrian style gate be installed opposite his house, as part of the new boundary fence to help reduce the management and security risks to his land and doghouses.</p>	<p>TII's policy on access to national roads emphasizes minimizing access points and preventing increased traffic from existing accesses on roads with speed limits greater than 60 km/h. This policy aims to maintain the safety and efficient operation of the national road network, especially in areas with high traffic volumes. Closing the existing access onto the N80 and providing an alternative access from the L7148 results in a safer access point to these lands and is in line with TII's policy of maintaining the safety and efficient operation of the national road network.</p>	<p>I consider the closure of access points onto the N80 is in line with TII policy and the Council has provided adequate alternative access arrangements.</p>
<p>Lack of Information – Considers that a lack of information provided about a proposed new access into his lands through plot ref 127m.301, including the design/finish of any access road, gate type/size, visibility issues onto the local road (L7148).</p>	<p>Access proposals for this location are illustrated on drawing number 19165-01-0304 contained in Appendix 14 of the Section 177AE Report. The make-up of the access will consist of a 40mm SMA Surface course on a 40mm AC20 Binder Course on 300mm of unbound granular subbase Type A material. The geometric design of this access road has been designed in accordance with TII Publications. A steel single field gate to CC-SCD-00309 Type 1 (3.05m wide) is proposed. A 60m visibility splay to the right and a 120m visibility splay to the left will be available at the proposed access on to the L7148 in accordance with TII requirements.</p>	<p>I consider that sufficient detail has been provided in the response from the Council.</p>
<p>Closure of Main Entrance to Dwelling – Strenuously</p>	<p>TII's policy on access to national roads emphasizes minimizing</p>	<p>I consider the closure of</p>

<p>objects to the closure of the main entrance to home at plot ref 127I.201, which is to be replaced by a proposed new access road leading into the farmyard entrance. Council proposing to build a short section of block wall to close the existing entrance. This is considered unacceptable. No guarantees that work will be carried out without permanently interfering with the existing walls and overall property. The existing walls either side of this entrance are not block walls, so the Councils proposal will not match.</p>	<p>access points and preventing increased traffic from existing accesses on roads with speed limits greater than 60 km/h. This policy aims to maintain the safety and efficient operation of the national road network, especially in areas with high traffic volumes.</p> <p>Closing the existing access onto the N80 and providing an alternative access from the L30504 results in a safer access point to this and is in line with TII's policy of maintaining the safety and efficient operation of the national road network.</p> <p>The landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this landowner by the Council which will be subject of a separate process. During this process discussions will also be held with the landowner in relation to the agreement of accommodation works.</p>	<p>access points onto the N80 is in line with TII policy and the Council has provided adequate alternative access arrangements.</p> <p>I note the Councils position that the landowners will be entitled to claim for compensation arising from injurious affection arising out of the use of the land acquired out of the CPO.</p>
<p>Proposed Access off L30504 – Object to limited information provided in relation to new access into their property off the L30504 plots 127t.201 & 127s.201 and objecting to the planned permanent acquisition of the plots. Considers they should be only acquired temporarily. Council plan to close the road immediately adjacent to their house at the N80 road with a grass verge. This is considered inadequate to control traffic movement. Considers a higher level of design is required and consultation is required regarding proposed new access and road changes.</p>	<p>It is necessary to permanently acquire these plots to facilitate the construction of the scheme and entrance/driveway at this locus.</p> <p>The Council will consider the disposal of any surplus lands on completion of the scheme to the landowner, subject to the approval of the elected members in the usual way.</p> <p>The landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this landowner by the Council which will be subject of a separate process. During this process discussions will also be held with the landowner in relation to the agreement of accommodation works.</p>	<p>I consider the permanent acquisition of the land is necessary to facilitate the construction of the scheme and I consider that sufficient design detail has been provided in the response from the Council.</p> <p>I note that Carlow Co Co will consider disposal of any surplus lands on completion of the road.</p>

	Access proposals for this location are illustrated on drawing number 19165-01-0304 contained in Appendix 14 of the Section 177AE Report. The make-up of the access will consist of a 40mm SMA Surface course on a 40mm AC20 Binder Course on 300mm of unbound granular subbase Type A material. The geometric design of this access road has been designed in accordance with TII Publications. The proposed width of the access road is 4.0m.	I note the Councils position that the landowners will be entitled to claim for compensation for any associated injurious affection arising out of the use of the land acquired from the landowner.
Boundary Treatment – Objecting to lack of provision of new boundaries at plot ref 127t.201, 127s.201, 127q.201 & 127r.201. Major changes proposed by the Council with limited commitments and design detail. Concerned about security of their home.	The landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this landowner by the Council which will be subject of a separate process. During this process discussions will also be held with the landowner in relation to the agreement of accommodation works.	I note the Councils position that the landowners will be entitled to claim for compensation for any associated injurious affection arising out of the use of the land acquired from the landowner.
Levels of New N80 – Request more information in relation to changes in the levels of the new N80 road, local road L30504, planned closed local road and proposed new access road along property.	Design details for this location are illustrated on drawing number 19165-01-0124 and 19165-01-0126 contained in Appendix 14 of the Section 177AE Report.	I consider sufficient detail in relation to the design has been provided in the response from the Council.

11.3.3. Tom Nolan (Folio CW24445F – Plot C) (CPO 112)

Scheme drawings show changes to the roadway and access arrangements serving property (**Folio CW24445F – Plot C – Thomas Nolan**). Drg no. 19165-01-0116 provided for identification purposes. Main concerns are itemised on map provided with submission including Items 3, 3.1, 4, 4.1, 4.2, 5, 6 and 7. Details summarised in following table;

Tom Nolan (Folio CW24445F – Plot C) (CPO 112)			
	Issues Raised	CCC Response	Inspectors Assessment
1	Item 3 - Meeting held with CCC discussing planning permission for a new entrance to their home following completion of road works. Concern raised regarding new entrance which is located directly opposite entrances to Plot B and C on Drg no. 19165-01-0116. New entrance will lead to poor sightlines north and unwanted vehicles/dumping in the new gateway.	<p>A 70m visibility splay to the right will be available at the proposed access onto the cul-de-sac in accordance with the requirements of TII Standards.</p> <p>This area will be owned and maintained by the Council. Unwanted parking of vehicles and dumping will be prevented by legislative enforcement by the Council.</p>	I consider the Council have addressed this concern and have provided appropriate, safe access arrangements.
2	Item 3.1 - Suggested a superior and safer location for new entrance would be off the new entrance way to Glynn's Buses property. Request this is conditioned on any grant of permission.	It is not feasible to provide the access to these lands at this proposed location due to its proximity with the L3050 local road junction and lack of appropriate sightlines as a result of locating the access at this location. The location of this access, as proposed, in the plans and particulars is the most appropriate location for this access.	I consider the Council have addressed this concern and have provided appropriate, safe access arrangements.
3	Item 4 - Ownership of lands in Plot D on Drg no. 19165-01-0116 is under dispute. Stating that Tom & Mary Nolan are the beneficial owners of the land. Requesting a new access gate at the end of the cul-de-sac road in front of their lands (where Plots C and D front the road). Objecting to wildflower planting along the removed section of road as it will require regular maintenance and will not prevent unwanted access and dumping on the lands. Instead, requesting that the existing hedgerow bounding Plot D to the existing roadway is removed and the road incorporated into the field in Plot D. This would create a	The Land Registry records indicate that the owner of CPO plots 111a.301 and 111b.301 (Plot D) is John Nolan, who has been served with the appropriate notices in respect of this plot. Drawing 19165-01-3001 contained in Appendix 14 of the Section 177AE Report indicates that CPO plot 111a.301 (removed section of roadway) is to be planted with wildflower. This drawing will be amended and the area reinstated as agricultural lands. The intention is that the existing boundary bounding CPO plots 111a.301 and 111b.301 (Plot D) will be removed and the road (CPO plot 111a.301)	I consider the reinstatement of the area to agricultural lands and the road to be incorporated into the field to be an appropriate design solution.

	permanent solution to any maintenance issues.	incorporated into the field (CPO plot 111b.301).	
4	Item 4.1 - Gate marked on the accompanying map located between Plots C & D, which is in use for moving livestock should not be moved or changed.	This gate will not be moved. Temporary access will be facilitated while these lands are temporarily acquired.	I am satisfied the Council have addressed this concern.
5	Item 4.2 - Noted that a new fence is to go in at this location during the project. Requested that native full height hedging be planted as well as the fence to secure the lands to promote wildlife.	<p>The proposed design details including boundary treatments, landscaping, gates and fencing is provided in the Section 177AE Report in Appendix 14 - Design Drawings.</p> <p>The landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this landowner by the Council which will be subject of a separate process.</p> <p>During this process discussions will also be held with the landowner in relation to the agreement of accommodation works.</p>	<p>I note the request for a full hedge and fence.</p> <p>I note the Councils position that discussions will be held with the landowner in relation to the agreement of accommodation works and that landowners are entitled to claim for compensation arising out of the CPO.</p>
6	Item 5 - Area marked on Drg. no. 19165-01-0116 south of the new entrance to Glynn's busses. Clarification sought to who will maintain this area and how unwanted parking of vehicles/dumping on same will be prevented.	This area will be owned and maintained by the Council. Unwanted parking of vehicles and dumping will be prevented by legislative enforcement by the Council.	I am satisfied the Council have addressed/ clarified this concern.
7	Item 6 - Request that existing length of roadway running from the N80 to the east be removed and this area incorporated back into the adjoining field to ensure the lands are secure into the future.	This area is being acquired by the Council and will be owned and maintained by the Council.	I note the Councils response.
8	Item 7 - A construction depot is proposed on the east side of the N80 opposite Glynn's	Upon completion of the scheme, it is intended that the compound (CPO plots	I am satisfied the Council

	Busses. Confirmation sought on what will happen to this area once the scheme is completed. Recommend that the area is returned back to agricultural use and securely fenced to prevent unwanted parking/dumping.	117d.301 and 117g.301 – temporary land acquisition) will be reinstated to its preconstruction condition i.e. agricultural lands and returned to the landowner.	have addressed/ clarified this concern.
9	Other Matters - Request a flexible condition on design detail of boundary treatments, landscaping and finishes. Requesting native full height hedgerow to be reinstated following works and requesting that vehicular access to be provided for the duration of the construction works.	The proposed design details including boundary treatments, landscaping, gates and fencing is provided in the Section 177AE Report in Appendix 14 - Design Drawings. The landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this landowner by the Council which will be subject of a separate process. During this process discussions will also be held with the landowner in relation to the agreement of accommodation works. Existing accesses shall be maintained at all times during the construction of the works. Where the works include the construction of accommodation roads to facilitate access to lands which are severed or affected by the scheme, Carlow County Council or its agents shall provide such temporary arrangements as necessary to allow alternative reasonable and convenient access at all times prior to completion of the permanent arrangements. Where appropriate or necessary, such arrangements shall include temporary access routes across portions of the Site or Off-Site Areas.	I note the Councils response.

11.3.4. David Nolan (Folio CW28008F – Plot A) (CPO 113)

Scheme drawings show changes to the roadway and access arrangements serving property (**Folio CW28008F – Plot A – David Nolan**). Drg. no. 19165-01-0116 provided for identification purposes. Same submission as Tom Nolan (See Items 3 3.1, 4, 5, 6, 7 and Other Matters) with an additional Item (Item 1) as follows;

David Nolan (Folio CW28008F – Plot A) (CPO 113)			
	Issues Raised	CCC Response	Inspectors Assessment
1	Item 1 - Scheme provides entrance to Plot A, which leaves small pieces of ground beside this entrance way, which will require regular upkeep. Suggested that they would take ownership of these parcels of land through discussion with Carlow Co Co. If this is not possible, clarification sought in relation to future maintenance of these areas.	This plot of land is being used for environmental mitigation. The area is being planted with woodland mix and wildflower meadow mix - see drawing 19165-01-3001 contained in Appendix 14 of the Section 177AE Report. This area will be owned and maintained by Carlow County Council. Unwanted parking of vehicles and dumping will be prevented by legislative enforcement by Carlow County Council.	I am satisfied the Council have addressed/clarified this item.

11.3.5. DTN Electrical Ltd (Folio CW12769F – Plot B) (CPO 112)

Scheme drawings show changes to the roadway and access arrangements serving property (**Folio CW12769F – Plot B – DNT Electrical Ltd.**) Drg. no. 19165-01-0116 provided for identification purposes. Same submission as Tom Nolan (See Items 2, 3, 3.1, 4, 5, 6, 7 and Other Matters as described above) with an additional item (Item 2) as follows;

DTN Electrical Ltd (Folio CW12769F – Plot B) (CPO 112)			
	Issues Raised	CCC Response	Inspectors Assessment
1	Item 2 - The design leaves a small plot of ground fronting Plot B which will require regular maintenance. Suggested that they would take ownership of these parcels of land through discussion with	This plot of land is being used for environmental mitigation. The area is being planted with woodland mix and wildflower meadow mix - see drawing 19165-01-3001 contained in Appendix 14 of the Section 177AE Report. This area will be owned and maintained by the	I am satisfied the Council have addressed/clarified this item.

	Carlow Co Co. If this is not possible, clarification sought in relation to future maintenance of these areas.	Council. Unwanted parking of vehicles and dumping will be prevented by legislative enforcement by the Council.	
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11.3.6. **Thomas and Mary Nolan (Folio CW12769F – Plot B & Folio CW10876F – Plot D) (CPO 139)**

Scheme drawings show changes to the roadway and access arrangements serving property (**Folio CW12769F – Plot B and Folio CW10876F – Plot D**) as indicated on Drg. no. 19165-01-0116 provided for identification purposes. Same submission as Tom Nolan (See Items 2, 3, 3.1, 4, 4.1, 4.2, 5, 6, 7 and Other Matters as described above).

11.3.7. **Matthew Kennedy and Others**

Road Safety Issue - Concerned about the omission of safe turning measures onto L30504 and L7148 from the main N80 road. Requesting these turning measures are included in the plans. Current road configuration on L30504 dangerous. This straight point on a N80 is used for overtaking at high speeds. Turning on L30504 coming from Carlow and L7148 coming from Ballon requires vehicles to stop in the middle of the very busy and fast-moving national primary road, putting vehicles at high risk of being struck. Understand after meeting with Senior Engineer in Carlow Co Co that the road was surveyed for suitability for turning lanes during the preliminary planning phase. Informed that the volume of traffic on the road does not justify the implementation of a turning lane. This conclusion fails to acknowledge the grave safety risks involved and volumes of traffic on the N80.

Oral Hearing - Request made for Oral Hearing.

Details of submission below;

Matthew Kennedy and Others			
	Issues Raised	CCC Response	Inspectors Assessment
1	Road Safety - Concerned about the omission of safe turning measures onto L30504 and L7148 from the main N80 road.	Junction Type Selection report was prepared in accordance with TII Publication DN-GEO-03060 – Geometric Design of	I consider the Council have responded adequately

	<p>Requesting these turning measures are included in the plans.</p> <p>Current road configuration on L30504 dangerous. This straight point on a N80 is used for overtaking at high speeds. Turning on L30504 coming from Carlow and L7148 coming from Ballon requires vehicles to stop in the middle of the very busy and fast-moving national primary, putting vehicles at high risk of being struck.</p> <p>Understand after meeting with Senior Engineer in Carlow Co Co that the road was surveyed for suitability for turning lanes during the preliminary planning phase. Informed that the volume of traffic on the road does not justify the implementation of a turning lane. This conclusion fails to acknowledge the grave safety risks involved and volumes of traffic on the N80.</p>	<p>Junctions for the junction of the L30504/L7148 with the N80. This assessment considered both safety and operational performance of the junction. The assessment indicated that a Ghost Island Right Turn Lane was not warrant at this location. The traffic volumes did not meet the requirements for a right turn lane nor did the junction have a poor collision record from the information that was available and the assessment indicated that the situation in terms of safety would not be greatly changed by the provision of a ghost island right turn lane junction. It should be further noted that the provision of Ghost Island Right Turn Lanes at locations where they are not warranted can lead to increased collisions elsewhere on the mainline from a result of dangerous overtaking manoeuvres due to driver frustration as a result of reduced overtaking opportunities.</p>	<p>to the concerns raised.</p>
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11.3.8. John and Heather Shirley (CPO 122, 135, 138)

Concerns relate to location of proposed bungalow entrance, detail in relation to width of proposed accesses/entrances into property, requesting sound barriers in the form of high block walls and low noise asphalt outside their houses and residential soundproofing, concerned about air quality during and post construction. The Shirleys request an underpass to overcome severance of the farm. Consider the permanent acquisition of the farmyard excessive and have highlighted the severe impact the CPO will have on their farm operations. They request access is maintained during the course of the construction works. They consider the temporary CPO to be excessive up to the exterior walls of the residence and consider it will be overly impactful.

Shirleys require more information on temporary boundary arrangements/fencing during construction phase. Requesting double width gates and specific detail for boundary treatment. Details of submission in table below;

John and Heather Shirley (CPO 122, CPO 135, CPO 138 and OC 122)		
Concern	CCC Response	Inspectors Assessment
Bungalow Entrance - Requesting the entrance be offset and moved away from directly in front of the front door, closer to Carlow town direction.	The existing access location is being maintained. There is no safety benefit from relocating the access location. The proposed scheme will provide improved sightlines at the existing access of 215m in each direction in accordance with TII requirements.	I am satisfied the proposed scheme will improve sightlines at the existing access in each direction to a satisfactory level of 215m in each direction.
Width and size of road entrances/access points to Wilton & Bungalow (plot refs 122j.301, 122e.201, 122c.201 & 122k.201) – Requesting the road entrances/access points are wide enough to enable safe access for 2 no. vehicles to enter and depart simultaneously.	<p>The accesses have been designed in accordance to TII Publications for direct accesses (dwellings) onto national roads.</p> <p>The landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this landowner by the Council which will be subject of a separate process.</p> <p>During this process discussions will also be held with the landowner in relation to the agreement of accommodation works.</p>	I am satisfied the Council have designed appropriate, safe access arrangements in line with TII publications.
Underpass – Requesting an animal underpass to be shared by the adjoining Leagh farm to ensure the viability of the farm as a unit. Absence of plans	An assessment was carried out on whether an underpass is warranted. The assessment considered engineering constraints, agricultural requirements, costs and safety. In engineering terms, it is feasible to provide an underpass; there is no factor that would prevent its provision. There are however difficulties that lead to high costs: the need to place the underpass below existing ground level and the significant earthworks that result; the need to	I agree with the conclusions of the Council and consider that because no livestock are crossing the road at present, the need for an underpass to

<p>for animal underpass reduces the utility of and land across the road from the farmyard and significantly impacts the economic viability of farm operations in the long term.</p>	<p>drain groundwater; rock excavation would be required. For livestock, ramp slopes should ideally be 1 in 14 or so and no greater than 1 in 10. 1:14 slopes are used. The ground is on a declivity from west to east. This makes the ramps short on the east side but long and deep on the west, with a large land requirement resulting in a significant impact on the land holding on the west side of the N80.</p> <p>In agricultural terms the underpass is not necessary for the proper operation of the farm. Underpasses are typically provided for dairy uses where there are large tracts of severed lands. The presence of cattle crossing a national road is a significant road safety risk and is also a significant risk for the landowner. For these reasons underpasses are often considered when dairy farms are severed. However, this is not a dairy farm so animal movements across the road are not so frequent. In addition, the area of land on the opposite side of the road is not so large as to generate high levels of agricultural machinery traffic crossing the road. The landholding is severed by the N80 at present and because the scheme is online the severance is not significantly increased. The operation of the farm has not been observed to be a contributory factor to significant road safety risk on the N80 at present. For these reasons the provision of an underpass would not be considered to be warranted in respect of the operation of the farm. The underpass is not needed to remove a significant existing road safety hazard from the N80 – there are no cattle crossing the road at present. Overall, the assessment concluded that the provision of an underpass funded by the proposed road scheme is not considered to be warranted.</p>	<p>remove a significant safety hazard from the N80 is not warranted.</p>
<p>Farmyard Permanent CPO (plot 122f.201, 122k.201 & 122l.201) – refs</p> <p>The proposal of a permanent CPO for the entire farmyard area is excessive and overly impactful</p>	<p>CPO Plot 122f.201 The permanent acquisition of CPO Plot 122f.201 is necessary because of the requirement to demolish structures on this plot to facilitate the construction of the scheme, in a safe manner, at this location. The Council would be open to considering the disposal of any surplus lands on completion of the scheme to the landowner, subject to the approval of the Council in the usual way.</p> <p>CPO Plots 122k.201 and 122l.201 It is necessary to permanently acquire these plots to</p>	<p>I note that the permanent acquisition of the farmyard is necessary to facilitate the construction of the scheme and that Carlow Co Co will consider disposal of any surplus lands</p>

for the purposes of the project. This should be adequately dealt with by a temporary CPO.	<p>facilitate the construction of the scheme and entrance/driveway at this locus.</p> <p>The Council will consider the disposal of any surplus lands on completion of the scheme to the landowner, subject to the approval of the elected members in the usual way.</p>	<p>on completion of the road.</p> <p>I consider the permanent acquisition of the farmyard is required to facilitate the road scheme.</p>
<p>Relocation of farm operations</p> <p>– No concession or information is provided in the plans for the relocation of farm buildings and facilities (including sheep & cattle housing, storage & machinery) to ensure the sustainability and continuance of operations of the farm as a going concern and a source of livelihood.</p>	<p>The landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this landowner by the Council which will be subject of a separate process.</p>	<p>The Council have provided no plans for relocation of the farm operations.</p> <p>In this regard, I note the Councils position that the landowners will be entitled to claim for compensation arising out of the CPO.</p>
<p>Access during construction phase</p> <p>– No information is provided in the plans for the access to both dwelling houses and farm during the phase when the CPO comes into effect and during construction.</p>	<p>Existing accesses shall be maintained at all times during the construction of the works. Where the works include the construction of accommodation roads or farm access roads to facilitate access lands which are severed or affected by the scheme, the Council or its agents shall provide such temporary arrangements as necessary to allow alternative reasonable and convenient access at all times prior to completion of the permanent arrangements. Where appropriate or necessary, such arrangements shall include temporary access routes across portions of the Site or Off-Site areas.</p>	<p>I am satisfied that access to their dwelling house and farmland will be maintained at all times.</p> <p>The CPO indicates that the farmyard buildings are proposed to be demolished.</p> <p>I note the Councils position that landowners will be entitled to claim for compensation</p>

		arising out of the CPO.
<p>Temporary CPO to Wilton entrance and front garden (plot ref 138e.301) – the extent of the proposed temporary CPO right up to the exterior walls of the residence is an excessive imposition and overly impactful. Requesting an explanation in relation to the planning, timing, health and safety and access plans for the dwelling and ongoing impact of the works as a result of the CPO.</p>	<p>The proposed land acquisition does not exceed what is necessary for the delivery of this scheme and the land acquisition is a proportionate response to the public need and common good on the one hand and seeking to limit the acquisition of land from the landowners on the other and at the same time seeking to protect the environment. The acquisition of these lands are necessary, sufficient, and suitable for constructing and maintaining the N80 Leagh Bends Scheme.</p> <p>Existing accesses shall be maintained at all times during the construction of the works. Where the Works include the construction of accommodation roads or farm access roads to facilitate access lands which are severed or affected by the scheme, the Council or its agents shall provide such temporary arrangements as necessary to allow alternative reasonable and convenient access at all times prior to completion of the permanent arrangements. Where appropriate or necessary, such arrangements shall include temporary access routes across portions of the Site or Off-Site areas.</p>	<p>I consider that sufficient detail and reasoning has been provided in the response from the Council.</p> <p>I consider the Council have addressed this concern and have provided appropriate, safe access arrangements.</p>
<p>Construction of Temporary Fence – During the works on the boundary of the permanent and temporary CPO area as outlined, will significantly inconvenience Wilton residence due to disturbance, access and sightlines. Clarity requested on the type, location and size of the fence proposed and how this impact will be minimised.</p>	<p>The landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this landowner by the Council which will be subject of a separate process.</p> <p>During this process discussions will also be held with the landowner in relation to the agreement of accommodation works.</p>	<p>I note that the Council have not provided specific details in relation to the temporary fence to be provided.</p> <p>I note the Councils position that in terms of disturbance, the landowners will be entitled to claim for compensation arising out of the CPO.</p>

<p>Farmyard and field access gates should be double width – plans are currently showing single gates replacing double gates that are currently in place. Requesting the farmyard gates should be of steel panel construction (replacing like with like) for security reasons.</p>	<p>The landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this landowner by the Council which will be subject of a separate process.</p> <p>During this process discussions will also be held with the landowner in relation to the agreement of accommodation works.</p>	<p>I note the Councils position that the landowners will be entitled to claim for compensation arising out of the CPO.</p>
<p>Barriers on side of entrance roads – the proposed new entrance roads to both Wilton and the farmyard have steep gradients on the outside of the curves, which could be dangerous in cold/icy weather – appropriate barriers/walls should be constructed to mitigate this risk.</p>	<p>The access roads have been designed in accordance with TII Publications with a maximum dwell area of 4%.</p> <p>The landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this landowner by the Council which will be subject of a separate process.</p> <p>During this process discussions will also be held with the landowner in relation to the agreement of accommodation works.</p>	<p>I am satisfied that the road is designed in accordance with TII publications.</p> <p>I note the Councils position that the landowners will be entitled to claim for compensation for any associated injurious affection arising out of the use of the land acquired from the landowner.</p>

11.3.9. John and Elizabeth Wall (CPO 110)

Submission prepared by James Cody & Sons Solicitors on behalf of John Wall and Elizabeth Wall. Owners of Folio 4366F, which is the family home. Concerned about the closure of the local road and its impact on them gaining access to the local road network without having to use the N80. Raised issue about impact on 16 horses on two acres to the rear of the property, impact on business and passing trade, impact on

community and isolation, concern regarding devaluation of their property and ability to sell their house. Noted that there was no notable consultation with them. Impact of noise and vibration, public lighting and access to rear of property.

Details of submission in the table below;

John and Elizabeth Wall (CPO 110)		
Issues Raised	CCC Response	Inspectors Assessment
<p>Closure of Local Road - Under current proposals, the local road known as Ballybar Upper Road adjacent to house is being blocked. This road is used by the Walls to gain access to Leighlinbridge, Bagenalstown, Nurney and Tinryland. This avoids them having to use the N80. This road is being turned into a cul-de-sac. Only access out of house will be directly onto the N80 following road works. Concerned about difficulty entering and exiting their property on busy N80 following construction.</p>	<p>The L3050 local road (Ballybar Upper Road) has been realigned on its approach to the N80 to provide an improved road alignment and junction layout in accordance with TII standards.</p> <p>The landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this landowner by the Council which will be subject of a separate process.</p> <p>This section of the N80 is included in the national pilot for a permanently mounted speed camera whereby works are currently underway to complete the installation. The Council, while awaiting confirmation to implement the proposed National Default Speed Limits, in exercise of the powers conferred on it by Section 9 of the Road Traffic Act, 2004 has commenced the process outlining its intention to make Special Speed Limit Bye-Laws in respect of the National Secondary roads (i.e. N80 and N81) within the administrative area of County Carlow to reduce the speed limits from 100km/h to 80km/h. The draft proposal is currently progressing through the statutory process which is</p>	<p>I consider the closure of access points onto the N80 is in line with TII policy and the Council has provided appropriate alternative, safe access arrangements.</p> <p>I note the Councils position that the landowner will be entitled to claim for compensation arising from injurious affection arising out of the use of the land acquired for the CPO.</p>

	expected to be implemented in Q3 of 2025	
<p>Access to Horses – Currently have 16 horses on two acres on the land to the rear of the property. Road at rear of the property is used to transport horses. Mr Wall uses a road cart with the horses exercising them on the side road beside the house. Horses may need to be relocated for the duration of the works as presence of machinery may agitate them. Currently horses are housed in the stables to the rear of the property during bad weather. Not clear if there will be pedestrian access via the cul de sac beside them and if there will be access for horses through same.</p>	<p>Access to the land to the rear of the property will be maintained by means of a new access road from the N80 as illustrated on drawing 19165-01-0116 contained in Appendix 14 of the Section 177AE Report.</p> <p>The landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this landowner by the Council which will be subject of a separate process.</p>	<p>I consider that sufficient detail has been provided in the response from the Council.</p> <p>I note the Councils position that the landowner will be entitled to claim for compensation arising from injurious affection arising out of the use of the land acquired for the CPO.</p>
<p>Impact on Access to Business – The Walls rely on trading from the house, particularly to the rear. They sell 2nd hand items and depend on passing trade. The road closure will have a serious impact on their ability to trade as access will be limited to the N80.</p>	<p>The proposed scheme includes the provision of a right turn pocket at the proposed access to their property. The provision of a right turn pocket will provide a safer access to this property and remove the need to stop on the public road outside their property. This arrangement is illustrated on drawing 19165-01-0116 contained in Appendix 14 of the Section 177AE Report.</p>	<p>I consider the Council have addressed this concern and have provided appropriate, safe access arrangements.</p>
<p>Impact on Community – The Walls will feel more segregated from the local community due to the closure of the local road.</p>	<p>The landowners will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired from this landowner by the Council which will be subject of a separate process.</p>	<p>I note the Councils position that the landowner will be entitled to claim for compensation arising from injurious affection arising out of the use of the land acquired for the CPO.</p>
<p>Access to Rear of Property – Anxious that it</p>	<p>The proposed scheme will provide access to the rear of the property via a revised access</p>	<p>I consider that sufficient detail has been provided in the</p>

would not be reduced in any way.	road directly onto the N80 as illustrated on drawing 19165-01-0116 contained in Appendix 14 of the Section 177AE Report.	response from the Council. I consider the Council have addressed this concern and have provided appropriate, safe access arrangements.
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11.3.10. **Caitriona Farrell, John Farrell and Ronan Farrell (CPO 105)**

Issues relate to proposed site compound layout (Drg. No. 19165-01-0191) location and use following completion of works, Impact on property value if compound remains following works and safety Issues in relation to access to the site compound.

Cathriona Farrell, John Farrell and Ronan Farrell submitted an identical observation to the CPO, details of submission in the following table;

Caitriona Farrell, John Farrell and Ronan Farrell (CPO 105)			
	Issues Raised	CCC Response	Inspectors Assessment
1	Proposed Site Compound Layout (Drg. No. 19165-01-0191) - Expressing concern and objection regarding the location of the site compound directly opposite the Farrells property at Kilcoole House. Wants confirmation of planned use of compound following completion of roadworks.	Upon completion of the scheme, it is intended that the compound (CPO plots 117d.301 and 117g.301 – temporary land acquisition) will be reinstated to its preconstruction condition i.e. agricultural lands and returned to the landowner.	I consider that sufficient detail has been provided in the response from the Council. The compound will be reinstated to agricultural lands.
2	Impact on Property Value - Considers that leaving a concrete compound following completion of works would have a negative impact on their property and on the community specifically in relation to aesthetics and the potential property value impact.	Landowners impacted by the CPO will be entitled to claim for compensation arising out of the CPO and any associated injurious affection arising out of the use of the land acquired by the Council which will be subject to a separate process.	As per response above, the compound will be reinstated to lands and hence there will be no long-term negative impact.
3	Safety Issues – Concern raised about vehicles accessing the site compound on a temporary or permanent basis.	Impacts of construction traffic assessed in Section 15.4.1 of 177AE Report. All traffic in construction stage will be managed by a Construction Traffic	The impacts associated with the construction phase will be short-term. I note the safety

		Management Plan (CTMP) which will be agreed with the local authority prior to construction. The potential impact during the construction phase is considered to be short term slight impact on the surrounding network. This will be managed by the CTMP and compound lands will be reinstated following completion of works on the road scheme.	concerns regarding use of the compound and am satisfied that risks will short-term and will be minimised through the implementation of the CTMP.
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11.3.11. Michael and Maureen Regan and Others (CPO 101)

Issues relate to Boundary Treatment, Landowner Consultation, Noise and Construction Impacts.

Michael and Maureen Regan and Others			
	Issues Raised	CCC Response	Inspectors Assessment
1	Boundary Treatment - Concern that there is no clear plan in relation to the treatment of the entry and exit at the junction of their homes. Residents concerned about safety. Seeking clarification that this section of road be made safe by Carlow Co Co.	<p>This entrance is located immediately south of the proposed scheme at its southern tie-in.</p> <p>No changes are proposed to this entrance.</p> <p>The proposed scheme will not negatively impact on the operation of this entrance.</p>	<p>The Council have confirmed that the entrance is located to the south of the proposed scheme and hence no negative impacts are expected.</p> <p>I am satisfied that the scheme will not negatively impact on the operation of the entrance.</p>
2	Landowner Consultation - It is proposed that the bank at this entrance is to be taken as part of the scheme. This bank of land is owned and maintained by Maureen Regan	The Land Registry records indicate that the owner of CPO plot 101a.201, the bank on the north side of the entrance, is the Legal Personal Representatives of Brigid Brady (Deceased), who has been served with the appropriate notices in respect of this plot.	I note that the Council have confirmed that the bank on the south side of the entrance is outside the scheme extents and no changes are

	who has not been consulted.	The bank on the south side of the entrance is outside the scheme extents and no changes are proposed to this bank.	proposed to this bank.
3	Noise - Noise impacts at Maureen Regans house. Will a buffer be provided?	See Noise Impact Assessment (NIA) in Appendix 7 of 177AE Report. Construction Noise to be assessed using BS5528 international standard. Mitigation includes a 2.4m hoarding, minimising drop heights, avoiding unnecessary revving of engines and other general noise mitigation measures. Operational Noise – Mitigation has been proposed with the use of low-noise road surfacing material. No other mitigation was considered necessary based on the NIA report.	I am satisfied that appropriate noise mitigation is proposed for both the operation and construction phase as per the Noise Impact Assessment contained in Appendix 7 of the 177AE Report.
4	Construction Impacts - Requesting clarification regarding the duration of works and seeking clarity on impacts of construction on residents in terms of safety, noise, traffic and parking.	The expected construction period is 18 months. The 177AE Report identified mitigation measures to mitigate against noise and vibrations, traffic including construction traffic and air quality during construction and operation stages which are included in the relevant sections of the report. Existing accesses shall be maintained at all times during the construction of the works. Where the works include the construction of accommodation roads to facilitate access to lands which are severed or affected by the scheme, Carlow County Council or its agents shall provide such temporary arrangements as necessary to allow alternative reasonable and convenient access at all times prior to completion of the permanent arrangements. Where appropriate or necessary, such arrangements shall include temporary access routes across portions of the Site or Off-Site areas.	I consider that sufficient detail has been provided in the response from the Council.

11.3.12. Comments on Conditions

I have reviewed the conditions requested by prescribed bodies. In Table 11.1 below, recommended conditions are tabulated, and I have indicated whether these are included in, or excluded from the recommended schedule of conditions.

Table 11.1: Suggested Conditions - In/Exclusion in Schedule of Conditions

	Suggested Conditions	Included/ excluded in Schedule of Conditions
	Uisce Eireann's Recommended Conditions	
1	All development shall be carried out in compliance with UEs Standard Details and Codes of Practice.	Included – See Condition No. 9
2	UE does not permit Build Over of its assets. Where the applicant proposes works or build over existing water or wastewater services, the applicant shall have received a written Confirmation of Feasibility (COF) from UE prior to any works commencing.	Included – See Condition No. 9
	Reason: To protect the public water and wastewater facilities.	
	DAU – Archaeological Requirements	
1	All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 14 and Appendix 16 of the Planning Report (dated November 2024) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order. a. A Project Archaeologist shall be appointed to oversee and advise on all aspects of the scheme from design, through inception to completions. b. The Project Archaeologist shall liaise with the National Monuments Service of the Department and the Planning Authority to agree in advance an overall strategy for archaeological works to be carried out both in advance of and in parallel with construction of the development. c. This shall include the scope of any Advance Test Excavation, Advance Underwater/Wade Surveys, Advance Metal Detection Surveys and Archaeological Monitoring as well as any additional mitigation measures that may be required to protect archaeological heritage.	Included – See Condition No. 7
2	This shall include the location, extent and method of demarcation for any Exclusion Zones around the external-most elements of vulnerable Heritage Assets that are to be preserved in situ.	Included – See Condition No. 7
3	The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to	Included – See Condition No. 7

	the proposed development as set out in Chapter 14 and Appendix 16 of the Planning Report (dated November 2024) and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.	
4	The planning authority and the National Monuments Service of the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.	Included – See Condition No. 7
	Reason: To ensure the continued preservation (either <i>in situ</i> or by record) of places, caves, sites, features or other objects of archaeological interest.	

12.0 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

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

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.

12.2. The Natura Impact Statement

The application was accompanied by an NIS which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined 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 predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

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

- A desk top study.

- An examination of aerial photography and maps.
- Habitat Survey undertaken on 29 September 2020 and 9 October 2020, with a follow up survey undertaken on 19 July 2022. An Otter Survey was undertaken on 1 April 2022. A specialist Ecological Assessment of the Kilmeany River and River Burren was conducted on 13 September 2021.
- Consultations with the National Parks and Wildlife Service.

The report identified a hydrological connection between the River Barrow and River Nore SAC and the Site, via Kilmeany River and Burren River and concluded as follows;

'The mitigation measures detailed within this NIS will ensure that any impacts on the River Barrow and River Nore SAC or any other European site, having regard to their conservation objectives, will be avoided during all phases of the Proposed Development, such that there will be no adverse effects on the integrity of any European sites. Following an examination, analysis and evaluation of the relevant information, including the nature of the predicted impacts from the Proposed Development and all associated works, and with implementation of the proposed mitigation measures, that the Proposed Development will not, either alone or in combination with other plans or projects, adversely affect the integrity or conservation status of any of the qualifying features of interest of the River Barrow and River Nore SAC or any other European site in light of best scientific knowledge. No reasonable scientific doubt exists in relation to this conclusion.'

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 7 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

12.3. **Appropriate Assessment**

I consider that the proposed development known as the N80 Leagh Bends Scheme is not directly connected with or necessary to the management of any European site.

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:

Table 12.1 European Sites Considered for Stage 1 Screening	
Conservation objectives: To maintain favourable conservation condition M To restore favourable conservation condition R To maintain or restore favourable conservation condition M R	
1. River Barrow and River Nore SAC [NPWS Site Code - 002162] River Barrow and River Nore SAC National Parks & Wildlife Service (npws.ie) Special Conservation Objectives are set by the NPWS (19 July 2011 – Version 1) The SAC consists of the freshwater stretches of the Barrow and Nore River catchments as far upstream as the Slieve Bloom Mountains, and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. The site passes through eight counties – Offaly, Kildare, Laois, Carlow, Kilkenny, Tipperary, Wexford and Waterford.	
Qualifying Interests	Distance
Qualifying Interests: Habitats [1130] Estuaries M [1140] Tidal Mudflats and Sandflats M [1170] Reefs M [1310] Salicornia Mud M [1330] Atlantic Salt Meadows R [1410] Mediterranean Salt Meadows R [3260] Floating River Vegetation M [4030] Dry Heath M [6430] Hydrophilous Tall Herb Communities M [7220] Petrifying Springs M [91A0] Old Oak Woodlands R [91E0] Alluvial Forests R Qualifying Interests: Species [1016] Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>) M [1029] Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) <i>The status of the freshwater pearl mussel (Margaritifera margaritifera) as a qualifying Annex II species for the River Barrow and River Nore SAC is currently under review. The outcome of this review will determine whether a site-specific conservation objective is set for this species. Please note that the Nore freshwater pearl mussel (Margaritifera durrovensis) remains a qualifying species for this SAC.</i> [1092] White-clawed Crayfish (<i>Austropotamobius pallipes</i>) M [1095] Sea Lamprey (<i>Petromyzon marinus</i>) R	Located c. 5.8km (West) overland and c. 9.5km downstream of the Site via the Kilmeany River and River Burren

[1096] Brook Lamprey (<i>Lampetra planeri</i>) R [1099] River Lamprey (<i>Lampetra fluviatilis</i>) R [1103] Twaite Shad (<i>Alosa fallax</i>) R [1106] Atlantic Salmon (<i>Salmo salar</i>) R [1355] Otter (<i>Lutra lutra</i>) R [1421] Killarney Fern (<i>Trichomanes speciosum</i>) M [1990] Nore Pearl Mussel (<i>Margaritifera durrovensis</i>) R	
2. Slaney River Valley SAC [NPWS Site Code – 000781] River Nore SPA National Parks & Wildlife Service (npws.ie) Special Conservation Objectives are set by the NPWS (21/10/2011 – Version 1) This site comprises the freshwater stretches of the River Slaney as far as the Wicklow Mountains; a number of tributaries, the larger of which include the Bann, Boro, Glasha, Clody, Derry, Derreen, Douglas and Carrigower Rivers; the estuary at Ferrycarrig; and Wexford Harbour. The site flows through the Counties of Wicklow, Wexford and Carlow. The river is up to 100 m wide in places and is tidal at the southern end from Edermine Bridge below Enniscorthy.	
Qualifying Interests	Distance
[1029] Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> (See note above in relation to status of freshwater pearl mussel) [1095] Sea Lamprey <i>Petromyzon marinus</i> R [1096] Brook Lamprey <i>Lampetra planeri</i> R [1099] River Lamprey <i>Lampetra fluviatilis</i> R [1103] Twaite Shad <i>Alosa fallax</i> R [1106] Atlantic Salmon <i>Salmo salar</i> (only in fresh water) R [1130] Estuaries M [1140] Mudflats and sandflats not covered by seawater at low tide M [1355] Otter <i>Lutra lutra</i> R [1365] Harbour Seal <i>Phoca vitulina</i> M [3260] Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachium</i> vegetation M [91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles M [91E0] * Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) M This SAC is adjacent to/overlaps with Raven Point Nature Reserve SAC 000710; The Raven SPA 004019; and Wexford Harbour and Slobs SPA 004076.	c. 7.4km east
3. Blackstairs Mountain SAC [NPWS Site Code – 000770] Blackstairs Mountains SAC National Parks & Wildlife Service Special Conservation Objectives are set by the NPWS (29/11/2019 – Version 1) The Blackstairs Mountains are located along the border of the Counties Wexford and Carlow, forming a mountain chain that runs in a north-east/south-west direction for approximately 22 km, and includes six peaks over 520 m. The site is important for extensive areas of dry heath. Wet heath occurs in mosaic with dry heath towards the base of some of the steeper slopes and is also found outside the western edge of the commonage.	
Qualifying Interests	Distance

[4010] Northern Atlantic wet heaths with Erica tetralix M [4030] European dry heaths M	c. 13.5km south
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Based on my examination of the NIS report and supporting information (including Appendix A – Site Layout and Drainage Layout and Appendix B – Ecological Assessment of Watercourses), the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for 1 no. of the 3 no. European sites referred to above.

The remaining 2 no. sites can be screened out from further assessment because of the distance separating the proposed development site from these European sites and the absence of impact pathways such as hydrological links, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests.

It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the following European Sites including Slaney River Valley SAC [NPWS Site Code – 000781] and Blackstairs Mountain SAC [NPWS Site Code – 000770] in view of the sites conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

12.4. Relevant European Sites

The Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for these sites, are set out below;

Site Name	Qualifying Interests	Distance
1. River Barrow and River Nore SAC [NPWS Site Code - 002162]	Conservation objectives: To maintain favourable conservation condition M To restore favourable conservation condition R Qualifying Interests: Habitats [1130] Estuaries M	The River Barrow and River Nore SAC is located c. 5.8km west of the Site over

Site Name	Qualifying Interests	Distance
River Barrow and River Nore SAC National Parks & Wildlife Service (npws.ie) Special Conservation Objectives are set by the NPWS (19 July 2011 – Version 1)	[1140] Tidal Mudflats and Sandflats M [1170] Reefs M [1310] Salicornia Mud M [1330] Atlantic Salt Meadows R [1410] Mediterranean Salt Meadows R [3260] Floating River Vegetation M [4030] Dry Heath M [6430] Hydrophilous Tall Herb Communities M [7220] Petrifying Springs M [91A0] Old Oak Woodlands R [91E0] Alluvial Forests R Qualifying Interests: Species [1016] Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>) M [1029] Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) – <i>Currently under review</i> [1092] White-clawed Crayfish (<i>Austropotamobius pallipes</i>) M [1095] Sea Lamprey (<i>Petromyzon marinus</i>) R [1096] Brook Lamprey (<i>Lampetra planeri</i>) R [1099] River Lamprey (<i>Lampetra fluviatilis</i>) R [1103] Twaite Shad (<i>Alosa fallax</i>) R [1106] Atlantic Salmon (<i>Salmo salar</i>) R [1355] Otter (<i>Lutra lutra</i>) R [1421] Killarney Fern (<i>Trichomanes speciosum</i>) M [1990] Nore Pearl Mussel (<i>Margaritifera durrovensis</i>) R	land and c. 9.5km downstream of the Site via the Kilmeany River and River Burren.

12.5. River Barrow and River Nore SAC [NPWS Site Code - 002162]:

12.5.1. Description of Site

The SAC consists of the freshwater stretches of the Barrow and Nore River catchments as far upstream as the Slieve Bloom Mountains, and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. The site passes through eight counties – Offaly, Kildare, Laois, Carlow, Kilkenny, Tipperary, Wexford and Waterford.

12.5.2. Conservation Objectives

To maintain the favourable conservation condition of: [1130] Estuaries, [1140] Tidal Mudflats and Sandflats, [1170] Reefs, [1310] Salicornia Mud, [3260] Floating River Vegetation, [4030] Dry Heath, [6430] Hydrophilous Tall Herb Communities, [7220] Petrifying Springs, [1016] Desmoulin's Whorl Snail (*Vertigo moulinsiana*),

[1092] White-clawed Crayfish (*Austropotamobius pallipes*), [1421] Killarney Fern (*Trichomanes speciosum*).

To retain the favourable conservation condition of: [1330] Atlantic Salt Meadows, [1410] Mediterranean Salt Meadows, [91A0] Old Oak Woodlands, [91E0] Alluvial Forests, [1095] Sea Lamprey (*Petromyzon marinus*), [1096] Brook Lamprey (*Lampetra planeri*), [1099] River Lamprey (*Lampetra fluviatilis*), [1103] Twaite Shad (*Alosa fallax*), [1106] Atlantic Salmon (*Salmo salar*), [1355] Otter (*Lutra lutra*), [1990] Nore Pearl Mussel (*Margaritifera durrovensis*).

12.5.3. Potential Direct Effects

Given that in-river works are proposed, potential significant effects associated with water quality impairment and noise disturbance to designated species are considered.

12.5.3.1. Otter – Decrease in Water Quality

The NIS notes that there are no records of otter within 2km of the site and the otter survey and ecological river assessment did not identify any signs of otter activity along the Kilmeany River. However, suitable habitats for otter and their prey species are located downstream within the Burren River. Otters are known to be impacted by a reduction in the quality or availability of prey species. Otter territories can extend up to 15km. Considering the large territories of otter, they have the potential to migrate / commute upstream from the SAC into the surrounding river network. Any impairment of water quality, affecting the availability of prey species within the river network outside the SAC could have an impact on otter.

There is potential for runoff / pollutants from the proposed works to flow downstream, from the proposed in-river works which could impact otters utilising the Burren River or lower reaches of the Kilmeany River.

12.5.3.2. Atlantic Salmon – Decrease in Water Quality

Although there is no suitable habitat for Atlantic Salmon on the site, there is a hydrological link from the site to the SAC. The River Barrow contains habitats suitable for Salmon and records confirm the presence of the species within the 5km Zone of

Influence (ZOI) for the potential water quality impacts arising from the proposed development which are outlined above.

12.5.3.3. Sea Lamprey, Brook Lamprey and River Lamprey – Decrease in Water Quality

Although there are no suitable habitats for this species within the Kilmeany River nor are there any records of this species within the 5km ZOI of the proposed development, there is a hydrological connection between the site and the River Barrow and River Nore SAC and there are records of this species within the wider River Barrow catchment. Therefore, adopting a precautionary approach, mitigation will be incorporated into the proposed works to ensure no significant likely effects occur to this species as a result of water quality impairment should they use the river network within the 5km ZOI of the site.

12.5.4. Potential Indirect Effects

I am satisfied that no impacts associated with indirect habitat loss or degradation will occur as a result of the proposed development.

12.5.5. Potential In-Combination Effects

Having examined and assessed the project alone and in combination with plans and projects as presented in the NIS, I accept that no significant in-combination adverse effects on European sites are predicted provided that best practice guidelines and the mitigation measures outlined in the applicants NIS are implemented.

12.5.6. Mitigation Measures

Section 7 of the applicants NIS describes the proposed mitigation measures which relate to potential impairment of water quality during construction from run-off including suspended solids, cementitious materials, silt and hydrocarbon leaks or spills entering the Kilmeany River. This run-off could adversely affect the water quality of the river and potentially further downstream. The River Burren has the potential to support designated species utilising the wider river network and this watercourse falls within the 5km ZOI for potential water quality impacts. The NIS notes that all mitigation measures are in line with Inland Fisheries Ireland (IFI) and Transport Infrastructure Ireland (TII) Guidance.

Mitigation measures for the Stream Diversion and Culvert Construction for the Kilmeany River under the widened road are described in Section 7.1.1.1 of the applicants NIS. These design and mitigation measures range from the preparation of method statements, the preparation of pre-cast concrete off-site, the use of an exclusion zone of 10m along the riverbank, the implementation of landscaping measures and the use of an Ecological Clerk of Works during construction to ensure measures proposed in the NIS are adhered to.

Section 7.1.1.2 of the applicants NIS describes the general mitigation measures for the protection of water quality. Sediment control measures including silt fencing, retention of existing vegetation, damp straying to suppress dust during dry weather and protection of stockpiles to prevent suspended solids in runoff entering the Kilmeany River and/or the drainage ditch network discharging to this river. Other measures to minimise likelihood of oil/fuel release to surface water during refuelling of plant and equipment and measures to protect the Kilmeany River during concrete pours are detailed. Emergency procedures to be implemented in the event of an accidental release or spill of potentially contaminating substances are described including appropriate training of employees in the use of spill kits and implementation of a procedure that any spillages will be cleaned up immediately and disposed of correctly.

All mitigation measures proposed have been examined, evaluated and assessed as being in line with current best practice. The measures have been described in detail providing evidence of how adverse effects will be avoided or reduced to non-significant levels. There is no doubt as to the effectiveness of these measures or their ease of implementation. In my view, the mitigation measures are appropriate to the risks identified and would, if implemented correctly, be sufficient to avoid any significant impacts and exclude adverse effects on site integrity.

12.5.7. Residual Effects/Further Analysis

Following the implementation of mitigation measures, as outlined above, no residual effects were identified. I am satisfied with the conclusion of the NIS, that the road works proposed will not adversely affect the water quality within the Kilmeany River and therefore, will not adversely affect any designated species of the River Barrow and River Nore SAC utilising the wider river network downstream of the Site.

12.5.8. **NIS Omissions**

None noted.

12.5.9. **Suggested Related Conditions**

Given the distance between the proposed N80 Leagh Bends Scheme Road Project and the River Barrow and River Nore SAC, I do not consider any specific related conditions are necessary in addition to the mitigation measures proposed.

12.5.10. **Conclusion**

I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the River Barrow and River Nore SAC [NPWS Site Code - 002162] site in light of its conservation objectives (subject to the implementation of mitigation measures outlined above).

12.6. **Appropriate Assessment Conclusion**

Having regard to the layout and nature of the proposed roads scheme, the construction methods to be employed and the overall activities that will occur onsite during both the construction and operational phases and given the intervening distances and mitigation measures proposed, I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European sites including Slaney River Valley SAC [NPWS Site Code – 000781], Blackstairs Mountain SAC [NPWS Site Code – 000770] or of the River Barrow and River Nore SAC [NPWS Site Code – 002162] or any other European site, in view of the site's Conservation Objectives.

13.0 Recommendation

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

14.0 Reasons and Considerations

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Slaney River Valley SAC [NPWS Site Code – 000781], the Blackstairs Mountain SAC [NPWS Site Code – 000770] and the River Barrow and River Nore SAC [NPWS Site Code – 002162],
- (e) the policies and objectives of Project Ireland 2040 National Planning Framework (NPF),
- (f) the policies and objectives of the Regional Spatial and Economic Strategy for the Southern Region (RSES),
- (g) the policies and objectives of the Carlow County Development Plan 2022-2028 (CCDP 2022),
- (h) the nature and extent of the proposed works as set out in the application for approval,
- (i) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (j) the submissions and observations received in relation to the proposed development,

- (k) the report and recommendation of the person appointed by the Coimisiún to make a report and recommendation on the matter

14.1. Appropriate Assessment

The Coimisiún agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the River Barrow and River Nore SAC [NPWS Site Code – 002162], is the only European Site in respect of which the proposed development has the potential to have a significant effect.

The Coimisiún considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment.

The Coimisiún completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the River Barrow and River Nore SAC [NPWS Site Code – 002162], in view of the site's conservation objectives.

The Coimisiún considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Coimisiún 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 Coimisiún 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 Coimisiún 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.

14.2. **Proper Planning and Sustainable Development/Likely Effects on the Environment**

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

The proposed development would improve road safety on this section of the N80 national road and would result in an improved environment for the surrounding residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 **Recommended Conditions**

1. The proposed road 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, commitments and recommendations set out in the Natura Impact Statement submitted with the application shall be implemented in full as part of the proposed roads development. 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. The mitigation and monitoring measures identified, commitments and recommendations set out in the Planning Report and associated documentation submitted with the application shall be implemented in full as part of the proposed roads development. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment and in the interest of public health.

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

Reason: In the interest of nature conservation and biodiversity.

5. Prior to the commencement of development, 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,
- d) A Waste Management Plan (WMP),

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

6. 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 suitably qualified ecologist shall be carried out before works commence.
- d) A pre-construction bat survey shall be carried out by a suitably qualified ecologist during the active bat season, 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.

7. The preservation, recording, and protection of archaeological materials or features that may exist within the site shall be facilitated. In this regard, the following archaeological requirements shall be complied with;

- a) All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 14 and Appendix 16 of the Planning Report (dated November 2024) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.
- b) A Project Archaeologist shall be appointed to oversee and advise on all aspects of the scheme from design, through inception to completions.
- c) The Project Archaeologist shall liaise with the National Monuments Service of the Department and the Planning Authority to agree in advance an overall strategy for archaeological works to be carried out both in advance of and in parallel with construction of the development.
- d) This shall include the scope of any Advance Test Excavation, Advance Underwater/Wade Surveys, Advance Metal Detection Surveys and Archaeological Monitoring as well as any additional mitigation measures that may be required to protect archaeological heritage. This shall include the location, extent and method of demarcation for any Exclusion Zones around the external-most elements of vulnerable Heritage Assets that are to be preserved in situ.
- e) The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 14 and Appendix 16 of the Planning Report (dated November 2024) and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
- f) The National Monuments Service of the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, and this shall also be kept on file as part of the public record. All resulting and associated archaeological costs shall be borne by the developer.

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

8. 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.

9. All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice. Note that Uisce Éireann does not permit Build Over of its assets. Where the applicant proposes works or build over existing water or wastewater services, the applicant shall have received a written Confirmation of Feasibility (COF) from Uisce Éireann prior to any works commencing.

Reason: To protect the public water and wastewater facilities.

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.

Laura Finn
Senior Planning Inspector

30th September 2025

16.0 Appendix 1. Form 1 - EIA Pre-Screening

Case Reference	321416-24
Proposed Development Summary	N80 Leagh Bends Scheme Road Project
Development Address	In the Townlands of Graiguenaspiddoge, Castletown, Leagh, Ballybeg, Kilballyhue and Kilcoole, County Carlow
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	

<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Part 2 of Schedule 5 of the P&D Regs 2001 (as amended)</p> <p>Class 1 (a) ‘Projects for the restructuring of rural landholdings’</p> <p>The Planning and Development (Amendment) (No. 2) Regulations 2023 (S.I. 383 of 2023) requires that Projects for the restructuring of rural land holdings are screened for the purposes of Environmental Impact Assessment, as follows:</p> <p>Amendment of Schedule 5, Part 2, Class 1 of the Principal Regulations is amended: (a) By the insertion of the following before paragraph (c):</p> <p><i>(a) Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.</i></p> <p>Roads Act 1993, Section 50(1)</p> <p>50.— (1) (a) A road development that is proposed that comprises any of the following shall be subject to an environmental impact assessment:</p> <p><i>(iv) any prescribed type of road development consisting of the construction of a proposed public road or the improvement of an existing public road.</i></p> <p><i>(b) If An Bord Pleanála considers that any road development proposed (other than development to which paragraph (a) applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be likely to have significant effects on the environment it shall direct that the development be subject to an environmental impact assessment.</i></p> <p>Roads Regulations, 1994, Article 8</p> <p>When screening a project under the Roads Act 1993, as amended and in accordance with Article 8 of the Roads</p>
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	<p>Regulations 1994 (S.I. No. 119 of 1994), the prescribed types of proposed road development for the purpose of section 50(1)(iv) (EIA) are:</p> <p><i>8. The prescribed types of proposed road development for the purpose of subsection (1)(a)(iii) of section 50 of the Act shall be—</i></p> <p><i>(a) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500 metres or more in length in an urban area;</i></p>
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Senior Planning Inspector: Laura Finn **Date:** 30th September 2025

17.0 Appendix 2. Form 3 - EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-321416-24	
Development Summary	N80 Leagh Bends Scheme Road Project	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	N/A	No, this was a direct application to An Bord Pleanála.
2. Has Schedule 7A information been submitted?	Yes	An EIA Screening Report with Schedule 7A information is contained in Appendix 4 of the application documentation.
3. Has an AA screening report or NIS been submitted?	Yes	An Appropriate Assessment Screening Report (AASR) and Natura Impact Assessment (NIS) has been submitted with the application which considers the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) (See Appendix 2)
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	N/A
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out	Yes	<ul style="list-style-type: none"> Environmental Impact Assessment Screening Report which considers the EIA Directive (2014/52/EU) which amended

<p>pursuant to other relevant Directives – for example SEA</p>		<p>Directive 2011/92/EU on the effects of certain public and private projects on the environment.</p> <ul style="list-style-type: none"> • Ecological Impact Assessment (EclA) which considers the EU Habitats Directive (92/43/EEC), Birds Directive (2009/147/EC) and the EU Water Framework Directive (2000/60/EC) • Noise Assessment which considers Environmental Noise Directive (2002/49/EC) • Preliminary Waste Management Plan which considers EU Waste Framework Directive (Directive 2008/98/EC) • Hydrology and Hydrogeology Assessment which considers the EU Water Framework Directive (WFD) 2000/60/EC, The Groundwater Directive, 2006/118/EC and the EU Floods Directive 2007/60/EC. • Air Quality Assessment which considers Clear Air for Europe (I) Directive (2008/50/EC) • SEA was undertaken by the Planning Authority in respect of Carlow County Development Plan 2022 - 2028
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B. EXAMINATION	Yes/ No/ Uncertain	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	<p>The N80 Leagh Bends Scheme upgrade proposes to widen and realign the existing roadway between two upgraded sections of road. This will require a minor deviation from the current alignment and improvements to the Graiguenaspiddoge and Castletown Crossroads. A staggered crossroads will be created at Graiguenaspiddoge. The total length of the road alteration required is 2.97km. This will require the removal of adjacent field boundaries including hedgerows and hedgerows / treelines totalling approximately 3.33km in length and the construction of new drainage ditches totalling approximately 1.65km in length. Additionally, 4.2km of new hedgerow will be planted as part of this project.</p> <p>The project does not differ significantly from the existing surrounding area in terms of character or in terms of scale.</p>	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	There will be physical changes to the topography of the existing N80 along the line of the realignment during the construction phase. The proposed excavation route will	No

		<p>require excavation and filling to facilitate realignment and levelling of the route and associated verge/hard shoulder.</p> <p>The proposed new surface water drainage system network comprises of filter drainage on both the left and right-hand side of the carriageway, except in areas where the road is in fill of more than 1.5m in height, a concrete channel is proposed as an alternative to the filter drain. Three (3No.) attenuation ponds and two oversized pipes will be provided along the new roadway to attenuate surface water runoff from the filter drain system. The Kilmeany Stream will be culverted as part of the works.</p> <p>The Ecological Impact Assessment Report (EclA) notes that the installation of the proposed drainage infrastructure as part of the proposed development will result in a positive effect on water quality within the surrounding area</p> <p>I do not consider the physical changes arising from the road project are likely to result in significant effects on the environment in terms of topography, landuse and waterbodies.</p>	
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	Yes	<p>The proposal will result in land/habitat loss along the area of the route and associated works area including the removal of c. 3.3km of hedgerow.</p> <p>Use of road surfacing materials will incur sourced raw materials for the construction of the road surface.</p> <p>The project uses standard construction methods, materials and equipment and the process will be managed through the implementation of the OCEMP (Appendix 3 of applicant's report) / Final CEMP (required by condition).</p> <p>The operational phase of the project will not use natural resources in short supply.</p>	No
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance</p>	Yes	<u>Construction</u>	No

which would be harmful to human health or the environment?		<p>Construction phase activities would require the use of potentially harmful materials such as fuels and will create waste for disposal.</p> <p>Noise and dust emissions during the construction phase are likely. This will be managed through the oCEMP/Final CEMP (required by condition).</p> <p>Construction works will be subject to the standard health and safety controls and will be short-term in nature, with the total construction time estimated at between 18 - 24 months. Ahead of construction works proceeding, pollution avoidance and control measures will be required to ensure no contaminants directly enter any nearby watercourses. These pollution avoidance and control measures will be set out in the Method Statement as per best practice.</p> <p><u>Operation</u></p> <p>There are pollution and nuisances which have the potential to be associated with the operational phase of the proposed development. Interceptors and drainage will protect watercourses/groundwater from potential pollution. Method Statements which are required under health and safety controls will be prepared to prevent pollution.</p> <p>I do not consider the project likely to result in significant effects on the environment in terms of human health or on the environment.</p>	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	<p>The construction phase will likely generate waste such as plastic wrapping, strips, containers, polystyrene, and wooden pallets etc. Waste arising from the project will be collected and segregated on-site before being removed off-site and recycled or disposed of at a licensed waste facility. This process will be managed through the implementation of the pWMP (Appendix 15 of applicant's report) / Final WMP (required by condition).</p>	No

		<p>The roadworks will not require extensive earthworks. Small volumes of arisings (soil) will be generated during the widening/realignment of the roadway. Excavated soils from these works will be reused as backfill where possible. If any surplus soils/material are generated, they will be removed offsite to a suitably permitted or licensed facility.</p> <p>During operation the road will convey vehicles. These works are for improvement to road traffic safety, and not for the increased flow of traffic, nor to develop a new road route. Therefore, no likely significant change from baseline road traffic emissions are likely.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>Surface water drainage will have oil interceptors and will drain to local streams along the route. This will have no significant impact on the underlying 'Locally Important Aquifer'. The impact on groundwater is deemed to be modest and not to a scale that would warrant an EIA.</p> <p>The Kilmeany River flows in a north / north-westerly direction and crosses under the existing N80 road near the Castletown crossroad. It is proposed that the works will replace the existing bridge structure on the Kilmeany Stream with a rectangular culvert, with an opening width and height of 1.5m an a total length of 24m.</p> <p>The site is hydrologically connected to the River Barrow and River Nore SAC (distance c. 9.5km downstream) via the Kilmeany River and the Burren River. Potential water quality impacts would typically be associated with the release of sediment and other pollutants to surface water during the construction phase of a project.</p> <p>Standard construction methods, materials and equipment will be used and the construction will be managed through the implementation of the OCEMP and Final CEMP (required by condition) with mitigation measures as proposed and / or with</p>	<p>No</p>

		<p>additional measures agreed through condition) and a final WMP (required by condition).</p> <p>A schedule of commitments is outlined in Table 2 - 1 of the applicants Planning Report. Risks of contamination to sediment and water courses will be mitigated and managed, hence, no likely significant impacts are expected in terms of contamination.</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p><u>Construction Phase</u></p> <p>A Noise and Vibration Assessment accompanies the application (See Appendix 7). Construction noise is unavoidable. The report concludes that properties within 50m of the road are likely to experience short term impact from the works, however, mitigation options including 2.4m hoarding and other general noise mitigation measures have been outlined, including ongoing monitoring and a management plan.</p> <p>Noise and vibration impacts are short term in duration and impacts arising will be temporary, localised and will be managed through the implementation of the OCEMP and Final CEMP (required by condition) with mitigation measures as proposed and/or with additional measures agreed through condition.</p> <p>For the construction stage, vibration will be monitored along the route to ensure compliance with limits contained within the NRA Guidelines.</p> <p><u>Operational Phase</u></p> <p>Of the 48 no. receptors identified, 2 no. located at the southern part of the proposed development were shown to meet the conditions required for mitigation to be implemented. The noise report notes that compensation measures including the use of low noise road surfacing would result in reductions of noise of upwards of 3-5dB(A).</p>	<p>No</p>

		<p>No future likelihood for operational vibration is deemed likely as the ground vibrations caused by road traffic are unlikely to cause any perceptible structural damage in properties located near a well-maintained and smooth road surface.</p> <p>I do not consider this aspect of the project likely to result in significant effects on the environment in terms of noise and vibration or release of light, heat, energy or electromagnetic radiation.</p>	
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Yes</p>	<p>The additional hard surfacing onsite will result in an increase in surface water runoff. Petrol interceptors and attenuation ponds will be provided as part of the new drainage system. This will prevent potential pollutants from surface water runoff, such as hydrocarbons, directly entering the drainage ditch network or Kilmeany River. As this will be an improvement from the current drainage scheme along the existing N80, it is considered that the installation of the proposed drainage infrastructure will result in a positive effect on water quality.</p> <p>Following the implementation of mitigation measures outlined in the planning report, the works required for the installation of the new culvert and watercourse diversion will not adversely affect the water quality within the Kilmeany.</p> <p>The application was accompanied by an Air Quality Assessment (Appendix 5), which indicates that the impacts from construction phase are determined to be medium to negligible in terms of risk. Mitigation measures are proposed to reduce potential impacts associated with construction activities. Impacts on air quality are not expected to be significant during the construction phase.</p> <p>There are no anticipated changes in traffic volumes between the Do Nothing and Do Something scenarios, The assessment of local scale pollutants during the operational phase indicates that the road contributions to NO2 and</p>	<p>No</p>

		<p>particulate matter concentrations are relatively low compared to background concentrations. The impacts on sensitive receptors are considered neutral given the scale of the development and the dominant influence of background air pollutant concentrations.</p> <p>Accordingly, in terms of risk to human health, I do not consider this aspect of the project likely to result in a significant effect on the environment.</p>	
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>Potential risks associated with the construction phase include uncontrolled release of pollutants entering nearby watercourses or seepage into the underlying soils / groundwater through a major construction related accident through uncontrolled construction works. Construction works will be subject to the standard health and safety controls and will be short-term in nature and will be carried out in line with the Final CEMP (required by condition).</p> <p>Method Statements will be prepared to control potential emissions and thereby impacts on, environmental receptors.</p> <p>A Site-Specific Flood Risk Assessment (SSFRA) was carried out for the site (Appendix 11 of applicant's report). There is no known potential risk of flooding on the site or in its immediate vicinity. The SSFRA notes that the road scheme is adequately mitigated due to the more elevated profile of the proposed finished road levels at this location.</p> <p>The proposed road improvement scheme is not expected to result in an adverse impact to the existing hydrological regime of the area, will not impact or impede access to any watercourses, flood plains or flood protection and management facilities and would not significantly increase the risk of flooding to adjacent lands or properties.</p> <p>The proposed design will provide, through design processes, a more climate resilient route section than is currently in-place.</p>	<p>No</p>

		Based on the above, I am satisfied that the overall risk of Major Accidents and Disasters has been adequately addressed in the application, and the risk of major accidents is low.	
1.10 Will the project affect the social environment (population, employment)	Yes	<p>There is a total of 45 residential houses in the study area which could be impacted if no mitigation were to take place. The proposed works will have the potential to impact areas outside of the route itself through the effects of operational traffic and construction noise.</p> <p>The project will increase localised temporary employment activity at the site during the construction phase which will take c. 18 - 24 months.</p> <p>The development will improve road safety locally.</p>	No
1.11 Is the project part of a wider large-scale change that could result in cumulative effects on the environment?	No	The construction works will occur in the main within the footprint of the existing road. I do not anticipate significant cumulative impacts on the area arising from the project during the construction or operation phase, as no other road or large-scale construction projects are currently planned locally.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a 	No	<p>The project is not located in, on, or adjoining any European site, any designated or proposed NHA, or any other listed area of ecological interest or protection.</p> <p>AA screening has been undertaken to ensure no impact to closest Natura site, the River Barrow and River Nore SAC, located c 5.8km from the site.</p> <p>There are no nature reserves or national parks within the vicinity of the site. The nearest nature reserve, Timahoe Esker Nature Reserve, Co. Laois ca. 28km northwest.</p>	No

development plan/ LAP/ draft plan or variation of a plan		The section of the N80 for the proposed road upgrade is not zoned under any local area plans.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	Yes	<p>An EclA notes that the site itself is currently considered to be of low local ecological value and is not considered to be of high suitability or a site of importance for any Annex I or Annex II species or Red listed birds. No bats roosts were identified within the nineteen (19 No.) trees with potential roost features identified for removal. In addition, the surveys identified low numbers of bats commuting / foraging onsite. Therefore, the site is not considered to be a significant area for bats. However, based on the bat activity within the survey area right around sunset, it is considered likely that there are bats roosting within the locality.</p> <p>The report concludes that the proposed development will not result in any significant impacts on ecological receptors identified both onsite and in the surrounding area following the implementation of appropriate mitigation measures.</p> <p>Following the implementation of mitigation measures, I am satisfied that no protected flora or fauna will be significantly impacted by the proposed development.</p>	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	<p>There is one protected view in the vicinity of the proposed development. This view, No. 26, is described as "Panorama of Central Plain to Blackstairs" and is located on the L30504 local road near Kyleballhue, c. 280m from the online route's 50m western buffer. The proposed works are a road upgrade. I do not consider the works will impact on view No. 26 based on the nature of the upgrades.</p> <p>The Archaeological, Architectural and Cultural Heritage report submitted with the application concludes that the proposed N80 Leagh Bends Scheme will not directly impact on any known and legally protected archaeological heritage sites. The works will potentially result in impacts on several potential (subterranean) archaeological heritage assets. The</p>	No

		<p>extent of any impacts on any subterranean archaeological sites will be established via invasive archaeological mitigation measures.</p> <p>The proposed development will result in a moderate direct impact on one architectural heritage site that is protected by law, namely the Former Graiguenaspiddoge National School. Appropriate mitigation measures are recommended to mitigate any impact on architectural heritage.</p> <p>The proposed development will see several moderate and slight direct impacts on architectural heritage assets that are not protected by law. The proposed development will not directly impact on legally protected cultural heritage sites.</p> <p>Following implementation of mitigation as proposed, I do not consider the project will result in significant negative effects on the environment in terms of archaeology and cultural heritage.</p>	
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>Yes</p>	<p>The receiving environment along the section of road is a mix of rural agriculture area and residential dwellings and is considered to be of low local ecological value.</p> <p>Hedgerows / treelines form the principal boundaries along the existing N80 and within the adjacent fields. These habitats are a key feature of the Site, consisting of predominantly well-structured and good-quality trees and hedgerows.</p> <p>An Arboricultural Impact Assessment (AIA) was carried out with 289 no. trees identified ranging including 12 No. Category A trees (4.15% of total trees), 80 No. Category B trees (27.68% of total trees), 123 No. Category C (42.56% of total trees) and 74 No. Category U trees (25.61% of total trees) were identified. Along with these categorised trees, 12 hedgerows were recorded varying in condition from well-maintained low hedges to 5-8m high lapsed hedgerows where maintenance has been ceased.</p>	<p>No</p>

		<p>The proposed development will result in the removal of 184 No. trees and 7 no. hedgerows and partial removal of 1 no. hedgerow totalling to c. 3.33km in length. Replacement tree planting has been recommended when construction works have been completed. Construction exclusion zones have been recommended to provide adequate protection of any retained trees. The removal works will result in a substantial loss of wildlife habitat and replacement tree planting is recommended when construction works have been completed.</p> <p>Section 5.4 of the EcIA outlines the Ecological Enhancement Measures as follows;</p> <p>‘To compensate for the loss of vegetation onsite, c.4200m of compensatory and supplementary hedgerow planting will be implemented to strengthen and replace the c.3.33km of hedgerow / treeline being removed onsite. All planting will consist of a mix of native species, of local provenance and / or those that have a known attraction or benefit to local fauna will provide shelter and a source of food for a variety of species throughout the year including birds, small mammals, amphibians, and pollinators. It will also allow movement of species such as badger and other small mammals and provide connectivity to the wider landscape.</p> <p>Areas of woodland planting will also be implemented as part of the proposed development. These woodland habitats will be planted beside the proposed attenuation ponds and at Graiguenaspiddoge Crossroads.</p> <p>In addition, c.550 individual sessile oak trees (<i>Quercus petraea</i>) will be planted along the proposed route to replace the trees removed to facilitate the proposed development.</p> <p>In addition, the project proposes an attenuation pond and wildflower and grassland planting.</p>	
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		I consider that following implementation of the mitigation measures, the proposed development will not result in any significant impacts on ecological receptors identified both onsite and in the surrounding area and the proposed Landscape Plan will compensate for the extensive hedgerow and tree removal necessary to carry out the proposed works.	
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	<p>A Site-Specific Flood Risk Assessment accompanies the application. The site was found to not fall within a predictive, indicative or strategic fluvial flood zone. The report also found that the proposed development is not expected to result in an adverse impact to the existing hydrological regime of the area and will not impact or impede access to a watercourse, flood plain or flood protection and management facilities and would not increase the risk of flooding to adjacent lands or properties.</p> <p>The site is situated within the Barrow Catchment (Catchment ID:14) and the Barrow_SC_090 Sub-catchment (Sub-catchment ID:14_13) [14]. The nearest hydrological feature of note is the Kilmeany – a lowland depositing river. The Kilmeany River flows in a north / north-westerly direction and crosses under the existing N80 road near the Castletown crossroad.</p> <p>A hydrological connection was identified between the River Barrow and River Nore SAC and the Site, via the Kilmeany River and River Burren. The EclA notes that the main potential problems that could arise from the proposed works on the N80 are elevated suspended solids in the Kilmeany River, particularly at crossing points, and siltation farther downstream, with resultant impacts on trout, particularly eggs and juveniles, which would then have a knock-on effect on otters. Also possible is contamination of the Kilmeany River with chemicals, mainly hydrocarbons, which could have a toxic effect on fish.</p>	No

		<p>As part of the proposed development, a new culvert will be installed to facilitate the flow of the Kilmeany River underneath the widened road. As part of these works, the existing culvert will be decommissioned, and a new re-aligned river channel will be developed to redirect the watercourse into the new culvert. This will involve some in-river works.</p> <p>Following implementation of design and mitigation measures to prevent water quality deterioration, I consider there will be no significant impact on water resources.</p>	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	These risks have not been identified in the application documentation.	No
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	Yes	The development itself is comprising of widening/realignment to the existing N80 route, which is a key transport route. I do not consider there are any routes susceptible to congestion or which could cause environmental problems which could be affected by the project.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	<p>Existing sensitive land uses which could be affected by the project include agricultural use of the land for crop production or animal husbandry adjacent to the construction site. The application is accompanied by an EIA (Agronomy), which is the science associated with the interaction between cultivation of land, soil management and animal and crop production for food production and other human benefits. The desk-based study identified 17 no. agricultural parcels of land. Agricultural impacts ranged from 'low' to 'high'. 1 No. parcel will have a high impact, being severely impacted by the proposed project and may result in the farmyard being demolished entirely and other issues.</p> <p>The majority of the construction phase impacts will be temporary in nature. Some impacts such as land</p>	No

		<p>take/severance may have longer term impacts. Mitigation measures are proposed in the report to minimise impacts to affected landowners.</p> <p>There are no sensitive community facilities in proximity to the site that could be affected by the proposed project.</p> <p>Based on the mitigation measures proposed in the Agronomy report, I consider the impact on sensitive land uses can be appropriately managed or compensated.</p>	
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	<p>Existing and/ or approved planning consents in the vicinity of the site have been noted in the application documentation and associated assessments. These developments are of a nature and scale that have been determined to not have likely significant effects on the environment.</p> <p>No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects with the project and hence, no cumulative significant effects on the area are reasonably anticipated. (See Applicants NIS - Table 6-3 Active Planning Applications within the vicinity of the Site)</p>	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	There are no transboundary effects arising	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	X	EIAR Not Required	

Real likelihood of significant effects on the environment.

☐

EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

Regard has been had to:

- a) The nature and scale of the project, which is below the '*where the length of field boundary to be removed is above 4 kilometres*', threshold in respect of Part 2, Class 1 (a) '*Projects for the restructuring of rural landholdings*' of the Planning and Development Regulations 2001 (as amended) and the Roads Act 1993, Section 50(1) and Roads Regulations, 1994, Article 8.
- b) The planning history at the site and within the area.
- c) The pattern of existing and permitted development in the area.
- d) The absence of any significant environmental sensitivity in the vicinity.
- e) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- f) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage, and Local Government (2003).
- g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- h) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Ecological Impact Assessment, AA Screening and Natura Impact Statement, Outline Construction Management Plan, Air Quality Assessment, Climate Impact Assessment, Noise Assessment, Geotechnical Assessment, Environmental Report, Site Specific Flood Risk Assessment, Hydrology and Hydrogeology Assessment, Assimilative Capacity

Assessment, Design Drawings, Preliminary Waste Management Plan, Archaeological, Architectural and Cultural Heritage Impact Report, Agronomy Assessment and Landscape Constraints and Route Options Study.

In so doing, the Coimisiún concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Inspector __Laura Finn_____

Date __30th September 2025__

Approved (DP/ADP) _____

Date _____