



An
Bord
Pleanála

Inspector's Report ABP-321627-25

Development

Proposed development of
Infrastructural Improvements to
Dromore Blueway from Ballybay to
Lisnalong, Co. Monaghan

Location

Ballybay to Lisnalong, Co. Monaghan

Local Authority

Monaghan 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

Fáilte Ireland

Department of Housing, Local
Government and Heritage

Observer(s)

Monaghan Waldorf School

Date of Site Inspection

13th May 2025

Inspector

David Ryan

1.0 Introduction

- 1.1. Monaghan County Council is seeking approval from An Bord Pleanála to undertake the proposed development of infrastructural improvements to Dromore Blueway from Ballybay to Lisnalong, Co. Monaghan, which is located c.18 km from the Upper Lough Erne SPA which is a designated European site. There are several other designated European sites (SPAs and SACs) in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

2.0 Proposed Development

- 2.1. The proposed development consisting of infrastructural improvements to the Dromore Blueway from Ballybay to Lisnalong, Co. Monaghan will include the following:
 1. Renewing and widening slipway, provision of car park, removal of height restriction Gate, internal laneways works at Ballycoghill Bridge,
 2. New Entrance, provision of car park, pathways, play area, new information board and picnic tables, improvement to existing slipway at Ballynascarva Bridge,

3. New drainage work to laneway and resurfacing, turning heads at White Lough, South Shore,
4. Renew and widen the slipway at Balladian Bridge,
5. Renew and widen the slipway, new turning head at Baird's Shore,
6. Improvement to existing slipway and gravelled area at Ballybay Wetlands,
7. Proposed floating pontoon, new information board at Lough Major,
8. Construction of ancillary works at all sites, including signages, permeable paving, fencing, landscaping, and other ancillary works required to deliver the project.

This application relates to protected structures Ref: 41402310 (Ballycoghill Bridge).

Locations:

- Ballycoghill Bridge, Clossagh Beg,
- Ballynascarva Bridge, Lisnalong,
- White Lough, South Shore, Anny [DED: Anny],
- Balladian Bridge, Balladian,
- Baird's Shore, Drumselt [DED: Anny],
- Ballybay Wetlands, Derryvally,
- Lough Major, Cornamucklaglass, Ballybay, Co. Monaghan.

- 2.2. Monaghan County Council is seeking to create a blueway along the Dromore River, with the proposed development being the first step in delivering infrastructural improvements to the Dromore Blueway from Ballybay to Lisnalong. The main features of the project, which is located across 7 no. separate locations, will involve improvements to existing slipways, their renewal and widening, with vegetation removal to occur adjacent to hardstanding areas/pathways/slipways. At slipways there will be the removal of soil down to firm formation level, with the addition of 200mm of compact 40mm clean stone, and a weed suppressing membrane. There will be the further addition of a 150mm layer of clause 804 surface layer in a geocell membrane to tie into the access roadway levels for the proposed slipways, which will be 4-5 metres in width.

- 2.3. A polyethylene gangway and floating pontoon is proposed at Lough Major, which will extend c.16 metres into the waterbody. This will entail aluminium railing on both sides of the gangway and pontoon.
- 2.4. Car parks are proposed at Ballynascarva Bridge (15 car parking spaces) and at Ballycoghill Bridge (24 car parking spaces), which is a protected structure (ref: 41402310). The Ballynascarva Bridge car park, pathways and play area will be served by a paved access road 60 metres in length which will be of grasscrete permeable paving.
- 2.5. A new storm drainage system and resurfacing with lay-bys are proposed along the access laneway route to the White Lough. The laneway will be of 150mm of Clause 804 stone and constructed with 40mm SMA 10 Surf 40/60 Des. and 60mm AC 20 HDM Bin 40/60 Des. The proposal will also include for signage, turning heads, and landscaping. The overall site is 2.78 hectares.

Accompanying documents

This application for approval is accompanied by the following documents:

- Natura Impact Statement (NIS)
- Environmental Impact Assessment Screening Report
- Planning Statement
- Archaeological Impact Assessment
- Ecological Impact Assessment Report (EclA)
- Flood Risk Assessment Report
- Planning drawings
- Site notice and newspaper notice
- Copies of letters issued to prescribed bodies

3.0 Site and Location

- 3.1. The proposed development follows the line of the Dromore River running northeast to southwest from Ballybay town, Co. Monaghan to Lisnalong located at the Monaghan-Cavan county bounds, and is 12 km in length, running through a drumlin

countryside. The river water/paddling trail is split into 6 sections, with the existing slipways which form part of the proposed development site located along the river and waterbodies route. The proposed development site entails 7 no. main sites, which include the following:

- 3.2. The site of the proposed floating pontoon at **Lough Major** is located on a lake shore, to the west of existing pontoons. This area of the site also includes for the entrances from the Castleblaney Road to the town park and Ballybay House which is on the NIAH ref. no. 41307018.
- 3.3. The **Ballybay Wetlands site** is located adjacent the Ballybay Wetlands Centre and entails its entrance and access road, and includes for a slipway entailing vegetation, with aquatic vegetation adjacent the works site.
- 3.4. The **Balladian Bridge site** includes an existing slipway which includes for partial macadam surfacing, with aquatic vegetation adjacent the works site. The bridge located adjacent the works site traverses the Dromore River and is on the NIAH (reg. no. 41401832).
- 3.5. The **Baird's Shore site** includes its entrance and access passage from a local road, and includes a slipway which is bounded to its west by White Lough, with aquatic vegetation adjacent the site.
- 3.6. The **White Lough, South Shore site** includes for an existing access entrance and laneway from a local road. The site bounds White Lough to its north, with the site of the proposed turning circle entailing gravel and vegetation.
- 3.7. The site of the proposed works at **Ballycoghill Bridge** which traverses the Dromore River includes the R193, a height restricted gate, laneways and slipway, and lies adjacent to aquatic vegetation. The site is located to the west adjacent the bridge which is a Protected Structure (ref. no. 41402310) and is also on the NIAH (reg. no. 41402311).
- 3.8. The site at **Ballynascarva Bridge** (NIAH ref. 41402322) includes a field and local roads, with the Bridge and River Dromore lying adjacent to the north. Clossaghmore Railway bridge (NIAH.ref.no. 41402321) and Lisnalong Bridge (NIAH ref. no.41402320) are located to the west adjacent the site, with the Monaghan-Cavan county bounds located beyond to the west.

3.9. The site is located within the Erne catchment, which entails the river sub basins of Dromore and Major Lough Stream, and the Dromore and Major Lough Stream subcatchments. The site also entails the White Rockcorry Lake waterbody and Cavan groundwater body. The Erne River system extends to Northern Ireland, and the site is hydrologically connected to the designated European Sites Lough Oughter Complex SPA, Lough Oughter and Associated Loughs SAC, Upper Lough Erne SPA, and Upper Lough Erne SAC. Areas of the proposed site are also located partially within and adjacent to the proposed NHA of Dromore Lakes. In relation to flooding, the proposed site is partially located within flood risk zones.

4.0 Planning History

- A Part 8 application PT8MN80 was submitted in 2024 for a Dromore River Blueway, with no decision made.
- Reg. ref. 198002 Permission granted to Monaghan County Council for 1. construction of a network of paths within the central green area of the park. 2. Installation of additional public lighting and seating, children's natural play area and wooden gazebo structure/teen hangout area. 3. Landscaping works, to include outdoor performance area/amphitheatre structure, at Ballybay Town Park.
- Reg. ref. 2360071 Permission granted for proposed Material Change of Use of Existing 1st Floor Public Meeting Rooms to accommodate a Pre School Classroom and Material Change of Use of existing 1st Floor Public Meeting Room to accommodate a School Classroom and a material Change of use of Existing 1st Floor Store Room to accommodate Bathroom and all Associated Works at The Farmhouse, Clones Rd, Derryvally, Ballybay, Co. Monaghan for Monaghan Waldorf School.
- Reg. ref. 2442 permission granted for a development consisting of material change of use from existing single storey environmental education and visitor centre which is currently being used as a temporary HSE Community Outreach Centre under previously granted planning permission 21/182 to a pre-primary school including all associated site works, at Derryvally Farmhouse, Ballybay, Co. Monaghan

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 Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.
- Designated sites located in proximity to the subject site include:
 - Lough Oughter Complex SPA (004049)
 - Lough Oughter and Associated Loughs SAC (000007)
 - Upper Lough Erne SPA (UK9020071),
 - Upper Lough Erne SAC (UK0016614)
 - pNHA Dromore Lakes (000001) is located within and adjacent the site

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.

- 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. **Policy and Guidelines of Relevance**

The following policy and guidelines are considered relevant to the proposed development:

5.2.1. **The Revised National Planning Framework - Project Ireland 2040** was approved in April 2025. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. Key objectives of the Framework are to ensure the promotion of strengthened rural economies and communities, and enhanced amenity and heritage. Embedded in these objectives is the promotion of recreational infrastructure, such as national and forest parks, activity-based tourism and trails such as greenways, blueways and peatways

In relation to rural towns, **NPO 26** seeks to continue to support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.

NPO 34 seeks to facilitate tourism development and in particular the Strategy for the Future Development of National and Regional Greenways, and a Blueways and Peatways Strategy.

NPO 60 seeks to conserve and enhance the rich qualities of natural and cultural heritage of Ireland in a manner appropriate to their significance.

5.2.2. **Climate Action Plan 2025**

Climate Action Plan 2025 builds upon the Climate Action Plan 2024 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 **Climate Action Plan 2024**. The Plan provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050, as committed to in the Climate Action and Low Carbon Development (Amendment) Act 2021. Actions outlined for 2025 include to support regeneration, repurposing and sustainable development of walking and cycling tracks and trails, and waterways. The principle of the proposed works is considered to be in compliance with the principles and provisions of the Climate Action Plan 2025.

Climate Action Plan 2024

The Climate Action Plan 2024 (CAP 24) follows the commitment in the Climate Act 2015, as amended, and sets out the range of emissions reductions required for each sector to achieve the committed to targets. The document sets out Ireland's plan to

achieve a 51% reduction in greenhouse gas emissions from 2021-2030 and being carbon neutral by 2050. Section 15 of the Plan deals with transport and table 15.5 sets out the key actions to deliver abatement in transport for the period 2024-2025. Actions outlined for 2024 include to support regeneration, repurposing and sustainable development of walking and cycling tracks and trails, and waterways.

5.2.3. National Biodiversity Action Plan 2023-2030

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.2.4. Regional Spatial & Economic Strategy – Northern and Western Region

The RSES for the region (2020-32) provides a long-term, strategic development framework for the future physical, economic and social development of the region.

- RPO 4.1 seeks to support working with relevant landholders and recreational/tourism agencies to increase access to the countryside and our coastal areas, and to ensure maintenance and access to the existing network of trails, paths, ways etc.
- RPO 5.20 seeks to support and facilitate the continued development of the region's Blueways along existing waterways
- RPO 5.21 seeks to promote, support and enable collaborative networks to realise the economic opportunities presented by Blueways.
- RPO 6.23 seeks to provide sustainable travel which will be supported by providing walking and cycling facilities (including Greenway and Blueway projects) as a priority across the region.

5.2.5. Monaghan County Development Plan 2019-2025

Relevant objectives include:

- SAP1 seeks 'To limit development in Areas of Secondary Amenity Value and to only permit compatible amenity developments where they do not unduly impact on visual amenity'. Areas of Secondary Amenity include SA11 Dromore River and Lake Systems, and SA12 Lough Major and Environs
- Tourism policies TMP 3 seeks to 'To promote and facilitate the sustainable use of the County's existing historical, cultural and landscape assets for tourism purposes', with TMP 7 seeking 'to facilitate, where appropriate, the provision of high quality tourism products and services within the County in order to increase the level of activity and the sustainability of the tourism market. In particular....the development of tourism projects, facilities, activities, and attractions shall be a priority'.
- Ballybay Settlement Plan 2019-2025 BO 5 seeks to 'To promote Lough Major and the Dromore River System as the premier tourist attractions in the area'.
- Green Infrastructure Policy GIP 1 outlines 'It shall be an objective of Monaghan County Council to prepare a Green Infrastructure Strategy for the County over the plan period', with GIP 3 seeking to 'To support the improvement and enhancement of existing Green Infrastructure within the settlements'.
- BHP 6 seeks to 'To ensure that any new development proposed to or in the vicinity of a Protected Structure will complement and be sympathetic to the structure and its setting in terms of its design, scale, height massing and use of materials and to resist any development which is likely to impact on the building's special interest and/ or any views of such buildings and their setting'.
- AAP 1 outlines 'All projects and plans arising from this plan will be screened for the need to undertake Appropriate Assessment under Article 6 of the Habitats Directive. A plan or project will only be authorised after the competent authority has ascertained, based on scientific evidence, Screening

for Appropriate Assessment, and a Stage 2 Appropriate Assessment where necessary, that: 1. The Plan or project will not give rise to significant adverse direct, indirect or secondary effects on the integrity of any European site (either individually or in combination with other plans or projects);’.

5.2.6. Monaghan County Development Plan 2025-2031

The Monaghan County Development Plan 2025 – 2031 was adopted on Monday 26th May 2025 and shall have effect from 7th July 2025. Relevant objectives include:

- SAP 1 seeks to limit development in Areas of Secondary Amenity Value and to only permit compatible amenity developments where they do not unduly impact on visual amenity. Areas of Secondary Amenity Value include Dromore River and Lake Systems (SA11) and Lough Major and Environs (SA12).
- TMO16 seeks ‘To support and promote tourism and recreational activity including angling and country sports, to facilitate and encourage public access to water bodies, to promote County Monaghan as a catch and release on all public waters and to facilitate the provision of supporting infrastructure such as Blueway’s where appropriate and sustainable’.
- TMO4 seeks to promote and facilitate the sustainable use of the County’s existing historical, cultural and landscape assets for tourism purposes, in an environmentally sensitive manner, with TMO 8 seeking to ‘To facilitate, where appropriate, the provision of high-quality sustainable tourism products and services within the County where it is of a scale and nature appropriate to its setting, in order to increase the level of activity and the sustainability of the tourism market. In particular... development of tourism projects, facilities, activities, and attractions shall be a priority’.
- Ballybay Tourism Objective BB0 9 aims ‘To promote Lough Major and the Dromore River System as the premier tourist attractions in the area’.
- Ballybay Recreation and Amenity Objective BBO 16 seeks ‘To support the further development of the Ballybay- Castleblayney Greenway, and the Dromore River Blueway, connecting Lough Major to the Dromore River’.

- BHP 4 seeks to ‘ensure that any new development proposed to or in the vicinity of a Protected Structure will complement and be sympathetic to the structure and its setting in terms of its design, scale, height, massing and use of materials and to resist any development which is likely to impact on the building’s special interest and/or any views of such buildings and their setting’.
- HCLP 4 outlines ‘any plan or project in the Plan area not directly connected with or necessary to the management of a Natura 2000 site but likely to have a significant effect on a Natura 2000 site(s), either individually or in-combination with other plans or projects, shall be subject to Appropriate Assessment, in view of the site’s conservation objectives; in accordance with Article 6(3) and Article 6(4) of the Habitats Directives (92/43/EEC), transposing national legislation, and applicable European and national guidelines’.
- GIP 1 outlines development proposals located within or adjacent to areas of Green Infrastructure shall incorporate any important biodiversity features into the overall development in a sustainable manner.

5.2.7. National Planning Framework/Regional Planning Guidelines

Architectural Heritage Protection Guidelines. Refers to the main features of the Planning and Development Act 2000, as amended and to the requirement for planning authorities (PA) to create a record of protected structures and to the responsibilities given to owners to maintain them and the additional powers given to PA’s to ensure that protected structures are not endangered.

6.0 Consultations

6.1. Consultees Circulated

The application was circulated to the following bodies:

- Department of Housing, Local Government and Heritage
- Waterways Ireland

- Inland Fisheries Ireland
- The Heritage Council
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce
- Transport Infrastructure Ireland

6.2. Responses Received from Consultees

6.2.1. Fáilte Ireland outline the following:

- Blueway Partnership Action Plan 2023-2025 – It is outlined the proposal has potential to meet the accreditation criteria of the all-island Blueway Partnership body which is responsible for strategic oversight, accreditation, guidance and the brand management of Blueways, and provide benefits to both local people and visitors.
- The Monaghan Destination and Experience Development Plan (MDEDP) is a five-year commercial destination and experience development plan, with the role to support the development of unique and compelling destination experiences focused on a number of immediate and strategic destination opportunities. One of the key projects is "Linking and Developing the Outdoors" the objective is to deliver a programme of outdoor product development supported by enhancing the connectivity and linkages between trails. Proposal is in the wider Clones hinterland where the key focus is on the development of the outdoors linked to the 'Ulster Canal/Marina at Clones' project and the Ulster Canal Greenway. Dromore Blue way will add value and develop scale to this overall outdoor proposition, and connects to objectives to sustaining rural community's around creating unique visitor experiences, and facilitating industry capacity and capability building which will help attract, retain and disperse visitors across the destination.

- It is considered the proposal would be consistent with several policy objectives of the Draft Monaghan County Development Plan 2025-2031, including:

Tourism Objective TMO 16: To support and promote tourism and recreational activity including angling and country sports, to facilitate and encourage public access to water bodies, to promote County Monaghan as a catch and release on all public waters and to facilitate the provision of supporting infrastructure such as Blueway's where appropriate and sustainable.

Ballybay Tourism Objective BBO 9: To promote Lough Major and the Dromore River System as the premier tourist attractions in the area.

Ballybay Recreation and Amenity Objective BBO 16: To support the further development of the Ballybay-Castleblayney Greenway, and the Dromore River Blueway, connecting Lough Major to the Dromore River.

- It is outlined the Dromore Blueway is an important tourism asset. It not only presents a unique way for visitors to experience Irelands Ancient East but offers activities popular with overseas and domestic visitors, and also complements the existing tourism product in the region including the Ballybay Wetlands Centre, Dartrey Forest Park and Dromore Greenway. From a tourism perspective Fáilte Ireland are supportive of the proposed development subject to adherence to proper planning and environmental requirements being met.

6.2.2. **Department of Housing, Local Government and Heritage**

- 6.2.3. The submitted report sets out heritage related observations/recommendations under the headings of Archaeology and Nature Conservation. The report is summarised as follows:

Archaeology

Noted application documents include a desk-based Archaeological Impact Assessment (AIA) carried out by Archer Heritage Planning Ltd (October 2024), and advises following conditions be included:

- Mitigation measures in relation to archaeology and cultural heritage as set out in AIA shall be implemented in full

- A Project Archaeologist shall be appointed to oversee and advise on all aspects of the scheme, who shall liaise with the Department and PA to agree in advance an overall strategy for archaeological works, to include scope of any Advance Test Excavation, Archaeological Monitoring, mitigation. This will include Exclusion Zones around Heritage Assets.
- Construction Environment Management Plan (CEMP) shall include the location of archaeological/cultural heritage constraints in AIA and investigations, describe impacts and include mitigation measures
- The PA and Department shall be furnished with an archaeological report describing the results of archaeological monitoring, investigative work/excavation required.

Nature Conservation

Department notes four locations for the proposed Dromore Blueway project occur within the site boundary for the Dromore Lakes proposed NHA (site code: 000001), proposed due to nationally important numbers of Whooper Swan (143) and Wigeon (1242). These locations are Baird's Shore, White Lough south shore, Ballycoghill Bridge and Ballynascarva Bridge. All pNHAs in Monaghan are afforded protection under the CDP. HLP 14 states 'To resist development in or adjacent to an NHA or pNHA where it would result in the deterioration of that habitat or detrimentally impact on any species reliant on it. The onus will be on the developer to demonstrate that any such development will not adversely impact on the conservation of such areas'.

The ecological impact assessment (EclA) submitted records that two species listed on Annex I of the Birds Directive (2009/147/EC) were detected within the project area during winter surveys - Whooper Swan (30) and Golden Plover (1), recorded at Ballycoghill Bridge and White Lough respectively. Whooper Swans are known to utilise the larger wetland complex at the Dromore Lakes pNHA in nationally important numbers (2009). Wetland and grazing habitats within this site are therefore important in a national context. The various elements of the proposed works are individually, small scale in nature, but collectively could have the potential to impact on the ecological sensitivities of the site.

Department outlines an increased level of disturbance is anticipated at Balladian Bridge and Ballycoghill Bridge, which have revegetated with forbs and scrub and currently experience low levels of recreational disturbance pressures. Both sites are classed as depositing lowland river habitat, with Balladian Bridge being identified in the EclA as harbouring the highest diversity of aquatic vegetation. The potential exists for disturbance to occur for breeding birds during the proposed window for works. Any vegetation clearance works should therefore occur outside of the bird-nesting (1st March – 30th August) to prevent damage to occupied nest sites.

It is outlined the format of the Natura Impact Statement supplied is noted to have limitations, but does identify potential indirect impacts to four hydrologically connected Natura 2000 sites downstream of the Dromore Lakes, the closest being the Lough Oughter & Associated Loughs SAC (site code: 000007) and Lough Oughter SPA (004049). The most relevant qualifying habitat to the proposed development relates is 'Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation' [3150].

Department outline there is the potential for indirect negative impacts resulting from excessive sediment loading, pollution and cementitious leakage on water turbidity, transparency and nutrients levels as per the site-specific conservation objectives for this habitat type. Water Framework Directive (WFD) river waterbody monitoring on the river system has recorded a Q3 (poor) water quality status (2016-2021). Whilst this river system is already experiencing significant environmental pressures, unmitigated impacts from the proposed works could cause further deterioration locally.

It is recommended mitigations outlined in the EclA be implemented in full and incorporated into the construction environmental management plan (CEMP). The following observations are made with regard to mitigation;

- All pre-commencement surveys as outlined should be enacted.
- Areas of Nuttall's Waterweed (*Elodea nuttallii*) and Canadian Waterweed (*Elodea canadensis*) should be identified prior to the commencement of works. Control measures should be put in place during works to prevent the spread of Nuttall's Waterweed between

project sites via equipment and machinery or allow the propagation beyond the project area downstream to any EU Natura designated site.

- Vegetation removal at Balladian Bridge and Bollycoghill Bridge should occur outside of the bird-nesting season.
- Environmental impacts to water quality during in-stream development works should be avoided via the pre-commencement installation of silt curtains around slipways to trap released sediments. The resuspension of sediments should be avoided.
- Pollution control measures should be employed to prevent spills/leakage of fuels/oils.

6.3. Public Submissions

- 6.3.1. 1 no. observation was received from Monaghan Waldorf School. The issues raised are summarised below:

Impact on the school community

- The school, tenants of Ballybay Wetlands Centre, operate on a nature-based educational philosophy, with daily outdoor activities relying on the tranquillity and undisturbed wetland environment, and concerns are outlined increased traffic and public access will compromise the safety, security, and educational experience of pupils.
- The Ballybay Wetlands car park, used by the school for daily drop off, pick up, outdoor education, is the car park that provides access to the existing slipway, and increased public access to the slipway and use of trailers will create safety concerns for children.
- Concerns on how access to slipway is proposed, with gate locked and opened by arrangement at present. For child and public safety, it is imperative there is no open access to water.
- Tusla's Child Safeguarding Guidelines and the Children First Act 2015 outline schools must ensure that children's safety and well-being are prioritised in any activities involving public access to school-related spaces, and concerns outlined on access to car park and areas where children are present, and

open access to slipway would increase risk of accidents. In line with national child protection standards, oppose changes to current access control measures for slipway

Planning and Sustainability Issues

- Concerns proposed development does not align with proper planning and sustainable development set out in the P&DA 2000 (as amended) and NPF. Section 15(1) of P&DA places a duty on planning authorities to secure sustainable development while protecting the environment and ensuring community well-being, the proposed increase in slipway access conflicts with these objectives by introducing environmental degradation risks and safety hazards to a site that is both ecologically sensitive and used by a school community.
- The NPF emphasises the importance of protecting natural heritage areas and ensuring that new infrastructure developments do not compromise existing land uses, especially those supporting education and community well-being.
- Monaghan CDP 2019-2025 stresses the preservation of biodiversity and careful management of development within sensitive areas such as wetlands. Concerns proposal does not consider the plan outlines that development should be "appropriately sited to ensure minimal disturbance to ecological habitats and local communities"
- Proposal should be rejected or significantly modified to ensure compliance with sustainable development principles and CDP

Environmental Concerns

- Ballybay Wetlands is a delicate ecological area, home to diverse plant and animal species, and concerns increased human activity, boating and associated infrastructure, poses risk to local ecosystem, including water pollution, habitat disturbance, and disruption to bird populations, with recent rare sightings of the great egret and kingfisher confirmed.

Request for consideration

- Outline to reject/modify proposal to exclude use of slipway at Ballybay Wetlands, and if project proceeds request: independent EIA on long term

effects on wetlands; consideration of alternative access points that do not interfere with school community/education activities; assurance that traffic and safety concerns for school children are addressed before decision made.

6.4. Response of Applicant to Submissions

6.4.1. The applicant has responded to the submissions received and outlines the following:

- Applicant acknowledges the support of Failte Ireland.
- Minister for Housing, Local Government and Heritage; NPWS: Outlines archaeological mitigation measures will be conducted in accordance with the Archaeological Impact Assessment. On nature conservation, the applicant understands the department concern on four sites under pNHA's, due to nationally important number of Whooper Swan and Wigeon. Mitigation measures are outlined and residual impacts are not expected to result in any significant effects on key ecological features or receptors.
- Monaghan Waldorf School CLG: Understand schools concern for safety of children, and prior to submitting application auto turn analysis was conducted which confirmed there would be no conflict or crossover between school activities and movements associated with Blueway and Slipways (image shows swept path analysis). It is outlined the existing fence and gate will be retained, ensuring child safety.
- TMO3, TMO16, CFO21, GIO5 of the MCC CDP 2025-2031 are outlined, relating to the support and promotion of tourism, amenity, to protect and enhance open spaces and recreational green areas, development of green infrastructure. Proposed works focus on modifying and enhancing an existing slipway. As highlighted in NPF, it is essential development does not compromise community well being or education facilities, and project has been designed to avoid any adverse impact on school or its environment, with no encroachment beyond current development zone and no anticipated increase in traffic, noise, disruption.
- Consideration has been given to environmental protection and sustainable development in design. Works are designed to confine works, avoid

disturbance to habitats and wetlands, incorporate best practice construction methodologies to mitigate potential environmental impacts.

- Proposal supports objectives of the P&DA 2000 (as amended), the NPF, and MCC CDP 2025-2031 by: facilitating safe use of existing infrastructure, enhancing safety and accessibility for existing users, ensuring no new/intensified land use occurs beyond slipway area; by protecting biodiversity and ensuring careful management of works within proximity of sensitive habitats, construction will not overlap with breeding season, and works are limited to existing laneway and slipways at Ballybay Wetlands. No further degradation of wetland habitats is anticipated.
- Outlined works designed to ensure no significant adverse impacts on the environment, community well being, or the planning objectives of the relevant statutory plans.
- Ballybay Wetland Centre landowner consent has been submitted.

7.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2, in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

8.0 Assessment

8.1. 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.

8.2. The likely effects on the environment

- 8.2.1. The proposed development consists of infrastructural improvements to the Dromore Blueway from Ballybay to Lisnalong, Co. Monaghan. Details of the proposed development are set out in Section 2.0 of this report, the objective of which is to enable for improved access to the natural resources of Lough Major and the Dromore River System, which in turn would facilitate the development of these resources as tourism assets.
- 8.2.2. Aspects of the proposed development that could have effects on the environment are addressed in this section of the inspector's report. The impact of the proposed development on European Sites is specifically considered in section 9.
- 8.2.3. In relation to **Population and Human Health**, the proposed development would have potential positive impacts on leisure and tourism, enabling for improved access to the Dromore River system, its amenities and touring/Blueway routes. This in turn would facilitate the development of the natural resource as a tourism asset, providing opportunities for rural development initiatives which sustain rural communities. There is also a potential for impacts to arise on residential amenity and educational facilities, having regard to the proximity of the proposed development to existing residential and educational development, with residential properties located adjacent the site and educational properties within/adjacent the site. I consider there is the potential for environmental impacts to arise during construction including potential pollution events, increased traffic, noise and disturbance, dust and air emissions, nuisance, and a Construction Environmental Management Plan (CEMP) should be prepared for the scheme. Having regard to the nature of the works and relatively limited construction duration typically associated with such schemes, I do not consider that significant adverse effects by way of noise, traffic, pollution and nuisance are likely to arise on the amenities of the area or educational facilities during the construction phase subject to the preparation of a CEMP, which can be addressed by way of condition in any approval.

- 8.2.4. Monaghan Waldorf School outline the Ballybay Wetlands car park is used by the school for daily drop off, pick up, and outdoor education. It is outlined this car park provides access to the existing slipway, and increased public access will create safety concerns for children, citing the use of trailers at this location. Concerns are also outlined on impacts on outdoor learning activities that rely on tranquillity, and access arrangements to the slipway and water, and Tusla's Child Safeguarding Guidelines and the Children First Act 2015 are cited in relation to child safety and well-being.
- 8.2.5. Having regard to the nature of the proposal and its siting relative to existing infrastructure and school facilities, and given the use of proposed facilities which are unlikely to be at the same time as school hours, I do not consider that significant adverse effects by way of noise and nuisance are likely to arise on the amenities of the area or educational facilities during the operational phase. MCC in their response to submissions outline there will be no conflict between school activities and vehicle movements associated with the Blueway, and that the existing fence and gate at the slipway site will be retained. However, I note the site layout plan does not make provision for the retention of the existing security gate and fence which cordon off the slipway site from the internal access road, the school, and its car park. In the interests of safety, the applicant should make provision for a security gate and fencing on plans, to ensure for controlled access arrangements to the slipway, given its location relative to the school. In addition, to address pedestrian/pupil safety, an operational traffic management plan should be put in place for vehicular movements and parking associated with the slipway. These issues can be addressed by condition, in the event of an approval.
- 8.2.6. In relation to **Cultural Heritage**, there are no Records of Monuments or Places (RMP) within any of the proposed site work areas or within their immediate vicinity. An archaeological impact assessment has been carried out by Archer Heritage Planning Ltd (October 2024) which recommends that archaeological test trenching take place at site 2 Ballynascarva Bridge under license to NMS, with site works at this location having archaeological potential due to its proximity to the river and enhanced archaeological preservation due to the boggy nature of the ground. In relation to archaeology, the Department has recommended conditions include the mitigation measures set out in the AIA, the appointment of a project archaeologist to

oversee the scheme, the Construction and Environment Management Plan to include the location of archaeological and cultural heritage constraints, and the submission of an archaeological report. Given the details outlined in the AIA, the Departments submission, and the sites location relative to potential RMPs, I consider conditions including for archaeological testing and monitoring of works and reporting to be appropriate and these issues can be addressed by condition, in the event of an approval.

- 8.2.7. The archaeological impact assessment also includes for an assessment of site works proposed at Ballycoghill Bridge which is a protected structure (listed on Monaghan CDP 2019-2025, Monaghan CDP 2025-2031, as No. 41402310), and policies of the plan afford protection to such structures. Under Section 58 of the Planning and Development Act, 2000 as amended, the owner of the bridge, the applicant is obliged to ensure that the structure is not endangered. The proposed development at this location includes renewing and widening the slipway, provision of a car park, removal of height restriction gate, and internal laneways works.
- 8.2.8. The structure is described on the NIAH (ref. no 41402311) as a 'triple-arch bridge, built c.1790, carrying road over Dromore River. Round arches with roughly dressed stone voussoirs, roughly dressed stone V-cutwaters to both north and south elevations. Rubble stone walls and parapet walls, with vertical rubble coping stones'. The assessment submitted outlines no works are planned to be completed to the protected structure and therefore there are no direct impacts on the structure. The assessment outlines existing vegetation in the vicinity of the wing wall is to be removed, and given the limited works planned there will be no indirect impact to the visual amenity of the structure. It is outlined no undermining of the foundation to the walls is planned and therefore there will be no structural impacts. It is recommended that the structure will be protected in the form of warning cones and bunting to prevent unintended damage to the wing walls, and it is concluded the proposal will not have any negative impact on Ballycoghill Bridge itself. It is outlined the remainder of the works will have minimal ground disturbance, with the hardstanding for the car park and renewal of the slipway being constructed on top of the existing surfaces. Finger post signage is also proposed in two locations.
- 8.2.9. The Department has recommended conditions include the mitigation measures in relation to cultural heritage as set out in the AIA and that the CEMP include the

location of cultural heritage constraints. I note the proposed development seeks to keep interventions to the vicinity of the protected structure to a minimum while also enabling the works in its vicinity to meet the requirements of the proposed scheme at this location. With no direct impacts on the structure, and given the extent of the proposed hardstandings located adjacent the structure being proposed on existing hard surfaces, I consider significant impacts on the character and integrity of the protected structure would not arise, subject to the application of the AIA and Departments recommended mitigation measures, which can be addressed by way of condition in the event of an approval.

- 8.2.10. Having regard to the nature of the works and development proposed at Ballynascarva Bridge, their siting relative to the 3 no. adjacent bridge structures on the NIAH (Ballynascarva Bridge NIAH ref. 41402322, Clossaghmore Railway bridge NIAH ref.no. 41402321 and Lisnalong Bridge NIAH ref. no.41402320), and the presence of existing established vegetation to the northwestern area of the site, I consider the proposal would not give rise to significant adverse effects on the character and settings of these structures, or on any structures on the NIAH.
- 8.2.11. In terms of **Soil, Land and Material Assets**, the proposed scheme will include for the provision of a car park, pathways, play area, picnic tables, improvement to the existing slipway at Ballynascarva Bridge on a greenfield site of 0.48ha, and a car park at Ballycoghill Bridge on a site of 0.35ha which entails existing surfaces. The development at Ballynascarva Bridge will involve the raising and lowering of site levels. Having regard to the nature of the works and development at the above locations and the remaining sites, which will include for improvements to slipways, drainage systems and laneway resurfacing, I consider there is not likely to be any significant impact on soil, land or material assets.
- 8.2.12. In relation to **Water**, a Flood Risk Assessment for Ballynascarva Bridge has been prepared by CS Pringle, Consulting Engineers. It is outlined the development is located within the flood extent zones as determined in the OPW's National Indicative Fluvial Mapping. Areas of the site will be raised and lowered, and it is outlined that no flood waters will be displaced as a result of the development so that risk is not transferred downstream or adjacent, and no significant flow paths are impacted and so risk is not transferred upstream. It is outlined there will be a slight net increase in flood storage. It is stated impermeable surfaces are not proposed and the scheme

will not increase runoff. The assessment details that area to be developed is at risk of flooding and will continue to be at risk post development. It is outlined signage should be erected to address residual risk with people using the site for recreational purposes.

8.2.13. I note the proposed development sites are located within flood extent zones as indicated in the OPW flood mapping, and entails water-compatible development as outlined in the Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009), including for improvements to existing slipways to enable water-based recreation and tourism, and amenity areas. This water-compatible development is considered appropriate in the flood extents zone. The Ballynascarva Bridge and Ballycoghill Bridge sites include for proposed car parking to serve the scheme, and are considered to be less vulnerable development (local transport infrastructure). Having regard to the nature and layout of the proposed scheme at Ballycoghill Bridge site, which includes an existing access lane, hard surface areas which facilitate car parking and a slipway, it is considered the proposal would not have adverse impacts or impede access to a watercourse. Details submitted outline the Ballynascarva Bridge scheme will not increase flood risk elsewhere, and will entail a net increase in flood storage with residual risk addressed. Having regard to the nature of the scheme and details submitted, that the majority of the site is within flood extent zones and that no significant flow paths would be impacted, the proposed development is considered acceptable from a flood risk perspective. I am satisfied that sufficient detail has been provided and consider that the proposed development will not increase the risk of flooding elsewhere. I consider a flood risk management plan should be prepared for the 2 no. car parks sites, with appropriate warning signage also implemented for the scheme. These issues can be addressed by way of condition in any approval.

8.2.14. I note the receiving water bodies Dromore_040, _050 and Major Lough Stream_010 are 'poor' status in the River Waterbody WFD Status 2016-2021, and are 'at risk'. The receiving water body White Rockcorry is 'poor' status in the Lake Waterbody WFD Status 2016-2021 and is 'at risk'. The receiving Cavan Ground Waterbody WFD Status 2016-2021 is 'good', and 'not at risk'. Groundwater vulnerability across the site ranges from low to extreme vulnerability. The Department have also outlined that WFD river waterbody monitoring on the river system has recorded a Q3 (poor)

water quality status (2016-2021), and whilst this river system is already experiencing significant environmental pressures, unmitigated impacts from the proposed works could cause further deterioration locally. A WFD Assessment is completed for the proposed development and is set out in Appendix 5 attached to this report.

8.2.15. This assessment outlines the proposed development, subject to the implementation of mitigation measures, complies with WFD Objectives. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

8.2.16. In relation to **air and climate**, subject to standard mitigation measures being implemented by way of a CEMP at construction stage, I consider significant impacts on **air** are not likely. Having regard to the nature and scale of the works, I consider significant impacts on **climate** by way of emissions at construction and operation stage are not likely.

8.2.17. In relation to **landscape**, the site is located within a Landscape Character Type 'farmed lakelands', as outlined in the County Monaghan Landscape Character Assessment (2008). Policy SAP1 of the CDP 2019-2025, and CDP 2025-2031 seeks to limit development in Areas of Secondary Amenity Value and to only permit compatible amenity developments where they do not unduly impact on visual amenity, with Areas of Secondary Amenity including Dromore River and Lake Systems, and Lough Major and Environs. Having regard to the nature, scale and location of the works and the landscape context, I consider the proposed development would not likely result in an adverse visual impact arising on the landscape, receptors or on visual amenities, or scenic routes/views in the area.

8.2.18. In relation to **Biodiversity**, An Ecological Impact Assessment (EclA), an EIA Screening Report, an AA Screening assessment and Natura Impact Statement have been submitted. The EclA was informed by desktop and field surveys. Surveys were conducted for habitats, otter, badger, aquatic macroinvertebrates, winter and summer birds, nesting birds.

8.2.19. The EclA outlines Lough Major is a mesotrophic lake, with the Ballybay wetlands site within the Derryvalley Lakes Complex, and parts of the Balladian and Ballynascarva sites are included on the 'Wetland Indicating Sediments' map based on Quaternary Geology Map of Ireland and this layer may suggest the presence of wetland conditions. It is also outlined the Baird Shore / White Lough sites are positioned within the Dromore Lakes pNHA wetland.

8.2.20. The following habitats and plant species occur onsite/adjacent to the sites:

Site	Habitat	Vegetation onsite	Vegetation adjacent
Lough Major	Soil & Bare Ground, transitioning into Mesotrophic Lake.	Area used for recreational purposes	Common reed and invasive species (Nuttalls waterweed).
Ballybay Wetlands	Recolonising Bare Ground transitioning into Eutrophic Lake.	White Clover, Redshank, Silverweed, Pineapple weed, Thistle spp	Water Horsetail, Water plantain, Duckweed spp. and Pondweed spp.,
Balladian Bridge	Recolonising Bare Ground transitioning into Depositing Lowland River	Grass species	Common reed, Branched Bur Reed, Common Water-starwort and Duckweed spp, and aquatic invasive species
Baird Shore	Soil & Bare Ground transitioning into Eutrophic Lake.	Gravel area including plant species	Common reed
White Lough South	Soil & Bare Ground transitioning into Reed & Large Sedge Swamp.	Plant species in a gravel area	Willow spp and Reed Canary Grass
Ballycoghill Bridge	Recolonising Bare Ground transitioning into Depositing Lowland River.	Vegetation to be removed adjacent to the R193 includes Silverweed, Bramble, Bush vetch, Willowherb, Meadowsweet,	Aquatic vegetation adjacent includes Water horsetail, Reed canary grass, Yellow water lily and Duckweed spp, and aquatic invasive species (Nuttalls waterweed,

		Plantain and Clover spp.	Canadian waterweed).
Ballynascarva Bridge	Soil & Bare Ground transitioning into Depositing Lowland River	Wet grassland habitat (GS4) comprising of grasses, rush, Meadowsweet, Marsh woundwort, Bird's foot trefoil (Lotus corniculatus), and this habitat transitions into a Reed and large sedge swamp habitat (FS1) adjacent to the river with Reed canary grass, Water horsetail, and Silverweed.	Nuttalls waterweed was located within the watercourse

NOTE: The above information is taken from the EclA and NIS.

8.2.21. It is outlined in the EclA that the habitats lost will include those of local importance, and a minor negative local impact will occur through the loss of a minimal amount of hedgerow and reed habitat. Proposed mitigation includes new replacement native hedgerow planting at Balladian Bridge, and that reedbed at Ballybay Wetlands and scrub and trees at Ballycoghill Bridge and Ballynascarva Bridge be retained. It is outlined given the existing laneways / slipways at the proposed works sites at Lough Major, Ballybay Wetlands, Baird Shore and White Lough, that no degradation of further wetland habitat at these high conservation sites is predicted. I also note that it is indicated in the EclA that a marginal area of reed and large sedge swamp habitat adjacent to the river at the Ballynascarva Bridge site will be removed to facilitate the development of the slipway, and I note the site of the proposed slipway works is overgrown. I also note the Department outlines Baird's Shore, White Lough south shore, Ballycoghill Bridge and Ballynascarva Bridge occur within the site boundary for the Dromore Lakes proposed NHA (site code: 000001), proposed due to nationally important numbers of Whooper Swan and Wigeon.

8.2.22. The Department outline all pNHAs in Monaghan are afforded protection under the CDP with HLP 14 stating *'To resist development in or adjacent to an NHA or pNHA where it would result in the deterioration of that habitat or detrimentally impact on*

any species reliant on it. The onus will be on the developer to demonstrate that any such development will not adversely impact on the conservation of such areas'.

Given the nature of the existing infrastructure at locations onsite and development proposed, and that no degradation of further wetland habitat at high conservation sites is anticipated, subject to the implementation of the outlined mitigation measures, I consider that significant adverse effects on habitats/wetlands/ecosystem would not arise from the scheme. Potential effects arising from the scheme on bird species are addressed in the following sections.

8.2.23. Invasive species were recorded adjacent the works site, and mitigation includes for the manual removal of such plants in areas where slipway works will encroach into the waterbody/areas where silt nets are proposed, and information signage relating to biosecurity is proposed at works sites. The Department has also outlined observations in relation to mitigation which includes control measures to prevent the spread of invasive species. This includes for Areas of Nuttall's Waterweed (*Elodea nuttallii*) and Canadian Waterweed (*Elodea canadensis*) being identified prior to the commencement of works. It is also outlined control measures should be put in place during works to prevent the spread of Nuttall's Waterweed between project sites via equipment and machinery or allow the propagation beyond the project area downstream to any EU Natura designated site. I consider that all plant and machinery used during the works should be cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens. This issue can be addressed by way of condition in any approval. I consider the above measures set out in the EclA, by the Department and the additional measure outlined are satisfactory and accord with best practice in terms of controlling the management and spread of invasive species.

8.2.24. The EclA outlines there was no evidence of badger habitat or activity recorded within the confines of the proposed works sites or upstream / downstream during the survey, and there was no evidence of otter holts or activity or hedgehog habitat or activity observed. It is outlined prior to the removal of hedgerow at Balladian Bridge mitigation measures will include for a hedgehog check. The hedgerow is to be removed and replaced with new planting and is c.18 metres in length. Impacts on pine martin are not envisaged as it is not proposed to remove any treeline/forestry habitat. It is outlined as works at Ballybay Wetlands site will take place from July to

September, construction will not overlap with Newts breeding season. Given that otters are likely to occur in the wider area, I consider a pre-construction otter survey by a suitability qualified ecologist be carried out before works commence, and this can be addressed by way of condition. Having regard to the nature of the works and subject to the implementation of mitigation measures, including for the protection of water quality at construction stage, I consider the proposed development would not give rise to significant effects on otter/faunal species by way of disturbance, displacement or water quality.

8.2.25. The EclA outlines that, while no White Clawed Crayfish were observed in kick sampling, the species could be found community/foraging within the waterbodies during works, and mitigation measures are set out to protect water quality and prevent the spread of White Clawed Crayfish plague. It is further outlined no Nebrioporus depressus was found in samples taken. On the basis of the information submitted, and subject to the implementation of the mitigation measures, I consider the proposed development would not give rise to significant effects on White Clawed Crayfish, Nebrioporus depressus.

8.2.26. In relation to bats, the EclA outlines Daubenton's Bat, Lesser Noctule, Soprano Pipistrelle and Common Pipistrelle were recorded at Balladian Bridge and Ballycoghill Bridge, with roosting at Balladian Bridge confined to the hedgerow/treeline (right-hand bank upstream of Balladain Bridge), Balladian Bridge and Sycamore downstream from Balladian Bridge, with no roosting found at hedgerow to be removed. Details outline it is not anticipated the project will impact on bats, with no disturbance of treeline or bridge structures proposed. A mitigation measure set out includes that works in the vicinity of bat roosts (Balladian Bridge, Ballycoghill Bridge and Ballynascarva Bridge) be scheduled for September when bats have left any potential maternity roosts. Given the nature and location of the works, and the limited vegetation removal proposed and new replacement planting proposed, I consider that the proposed development would not give rise to any significant effects on bats, bat roosts or their foraging/commuting habitat, subject to the implementation of the outlined mitigation measures.

8.2.27. Winter Bird Surveys carried out during December 2023-January 2024 recorded Mallard at Lough Major, with Mute Swan occurring at 4 of the 7 sites. 4 no. Amber listed species were recorded at proposed sites, which included Mute Swan, Whooper Swan, Mallard and Black-headed Gull. One Annex species Whooper Swan was

recorded, with c. 30 individuals recorded at Ballycoghill Bridge in January 2024. The Whooper Swans recorded were feeding on wet grassland c.100m to the north and east of the bridge.

8.2.28. Summer Bird Surveys carried out in June and July 2024 recorded 3 no. Amber listed species, including Lesser Black-backed Gull, Sparrowhawk and House Martin, with the Red listed and Annex 1 species Golden Plover recorded, which was heard but not seen at White Lough's southern shore. It is outlined these were to the west of the area proposed for development, and it is likely that these birds were not breeding but were in passage. The EclA outlines the greatest diversity of species was recorded at White Lough, with the majority of species recorded were birds of woodland and agricultural lands. It is outlines the majority of the waterbird species recorded were either overflying the sites or were recorded on habitat such as reedbed on the opposite shore (e.g. Baird's Shore). A Spring Nesting Bird Survey was carried out on 30th April 2024 at proposed works locations, and no nests were observed.

8.2.29. The EclA outlines the Annex I bird species Whooper Swan was recorded during Winter 2023/24 at Ballycoghill Bridge, and as the most significant of the works involve the extension to an existing slipway that is already in use, it is concluded that no significant impacts on this species may reasonably be predicted from either the construction or operational phase of the proposed project. An Annex I species was only recorded at one site during the summertime survey, which was Golden Plover at White Lough's southern shore, which was heard outside of the area proposed for development. It is outlined the lack of suitable feeding habitat at the proposed development area would make it unlikely that this species would feed or roost there, and no works are proposed that may reasonably be predicted to impact upon this species or habitat upon which it depends. The EclA outlines a preconstruction survey for Golden Plover should be completed prior to the commencement of any works at the White Lough's south shore site. I also note mitigation also includes for a pre-construction check for bird nesting /roosting sites (e.g. Whooper Swan, Great Crested Grebe and Widgeon) at Ballynascarva Bridge with a marginal amount of Reed & Large Sedge Swamp habitat indicated to be removed in order to facilitate the development of the slipway, and that works at Lough Major, Ballybay Wetlands, Baird Shore and White Lough South will only occur from July to September.

- 8.2.30. The Department outline the EclA records that two species listed on Annex I of the Birds Directive (2009/147/EC) were detected within the project area during winter surveys - Whooper Swan (30) and Golden Plover (1), recorded at Ballycoghill Bridge and White Lough respectively. It is outlined Whooper Swans are known to utilise the larger wetland complex at the Dromore Lakes pNHA in nationally important numbers (2009) and wetland and grazing habitats within this site are therefore important in a national context. It is outlined the various elements of the proposed works are individually, small scale in nature, but collectively could have the potential to impact on the ecological sensitivities of the site.
- 8.2.31. The Department outline an increased level of disturbance is anticipated at Balladian Bridge and Ballycoghill Bridge, which have revegetated with forbs and scrub and currently experience low levels of recreational disturbance pressures. Both sites are classed as depositing lowland river habitat, with Balladian Bridge being identified in the EclA as harbouring the highest diversity of aquatic vegetation, and it is outlined the potential exists for disturbance to occur for breeding birds during the proposed window for works. It is stated any vegetation clearance works should therefore occur outside of the bird-nesting (1st March – 30th August) to prevent damage to occupied nest sites.
- 8.2.32. Having regard to the nature of the proposed works including those at Balladian and Ballycoghill Bridge, the bird species and habitats recorded in the vicinity and onsite and the abundance of suitable habitat in the area, I consider that any short-term displacement possibly occurring during construction would not lead to any long-term impacts on bird species. Mitigation measures set out by the Department include for vegetation removal to occur outside of the bird-nesting season, and that all pre-commencement surveys as outlined in the EclA are enacted. This includes for a pre-preconstruction survey at White Lough's southern shore, and a preconstruction check for bird nesting/roosting sites at Ballynascarva Bridge. Subject to the implementation of mitigation measures outlined by the Department, measures in the EclA, and the implementation of mitigation measures to include for the protection of water quality during the construction phase outlined in a CEMP, I consider that impacts on birds are unlikely. These issues can be addressed by way of condition, should the Board be minded to approve the proposal. While I note there would be a loss of grazing wet grassland at Ballynascarva Bridge, having regard to the details

submitted, and the abundance of suitable grazing habitat in the immediate and wider area for Whooper Swan, I consider that any displacement possibly occurring during operational stage would not lead to any long-term impacts on this or any bird species.

8.2.33. Concerns are outlined in a submission on the disruption arising to bird populations including great egret and kingfisher. I note these species were not recorded in the course of the detailed winter and summer bird surveys carried out for the proposed development. Impacts on these species is therefore not anticipated.

8.2.34. The EclA states to ensure that any direct/indirect impacts on the Natura 2000 network or local ecology are abated, mitigation measures should be adhered to, to prevent the downstream migration of sediment at sites where ground disturbance is proposed. This will include for the erection of silt curtains, silt mats, use of weather forecasting. Mitigation will also include for refuelling to occur offsite, and use of spill kits for hydrocarbons. The Department outline there is the potential for indirect negative impacts resulting from excessive sediment loading, pollution and cementitious leakage on water turbidity, transparency and nutrients levels. It is outlined the Water Framework Directive (WFD) river waterbody monitoring on the river system has recorded a Q3 (poor) water quality status (2016-2021), and whilst this river system is already experiencing significant environmental pressures, unmitigated impacts from the proposed works could cause further deterioration locally. The Department recommends mitigations in the EclA should be implemented and incorporated into the CEMP, with observations made with regard to mitigation. Subject to the implementation of the water protection mitigation measures set out in the EclA and the mitigation measures outlined by the Department, I consider the proposed development would not give rise to significant effects to water quality, aquatic species, habitats or pNHAs.

8.2.35. Mitigation measures are set out in Section 5.5 of the EclA. I note that the construction works are temporary in nature. Having regard to the existing baseline, the EclA report, the mitigation measures as set out, and with application of a CEMP for the construction stage which can be addressed by way of condition, I am satisfied that the mitigation measures are capable of being successfully implemented. This is a relatively common construction project of relatively limited construction phase duration and I do not consider that the proposed development would have an undue

adverse impact on the biodiversity of the site or area. Given the nature and design of the proposed development, I do not consider that the proposed development would have an undue adverse impact on the biodiversity of the site or area at operational stage by way of water quality.

- 8.2.36. Having regard to the foregoing, I consider that the proposed development is acceptable in principle, and it would not have any undue adverse environmental impact. The design of the scheme is appropriate to its functions. Mitigation measures proposed as part of the AA process, as set out below, would also apply to biodiversity issues that may arise. I conclude that the proposed development would not have any likely significant effects on the environment, subject to the implementation of mitigation measures.

8.3. The likely consequences for the proper planning and sustainable development of the area

- 8.3.1. The proposed development consists of infrastructural improvements to the Dromore Blueway from Ballybay to Lisnalong, Co. Monaghan. Details of the proposed development are set out in Section 2.0 of this report. In the Monaghan CDP 2019-2025 the site of the proposed lakeside development in Ballybay Town is zoned Lakeside, Recreation/Amenity. In the Monaghan CDP 2025-2031 (adopted on 26th May 2025 and shall have effect from 7th July 2025) the site of the proposed lakeside development in Ballybay Town is zoned Lakes, Recreation/Amenity. The remainder of the sites are located within rural locations in the CDP's.
- 8.3.2. In relation to the principle of the proposal, the applicant outlines Lough Major and the Dromore River System are designated as pNHAs and Areas of Secondary Amenity, and are important natural resources that have helped shape the development of Ballybay and should be protected. It is outlined as per the 2019-2025 CDP a specific aim for Ballybay is the facilitation of the development of Lough Major and the Dromore River system as tourist assets, with Tourism objectives including BO5 highlighted. It is stated that the Town Park at Lough Major, which includes amenity and angling facilities are linked by the Dromore Waterway, and as such, there is significant potential to capitalise on the towns green infrastructure to promote tourism and improve quality of life for the residents of Ballybay. It is further outlined that

Monaghan County Council, in conjunction with local stakeholders, is seeking to develop a Blueway along a stretch of the Dromore River from Ballybay to Lisnalong, with the CDP vision statement seeking to “provides High Quality, Sustainable Public Services to enhance the Economic, Environmental and Cultural Wellbeing of our People and County.”

- 8.3.3. As highlighted, actions outlined in the Climate Action Plan 2025 include to support regeneration, repurposing and sustainable development of walking and cycling tracks and trails, and waterways. The principle of the proposed works is considered to be in compliance with the principles and provisions of the Climate Action Plan 2025.
- 8.3.4. In relation to rural towns, the NPF in NPO 26 seeks to continue to support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services. NPO 34 seeks to facilitate tourism development and in particular the Strategy for the Future Development of National and Regional Greenways, and a Blueways and Peatways Strategy.
- 8.3.5. The RSES in RPO 4.1 seeks to support working with relevant landholders and recreational/tourism agencies to increase access to the countryside, and to ensure maintenance and access to the existing network of trails, paths, ways etc, RPO 5.20 seeks to support and facilitate the continued development of the region’s Blueways along existing waterways, RPO 5.21 seeks to promote, support and enable collaborative networks to realise the economic opportunities presented by Blueways, and RPO 6.23 seeks to provide sustainable travel which will be supported by providing walking and cycling facilities (including Greenway and Blueway projects) as a priority across the region.
- 8.3.6. At a local level, Tourism policies TMP 3 of the 2019-2025 CDP seeks ‘To promote and facilitate the sustainable use of the County’s existing historical, cultural and landscape assets for tourism purposes’, with TMP 7 seeking ‘to facilitate, where appropriate, the provision of high quality tourism products and services within the County in order to increase the level of activity and the sustainability of the tourism market. In particular....the development of tourism projects, facilities, activities, and

attractions shall be a priority'. These policies are also reflected in TMO 4 and TMO 8 of the 2025-2031 CDP. The Ballybay Settlement Plan 2019-2025 BO 5 seeks 'To promote Lough Major and the Dromore River System as the premier tourist attractions in the area', with Green Infrastructure Policy GIP 1 of the 2019-2025 CDP outlining it shall be an objective of MCC to prepare a Green Infrastructure Strategy for the County over the plan period. In addition, I note the CDP 2025-2031 in Ballybay Tourism Objective BB0 9 aims 'To promote Lough Major and the Dromore River System as the premier tourist attractions in the area', with Ballybay Recreation and Amenity Objective BBO 16 seeking to support the further development of the Dromore River Blueway, connecting Lough Major to the Dromore River.

- 8.3.7. In terms of the schemes design, the proposed infrastructure would enable for improved access to the natural resources of Lough Major and the Dromore River System, addressing the first step in delivering infrastructural improvements to the Dromore Blueway from Ballybay to Lisnalong. This improved access and provision of amenity spaces would in turn facilitate the development of the natural resources as tourism assets. Having regard to the layout and condition of the existing slipways and access points to water bodies within the proposed sites, as described in the application and following my site inspection, I consider the proposed development would improve access and connectivity to the natural resources and tourism assets at this location.
- 8.3.8. The submission of Fáilte Ireland is supportive of the proposed development from a tourism perspective and outlines the proposed development would be consistent with several policy objectives of the Draft Monaghan County Development Plan 2025-2031. It is outlined one of the key projects of the Monaghan Destination and Experience Development Plan (MDEDP) is "Linking and Developing the Outdoors" with the objective to deliver a programme of outdoor product development supported by enhancing the connectivity and linkages between trails, and the Dromore Blue way will add value and develop scale to this overall outdoor proposition.
- 8.3.9. I consider the proposed development would be consistent with national and regional policy and would support the relevant provisions of the CDP 2019-2025, and the CDP 2025-2031 and would accord with tourism policy. As set out in Section 9 of this inspectors report the proposed development would also be consistent with objective AAP 1 of the 2019-2025 CDP, and with policy HCLP 4 of the 2025-2031 CDP in that

the proposed development is compliant with EU environmental directives in relation to the protection of European sites.

- 8.3.10. The proposed development includes for works adjacent to a Protected Structure at Ballycoghill Bridge. I also consider that the proposed development would align with CDP policy BHP 6 of the 2019-2025 CDP and BHP 4 of the 2025-2031 CDP which seeks to ensure that any new development proposed to or in the vicinity of a Protected Structure will complement and be sympathetic to the structure and its setting, and this issue is further addressed in the Environment Section of this report.
- 8.3.11. Concerns have also been raised by Monaghan Waldorf School in relation to the proposed impact of the scheme on the school community, located at Ballybay Wetlands Centre, with concerns outlined that increased traffic and public access will compromise the safety, security, and educational experience of pupils. It is outlined the proposed development does not align with proper planning and sustainable development set out in the P&DA 2000 and NPF, with Section 15(1) of P&DA placing a duty on planning authorities to secure sustainable development while protecting the environment and ensuring community well-being.
- 8.3.12. Concerns are also outlined that the NPF emphasises the importance of protecting natural heritage areas and ensuring that new infrastructure developments do not compromise existing land uses, with the CDP 2019-2025 stressing the preservation of biodiversity and careful management of development within sensitive areas such as wetlands, with concerns outlined on increased human activity and risks to local ecosystem, environmental degradation, including water pollution, habitat disturbance, and disruption to bird populations. The submission has requested an independent EIA on the long term effects on wetlands, consideration of alternative access points and assurance on traffic and safety concerns. MCC in their response to submissions outlines the proposal supports the objectives of the P&DA 2000 (as amended), the NPF, and the CDP 2025-2031.
- 8.3.13. Issues in relation to access, safety, security, and educational experience are further addressed in the Environment Section of this report and I consider the proposal would not compromise existing land uses and would accord with the proper planning and sustainable development of the area.

- 8.3.14. I note NPF NPO 60 seeks to conserve and enhance the rich qualities of natural heritage of Ireland in a manner appropriate to their significance, and I also consider that the proposed development would not give rise to significant adverse effects to wetlands or ecosystems, habitat disturbance, and disruption to bird populations. These issues are further addressed in the Environment Sections of this report, and I consider the proposal would accord with the proper planning and sustainable development of the area.
- 8.3.15. Having regard to the foregoing, I consider that the proposed development would be consistent with the relevant planning framework and would accord with the proper planning and sustainable development of the area.

9.0 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

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

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

9.2. The Natura Impact Statement

- 9.2.1. The application was accompanied by an NIS which describes the proposed development, the project site and the surrounding area, European Sites within the

zone of influence, includes an assessment of potential effects, an in-combination assessment, mitigation and a conclusion.

- 9.2.2. The NIS contained a Stage 1 Screening Assessment which concluded that 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 conservation objectives, it suggested mitigation measures, assessed in-combination effects and it identified any residual effects on the European sites.
- 9.2.3. The NIS was informed by desk, field and bird surveys. The report concluded that, subject to the implementation mitigation measures, the proposed development, individually or in-combination with other plans and projects, would not adversely affect the integrity of any European site.
- 9.2.4. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided and they are summarised in Section 4.3 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development. See further analysis below.

9.3. Appropriate Assessment

Appropriate Assessment Screening – Stage 1

- 9.3.1. I consider that the proposed development consisting of infrastructural improvements to a Blueway is not directly connected with or necessary to the management of any European site.
- 9.3.2. Having regard to the information and submissions made, 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.

- 9.3.3. These include the Upper Lough Erne SPA (UK9020071), Upper Lough Erne SAC (UK0016614), Lough Oughter & Associated Loughs SAC (000007), and Lough Oughter Complex SPA (004049), and consideration is given to these sites in the *AA Screening Determination - Test for Likely significant effects set out in Appendix 3*.
- 9.3.4. Based on my examination of the NIS report and supporting information, including the EclA, 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 agree with the applicants screening for AA for the European Designated sites and conclude that a Stage 2 Appropriate Assessment is required for the Upper Lough Erne SPA (UK9020071), Upper Lough Erne SAC (UK0016614), Lough Oughter & Associated Loughs SAC (000007), Lough Oughter Complex SPA (004049) European Sites.
- 9.3.5. The remaining European Sites in the wider area can be screened out from further assessment because of the nature and scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites.

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development alone or in combination with other plans and projects, could result in significant effects on the European Sites Upper Lough Erne SPA (UK9020071), Upper Lough Erne SAC (UK0016614), Lough Oughter & Associated Loughs SAC (000007), Lough Oughter Complex SPA (004049) in view of the sites conservation objectives. Appropriate Assessment is required. This determination is based on:

- The nature and scale of the works

- The hydrological connections to the European Sites and the potential for significant effects on QI habitats, QI species, SCI, by way of pollution and deterioration of water quality
- The potential for significant ex-situ impacts on QI and SCI
- Potential spread of invasive species.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177AE of the Planning and Development Act 2000] of the proposed development is required.

Appropriate Assessment - Stage 2

Consideration is given to the above European designated sites in Appendix 4 -*AA and AA Determination*.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Upper Lough Erne SPA (UK9020071), Upper Lough Erne SAC (UK0016614), Lough Oughter & Associated Loughs SAC (000007), and Lough Oughter Complex SPA (004049), in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of 177AE was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted including submissions made, I consider that adverse effects on site integrity of the Upper Lough Erne SPA (UK9020071), Upper Lough Erne SAC (UK0016614), Lough Oughter & Associated Loughs SAC (000007), and Lough Oughter Complex SPA (004049), can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.

- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Upper Lough Erne SPA (UK9020071), Upper Lough Erne SAC (UK0016614), Lough Oughter & Associated Loughs SAC (000007), and Lough Oughter Complex SPA (004049).

10.0 Recommendation

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

11.0 Reasons and Considerations

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) Revised National Planning Framework - Ireland 2040
- (d) The Climate Action Plan 2025
- (e) National Biodiversity Action Plan 2023-2030
- (f) Regional Spatial & Economic Strategy for the Northern and Western Region
- (g) The policies and objectives of the Monaghan County Development Plan 2019-2025, and the Monaghan County Development Plan 2025-2031
- (h) 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 European Sites,

- (i) the conservation objectives, and qualifying interests for the Upper Lough Erne SPA (UK9020071), Upper Lough Erne SAC (UK0016614), Lough Oughter & Associated Loughs SAC (000007), Lough Oughter Complex SPA (004049) European Sites.
- (j) the nature and extent of the proposed works as set out in the application for approval,
- (k) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (l) the submissions received in relation to the proposed development, and
- (m) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter

Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Upper Lough Erne SPA (UK9020071), Upper Lough Erne SAC (UK0016614), Lough Oughter & Associated Loughs SAC (000007), and Lough Oughter Complex SPA (004049) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Upper Lough Erne SPA (UK9020071), Upper Lough Erne SAC (UK0016614), Lough Oughter & Associated Loughs SAC (000007), and the Lough Oughter Complex SPA (004049) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

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

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

Proper Planning and Sustainable Development/Likely effects on the environment

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not 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, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

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

measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

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

2. The mitigation measures identified in the Natura Impact Statement shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting European Sites.

3. The mitigation and monitoring measures identified in the Ecological Impact Assessment and Archaeological Impact Assessment submitted with the application shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment and cultural heritage.

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

Reason: In the interest of nature conservation and biodiversity.

5. Prior to the commencement of development, 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 and shall be kept on file as part of the public record. The CEMP shall include:
- a. All mitigation measures indicated in the Natura Impact Statement
 - b. All mitigation measures indicated in the Ecological Impact Assessment
 - c. Location and extent of silt curtains to be installed on site
 - d. Pollution control measures to prevent spills/leakage of fuels/oils
 - e. Control measures to prevent the spread of invasive species
 - f. Details of pre-commencement surveys and timing of works
 - g. Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness
 - h. A traffic management plan

Reason: In the interest of protecting the environment and the European Sites, and in the interest of public safety and health.

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 to be kept on file as part of the public record. 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. Vegetation removal at Balladian Bridge and Ballycoghill Bridge shall occur outside of the bird-nesting season. 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. All pre-commencement surveys as outlined in the EclA shall be enacted. A pre-construction otter survey by a suitability qualified ecologist shall be carried out before works commence.
- d. Areas of Nuttall's Waterweed (*Elodea nuttallii*) and Canadian Waterweed (*Elodea canadensis*) shall be identified prior to the commencement of works. Control measures shall be put in place during works to prevent the spread of Nuttall's Waterweed between project sites via equipment and machinery or allow the propagation beyond the project area downstream to any EU Natura designated site.
- e. Environmental impacts to water quality during in-stream development works shall be avoided via the pre-commencement installation of silt curtains around slipways to trap released sediments. The resuspension of sediments shall be avoided.

Reason: In the interests of biodiversity, European Sites and nature conservation.

- 7. The following safety requirements shall be complied with:
 - (a) Prior to the commencement of development, details and drawings of controlled access arrangements including for a security gate and fencing at Ballybay Wetlands slipway site shall be prepared by the local authority.
 - (b) Prior to the commencement of development, an operational traffic management plan shall be prepared by the local authority for vehicular movements and parking associated with the slipway at Ballybay Wetlands site.
 - (c) Prior to the commencement of development, a flood risk management plan shall be prepared by the local authority for the Ballynascarva Bridge and Ballycoghill Bridge car park sites. The plan will also include for the installation

of flood warning signage throughout the site, and measures to secure car parks at times of flooding.

The above details shall be placed on file and retained as part of the public record.

Reason: In the interests of public safety.

8. The Local Authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works shall 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. (1) All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment (Archer Heritage Planning Ltd, 22nd October 2024) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission.

(2) The developer shall engage a suitably qualified licenced archaeologist (licensed under the National Monuments Acts) in advance of any site preparation works or groundworks to oversee and advise on all aspects of the scheme from design, through inception to completion, to carry out pre-development archaeological testing, and to monitor all site clearance works, topsoil stripping, groundworks.

a. The archaeologist shall liaise with the Department of Housing, Local Government and Heritage 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.

b. This shall include the scope of any advance test excavation and archaeological monitoring as well as any additional mitigation measures that may be required to protect archaeological heritage.

c. 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 (as identified in the Archaeological Impact Assessment or by any subsequent investigations associated with the project).

(3) 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 the Archaeological Impact Assessment 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 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. The report shall be placed on the file and retained as part of the public record.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest, and to conserve the architectural heritage of the site and to secure its preservation and protection.

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.

David Ryan
Senior Planning Inspector

20th June 2025

Appendix 1 - Form 1 - EIA Pre-Screening

Case Reference	321627-25
Proposed Development Summary	<p>Proposed development consisting of infrastructural improvements to the Dromore Blueway from Ballybay to Lisnalong, Co. Monaghan will include the following:</p> <ol style="list-style-type: none"> 1. Renewing and widening slipway, provision of car park, removal of height restriction Gate, Internal Laneways works at Ballycoghill Bridge, 2. New Entrance, provision of car park, pathways, play area, new information board and picnic tables, improvement to existing slipway at Ballynascarva Bridge, 3. New drainage work to laneway and resurfacing, turning heads at White Lough, South Shore, 4. Renew and widen the slipway at Balladian Bridge, 5. Renew and widen the slipway, new turning head at Baird's Shore, 6. Improvement to existing slipway and gravelled area at Ballybay Wetlands, 7. Proposed floating pontoon, new information board at Lough Major, 8. Construction of ancillary works at all sites, including signages, permeable paving, fencing, landscaping, and other ancillary works required to deliver the project. <p>This application relates to protected structures Ref: 41402310 (Ballycoghill Bridge).</p>
Development Address	From Ballybay to Lisnalong, Co. Monaghan
	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:	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.

<p>- The execution of construction works or of other installations or schemes,</p> <p>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</p>	
<p>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</p>	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1.</p> <p>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>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?</p>	
<p><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.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<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>The following classes and section are considered relevant:</p> <p>Class 1. (a) Projects for the restructuring of rural land holdings</p> <p>Class.10 (b) (iv) Urban development</p>

<p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Section 50(1)(a) of the Roads Act, 1993 (as amended)</p> <p>3.1 - The EIA Screening Report prepared by CS Pringle Consulting Engineers outlines that the proposed development relates to development within Class 10(b)(iv) of Part 2 of Schedule 5 of the P&D Regulations 2001, which includes “Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere”. It is outlined a small portion of the site is within Ballybay town with the reminder of the site in the rural area of Clones-Ballybay MD. It is outlined the proposed development is considered to be a subthreshold development. Screening was carried out in relation to Schedule 7 criteria wherein it was concluded potential impacts arising from the development could not be discounted at the screening stage, and it was determined an AA Stage 2 was required. Schedule 7A information has not been submitted with the application.</p> <p>3.2 - The proposed development consists of infrastructural improvements to the Dromore Blueway from Ballybay to Lisnalong, Co. Monaghan. Details of the proposed development are set out in Section 2.0 of this report. The overall site measures 2.78 ha, and sites include the Ballybay town site - 0.147 ha, Balladian Bridge - 0.025 ha, Ballynascarva Bridge site - 0.48 ha, Ballybay wetlands site - 0.52 ha, Bairds Shore -0.81 ha, White Lough – 0.45 ha, and Ballycoghill Bridge - 0.35 ha.</p> <p>3.3 - The application is not accompanied by an EIAR and a Pre-screening exercise has been carried out (Form 1, Appendix 1) to determine if the development constitutes a project under Article 1 of the EIA Directive. I consider the proposed development does come within the definition of a ‘project’ for the purposes of EIA, that is, it does comprise construction works, demolition or intervention in the natural surroundings.</p>
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	<p>3.4 - I consider the proposed development falls within classes set out in Schedule 5, Part 2 of the Planning and Development Act, 2000, as amended, and is below the threshold requiring EIA. Classes of development which would be potentially applicable to the proposed development are the following as outlined in Part 2 of Schedule 5 of the P&DR 2001, as amended:</p> <ul style="list-style-type: none"> • <i>Class.10 (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</i> <i>(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)</i> • <i>Class 1. (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>3.5 - The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 2 in Appendix 2 of this report). The threshold cited under Class 10(b)(iv) in the Regulations is an area ‘greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere’. The proposed Ballybay town development would be located within an urban area, on zoned lands and on a zoned water body, governed by the Monaghan County Development Plan, accommodated on an estimated site of 0.147 ha. The town area of the site is considered to form part of a built-up area. Therefore, while the proposed development is of a Class listed in Part 2, it is sub-threshold for mandatory EIA for development in a built-up area, elsewhere.</p>
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	<p>3.6 - A field boundary/hedgerow 18 metres in length is to be removed and replaced with new planting at Balladian Bridge. A new entrance at Ballynascarva Bridge will result in the removal of c.6 metres of a field boundary/hedgerow. The threshold cited under Class 1 (a) is 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. These thresholds reflect those set out in Schedule 1, Part B of the 2011 EIA (Agriculture) Regulations. In addition Part A of Schedule 1 of the 2011 regulations sets out the following thresholds for screening for EIA:</p>		
	<table> <tr> <th data-bbox="608 1014 1123 1081">Restructuring of rural land holdings</th><th data-bbox="1123 1014 1439 1081">Screening Required</th></tr> </table>	Restructuring of rural land holdings	Screening Required
Restructuring of rural land holdings	Screening Required		
	<table> <tr> <td data-bbox="608 1081 1123 1205">Length of field boundary to be removed</td><td data-bbox="1123 1081 1439 1205">Above 500m</td></tr> </table>	Length of field boundary to be removed	Above 500m
Length of field boundary to be removed	Above 500m		
	<table> <tr> <td data-bbox="608 1205 1123 1272">Re-contouring (within farm-holding)</td><td data-bbox="1123 1205 1439 1272">Above 2 hectares</td></tr> </table>	Re-contouring (within farm-holding)	Above 2 hectares
Re-contouring (within farm-holding)	Above 2 hectares		
	<table> <tr> <td data-bbox="608 1272 1123 1395">Area of lands to be restructured by removal of field boundaries</td><td data-bbox="1123 1272 1439 1395">Above 5 Hectares</td></tr> </table>	Area of lands to be restructured by removal of field boundaries	Above 5 Hectares
Area of lands to be restructured by removal of field boundaries	Above 5 Hectares		
	<p>3.7 - The proposed development includes for the very limited removal of hedgerow (24 metres) and this removal is well below the threshold of 4 km as set out in the P&DR and significantly below the screening threshold set out in the 2011 EIA (Agriculture) Regulations. The removal does not relate to the enlargement of fields, and its removal at Balladian Bridge is to facilitate the widening of a slipway, and is to be replaced with new native hedgerow planting. Therefore, while the proposed development is of a Class listed in Part 2, it is considered sub-threshold for mandatory EIA for development.</p>		

	<p>3.8 In addition, Section 50(1)(a) of the Roads Act, 1993 (as amended), lists road developments in respect of which there is a mandatory requirement to carry out Environmental Impact Assessment (EIA) as follows-</p> <ul style="list-style-type: none"> (i) the construction of a motorway, (ii) the construction of a busway, (iii) the construction of a service area, or (iv) any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of any existing public road. <p>3.9 - With regard to category (iv), I note that Article 8 of the Roads Regulations 1994 (S.I. 119 of 1994) states that: "The prescribed types of proposed road development for the purpose of subsection (1)(a)(iii) of section 50 of the Act shall be –</p> <ul style="list-style-type: none"> 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 500m or more in length in an urban area; b) the construction of a new bridge or tunnel which would be 100m or more in length." <p>The proposal includes for the resurfacing of an existing laneway c.0.5km in length at White Lough, South Shore. Details submitted outline this laneway is not in the ownership of Monaghan County Council. An existing internal road c.30 metres in length in the Ballycoghill Bridge site is to be widened. The Ballynascarva Bridge car park will include for an internal paved access road 60 metres in length, and it is outlined ownership of these sites is to be confirmed. Section 2 of the Roads Act, 1993 (as amended) defines 'Road' and the definition refers, inter alia, to 'any street, lane, footpath, court, alley or passage..... bridge.....pavement or footway ...'.</p>
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	<p>Section 2 of the Roads Act, 1993 (as amended) also includes a definition of Public Road being a ‘road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority’. While details submitted outline the proposed management and maintenance of these areas of the scheme are to be confirmed, I note the proposed development entails a public infrastructural improvements scheme, which will be accessed by the public.</p> <p>3.10 - While the proposal could be considered to fall within Section 50 (1) (a) (iv) of the 1993 Roads Act (as amended), I consider it does not meet any of the prescribed types of proposed road development for the purpose of subsection (1)(a)(iii) of section 50 of the Act, as set out in Article 8 of the Roads Regulations 1994 (S.I. 119 of 1994) and the scale, size and design of the development would not justify the need for an environmental impact assessment being significantly below the thresholds set out in the Roads Act.</p> <p>3.11 - I consider the scale, size and design of the development would not justify the need for an environmental impact assessment being significantly below the thresholds for mandatory EIA. Having regard to Class 15, the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.</p> <p>3.12 - Concern is expressed in an observation that the proposed development would have a significant environmental effect on wetlands and that an EIAR should be prepared. Environmental Impact Assessment assesses the potential for significant environmental effects. The proposed development has been subject to a preliminary examination for environmental impact assessment in Appendix 2 of this report. Having regard to the characteristics and location of the</p>
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	<p>proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment.</p> <p>Furthermore, impacts on wetlands are considered by the applicant in the EclA and NIS and addressed in section 8 of the planning assessment. It is concluded, therefore, that the issues raised in respect of wetlands can be addressed within the report and there is, no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment and an EIAR is not required.</p> <p>3.13 - Whilst it has been concluded that there is potential for significant effects on European sites, having regard to the characteristics of the proposed development, its location and the types and characteristics of potential impacts, there is no potential for significant effects on other environmental parameters. Impacts on European sites can be addressed under Appropriate Assessment which I have addressed in Section 9 of my report. I am satisfied therefore that EIA is not warranted.</p>
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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Appendix 2- Form 2 - EIA Preliminary Examination

Case Reference	321627-25
Proposed Development Summary	<p>Proposed development consisting of infrastructural improvements to the Dromore Blueway from Ballybay to Lisnalong, Co. Monaghan will include the following:</p> <ol style="list-style-type: none"> 1. Renewing and widening slipway, provision of car park, removal of height restriction Gate, Internal Laneways works at Ballycoghill Bridge, 2. New Entrance, provision of car park, pathways, play area, new information board and picnic tables, improvement to existing slipway at Ballynascarva Bridge, 3. New drainage work to laneway and resurfacing, turning heads at White Lough, South Shore, 4. Renew and widen the slipway at Balladian Bridge, 5. Renew and widen the slipway, new turning head at Baird's Shore, 6. Improvement to existing slipway and gravelled area at Ballybay Wetlands, 7. Proposed floating pontoon, new information board at Lough Major, 8. Construction of ancillary works at all sites, including signages, permeable paving, fencing, landscaping, and other ancillary works required to deliver the project. <p>This application relates to protected structures Ref: 41402310 (Ballycoghill Bridge).</p>
Development Address	From Ballybay to Lisnalong, Co. Monaghan
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposed development includes for an overall site of 2.78 hectares, with the works in Ballybay town on an area of 0.147 ha, which is below the relevant thresholds for urban development.</p> <p>A field boundary/hedgerow 18 metres in length is to be removed and replaced with new native planting at Balladian Bridge site. Creation of new entrance at Ballynascarva Bridge will remove 6 metres of hedgerow.</p> <p>The proposal includes for the resurfacing of an existing laneway c.0.5km in length. An existing internal road c.30 metres in length is to be widened. A car park will include for an internal paved access road 60 metres in length. These site areas will all be accessed by the public.</p> <p>There would be cumulative impacts with other projects in the vicinity of the site.</p>

	<p>There will be limited use of natural resources, production of waste at construction stage.</p> <p>There would be a potential for pollution and nuisance arising at construction stage.</p> <p>Ground levels will be altered at the Ballynascarva Bridge site.</p> <p>There is no potential for major disasters / accidents to result from the development.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Part of the site is located within Ballybay town which is zoned in the Monaghan CDP (2019-2025, 2025-2031), with the town development partially located within a built-up area. Other sites are located in rural locations.</p> <p>The sites are partially located within water bodies, including Major Lough, and within/adjacent Dromore River, within/adjacent White Lough, within/adjacent wetland locations, and within/adjacent pNHA Dromore Lakes.</p> <p>The site is located c.18km from the Upper Lough Erne SPA which is a designated European site. Lough Oughter Complex SPA, Lough Oughter and Associated Loughs SAC, and Upper Lough Erne SAC are also located within the wider site vicinity.</p> <p>A number of the sites are located adjacent to where there is a presence of a Recorded Protected Structure/structures on the NIAH.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The potential for pollution, wastes and nuisances arising at construction stage on the local population would be controlled and mitigated by way of the implementation of a CEMP. The extent of the impact will be limited to the geographical area of scheme for population.</p> <p>Having regard to the nature and location of the development and planning outlined no significant impacts on landscape are anticipated.</p> <p>Wastes will be recycled.</p> <p>Ground levels alterations at Ballynascarva Bridge site will increase the flood storage area.</p> <p>It is considered the nature of environmental impacts is not complex/intense.</p> <p>While there is a potential for impacts on European Sites and water bodies within the site vicinity, given the waterbodies onsite/adjacent, potential runoff of pollutants from works would be mitigated by way of measures in the EclA, NIS and a CEMP.</p> <p>Concern is expressed in an observation that the proposed development would have a significant environmental effect on wetlands and that an EIAR should be prepared.</p> <p>Environmental impact assessment assesses the potential for significant environmental effects. As indicated in this EIA</p>

	<p>preliminary examination there is no potential for significant environmental effects. Impacts on wetlands are considered by the applicant in the EclA and NIS and addressed in section 8 of the planning assessment.</p> <p>Potential impacts on the cultural heritage of the area are considered unlikely given the nature of the works, their location and implementation of mitigation measures. No potential significant impacts on cultural heritage are anticipated.</p> <p>Subject to mitigation measures being implemented, there will be no significant transboundary impacts.</p> <p>The construction phase will be short term.</p> <p>The site is partially zoned and the Development plan has been subject to Strategic Environmental Assessment.</p> <p>Subject to mitigation significant cumulative effects are not anticipated</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3 - AA Screening Determination Test for likely significant effects

Screening for Appropriate Assessment
Test for likely significant effects

Step 1: Description of the project and local site characteristics Case File 321627-25	
Brief description of project	Proposed development consisting of infrastructural improvements to the Dromore Blueway from Ballybay to Lisnalong, Co. Monaghan
Brief description of development site characteristics and potential impact mechanisms	<p>The site includes 7 no. separate areas on an overall site of 2.78 hectares.</p> <p>A detailed description of the proposed development is included in Section 2.0 of Inspector Report and detailed specifications of the proposal are provided in the NIS and other planning documents provided by the applicant. In summary the scheme entails: 1. Renewing and widening slipway, provision of car park, removal of height restriction Gate, internal laneways works at Ballycoghill Bridge, 2. New Entrance, provision of car park, pathways, play area, new information board and picnic tables, improvement to existing slipway at Ballynascarva Bridge, 3. New drainage work to laneway and resurfacing, turning heads at White Lough, South Shore, 4. Renew and widen the slipway at Balladian Bridge, 5. Renew and widen the slipway, new turning head at Baird's Shore, 6. Improvement to existing slipway and gravelled area at Ballybay Wetlands, 7. Proposed floating pontoon, new information board at Lough Major, 8. Construction of ancillary works at all sites, including signages, permeable paving, fencing, landscaping, and other ancillary works required to deliver the project. The application relates to protected structures Ref: 41402310 (Ballycoghill Bridge).</p> <p>The main features of the project, will involve improvements to existing slipways, their renewal and widening, with vegetation removal to occur adjacent to hardstanding areas/pathways/slipways. At slipways there will be the removal of soil down to firm formation level, with the addition of 200mm of compact 40mm clean stone, and a weed suppressing membrane. There will be the further addition of a 150mm layer of clause 804 surface layer in geocell membrane to tie into the access roadway levels for the proposed slipways, which will be 4-5 metres in width.</p> <p>A polyethylene gangway and floating pontoon is proposed at Lough Major, which will extend c.16 metres into the waterbody. This will entail aluminium railing on both sides of the gangway and pontoon.</p> <p>Car parks are proposed at Ballynascarva Bridge (15 car parking spaces) and at Ballycoghill Bridge (24 car parking spaces), which is a protected structure (ref: 41402310). The Ballynascarva Bridge car park, pathways, play area will be served by a paved access road 60 metres in length which will be of grasscrete permeable paving.</p>

	<p>A new storm drainage system and resurfacing with lay-bys are proposed along the access laneway route to the White Lough. The laneway will be of 150mm of Clause 804 stone and constructed with 40mm SMA 10 Surf 40/60 Des. and 60mm AC 20 HDM Bin 40/60 Des. The proposal will also include for signage, turning heads, and landscaping.</p> <p>The sites are hydrologically connected to the designated European sites Upper Lough Erne SPA (UK9020071), Upper Lough Erne SAC (UK0016614), Lough Oughter & Associated Loughs SAC (000007), Lough Oughter Complex SPA (004049) European Sites by way of the Lough Major and Dromore River System. In relation to flooding, the proposed site is partially located within flood risk zones.</p>
Screening report	Y
Natura Impact Statement	Y
Relevant submissions	<p>The Department (DAU) submission outlines the NIS identifies potential indirect impacts to four hydrologically connected Natura 2000 sites downstream of the Dromore Lakes, the closest being the Lough Oughter & Associated Loughs SAC (site code: 000007) and Lough Oughter SPA (004049). It is outlined the most relevant qualifying habitat to the proposal is 'Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation' [3150], and there is the potential for indirect negative impacts resulting from excessive sediment loading, pollution and cementitious leakage on water turbidity, transparency and nutrients levels as per the site-specific conservation objectives for this habitat type. It is outlined Water Framework Directive (WFD) river waterbody monitoring on the river system has recorded a Q3 (poor) water quality status (2016-2021). Whilst this river system is already experiencing significant environmental pressures, unmitigated impacts from the proposed works could cause further deterioration locally.</p> <p>The Department outline the EclA submitted with the application records that two species listed on Annex I of the Birds Directive (2009/147/EC) were detected within the project area during winter surveys - Whooper Swan (30) and Golden Plover (1), recorded at Ballycoghill Bridge and White Lough respectively. Whooper Swans are known to utilise the larger wetland complex at the Dromore Lakes pNHA in nationally important numbers (2009). It is outlined wetland and grazing habitats within this site are therefore important in a national context, and the proposed works could have the potential to impact on the ecological sensitivities of the site.</p>

A public submission has raised concerns in relation to risks to wetlands, the ecosystem, environmental degradation, water pollution, habitat disturbance, disruption to bird populations.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

4 no. European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that the applicant included a greater number of European sites in their initial screening consideration with sites within 26.99km of the development site considered. There is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)/ Selection features – Link to www.daera-ni.gov.uk	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lough Oughter Complex SPA (004049)	Great Crested Grebe, Whooper Swan, Wigeon, Wetland and Waterbirds https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004049.pdf	25.6km	Yes, there is a hydrological connection to the site, and potential ex-situ connections	Y
Lough Oughter & Associated Loughs SAC (000007)	Otter Lutra lutra, Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation, Bog woodland https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000007.pdf	20km	Yes there is a hydrological connection to the site, and potential ex-situ connections	y
Upper Lough Erne SAC (UK0016614)	Natural eutrophic lakes with Magnopotamion or Hydrocharition type vegetation, Old sessile oak woods with Ilex and Blechnum in the British Isles, Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae,	22.5km	Yes there is a hydrological connection to the site, and potential ex-situ connections	y

	Salicion alvae), Bog woodland, Alkaline fen, Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinia caerulea), Lutra lutra (Otter), Atlantic salmon Salmo salar https://www.daera-ni.gov.uk/sites/default/files/publications/doe/land-information-upper-lough-erne-conservation-objectives-2015.pdf			
Upper Lough Erne SPA (UK9020071)	Whooper Swan wintering population https://www.daera-ni.gov.uk/sites/default/files/publications/doe/upper-lough-erne-spa-conservation-objectives-2015.pdf	18km	Yes there is a hydrological connection to the site, and potential ex-situ connections	Y
<p>¹ Summary description / cross reference to NPWS website is acceptable at this stage in the report</p> <p>² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species</p> <p>³if no connections: N</p> <p>An Otter survey was conducted on the 1st August 2024 upstream / downstream of each proposed works sites. No evidence of Otter holts or activity was observed.</p>				
<p>Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites</p> <p>The proposed development will not result in any direct effects on any SAC or SPA. However due to the size and scale and proximity of the proposed development to SACs and SPAs, impacts generated by the construction of the development require consideration. Sources of impact and likely significant effects are detailed in the Table below.</p> <p>AA Screening matrix</p>				
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*			
	Impacts		Effects	

Site 1: Lough Oughter & Associated Loughs SAC (000007)	<p>Direct - No works are proposed within the SAC and there will be no direct impact on the SAC.</p> <p>Indirect - Release of silt and sediment during site works, release of construction related pollution including hydrocarbons to surface and ground waters</p> <p>Spread of invasive plant species which was recorded on the development site</p> <p>Increased human disturbance at proposed site, particularly during the construction/ installation phase</p>	<p>Potential damage to habitats associated with inadvertent spillages of hydrocarbons and/or other chemicals during construction phase;</p> <p>Potential damage to the habitats and qualifying interest species dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives</p> <p>Potential negative effect on prey availability</p> <p>Potential disturbance risks to Otter, a qualifying interest species for the SAC, which could be associated with increased noise, increased human activity at both construction and post construction phases;</p> <p>Potential spread of invasive species associated with ground disturbance activities during the construction phase.</p>
	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* Possibility of significant effects cannot be ruled out without further analysis and assessment	
	Impacts	Effects
Site 2: Lough Oughter Complex SPA (004049)	<p>Direct - No works are proposed within the SPA and there will be no direct impact on the SPA.</p> <p>Indirect - Release of silt and sediment during site works, release of construction related pollution including hydrocarbons to surface and ground waters</p> <p>Spread of invasive plant species which was recorded on the development site</p>	<p>Potential damage to habitats associated with inadvertent spillages of hydrocarbons and/or other chemicals during construction phase;</p> <p>Potential damage to the habitats of SCI dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives</p>

	Increased human disturbance at proposed site, particularly during the construction/ installation phase	<p>Potential negative effect on prey availability</p> <p>Potential disturbance risks to SCI, which could be associated with increased noise, increased human activity at both construction and post construction phases;</p> <p>Potential spread of invasive species associated with ground disturbance activities during the construction phase.</p>
	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Possibility of significant effects (alone) in view of the conservation objectives of the site*		
Possibility of significant effects cannot be ruled out without further analysis and assessment		
	Impacts	Effects
Site 3: Upper Lough Erne SPA (UK9020071),	<p>Direct - No works are proposed within the SPA and there will be no direct impact on the SPA.</p> <p>Indirect - Release of silt and sediment during site works, release of construction related pollution including hydrocarbons to surface and ground waters</p> <p>Increased human disturbance at proposed site, particularly during the construction/ installation phase</p>	<p>Potential damage to the habitats of SCI dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives</p> <p>Potential disturbance risks to SCI, which could be associated with increased noise, increased human activity at both construction and post construction phases;</p>
	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Possibility of significant effects (alone) in view of the conservation objectives of the site*		
Possibility of significant effects cannot be ruled out without further analysis and assessment		
	Impacts	Effects

Site 4: Upper Lough Erne SAC UK0016614	<p>Direct - No works are proposed within the SAC and there will be no direct impact on the SAC.</p> <p>Indirect - Release of silt and sediment during site works, release of construction related pollution including hydrocarbons to surface and ground waters</p> <p>Spread of invasive plant species which was recorded on the development site</p> <p>Increased human disturbance at proposed site, particularly during the construction/ installation phase</p>	<p>Potential damage to habitats associated with inadvertent spillages of hydrocarbons and/or other chemicals during construction phase;</p> <p>Potential damage to the habitats of QI species dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives</p> <p>Potential negative effect on prey availability</p> <p>Potential disturbance risks to QI species, which could be associated with increased noise, increased human activity at both construction and post construction phases;</p> <p>Potential spread of invasive species associated with ground disturbance activities during the construction phase.</p>
	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Possibility of significant effects (alone) in view of the conservation objectives of the site*		
Possibility of significant effects cannot be ruled out without further analysis and assessment		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
Based on the information provided in the AA screening report, site visit, review of the conservation objectives and supporting documents, submissions made, I consider that in the absence of mitigation measures, the proposed development has the potential to result in significant effects on the Lough Oughter & Associated Loughs SAC (000007), Lough Oughter Complex SPA (004049), Upper Lough Erne SPA (UK9020071), Upper Lough Erne SAC (UK0016614) from effects associated with proposed development including potential damage to QI habitats, QI species and SCI by way of pollution and deterioration of water quality, potential disturbance risks to QI and SCI, and potential spread of invasive species. An appropriate assessment is required on the basis of the possible effects of the project ‘alone’.		

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development alone or in combination with other plans and projects, could result in significant effects on the European Sites Upper Lough Erne SPA (UK9020071), Upper Lough Erne SAC (UK0016614), Lough Oughter & Associated Loughs SAC (000007), Lough Oughter Complex SPA (004049) in view of the sites conservation objectives. Appropriate Assessment is required. This determination is based on:

- The nature and scale of the works
- The hydrological connections to the European Sites and the potential for significant effects on QI habitats, QI species, SCI, by way of pollution and deterioration of water quality
- The potential for significant ex-situ impacts on QI and SCI
- Potential spread of invasive species.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177AE of the Planning and Development Act 2000] of the proposed development is required.

Appendix 4 - AA Determination

Appropriate Assessment
<p>The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, S.177AE of the Planning and Development Act 2000 (as amended) are considered fully in this section.</p> <p>Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development in view of the relevant conservation objectives of the Upper Lough Erne SPA (UK9020071), Upper Lough Erne SAC (UK0016614), Lough Oughter & Associated Loughs SAC (000007), Lough Oughter Complex SPA (004049), based on scientific information provided by the applicant.</p> <p>The information relied upon includes the following:</p> <ul style="list-style-type: none">• Natura Impact Statement prepared by Hydrec Environmental Consulting• NPWS data• Submissions made• Northern Ireland Department of Agriculture, Environment and Rural Affairs data <p>I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.</p>
Submissions/observations

The Department (DAU) submission outlines the NIS identifies potential indirect impacts to four hydrologically connected Natura 2000 sites downstream of the Dromore Lakes, the closest being the Lough Oughter & Associated Loughs SAC (site code: 000007) and Lough Oughter SPA (004049). It is outlined the most relevant qualifying habitat to the proposal is 'Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation' [3150], and there is the potential for indirect negative impacts resulting from excessive sediment loading, pollution and cementitious leakage on water turbidity, transparency and nutrients levels as per the site-specific conservation objectives for this habitat type. It is outlined Water Framework Directive (WFD) river waterbody monitoring on the river system has recorded a Q3 (poor) water quality status (2016-2021). Whilst this river system is already experiencing significant environmental pressures, unmitigated impacts from the proposed works could cause further deterioration locally.

The Department outline the EcIA submitted with the application records that two species listed on Annex I of the Birds Directive (2009/147/EC) were detected within the project area during winter surveys - Whooper Swan (30) and Golden Plover (1), recorded at Ballycoghill Bridge and White Lough respectively. Whooper Swans are known to utilise the larger wetland complex at the Dromore Lakes pNHA in nationally important numbers (2009). It is outlined wetland and grazing habitats within this site are therefore important in a national context, and the proposed works could have the potential to impact on the ecological sensitivities of the site.

The Department recommends that the mitigations outlined in the EcIA should be implemented in full and incorporated into the CEMP. The following observations are made with regard to mitigation;

- All pre-commencement surveys as outlined should be enacted.
- Areas of Nuttall's Waterweed (*Elodea nuttallii*) and Canadian Waterweed (*Elodea canadensis*) should be identified prior to the commencement of works.
- Vegetation removal at Balladian Bridge and Ballycoghill Bridge should occur outside of the bird-nesting season.
- Environmental impacts to water quality during in-stream development works should be avoided via the pre-commencement installation of silt curtains around slipways to trap released sediments. The resuspension of sediments should be avoided.
- Pollution control measures should be employed to prevent spills/leakage of fuels/oils.

A public submission has raised concerns in relation to risks to wetlands, the ecosystem, environmental degradation, water pollution, habitat disturbance, disruption to bird populations.

Upper Lough Erne SPA (UK9020071)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Water quality degradation (construction and operation)**
- (ii) Disturbance of mobile species**

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary)	Potential adverse effects	Mitigation measures (summary)
			NIS SECTION 4.3

Whooper Swan wintering population	To maintain each feature in favourable condition No significant decrease in population against national trends	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives Potential for disturbance and displacement	Pollution control measures Pre-construction nest/roost site survey Timing of works Retention of reedbed, vegetation

The above table is based on the documentation and information provided on the file, Department of Agriculture, Environment and Rural Affairs (NI) data, NPWS data, and I am satisfied that the submitted NIS and data identifies the relevant attributes and targets of the SCI.

Assessment of issues that could give rise to adverse effects in view of conservation objectives

(i) Water quality degradation

Good quality water is necessary to maintain the extent of main habitat components used by or potentially usable by the feature species subject to natural processes. The NIS outlines there is a potential hydrological connection between the proposed development site and the SPA. The NIS outlines there is a tendency for naturally eutrophic lakes to silt up, both from sediment input through streams and rivers and from organic production. I note the Department submission outlines there is the potential for indirect negative impacts resulting from excessive sediment loading, pollution and cementitious leakage on water turbidity, transparency and nutrients levels. There is a potential for excessive levels of suspended solids to enter the river / lake network during the construction stage. This could potentially impact on protected SCI/Selected Feature species. Having regard to the separation distance to the SPA (c.18km), I consider that the effects of dilution and dispersion would serve to reduce this potential indirect effect on the SPA SCI species. No operational phase impacts are anticipated.

Mitigation measures and conditions

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface and ground water and receiving watercourses. This is to be achieved via the application of specific mitigation measures. Detail is provided on sediment control, hydrocarbon control. Measures include:

- Silt curtain to be erected within water channel to surround works area, use of silt mat
- Use of weather forecasting for topsoil stripping, excavations
- Re-fuelling to occur offsite, use of spill kits

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning conditions of the Inspectors Report.

(ii) Disturbance of mobile species

The NIS outlines while Whooper Swan have previously been recorded within 1km of a number of the proposed work sites and specifically c. 100m from Ballycoghill Bridge in January 2024, these species are not thought to form part of the populations associated with the Upper Lough Erne SPA. It is outlined Whooper Swan is not anticipated to forage c. 1-5km beyond the NATURA 2000 site boundaries, and thus, noise or vibration disturbance are not anticipated to cause a negative impact on said species. It is also outlined in relation the Whooper Swan recorded at Ballycoghill Bridge, the most significant of the works proposed here involve the extension to an existing slipway that is already in use, and for this reason, no significant impacts on this species may reasonably be predicted from either the construction or operational phase of the proposed project. The NIS also outlines no grasslands pastures were recorded at White Lough, Ballybay Wetlands, Baird Shore or White Lough Southern Shore sites. I note there would be a loss of grazing wet grassland at Ballynascarva Bridge. Having regard to the details submitted, and the abundance of suitable grazing habitat in the immediate and wider area for Whooper Swan, I consider that any displacement possibly occurring during construction/operation would not lead to any long-term impacts on bird species.

The NIS also outlines that passage beyond the Ballynascarva Bridge is limited to north of Cootehill Town given the presence of an instream structure within the channel, and hence it is outlined disturbance to waterfowl associated the Natura 2000 Sites during the operation of the blueway (i.e. boating/canoeing) will not occur. No operational phase impacts are anticipated.

I note the Department has not raised any concerns in relation to the potential impact arising from the scheme on Whooper Swan in the context of European Sites.

Mitigation measures and conditions

Measures set out include:

- Prior to construction works, a check for bird nesting/roosting sites (Whooper Swan) is to be completed at Ballynascarva Bridge
- Works at Lough Major, Ballybay Wetlands, Baird Shore and White Lough South should only occur from July to September

I am satisfied that the measures proposed are adequate and will be effective in ensuring that the attributes required to maintain the favourable conservation condition for Whooper Swan will not be adversely affected and that the proposed development will not prevent the attainment of the conservation objective to maintain favourable conservation condition. Mitigation measures are captured in Planning conditions of the Inspectors Report.

In-combination effects

Projects that could act in combination with the proposed development are detailed and the Monaghan CDP is the relevant CDP. Projects includes PA. Reg. Ref. 2360071 for permission for a change of use of public meeting rooms to accommodate pre school classrooms at The Farmhouse, Clones Rd, Derryvally, Ballybay, Co. Monaghan, and Reg. Ref. 21182 for permission for a temporary change of use for 5 No. years of the Ballybay Wetlands Centre (Planning Ref:03/531) from an environmental education and visitor centre to a HSE Community Outreach Centre. I also note Reg. ref. 2442 in which permission was granted for a development consisting of material change of use from existing environmental education and visitor centre currently used as a temporary HSE Community Outreach Centre under previously granted planning permission 21/182 to a pre-primary school. I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, and submissions made, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European site **Upper Lough Erne SPA** considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. Measures are also outlined to safeguard SCI. To ensure compliance and effective management of control measures all works and monitoring of same shall be carried out under the supervision of an ecologist, with the application of a CEMP, which can be addressed by way of condition. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the **Upper Lough Erne SPA**. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Lough Oughter Complex SPA (004049)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Loss/degradation of habitat by way of water quality degradation (construction and operation)
- (ii) Water quality degradation (construction and operation)
- (iii) Disturbance of mobile species
- (iv) Spread of invasive species

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary)	Potential adverse effects	Mitigation measures (summary)
			NIS SECTION 4.3
A999 Wetland and Waterbirds	Maintain the Favourable conservation condition Distribution - No decline, subject to natural processes Wetland habitat quality and functioning - No significant impact on the quality or	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives Spread of invasive	Pollution control measures Invasive species Control Measures Biosecurity measures

	functioning of the wetland habitat within the SPA, other than that occurring from natural patterns of variation	Species negatively would effect habitat		
A038 Whooper Swan	To restore the Favourable conservation Winter population trend- Long term winter population trend is stable or increasing	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives Potential for disturbance and displacement	Pollution control measures Pre-construction nest/roost site survey Timing of works Retention of reedbed, vegetation	
A050 Wigeon	To maintain the Favourable conservation condition Winter population trend - Long term winter population trend is stable or increasing	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives Potential for disturbance and displacement	Pollution control measures Pre-construction nest/roost site survey Timing of works Retention of reedbed, vegetation	
A005 Great Crested Grebe	To maintain the Favourable conservation condition Winter population trend-Long term winter population trend is stable or increasing	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives Potential for disturbance and displacement	Pollution control measures Pre-construction nest/roost site survey Timing of works Retention of reedbed, vegetation	
The above table is based on the documentation and information provided on the file, and NPWS data. I am satisfied that the submitted NIS and NPWS data enables for the identification of the relevant attributes and targets of the Qualifying Interests/SCI.				
Assessment of issues that could give rise to adverse effects in view of conservation objectives				

(i) Loss/degradation of habitat by way of water quality degradation

Good quality water is necessary to maintain the favourable conservation condition of the habitat.

The NIS outlines there is a potential hydrological connection between the proposed development site and the SPA. The NIS outlines there is a tendency for naturally eutrophic lakes to silt up, both from sediment input through streams and rivers and from organic production. I note the Department submission outlines there is the potential for indirect negative impacts resulting from excessive sediment loading, pollution and cementitious leakage on water turbidity, transparency and nutrients levels. There is a potential for excessive levels of suspended solids to enter the river / lake network during the construction stage. This could potentially impact on protected habitats, leading to degradation of habitats. Having regard to the separation distance to the SPA (c.25.6km), I consider that the effects of dilution and dispersion would serve to reduce this potential indirect effect on the SPA QI habitats and species. No operational phase impacts are anticipated.

Mitigation measures and conditions

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface and ground water and receiving watercourses. This is to be achieved via the application of specific mitigation measures. Detail is provided on sediment control, hydrocarbon control. Measures include:

- Silt curtain to be erected within water channel to surround works area, use of silt mat
- Use of weather forecasting for topsoil stripping, excavations
- Re-fuelling to occur offsite, use of spill kits

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected habitats and species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning conditions of the Inspectors Report.

(ii) Water quality degradation

Good quality water is necessary to restore/maintain the favourable conservation of SCI. The NIS outlines there is a potential hydrological connection between the proposed development site and the SPA. The NIS outlines there is a tendency for naturally eutrophic lakes to silt up, both from sediment input through streams and rivers and from organic production. I note the Department submission outlines there is the potential for indirect negative impacts resulting from excessive sediment loading, pollution and cementitious leakage on water turbidity, transparency and nutrients levels. There is a potential for excessive levels of suspended solids to enter the river / lake network during the construction stage. This could potentially impact on protected habitats and species. Having regard to the separation distance to the SPA (c.25.6km), I consider that the effects of dilution and dispersion would serve to reduce this potential indirect effect on the SPA SCI species. No operational phase impacts are anticipated.

Mitigation measures and conditions

As above (i)

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected habitats and species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning conditions of the Inspectors Report.

(iii) Disturbance of mobile species

The NIS outlines while Whooper Swan have previously been recorded within 1km of a number of the proposed work sites and specifically c. 100m from Ballycoghill Bridge in January 2024, these species are not taught to form part of the populations associated with the SPA. It is outlined Whooper Swan is not anticipated to forage c. 1-5km beyond the NATURA 2000 site boundaries, and thus, noise or vibration disturbance are not anticipated to cause a negative impact on said species. It is also outlined in relation the Whooper Swan recorded at Ballycoghill Bridge, the most significant of the works proposed here involve the extension to an existing slipway that is already in use, and for this reason, no significant impacts on this species may reasonably be predicted from either the construction or operational phase of the proposed project. The NIS also outlines no grasslands pastures were recorded at White Lough, Ballybay Wetlands, Baird Shore or White Lough Southern Shore sites. I note there would be a loss of grazing wet grassland at Ballynascarva Bridge. Having regard to the details submitted, and the abundance of suitable grazing habitat in the immediate and wider area for Whooper Swan, I consider that any displacement possibly occurring during construction/operation would not lead to any long-term impacts on bird species.

The NIS also outlines that passage beyond the Ballynascarva Bridge is limited to north of Cootehill Town given the presence of an instream structure within the channel, and hence it is outlined disturbance to waterfowl associated the Natura 2000 Sites during the operation of the blueway (i.e. boating/canoeing) will not occur. No operational phase impacts are anticipated.

I note the Department has not raised any concerns in relation to the potential impact arising from the scheme on SCI in the context of European Sites.

Mitigation measures and conditions

Measures set out include:

- Prior to construction works, a check for bird nesting/roosting sites (Whooper Swan) is to completed at Ballynascarva Bridge
- Works at Lough Major, Ballybay Wetlands, Baird Shore and White Lough South should only occur from July to September

I am satisfied that the measures proposed are adequate and will be effective in ensuring that the attributes required to restore/maintain the favourable conservation condition for SCI will not be adversely affected and that the proposed development will not prevent the attainment of the conservation objective to restore/maintain favourable conservation condition. Mitigation measures are captured in Planning conditions of the Inspectors Report.

(iv) Spread of invasive species

The spread of invasive species may undermine conservation objectives for QI by way of impacts on habitat. Invasives may outcompete native species, negatively effecting habitat, supporting habitat of SCI species.

Mitigation measures and conditions

Invasive species control measures are outlined in the NIS. The Department also outline areas of Nuttall's Waterweed (*Elodea nuttallii*) and Canadian Waterweed (*Elodea canadensis*) should be identified prior to the commencement of works, and control measures should be put in place during works to prevent the spread of Nuttall's Waterweed between project sites via equipment and machinery or allow the propagation beyond the project area downstream to any EU Natura designated site.

I have considered the proposed measures with mitigation measures also outlined by the Department, and I am satisfied that the measures proposed and outlined can be implemented, supervised effectively and will be effective in preventing the spread of invasive species. Mitigation measures are captured in Planning conditions of the Inspectors Report.

In-combination effects

Projects that could act in combination with the proposed development are detailed and the Monaghan CDP is the relevant CDP. Projects includes PA. Reg. Ref. 2360071 for permission for a change of use of public meeting rooms to accommodate pre school classrooms at The Farmhouse, Clones Rd, Derryvally, Ballybay, Co. Monaghan, and Reg. Ref. 21182 for permission for a temporary change of use for 5 No. years of the Ballybay Wetlands Centre (Planning Ref:03/531) from an environmental education and visitor centre to a HSE Community Outreach Centre. I also note Reg. ref. 2442 in which permission was granted for a development consisting of material change of use from existing environmental education and visitor centre currently used as a temporary HSE Community Outreach Centre under previously granted planning permission 21/182 to a pre-primary school. I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided and submissions made, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European site Lough Oughter SPA (004049) considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. Measures are also outlined to safeguard SCI. To ensure compliance and effective management of control measures all works and monitoring of same shall be carried out under the supervision of an ecologist, with the application of a CEMP, which can be addressed by way of condition. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the **Lough Oughter Complex SPA (004049)**. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Upper Lough Erne SAC (UK0016614)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Loss/degradation of habitat by way of water quality degradation (construction and operation)
- (ii) Water quality degradation (construction and operation)
- (iii) Disturbance of mobile species
- (iv) Spread of invasive species

Qualifying Interest features likely to be affected/SAC selection features	Conservation Objectives Targets and attributes (summary)	Potential adverse effects	Mitigation measures (summary)
Natural eutrophic lakes with Magnopotamion or Hydrocharition type vegetation	To maintain (or restore where appropriate) the to favourable condition. Water quality- No increasing trend in TP concentration	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives Spread of invasive Species would negatively effect habitat	NIS SECTION 4.3 Pollution control measures Invasive species Control Measures Biosecurity measures
Old sessile oak woods with Ilex and Blechnum in the British Isles	To maintain (or restore where appropriate) the to favourable condition. Area of Oakwood- Maintain the extent of Oakwood.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives Spread of invasive Species would negatively effect supporting habitat	
Alluvial forests with Alnus glutinosa and	To maintain (or restore where appropriate) the	Water quality degradation and/ or	As above

Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion alvae)	to favourable condition. Area of Wet woodland-Maintain the extent Wet woodland at 130ha.	alteration of habitat quality would undermine conservation objectives Spread of invasive Species would negatively effect supporting habitat	
Otter Lutra lutra	To maintain (or restore where appropriate) the to favourable condition. Disturbance- No significant change to river or bankside usage; no significant development Food Sources-no significant decline in fish biomass	Potential for disturbance and displacement and a significant degradation of water quality may adversely affect foraging/ fish biomass Spread of invasive Species would negatively effect supporting habitat of otter	As above
Bog woodland			As above
Alkaline fen			As above
Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinia caerulea)			As above
Atlantic salmon Salmo salar			As above
The above table is based on the documentation and information provided on the file, Department of Agriculture, Environment and Rural Affairs (NI) data, NPWS data, and I am satisfied that the submitted NIS and data identifies the relevant attributes and targets of the Qualifying Interests.			

Assessment of issues that could give rise to adverse effects in view of conservation objectives

(i) Loss/degradation of habitat by way of water quality degradation

Good quality water is necessary to maintain the favourable conservation condition of the QI habitats. The NIS outlines there is a potential hydrological connection between the proposed development site and the SAC. The NIS outlines there is a tendency for naturally eutrophic lakes to silt up, both from sediment input through streams and rivers and from organic production. The Department outline the most relevant qualifying habitat to the proposed development relates is 'Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation'(3150), relating to the Lough Oughter and Associated Loughs SAC, and I note this qualifying habitat also applies to the Upper Lough Erne SAC. I note the Department submission outlines there is the potential for indirect negative impacts resulting from excessive sediment loading, pollution and cementitious leakage on water turbidity, transparency and nutrients levels as per the site-specific conservation objectives for this habitat type. There is a potential for excessive levels of suspended solids to enter the river / lake network during the construction stage. This could potentially impact on protected habitats, leading to

degradation of habitats. Having regard to the separation distance to the SAC (c.22.5km), I consider that the effects of dilution and dispersion would serve to reduce this potential indirect effect on the SAC QI habitats and species. No operational phase impacts are anticipated.

Mitigation measures and conditions

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface and ground water and receiving watercourses. This is to be achieved via the application of specific mitigation measures. Detail is provided on sediment control, hydrocarbon control. Measures include:

- Silt curtain to be erected within water channel to surround works area, use of silt mat
- Use of weather forecasting for topsoil stripping, excavations
- Re-fuelling to occur offsite, use of spill kits

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected habitats and species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning conditions of the Inspectors Report.

(ii) Water quality degradation

Good quality water is necessary to restore/maintain the favourable conservation of QI habitats and species/SAC Selection Features. The NIS outlines there is a potential hydrological connection between the proposed development site and the SAC. The NIS outlines there is a tendency for naturally eutrophic lakes to silt up, both from sediment input through streams and rivers and from organic production. I note the Department submission outlines there is the potential for indirect negative impacts resulting from excessive sediment loading, pollution and cementitious leakage on water turbidity, transparency and nutrients levels. There is a potential for excessive levels of suspended solids to enter the river / lake network during the construction stage. This could potentially impact on protected species. Having regard to the separation distance to the SAC (c.22.5km), I consider that the effects of dilution and dispersion would serve to reduce this potential indirect effect on the QI species. No operational phase impacts are anticipated.

Mitigation measures and conditions

As above (i)

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected habitats and species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning conditions of the Inspectors Report.

(iii) Disturbance of mobile species

The NIS outlines noise and vibration disturbance are not anticipated to impact upon the breeding or foraging of Otters associated with the Upper Lough Erne SAC, with the home range of otters is typically 5 to 15km, thus the proposed work sites are situated outside of the zone of influence of the European

Designated Site. The NIS outlines considering the lack of previous records within 1km of the proposed

development areas or directly within the vicinity of the works site (i.e. as established through site specific surveys) and evidence of periodic flooding, it is not anticipated that the project will impact on more local otter populations. Having regard to the nature of the scheme, I consider the proposed development will not result in any temporary or permanent barriers to QI otter movement. I also note that passage beyond the Ballynascarva Bridge is limited to north of Cootehill Town given the presence of an instream structure within the channel. Given the presence of the structure, and the separation distance to the European Site, it is considered that disturbance to QI otter during the operation of the blueway will not occur.

(iv) Spread of invasive species

The spread of invasive species may undermine conservation objectives for QI by way of impacts on habitat. Invasives may outcompete native species, negatively affecting habitat, supporting habitat of QI species.

Mitigation measures and conditions

Invasive species control measures are outlined in the NIS. The Department also outline areas of Nuttall's Waterweed (*Elodea nuttallii*) and Canadian Waterweed (*Elodea canadensis*) should be identified prior to the commencement of works, and control measures should be put in place during works to prevent the spread of Nuttall's Waterweed between project sites via equipment and machinery or allow the propagation beyond the project area downstream to any EU Natura designated site.

I have considered the proposed measures with mitigation measures also outlined by the Department, and I am satisfied that the measures proposed and outlined can be implemented, supervised effectively and will be effective in preventing the spread of invasive species. Mitigation measures are captured in Planning conditions of the Inspectors Report.

In-combination effects

Projects that could act in combination with the proposed development are detailed and the Monaghan CDP which is the relevant CDP. Projects includes PA. Reg. Ref. 2360071 for permission for a change of use of public meeting rooms to accommodate pre school classrooms at The Farmhouse, Clones Rd, Derryvally, Ballybay, Co. Monaghan, and Reg. Ref. 21182 for permission for a temporary change of use for 5 No. years of the Ballybay Wetlands Centre (Planning Ref:03/531) from an environmental education and visitor centre to a HSE Community Outreach Centre. I also note Reg. ref. 2442 in which permission was granted for a development consisting of material change of use from existing environmental education and visitor centre currently used as a temporary HSE Community Outreach Centre under previously granted planning permission 21/182 to a pre-primary school. I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, and submissions made, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European site Upper Lough Erne SAC considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. To ensure compliance and effective management of control measures all works and monitoring of same shall be carried out under the supervision of an ecologist, with the application of a CEMP, which can be addressed by way of condition. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Upper Lough Erne SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Lough Oughter & Associated Loughs SAC (000007)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Loss/degradation of habitat by way of water quality degradation (construction and operation)
- (ii) Water quality degradation (construction and operation)
- (iii) Disturbance of mobile species
- (iv) Spread of invasive species

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary)	Potential adverse effects	Mitigation measures (summary)
1355 Otter <i>Lutra lutra</i>	To maintain the favourable conservation condition Fish biomass available- No significant decline	Potential for disturbance and displacement and a significant degradation of water quality may adversely affect foraging/ fish biomass Spread of invasive Species would negatively effect supporting habitat of otter	NIS SECTION 4.3 Pollution control measures Invasive species Control Measures Biosecurity measures
3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation	To restore the favourable conservation condition Vegetation composition: typical species-Typical species present, in good condition, and demonstrating typical abundances and distribution	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives Spread of invasive Species would negatively effect habitat	

91D0 Bog woodland*	To maintain the favourable conservation condition Habitat distribution-No decline, subject to natural processes	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	As above
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The above table is based on the documentation and information provided on the file, NPWS data. I am satisfied that the submitted NIS and NPWS data enables for the identification of the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects in view of conservation objectives

(i) Loss/degradation of habitat by way of water quality degradation

Good quality water is necessary to maintain the favourable conservation condition of the QI habitats.

The NIS outlines there is a potential hydrological connection between the proposed development site and the SAC. The NIS outlines there is a tendency for naturally eutrophic lakes to silt up, both from sediment input through streams and rivers and from organic production. The Department outline the most relevant qualifying habitat to the proposed development relates is 'Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation' (3150). I note the Department submission outlines there is the potential for indirect negative impacts resulting from excessive sediment loading, pollution and cementitious leakage on water turbidity, transparency and nutrients levels as per the site-specific conservation objectives for this habitat type.

There is a potential for excessive levels of suspended solids to enter the river / lake network during the construction stage. This could potentially impact on protected habitats, leading to degradation of habitats. Having regard to the separation distance to the SAC (c.20km), I consider that the effects of dilution and dispersion would serve to reduce this potential indirect effect on the SAC QI habitats. No operational phase impacts are anticipated.

Mitigation measures and conditions

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface and ground water and receiving watercourses. This is to be achieved via the application of specific mitigation measures. Detail is provided on sediment control, hydrocarbon control. Measures include:

- Silt curtain to be erected within water channel to surround works area, use of silt mat
- Use of weather forecasting for topsoil stripping, excavations
- Re-fuelling to occur offsite, use of spill kits

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected habitats and species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning conditions of the Inspectors Report.

(ii) Water quality degradation

Good quality water is necessary to restore/maintain the favourable conservation of QI habitats and QI species. The NIS outlines there is a potential hydrological connection between the proposed development site and the SAC. The NIS outlines there is a tendency for naturally eutrophic lakes to silt up, both from sediment input through streams and rivers and from organic production. I note the Department submission outlines there is the potential for indirect negative impacts resulting from excessive sediment loading, pollution and cementitious leakage on water turbidity, transparency and nutrients levels. There is a potential for excessive levels of suspended solids to enter the river / lake network during the construction stage. This could potentially impact on protected species. Having regard to the separation distance to the SAC (c.20km), I consider that the effects of dilution and dispersion would serve to reduce this potential indirect effect on QI species. No operational phase impacts are anticipated.

Mitigation measures and conditions

As above (i)

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected habitats and species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning conditions of the Inspectors Report.

(iii) Disturbance of mobile species

The NIS outlines noise and vibration disturbance are not anticipated to impact upon the breeding or foraging of Otters associated with the Lough Oughter & Associated Loughs SAC (000007), with the home range of otters is typically 5 to 15km, thus the proposed work sites are situated outside of the zone of influence of the European Designated Site. The NIS outlines considering the lack of previous records within 1km of the proposed development areas or directly within the vicinity of the works site (i.e. as established through site specific surveys) and evidence of periodic flooding, it is not anticipated that the project will impact on more local otter populations. Having regard to the nature of the scheme, I consider the proposed development will not result in any temporary or permanent barriers to QI otter movement. I also note that passage beyond the Ballynascarva Bridge is limited to north of Cootehill Town given the presence of an instream structure within the channel. Given the presence of the structure, and the separation distance to the European Site, it is considered that disturbance to QI otter during the operation of the blueway will not occur.

(iv) Spread of invasive species

The spread of invasive species may undermine conservation objectives for QI habitat by way of impacts on habitat. Invasives may outcompete native species, negatively effecting habitat, supporting habitat of QI species.

Mitigation measures and conditions

Invasive species control measures are outlined in the NIS. The Department also outline areas of Nuttall's Waterweed (*Elodea nuttallii*) and Canadian Waterweed (*Elodea canadensis*) should be identified prior to the commencement of works, and control measures should be put in place during works to prevent the spread of Nuttall's Waterweed between project sites via equipment and machinery or allow the propagation beyond the project area downstream to any EU Natura designated site.

I have considered the proposed measures with mitigation measures also outlined by the Department, and I am satisfied that the measures proposed and outlined can be implemented, supervised effectively and will be

effective in preventing the spread of invasive species. Mitigation measures are captured in Planning conditions of the Inspectors Report.

In-combination effects

Projects that could act in combination with the proposed development are detailed and the Monaghan CDP is the relevant CDP. Projects includes PA. Reg. Ref. 2360071 for permission for a change of use of public meeting rooms to accommodate pre school classrooms at The Farmhouse, Clones Rd, Derryvally, Ballybay, Co. Monaghan, and Reg. Ref. 21182 for permission for a temporary change of use for 5 No. years of the Ballybay Wetlands Centre (Planning Ref:03/531) from an environmental education and visitor centre to a HSE Community Outreach Centre. I also note Reg. ref. 2442 in which permission was granted for a development consisting of material change of use from existing environmental education and visitor centre currently used as a temporary HSE Community Outreach Centre under previously granted planning permission 21/182 to a pre-primary school. I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, and submissions made, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the Lough Oughter & Associated Loughs SAC considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. To ensure compliance and effective management of control measures all works and monitoring of same shall be carried out under the supervision of an ecologist, with the application of a CEMP, which can be addressed by way of condition. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Lough Oughter & Associated Loughs SAC (000007). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Upper Lough Erne SPA (UK9020071), Upper Lough Erne SAC (UK0016614), Lough Oughter & Associated Loughs SAC (000007), and Lough Oughter Complex SPA (004049), in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of 177AE was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted including submissions made, I consider that adverse effects on site integrity of the Upper Lough Erne SPA (UK9020071), Upper Lough Erne SAC (UK0016614), Lough Oughter & Associated Loughs SAC (000007), and Lough Oughter Complex SPA (004049), can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Upper Lough Erne SPA (UK9020071), Upper Lough Erne SAC (UK0016614), Lough Oughter & Associated Loughs SAC (000007), and Lough Oughter Complex SPA (004049).

Appendix 5 – WFD Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	321627-25	Townland, address	From Ballybay to Lisnalong, Co. Monaghan
Description of project		<p>Proposed development consisting of infrastructural improvements to the Dromore Blueway from Ballybay to Lisnalong, Co. Monaghan will include the following:</p> <ol style="list-style-type: none"> 1. Renewing and widening slipway, provision of car park, removal of height restriction Gate, internal laneways works at Ballycoghill Bridge, 2. New Entrance, provision of car park, pathways, play area, new information board and picnic tables, improvement to existing slipway at Ballynascarva Bridge, 3. New drainage work to laneway and resurfacing, turning heads at White Lough, South Shore, 4. Renew and widen the slipway at Balladian Bridge, 5. Renew and widen the slipway, new turning head at Baird's Shore, 6. Improvement to existing slipway and gravelled area at Ballybay Wetlands, 7. Proposed floating pontoon, new information board at Lough Major, 8. Construction of ancillary works at all sites, including signages, permeable paving, fencing, landscaping, and other ancillary works required to deliver the project. This application relates to protected structure Ref: 41402310 (Ballycoghill Bridge). 	
Brief site description, relevant to WFD Screening,		<p>The proposed site follows the line of the Dromore River running northeast to southwest from Ballybay town to Lisnalong, Co. Monaghan. The site is located within urban (Ballybay) and rural locations. Areas of the proposed site are located partially within and adjacent to the Dromore River and Lake system. In relation</p>	

	to flooding, the proposed site is partially located within flood risk zones.					
Proposed surface water details	The main features of the project, which is located across 7 no. separate locations, will involve improvements to existing slipways, their renewal and widening. 2 no. car parks are proposed with Ballynascarva Bridge car park access road paved with grasscrete permeable paving. A new storm drainage system entailing a swale are proposed to serve the access laneway route to the White Lough.					
Proposed water supply source & available capacity	n/a					
Proposed wastewater treatment system & available capacity, other issues	n/a					
Others?	n/a					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Dromore River	Onsite	Dromore_040 Code	Poor	At Risk	UR, Ag, UWW	Works proposed within river system, surface water

		IE_NW _36D0 20300				runoff, drainage
Dromore River	Onsite	Dromore_050 Code IE_NW _36D0 20500	Poor	At Risk	Ag	Works proposed within river system, surface water runoff, drainage
Major Lough Stream	Onsite	Major Lough Stream _010 Code IE_NW _36M0 80200	Poor	At risk	Unknown	Works proposed within river system, surface water runoff, drainage
White Rockcorry lake	Onsite	White Rockcorry Code IE_NW _36_64 7	Poor	At risk	UR, Ag	Works proposed within river and Lake system, surface water runoff, drainage
Cavan Ground Waterbody	Underlying site	Cavan Ground	Good	Not at risk	No pressures	Subsoil permeability is low

		Water body Code IE_NW _G_06 1					
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body recept or (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screenin g Stage Mitigati on Measur e*	Residual Risk (yes/no) Detail	Determinatio n** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Slipw ay, acces s lane, and drain age works	IE_N W_36 D020 300, IE_N W_36 D020 500,	New pathway	Impact on water quality by way of sediment loading, hydrocarbon pollution	Mitigation measures will include: Silt curtain to be erected within water channel to surround works area, use of silt mat, Use of weather	No	Screened out

		IE_N W_36 M080 200, IE_N W_36 _647			forecastin g for topsoil stripping, excavation , Re-fuelling to occur offsite, use of spill kits		
2.	As above	Code IE_N W_G_ 061	As above	As above	As above	As above	Screened out
OPERATIONAL PHASE							
3.	Drain age syste m	IE_N W_36 D020 300, IE_N W_36 D020 500, IE_N W_36 M080 200,	New surface water pathway	Impact on water quality by way of pollution	Drainag e design, suds feature s	No	Design of proposal does not present risk to the water environment- screened out

		IE_N W_36 _647, IE_N W_G_ 061					
4.							
DECOMMISSIONING PHASE							
5.	n/a						