

An
Coimisiún
Pleanála

Technical Note- Ecology R323606_TN

Development	67 no. housing units on a site at Tyrells Land, situated along Stradbally Road, Portlaoise, Co Laois. Applicant is Laoise County Council.
Topic	Inspector request for specialist ecologist assistance regarding the NIS, supporting documentation, consultation responses and further actions.
Inspectorate Ecologist	Paula Kearney, BSc, CEcol, MCIEEM

Contents

1.0 Introduction	3
1.1. Background	3
1.2. Scope of report	4
2.0 Assessment	5
2.1. Natura Impact Statement	5
2.2. Biodiversity	9
3.0 Conclusions/Recommendations	13
3.2. Further Information Request	13

1.0 Introduction

1.1. Background

- 1.1.1. The applicant is Laois County Council, and the development comprises 67 no. housing units on a site at Tyrells Land, situated along Stradbally Road, Portlaoise, Co Laois.
- 1.1.2. An Environmental Impact Assessment Screening Report (EIAR), Appropriate Assessment (AA) Screening Report, Natura Impact Statement (NIS), Bat Survey, Preliminary Ecological Assessment, Arboricultural Impact Statement, Flood Risk Assessment, Invasive Species Survey, plans and particulars were submitted as part of the application documents. In addition, the applicant submitted a response document to 3rd party submission. These reports were reviewed to inform this report.
- 1.1.3. Ecological issues comprise a significant element of third-party with detailed observations submitted regarding protected species and impacts on sites designated for nature conservation.
- 1.1.4. The site comprises 2ha (as stated in the submitted EIA and AA Screening Reports) at Tyrrells Land, situated on the south side of Stradbally Road / N80 (National Road) in Portlaoise.
- 1.1.5. The site comprises the former garden and grounds of the Portrane House protected structure (RPS 925) which is outside of the redline boundary. Residential housing estates and business surround the site.
- 1.1.6. Existing habitats on the site include Improved Agricultural Grassland (GA1), Hedgerows (WL1), Drainage Ditches (FW4), Mixed Broadleaved Woodland (WD1), with scattered Beech (*Fagus sylvatica*) estate trees. The Ridge of Portlaoise pNHA (site code: 00876) is situated immediately adjacent to the west of the site. The Ridge of Portlaoise is an esker of geological and ecological significance, supporting semi-natural woodland and two rare plant species, one of which Nettle-leaved Bellflower (*Campanula trachelium*) was formerly protected under the Flora Protection Order 2022, but is now considered at risk of extinction due to climate change.

1.1.7. There are several water features in the vicinity of the development site including Maryborough Stream which forms the southern boundary of the development site. The stream flows in a northerly direction and outfalls into the Beladd (or Glendowns) pond which forms the eastern boundary of the site. The pond is also fed by the Derry Stream (or Little Borris Stream) which enters the southern margins of the pond. The pond outfalls via a culvert under the adjacent Stradbally Road (N80). The culvert runs for over 800m underneath the Midlands Prison before surfacing along the northern boundary of the prison to the Borris Great Stream, which is a tributary of the Ratheven Stream and Triogue River, which are tributaries of the River Barrow. The development site is hydrologically connected to the River Barrow and River Nore SAC (002162) 13.2km downstream via of the aforementioned watercourses.

1.2. Scope of report

1.2.1. The Inspector requested ecological technical support with respect to the adequacy of the NIS and supporting documentation, consultation responses, and matters raised in third party submissions.

1.2.2. In my capacity of Senior Ecologist with over 25 years professional experience, I have the relevant expertise to advise on the Appropriate Assessment (AA) and Ecological Impact Assessment for the proposed development.

1.2.3. I have reviewed and examined all documentation listed in Section 1.1.2 above.

1.2.4. AA is a focused assessment of the implications of a proposed development on Sites designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA) under the EU Habitats and Birds Directives, and therefore only the qualifying interest features i.e. the habitats and species for which the site is designated, are assessed. As there is potential for significant impacts on biodiversity and or protected species not listed for the relevant SAC sites, I will address matters relating to the AA and the biodiversity of the development site separately.

- 1.2.5. As per the Inspectors request, following my assessment, I will provide advice on conditions to address any likely main effects, if necessary or matters to be further examined in any next phase.

2.0 Assessment

2.1. Natura Impact Statement

- 2.1.1. An AA Screening Report and NIS prepared by (Gerard Tobin, Ecological Consultant) were submitted with the application and are informed by site visits conducted on the 09th and 10th August 2023 and 07 April 2025, respectively.
- 2.1.2. The content of the AA Screening Report (2023) is repeated and updated in the NIS document (2025). Therefore, the NIS (incl. AA Screening) (2025) is considered in this review.
- 2.1.3. Including an AA Screening Report within a NIS is a common and often acceptable practice, however, it can present several legal and technical issues if not executed carefully.
- 2.1.4. The methodology referenced includes the *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities* (DEHLG rev. 2010) and the Office of Planning Regulator (OPR, 2021) *Appropriate Assessment Screening for Development*.
- 2.1.5. While the 2010 DEHLG guidance remains a foundational document, the 2021 European Commission guidance: *Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (2021/C 437/01)* provides the most up-to-date interpretation of EU case law and best practices for assessing impacts on European sites.
- 2.1.6. Three Special Areas of Conservation (SAC) and one Special Protection Area (SPA) are identified within the 15km zone of influence of the development site. As highlighted in the DAU submission, reliance on a standard 15 km Zone of Influence (ZoI) is no longer considered appropriate for assessing potential effects on European sites. Whereas the Source-Pathway-Receptor

(S-P-R) model¹ offers a more robust and defensible method for establishing the Zol, as it is based on identifying the actual mechanisms through which impacts may occur.

- 2.1.7. The screening report in general conforms to standard staged assessment for AA Screening however it lacks details on the site-specific Conservation Objectives (COs) which are required to inform the ‘Likely Significant Effect’ (LSE) test within the AA Screening and all potential direct and indirect impacts during the construction and operation phases. Potential impacts on European sites from the proposed development are identified as being operational stage “*discharge of surface and foul water from the site*”, however potential impacts during the construction stage such as the culverting and re-alignment of the Maryborough Stream are not specified.
- 2.1.8. In addition, the in-combination effects assessment includes planning applications for projects in the immediate area but has failed to include relevant plans and projects which are completed and/or approved but not completed which may act in-combination with the proposed development.
- 2.1.9. However, having regard to the information presented in the AA Screening Report, statutory observations, the 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, I concur with the applicant’s screening conclusion that elements of the proposed project, particularly relating to impacts to water quality, and the identified the hydrological connectivity between this proposed development and the River Barrow and River Nore Special Area of Conservation (SAC) [Site Code: 002162] that an AA is required.
- 2.1.10. A “Natura Impact Statement” means a report comprising the scientific examination of a plan or project and the relevant European Site or European Sites, to identify and characterise any possible implications of the plan or project individually or in combination with other plans or projects in view of the conservation objectives of the site or sites, and any further information

¹ Office of Planning Regulator (2021) Appropriate Assessment Screening for Development Management: Office of the Planning Regulator - Practice Note PN01

including, but not limited to, any plans, maps or drawings, scientific information or data required to enable the carrying out of an AA.

- 2.1.11. The Stage 2 NIS relies solely on mitigation measures, without providing the detailed scientific information required to inform the assessment. An appropriate assessment must contain complete, precise, and definitive findings that remove all reasonable scientific doubt about the effects of the works.
- 2.1.12. Mitigation measures are proposed for ecological receptors including the watercourses which provide the hydrological connection to the River Barrow and River Nore SAC and the broader biodiversity of the site.
- 2.1.13. The measures proposed to mitigate potential for adverse effects on water quality include general best practice environmental control measures during the construction stage including specific requirements for an Ecological Clerk of Works (ECoW), measures relating to the control of water pollution, invasive species and specific measures to prevent silt laden waters entering the Maryborough Stream. However, displacement of flood waters and the proposed creation of compensatory storage have also not been considered in the applicant's Natura Impact Statement.
- 2.1.14. My main concerns relate to the proposed culverting and re-alignment of the drainage channel, namely the Maryborough Stream. Stream culverting and diversions are inherently complex, high-risk interventions that can alter hydrology, reduce habitat quality and continuity, and affect water quality through changes in sediment transport and flow regime. These activities require detailed ecological surveys, hydromorphological assessment, and site-specific mitigation measures, method statements and engineering design to ensure that the ecological functioning of the watercourse is maintained. In the absence of this information, the potential for downstream impacts, particularly in relation to hydrology, water quality and aquatic species cannot be effectively assessed.

Maryborough Stream

- 2.1.15. The Stage 3 Flood Risk Assessment was prepared by Tobin 2025. The Derry Watercourse and Maryborough Drain were modelled by the CFRAM studies,

however, to fully understand the extent of flooding at the subject site and the impact of the proposed development, a site-specific hydraulic model was prepared for the subject site. The site-specific hydraulic model shows the areas liable to flooding during the 1 in 1,000-year MRFS flood event, see Figure 4.4 from the Stage 3 Flood Risk Assessment below.



Figure 4-4 Predicted Flood Depths at Existing Site [1,000-year MRFS]

- 2.1.16. Given the development proposes to raise ground levels at the southern and eastern ends of the subject site, adjacent to the Maryborough Stream and Derry Watercourse, it is estimated that approximately 376.1m³ of compensation storage will be required at the subject site to ensure no impact to flood risk elsewhere. It is proposed that 400m³ of compensatory storage is to be provided to the south of the realigned Maryborough Stream, shown in Drawing C-002 PL5.
- 2.1.17. The Maryborough Stream has been maintained to date by the OPW under the Arterial Drainage Act 1945. Therefore, these works must be consented appropriately through the OPW Section 9 Application process. In addition, as per the Inland Fisheries Ireland '*Planning for Watercourses in the Urban Environment*' (IFI, 2020). Culverting and piping of small streams and drains should not be permitted except under exceptional circumstances and only through agreement with Inland Fisheries Ireland. Drains should be

incorporated into a SUDS design in accordance with the Department of Housing, Local Government and Heritage *Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas* (DHLGH, 2021). This also recommended in the Preliminary Ecological Assessment (PEA) Report.

- 2.1.18. In addition, the Sustainable Residential Development and Compact Settlement Guidelines were adopted in 2024 and include the following:
“Development plans should include (or be informed by) a Green and Blue Infrastructure Strategy and include objectives for the conservation, restoration and enhancement of natural assets and GBI networks.
- 2.1.19. Key principles are set out in the guidelines including, (c) Promote urban greening and Nature-based Solutions (including Sustainable Drainage Systems and slow-the-flow initiatives) for the management of urban surface waters in all new developments and retrofitting in existing areas to ensure that the benefits of ecosystem services are realised. Planning authorities should adopt a nature-based approach to urban drainage that uses soft-engineering techniques and native vegetation (including the protection of the riparian zone) to minimise the impact on natural river processes.
- 2.1.20. Although the proposed works are a significant distance from European sites (13.2km) downstream I am not satisfied that there has been adequate survey or consideration of the ecological and hydrological baseline of the Maryborough Stream and proposed realignment in the NIS. Based on the documentation submitted, I am of the view that insufficient information has been provided to inform Stage 2 Appropriate Assessment.

2.2. Biodiversity

- 2.2.1. The PEA Report, excl. badgers was prepared by LUC in 2021 to inform the concept masterplan zones at Stradbally Road, Portlaoise as identified in the Portlaoise Local Area Plan 2018-2024, which includes the lands subject to this planning application, identified in orange in Figure 1.3 from the PEA below.

Figure 1.3: Concept masterplan zones



2.2.2. The PEA was informed by field surveys undertaken by subconsultant Eolas Ecology, who surveyed the site on 31 March and 07 April 2021. The surveys included habitat, invasive plant surveys and initial Phase 2 Protected Species Surveys including habitat suitability for birds, bats, badger and otter. It is acknowledged that survey data relating badgers was removed for the report owing to the ongoing persecution of the species. The habitat mapping and bat surveys conform to the best practice guidelines available at the time of survey and assessment ^{2,3,4&5}.

2.2.3. A ground-based Preliminary Roost Assessment (PRA) was carried out of trees within and around the site, in accordance with BCT guidance (Collins, 2016). This guidance provides a classification system for Potential Roost Feature (PRF) from 'Negligible', 'Low', 'Moderate' to 'High' suitability. From the initial surveys, PRFs are shown on Figure 4.5 and summarised in Table 4.2 of the PEA. A number of trees within the application area are classified as

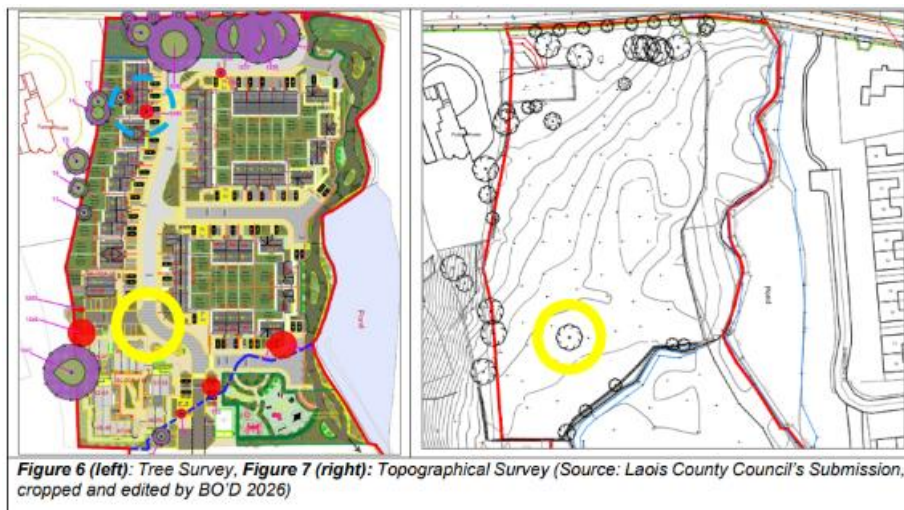
² Fossitt, J.A. (2000) A Guide to Habitats in Ireland. The Heritage Council.

³ Smith, G.F. et al (2011) Best Practice Guidance for Habitat Survey & Mapping. The Heritage Council.

⁴ Collins, J. (ed.) 2016: Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn.). The Bat Conservation Trust.

⁵ Kelleher, C. & Marnell, F. (2006) Bat Mitigation Guidelines for Ireland. Irish Wildlife Manuals, No. 25. NPWS

Figure 4.6: Trees with Bat Roost Potential Identified in 2021



- 2.2.5. PEA is a useful exercise to enable identification of potentially important ecological features within the zone of influence of the project and to advise the project proposer on potential ecological issues to inform design and contain recommendations for further surveys for subsequent impact assessment. However, they are not sufficiently robust enough to replace an Ecological Impact Assessment (EclA).
- 2.2.6. The PEA was prepared to inform the concept masterplan zones in the Portlaoise Local Area Plan 2018-2024. The PEA provides a useful baseline to scope further surveys; however, it is not specific to the particulars of this proposed development.
- 2.2.7. A Bat Survey and Assessment Report prepared by Gerard Tobin, Ecological Consultant informed by site surveys on the 09th and 10th August 2023, was submitted with the application documents. The scope of the assessment included the development site and nearby buildings. The survey did not include a survey or assessment of the PRFs identified in the PEA. It is not clear from the report what survey guidance the ecologist adopted; however, the relevant best practice guidance includes *Bat Mitigation Guidelines for Ireland* (Marnell et al., 2022) and *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (Collins, 2023 4th edition), which are not referenced in the report. It is arguable that Collins 2023 was not published at the time of the survey however the 3rd edition of the guidelines were available.
- 2.2.8. The bat emergence/re-entry count was carried out at dusk/dawn on 09th/10th August 2023. As the structures assessed have not been classified with regards to roost suitability it is difficult to determine if sufficient survey effort has been applied. In addition, ecological data has a lifespan which is 12 to 18 months (CIEEM, 2019⁶), beyond this lifespan, the data is unlikely to be valid.
- 2.2.9. Based on the documentation submitted, I am of the view that insufficient ecological survey has been undertaken to inform an assessment of potential impacts on biodiversity including rare and protected species.

⁶ CIEEM (2019). Advice Note on The Lifespan of Ecological Reports & Surveys. CIEEM, Hampshire.

3.0 Conclusions/Recommendations

- 3.1.1. I have reviewed the application documentation including the, Appropriate AA Screening Report, NIS), Bat Survey, PEA, Arboricultural Impact Statement, Flood Risk Assessment, Invasive Species Survey, and 3rd party submissions. I would recommend the following further information is requested on the basis of the information presented and the submissions received.

3.2. Further Information Request

- 3.2.1. Please submit a revised NIS to be prepared by competent person(s) in accordance with best practice guidelines and legislation. The assessment should include a scientific examination of the relevant European site's conservation objectives and to identify the aspect(s) of the project which are likely to affect those objectives, with particular focus on the proposed culverting and re-alignment of the drainage channel, namely the Maryborough Stream. The impacts are to be discussed in terms of direct and indirect effects during the construction and operational phases which may arise from the relevant development itself or in combination with any plan or other project. Mitigation measures are to be proposed to avoid or reduce impacts to a level where they will no longer adversely affect the integrity of the European site(s), with clear, precise and definitive findings and conclusions.
- 3.2.2. Please submit a comprehensive watercourse diversion plan, following best practice guidelines and in consultation with relevant agencies, to include detailed, integrated documentation covering ecological and hydromorphological assessment, detailed engineering drawings, programme of works and actionable method statements.
- 3.2.3. Due to the ecological sensitivity of the proposed development, namely The Ridge of Portlaoise pNHA (site code: 00876), mature parkland trees, rare and protected flora and fauna, proximal watercourses including the Maryborough Stream, the Beladd (or Glendowns) pond and the Derry Stream (or Little Borris Stream), an EcIA is to be prepared by competent person(s) in

accordance with best practice guidelines. The EclA should include but not limited to the following:

- Detailed habitat mapping including botanical survey to be completed in the optimum season with consideration of the optimal flowering period of rare and protected flora. Provide appropriately scaled drawings including details of habitat loss and biodiversity enhancement measures to be provided.
- Baseline aquatic ecology survey of watercourses impacted by the proposed development including fish survey and faunal use.
- Breeding bird survey.
- Non-volant mammal survey including red squirrel, badger and otter.
- Bat survey and impact assessment to be carried out by competent experts and in accordance with best practice guidelines.

3.2.4. Consultation with the NPWS is advised regarding any potential derogation requirements.

3.2.5. Consultation with IFI regarding surface water management during construction and operation phases.

3.2.6. A site-specific Construction Environmental Management plan (CEMP) is required to ensure that construction activities have the least impact on the surrounding environment and conforms to all applicable legislation and best practice guidelines. Mitigation measures are to include the following with respect to the protection of water quality:

- Buffer zones to protect aquatic zones should be clearly marked in advance of works commencing to preserve their integrity, which should be at least 10 metres from the waterbody. Machines should not enter these zones. Nor should material stockpiles, spoil heaps or settlement ponds be permitted within this zone. Buffer zones should not be removed until after the construction phase of the project has ended.
- Site compounds or any area designated to the maintenance, cleaning, refuelling and repair work of vehicles and machinery must be located at least 50 metres from the nearest aquatic zone.
- There must be no run-off of fuels, oils, concrete, or from stockpiles of materials or general run-off from the site or along the road. Any fuels, oils or other hazardous substances on site must be stored in lockable bunded containers on a dry site at least 50 metres from the nearest aquatic zone. Bunding should be covered, and capacity should be 110% of the capacity of the largest tank or drum, or 25% of the total storage volume, plus 200 millimetre freeboard.

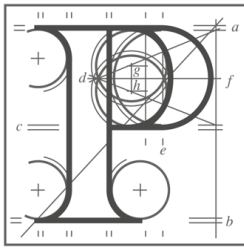
- Spent oil must be collected and retained for correct off-site disposal.

3.2.7. Please provide further details on public lighting proposals to ensure compliance with environmental standards and biodiversity protections particularly where lighting is proposed near sensitive ecosystems including water bodies, hedgerows, mature trees and woodlands.

20/02/2026

Paula BSc, CEcol, MCIEEM

Senior Ecologist



An
Coimisiún
Pleanála

Memorandum
File no: 323606-25

To: Rachel Gleave O'Connor, Senior Planning Inspector
From: Paula Kearney, Senior Ecologist
Re: Development consisting of the construction of 67 housing units, on a site of 2ha at Tyrells Land, Stradbally Road, Portlaoise, Co. Laois.
Date: 29th July 2026

3.3. Background

- 3.3.1. An Coimisiún Pleanála (ACP) requested Further Information (FI) from the local authority (Laois County Council) on 11th March 2026. The FI and response to submissions was received on 5th May 2026, with clarifications received on 12th May 2026.
- 3.3.2. Following the receipt of the FI, the Senior Planning Inspector requested a review of the FI from the Ecology team to ascertain whether matters have been addressed.

3.4. Scope of report

- 3.4.1. This report provides a technical review of the FI response submitted by the applicant, in respect of effects on ecology. The review is intended to assist the Inspector in considering the adequacy of the FI response including the Response to An Coimisiún Pleanála FI Comments document, the updated Stage 1 Appropriate Assessment (AA) Screening and Stage 2 Natura Impact Statement Report (FI response Appendix 7), Ecological Impact Assessment (EclA) (FI response Appendix 8), and the Construction and Environmental

Management Plan (CEMP) (FI response Appendix 9), insofar as they inform the AA and ecology assessment.

- 3.4.2. The review addresses the FI request items under Section 5 Ecology. Each of the FI items are presented and assessed individually in the following sections.

3.5. FI Item 5(a) - Request

- a. Please submit a revised NIS to be prepared by competent person(s) in accordance with best practice guidelines and legislation. The assessment should include a scientific examination of the relevant European site's conservation objectives and to identify the aspect(s) of the project which are likely to affect those objectives, with particular focus on the proposed culverting and re-alignment of the drainage channel, namely the Maryborough Stream. The impacts are to be discussed in terms of direct and indirect effects during the construction and operational phases which may arise from the relevant development itself or in combination with any plan or other project. Mitigation measures are to be proposed to avoid or reduce impacts to a level where they will no longer adversely affect the integrity of the European site(s), with clear, precise and definitive findings and conclusions.

Ecologists Comments

- 3.5.1. The Maryborough Stream is a tributary of the Great Borris Stream, a tributary of the Ratheven Stream and Triogue River, which are tributaries of the River Barrow. The development site is hydrologically connected to the River Barrow and River Nore SAC (002162) 13.2km downstream via of the afore mentioned watercourses. The diversion of the Maryborough Stream is discussed under Section 4.2.1 of the NIS (FI Appendix 7), and the proposed site layout and stream diversion are shown in Figure 2. Mitigation measures with respect to Water Quality are provided in the NIS Section 15.
- 3.5.2. Having reviewed the response it is my opinion that the documentation does not provide the requisite details on how the proposed diversion and culverting of the Maryborough Stream will be constructed and what the potential

construction and operation impacts are to inform the efficacy of the mitigation measures proposed. Therefore, insufficient information has been provided to inform the scientific examination of the possible implications of the proposed diversion and culverting of the Maryborough Stream in view of the conservation objectives of the River Barrow and River Nore SAC.

- 3.5.3. The 'Watercourse Diversion' is also discussed on pages 30 and 31 of the Response to An Coimisiún Pleanála FI Comments document, which states the following: *"A detailed design for the diversion will be developed in consultation with Inland Fisheries Ireland (IFI), with a precautionary approach adopted to ensure full compliance with relevant guidance and environmental protection requirements"*.
- 3.5.4. I also note in the Inland Fisheries Ireland submission to the FI (dated 15th June 2026), *"...that should permission for this development be granted, IFI request that a condition is imposed on the applicant to consult with Inland Fisheries Ireland before any works take place on the proposed stream diversion and adjacent compensatory flood storage on site"*.
- 3.5.5. With respect to AA, the NIS must include clear, precise and definitive findings and conclusions necessary to remove all reasonable scientific doubt regarding a project's potential adverse effects on European site(s). Therefore, details on mitigation cannot be speculative or left to future discretion and they must be definitively presented in the application before a determination on AA is made by the competent authority.
- 3.5.6. Based on the FI response provided, I am of the view that insufficient information has been provided to inform Stage 2 Appropriate Assessment of the potential adverse effects of the project on the integrity of the River Barrow and River Nore SAC.

3.6. FI Item 5(b) - Request

- b. Please submit a comprehensive watercourse diversion plan, following best practice guidelines and in consultation with relevant agencies, to include detailed, integrated documentation covering ecological and hydromorphological assessment, detailed engineering drawings, programme of works and actionable method statements.

Ecologists Comments

- 3.6.1. The requested comprehensive watercourse diversion plan, to be informed by best practice guidelines, consultation with relevant agencies, ecological and hydromorphological assessments, detailed engineering drawings, programme of works and actionable method statements, have not been provided in the FI documentation.

3.7. FI Item 5(c) - Request

- c. Noting the requirements under policy DM BHN 01 of the Laois County Development Plan 2021-2027 and due to the ecological sensitivity of the proposed development, namely The Ridge of Portlaoise pNHA (site code: 00876), mature parkland trees, rare and protected flora and fauna, proximal watercourses including the Maryborough Stream, the Beladd (or Glendowns) pond and the Derry Stream (or Little Borris Stream), an EclA is to be prepared by competent person(s) in accordance with best practice guidelines. The EclA should include but not limited to the following:
- i. Detailed habitat mapping including botanical survey to be completed in the optimum season with consideration of the optimal flowering period of rare and protected flora. Provide appropriately scaled drawings including details of habitat loss and biodiversity enhancement measures to be provided.
 - ii. Baseline aquatic ecology survey of watercourses impacted by the proposed development including fish survey and faunal use.
 - iii. Breeding bird survey.
 - iv. Non-volant mammal survey including red squirrel, badger and otter.
 - v. Bat survey and impact assessment to be carried out by competent experts and in accordance with best practice guidelines.

Consultation with the NPWS is advised regarding any potential derogation requirements. Consultation with IFI regarding surface water management during construction and operation phases.

Ecologists Comments

- 3.7.1. In response to Item 5(c)(i), habitat mapping is provided in EclA (FI response Appendix 8) ref. Figure 2. Field surveys were carried out during April and May 2026 (EclA Section 2.3.1) which is within the optimum survey period for habitats (April through September)⁷. General habitat mapping was carried out as per the Heritage Councils Best Practice Guidance for Habitat Survey and Mapping (Smith et. al. 2011) and A Guide to Habitats in Ireland (Fossitt, 2000), which is in accordance with best practice. The Ridge of Portlaoise pNHA supports two rare plant species, including Nettle-leaved Bellflower (*Campanula trachelium*) which flowers in July and August and Blue Fleabane (*Erigeron acer*) which flowers in June to August, therefore the field surveys were completed outside the optimum period to correctly identify whether these species are found within or adjacent to the subject site.
- 3.7.2. The impact assessment on habitats is discussed in the EclA Section 5.1, Table 5, however the loss of habitat is not quantified or presented on requested appropriately scaled drawings showing details of habitat loss. Mitigation for habitat loss is not provided. Biodiversity Enhancement Measures are discussed in the EclA Section 7. There is a distinction between mitigation and enhancement measures. Mitigation address project specific impacts and whether residual effects are likely to have significant effects on the environment. Whereas enhancement is unrelated to a negative impact or is 'over and above' that required to mitigate/ compensate for an impact⁸. The EclA conclusion is presented in Section 8 and states that the proposed project is "*...considered to have a moderate impact on the surrounding ecology*". In the NIS, Section 25 Biodiversity/Landscape, it is stated "*Due to the existing degraded nature of the habitats on site the loss of these will have little residual negative impact on this locality and no residual impact in the national or international context*". However, in the absence of reliable and defensible information concerning the baseline environment, quantitative

⁷ Smith et. al. (2011) *Best Practice Guidance for Habitat Survey and Mapping*. The Heritage Council, Kilkenny.

⁸ CIEEM (2018) *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine* version 1.3. Chartered Institute of Ecology and Environmental Management, Winchester

impacts to habitats and species, and site-specific mitigation measures, it is difficult to determine the likely significant ecological effects from the proposed development.

- 3.7.3. With regards to Item 5(c)(ii) a baseline aquatic ecology survey of watercourses impacted by the proposed development including fish survey and faunal use, is not provided.
- 3.7.4. In response to Item 5(c)(iii) breeding bird surveys are discussed in the EclA, Section 4.2, and it is noted that a high diversity of bird species including a rookery and heronry were recorded on site. Breeding bird surveys are typically carried out in accordance with BirdWatch Ireland Countryside Bird Survey Guidelines (2021) or Bird Census Techniques (Bibby et. al., 2000). Breeding bird surveys are timed so that the first visit is in the early part of the breeding season (April to mid-May) and the second at least four weeks later (from mid-May to the end of June). These surveys are required to record species presence, territory mapping and breeding evidence.
- 3.7.5. It is stated that field surveys were carried out during April and May 2026, however details of the breeding bird survey dates and methodology are not provided. Impacts on birds are discussed in the EclA Table 5 and Table 6. In Table 5, the significance of the impact on the loss of nesting habitat for birds from the permanent loss of hedgerow is assessed as “Minor Adverse” and significance of the impact on nesting habitat for birds and the loss of the heronry is assessed as “Moderate”. In Table 6, the significance of the impact on birds from loss of foraging and nesting habitat during the breeding season is assessed as ‘High’. I note that the impact significance criteria used in Tables 5 and 6, does not align with the classification system in the EclA Table 2. Notwithstanding this, it is not clear whether the breeding bird surveys were carried out in accordance with best practice and consequently, the baseline information regarding breeding activity within the subject site is insufficient to accurately determine the significance of impact on breeding birds. In addition, no specific mitigation is proposed for birds.
- 3.7.6. In response to Item 5(c)(iv) an assessment of terrestrial fauna (excluding bats) recorded on site are presented in the EclA Section 4.2, which included

evidence of mammals including fox, bank vole, badger, hedgehog and the greater white-toothed shrew and amphibians including frogs and potentially suitable habitat for newts. Potential impacts on fauna are discussed in the EclA Section 5.5 and mitigation strategies for fauna are provided in the EclA Table 8⁹.

- 3.7.7. A badger sett was recorded during the field survey; however, the status of the sett (active, disused) was not determined or the significance of the sett within the clan(s) territory and badger field signs, are not presented in the EclA. Therefore, it is not feasible, on the basis of the information presented to determine the use of the site by badger and whether the mitigation proposed is sufficient to protect the species during construction and operation stages.
- 3.7.8. Details of otter surveys are not provided or discussed in Section 4.2; however, otter is included in the impact assessment Table 6 and mitigation in Table 8. Therefore, it is not feasible, on the basis of the information presented to determine whether the mitigation measures proposed are sufficient to protect the species during construction and operation stages.
- 3.7.9. With respect to Item 5(c)(v), on page 33 of Response to An Coimisiún Pleanála FI Comments document, under “Seasonal Survey Clarification”, that the *“bat activity surveys and associated lighting assessment are ongoing and seasonally constrained”*. All bat species in Ireland are protected under the Wildlife Acts 1976 as amended and are listed on Annex IV of the Habitats Directive as species which are afforded a system of strict protection under the provisions of Articles 12, 13 and 16 of the Directive. It is acknowledged that the bat surveys are still underway. In addition, it is unclear whether the proposed development will comprise activities that will disturb bats, or destroy a breeding or resting place of bats, which would require a derogation license in accordance with Regulation 54 of EC (Birds and Natural Habitats) Regulations 2011 as amended. The European Court of Justice, Hellfire Massey Judgment¹⁰, specifies that where a derogation licence is necessary, it must be obtained in advance of a grant of planning

⁹ Note: Typo in EclA - Mitigation Strategies for fauna is under Table 5, however following the numbering sequence the correct reference is Table 8.

¹⁰ ECLI:EU:C:2023:545

permission. Therefore, the Commission has not been provided with the necessary up to date information with respect to bat activity, potential roosts, impacts, mitigation and lighting proposals, within the FI response documents.

3.7.10. Therefore, I am not satisfied that the level of detail presented is adequate to determine the impacts of the proposed development on bats.

3.8. FI Item 5(d) – Request

- d. A site-specific Construction Environmental Management plan (CEMP) is required to ensure that construction activities have the least impact on the surrounding environment and conforms to all applicable legislation and best practice guidelines. Mitigation measures are to include the following with respect to the protection of water quality:
 - i. Buffer zones to protect aquatic zones should be clearly marked in advance of works commencing to preserve their integrity, which should be at least 10 metres from the waterbody. Machines should not enter these zones. Nor should material stockpiles, spoil heaps or settlement ponds be permitted within this zone. Buffer zones should not be removed until after the construction phase of the project has ended.
 - ii. Site compounds or any area designated to the maintenance, cleaning, refuelling and repair work of vehicles and machinery must be located at least 50 metres from the nearest aquatic zone.
 - iii. There must be no run-off of fuels, oils, concrete, or from stockpiles of materials or general run-off from the site or along the road. Any fuels, oils or other hazardous substances on site must be stored in lockable bunded containers on a dry site at least 50 metres from the nearest aquatic zone. Bunding should be covered, and capacity should be 110% of the capacity of the largest tank or drum, or 25% of the total storage volume, plus 200-millimetre freeboard.
 - iv. Spent oil must be collected and retained for correct off-site disposal.

Ecologists Comments

3.8.1. The CEMP (FI Appendix 9) has been updated to include the items requested under FI Item 5(d).

3.9. FI Item 5(e) - Request

- e. Please provide further details on public lighting proposals to ensure compliance with environmental standards and biodiversity protections particularly where lighting is proposed near sensitive ecosystems including water bodies, hedgerows, mature trees and woodlands.

Ecologists Comments

3.9.1. The proposed public lighting layout is provided in the application documents and Drawing reference ME-1000(C) and specifications for environmentally friendly lighting during the construction stage are provided in the CEMP and in the NIS and EclA for the operational stage. However, the lighting design does not include the lighting column specifications, predicted lux levels and light spill diagrams and identification of ecological buffers. Therefore, I am not satisfied that the level of detail presented is adequate to determine the impact of artificial light on sensitive ecological receptors within or in proximity to the subject site.

3.10. Conclusion

Appropriate Assessment

3.10.1. I consider that the documentation submitted in response to the further information request is inadequate in the context of supporting the findings of the NIS. I consider that there is insufficient information available for the Commission to reach complete, precise and definitive findings on the impacts of the proposed development on the conservation objectives of the River Barrow and River Nore SAC (002162).

Biodiversity

3.10.2. I consider that the documentation submitted in response to the further information request is inadequate in the context of supporting the findings of the EclA. I consider that there is insufficient information regarding the baseline environment, quantitative impacts to habitats and species, and site-specific mitigation measures, available for the Commission to reach a

determination on the likely significant ecological effects from the proposed development.

tre

I confirm that this report represents my professional ecological assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Paula Kearney
Senior Ecologist

29th July 2026