



An
Bord
Pleanála

Inspector's Report
PL21. CH3340/JP0048

Development	N4-N15 Sligo Urban Improvement Scheme
Location	Townlands of Rathquarter and Cartron County Sligo
Applicant	Sligo County Council
Type of applications	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (Local Authority development requiring appropriate assessment) And Confirmation of a Compulsory Purchase Order under Section 76 of the Housing Act
Prescribed Bodies	Inland Fisheries Ireland Health Services Executive Transport Infrastructure Ireland
Objectors to CPO	Reps of Patrick Flanagan deceased Brendan Flanagan Myra Kennedy Catherine Kelly
Date of site inspection	28 th September 2017
Inspector	Suzanne Kehely

1. Introduction

- 1.1. Sligo County Council is seeking approval from An Bord Pleanála to carry out realignment works on a section of the existing N4-N15 north of the town. The proposed realignment works are within the catchment of a number of European sites in the vicinity of the Garavogue Estuary. An appropriate assessment screening concluded that it could not be ruled out that impacts of the proposed development could have a significant effect, either individually or in combination with other plans and projects, on a European site. On this basis, an NIS as is statutorily required, was submitted to facilitate an appropriate assessment of the proposed works.
- 1.2. Concurrently, Sligo County Council is seeking approval for the compulsory purchase of lands to facilitate the urban improvement scheme.
- 1.3. An oral hearing was conducted on 14th November 2017 at which the local authority attended and presented its proposal and addressed concerns raised by objectors. The objectors however did not attend. Other than by way of clarification of some points no significant material additional information was provided. The Brief of Evidence is appended in the file.

2. Legislative Context

2.1. CH3340

- 2.1.1. Under Section 213(2)(a) of the PDA 2000 a local authority may for the purpose of carrying out its functions, including giving effect to its development plan, acquire land by agreement or compulsorily.
- 2.1.2. Compulsory Purchase Orders are made pursuant to the powers conferred on the local authority by Section 76 of the Housing Act, 1966 and the Third Schedule thereto, as extended by Section 10 of the Local Government (No.2) Act 1960, (as substituted by Section 86 of the Housing Act 1966) as amended by Section 6 and the Second Schedule to the Roads Act, 1993 and as amended by the Planning and Development Act 2000-2014. Orders are served on owners, lessees and occupiers in accordance with Article 4(b) of the Third schedule to the Housing Act 1966.
- 2.1.3. The Housing Act 1966 provides for the Board to facilities an objector to a CPO to make a statement of objection at an oral hearing.
- 2.2. In making its decision the Board is required to consider the report and subsequent recommendation of the inspector conducting an oral hearing in respect of relevant lands subject of a Compulsory Purchase Order.

2.3. JP0048

- 2.3.1. Part XAB of the Planning and Development Acts 2000-2010 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site, its qualifying interests or conservation objectives.
- 2.3.2. 177AE sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- 2.3.3. Section 177AE (1) requires a local authority to prepare, or cause to be prepared, a Natura Impact Statement (NIS) in respect of the proposed development.
- 2.3.4. Section 177AE (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.
- 2.3.5. Section 177AE(3) states that where a NIS 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 in the carrying out of the appropriate assessment.
- 2.3.6. Section 177V(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.
- 2.3.7. 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.

3. Site Description

- 3.1. Photographs of the site and environs are attached in the appendix to this report. The aerial photograph submitted with the application provides a good image of the site and its context. A comprehensive set of photographs is also contained within the submitted documentation, for example in the Preliminary Design Report and these are of better quality than those taken during the site inspection as weather conditions were extremely wet.

- 3.2. The development site is part of the N4-N15 road corridor in the townlands of Rathquarter and Cartron and extends 670m northwest of Sligo Town centre from Hughes Bridge to just north of the R291 Rosses Point Road Junction. The stretch comprises up to three traffic lanes in both directions. It also incorporates junctions with the R870 Markievicz Road, N16 Duck St and R291.
- 3.3. Within the study area there are 3 signalised junctions from north to south in the study area.
- Markievicz Road which intersects the N4 providing direct access to Sligo City Centre, Sligo north and other facilities such as Sligo General Hospital.
 - N16 Duck St. This junction forms the intersection of the N4, N15 and N16. The N16 commences at this junction and then heads out east in the direction of Enniskillen.
 - R291 Rosses Point Road (locally Cartron Hill): This regional road branches off the proposed development to the west and provides access to Rosses Point to the north west.
- 3.4. This section of road passes adjacent to the Garavogue Estuary and the Garavogue River and also over the Copper River further North. In addition to the road carriageway and associated footpaths and traffic island the signalled junction, the footprint also encompasses a range of landscape features notable including:
- part of the shoreline along the Garavogue Estuary,
 - part of a large abandoned rank grassland not under any current land management (although the Local authority did refer in the hearing to invasive species management plan in the area),
 - existing small and extensive road side grass verges and small area of ornamental planted garden and
 - existing rock armour embankments along both rivers/ estuary
 - and the site compound located in existing hardstanding on a nearby industrial yard in Ballast Quay.
- 3.5. This section of the N4/N15 road is at a low point relative to the intersecting roads which rise away from the site at varying gradients in line with the hilly topography of the town and its hinterland.
- 3.6. The area is suburban in character with set-back housing, community building frontage and undeveloped land on the landside. Direct vehicular access is restricted. The route is an arterial road located on the suburban rural frontage and linking onto a high speed rural road while to the south is more urban with a higher concentration of pedestrian and cyclist activity.
- 3.7. The proposed works area is within the Garavogue Estuary and the Copper River catchments. The Garavogue River is a migratory route for Atlantic Salmon, sea

trout, eel and lamprey into the Garavogue River, Lough Gill and Bonet River systems. The Copper River provides habitats for eel, a critically endangered species and brown trout and is of limited fisheries value. It flows into the Estuary.

4. Proposed Development

4.1. The proposal seeks to upgrade the mainline carriageway by increasing right hand turning provision and improving facilities for both pedestrians and cyclists at the three signalised junctions within the site area. The works necessary for this involve improvements to both the carriageway and junctions and also to pedestrian and cyclist facilities. Structures include new retaining walls and a replacement of the bridge over the Copper River. The works will also incorporate a new drainage system for the collection, interception, attenuation and disposal of run-off.

4.2. The proposed works comprise:

Proposed structures:

- New retaining walls to retain widened road carriageway and to minimise impact on adjacent designated area at northbound Salmon Point at ch.70-170 and ch.250-330
- Bridge Works: Replacement of existing twin culverts spanning Copper River by concrete box structure. (Masonry arch section to be retained.) ch.460
- Reconstruction of existing retaining wall at widened verge to minimise impact on HSE facility at ch.295-225
- Reconstruction of existing retaining wall at back of verge to provide adequate sightlines on approach to junction at ch.550-565

Pedestrian cycling facilities:

- Shared use facility (3m wide) at ch. 70-125 northbound
- Segregated footpath and cycle track (1.8m and 1.75m wide) at ch125-740 and ch.440-575
- Shared use facility (3m wide) at ch. 440-700 northbound

Drainage:

- New wetland with outfall to the Copper River Upstream of Copper River Bridge
- Three separate drainage networks with outfall at three separate locations; west of the Copper River Bridge, east of Copper River Bridge and the Garavogue Estuary/River.

4.3. A multi-lane carriageway arterial road in a boulevard configuration is proposed along the N4 section in two parts – from Hughes Bridge to Markievicz Road and

from here onto N16 Duck Street. The section along the N15 to the R291 Rosses Point Road is the final stretch and involves both a multi-lane carriageway but transitions to a single carriageway arterial street.

4.4. Traffic light controlled three-arm junctions with pedestrian crossing facilities are proposed at the Markievicz Road/Duck Street junction and Rosses Point junction.

4.5. The design aims to provide upgraded footpaths with grass verges acting as a barrier.

4.6. **Accompanying Documents (submitted 3rd July)**

4.6.1. Plans and particulars of the proposed development include:

- The Preliminary Design Report including Appendix F- Scheme Drawings
- The Environmental Assessment Report
 - Volume 1 Non Technical Summary
 - Volume 2 Main Report
 - Volume 3 Figures
 - Volume 3 Appendices
- The NIS for the proposed development with a screening report
- A copy of the published notice.

4.7. **Revised drawings - submitted on 17th July**

4.7.1. Due to an error in the red line boundary on drawings lodged on 3rd July, a revised set were submitted (Appendix F drawings and EAR Vol. 3 Figures 1.1, 2.1 and 6.1 submitted in correction.) An additional drawing Fig 10.2 was also appended to the submission as a new drawing.

4.7.2. Arising from these revised submissions, amended public notices were issued and the decision date was revised to reflect the date of receipt of correct drawings.

5. **Planning Policy Context**

5.1. **National and Regional Planning and Transport Strategy and Guidance**

5.1.1. In the **National Spatial Strategy for Ireland 2002-2020**, Sligo is designated as a Gateway town and the importance of strengthening its position through balanced regional development and transport networks is central to implementing this

strategy. Sligo has direct connectivity with Letterkenny and Derry to the north and Galway (with its own further connections) is also directly connected to the south although at a greater distance.

5.1.2. **In The Northern and Western Regional Assembly: Regional Planning**

Guidelines 2010-2022 Policy INFP3 aims to facilitate and support the improvements identified to address particular infrastructural bottlenecks/weakness within the Gateways. Congestion on the N4 is highlighted as issue such as on the N4 Inner Relief Route in Sligo at peak times to the south of the proposed works

5.1.3. **Smarter Travel 2009** is a national policy document with an emphasis on enhancing accessibility through advocating efficient and sustainable transport modes. Accordingly, while it aims to reduce congestion and its indirect negative impacts such as emissions, delays, it also seeks to promote alternative modes such as cycling and walking with a reduced car dependant lifestyle.

5.1.4. **Road Safety Authority seeks** to reduce accidents through road design.

5.2 Sligo County Development Plans

5.2.1 **2011-2017 – operational at time of EAR preparation.** The Sligo County Development Plan 2011-2017 recognises the strategic importance of Sligo as a major transport node in the North West and which is the location of crossroads for three primary routes, N4, N15 and dN16. Objective O-NR-1 aims to carry out improvement schemes to the national primary routes which includes the Sligo to Borough Boundary scheme within which the subject scheme is located.

- Objective O-CW-3 relates to the provision for safety and efficient movement of pedestrians and cyclists in and around built-up areas. (The proposed scheme provides for quality off-road pedestrian and cycle facilities as well as improved pedestrian crossings.)

5.2.2 The current Sligo County Development Plan 2017-2023 is operational since August 2017. There many development policies for a continued approach to modal shift from car. Objective O-CW-1 to 6 refer to a range of cycle and pedestrian enhancement measures.

5.2.3 Sligo and Environs Plan 2010-2016 similarly sets out more specific policies and objectives for the implementation of the above measures. The next plan for these lands will be part of the County development pursuant to the amalgamation of the Borough and County Areas.

- T1.1 objective relates to the site: objective to upgrade and re-align N4/N15 from Hughes Bridge to County boundary. The T2 objective relate to intra urban upgrades.

- The PED objectives relate to a range of pedestrian improvement schemes and include a river bank walk.

5.2.4 The EAR refers to the status of the draft Plan 2017-2023. This was clarified in the oral hearing wherein it was confirmed that it has yet to be adopted.

6. Details of Compulsory Purchase Order

6.1. General

6.1.1. Sligo County Council is seeking to acquire lands compulsorily for the purposes of and Urban Improvement Scheme involving road improvement and re-alignment of the N4-N15 between Hughes Bridge and north over a distance of 670m. This will include extinguishments of public rights of way.

6.1.2. The lands involve an area of 3.77 hectares and are subject of permanent acquisition as described in the first schedule of the Order. The lands also involve an area 0.28 hectares subject of temporary acquisition as set public out in the Second Schedule. The proposed scheme also includes the extinguishment of 2 Rights of Way as set out in the Third Schedule.

6.1.3. A total of 13 landowners, lessees, and occupiers have interests in the 49 identified plots and of these 32 individual plots are proposed to be permanently acquired. The remaining 17 are proposed to be temporary acquired. The Deposit Map identifies the subject lands according to ownership and necessary approvals.

6.2. The Local Authority Reports

6.2.1. The CPO documentation on file as submitted by the local authority also includes a number of reports in the form of memoranda.

6.2.2. National Roads Project Office – report of 23/6/2017

- The main objectives of the scheme are to improve capacity in the road network for existing and future traffic and to improve road safety and reduce accidents.
- The scheme is supported in local, regional and national policy and is more specifically consistent with the objectives in relation to the N4 Sligo Inner Relief Road which sought to remove traffic from the congested city centre and improve access to Sligo and its environs.
- The scheme follows from a completed scheme which involved widening of Hughes Bridge and which was completed in 2015. It also a number of planned projects intended to carry out improvements to the N4-N15 corridor, namely the N4-N15 Sligo to County Boundary and re-aligned N4-N15 Sligo to Borough

Boundary but both schemes were suspended due to budgetary constraints notwithstanding the advancement to CPO stage.

- The development is stated to align with the objectives as contained in:
 - Trans European Transport Networks.
 - Building on Recovery: Infrastructure and Capital Investment Plan 2016-2022.
 - The National Spatial Strategy for Ireland 2002-2020.
 - The Northern and Western Regional Assembly: Regional Planning Guidelines 2010-2022.
 - Smarter Travel, a Sustainable Transport Future 2009-2020.
 - Sligo county Development Plan 2011-2016.

6.2.3. The viability of the project is supported in the Project Appraisal Report, the Preliminary Design Report, and the Environmental Assessment Report.

6.2.4. A letter of approval from the TII is attached to the submitted documentation on file.

6.2.5. The CPO will have the stated affects: It will,

- secure the acquisition of all land required,
- provide objectors to the scheme with a forum to outline objections,
- facilitate acquisition of lands within a reasonable timescale,
- afford an arbitration forum to assess compensation,
- enable the Council to plan programme for the scheme,
- permit the Council to acquire proper title to unregistered land and
- facilitate implementation of Development Plans for the area.

6.2.6. The development is stated to be consistent with the proper planning and sustainable development of the area and this is supported in an attached statement by Frank Moylan, Senior Planner certifying this to be the case. This was elaborated upon during the oral hearing by reference to the current plans and preparation of the draft development plans and to planning decisions in the area.

6.2.7. The lands are also certified by Emer Concanon, Senior Engineer to be suitable necessary for the purposes of the orderly development and construction of the Urban Improvement Scheme.

6.2.8. In the oral hearing the local authority highlighted the following factors and features in the design:

- The nature of collisions
- Traffic congestion and stacking capacities
- Application of DMURS
- The drainage consideration in the main-line road alignments

- The junction improvements at Markievicz Rd junction, the Duck St junction and the Rosses Point Rd junction
- Improvements for pedestrians and cyclists through upgraded footpaths and cycle lanes, segregation and signalled crossings.
- Consideration of alternatives
- Traffic safety
- Flooding
- Drainage
- HAWRAT (risk) assessment in accordance with TII standards for road drainage and the water environment
- Structures
- Environment and ecology.

6.2.9. The planning authority also took the opportunity to address the concerns of objectors.

6.3. **CPO Objections and Local Authority Response**

6.3.1. One letter of objection was received from an agent representing 4 parties. The grounds of objection are stated in general form and are based on the interference with the enjoyment of their properties. The letter states that its purpose is to ‘...object to the making of this Compulsory Purchase Order in the strongest possible manner as it is a direct violation of their constitutional right to the quiet enjoyment of their property.’

6.3.2. Despite requesting a reserving of the right to attend an oral hearing, the objectors did not attend the oral hearing. The basis for grounds of objections was not therefore elaborated upon. However, during the oral hearing the local authority referred to the objections relating primarily to the attenuation pond location.

6.3.3. With respect to the objection it is clarified that:

- All land being acquired is required for the purpose of the proposed development.
- The requirement for the drainage treatment facility on the outfall of the Copper River was based on findings of the cumulative assessment undertaken in the Highways Agency Risk Assessment. The drainage treatment facilities have been sized and designed in accordance with TII published standards.
- It was further explained that the public open space bounded by the N15 and the R291 to the west of the road was investigated as an alternative location to the treatment facility. However, the available space was limited in its scale and capacity to permit fencing maintenance access and site boundary setback and

would compromise the delivery of cycle and pedestrian crossing. Space is also limited by the need to retain access for other houses.

- The available space is further limited by the junction visibility zone. Which is required for the purpose of assessing visibility within the junction. The require security fencing would be a major obstruction.
- It is also explained that the N15/ R291 junction contains a large amount of important services. A map illustrating the utilities was submitted.

7. Section 177AE Application Submitted

7.1. Sligo county council has prepared an NIS and is seeking approval from the Board for the proposed development under Section 177AE. Documents include: an NIS Notice, a Screening Report for Appropriate Assessment, the NIS, an EAR, Planning Reports and drawings as required under Section 177AE.

7.2. Screening for Appropriate Assessment

7.2.1. The AA screening exercise (as set out in document entitled Appropriate Assessment Screening and Natura Impact Statement) was prepared by consultants on behalf of the local authority. The information submitted provides information to inform the decision as to whether or not the proposed development is likely to a have a significant effect on European sites in the context of their conservation objectives.

7.2.2. The process is stated to have been informed by statutory and other published guidance for methodology and also by consultation with the NPWS to determine potential effects and impacts on qualifying interests (QI) associated with Cummeen Strand /Drumcliff Bay SAC and Cummeen Strand SPA. This is stated to have informed the survey scope and detailed design process such as embedded mitigation and best practice construction methods.

7.2.3. Table 2.1 lists the surveys of species/habitats which could be qualifying interests. The surveys recorded the distribution and condition of potential QIs and the areas surveyed over an appropriate time range and within a range distances of up to 10m from the boundary to over 1.1km

7.2.4. The proposed development is stated to have been designed to avoid habitat loss in the adjacent Cummeen Strand/Drumcliff Bay SAC and Cummeen Strand SPA. While the site borders and partially overlaps a European site, encroachment into the designated site has been avoided by developing within the existing footprint. Temporary movement of machinery will, however be required to cross a QI habitat of the SAC and QI of the wetland habitat of the SPA during the construction of the

proposed retaining walls. However, it is stated that there will be no lasting damage or removal of any QI habitat within any European site.

7.2.5. Pollution control is controlled by mitigation in the operational surface water treatment system. A preliminary Erosion and Sedimentation Control Plan has been developed and is part of the NIS. This details specific pollution prevention measures.

7.2.6. Cummeen Strand/Drumcliff Bay SAC, Lough Gill SAC, Cummeen Strand SPA, Sligo Leitrim Uplands SAP, Ballintemple and Ballygilgan SPA, Ardboline Island and Horse Island SPA were identified within a 10km range for examination for potential source – Pathway Receptor Links. All other sites are screened out because they are not within the Zone of Influence of any significant effects including in-combination effects.

7.2.7. The qualifying Interests identified for which likely significant effects could not be excluded are identified as being

- Estuaries, River Lamprey, Sea Lamprey which relate to Cummeen Strand/Drumcliff Bay SAC and
- Redshank, Oystercatcher and Wetlands which relate to Cummeen Strand SPA

It has accordingly been determined that an Appropriate Assessment of the project is required as significant effects on these European sites cannot be excluded on the basis of objective information.

7.3. NIS

7.3.1. Building on the information in the AA screening process and detailed Likely Significant Effects (LSEs), the NIS outlines the potential effects and proposed mitigation for the proposed development. The NIS follows 5 steps:

- **Step 1** sets out information required.
- **Step 2** identifies conservation objectives
- **Step 3** identifies predicted effects at both construction and operation stages and these are set out for each QI in Tables 6.9 and 6.10. The effects are based on identifying the source-pathway-receptor chain(s) having regard to the relevant conservation objectives.
 - Pollution is identified as the key pathway for Estuaries and Sea Lamprey and River Lamprey in the SAC

- Disturbance is identified as a pathway for Redshank and Oyster catcher in the SPA
- Pollution is also identified as the key pathway for Wetlands in the SPA.

Adverse effects on estuaries and accordingly the integrity of Cummeen Strand SAC is identified in combination with other plans/projects in the **absence of mitigation at construction stage**. Otherwise no pollution effects predicted during operation.

No adverse effects are identified on the integrity of the conservation interests of the SPA

- **Step 4** sets out mitigations measures which are both inherent in Design and in the form of pollution mitigation at construction.
- Finally, in **Step 5** it is concluded that following implementation of the proposed mitigation, the construction and operation of the proposed development would have no adverse effects of the integrity of any European Site either alone or in-combination with other plans or projects.

7.4. **Observations by Prescribed Bodies**

7.4.1. Prescribed bodies (as listed in the letter of application from the County Council dated 13th July 2017) were notified in accordance with section 177AE(4)(b) of the Act in relation to both the NIS. The following bodies responded.

7.4.2. **Inland Fisheries Ireland:** The IFI does not object, but refers to the declining ecological status of the Garavogue and Copper Rivers and points out that these rivers are at risk of not meeting the target of good ecological status as set out in the Water Framework Directive. Robust protection measures are accordingly required and the IFI recommends a range of measures such as those set out in the EAR such as; detailed design of the attenuation pond in accordance with IFI, invasive species management, detailed culvert design prior to contract issuance, an erosion and sedimentation control pan and in-stream works and use of bunded areas for fuel/chemical storage use of drip trays.

7.4.3. **Health Services Executive:** No objections subject to implementation and maintenance of mitigation measures detailed in the EAR and in particular those concerning groundwater and surface water during both construction and operational phases.

7.4.4. **Transport Infrastructure Ireland:** No comments to make.

7.5. **Reponses to submissions**

- 7.5.1. There are no written responses to the objections and observation. However, at the hearing, the local authority justified in detail the proposed works with particular reference to the siting of the attenuation pond.
- 7.5.2. The local authority confirmed at the oral hearing it had no issue with implementation of the requirements of Inland Fisheries and that there was no conflict with the timing of proposed works and protection of the aquatic environment.

8. Oral Hearing

- 8.1. An oral hearing was originally planned for early November but was deferred with agreement of the parties to facilitate discussion between the Council and objectors. The written objection was not withdrawn and it was decided to proceed with an oral hearing on 8th November. Sligo County Council attended the oral hearing and was represented by consulting engineers, an ecologist and a solicitor in addition to its technical staff including the project engineer and senior planner. This inspector was verbally informed prior to the hearing that the objector's representation would not be attending, nor was it likely that the objectors would attend. It was decided to proceed with the hearing in accordance with the written notice to the parties in view of possible attendance by concerned parties and that it may also be beneficial to clarify some matters.
- 8.2. The oral hearing proceeded with the presentations of the reasons for and nature of the proposal by the local authority team wherein errata were addressed in addition to responding to the objections and submission by the IFI. The HSE which made a submission, attended the hearing but made no further submissions. This inspector sought clarity in respect of matters relating to the other development in the area, the development plan objectives for the area, existing drainage, aquatic environmental impacts, pedestrian improvements among other issues and these were substantially addressed. The hearing was short and concluded within three hours of commencement at 10a.m.

9. Compulsory Purchase Order Assessment

9.1. Community Need

- 9.1.1. The main objectives of the Scheme are related directly to improving the capacity in the road network to cater for existing and future traffic and to improve road safety and reduce accidents. This comes from concerns about deficiencies in the existing road network in terms of capacity and safety. The scheme builds on the objectives for the Inner Relief Scheme which sought to remove traffic from the congested city

centre and improve access to Sligo and its environs. It is proposed that the provision of improved traffic management measures including the improvement of traffic signal co-ordination along the route corridor will allow for improved traffic flow and encourage traffic away from the congested city centre and this will in turn facilitate the enhancement of pedestrian and cycle infrastructure and amenities in this area.

- 9.1.2. The basis for the detailed design approach which follows best practice guidance is backed up by traffic data as set out in the Preliminary Design Report.
- 9.1.3. The scheme has been specifically designed to address the eighteen accidents along the extent of the scheme and provide a more structured traffic environment while accommodating increased cycling and pedestrian infrastructure. The off-road cycle facilities will cater for inexperienced cyclists in a segregated environment.
- 9.1.4. Having inspected the site and environs and examined the submitted design documentation, I am of the opinion that the scheme will lead to improvements both along the corridor and within the wider town centre area. The improved signalled pedestrian crossing will enhance safety and allow for predictable travel times. I concur with the conclusion of the design team that the scheme will deliver positive net benefits to the local community as well as to the regional and national economy in terms of savings on time and fuel in addition to improved safety and community health benefits. Furthermore, the provision for the Scheme as part of a modern and efficient transport network will facilitate continued economic development of the area by maintaining a strong connectivity between Sligo and the wider strategic centres of development through the national road network. There will also be benefits of enhanced amenity space as a consequence of the removal of some slip roads and general rationalisation of the more northern junction (at R291/N15) into a T format and this provides for a better environment for segregated uses as well as enhanced visual benefits.

9.2. **The extent and suitability of lands sought for acquisition**

- 9.2.1. The majority of land within the footprint of the proposed development is under the ownership of the county council. The lands involve a total area of 3.77 hectares subject of permanent acquisition as described in the First Schedule of the Order. The lands also involve an area of 0.28 hectares subject of temporary acquisition as set out in the Second Schedule. The proposed scheme also includes the extinguishment of two public Rights of Way as set out in the Third Schedule. The total area amounts to 4.05 hectares. Of this, 3.77ha is for permanent acquisition in order to re-align the road and junctions and complete drainage works. The residual area of 0.28 hectares is for access during construction (12 months) and is only needed on a temporary basis.

- 9.2.2. The plots to be acquired are small pieces of larger landholdings. They are concentrated, for the most part, in narrow strips alongside the existing road carriageway as the expansion and accessibility at these points would facilitate the re-ordering of space along this linear route and also expansion at junctions. This will in turn facilitate multiple road users and the segregation of users – pedestrians, cyclists and drivers. A larger plot for the attenuation area is sited along the northern side of the Copper River and encroaches more deeply into the lands at this point. The landowners will be affected to varying degrees and include the Local Authority, HSE, owners (objectors) of undeveloped, commercial land subject to C2 mixed use zoning and a small number of residential properties.
- 9.2.3. Residential land take from private curtilages/grounds is required in two different areas. The first is in the form of a strip around the edge of a corner dwelling at the Cartron Hill(R291)/N4/N15 junction- the Kilronan property - a large prominent site with extensive frontage of a large front garden with a mature belt of evergreens. The second relates to small parcels of an amalgamation of front gardens of houses at Suncroft Villas. These gardens are detached from the houses by way of an intervening driveway/courtyard between the garden and the front façade of the residential terrace. While the curtilages/grounds of the properties will be reduced, it only constitutes a small portion of the land with a large buffer between the residences and public road still being maintained.
- 9.2.4. The HSE campus lands which incorporate a Protected Structure – Markeivicz House – will have its modern boundary altered – it is proposed to setback and rebuild the boundary which will involve removing the wall and railings and also constructing a wall as a noise attenuation measure and this will encroach a little into its parkland setting and require some internal landscaping/layout revisions which I do not consider to be material in that it is extensively grassland laid out in contemporary campus style format and of no particularly significant design or horticultural merit. In this regard I note that the HSE has raised no objections in its written submission, nor did its representatives raise any issues at the hearing.
- 9.2.5. The main area of contention relates to the lands stated to be necessary for the proposed attenuation pond which is required for an improved surface drainage system and which will require a new additional area alongside the road corridor as there is presently no attenuation. The landowners affected (family/ executors for Pdraig Flanagan(deceased)) have objected only in the most general of terms. The local authority during the hearing explained how this matter was the subject of discussion with the objectors. It was explained how the land, as a possible alternative, on the seaward side of the road was constrained primarily by virtue of size, location of utilities (as illustrated in a map submitted at the hearing) and access and therefore was not a viable option for the required attenuation pond. With reference to this reasoning the local authority makes the case for the attenuation pond on these lands to deal with run-off. The land necessary to be

acquired presently constitutes only a small portion of the respective holding of which it forms a part (about 300sq.m. of net usable zoned C2 land area which leaves a residual area of an estimated 1.7 hectares in that same commercial zoning) and is residual in terms of use.

- 9.2.6. With respect to temporary acquisition, the re-alignment of the existing stretch of retained road and bridge requires rebuilding of the retaining structures to support the widened sections in particular, and this requires temporary acquisition of lands for access. The acquisition and use of land on the coastal side poses a potential conflict between conservation of sensitive habitats and species and construction activities. These issues are addressed in the appropriate assessment and NIS.
- 9.2.7. The re-alignment involves the closing of two slip roads at the northern junction which will be reinstated as open space alongside the narrowed new T shaped junction. There are public rights of way at present and it is proposed to effectively retain these rights albeit in a re-located route in a re-ordered space which will retain vehicular access for houses to the west.
- 9.2.8. I am satisfied that the lands by reason of juxtaposition with the existing road corridor, and alongside Copper River are suitable for the purposes of the road realignment works and drainage works. I am also satisfied that the lands for the attenuation pond being proximate to the River to which it will discharge, and alongside the road corridor, are suitable for the purpose of the proposed works. The lands to be acquired are accordingly necessary to achieve the proposed works.

9.3. **Compatibility with Development Plan Provisions**

- 9.3.1. I have examined the Development Plan for the County and Environs and the current Draft Plan and noted the comments of the Senior Planner in respect of compliance with the development plan objectives for the area.
- 9.3.2. The planned improvement of the road carriageway which is based on up to date traffic data and involves the omission of slip roads and enhanced signalled crossing, will, I accept, enhance the safety for all road users (drivers, pedestrians, cyclists) and this accords with the policies and site specific objectives for the area in respect of transportation and accessibility. This, in turn, is, I note, supported by national and regional policy.
- 9.3.3. The works involve alterations to a road and bridges alongside an area of both recreational and visual amenity, being a coastal route with pedestrian links. While the works involve the stripping of coastal vegetation, I consider the proposed landscape measures which include both hard and soft landscaping and attention to details of materials and planting will facilitate the assimilation of the development so as not to detract from the visual amenities of the area. These measures together

with the enhanced facilities for pedestrians and cyclists are also compatible with the greenway policies in the Development plan.

- 9.3.4. The diversification of small sections of private residential space which are subordinate in size proportionally to both the Kilronan property and Suncroft Villas, will not, in my judgement, compromise to any significant degree, the continued existing residential use or enjoyment of the properties in residential use. In this regard I note the noise surveys and absence of material increase in disturbance and also the retention of buffers between the road and respective residences. Furthermore, with the reinstatement of landscape planting and boundary treatment, the residential suburban character will be maintained.
- 9.3.5. In the case of the attenuation pond the character of the remaining lands will be essentially retained as it is located in undeveloped fallow lands that are partly wet grassland. In the longer term, development will not be unduly compromised due to the existing recessed and fragmented building line, restricted vehicular access onto this type of road and the alternative road frontage and also the size of the remaining land bank under the same zoning in the area. While the potential development area will be reduced by somewhere in the order of 300sq.m. the remaining lands are substantial.
- 9.3.6. In terms of impact on the urban landscape and fabric, the proposed works relate to disturbed ground in an urban setting, yet the design is respectful of the built heritage. In particular, the culvert works which directly impact the Copper River Bridge will retain the original arch head in order to retain the historic fabric. I do not consider the alterations to the HSE grounds, in which Markiewicz House is located, to be material to the House due to the extensively remodelled grounds which incorporate extensive new buildings, parking and grass banks along the altered boundaries particularly along the formerly realigned N4 and I also note that the grounds/gardens or boundary features are not specified in the Record of Protected Structures. The rebuilding of boundary walls in a manner consistent with existing is also acceptable and compatible with the preservation of amenities.

9.4. **Consideration of alternatives to meet community need**

- 9.4.1. Alternatives were considered as referred to in section 3 of the EAR (Vol.2 of 4). They include a do-nothing and do-minimum scenario, and three different do-something scenarios which include variations of aspects of the selected scheme (scenario 3).
- 9.4.2. In the first instance, I note that this scheme constitutes only a portion of improvements originally planned for the entire route within the city and from Hughes Bridge to the county boundary. Upgrading to the N4 has been phased, with the work to the south on Hughes Bridge being already completed. The alternatives considered are mainly a different design approach to enhancing the capacity and

safety of the N4/N15 Corridor. I am satisfied that the selected scenario 3 has been considered in the context of alternatives, and is based on criteria such as traffic data with a view to achieving the objectives compatible with both the development plan and the safety of all road users.

9.5. Conclusions

9.5.1. On balance, I am satisfied that the proposed scheme meets a valid community need in so far as it will reduce the risk of traffic hazard and improve drainage arrangements and is accordingly in the interest of public safety and well-being in addition to having potentially wider environmental benefits, save as determined by an appropriate assessment. Furthermore, I accept the scheme to be representative of a fair, rational and considered approach which has evolved from a number of planned projects along the route corridor and is in my mind a logical extension of previous improvement works and a means to achieving longer term objectives along the corridor. The development is designed in an orderly manner that is respectful of the existing built and natural environment and is consistent with the objectives of the development plan. Having regard to the need and approach to the scheme, I do not consider the objections to the scheme in respect of the objectors' lands stand up scrutiny in view of the existing use of lands. I am of the opinion, based on the submissions, that, neither the current amenities or future use or development of the lands in the area will be unduly compromised in the context of the development objectives for the area.

9.5.2. There are further comments on proper planning and sustainable development in the following sections which should also be read in conjunction with this CPO assessment.

10. Assessment of application for approval under section 177AE

10.1. General

10.1.1. Under the provisions of this section the Planning and Development Act the Board is required to consider:

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

10.1.2. The local authority supplied a number of documents including an Appropriate Assessment Screening and Natura Impact Statement Report, and Environmental Assessment Report in 4 volumes which include a range of specialist reports. These

provide a basis on which to assess the above implications of the proposed development in accordance with S.177AE (6).

10.2. **EIA Screening**

10.2.1. The proposed road and bridge works are located in a coastal suburban area within the Sligo Town environs. The lands relate to an existing established road corridor where frontage development is limited and comprises some dwellings and HSE facilities but is mostly residual open space/ road corridor space alongside partially low density developed and undeveloped land. It is in an area without any specific visual landscape or historic designations and the main constraint is the conservation designations falling on the Garavogue Estuary/Sligo Bay area over which the existing road development footprint partially overlaps. The construction works associated with the reconstruction of the bridge and retaining structures and confined within the existing development footprint may potentially impact on surface water and cause disturbance with consequential impacts.

10.2.2. The applicant submitted an EIA Screening Report (Appendix 1.1 of the EAR) which concluded that it was sub-threshold having regard to the Roads Act (Article 27 of the EC (EIS) Regulations 1989 in accordance with section 50 of the Roads Act 1993) and not likely to have any significant impacts on the environment. This conclusion was based on a methodological review of the project following published guidance by the DoH, NRA and EC. The potential impacts are identified and there is, it is stated, an increased probability of impacts on air quality, noise, human beings, ecology (loss of habitat with road widening) and landscape during construction. However, effects are stated to be temporary and minimal by following best construction practice guidance. The inclusion of the attenuation pond, landscaping works and noise abatement measures have been incorporated into the design such that significant effects are not anticipated during operation. Due to the proximity to the Natura 2000 sites the likely effects on these are addressed in the NIS which concludes that the construction operation would have no adverse effects on the integrity of any European sites either alone or in combination with other plans or projects. Having reviewed the documents and the site, I am in agreement with this conclusion regarding a need for an EIA as, having regard to the scale of the development on substantially developed lands and which incorporates enhanced surface water management measures as compared to existing arrangements, I do not consider there are any circumstances such as specific environmental sensitivities or attributes of the proposal that would require a sub-threshold EIS.

10.3. **The Likely Effects on the Environment**

10.3.1. The submitted documentation, in addressing environmental impacts, follows broadly the requirements for EIA, but is not an EIS. I consider the information and analysis to be broadly acceptable in extent and in the detail of the assessment and

conclusions. Each section sets out mitigation measures and are I consider part of the application.

10.3.2. **Human Beings and Social Economic:** The assessment concluded that there would be no significant negative impacts on any socio-economic aspects during construction. It is however anticipated that there would be slight positive social-economic benefits associated with economic and employment activity at this stage.

10.3.3. At operational stage, over the longer term, it is anticipated that there would be no significant negative impact. The impact on land use and development is anticipated to be neutral with the exception of some individual landowners. It is also anticipated that there will be some residual socio-economic benefits associated with traffic management and travel times. I concur with this and I also consider the positive impact of enhanced transport choices such as cycling and walking have the potential to have a positive health impact.

10.3.4. **Flora and Fauna:** An assessment has been undertaken in line with the NRA Guidelines for Assessment of Ecological Impacts of National Road Schemes. The subject land take is identified as being within an urban area and comprises mainly built lands and other urban habitats. Notwithstanding, detailed consideration has been taken of the Estuary and Rivers over which the N4/N15 crosses and the designated European sites within 15km of the development site and access thereto. In addition to the findings of the NIS, (which is later addressed in the Appropriate Assessment section of this report) specialist field surveys revealed a number of protected species, namely birds and bats, recorded in the vicinity of the proposed development.

10.3.5. Invasive species were identified along the Garavogue Estuary Shoreline and hedged boundary alongside the existing road.

10.3.6. Key sources of ecological impact at construction stage are:

- Surface water run-off during construction,
- Removal/damage to habitats,
- Mortality/injury to terrestrial species during vegetative clearance,
- Disturbance due to lights, vibration and noise, human activity and
- Spread of invasive species.

10.3.7. It is anticipated that with the implementation of the following mitigation measures that no residual impacts above local level at either construction or operation stages will arise. These measures include:

- Erosion and sediment/silt control plan which is set out in considerable detail in Appendix 6.6 and confirmed as being implementable at the oral hearing,
- Species rich native grass seed mixes and scrub hedgerow mixes to be used for landscaping,
- Site compound to be located on existing hardstanding,

- Invasive Species to be treated prior to construction, precautionary measures at construction stage to prevent pollution of water and disturbance of species.
- Vegetation not to be removed between March and August and
- Monitoring by ecological clerk of works.

- 10.3.8. During the hearing the local authority explained about the success of an active Invasive Species Management Plan in the vicinity of the site and which included the fallow lands to the east (of which the proposed attenuation pond land is a part) and that the knotweed identified in the surveys is under better control than at time of the EAR surveys. This is an ongoing issue in hand.
- 10.3.9. The local authority also confirmed that the attenuation pond was adequately sized to the latest standards.
- 10.3.10. On balance, I am satisfied that the incorporation of the mitigation measures and in the context of the local authority invasive species management that the proposed development is unlikely to result in any significant negative residual impact at either construction or operation stages.
- 10.3.11. **Surface water:** The main water feature in the study area (within and including 250m of site) is the Garavogue River and Estuary whereas the Copper River is described as minor. The main sensitive receptor is the Garavogue Estuary and its catchment, which is a migratory route for a number of fish species, four of which are listed in the Red Data Book. In terms of human based receptors there is no drinking water abstracted within the study area. Potential impacts on the surface water are identified as:
- Water quality impact on receiving water and streams for routine carriageway run-off and spillages.
 - Increased risk of flood as result altering the existing watercourse conveyances/runoff volume/rates.
 - Construction work in or adjacent to watercourse including the Copper River Bridge.
- 10.3.12. I am satisfied that based on the Flood Risk Assessment carried out in line with the statutory guidance that flood risks and impacts associated with the proposed development are low and negligible. In this regard, I further note that the local authority confirmed that this assessment has been carried out in accordance with the latest standards and available data and adequately addresses risk.
- 10.3.13. The construction activities pose the greatest risk for water quality. This is the critical aspect of the environmental sensitivity of the site. For example, the Garavogue River and Estuary are achieving good status under the Water Framework Directive and this must be maintained. The data indicates Copper River to be of poor status. A number of mitigation measures are proposed to prevent or reduce the amount of sediment released into the watercourse and the local

authority confirms it is satisfied that the contractor will be required to adhere to this and this is achievable as further confirmed at the oral hearing.

- 10.3.14. Of significance, there is an increased collection of run-off which is to be collected in three separate catchments and each of the outfalls will be fitted with a petrol interceptor. The introduction of this system and the introduction of an attenuation pond and interceptor will provide a means of regulating and controlling pollution if any. This is critical where run-off may contain pollutants that may have an adverse impact on water quality. On this basis it is reasonable to conclude that with the implementation of the design and mitigation measures, deterioration in water quality is unlikely at any stage and may in fact be improved at operational stage.
- 10.3.15. **Geology, Soils and Hydrogeology:** As the site is substantially underlain with made ground there is potential for contaminants to be present in the soil to be released during construction. This impact from excavation is described as temporary and moderate. It is proposed that during construction, safe methods of work will be implemented and measures will also protect workers from direct interaction with any potentially contaminated soil, contaminated groundwater or material and only using appropriate PPE as a last resort. These measures will be accompanied by appropriate waste management procedures to be approved by Sligo County Council.
- 10.3.16. **Hydrogeology:** The assessment of likely impacts to ground water concluded that the significance of impact from accidental spills is slight for the made ground/glacial till and imperceptible for the bedrock. It is further stated that all other possible impacts were deemed to be imperceptible.
- 10.3.17. The extent of sheet piling as part of the retaining wall construction was discussed at the hearing and it was clarified that the piling would not penetrate through underlying bedrock into the ground water.
- 10.3.18. **Air Quality and Climate:** The greatest impact to air quality will be by way of dust emission arising from construction activities such as earth moving, excavation and backfilling. Vehicle travelling to and from site will also be a potential source and in this regard I note that volumes in the order of 1600 cubic metres of material is proposed to be imported to the site. It is proposed to put in place dust minimisation measures during this temporary construction phase. The appointment of an ecological clerk of works to supervise will I accept minimise the risk of impacts.
- 10.3.19. At the operation stage, air quality will be influenced by traffic flow and this has been modelled for under various traffic scenarios. This found that traffic-derived air pollutants will not exceed the ambient air quality standards either with or without the proposed development and that the impact would be imperceptible as measured in five sensitive receptor locations.

- 10.3.20. The likely impact of air quality on ecology was found to be not significant.
- 10.3.21. Gashouse emissions were assessed to be imperceptible in the both the short and long term due to the scale and nature of the proposed development.
- 10.3.22. Having regard to the detailed construction management plan such as measures in the erosion and sediment control plan which address construction methodology and dust minimisation in detail, I am satisfied that there will no long term residual impact on air quality.
- 10.3.23. **Noise and vibration:** Notwithstanding a range of noise mitigation measures such as adherence, during construction, to best practice by way of, timing of works, silencers and acoustic covers among other measures to control noise, two out of eleven receptor points require noise abatement measures at operational stage. It is proposed to heighten and lengthen the existing boundary wall along the HSE Sligo Primary Care Centre to mitigate noise and meet the design goals as set out in the NRA guidelines. Given the existing railing boundary, I accept that this will permit some abatement. (Furthermore, the use of stone to match existing plinth wall to the railing will tie in with existing finishes).
- 10.3.24. I accept that vibration is unlikely to be of a significant magnitude to cause any disturbance at operational stage. Problems in this regard are identified as being attributable to road surface which can be largely avoided with routine maintenance.
- 10.3.25. **Landscape and Visual:** The landscape is suburban but not without visual amenity. The open aspect provides for distant views across the Bay and there are also some localised features in this coastal setting. The EAR refers to the existing aspects such as this coastal setting, the presence of amenities including art works, plaques and features, physical boundaries to immediately adjoining properties, including a protected structure, the presence of trees and other planting. The main aspects for significant landscape and visual impact are:
- Loss of ground at Salmon Point – a small park
 - Loss of regenerated trees and shrubs along coastal fringe north of Salmon Point
 - Loss of grounds and boundary wall along HSE western boundary to grounds which include Markievicz House - a protected structure.
 - Impact on Copper River
 - Loss of grounds and mature boundary at Kilronan house
- 10.3.26. A range of mitigation measures in the form of landscaping features are proposed to assimilate the scheme with the existing landscape. Measures such as re-using and matching of material along new boundary walls and surfaces, in addition to planting schemes are proposed. I consider this a reasonable approach to maintaining the landscape character.

- 10.3.27. **Archaeology, Cultural Heritage and Architectural Heritage:** A total of six sites were identified in the vicinity of the site - four of local importance and two of regional importance. Markievicz House, a protected structure, is one of a number of buildings as part of the HSE complex and the boundary wall alterations pertain to this complex. However, this is a modern wall on a modern road alignment and no original features are impacted upon. While this is a potentially significant impact in relation to the boundary of Markievicz House, I note that the house grounds and curtilage have been considerably developed. The proposed setting back of the boundary will be to an already considerably altered boundary and are not part of the intrinsic features of the house itself (and, I note, not part of the protected structure record) and would not therefore, detract from its setting or integrity.
- 10.3.28. The impact on Copper River Bridge was assessed as imperceptible. As indicated in Appendix 11.2 of Volume 4 of the EAR a bridge at this location is marked on an 1821 map of Sligo Harbour. In its present condition it is described as a stone built structure but only the former western elevation is now visible above ground level due to previous road widening. The western elevation comprises a mortared stone wall with cow and calf coping and two buttresses. A CCTV survey indicates the survival of stone culverts. While these culverts are required to be removed the arch head is to be retained as clarified in the oral hearing. This is described as a moderate impact arising from the removal of culverts. While it is usually a loss to remove historic fabric in this case the needs for enhanced road and drainage system, the extent of modern intervention with the bridge and retention of key visual elements makes the moderate impact acceptable. However, an archaeological survey and record of historic fabric should be carried out. This is provided for in the mitigation measures. A condition of permission should be attached to further clarify this.
- 10.3.29. The other sites have no direct link with the development site or works. The EAR accordingly concludes that there are no impacts on these six sites and I am in agreement with this conclusion.
- 10.3.30. **Waste Management:** Waste will be generated during the construction phase as a result of the excavated materials/demolished structure, pile risings, surplus materials and general waste managements and the majority of this will not suitable for re-use. It is will be subject to regulatory control including a demolition and construction management plan. At operational stage the waste will be related to landscaping maintenance and littering which will be managed on an on-going basis by Sligo County Council as is its responsibility.
- 10.3.31. **Material Assets:** The main assets in this regard are impacts on major utilities and those arising from imported material. I also note that the siting of the proposed pond has been influenced by the need to protect multiple utilities traversing the existing open space at the foot of Cartron Hill and accordingly eliminating this as a possible pond location. Notwithstanding this design mitigation, the impact on

utilities during construction is potentially profound but with mitigation measures to protect utilities the impact is mitigated to imperceptible levels.

- 10.3.32. In terms of amenity infrastructure, Salmon Point, a small urban park area will be temporarily impacted on in terms of access and disruption.
- 10.3.33. The HGV traffic associated with importation material is potentially significant. This can be mitigated through best practice and a construction management plan and the further precautionary approach of engaging an on-site ecological clerk of works. It is also addressed in the Erosion and Sedimentation Control Plan. As it is temporary in nature it is not, I consider, a significant adverse impact.

10.4. The Likely Effects for The Proper Planning and Sustainable Development of the Area

- 10.4.1. A road scheme of this nature has two main strategic impacts on development; the first is the direct impact on transportation and accessibility and the second relates to the indirect impact on land use by way of land take and displacement and thereby influencing development patterns.
- 10.4.2. The proposed urban enhancement scheme, in my judgement, clearly accords with the specific policies and objectives in the current development plan in terms of targeted road improvements and also with the wider transport policies for the route corridor and city environs in terms of managing all road users. The upgrading of the road would improve links in the vicinity and the road also provides a vital connection between Sligo and the rest of the region. Accordingly, improvement to the management of traffic can only be a positive benefit in a local and regional context. The incorporation of alternative modes of transport to cater for local needs and the combined effect of this through enhanced facilities and reduced congestion will facilitate a more efficient and sustainable transport system both in the immediate environs, the city and the wider region.
- 10.4.3. The size of the lands involved in the development works within and alongside the existing road corridor and junctions are relatively small and owing to their residual nature in their existing respective capacities would not, in my judgement, detract unduly from the amenities of the respective properties presently enjoyed nor would they be, in my opinion, unduly compromised from continued use or future development as appropriate in the context of the current development plan. Aside from the HSE lands and objectors' lands which are dealt with below, I say this in the context of the following key lands and uses:
- The Salmon Point open space, while altered and re-landscaped, will remain as a functioning recreational amenity space.

- The intervening open space between the Cartron Hill housing and junction will remain reconfigured open space with a revised but retained access to the rear of housing.
- The land take along Cartron Hill will only involve a proportionately small encroachment into grounds of Suncroft Villas (houses). The existing boundary wall will be set back in the order of 5m out of circa 42m deep plots of segregated ground to the front of these houses. A further encroachment for access will only be temporary. Accordingly, the houses will retain extensive gardens/curtilages to the front.
- Kilronan House will similarly lose ground but the residence will maintain its garden and a setback of about 30m from the revised boundary to the façade and about 16m to the gable side. I note that the noise surveys did not record any material change in the noise environment of the property as a consequence of proposed development.
- The works, other than construction disturbance, in the vicinity of the petrol station will not materially alter its functioning.
- The retaining walls and replacement of boundary features will, subject to harmonising materials and finishes, not be visually incongruous and not detract from the orderly development of the area.

10.4.4. The main source of nuisance is that arising from traffic related noise. This is potentially aggravated by the setting back of mature boundaries. The only materially impacted property in this regard is the HSE. However, in this case the alterations to the boundary/ landscape buffer has been addressed through noise attenuation measures and this is appropriate. The grounds will be required to be re-landscaped in parts and this may involve some alterations to car parking and internal movement on a temporary basis but I do not consider that the function of the HSE facilities will be materially altered.

10.4.5. In respect of lands to the east of the N15, (Plots 113,110,118, ad 107), as these lands are undeveloped the issue of loss of amenity for occupants does not substantially arise. As previously stated the objectors have not elaborated on the precise reasoning for loss of amenity and enjoyment. The open aspect and character will be essentially retained and the vast majority of land will be left to continue to provide the present amenities afforded by the lands. It could be argued that the future development of land may be compromised by a loss of potential amenity. However, the zoning provides for a wide range of uses with a focus on commercial uses which is not, for example, as noise sensitive as residential development. In any event the intervening attenuation pond between the C2 land and the road would act as buffer to noise as well as providing a visual buffer which

is somewhat consistent with other plots of open space bordering the road. It is difficult therefore to see how amenities would be unduly compromised.

- 10.4.6. On balance, I consider the development of the C2 zoned land, which allows for a potentially wide range of uses, for the purpose of an attenuation pond and enhanced drainage system, would not, I consider, unduly compromise the development of the remaining C2 land in this area having regard particularly to the substantial holding of which the proposed attenuation pond forms a small part. The remaining C2 lands outside the development area form a sizeable area (in the order of 1.7hectares) with alternative road frontage to the east. There are no specific zoning designations or local policy objectives that would be either positively or negatively affected to any major extent, although I would consider on balance that the impact of the works would have a minor positive benefit in achieving the general strategic aims of improving traffic safety and transportation links between settlements. There will also be benefits to local drainage.
- 10.4.7. I consider it reasonable to conclude that the consequences on the proper and sustainable planning in the area will be of minor nature but generally positive. This is contingent on employment of the mitigation measures to ensure protection of amenities, particularly in relation to noise attenuation and boundary and landscape treatment. The issue of specific environmental impacts generally is addressed in 9.3 and also in the following section.

11. The Likely Significant Effects on a European Site

11.1. General

- 11.1.1. Compliance with Article 6(3) of the EU Habitats Directive: The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to management of the site but likely to have significant effect thereon, either individually or in combination with other plan 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.
- 11.1.2. The Natura Impact Statement: The application was accompanied by an NIS which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed

development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

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

- A desk top study
- An examination of aerial photography and maps
- A number of specialist surveys of the proposal site and surrounds including an aquatic and ecological survey, field surveys for Birds.
- Consultation with the National Parks and Wildlife Services and Inland Fisheries.

11.1.4. The report concluded that subject to implementation of best practice and the recommended mitigation measures, the proposed development would have no adverse effect on the integrity of any European Sites, either alone or in combinations with other plans or projects.

11.1.5. 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 6.8 of the NIS. I am satisfied that this information is sufficient to allow for appropriate assessment of the proposed development.

11.2. **Appropriate Assessment**

11.2.1. I consider the proposed urban improvement scheme to constitute works not directly connected to or necessary to the management of any European sites.

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

11.3. **Stage 1 Screening**

11.3.1. European Sites considered for Stage 1 screening: The following sites are at distances from 0km to approximately 20km from the proposed development site:

11.3.2.

European Site	Qualifying interest	Distance
1 Cummeen Strand/Drumcliff (Sligo) Bay SAC (00627)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210] Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220] <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Phoca vitulina</i> (Harbour Seal) [1365]	0 km
2 Lough Gill SAC (01976)	Natural eutrophic lakes with <i>Magnopotamion</i> or <i>Hydrocharition</i> - type vegetation [3150] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355]	0.4km
3 Union Wood SAC (00638)	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]	7km
4 Unshin River SAC (001898)	Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210] <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils	8km

	<p>(<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	
5 Ben Bulbin Gleniff and Glenade Complex SAC(00623)	<p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Transition mires and quaking bogs [7140]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Alkaline fens [7230]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous and calcshist screes of the montane to alpine levels (<i>Thlaspietea rotundifolii</i>) [8120]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p><i>Vertigo geyeri</i> (Geyer's Whorl Snail) [1013]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	6km
6 Streedagh Point Dunes SAC (01680)	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p><i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014]</p>	11km
7 Knockalongy Knockachree Cliffs SAC	<p><i>Trichomanes speciosum</i> (Killarney Fern) [1421]</p>	20km

(001669)		
8 Ballysadare Bay SAC (00622)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Phoca vitulina (Harbour Seal) [1365]	6km
9 Templehouse and Cloonacleigha Loughs SAC (00636)	Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140] Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]	20km
10 Drumcliff Bay SPA (04013)	Sanderling (<i>Calidris alba</i>) [A144] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Wetland and Waterbirds [A999]	6km
11 Cummeen Strand SPA(04035)	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]	0km
12 Ballintemple and Ballygilgan SPA (04234)	Barnacle Goose (<i>Branta leucopsis</i>) [A045]	13km
13 Ardboline Island and Horse Island SPA (04135)	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Barnacle Goose (<i>Branta leucopsis</i>) [A045]	14km
14 Sligo/Leitrim Uplands SPA (04187)	Clogher and Peregrine Falcon	6km
15 Balsadare Bay SPA (04129)	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]	6km

11.3.3. Source of impact: As the development is being carried out within the footprint of development already in existence there is no direct loss of habitats. The main impact associated with the rebuilding of the bridge and reinforcing/retaining wall

construction and realignment of the road will arise from the construction activity and risks arising during this process. The proposed works involve temporary construction works over a 12-month period.

- 11.3.4. The development notably involves instream works in Copper River in order to replace the culverts and rebuilding the bridge. The river at this location is tidal and flows into Garavogue Estuary which is part of the Cummeen Bay SAC/SPA. However, the Copper River is not part of a designated site. These works could potentially pollute waters and have indirect impacts on the water and aquatic environment downstream.
- 11.3.5. In terms of operational changes, the improvement scheme involves a permanent revision to drainage arrangements in an urban area that may potentially have a direct and/or indirect impact on the receiving environment. I am satisfied that as the works constitute an upgrading of drainage arrangements to include attenuation of run-off water and installation of interceptors at the discharge locations that the overall quality of water will be at least maintained if not improved and I say this on the basis of comparison with the present situation where there is no such attenuation or interception and also having regard to the baseline and projected water quality (e.g. existing high levels of Copper in Copper River will be reduced with the proposed attenuation system) . I therefore consider it reasonable that the only significant risk to water quality is through water contamination arising during construction activities.
- 11.3.6. In addition to the indirect impact of pollution, there is also the risk of disturbance of species by activity such as foraging and for this reason the Cummeen Strand SPA cannot be screened out.
- 11.3.7. The following risks can be excluded as being unlikely to arise:
- The risk of Invasive Species invading estuarine qualifying interest habitats can be reasonably discounted as they would not become established in a tidal zone. The indirect effects can similarly be discounted as other regulatory regimes militate the spread as evidenced in the local authority account of successful and continued control measures in the vicinity of the site.
 - The risk of water pollution at operational stage can reasonably be discounted due to the new installation of attenuation and treatment system which will be a positive measure in managing water quality.
 - The risks from temporary pumping of the Copper River and impact on migratory fish due to absence of QI fish for migration, feeding or spawning.

- The risk of significant air pollution as the change in NO_x concentrations consequent on traffic changes is half the 2 µg/m³ change triggering an ecological assessment.

11.3.8. The operational surface water treatment system mitigates potential pollution effects. Notwithstanding this embedded mitigation, construction phase interim risks such as run-off, silt, stored fuels or other toxic fuels cannot be mitigated through these measures.

11.3.9. While it is quite probable that precautionary measures during the construction phase are likely to prevent pollution arising generally, critically, the proposed development site partially overlaps two European sites; Cummeen Strand SPA, Cummeen Bay SAC. I concur with the screening conclusion that these sites cannot be screened out having particular regard to the threat and risk of pollution and accordingly the proposed development at this location necessitates a stage 2 Assessment. While the screening report screens out types of impacts on particular qualifying interests, I consider this matter is more appropriately addressed in stage 2 of the process for these sites. However, the indirect impacts that may or may not arise for other connected sites can, I consider, inform the screening out of other sites.

11.3.10. In view of the risks, characteristic and links, the following sites can be screened out

- Lough Gill SAC. This is .4km upstream and adjoins the Cummeen Bay SAC - the Garavogue River links both site. It is also drained by the Copper River where in stream works are proposed but these development works are downstream and in a river that has undergone much works and does not support the habitat or species that are qualifying interests for Lough Gill. In terms of source pathway receptor links, the connection is not significant.
- Ballysadare Bay SPA extends for approximately 10 km westwards from the town of Ballysadare, County Sligo. It is the most southerly of three inlets that form the eastern part of the larger Sligo Bay complex. The site forms an important component of this complex. Ballysadare Bay SPA is of high ornithological importance. The bay contains extensive intertidal sand and mudflats. The flats support good populations of macro-invertebrates which are important food items for wintering waterfowl. Also present on the intertidal flats are the vascular plants Eelgrass which provide food for herbivorous wildfowl. Well-developed salt marshes, which provide roosting sites for birds at high tide, occur at several locations around the bay. The sandy beaches around the Strand hill peninsula are used by roosting birds. The site is of special conservation interest for the following species: Light-bellied Brent Goose, Grey Plover, Dunlin, Bar-tailed Godwit and Redshank.

- Ballysadare Bay is important for a range of waterfowl species in autumn and winter. The populations of four other species are of national importance, i.e. Grey Plover, Dunlin, Bar-tailed Godwit and Redshank. A range of other species occurs, including Cormorant, Oystercatcher and Golden Plover among others.
- Ballysadare Bay SAC overlaps the SPA and, in addition to the characteristics of the SPA, is of high ecological value for its range of good quality coastal habitats. Actively developing dune systems are rare on the west coast and the sand dune system at Strandhill is of particular interest as a large and intact example of a habitat type which is under general threat from development. The rarity of intact dune systems is recognised in the listing of fixed dunes as a priority habitat on Annex I of the E.U. Habitats Directive. The salt marshes at Ballysadare Bay are relatively good examples for the west coast. The presence of two Annex II species within the site adds further importance. Furthermore, the bay supports nationally important numbers of waterfowl.
- Union wood is on the banks of the Ballysadare Wood and important for its woodland habitat. It has a spring-fed lake, Lough Arrow, as its source and flows north-westwards for some 24 km to reach the sea at Ballysadare Bay. The river supports a rich aquatic and emergent flora and runs beside or through a wide variety of habitats. The site also includes the Ballysadare and Owenboy/ Owenbeg Rivers.
- Union Wood, Unshin River, Ballysadare Bay are not hydrologically connected to the site and accordingly having regard to the distances in the order of 6km, a significant risk of pollution of the aquatic environment and indirect impact of species or habitats of interest is unlikely. On this basis I consider it reasonable to screen out these sites from further assessment.
- Ben Bulbin Glaniff Complex SAC is also removed from the site hydrologically. The site holds the finest examples of limestone cliffs in the country. These and the scree slopes below are home to extremely species-rich and diverse montane vascular plant, bryophyte and lichen floras, which include many Red Data Book species and species known only from this or one or two other sites in the country. The site holds a large number of petrifying springs, an extensive area of dry heath and a small area of alpine heath; much of the blanket bog on the site is eroding and of rather low quality. Several populations of the rare mollusc *Vertigo* geyser have recently been recorded from calcareous flushes within the site-these comprise the first records for Co. Leitrim. The occurrence of four pairs of Falcon peregrines breeding on the site is notable. The site is also utilised by *Lutra*. The site has a little known but potentially interesting invertebrate fauna. The site is the type locality for the Ben Bulbin shale, the Glencar limestone and the Dartry limestone. The desk

top and field surveys carried out by the applicant indicate an absence of source pathway-receptor linkages. Accordingly, having regard to the absence of any significant connectivity, I consider it reasonable to screen out this site.

- Sligo Leitrim Uplands SPA: The Sligo/Leitrim Uplands SPA is of considerable ornithological significance, being a site of international importance for Chough and of national importance for Peregrine; both species are listed on Annex I of the E.U. Birds Directive. This is described as area with Inland cliffs and scree slopes as its pre-dominant habitats. Other habitats present on the site include heath, blanket bog, grassland, scrub, woodland and streams. The cliffs hold an internationally important population of breeding Chough (14 breeding pairs recorded from the site in the 1992 survey and 15 in the 2002/03 survey). Chough forage mostly in unimproved, closely grazed grassland and flocks of up to 29 birds have been seen. The land on the plateau is, for the most part, vegetated by heath and blanket bog which is largely unsuitable habitat for Chough. The suitable grassland occurs mainly on the steep slopes below the cliffs. The extensive uplands on the plateau provide excellent habitat for Peregrine; the cliffs are ideal nesting sites and four pairs were recorded here in 2002. Small numbers of Red Grouse are also known to occur within the site. The site is not hydrologically connected. Nor does the site host a significant supporting habitat for the Chough or Peregrine species and having regard to the absence of any significant connectivity, I note this is supported by the desk top and field surveys carried out by the applicant which indicate an absence of source pathway-receptor linkages, I consider it reasonable to screen out this site.
- Ballintemple and Ballygilgan SPA: This site is 13km away and the Barnacle Goose is its qualifying interest. The fields at Ballintemple and Ballygilgan support an internationally important population of Barnacle Goose (1,838 – 4-year survey mean for the period 1993-2003). The population of Barnacle Goose at the site has increased in recent years (3,930 in 2008 and c. 5,000 in 2011) and is now the most important site in the country for this species. The geese feed for much of the winter on fields at Ballintemple and Ballygilgan, which are their core feeding sites, and roost on the nearby island of Inishmurray. The submitted information indicates that no source-pathway-receptor linkages have been identified either alone or in combination with other plans or project and that both desk and field surveys show the QI is not within the zone of influence of any likely significant effect even though the proposed development is within the 20km foraging range of this species.
- Ardboline Island and Horse Island SPA: The site is 14km away and the Barnacle Goose and the Cormorant are its qualifying interests. The site comprises two small marine islands located approximately 500 m from the mainland at Dooneragh Point in Co. Sligo. The islands support short coastal

grassland and are underlain by Carboniferous limestone, which is exposed at low tide as intertidal reef. The surrounding seas to a distance of 200m and an area of marine water between the two islands, where seabirds forage, bathe and socialise are included in the site. This SPA is of considerable conservation significance for its breeding Cormorant colony and its Barnacle Goose population, the latter a species that is listed on Annex I of the E.U. Birds Directive. The submitted information indicates that no source-pathway-receptor linkages have been identified either alone or in combination with other plans or project and that both desk and field surveys show the QI is not within the zone of influence of any likely significant effect. However, I note that the Cormorant was not identified in the list of QI in table 5.2. However, by reference to the bird surveys, the absence of suitable habitat (the site synopsis does not identify this Cummeen Strand area as supporting the Cormorant,) and availability of other suitable habitats at a remove from the site such as at Ballysadare Bay (the Bay to the south where Cormorants feed. (NPWS Site synopsis for Ballysadare) and in view of the limited scale of new development in an urban area and the substantial separation distance and limited potential for source pathway receptor link, I am of the opinion that this site can be reasonably screened out

- Knockalongy and Knockachree site which is 20km away and which is of interest due to the Killarney Fern is not connected to the site and due to this remoteness can be screened out.
- Templehouse and Cloonacleigha Loughs SAC is similarly 20km away and has aquatic habitats with which there are no obvious hydrological connections. It can therefore be screened out.
- Streedagh Dunes SAC relate to a coastal habitat which is about 11km at its nearest across land but north of a more northern inlet and at quite remove from the subject site. There is no meaningful hydrological connection and it can therefore be screened out.
- Drumcliff Bay SPA is about 5km at its nearest point and relates to the bay north of Cummeen Bay/Strand in which the site is situated. It is of conservation interest for a limited range of birds such as wetland and water birds (as in the case of Cummeen Strand interest) and also the Sanderling and the Bar tailed Godwit. The birds and habitat surveys indicate that the development site is not a likely roosting or feeding location for these QI species. I am also satisfied that the risk of disturbance to foraging species is unlikely given the embedded mitigation during construction. Having regard to these factors I consider that this site can be screened out.

11.3.11. The greatest risk of pollution is identified as that arising from in-stream works in the Copper River, which could in theory contaminate run-off, generate dust and

consequently contaminate and deteriorate water quality, however, the construction management plan will manage to prevent pollution arising. Furthermore, a detailed survey and assessment of the baseline situation was carried out by Aquatic and Ecological and Lamprey Assessment. Copper River was not important for juvenile lampreys or salmonid or for migration of species. The aquatic habitat was also described as unsuitable in terms of its environment for breeding due to compacted rock and clay substrate, hydraulic character such as slow moving (rather than fast) shallow and tidal waters less than ideal. The receiving waters therefore do not provide the right environs for species and habitats subject of conservation interest of sites potentially connected – most notably Lough Gill which is about .4km upstream. Furthermore, as species are unlikely to breed and consequently swim upstream there is no likely significant ecological connectivity. On this basis subject to good construction practice and absence of any sensitive receptor there is an unlikely risk of a significant effect on water quality and dependant aquatic species. As this demonstrates an absence of a source pathway and receptor link, Lough Gill can be screened out.

11.3.12. Based on my examination of the NIS report and supporting information including specialist survey work, most notably the Aquatic Ecological and Lamprey Assessment and bird surveys, concerns of Inland Fisheries, the NPWS website, aerial and satellite imagery, the scale and nature of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for Cummeen Strand/Drumcliff Bay SAC 00627 and Cummeen Strand SPA (site 4035) of the 15 European sites referred to above.

11.3.13. The remaining 13 sites can, accordingly be screened out for further assessment because of the survey findings, the scale and nature of the proposed works, the nature of the conservation objectives, qualifying and special conservation Interest, the separation distances and the lack of substantive linkage between the proposed works and the European Sites.

11.3.14. **Summary of sites and potential links for adverse effects**

Table 11.3.14

Site and code	Distance	Qualifying Interest	Potential Source pathway receptor link
Cummeen Strand/Drumcliff Bay SAC (627)	0m	Estuaries	Yes – pollutants during construction. NPWS has identified this as threat to Estuaries
		River Lamprey	Yes – pollutants during construction NPWS has identified this as threat to this species
		Sea	Yes – pollutants during construction

		Lamprey	NPWS has identified this as threat to Estuaries
Cummeen Strand SPA	0m	Redshank (Tringa totanus) [A162]	Yes -disturbance of feeding and roosting if construction Oct- April
		Oystercatcher (Haematopus ostralegus) [A130]	Yes -disturbance of feeding and roosting if construction Oct- April
		Wetland and Waterbirds [A999] Light-bellied Brent Goose (Branta bernicla hrota) [A046]	Yes – pollutants generated during construction could enter over-land run-off or discharge of contaminated water could enter Garavogue River/Estuary pollutants would affect water quality and bird invertebrate prey.

11.4. Stage 2 Appropriate Assessment

11.4.1. **Relevant European Sites:** The relevant sites area Cummeen Strand/Drumcliff Bay and Cummeen Bay SPA. They are each described below and the Conservation Objectives and Qualifying Interests including any relevant attributes and targets for these sites are set out in tabular format.

Cummeen Strand/Drumcliff Bay SAC

11.4.2. **Description :** This large coastal site is made up largely of two estuarine bays, Sligo Harbour and Drumcliff Bay. These are the estuaries of the Garavogue and Drumcliff rivers respectively. The estuaries are well sheltered and have extensive intertidal sand and mud flats. Coney Island provides the main shelter for Sligo Harbour, while a sandy/grassy spit protrudes from the Rosses peninsula and provides shelter for inner Drumcliff Bay. The site continues to the north-west of Drumcliff Bay to include the shallow marine waters of Brown's Bay. A series of small islands, notably Ardbolin, occur here. Other coastal habitats are represented, including sand dunes, salt marshes, sandy and boulder beaches, and bedrock shoreline. In addition, there is a scattering of dry grassland, wet grassland, swamp vegetation and broad-leaved woodland. Improved grassland is included for the

benefit of wintering geese. The site is largely underlain by Carboniferous limestone, but acidic rocks are also found at Rosses Point. An excellent series of fossilised corals occur at Serpent Rock in the north west of the site. The town of Sligo, a substantial urban centre with a regional port, is located along the eastern boundary of the Sligo Harbour section of the site. Agriculture is the dominant land-use in the surrounding catchments.

- 11.4.3. Importance: The estuarine and intertidal sand and mud flat habitats at this site are extensive in area, generally of good quality and show a good diversity of species and biotopes. *Zostera* spp. occur. These habitats are considered typical for the north-west region. The fixed dunes and shifting *Ammophila* dunes are small in area and only of moderate quality, though embryonic dunes are well represented. The site has a good example of petrifying springs with tufa formations, with several species of bryophyte typical of the Cratoneurion. The springs occur along seepage zones in clay sea cliffs. The site supports an area of Juniper scrub. The site has a nationally important colony of *Phoca vitulina*. Site is important for occurrence of the Annex II mollusc *Vertigo angustior* and the lamprey species *Petromyzon marinus* and *Lampetra fluviatilis*. A good diversity of waterfowl winter at site, notably internationally important populations of *Branta leucopsis* and *Branta bernicla hrota*. Site has regular populations of *Pluvialis apricaria* and *Limosa lapponica*, both Annex I Bird Directive species, and eight other species winter in nationally important numbers. *Phalacrocorax carbo* has a nationally important breeding colony and small numbers of other breeding seabirds occur. nationally important breeding colony and small numbers of other breeding seabirds occur.
- 11.4.4. The reason for designating Cummeen Strand/Drumcliff Bay SAC and Cummeen Strand SPA are summarised in the following table. Also, Tables 6.1 and 6.2 of the NIS identify the conservation status, key conditions for supporting favourable status and primary threats to these key conditions for each of the relevant QI for each site. The mapped presence of such QIs was, I note, verified by site walk-overs.
- 11.4.5. Section 6.5 lists the specific conservation objective for each habitat/species by reference to its attributes, size, target and notes where relevant for each site. On this basis, the predicted effects for both construction and operational phases are presented in Tables 6.9 and 6.10.
- 11.4.6. These effects take account of the in-combination effects as explained in section 5.4. They have regard to key ecological receptors to inform the cumulative impact and to potential projects which are notably absent in the area.
- 11.4.7. **Table 11.4.7 Cummeen Strand/Drumcliff Bay SAC (627) – 0km from site**

Qualifying Interest	Conservation Objectives	Potential Source Pathway Receptor Link										
Estuaries [1130]	<p>To maintain favourable conservation condition of Estuaries in Cummeen Strand/Drumcliff Bay SAC which is defined by the following attributes(A) and targets(T)</p> <table border="1" data-bbox="328 353 1067 1093"> <tr> <td data-bbox="328 353 612 416">A:Habitat Area</td> <td data-bbox="612 353 1067 416">T:Permanent habitat is stable or increasing</td> </tr> <tr> <td data-bbox="328 416 612 539">A:Community Extent</td> <td data-bbox="612 416 1067 539">Maintain extent of zostera-dominated community and + mytilidae-dominated community complex</td> </tr> <tr> <td data-bbox="328 539 612 633">A:Community structure: Zostera Density</td> <td data-bbox="612 539 1067 633">Conserve the high quality of Zostera dominated community</td> </tr> <tr> <td data-bbox="328 633 612 728">A:Community structure: Mytilus adulis density</td> <td data-bbox="612 633 1067 728">Conserve the high quality of Mytilidae-dominated community complex</td> </tr> <tr> <td data-bbox="328 728 612 1093">A:Community Distribution</td> <td data-bbox="612 728 1067 1093">Conserve the following community types: Intertidal fine sand with <i>Peringia ulvae</i> and <i>Pygospio elegans</i> community complex; Estuarine mixed sediment to sandy mud with <i>Hediste diversicolor</i> and <i>oligochaetes</i> community complex; Fine sand with <i>Angulus</i> spp. and <i>Nephtys</i> spp. community complex; Sand to mixed sediment with amphipods community; Intertidal reef community.</td> </tr> </table>	A:Habitat Area	T:Permanent habitat is stable or increasing	A:Community Extent	Maintain extent of zostera-dominated community and + mytilidae-dominated community complex	A:Community structure: Zostera Density	Conserve the high quality of Zostera dominated community	A:Community structure: Mytilus adulis density	Conserve the high quality of Mytilidae-dominated community complex	A:Community Distribution	Conserve the following community types: Intertidal fine sand with <i>Peringia ulvae</i> and <i>Pygospio elegans</i> community complex; Estuarine mixed sediment to sandy mud with <i>Hediste diversicolor</i> and <i>oligochaetes</i> community complex; Fine sand with <i>Angulus</i> spp. and <i>Nephtys</i> spp. community complex; Sand to mixed sediment with amphipods community; Intertidal reef community.	Yes – pollutants during construction NPWS has identified this as threat to Estuaries
A:Habitat Area	T:Permanent habitat is stable or increasing											
A:Community Extent	Maintain extent of zostera-dominated community and + mytilidae-dominated community complex											
A:Community structure: Zostera Density	Conserve the high quality of Zostera dominated community											
A:Community structure: Mytilus adulis density	Conserve the high quality of Mytilidae-dominated community complex											
A:Community Distribution	Conserve the following community types: Intertidal fine sand with <i>Peringia ulvae</i> and <i>Pygospio elegans</i> community complex; Estuarine mixed sediment to sandy mud with <i>Hediste diversicolor</i> and <i>oligochaetes</i> community complex; Fine sand with <i>Angulus</i> spp. and <i>Nephtys</i> spp. community complex; Sand to mixed sediment with amphipods community; Intertidal reef community.											
Lampetra fluviatilis (River Lamprey) [1099]	<p>To maintain favourable conservation condition of River Lamprey in Cummeen Strand/Drumcliff Bay SAC which is defined by the following attributes and targets</p> <table border="1" data-bbox="328 1211 1067 1335"> <tr> <td data-bbox="328 1211 612 1335">A: Distribution: extent of anadromy</td> <td data-bbox="612 1211 1067 1335">T: No barriers for migratory life stages of lamprey moving form freshwater to marine habitats and vice versa</td> </tr> </table>	A: Distribution: extent of anadromy	T: No barriers for migratory life stages of lamprey moving form freshwater to marine habitats and vice versa	Yes – pollutants during construction NPWS has identified this as threat to this species								
A: Distribution: extent of anadromy	T: No barriers for migratory life stages of lamprey moving form freshwater to marine habitats and vice versa											
Petromyzon marinus (Sea Lamprey) [1095]	To maintain favourable conservation condition of Estuaries in Cummeen Strand/Drumcliff Bay SAC which is defined by the following attributes and targets	Yes – pollutants during construction NPWS has identified this as threat to estuaries										
Mudflats and sandflats not covered by seawater at low tide [1140]	Not relevant in view of absence of source pathway receptor link.	Absence of source pathway links as absence of this QI habitat within the SAC in the immediate vicinity of the proposed development - not within a zone of Influence on the basis of field survey work										
Embryonic shifting dunes [2110]	Not relevant in view of absence of source pathway receptor link.	Habitat does not occur within the vicinity of the proposed development. As a terrestrial habitat there is no potential for pollution effect by hydrological pathways.										
Shifting dunes along the shoreline with <i>Ammophila</i>	Not relevant in view of absence of source pathway receptor link.	No source pathway receptor linkages – habitat does not occur within the vicinity of . As a terrestrial habitat there										

arenaria (white dunes) [2120]		is no potential for pollution effect by hydrological pathways proposed development
Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	Not relevant in view of absence of source pathway receptor link.	As above
Juniperus communis formations on heaths or calc. grass-lands [5130]	Not relevant in view of absence of source pathway receptor link.	As above
Petrifying springs with tufa formation (Cratoneurion) [7220]	Not relevant in view of absence of source pathway receptor link.	No source pathway receptor linkages identified – this habitat does not occur within the vicinity of the proposed development or within 250m of it (i.e. the distance within which intrusive works could result in effects to groundwater dependant habitats, according to guidance from SEPA. As a terrestrial habitat there is no potential for pollution effect by hydrological pathways proposed development
Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]	Not relevant in view of absence of source pathway receptor link.	No source pathway receptor linkages identified – this species does not occur within the vicinity of the proposed development. The nearest known is several kms away to the north in terrestrial habitats not at risk of pollution effects.
Phoca vitulina (Harbour Seal) [1365]	Not relevant in view of absence of source pathway receptor link.	No know terrestrial haul out sites for seals within 5km of proposed development as supported by mapped CO and site observation.

11.4.8. Potential Direct Effects

- The impact of machinery on mudflat and sandflat habitats which are qualifying interests is flagged as a potential effect. While it is mapped (NPWS) as ‘estuarine with mixed sediment to sandy mud’, the detailed surveys show this not be the case. There is a coarse gravel, cobble bed, rocks and boulders with seaweed and sparse sediments. Fine sediment is further out. Therefore, it is a habitat that is unlikely to support significant benthic communities associated with the mudflat habitat. The keystone communities are not present in the zone of

Influence. Accordingly, the Estuary habitat is the only habitat that is likely to be effected.

- Estuaries: The key to supporting favourable status is riverine freshwater, unimpeded tidal flow, shelter from open coasts and diversity of Invertebrate communities. Having regard to the identified threats to maintain the conservation status of this habitat, pollutants generated during construction could directly enter the SAC by entering the Garavogue estuary from overland and could specifically alter the community structure through reducing abundance of *M. edulis* or altering its distribution. This effect could in combination with other activities, plans, projects as set out in table 5.4 of the NIS interfere with the conservation objective for this habitat. This is predicted to have an adverse effect on the integrity of the site in combination with other plan in the absence of mitigation.
- No pollution effects are predicted during operation owing to design of the proposed development which provides for attenuation prior to discharge to Copper River to mitigate failure of the HAWRAT model of soluble pollutants and the also the low risk of accidental spillage which can be retained to 100% level.
- Sea Lamprey and River lamprey: The key to supporting favourable status is riverine habitat, water quality, riverbed breeding gravels and silt nursery substrate and unhindered migratory channels. Key threats generally are pollution, barriers to upstream migrations and canalisation. In this case pollutants generated during construction could enter the SAC directly overland into the Garavogue estuary and in combination with existing or proposed plans or projects pollution could affect non-spawning adult lamprey of either species in estuarine areas by reducing water quality. However, the only attribute listed in the conservation objective for both species is 'extent of anadromy' (The migration of fish, from salt water to fresh water, as adults) measured as the percentage of the estuary accessible and pollution is not a threat of high importance according to the NPWS. Accordingly, there are no predicted adverse direct effects on the SAC in combination with other plans or projects.
- Due to the use of petrol interceptor and an attenuation pond and because of low risk of accidental spill no adverse effects are predicted at operational stage and for the same reasons in relation to estuaries no adverse effects are predicted at operational stage.
- Other: With the exception of risk from contaminated run-off, the proposed development is not likely to undermine any of the targets for maintaining favourable consideration as there are no keystone communities within the zone of Influence of the proposed development. Accordingly, having regard to the absence of source pathway links on the basis of specialised survey work (refer to section 4 of the AA Screening Report) which indicates an absence of most

terrestrial habitats and species of interest within the relevant zones of Influence, I consider it reasonable to exclude the following species/habitats as being likely to have potential for adverse effects: Mudflats and sandflats and embryonic shifting Dunes, Fixed Dunes, Juniperus communis, Petrifying Springs, Shifting Dunes with Ammophila arenaria, Common Seal, Narrow-Mouthed Whorl Snail, in Cummeen Strand/Drumcliff Bay SAC.

- While on the face of it the construction works in the river could be seen to be a source of contamination,

11.4.9. **Potential Indirect effects:**

11.4.9.1. Pollution as described above via the Copper River. However, for reasons stated above, this is not a basis for undermining the target in attaining favourable conservation status. The actual QI /receptor is absent as evidenced in the aquatic surveys and recorded data. The risk of instream work in the Copper River culvert affecting QI Lamprey or Atlantic Salmon populations or movement is therefore unlikely based on the absence of juvenile fish in these species. Furthermore, the Garavogue Estuary or Salmon Point is not suitable for juvenile Lamprey due to the transitional nature.

11.4.10. **Potential in-combination effects**

- The known threats of qualifying interests are listed in Table 5.3 of the NIS. There are no known projects for development within the relevant zones of influence.

11.4.11. **Mitigation Measures**

- By Design: Avoidance of key habitats have been avoided. Furthermore, due to the use of petrol interceptors and the proposed attenuation pond for outfall prior to discharge and the use of further mitigation within this pond e.g. Accidental Spillage Risk Assessment, risks at operational stage are mitigated.
- Pollution mitigation during construction to avoid adverse effect to Estuary habitat. This will be achieved avoiding pollution of watercourses by way of adhering to best practice as recommended in the following documents:
 - Guidelines for Crossing of Watercourses during the Construction of National Road Schemes, NRA 2005.
 - CIRIA C649 Control of Water Pollution for Linear Construction Projects.
 - Control of Water Pollution from Construction Sites, guidance for Consultant and Contractors.

- Guidelines for the Protection of Fisheries During Construction Works in and Adjacent to Waters, (IFI 2016)
- UK Environment Agency guidance documents: PPG5, 21, 22 and 26
- Adherence to an Erosion and Sedimentation Control Plan to be incorporated into the contractor's contract (appendix C of NIS) so as to prevent or reduce amount of sediment release. This plan includes measures in relation to: timing, barriers, filters. Lagoons, temporary drainage, limiting vegetation clearance, using precast concrete, controlling concrete pouring stages, controlling storage of toxic chemicals etc., controlling waste pollutants. Measures are designed to protect against a 1 in 100-year flood and the during the hearing the local authority reconfirmed its adherence to latest best practice in this regard. This provides for consultation with key stakeholders such as the NPWS, IFI and Sligo County Council and on-going monitoring.
- Developing a method statement for the machinery movement in the SAC/SPA. Specifically, this will involve the use of timber bog mats to limit impacts on intertidal habitats. They will provide an effective method of ensuring heavy plant and equipment can traverse soft terrain without being impeded or causing excessive damage to terrestrial habitats.
- Monitoring of Construction works by using an ecologist/ clerk of works(section 6.8.3 of NIS . This will involve reviewing and site visiting and supervising piling works/involvement of machinery.
- Inland Fisheries Ireland Mitigation notwithstanding absence of likely significant effects. A precautionary best practice approach is to construct the culvert to improve fish passage potential up the Copper River. In accordance with both the IFI and NRA guidance, various design features include
 - No trash screen or this that restrict fish passage
 - The invert level to be 500mm below natural stream bed
 - Use of constant slope not exceeding 1%
 - Use of a grade to drown (by backwater) under low flow conditions
 - All such measures would be binding to the contractor actively monitored by Sligo County Council.
- At Implementation stage all mitigation measures would be binding on the contractor and subject to monitoring.

11.4.12. Residual effects/Further analysis

- None likely

11.4.13. **NIS Omissions**

- I am satisfied there are no significant omissions in the NIS and supporting documentation.

11.4.14. **Suggested related conditions**

- To ensure implementation of mitigation measures, conditions should specifically require the submission of a construction management plan and on-site supervision by an ecologist so as to oversee full implementation of agreed measures.

11.4.15. **Evaluation of potential effects taking account of mitigation:** I consider the range of mitigation measures at design, construction and operational stages to be comprehensive and most likely to be sufficient to eliminate a risk of pollution and negative effect on sensitive receptors. The proposed scheme in itself which incorporates an improved drainage system with 3 separate drainage collection systems and discharge points with interceptors together with an attenuation pond constitutes an improvement in the run-off management and enhances control of potential pollution risks. The mitigation measures are informed by consultation with the NPWS and IFI, best practice from a range of relevant bodies and the security of implementation is reinforced by the use of an ecologist/clerk of works.

11.4.16. **Conclusion:** I consider it reasonable to conclude that mitigation measures substantially eliminate risk of adversely affecting qualifying interest potential at risk in the absence of such measures. I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its conservation objectives subject to the implementation of mitigation measures outlined above.

Cummeen Strand SPA

11.4.17. **Description:** This strand comprises the greater part of Sligo Harbour, the middle one of the three 'arms' forming Sligo Bay. The site extends for up to 7 km from east to west and has an average width of c.2.5 km. The site is the estuary of the Garavogue River, a short slow-flowing river which flows from Lough Gill. The harbour is very enclosed, with the mouth of the harbour being sheltered by two islands (Coney Island and Oyster Island). A large proportion of the estuary is intertidal (> 80%). Sediments are predominantly sands or coarser materials, though muddy sands or muds also occur. *Zostera* beds are present. The intertidal sand and mud flats are fringed by salt marshes in places but mostly stony shoreline.

11.4.18. **Importance:** Cummeen Strand is important for the diversity of wintering waterfowl and is an integral part of the larger unit of Sligo Bay. The site has an internationally important population of *Branta bernicla hrota* and supports nationally important numbers of *Haematopus ostralegus* and *Tringa totanus*. Both *Pluvialis apricaria* and *Limosa lapponica* utilise the site though in relatively low numbers. The intertidal flats, which have well-developed macro-invertebrate communities and *Zostera* beds, provide good feeding grounds for the wintering birds. Birds roost on the salt marshes and upper shoreline though on high tides some may leave the site to roost elsewhere.

11.4.19. These effects take account of the in-combination effects as explained in section 5.4. They have regard to key ecological receptors to inform the cumulative impact and to potential projects which are notably absent in the area.

11.4.20. **Table 11.4.21 Cummeen Strand SPA/ site code: 3045 – 0km from site**

Qualifying Interest	Conservation Objectives	Potential Source Pathway Receptor Link	
Redshank	To maintain the favourable conservation condition of Redshank in Cummeen Strand SPA which is defined by the following list of attributes (A) and Targets (T)	Yes -disturbance of feeding and roosting if construction Oct- April	
	A: Population Trend		Long term population trend stable of increasing
	A: Distribution		No significant decrease in the range, timing and intensity of use of areas by redshank other than that occurring from natural patterns of variation.
Oystercatcher (<i>Haematopus ostralegus</i>) [A130]	To maintain the favourable conservation condition of Oystercatcher in Cummeen Strand SPA which is defined by the following list of attributes (A) and Targets (T)	Yes -disturbance of feeding and roosting if construction Oct- April	
	A: Population Trend		Long term population trend stable of increasing
	A: Distribution		No significant decrease in the range, timing and intensity of use of areas by oystercatcher other than that occurring from natural patterns of variation.
Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of Wetland Habitat in Cummeen Strand SPA which is defined by the following list of attributes (A) and Targets (T)		
	Habitat Area		The permanent area occupied by the wetland habitat should be stable and not significantly less than 1732 hectares other than that occurring from natural patterns of variation
Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]	Not relevant in view of absence of source pathway receptor link.	Not recorded in surveys	

11.4.21. **Potential Direct Effects**

11.4.21.1. Redshank: The predicted effects are conditional. For example, if construction works are over the non-breeding season (October-April) then noise, physical disturbance and human presence could temporarily displace birds in adjacent intertidal areas. Birds could move from the high tide roost to other feeding areas in the SPA. However, this species does not roost at high tide with the Zone of Influence (500 metres) of displacement from construction activity. Temporary displacement of the small numbers (peak 3 birds) feeding in the rocky estuary nearby could occur but such birds are likely to resettle and continue to feed nearby as there is an existing disturbance regime in place due to light industry, shipping and traffic to which birds are likely to be habituated. Movement of vehicles across the SAC/SPA is stated to be up to 6 movements per day for 8 weeks for setting up/shuttering. Populations are of Excellent Status and increasing and therefore no lasting decline in population trend or distribution is predicted to arise from displacement generated by construction. There will be no interference with the objective to maintain favourable conservation status. At operation stage no significant increase in users of the shoreline and consequently no significant change to the existing disturbance regime is predicted accordingly no adverse effects on the integrity of the SPA in combination with other plans predicted.

11.4.21.2. Oystercatcher: A single individual of this species roosted at high tide within the Zol of displacement of this individual. It is predicted that temporary displacement could arise but such birds are likely to resettle based on the same rationale as above. Similarly, as the population has Excellent Status the construction activities are not predicted to alter the long-term pollution trend or distribution within the SPA. It is predicted there will be no interference with the objective to maintain the favourable conservation status. Accordingly, no adverse effects on the integrity of the SPA in combination with other plans are predicted. At operation stage no significant increase in users of the shoreline and consequently no significant change to the existing disturbance regime is predicted accordingly no adverse effects on the integrity of the SPA in combination with other plans are predicted.

11.4.21.3. Wetlands: While pollutants generated during construction are identified as having the potential to enter the SPA, in view of there being no conservation attributes detailed and the only attribute is the wetland area and there will be no reduction in area, the objective to maintain favourable conservation is not compromised. Accordingly, no adverse effects in the integrity of Cummeen Strand SPA in combination with other projects/plans are predicted. At operational stage, due to the embedded mitigation which includes petrol interceptors and attenuation pond and measures to protect/ control water quality no adverse effects on integrity of SPA in combination with other projects/plans are predicted.

11.4.21.4. Light bellied Brent Geese: Having regard to the absence of source pathway links and/or absence of this QI species within a zone of Influence of any likely significant effect and on the basis of specialised survey work I consider it reasonable to exclude Light bellied Brent Geese as being likely to have potential for adverse effects.

11.4.22. **Potential Indirect Effects**

11.4.22.1. The wetland habitat could potentially be polluted indirectly by contamination of the Copper River, but, in view of the measures addressing Copper River and in view of the conservation attributes no potential significant adverse effects are likely.

11.4.22.2. The wetland habitat could potentially be damaged by indirect impact on its hydrological regime from discharges during construction. Machinery may damage area if not managed correctly although the access area alongside the works is of a more rock based nature (e.g it is described as comprising coarse gravel, cobble bed, rocks and boulders with seaweed and sparse sediments).

11.4.23. **Potential in-combination effects**

- No in-combination effects are predicted

11.4.24. **Mitigation**

- Following consultation with the NPWS a method statement is proposed in relation to the movement of machinery in the SAC/SPA. This will include bog mats as stated previously to allow safe movement while limiting impacts on these intertidal habitats. This will also come under the umbrella of mitigation measures to control effects on the SAC and its implementation will be safeguarded by monitoring of management plans, receiving environment and implementation primarily by using an ecologist clerk of works.
- Pollution mitigation as set out in section 11.4.11 of this report.

11.4.25. **Residual effects/Further analysis**

- None likely

11.4.26. **NIS Omissions:**

- No significant omission. I would point out that the wetland habitat [A999] is not clearly mapped - it is not mapped in the NPWS CO maps, although the baseline survey is reasonably comprehensive in describing the site and environs in terms of its flora and fauna.

11.4.27. **Suggested related conditions**

- To ensure implementation of mitigation measures, conditions should specifically require the submission of a construction management plan and on-site supervision by an ecologist so as to oversee full implementation of agreed measures.
- To ensure no significant disturbance with potential QI species the timing of works should be in accordance with the requirements of the NPWS.

11.4.28. **Evaluation of potential effects taking account of mitigation:** It is predicted in the NIS that there will be no interference with the objective to maintain the favourable conservation status. Accordingly, no adverse effects on the integrity of the SPA in combination with other plans are predicted. In this regard I note the baseline data surveys indicate very low levels of activity of key species; a peak level of 3 for Redshank and a peak level of 4 sightings for Oystercatcher with each level representing less than one percent of the population in this SPA. As impacts are only conditional on timing of work, mitigation is reasonably straight forward but not necessarily required due to the bird characteristics. Accordingly achieving the target for these QI species is I accept most unlikely to be compromised. I would however consider that as a precautionary measure on-going consultation with the NPWS in relation to timing, as part of the construction management plan, be required. While I accept that it is unlikely that proposed development during construction will have any adverse effects on the integrity of the SPA in combination with other plans, the robustness of this conclusion is further strengthened by the proposed mitigations measures as set out for the SAC and which I consider to be comprehensive and most likely to be sufficient to eliminate a risk of pollution and negative effect on sensitive receptors, if any.

11.4.29. At operational stage no significant increase in users of the shoreline and consequently no significant change to the existing disturbance regime is predicted, accordingly no adverse effects on the integrity of the SPA in combination with other plans are predicted.

11.4.30. **Conclusion:** I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its conservation objectives subject to the implementation of mitigation measures outlined above.

11.5. **Appropriate Assessment Conclusions**

11.5.1. Having regard to the location of the application site in a developed area and within the existing footprint of the road corridor, the absence of any loss of habitat area

and the design of the scheme which has embedded mitigation to inhibit and control source pathway receptor links particularly by way of enhanced run-off management and use of petrol interceptors together with a comprehensive range of mitigation measures proposed at construction stage and operational stage, I consider it reasonable to conclude on the basis of information on the file, including the specific comments of IFI and information as clarified at the oral hearing that the proposed development either individually or in combination with other plans or projects would not adversely affect the integrity of either Cummeen Strand SPA or Cummeen Strand/Drumcliff Bay SAC or any other European Site in view of the sites' conservation objectives.

12. Conclusions and Recommendations for CH3340 and JP0048

12.1. CH3340

12.1.1. I am satisfied that the process and procedures undertaken by the Local Authority have been fair and reasonable and that Sligo County Council has demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable. I consider that the proposed acquisition of these lands would be in the public interest and the common good and would be consistent with the policies and objectives of the County Development Plans. I recommend that the Board confirm without modification the compulsory purchase order for the reasons and considerations set out below.

Reasons and Considerations

Having considered the objection made to the compulsory purchase order and the report of the person who conducted the oral hearing into the objection and having regard to;

- (i) the purposes of the compulsory acquisition for the provision of a road improvement;
- (ii) the provisions of the current Sligo County Development Plan 2015-2021;
- (iii) the community need, public interest served and benefits to be achieved from use of the acquired lands for the purpose identified in the order,

It is considered that the acquisition of the lands in question by the local authority is necessary for the purpose stated in the order and the objection cannot be sustained having regard to this necessity.

12.2. **JP0048**

12.2.1. On the basis of the above assessment I recommend that the Board approve the proposed development subject to conditions below and based on the following reasons and considerations:

Reasons and Considerations

In coming to its decision the Board had regard to:

- a) the EU Habitats Directive (92/43/EEC),
- b) the European Communities (Birds and Natural Habitats) Regulations, 2011-2015,
- c) the conservation objectives, the qualifying interests and the special conservation interests of the Cummeen Strand/Drumcliff Bay SAC (site code 0627) and Cummeen Strand SPA (site code 4035),
- d) the provisions of the National Spatial Strategy 2002-2020, Smarter Travel – A Sustainable Transport Future – A New Transport Policy for Ireland 2009 – 2020, and the related policies and objectives of the current Sligo County Development Plan 2017-2023,
- e) the nature and extent of the proposed road improvement as set out in the application for approval, to provide for road improvements to the N4-N15 National Road,
- f) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- g) the submissions and observations received in relation to the likely effects on the environment, and on the likely significant effects of the proposed development on a European site,
- h) 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 the screening assessment carried out and conclusions reached in the inspector's report that the Cummeen Strand/Drumcliff Bay SAC (site code 0627) and the Cummeen Strand SPA (site code 4035), 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 and observations on file and the inspector's assessment. The Board completed an appropriate assessment of the proposed development for the affected European sites namely Cummeen Strand/Drumcliff Bay SAC (site code 0627) and Cummeen Strand SPA (site code 4035), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the assessment, the Board considered, in particular, the following:

- i. The likely direct and indirect impact 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 objective for the European sites.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the inspector's report of the potential effects of the proposed development on the aforementioned European Sites having regard to the sites' 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 Sites' 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 a significant negative impact on the environment, would provide an improved and safer National Road for all road users, 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 interfere with the existing land uses in the area, would not adversely affect the integrity of a European site and would not therefore have a negative effect on the proper planning and development of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

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

Reason: In the interest of clarity.

2. The County Council and any agent acting on its behalf shall comply with the mitigation measures contained in the Natura Impact Statement which was submitted with the application.

Reason: In the interest of clarity and the proper planning and sustainable development and to ensure the protection of a European site during construction.

3. Prior to the commencement of development, the local authority shall engage with the relevant statutory agencies, including the NPWS and IFI and agree timing and methods in preparation of a Construction Environmental Management plan incorporating all mitigation measures indicated in the Natura Impact Statement.

Reason: In the interest of clarity and the proper planning and sustainable development and to ensure the protection of a European site during construction.

4. The County Council and agency working on its behalf shall ensure that all plant and machinery used during the works shall be thoroughly cleaned and washed before delivery to site to prevent the spread of invasive species and pathogens.

Reason: In the interest of clarity and the proper planning and sustainable development and to ensure the protection of a European site during construction.

5. A suitably qualified ecologist shall be employed by the county council to oversee the site set-up and construction of the proposed development and adherence to the Construction Environmental Management Plan as agreed with the statutory agencies. The ecologist shall be present on site during construction works. Upon completion of works an audit report of the site works completed shall be prepared by the appointed ecologist and submitted to the county council to be kept on record.

Reason: In the interest of nature conservation, to prevent adverse impacts on the European sites and to ensure the protection of the Annex I Habitats and Annex II Species and their qualifying interest for which the sites were designated.

6. The County Council and any agent acting in its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials features that may be existing within the site. A suitably qualified archaeologist shall be appointed by the County Council to oversee the site set-up and the construction of the proposed development and the archaeologist shall be present during construction works.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may existing within the site period of three months, which shall be maintained on record by the local authority.

Suzanne Kehely
Inspectorate
17th January 2018