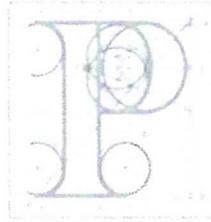


Our Case Number: ACP-323830-25



An
Coimisiún
Pleanála

Development Application Unit
C/O The Manager
Government Offices
Newtown Road
Wexford
Co. Wexford
Y35 AP90

Date: 21 January 2026

Re: Proposed flood relief scheme
in Mountmellick, County Laois

Dear Sir / Madam,

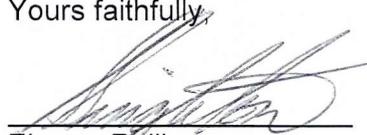
An Coimisiún Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter. Please accept this letter as a receipt for the fee of €50 that you have paid.

Please note that the proposed development shall not be carried out unless the Commission has approved it or approved it with conditions.

If you have any queries in relation to the matter please do not hesitate to contact the undersigned officer of the Commission at laps@pleanala.ie

Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,


Eimear Réilly
Executive Officer
Direct Line: 01-8737184

JA02

| | | |
|--------------------|---------|--|
| Teil | Tel | (01) 858 8100 |
| Glaó Áitiúil | LoCall | 1800 275 175 |
| Facs | Fax | (01) 872 2684 |
| Láithreán Gréasáin | Website | www.pleanala.ie |
| Ríomhphost | Email | communications@pleanala.ie |

| | |
|----------------------|-----------------------|
| 64 Sráid Maoilbhríde | 64 Marlborough Street |
| Baile Átha Cliath 1 | Dublin 1 |
| D01 V902 | D01 V902 |

Eimear Reilly

From: LAPS
Sent: Monday 15 December 2025 18:12
To: Eimear Reilly
Subject: FW: ACP-323830-25 - S177AE Mountmellick FRS
Attachments: ACP-323830-25 - S177AE Mountmellick FRS.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: Housing Manager DAU <Manager.DAU@npws.gov.ie>
Sent: Monday, December 15, 2025 4:19 PM
To: LAPS <laps@pleanala.ie>
Cc: Bord <bord@pleanala.ie>
Subject: ACP-323830-25 - S177AE Mountmellick FRS

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

A Chara,

Attached please find the Heritage observations/recommendations of the Department in relation to the aforementioned 177AE Application.

Can you please confirm receipt of same?

Regards
Diarmuid

Diarmuid Buttimer
Executive Officer

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreacht
Department of Housing, Local Government and Heritage
Aonad na nIarratas ar Fhorbairt
Development Applications Unit
Oifigi an Rialtais
Government Offices
Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90
Newtown Road, Wexford, County Wexford, Y35 AP90

—
Diarmuid.Buttimer@npws.gov.ie
Manager.DAU@npws.gov.ie



Your Ref: **ACP-323830-25**
Our Ref: **S177AE Mountmellick FRS**

15 December 2025

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Via email to laps@pleanala.ie ; bord@pleanala.ie

Re: Notification under the Planning and Development Act, 2000, as amended.

177AE Application: Laois County Council: Mountmellick Flood Relief Scheme, Co Laois.

A chara

I refer to correspondence in connection with the above. Outlined below are heritage-related observations/recommendations coordinated by the Development Applications Unit under the stated headings

Archaeology

It is noted that the plans, particulars and EIAR submitted as part of the planning application to An Coimisiún Pleanála incorporates *Mountmellick Flood Relief Scheme EIAR* (Egis, JBA Consulting; September 2025) Chapter 10 Cultural Heritage (by Courtney Deery Heritage Consultancy Ltd.). The Cultural Heritage chapter has been reviewed in detail and it is noted that it 'assesses the potential impact on archaeological, architectural heritage and cultural heritage assets' (EIAR Section 10.1).

The baseline in Chapter 10 is informed by a desk study, which employs primary and secondary historical and cartographic sources and the results of previous archaeological investigations to provide an historical overview of the proposed development area. The baseline also includes the outcomes of a number of walkovers of the development area and a synthesis of the results of the following project-specific archaeological investigations:

Appendix 10.5 Underwater archaeological surveys (Dive Licence Ref. No. 23D0148)

Appendix 10.6 Archaeological geophysical surveys (Detection consent Ref. 24R0053)

Section 10.3.1 of the EIAR provides an historical and archaeological background, recording the prehistoric and early medieval archaeological context to the origins of the urban settlement as an early 17th century English plantation town and its subsequent development as a significant industrial centre for water-powered milling and textile production. The



assessment highlights its industrial heritage - chiefly milling, brewing and malting enterprises and lacemaking - that were focused on the rivers in and around the town.

No national monuments, sites with Preservation Orders or Register of Historic Monuments sites occur within the study area. The historic town (RMP no.: LA008-032) and its seventeenth century church and graveyard (RMP no.: LA008-032001/002) are Recorded Monuments protected by the National Monuments Acts 1930-2014. It is noted in the EIAR (Section 10.3.3.) that 'The small number of sites is due to the post medieval date for the development of the town of Mountmellick, having been founded in the 17th century as an English colony'. An Architectural Conservation Area is proposed for Mountmellick and there are 20 Protected Structures listed in the Record of Protected Structures (RPS) located within 100m of the proposed flood relief measures study area; all except two of the sites are also recorded in the National Inventory of Architectural Heritage (NIAH). There are nine recorded industrial heritage sites within 100m of a proposed flood relief measure, four of which are no longer extant but historically documented; two industrial heritage sites are Protected Structures and three are upstanding structures which have no other designation (EIAR 10.3.6). One of these is Owenass Bridge (LAIAR Ref: 007-004), which is proposed for demolition and replacement as part of the flood relief scheme. Areas of archaeological potential within the scheme area that have been identified include the waterways, their floodplains and reclaimed ground, and it is noted that 'all the flood relief measures are therefore considered to be in areas of archaeological potential (AP1-AP9)' (EIAR 10.3.7).

Field inspection identified a number of undesignated cultural heritage sites that are within proposed flood relief measure areas, including rubble stone walls and a former mill race (EIAR 10.3.8). Underwater archaeological survey identified two possible millraces but did not identify any indications of earlier bridge structures, town defences or fording points (EIAR 10.3.9; Appendix 10.5). Seven areas encompassing the flood relief measures and the proposed compounds (all within agricultural lands) were geophysically surveyed (EIAR 10.3.10), leading to the identification of potential archaeological features in three areas: a ring of pits/post holes (Area 2; Townparks compound area, FRS measure); features of archaeological potential (Area 7; Agracar FRS); and features of archaeological potential, possibly burnt stone or slag (Area 3, Derryclooney, Owenass FRS measure).

The potential impacts of the development on known and potential cultural heritage are described within each of the proposed flood measure areas in Section 10.5 of the EIAR.

Key impacts identified may be summarised as follows.

- Removal of the historic Owenass Bridge and associated instream works and groundworks for adjacent embankments overlapping with potential features identified in geophysical surveys.
- The Mountmellick Mill Bridge to Convent Bridge measures includes the removal of sections of historic property plot walls that are potentially of 17th century date and instream works.



- Downstream of Convent Bridge further instream works are proposed.
- The compound for the Manor Road and Manor Court flood measure overlaps with features identified in geophysical survey and the proposed embankment will cross Garroon Stream, a former millrace, and the Pound Stream and the site of a former sawmill which is no longer extant which was associated with Manor Mills.
- The Clontygar Stream to Davitt Road measure includes the proposed diversion of the Clontygar Stream, within an area where potential archaeological features were identified in geophysical survey.
- The flood measure at Irishtown garden centre will impact on a former millpond; the Midland steel measure includes a palaeochannel that is of archaeological potential.

In addition to specific identified impacts, the EIAR notes that there is the potential for construction stage impacts on the setting(s) of cultural heritage assets and more broadly on previously unidentified sub-surface archaeological remains and above ground structures of architectural heritage significance.

Designed in mitigation measures included a multi-disciplinary approach to the development of the options stage of the scheme. There was a particular focus on exploration of alternatives to the removal of the historic Owenass bridge, but these were deemed unviable. It is proposed, as a mitigation that the proposed design for its replacement will reflect its historic predecessor to ensure 'the new bridge will blend into the receiving agricultural environment'.

Archaeological mitigation recommendations include retention of a project archaeologist, and pre construction archaeological test-excavations at the three geophysical survey sites that have produced potential archaeological features and in the areas of the proposed embankments and compounds not previously subjected to geophysical survey. Furthermore, it is proposed that 'where archaeological features revealed by the test-trenching are directly impacted by the proposed works and cannot be avoided (preserved in-situ), they will be preserved by record' (EIAR 10.6.4). It is also recommended that all earthmoving works are subjected to licenced archaeological monitoring, with any archaeological discoveries being notified to the Department and the National Museum of Ireland and a mitigation strategy agreed. A mitigation strategy that includes monitoring and assessment by licenced metal detection of all dredge material from waterways is also proposed. Potential impacts to archaeological heritage sites in areas of potential (identified as AP1-AP9) and townland boundaries will also be mitigated by further testing and archaeological monitoring, with all archaeological materials uncovered to be resolved 'in advance of development to the satisfaction of the Department.

Legal Codes and Policy Context for Protection of the Archaeological Heritage

Archaeological monuments are afforded statutory protection in the Record of Monuments and Places (RMP) established under section 12 (Recorded Monuments) of the National



Monuments (Amendment) Act 1930-2014. The *Frameworks and Principles for the Protection of the Archaeological Heritage* (Department of Arts, Heritage and the Gaeltacht and the Islands 1999, see section 3.6.1(3) and 3.6.4) sets out national policy on the protection of the archaeological heritage in the course of development. It includes emphasis on the non-renewable nature of the archaeological heritage, the need to always consider its preservation in-situ as the first option, and also the need to carry out appropriate levels and forms of archaeological assessment in advance of development. *Archaeology and Flood Relief Schemes: Guidelines* (NMS 2023) have been developed by the Department to support the efficient planning and development of Flood Relief Schemes and the protection of archaeological heritage within these projects. The Guidelines provide a framework for the effective integration of archaeological heritage into the design and construction of Flood Relief Schemes and describe the unique and broad range of terrestrial, underwater, industrial and vernacular archaeological heritage that these schemes typically encompass. The Guidelines also detail the critical role of advance, early-design stage, pre consent/planning application, archaeological assessment and pre planning submission and pre construction stage mitigation of FRS projects in diminishing effects on archaeological heritage and avoiding delays to projects progressing.

Section 3 of the National Monuments (Amendment) Act 1987 is the primary piece of legislation for the protection of wrecks over 100 years old and archaeological objects underwater, irrespective of age. Wrecks that are less than 100 years old and archaeological objects underwater or the potential location of such a wreck or archaeological object can also be protected under Section 3 of the 1987 (Amendment) Act. Underwater Cultural Heritage also encompasses a broad range of underwater heritage, the protection of which is provided for in legal codes. The Wreck Inventory of Ireland Database (WIID) is the official register of historic shipwrecks protected under the National Monuments Acts. All wrecks over 100-years old are protected under the 1987 and 1994 (Amendment) Acts of the National Monuments Acts. Over 18,000 wrecks have been recorded to date, ranging from small fishing boats, dugout canoes and coastal traders to steamships and ocean going ships. Though earlier sources have been included where obtainable, the Inventory is largely based on documentary sources available from after 1700 AD. As such, previously unrecorded wreck sites, including those dating to earlier periods, may await discovery in the marine area under consideration here. The Historic and Archaeological Heritage and Miscellaneous Provisions (HAHMP) Act 2023 will, once the relevant sections are formally commenced, replace the National Monuments Acts 1930–2014.

The *National Planning Framework (First-Revision)* (April 2025) states that 'Ireland's archaeological heritage is a major cultural and scientific resource, enabling us to understand our history in all its aspects and how the peoples of Ireland have lived in, and interacted with, the environment. Archaeological heritage is also a vulnerable resource, which may be impacted on by a wide range of external factors. Ireland is party to the 1992 European Convention on the Protection of the Archaeological Heritage (the Valletta Convention), a key objective of which is the integration of archaeological heritage as a consideration in the



planning and development process. The protection of archaeological heritage is recognised as a core component to achieving sustainable development.¹ Furthermore, the *Framework* states that 'Flood risk management and in particular the design and development of flood relief schemes can also address the appropriate integration of archaeological heritage into these schemes'.

Archaeological Comments on EIAR

The assessment of the project that has been undertaken, as detailed in the EIAR, facilitates the Department to determine its likely significant effects on archaeological including underwater cultural heritage and whether the proposed mitigation measures would adequately allow for the avoidance, reduction or offsetting of any identified significant effects. Whilst the NMS broadly concurs with the proposed mitigation measures as set out in Chapter 16 of the EIAR, in order to ensure the project aligns with statutory obligations, policy and guidelines for the protection of the State's archaeological heritage, as set out above, it is recommended the following conditions are attached to any approval of the project that may issue from An Coimisiún Pleanála. Note these recommended conditions align with Sample Conditions C5 and C6 as set out in OPR Practice Note PN03: Planning Conditions (October 2022), with appropriate site-specific additions/adaptations based on the particular characteristics of this development and informed by the findings of the EIAR.

Archaeological Recommendations:

EIAR Mitigation

1. All recommendations and mitigation measures as set out in *Mountmellick Flood Relief Scheme EIAR* (Egis, JBA Consulting; September 2025) Chapter 10 Cultural Heritage (by Courtney Deery Heritage Consultancy Ltd.) and associated appendices shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.

Project Archaeologist

2. A Project Archaeologist shall be appointed to oversee and advise on all aspects of the Project, including detailed design, construction activities and the management of all archaeological and post-excavation works.

Monitoring of Site Investigations

3. All site investigation works shall be subject to prior archaeological assessment and on-site monitoring by a suitably qualified and experienced archaeologist. The Developer shall furnish the Project Archaeologist with the results of all site investigation works and shall provide access to cores and physical samples for archaeological and, where warranted, geoarchaeological review. Following the completion of all geotechnical and archaeological works and any necessary post-

¹ <https://cdn.npf.ie/wp-content/uploads/National-Planning-Framework-First-Revision-April-2025-1.pdf>



excavation specialist analysis, the Department shall be furnished with a final archaeological report describing the results of the works.

Archaeological Impact Assessment Detailed Design

4. The Final Detailed Design for the project shall be the subject of an Archaeological Impact Assessment (AIA), to be submitted to the Department for review and approval, prior to the commencement of any construction works. The AIA report shall contain the following:
 - a. Results of licenced archaeological test-excavations, accompanied by a hand-held metal detection survey, of all areas where substantive ground disturbances will take place, including areas of potential archaeological features identified by geophysical surveys and where substantive in-stream works are proposed. The archaeological test-excavations shall be carried out under a Section 26 (National Monuments Act 1930) licence from the National Monuments Service and in accordance with an approved method statement. Licensed metal detection shall be undertaken in tandem with the test excavations and under a Detection Device consent (Section 2 1987 National Monuments Act). All test-excavations that have the potential to uncover human skeletal remains shall be undertaken in conjunction with a suitably qualified osteoarchaeologist. Licenses shall be applied for to the National Monuments Service and shall be accompanied by a detailed method statement. Note a period of 3-4 weeks should be allowed to facilitate processing and approval of the licence application and method statement.
 - b. The results of historical and architectural analysis and analytical assessment and record of all historic structures and features (including but not limited to, bridges, weirs, revetments, historic property boundary walls, buildings, former mills) that will be impacted upon by the proposed development. The assessment shall comprise of archaeological recording (annotated plans, elevations, sections, details of features and interpretative drawings derived from measured surveys, photographic surveys, digital surveys, opening-up works) that secures an understanding of the development and phasing of all impacted architectural structures and features (including any reused architectural carved stones).
 - c. A detailed Archaeological Impact Assessment that addresses all identified or potential impacts on archaeological heritage, including on archaeological objects, sites, structures and features. The AIA shall make recommendations on measures to avoid or, where necessary, mitigate all identified potential/identified impacts and significant effects on archaeological heritage. The Developer shall be prepared to be advised by the Department in this regard or in regard to any subsequent recommendations that may issue. Mitigation recommendations shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ. Mitigation may also include archaeological excavations ('preservation by record'),



archaeological test-excavations, stabilisation/conservation works and/or archaeological monitoring, underwater archaeological inspection by means of archaeological diving, underwater archaeological surveys, or any combination of the above or any other mitigation measures as may be recommended by the Department. No construction works shall be undertaken until formal approval in writing from the Department has been received by the Developer.

Archaeological Monitoring (Terrestrial)

5. Archaeological monitoring (terrestrial) shall be undertaken as follows:
 - a. The services of a suitably qualified and experienced, to the satisfaction of the Department, archaeologist shall be engaged to carry out full-time archaeological monitoring of all construction activities that involve ground disturbance or demolition of historic fabric, structures or features, and of any works where materials of archaeological importance may be uncovered.
 - b. The archaeological monitoring shall be carried out by a suitably qualified and experienced, to the satisfaction of the Department, archaeologist, under a Section 26 (National Monuments Act 1930) excavation licence and in accordance with an approved method statement.
 - c. A Finds Retrieval Strategy shall be implemented and agreed with Department, as part of the archaeological licence application. This shall include for systematic finds retrieval and metal detection of all spoil, which shall be undertaken by a suitably qualified and experienced archaeologist working under a Detection Device consent (Section 2 1987 National Monuments Act). All monitoring works that have the potential to uncover human skeletal remains shall be undertaken in conjunction with a suitably qualified and experienced osteoarchaeologist. Secure finds storage that ensures the protection and conservation of wet and dry finds, including human skeletal remains, shall be provided within the construction site compound.
 - d. The monitoring works shall include pre-demolition buildings archaeology investigations and recording (annotated plans, elevations, sections, details of features and interpretative drawings derived from measured surveys, photographic surveys, digital surveys, opening-up works) of Owenass Bridge that secures an understanding of its architectural phasing of all impacted historic structures and features.
 - e. Sufficient, suitably experienced and qualified to the satisfaction of Department, archaeologists shall be in place to ensure continuous archaeological monitoring of Project works. An archaeological team shall be on standby to deal with any rescue excavation and may be augmented as required.
 - f. In order to ensure full communication is in place between the monitoring archaeologist(s) and the works contractor(s) at all times, a communication strategy shall be implemented that facilitates direct archaeological monitoring of all construction activities that involve ground disturbances or demolitions and of any



works where materials of archaeological importance may be uncovered. Adequate notice (minimum four weeks) of all forthcoming works that require the attendance of the monitoring archaeologist(s) shall be provided by the works contractor.

- g. Should suspected/verified archaeological structures, features, deposits or sites and/or archaeological objects, be identified during the course of the archaeological monitoring activities, the monitoring archaeologist shall be authorised by the Developer to suspend all construction activities on the affected area (as defined by the monitoring archaeologist). The Developer shall immediately institute a Temporary Archaeological Exclusion Zone (TAEZ) to the proposed find location and its environs (as defined by the monitoring archaeologist) and all construction activities shall immediately cease within the TAEZ in order to facilitate investigative assessment, protection and prompt notification to the NMS and other statutory authorities, as required.
- h. Following assessment of the newly discovered archaeological materials, the Developer shall undertake any ensuing mitigating action as is required by the Department. Mitigation shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ. Mitigation may also include archaeological excavations ('preservation by record'), archaeological test-excavations, stabilisation/conservation works and/or archaeological monitoring, underwater archaeological inspection by means of archaeological diving, underwater archaeological surveys, or any combination of the above or any other mitigation measures as may be recommended by the Department. No construction activities shall recommence within the Temporary Archaeological Exclusion Zone until formally agreed in writing with the Department. Where ensuing mitigation is required, no archaeological works shall be undertaken until after an amended method statement that describes the mitigation strategy has been submitted, reviewed and agreed in writing by the Department. All resulting and associated archaeological costs shall be borne by the Developer.
- i. The planning authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological works and any post-excavation analysis, scientific dating programmes, palaeoenvironmental analysis, geoarchaeological analysis, conservation of archaeological objects, as required by the Department and the National Museum of Ireland. Where significant archaeological discoveries are made, they shall be fully published in an appropriate academic format. All post excavation and publication costs shall be borne by the Developer.

Archaeological Monitoring (Underwater)

- 6. Archaeological monitoring of instream/river-margin construction works shall be undertaken as follows:



- a. The services of a suitably qualified and experienced, to the satisfaction of the Department, maritime/underwater archaeologist shall be engaged to carry out full-time archaeological monitoring of all in-stream/river margin construction activities or works with the potential to impact on underwater cultural heritage.
- b. The archaeological monitoring shall be carried out by a suitably qualified and experienced, to the satisfaction of the Department, maritime/underwater archaeologist, under a Section 26 (National Monuments Act 1930) excavation licence and in accordance with an approved method statement.
- c. A Finds Retrieval Strategy shall be implemented and agreed with the Department, as part of the archaeological licence application. This shall include for the systematic spreading of all dredged material at a suitable repository to facilitate hand-searching and metal detection for finds retrieval, to be undertaken by a suitably qualified and experienced archaeologist working under a Detection Device consent (Section 2 1987 National Monuments Act). All monitoring works that have the potential to uncover human skeletal remains shall be undertaken in conjunction with a suitably qualified and experienced osteoarchaeologist. Secure finds storage that ensures the protection and conservation of wet and dry finds, including human skeletal remains, shall be provided within the construction site compound. The Finds Retrieval Strategy shall address the likely post-excavation requirements for all archaeological objects, including those from an underwater environment, including recording, finds processing, analysis and long-term conservation of material recovered during the project.
- d. Sufficient, suitably experienced and qualified, to the satisfaction of Department, underwater archaeologists shall be in place to ensure continuous archaeological monitoring works. An archaeological team shall be on standby to deal with any rescue excavation and may be augmented as required. An archaeological dive team shall be on standby in the event that underwater archaeological inspection is required by means of archaeological diving. All dive surveys shall be licenced (Section 3 1987 National Monuments Act) and shall include handheld metal detection survey, which shall also be licenced (Section 2 1987 National Monuments Act).
- e. In order to ensure full communication is in place between the monitoring archaeologist(s) and the works contractor(s) at all times, a communication strategy shall be implemented that facilitates direct archaeological monitoring of all in-stream/river margin construction activities or works with the potential to impact on underwater cultural heritage. The monitoring archaeological shall be provided with adequate notice (minimum eight weeks) of all forthcoming works that require their attendance.
- f. Should suspected/verified archaeological structures, features, deposits or sites and/or archaeological objects, including wrecks, be identified during the course of the archaeological monitoring activities, the monitoring archaeologist shall be authorised by the Developer to suspend all construction activities on the affected area (as defined by the monitoring archaeologist). The Developer shall immediately



institute a Temporary Archaeological Exclusion Zone (TAEZ) to the proposed find location and its environs (as defined by the monitoring archaeologist) and all construction activities shall immediately cease within the TAEZ in order to facilitate investigative assessment, protection and prompt notification to the Department and other statutory authorities, as required.

- g. Following assessment of the newly discovered archaeological materials, the Developer shall undertake any ensuing mitigating action as is required by the Department. Mitigation shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ. Mitigation may also include archaeological excavations ('preservation by record'), archaeological test-excavations, stabilisation/conservation works and/or archaeological monitoring, underwater archaeological inspection by means of archaeological diving, underwater archaeological surveys, or any combination of the above or any other mitigation measures as may be recommended by the Department. No construction activities shall recommence within the Temporary Archaeological Exclusion Zone until formally agreed in writing with the Department. Where ensuing mitigation is required, no archaeological works shall be undertaken until after an amended method statement that describes the mitigation strategy has been submitted, reviewed and agreed in writing by the Department. All resulting and associated archaeological costs shall be borne by the Developer.
- h. The planning authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological works and any post-excavation analysis, scientific dating programmes, palaeoenvironmental analysis, geoarchaeological analysis, conservation of archaeological objects, as required by the Department and the National Museum of Ireland. Where significant archaeological discoveries are made, they shall be fully published in an appropriate academic format. All post excavation and publication costs shall be borne by the Developer.

Construction Environment Management Plan

7. The Construction Environment Management Plan (CEMP) shall be updated to include the location of any and all archaeological or underwater cultural heritage constraints relevant to the proposed development as set out in the Final Design AIA and EIAR. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or underwater cultural heritage environment during all phases of site preparation and construction activity.
8. In default of agreement on any requirements of the Department, the matter shall be referred to An Coimisiún Pleanála for determination.



Nature Conservation

The following observations are made by the Department in its role as a prescribed body under planning legislation and as the authority with overarching responsibility for nature conservation and the nature directives (i.e. the Birds and Habitats Directives) and wider biodiversity.

These observations are intended to assist the planning authority in meeting obligations that may arise in relation to European sites (Natura 2000 sites) in the context of the proposed development. In relation to European sites (Special Areas of Conservation, SAC; Special Protection Areas, SPA), the Department places particular emphasis in its observations on the level of detail contained in the screening for Appropriate Assessment (AA) and Natura Impact Statement (NIS). An AA determination must contain complete, precise and definitive findings and conclusions with regard to the implications of a proposal for the conservation objectives and integrity of a European site.

Matters relating to Appropriate Assessment

A Natura Impact Statement (NIS), dated September 2025, has been prepared by JBA Consulting for the proposed development. The Department advises that all mitigation measures outlined in the Natura Impact Statement (NIS), and all other relevant documents must be implemented in full.

To ensure this, it is advised that a schedule collating all mitigation measures is produced as part of the Construction Environmental Management Plan and agreed with the Local Authorities prior to commencement of any works. It is further advised that an appropriately qualified Ecologist/ Freshwater Biologist is retained as an Ecological Clerk of Works during any operations and a post-operation mitigation compliance report is produced by the Ecological Clerk of Works and submitted to Inland Fisheries Ireland and the Local Authorities for review.

The Department has the following comments to note:

Otter

1. It is noted that a number of "*potential holts and couches*" were identified within the proposed development site, but it was concluded that these were not actually holts or couches upon further inspection. Little detail is given on why these were ruled out, other than the holts being "*too shallow to facilitate otter*". No detail is given on the results of the trail cameras that were deployed within the proposed development site to detect otter, or if they were deployed at these potential holts/couches. Otter spraints were also identified at these sites which is a common occurrence at holts and couches, as they use this as a way of marking their territories and communicating between individuals. As a 'latrine' was identified, with an otter observed using this latrine, this would suggest an otter holt is very close by. In the Biodiversity Chapter of the EIAR, the following is noted in Section 7.12 in relation to monitoring: "*Otter monitoring will also take place to ensure the proposed works have not impacted the local population and to resurvey potential holts*". This suggests uncertainty as to the



status of these holts. The Department recommends the potential holts/couches are resurveyed with trail cameras to determine their status, and further information is provided to justify this. The Department advises that the judgement of the European Court of Justice Hellfire Massey Judgement should be consulted.² That decision specifies that where a derogation licence is necessary, it must be obtained in advance of a grant of planning permission. The applicant must determine, prior to planning submission, if they have gained sufficient information to conclude if a derogation is required or not. Deliberate disturbance of species subject to Strict Protection (pursuant to the requirements of Articles 12, 13 and 16 of the Habitats Directive (92/43/EEC) ("Habitats Directive")) during breeding, rearing, hibernation or migration can only occur if a derogation under Regulation 54 is obtained.

2. The Department is concerned with the amount of habitat removal within the SAC that is proposed for the Flood Relief Scheme, in particular in relation to habitat loss for otter. An SSCO for otters within the River Barrow and River Nore SAC is 'no significant decline in the extent of terrestrial habitats'. It is not quantified across the whole scheme how much riparian habitat will be removed (within and outside of the SAC), but it is noted at Owenass Bridge that "*Riverbank vegetation, approximately 90m in length will be required to be removed on northern bank for the wall construction. A further five sections of hedgerow in fields north of river will be removed for construction of the embankment*". It needs to be quantified how much vegetation will be lost, so that the mitigation is sufficient to ensure that the project will not adversely affect the integrity of the River Barrow and River Nore SAC in view of its conservation objectives. In addition a 10m riparian buffer on both banks of a waterway is considered to comprise a critical part of the otter habitat³, and this should be included in the calculations. Mitigation to address this permanent and temporary (dependent on location) loss of habitat is not proposed within the NIS. There should be no net loss of habitat within the proposed scheme. The Department recommends further information in relation to this.
3. Given otter were observed and noted to be using the watercourses within the scheme, the Department recommends that all watercourses are re-surveyed 150m up and downstream of the proposed development prior to any construction works. Mitigation should also be provided in the eventuality that an otter holt or couch is identified. Any holts/couches identified, are protected under the provisions of Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations 2011-2021.
4. Crack willow (*Salix fragilis*) is as an important eco-hydrological engineering species in the River Barrow. The Department recommends the specific retention of mature crack willow, where encountered, along the works footprint. The Department also advises that a 30 metre buffer either side of the mature Crack Willow is also retained.

² ECLI:EU:C:2023:545

³ NPWS (2025) Conservation Objectives: River Barrow and River Nore SAC 002162. Version 2. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.



This is in order to protect the ecology of the area surrounding the mature tree, including otter habitat, from damage and disturbance.

Invasive Species Management Plan

The Department advises that Invasive Species Management Plans must be submitted to the Local Authorities for approval prior to commencement of the works.

It is noted that a number of invasive species are present within the proposed scheme and the wider environment, including three-cornered leek and Japanese knotweed (previously removed but requires repeat treatments). NIS states that removal will be *“done by either physical control or chemical control and it is recommended that this is done either through digging up the root network, or the application of herbicide”*. Due to the potential negative impacts of herbicide on the SAC, the Department considers that hand pulling/digging is more appropriate in this case and that herbicide use must be avoided.

Pollution

The following is included in the NIS in relation to the contamination of the SAC from concrete *“Concrete delivery, concrete pours and related construction methodologies will be part of the procedure agreed between the Project Ecologist and Contractor to mitigate any possibility of spillage or contamination of the local environment. Particular attention will be paid during the pouring process in order to avoid leakages or spills of concrete. The Project Ecologist will be present to oversee pours within the SAC and adjacent to the watercourses that flow into the SAC”*. The Department advises that no concrete should be poured within the SAC, or within 50m of the SAC, due to the ecological sensitivities within the River. Pre-cast concrete should only be used within the SAC boundary. The procedures and methodologies in relation to pollution control, particularly when working within an SAC, should be detailed within the NIS, and not left to post-consent mitigation. The Department recommends further information is provided on this.

Alluvial Woodland

The applicant notes that an area of wet willow-alder-ash woodland was identified within the scheme boundary, and *“While this habitat type is a potentially linked with the QI Annex I habitat Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-padion*, *Alnion incanae*, *Salicion albae*) (91E0), this habitat was deemed to not be Annex quality”*. No reasoning is provided on this, other than *“the conservation objectives of the River Barrow and River Nore do not map this QI as being present near to Mountmellick”*. Also, in the Biodiversity Chapter of the EIAR, it is noted that this habitat is *“potentially linked”* with then Annex I habitat Alluvial woodland. The precautionary principle, which underpins the Habitat’s



Directive⁴, must be used when there is scientific uncertainty of the potential impacts. Alluvial Woodland (91E0) is a Qualifying Interest habitat of the River Barrow and River Nore SAC, even if it is not listed within the mapped conservation objective document, it is still legally protected under the Habitat's Directive (Article 6(2)). It is also specified that "*further unsurveyed areas may be present within the SAC*" within the Conservation objective document for the River Barrow and River Nore SAC.

It is not clarified within the NIS or EIAR, how much of this habitat will be affected by the proposed scheme. Any removal of this habitat should be avoided as wet woodland is already a flood defence, as it stores and releases flood waters slowly, reducing downstream impacts from flood events. Nature-based solutions that already exist within the area should be prioritised and expanded where possible, and hard infrastructure used only where absolutely necessary.

Compound H

Site Compound H is within the SAC boundary. It is recommended that this location be moved to outside of the SAC and to an area which does not negatively impact the wider ecology of the area. The meadow immediately north of here outside of the SAC is used by breeding Red List Meadow Pipit, therefore making it not suitable for this site compound.

If this site Compound cannot be moved there should be no permanent damage to the SAC or any permanent structures left here within the SAC. The Site compound must be fenced off from the Owenass River with Silt fencing and all pollutant materials be bunded and kept 20m from the watercourse. The Department recommends a condition of planning be to remove any 'temporary' hardcore surfaces and to restore those areas to their original condition after completion of any granted works. A report confirming the removal of all temporary hardcore surfaces must be submitted to the Local Authorities concerned.

Matters relating to Environmental Impact Assessment Report (Biodiversity Chapter)

Birds

The Department is concerned that specific bird surveys were not carried out for the proposed development, given the amount of vegetation removal proposed within riparian habitat. Kingfisher in particular, a species that is listed on Annex I of the E.U. Birds Directive, was recorded on the Anabat wildlife recorder which was deployed at Owenass Bridge. Given that kingfisher are by their nature a secretive species: in the absence of a more comprehensive survey, their nest locations can be difficult to detect. The Department advises that areas that are to be modified (riverbanks) may be ideal nest sites for kingfisher and that a survey for breeding kingfisher, must be carried out at appropriate times of the year and suitable mitigation put in place, as required, prior to any bank modification works taking place. In

⁴ The precautionary principle is a guiding principle that derives from Article 191 of the Treaty on the Functioning of the European Union and has been developed in the case law of the European Court of Justice (e.g. ECJ case C-127/02 – Waddenzee, Netherlands).



addition, the loss of habitat must be addressed. The Department also recommends breeding bird surveys are completed within the proposed scheme, including in areas where compounds are proposed.

Bats

It is noted that one bat survey was carried out at Owenass Bridge, as the Bridge was valued as having “*low bat roosting potential*”. Reasoning for this valuation is due to “*ivy growth which has since been removed from the structure*”. Whilst ivy can be a bat roosting feature, evidence for this is minimal, and in actuality, ivy can obscure other roosting features. It is not clear whether update surveys at this bridge have been carried out since the ivy has been removed. The Department recommends this bridge is resurveyed by a licenced bat ecologist, ensuring to check under the arches for roosting features with a high-powered torch and an endoscope. If features are identified, repeat bat activity surveys must be undertaken at this bridge in the appropriate season. If a roost is identified, a derogation licence must be applied for, and mitigation measures proposed.

The Department also notes a number of trees are to be removed within the proposed scheme. None of these trees were noted to have bat roosting potential by the applicant. However, bat roost features could come about at any time between the surveys and construction. Therefore, the Department recommends that a pre-construction survey for potential bat roost features should be carried out on all trees due for removal, to account for any potential roosting features that may have become suitable since the initial survey was completed. Features identified should be inspected at height, using a high-powered torch and an endoscope (by a licenced bat ecologist), immediately prior to removal. Detailed mitigation measures should be included in the Biodiversity Chapter in the eventuality that a roost is found⁵.

Architectural Heritage

The Department provided some feedback/high level view from a built heritage perspective arising from the pre-planning referral of the proposal 18th January 2024;

The built and archaeological industrial character of the town;

Mountmellick is a proposed ACA with the selected areas focused on the streetscape character of O’Moore Street, Main Street and Lord Edward Street.

There are 78 RPS/NIAH sites in the study area.

⁵ Any roosts identified are protected under the provisions of Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations 2011-2021. Damage to such roosts can only occur if a derogation licence under Regulation 54 is obtained. It is important to be aware of European and Irish jurisprudence where this has implications for interpretation and application of certain aspects of the directives and of national legislation, and where this updates aspects of associated guidance or circulars.



There are 18 Protected Structures and one No. NIAH site are within 100m of proposed flood relief measures.

The following are key landscapes/areas to be carefully considered in terms of surviving significance (statement of cultural significance) and there overall/integrated design intervention;

1. Upstream of Owenass Bridge Left side -Embankment and Wall
2. Upstream of Owenass Bridge Right side -Embankment and Wall (Including Replacement Owenass Bridge)
3. Owenass Bridge to Mountmellick Mill Bridge -Embankment and Wall
4. Mountmellick Mill Bridge to Convent Bridge -Wall
5. North of Convent Bridge-Wall
6. Near Manor House and Manor Road –Embankment.
7. Houses off Wolf Tone Street -Embankment and Wall
8. South and west of Davitt Court -Wall
9. Irish town Garden Centre -Embankment and Wall
10. Midland Steel –Wall

Key Recommendations made at pre-planning stage;

- a. An understanding of the place should be the basis of the design approach, rather than a series of incremental buildings, spaces and architectural/archaeological elements
- b. Due to the high level of design and low level of detail of this planning stage, an understanding of the integration to and the overall impact on historic structures and buildings cannot be fully appreciated. Where possible greater consideration of the use of 3 – D visual sketches to assist in the design and location of the proposed interventions is recommended.
- c. The overall design response to address the unique sense of place, the inter-relationships of structures in the landscape and the setting of the town and in general to provide overall benefit and enhanced amenity as part of flood relief works to the town. A key recommendation is to assess and work with historic water management infrastructure, upgrade and reverse engineer the historical watercourses where possible to reduce the impact of water on the town.



The Clonakilty project is seen as a model of good practice at the European level and was included in the architectural policy - Towards a shared culture of architecture - investing in a high-quality living environment for everyone⁶

- d. Examples from the Clonakilty project demonstrate how a design approach was integrated with the engineered solution to allow local character to be reflected in the proposed new infrastructure design, upgrade, conservation, using nature based solutions, enhance public realm became part of enhanced amenity arising from the flood relief works.

The Built Heritage Service of the Department were not party to the final detail of overall design approach or site visit prior to the lodging of the proposed FRS.

Arising from this the impact of the proposed design approach and planned alleviation measures, the flood relief works, are impactful due to the removal of the historic and architecturally significant eighteenth century Owenass stone bridge. Similarly, the Convent Bridge is very much the setting of the convent and the church as well as the threshold to the town coming from Dublin. The proposed design requires the input of a Conservation Architect to assist the management of change to the historic setting, conservation upgrading and best integration of flood relief measures within the historic setting.

The *Archaeology and Flood Relief Schemes: Guidelines* (NMS 2023) support the efficient planning and development of Flood Relief Schemes and the protection of archaeological heritage. The Guidelines provide a framework for the effective integration of archaeological heritage with architectural heritage recommendations into the design and construction of Flood Relief Schemes (FRS) and describe the unique and broad range of cultural heritage concerns that these schemes typically encompass. The National Built Heritage Services work in collaboration with the National Monuments Service of this Department to enable FRS from pre-planning, design and construction and to encourage where necessary multi-disciplinary inputs throughout to ensure positive conservation outcomes for cultural heritage achieved.

Recommendations

For this project, the Cultural Heritage impact assessment has been helpful in considering the number, location and type of impacts likely requiring of a Grade 1 Conservation Architect i.e. the careful consideration of surviving historic fabric, cultural significance and capacity for repair and reuse where possible.

The Grade 1 Conservation Architect is required to:

⁶ <https://op.europa.eu/en/publication-detail/-/publication/bd7cba7e-2680-11ec-bd8e-01aa75ed71a1/language-en>



- provide input to the proposed replacement bridge and to assist with design mitigation measures to reduce impact identified and to develop specifications in accordance with project/mitigation measures.
- evaluate the historic architectural character, condition and surviving significance of the urban form and streetscapes of the historic village centre in order to provide guidance on protection during the course of the construction and inform subsequent reinstatement appropriate to its architectural conservation area status.
- provide guidance and methodologies, for careful dismantling, recording and re-making features referencing salient architectural character, materials and details for agreement with the Department.
- advise on surviving features such as masonry benches, stiles and historic routes, to inform appropriate conservation strategies and measures for agreement with the Department to preserved in-situ or to re-locate the feature.
- address previous maladaptation of architectural heritage structures as part of any upgrading or renewal works, to inform the historic urban context and to identify opportunities to enhance extant amenities as part of the FRS.

The Department recommends that:

1. The services of a Grade 1 Conservation Architect or equivalent to guide and advise on areas of historic fabric intervention, remaking, repair and renewal in order to achieve a high-quality design and conservation outcome in accordance with the architectural heritage protection guidelines, 2011, best practice and conservation principles.
2. The Grade 1 Conservation Architect to oversee site operations and work closely with the Project Archaeologist, in order to ensure quality on site and advise on any unforeseen heritage related queries. The Grade 1 Conservation Architect to record as necessary all conservation works to locally important heritage as necessary undertaken as part of the project to maintain a permanent record.
3. Interventions to the cultural landscape including new infrastructure, signage etc. are to have regard to the protected views and vistas and carefully considered as part of a fully co-ordinated approach to the overall the urban character/landscape design and understanding of the Architectural Conservation Area.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.dau@npws.gov.ie

The Manager
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Is mise le meas,

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Development Applications Unit
Administration

Built Heritage Appendix:

The Department notes CHERISH research project and the Irish project in respect of climate change. Noting the modelling of a planned estate in Northern Ireland, which had forecast the eventual loss of specimen trees/mature trees/planned landscape vulnerable to extreme flooding event from adjoining lake.

<https://cherishproject.eu/en/sharing-our-practice/>

https://cherishproject.eu/wp-content/uploads/2023/08/CHERISH-Good-Practice-GUIDE-UPDATE_E-VERSION.pdf

Also Adapt Northern Heritage research project re -planned estate

<https://adaptnorthernheritage.interreg->

npa.eu/subsites/anh/AdaptNorthernHeritage_CRMP_ThreaveGarden.pdf

With Reference to

Built & Archaeological Heritage Climate Change Sectoral Adaptation Plan 2025

https://assets.gov.ie/static/documents/e48fad63/Annex_3_-_Built_and_Archaeological_Heritage.pdf

Architectural Heritage Protection Guidelines for Planning Authorities 2011, updates 2022 -

<https://www.gov.ie/pdf/?file=https://assets.gov.ie/236448/369d5dcd-2194-498c-959b-eee826195011.pdf#page=null>

Framework and principles for protection of archaeological heritage and policy guidelines, 1999, published by the Department of Arts, Heritage, Gaeltacht and the Islands,



<https://www.archaeology.ie/sites/default/files/media/publications/framework-and-principles-for-protection-of-archaeological-heritage.pdf>

European quality principles for EU funded interventions with potential impact upon Cultural Heritage, 2020

https://openarchive.icomos.org/id/eprint/2440/2/EUQS_revision-2020_EN_TIRE-A-PART_pagesimple.pdf

Department of Housing, Local Government & Heritage Advice Series – Ruins

<https://www.buildingsofireland.ie/resources/>

Reuse of ruins

It is not the purpose of this guide to provide advice on the restoration of ruinous structures. The intention of this section is to provide a broad outline of the types of issues that will arise when such works are proposed.

While the aim for most structures is to preserve them in the state in which they have come down to us, in some cases restoration to active use may be the most viable way to ensure their continued existence. Such structures might include tower houses, mansions, cottages or churches. It is important that any proposed additions and alterations be firmly based on architectural, historical, structural and archaeological evidence. The impact of the works on the wider landscape and any ecological impact must be considered and mitigated. Restoration of a ruin for reuse should not be undertaken lightly. It is certain to be a lengthy and difficult project and will require expert advice from the earliest stages of the process. Early consultation with the relevant statutory authorities is advisable.

Among the issues that should be given consideration are the following:

- The importance of the ruin – some ruins are too important for reuse to be considered. This should be established using expert advice
- The scenic value of the ruin in the landscape may make it difficult to successfully extend or otherwise alter the external appearance of the structure

- The new use should be similar or close to the original use. The character and special interest of the structure should not be damaged
- Too many functions should not be fitted into a space
- Restoration works should be based on surviving architectural evidence avoiding conjecture. Careful research is needed in advance of historic descriptions, drawings, photographs and the like and the results of the research should inform the decisions taken
- A high-quality, architecturally-creative solution may sometimes be appropriate
- The provision of services can be difficult. The use of existing routes through the building such as flues may be an option
- Septic tanks and service pipes may have an impact on sub-surface archaeology
- Vehicular access and landscaping around the building may have an effect on the character and setting
- The design and location of any proposed ancillary buildings or extensions will require very careful consideration and in some cases these may not be appropriate
- The external walls of the building may need to be rendered to make the building habitable
- Historical walls and floors may not have the structural capacity for a new use
- Parapet walls of structures such as tower houses may require some rebuilding to facilitate re-roofing and this may not be considered appropriate in some cases



Ballycowan Castle, County Offaly, a fortified house of c. 1589 which was added to and refurbished by Sir Jasper Herbert in 1626