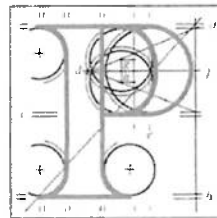


Our Case Number: ACP-324414-26



An
Coimisiún
Pleanála

Development Applications Unit
c/o The Manager
Government Offices
Newtown Road
Wexford
Co. Wexford
Y35 AP90

Date: 12 August 2026

Re: The Proposed Development of the 'Nore River Facilities Kilkenny'
Johns Street Lower, Collegepark, Kilkenny City, Co. Kilkenny

Dear Sir / Madam,

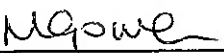
An Coimisiún Pleanála has received your recent submission in relation to the above-mentioned proposed development and will take it into consideration in its determination of the matter.

Please note that the proposed development shall not be carried out unless the Commission has approved it with or without modifications.

If you have any queries in relation to the matter, please 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,


Muirín Gowen
Executive Officer
Direct Line: 01-8049323

AA02

Teil	Tel	(01) 858 8100
Glao Áitiúil	LoCall	1800 275 175
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

Muirin Gowen

From: Housing Manager DAU <Manager.DAU@npws.gov.ie>
Sent: Tuesday 11 August 2026 12:35
To: LAPS
Subject: ACP-324414-26 S177AE Nore River Facilities
Attachments: 20260811 S177AE Nore River Facilities.pdf

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.

Good afternoon,

Attached are heritage-related observations/recommendations for the above-mentioned consultation. Please acknowledge receipt.

Regards,

Brian Bone
Executive Officer

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreacht
Department of Housing, Local Government and Heritage

Aonad na nIarratas ar Fhorbairt
Development Applications Unit

Oifigí an Rialtais, Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90
Government Offices, Newtown Road, Wexford, Co Wexford, Y35 AP90



Your Ref: ACP-324414-26

Our Ref: S177AE Nore River Facilities

(Please quote in all related correspondence)

11 August 2026

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

Via email to: laps@pleanala.ie

Re: Notification under Section 177(AE) of the Planning Development Act 2000 (as amended)

Re: Section 177AE application by Kilkenny County Council for the proposed development of the 'Nore River Facilities Kilkenny'

A chara,

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

Archaeology

It is noted that the proposed development site is within the zone of notification for the following recorded monument that is subject to statutory protection in the Record of Monuments and Places (RMP) established under section 12 of the National Monuments (Amendment) Act 1930–2014: KK019-026---- Historic town.

The proposed development site is also within the zones of notification for the following recorded monuments that are listed in the Sites and Monuments Record (SMR): KK019-026001- Town defences; KK019-026238- Dovecote.

It is possible that hitherto previously unknown archaeological features/deposits associated with these monuments may be disturbed during the course of groundworks required for the proposed development.



Town Defences Policy and Kilkenny City Walls Conservation Plan

According to the Policy Declaration in the National Policy on Town Defences (2008):

'The known and expected circuits of the defences (both upstanding and buried, whether of stone or embankment construction) and associated features of all town defences are to be considered a single national monument and treated as a unit for policy and management purposes. There should be a presumption in favour of preservation in-situ of archaeological remains and preservation of their character, setting and amenity'.

According to Policy 18 of the Kilkenny City Walls Conservation Plan (p.32), which is adopted in the current Kilkenny City and County Development Plan 2021–2027:

'Policy 18: Future development and new building to respect the line of the defences'.

The Department is in receipt of the following reports: Cover Letter dated 30 June 2026 and titled: 'Re: Application for Approval made under Section 177AE of the Planning & Development Act 2000 (as amended for the following development: etc.); 'Archaeological Desktop Assessment Nore River Facilities, Collegepark, Johns Street, Kilkenny, Co. Kilkenny', which has been compiled by John Cronin & Associates; 'Method Statement for Archaeological Test Excavation at Nore River Facility' by Mr John Channing of AMS.

According to the cover letter, a request for Further Information relating to archaeology was submitted by this Department in response to this proposed development that was previously submitted under ref. no AB-321143-24. According to the cover letter, the application was withdrawn to allow the applicant, insofar as possible, to complete the requested archaeological reports.

Also, according to the cover letter, a geophysical survey (Detection Device Consent 26R0283) has been carried out at the proposed development site to inform the location of potential test trenches. It is also requested in the cover letter that any further archaeological investigations be conditioned with a grant of planning permission (including the previously requested programme of archaeological test trenching).

The Department has not received a report for the geophysical survey (Detection Device Consent 26R0283) and notes that a full copy of the report has not been included with the current application.



The Department has reviewed the provided report titled 'Archaeological Desktop Assessment Nore River Facilities, Collegepark, Johns Street, Kilkenny, Co. Kilkenny'. This report dates from April 2024, pre-dating the geophysical survey, and so does not include or incorporate any relevant findings from that survey. This is a significant omission, meaning that it does not reflect an up-to-date characterisation of the baseline archaeological environment of the proposed development site.

According to the report, 'the western development boundary coincides with the projected line of a lost section of the Kilkenny Town Defences (KK019-026001-), which is a designated National Monument. The development will also encroach slightly on the Zone of Notification of a 12th/13th century Dovecote (KK019-026238-)'.

Also, according to the report, archaeological features comprising segments of a wall and/or ditch have been identified in nearby investigations on John Street and in the River Court Hotel (Licence 95E0053). These features have been interpreted as the remains of the town defences. It is stated in the report that the precise alignment of the town ditch in relation to the proposed development boundary has not yet been fully established.

It is recommended in the report that an 11-metre buffer zone is established from the outer edge of Dovecote (KK019-026238-) to the development boundary in order to protect the archaeological site from any direct impact.

It is also recommended in the report that any future development at this site is subject to a programme of licensed archaeological monitoring. It is noted that any works at or in proximity to a National Monument in the ownership or guardianship of the Minister for Housing, Local Government and Heritage, or a Local Authority, will require Ministerial Consent as per Section 14 of the National Monuments Act 1930 (as amended), which remains in force until the Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023 commence.

The method statement for test excavations provided at Appendix Q.1 indicates that these are scheduled to take place in August 2026. In that regard, please note that this is a regulated activity that requires the issuing of an Excavation Licence under Section 26 of the National Monuments Acts 1930–2014. Provision of a method statement should not be construed as indicating that a licence for the works has been applied for or obtained.

The basis of the previous request for Further Information (ref. no AB-321143-24) was to facilitate informed decision-making. The town defences of Kilkenny are considered to be a National Monument—National Policy on Town Defences (2008)—and according to the



Kilkenny Development Plan are to be respected by future development. Deferment of archaeological test trenching to the post-consent phase, by way of a condition of planning, as proposed by the applicant, cannot be supported. It remains the view of this Department that, in order for an informed decision to be made with regard to the likely significant effects of this proposal to archaeological heritage (including the town defences), an up-to-date, comprehensive Archaeological Impact Assessment is required. This Archaeological Impact Assessment must incorporate both the findings from the completed geophysical survey and also the results of a programme of archaeological test trenching.

Therefore, the Department, in line with national policy —see Section 3.6 of Frameworks and Principles for the Protection of the Archaeological Heritage 1999— recommends that an Archaeological Impact Assessment (including the results of the Archaeological Geophysical Survey and Archaeological Test Excavation) be carried out as Further Information. A report containing the results of this assessment should be submitted to the Department and the Planning Authority prior to any planning decision so as to facilitate the formulation of an appropriate and informed archaeological recommendation.

Request for Further Information

The Archaeological Impact Assessment shall be carried out as follows:

1. The applicant is required to engage the services of a suitably qualified archaeologist to carry out an Archaeological Impact Assessment (AIA), which should include the results of the Archaeological Geophysical Survey (carried out under Detection Device Consent 26R0283) and a programme of Archaeological Test Excavation to respond to this request for Further Information. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
2. The archaeologist shall inspect the proposed development site and detail the historical and archaeological background of the site (consulting appropriate documentary sources) and review all cartographic sources and aerial photographs for the area.
3. The Archaeological Test Excavation must be carried out under licence from the National Monuments Service of the Department and in accordance with an approved method statement. Note that a period of 5–6 weeks should be allowed to facilitate processing and approval of the licence application and method statement. The archaeological testing may be subject to a determination for Section 14 Ministerial Consent.



4. Test trenches shall be excavated at locations chosen by the archaeologist having consulted the site drawings and the results of the Archaeological Geophysical Survey (carried out under Detection Device Consent 26R0283). Excavation is to take place to the uppermost archaeological horizons only, where they survive. Where archaeological material is shown to be present, the archaeologist shall have works suspended pending further advice from the National Monuments Service of the Department. Please note that all features/archaeological surfaces within the test trenches are to be hand-cleaned and clearly visible for photographic purposes.
5. Having completed the work, the archaeologist shall submit a written report to the Department and the Local Authority describing the findings of the AIA including the results of the geophysical survey and test excavations. The report shall comment on the degree to which the extent, location and levels of all proposed foundations, service trenches and other sub-surface works required for the development will affect the archaeological remains. This should be illustrated with appropriate plans, sections, etc.
6. Where archaeological material is shown to be present, further mitigation measures will be required; these may include refusal, redesign to allow for preservation in situ, excavation and/or monitoring as deemed appropriate. The Department will advise the Local Authority with regard to these matters. No decision should be made on this application until the Department and the Local Authority have had the opportunity to fully evaluate the findings of the AIA.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

Underwater Archaeology

The Department has reviewed the Section 177AE application in respect of the construction of a water-based activity facility, including a new pontoon on the River Nore, Collegepark, John Street, Kilkenny. The application includes a desk-based archaeological assessment of the proposed development (John Cronin and Associates, September 2024) and Appendix Q2 - MS for Archaeological Dive & Detection Survey. It is noted in the assessment that the proposed development area is sited within the Zone of Archaeological Protection for Kilkenny Historic Town KK019-026----, a recorded monument, it partially incorporates the projected line of the Kilkenny Town Defences (KK019-026001-), a National Monument in the ownership of the local authority, and it 'will also encroach slightly on the Zone of Notification of a 12th/13th century Dovecote (KK019-026238-)'. Accordingly, the assessment concludes that 'the subject lands can be considered to possess a high archaeological potential'.



The proposed development includes for the construction of a pontoon supported on steel piles within the River Nore. Notwithstanding prior construction works within the proposed development area, including those associated with its use as a compound and river dredging and widening for the Kilkenny Flood Alleviation Scheme 2000–2003, the bed of the River Nore can be considered to be of high archaeological potential. This is evidenced by the outcome of the series of archaeological investigations and monitoring of the Kilkenny Flood Alleviation Scheme 2000–2003, which produced c. 15,000 archaeological objects, historic bridge structures, revetments, mill-structures and features, a Late Bronze Age fish-trap and the foundations of the aforementioned medieval turret/dovecote (KK019-026238-) (I. W. Doyle, 'Excavation of a riverside circular tower in College Park, Kilkenny City', *Old Kilkenny Review* 2005, 32–42). The latter structure remains preserved in situ beneath the current flood alleviation measures.

It is noted that no Underwater Archaeological Impact Assessment has been undertaken to assess the likely significant effects of the project on recorded or potential underwater cultural heritage, including on wrecks and underwater objects that may be contained within the River Nore. 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 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, for example, weirs, historic bridges, fording points, revetment walls, historic flood defences and other riverine structures and features. Notwithstanding the previous construction and flood alleviation works within the proposed development area, underwater cultural heritage may be present and could be potentially impacted upon by the proposed development.

In light of the above, the Department recommends to An Coimisiún Pleanála that the following Further Information be requested from the proponent, in advance of any approval that may issue.

Underwater Archaeology Recommendations

1. Underwater Archaeological Impact Assessment

- a. The proposed development shall be the subject of an Underwater Archaeological Impact Assessment (UAIA), to be submitted to the Department for review and approval, prior to the commencement of any riverbed preparation or construction works. The UAIA report shall contain a desk-based study that focuses on the riverine archaeology and heritage of the proposed development area and a synthesis of the archaeological outcomes of all



prior underwater/riverine archaeological investigations undertaken within the environs of the proposed development area and any other relevant investigations.

- b. The UAIA shall include a licensed archaeological diver/wade assessment, accompanied by a hand-held metal detection survey, centred on (but not confined to) the area(s) where in-stream works are proposed. The dive/wade assessment and metal detection survey shall be undertaken by a suitably licensed and experienced underwater archaeologist. All underwater cultural heritage identified in the survey shall be surveyed (photographic, descriptive, photogrammetric) in detail as part of the assessment. A Dive/Survey Licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required for the wade survey and metal detection, respectively. Licences should be applied for to the National Monuments Service of the Department and should 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 applications and method statement. All archaeological wading/diving should comply with the Health and Safety Authority's Safety, Health and Welfare at Work (Diving) Regulations 2018/2019.
- c. The licensed archaeologist may undertake targeted in-river pre-development archaeological test-excavations within specific areas of the proposed development area, to be agreed with the National Monuments Service of the Department, in order to adequately assess the nature, depth, extent and artefact-bearing potential of the riverine stratigraphy, to assess the potential for riverine structures and features and to facilitate further characterisation of any underwater cultural heritage features and structures that have been identified in the dive/wade survey and by prior research. The archaeological test-excavation shall be carried out under a Section 26 (National Monuments Act 1930) licence from the National Monuments Service of the Department and in accordance with an approved method statement. Licensed metal detection shall be undertaken in tandem with the test excavations. A Dive/Survey Licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required for the wade survey and metal detection, respectively. Licences should be applied for to the National Monuments Service of the Department and should 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. All archaeological wading/diving should comply with the Health and Safety Authority's Safety, Health and Welfare at Work (Diving) Regulations 2018/2019.
- d. The UAIA report shall contain a detailed Archaeological Impact Statement that addresses all identified or potential impacts on underwater cultural heritage and shall also make



recommendations on measures to avoid (through the institution of Archaeological Exclusion Zones) or, where necessary, mitigate (by archaeological dive surveys/archaeological test excavations/archaeological geophysical surveys/archaeological monitoring/preservation by record or any other means as recommended by the National Monuments Service of the Department) all potential/identified impacts and effects on underwater cultural heritage. The Developer shall be prepared to be advised by the National Monuments Service of the Department in this regard or in regard to any subsequent recommendations that may issue. No riverbed preparation or construction works shall be undertaken until formal approval in writing from the National Monuments Service of the Department has been received by the Developer. Compliance with this condition requires a formal statement in writing, from the National Monuments Service of the Department to An Coimisiún Pleanála, approving the UAIA report.

2. Archaeological monitoring riverine works

- a. The services of a suitably qualified and experienced underwater archaeologist shall be engaged to carry out full-time archaeological monitoring of all construction activities that impact on the riverbed and/or on underwater cultural heritage or areas of underwater archaeological potential and of any works where material of underwater archaeological importance may be uncovered.
- b. The archaeological monitoring shall be carried out by a suitably qualified and experienced underwater archaeologist operating 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 National Monuments Service of the Department, as part of the archaeological licence application. The strategy shall include licensed (Section 2 National Monuments Act (Amendment) 1987) metal detection of all sediments removed from the river and any areas of riverbed disturbance. 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. 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 impact on the riverbed and/or on underwater cultural heritage, and provides the former with



adequate notice (minimum eight weeks) of all forthcoming works that require their attendance.

- e. Should suspected/verified underwater cultural heritage materials, including wrecks, archaeological features 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 to the proposed find location and its environs (as defined by the monitoring archaeologist) and all construction activities shall immediately cease therein in order to facilitate investigative assessment, protection and prompt notification to the National Monuments Service of the Department and other statutory authorities, as required.
- f. The Developer shall undertake any ensuing mitigating action as is required by the National Monuments Service of the Department. Mitigation shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ of underwater cultural heritage by the institution of permanent Archaeological Exclusion Zones. Mitigation may also include underwater archaeological inspection by means of archaeological diving, underwater archaeological surveys (geophysical surveys), underwater archaeological test-excavations, underwater archaeological excavations ('preservation by record'), stabilisation works and/or archaeological monitoring, or any combination of the above or any other mitigation measures as may be recommended by the National Monuments Service of the Department. No construction activities shall recommence within the Archaeological Exclusion Zone until formally agreed in writing with the National Monuments Service of 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 National Monuments Service of the Department. All resulting and associated archaeological costs shall be borne by the Developer.
- g. The planning authority and the Department shall be furnished with a final archaeological report that describes the results of all archaeological monitoring and any archaeological investigative work/excavations and post-excavation works. Compliance with this condition requires a formal statement in writing, from the National Monuments Service of the Department to An Coimisiún Pleanála, approving the final report submission.

Should you require any further information or clarification on any of the above submission please do not hesitate to contact this Department.



Nature Conservation

These observations are provided by the Department in its role as the statutory nature conservation authority and having regard to its functions under the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended), the Wildlife Acts 1976–2023, and the requirements of Article 6 of the Habitats Directive (92/43/EEC) and Article 4 of the Birds Directive (2009/147/EC). The comments are made in the context of the Planning Application Consultation and are intended to assist the competent authority in its consideration of the Natura Impact Statement (NIS), the Ecological Impact Assessment (EclA), Environmental Impact Assessment Screening Report and associated ecological and environmental documentation, and the potential effects of the development on protected habitats, protected species and wider biodiversity interests.

General Comments

The Department notes the extensive ecological surveys, Natura Impact Statement, Construction Environmental Management Plan, Visitor Management Plan and Lighting Strategy submitted in support of the application. Subject to the full implementation of all mitigation measures, the appointment of a suitably qualified Ecological Clerk of Works, adherence to biosecurity measures, protection of water quality, maintenance of dark river corridors and ecological monitoring during construction, the Department is satisfied that the proposed development is not likely to adversely affect the integrity of the River Barrow and River Nore Special Area of Conservation (SAC) or the River Nore Special Protection Area (SPA). The Department recommends that the mitigation measures set out within the NIS, EclA, Construction Environmental Management Plan (CEMP), Visitor Management Plan (VMP) and Lighting Report be attached as conditions of any permission granted.

Recommended Conditions

The Department recommends that any approval should be conditional on the full implementation of all mitigation measures set out in the Natura Impact Statement, Ecological Impact Assessment, Construction Environmental Management Plan, Visitor Management Plan and Lighting Report. These measures should be incorporated into enforceable planning conditions, rather than being treated as advisory commitments, having regard to the project's location within the Zone of Influence of the River Barrow and River Nore SAC and River Nore SPA.

Prior to commencement, a final Construction Environmental Management Plan and detailed construction method statements should be submitted to and agreed with the planning authority, in consultation with relevant public bodies, where appropriate. The final CEMP



should include site-specific arrangements for in-river and riparian works, dewatering, sediment control, concrete management, spill prevention, emergency response, biosecurity and invasive species control.

A suitably qualified Ecological Clerk of Works (ECoW) should be appointed for the duration of works affecting the River Nore corridor. The ECoW should undertake pre-construction checks for otter, kingfisher, bats, nesting birds, invasive species and other protected fauna, supervise works within or adjacent to the river, maintain an ecological monitoring file and have authority to stop works where protected species, water quality risk or non-compliance issues arise.

Works within the riparian zone and River Nore should be confined to daylight hours and should not commence until at least one hour after sunrise or continue later than one hour before sunset, unless otherwise agreed with the ECoW and relevant statutory bodies. No artificial lighting should be directed towards the River Nore, riparian vegetation, otter commuting routes, potential resting places, bat commuting features or kingfisher foraging/perching areas.¹

The final lighting design should be verified before installation and operation. This should confirm that all luminaires are warm-spectrum, preferably 2700K or lower, fully shielded/cowled, have no UV component, avoid upward light spill and do not illuminate the river surface or riparian corridor. The discrepancy between the lighting report's stated 2700K bat-sensitive lighting and the luminaire schedule references to 4000K fittings should be resolved before consent is implemented.²

Water quality protection measures should include baseline and active construction-stage monitoring, clear turbidity or suspended solids trigger levels, daily inspection of silt controls during river works and immediate cessation of works where deterioration in water quality is suspected. Any pollution incident, sediment release or treatment failure with potential to affect the River Nore should be reported promptly to the relevant authorities, including IFI and the National Parks and Wildlife Service of the Department where appropriate.³

¹ The restriction of works in the riparian zone to daylight hours is a precautionary protected-species measure, supported by NatureScot standing advice for otter and bats and by NatureScot's general protected species guidance, which recognises that timing and working methods may need to be controlled to avoid disturbance to European Protected Species. <https://www.nature.scot/doc/standing-advice-planning-consultations-otters>

² The lighting condition is supported by NPWS Bat Mitigation Guidelines for Ireland, Bat Conservation Ireland lighting guidance, NatureScot standing advice for bats, and ILP/BCT GN08/23, all of which emphasise avoiding or minimising artificial lighting impacts on bat roosts, commuting routes, foraging habitat and dark ecological corridors. <https://cieem.net/resource/bats-and-lighting-guidance-notes-for-planners-engineers-architects-and-developers/>

³ The water quality condition is supported by IFI guidance on construction works in and adjacent to waters, and NPWS Appropriate Assessment guidance, all of which support the use of site-specific sediment, pollution prevention, monitoring and emergency-response measures where works may affect a European river site. <https://www.npws.ie/protected->



The Visitor Management Plan should be implemented in full before routine use of the facility commences. This should include defined no-go areas, controlled access routes, pontoon management, operator induction, visitor briefings, signage, group-size controls, event controls, incident reporting and adaptive management. Water-based activity should not commence unless the approved wash-down treatment train, including the UV sterilisation unit, silt chamber and hydrocarbon interceptor, is confirmed to be operational.

A post-construction ecological monitoring programme should be required for an initial operational period, for example two to three years. Monitoring should assess visitor compliance, otter activity, kingfisher use of the river corridor, bat-sensitive lighting performance, riparian vegetation condition, informal access, bank erosion and biosecurity compliance. Where monitoring identifies ecological disturbance or deterioration, the operator should be required to implement corrective measures, including reduced access, additional signage, temporary closures or revised operational controls.⁴

Conclusion

Subject to the above conditions being attached to any approval and fully implemented, the Department would be likely to consider that the proposed development can proceed without adversely affecting the integrity of the River Barrow and River Nore SAC or the River Nore SPA, either alone or in combination with other plans or projects. The key requirement is that the mitigation and operational controls are secured as enforceable obligations, particularly in relation to water quality, otter and kingfisher disturbance, bat-sensitive lighting, invasive species and biosecurity, and long-term visitor management. On that basis, the Department would not raise an objection in principle but would emphasise that failure to implement the NIS, EclA, CEMP, VMP and lighting commitments in full would undermine the conclusions of the Appropriate Assessment.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at: manager.dau@npws.gov.ie, or to the following address: The Manager, Development Applications Unit (DAU), Government Offices, Newtown Road, Wexford, Y35 AP90.

[sites/guidance-appropriate-assessment-planning-authorities:](#) <https://www.fisheriesireland.ie/media/guidelines-on-protection-of-fisheries-during-construction-works-in-and-adjacent-to-waters>

⁴ The post-construction ecological monitoring condition is supported by CIEEM EclA guidance, NatureScot protected-species and species protection plan guidance, ILP/BCT lighting guidance for post-completion compliance checking, and otter monitoring guidance relevant to Special Areas of Conservation. <https://theilp.org.uk/resource/gn08-bats-and-artificial-lighting-pdf.html> ; <https://cieem.net/resource/guidelines-for-ecological-impact-assessment-ecia/>



Is mise, le meas,

Cormac O'Flaherty

Cormac O'Flaherty
Higher Executive Officer
Development Applications Unit
Administration