



Re: 177AE N70 Sneem to Blackwater
(Please quote in all related correspondence)

6 February 2020

The Strategic Infrastructure Division,
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902
Via email to sids@pleanala.ie

Re: Notification to the Minister for Culture, Heritage and the Gaeltacht under the Planning and Development Act, 2000, as amended.

Proposed Development: Section 177AE application by Kerry County Council for approval in relation to a proposed road development consisting of a 4.53km online improvement of the N70 to an all-purpose road with a shared use cycle and pedestrian facility in the northern verge and all ancillary and consequential works in the Townlands of Ankail, Tahilla, Derreenamucklagh and Doon, County Kerry

A chara

On behalf of the Department of Culture, Heritage and the Gaeltacht, I refer to correspondence received in connection with the above. Outlined below are heritage-related observations/recommendations of the Department under the stated heading.

Nature Conservation

The proposed development is adjacent to, or near to, the following European sites: Kenmare River candidate Special Area of Conservation (cSAC) (Site Code 002158), and Old Domestic Building, Dromore Wood cSAC (Site Code 000353). Both sites are designated for lesser horseshoe bat, which also occurs outside these sites (see below). The Department has no issues to raise concerning impacts on these sites, subject to mitigation being clearly and effectively implemented.

The proposed development also includes areas utilised by the following protected species and species of conservation value:

- **Lesser horseshoe bats** – condition recommended

Impacts of the proposed road realignment on a roost of lesser horseshoe bats at Derreenamucklagh are assessed in the Natura Impact Statement (NIS) and Environmental Impact Assessment Report (EIAR). This Department is not aware of any reason to disagree with the conclusion of the NIS or EIAR, but recommends the following type of condition:



The National Parks and Wildlife Service (NPWS) will be notified of the intended commencement of any works within 100m of the Derreenamucklagh roost site, two weeks before commencement of tree or vegetation removal or any other works likely to cause excessive noise or vibration. A weekly report, with photographs, will be sent to the NPWS, during construction works within 100m of this bat roost, outlining compliance with mitigation measures and relevant conditions. Any site inspection of this zone, by authorised NPWS staff during the construction period, will be facilitated on request. Monitoring of the bat roost, and numbers of bats utilising it, will be carried out before, during and after the construction period, and results included in the weekly report where applicable.

Reason: To avoid adverse effects on the population of a strictly protected species.

- ***Freshwater pearl mussel*** – Further Information recommended

Polishing grass swales are included on the drainage pathways from the road at either side of the bridge at Tahilla, to ensure high runoff water quality on account of the sensitive receptor freshwater pearl mussel downstream in the Tahilla River. Although this river is not designated for this species, this subpopulation is nonetheless considered to be of conservation significance, based on the survey data presented in Appendix 8B, the land use in the catchment, and its current critically endangered status (Moorkens, 2011¹). Also rip-rap is proposed for erosion control at the discharge points.

On pp. 3-16 and 7-38 of the EIAR, it is stated that the above two vegetation filtered areas "... are not necessary to achieve suitable water quality levels ..." in the Tahilla River. As this measure will involve both cost and use of land, it would be useful to have the scientific reasoning as to why they are unnecessary, based on the suspended sediment, nutrient and pollution tolerances of juvenile mussels, river flow during low summer water, and the predicted runoff from the road given future traffic levels.

It is important to clarify that the Department did not request that any particular feature must be used for pollution or erosion control (e.g. as stated on p. 3-17 of the EIAR for rip-rap, or p.9-15 for vegetation strips), but that such features should be considered when assessing the design feasibility and ecological impact of the road on the river water quality. The responsibility for effective design rests with the applicant. If there are valid scientific arguments to show that they are unnecessary, then the Department has no difficulty accepting this.

You are requested to send further communications to this Department's Development Applications Unit (DAU) at the following address:

The Manager,
Development Applications Unit (DAU),
Department of Culture, Heritage and the Gaeltacht,
Newtown Road,
Wexford, Y35 AP90

¹ Moorkens, E. (2011) *Margaritifera margaritifera*. *The IUCN Red List of Threatened species 2011*: e.T12799A3382660.



Is mise, le meas

Sinéad O'Brien

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Development Applications Unit

