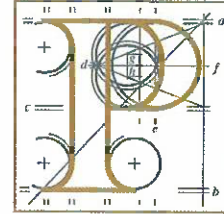


Our Case Number: ABP-311745-21



An  
Bord  
Pleanála

Carlow County Council  
Planning Department  
County Buildings  
Athy Road  
Carlow  
Co. Carlow



Date: 24 January 2022

Re: Construction of the River Barrow Water Activity Centre  
Carlow Town Park, Carlow Town, Co. Carlow

Dear Sir / Madam,

Enclosed for your information are **two copies of a submission** received by the Board on behalf of **Department of Housing, Local Government and Heritage** in relation to the above-mentioned proposed development.

Please ensure that a copy of this submissions available for public inspection at the offices of the planning authority.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Sarah Caulfield  
Executive Officer  
Direct Line: 01-8737287

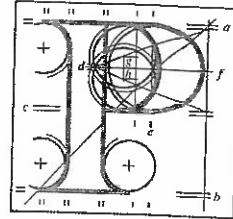
AA07

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

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



Our Case Number: ABP-311745-21



An  
Bord  
Pleanála

Department of Housing, Local Government and Heritage  
The Manager  
Development Applications Unit  
Newtown Road  
Co. Wexford  
Y35 AP90

Date: 03 December 2021

Re: Construction of the River Barrow Water Activity Centre  
Carlow Town Park, Carlow Town, Co. Carlow

Dear Sir / Madam,

An Bord 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 Board has approved it with or without modifications.

If you have any queries in relation to the matter please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

*Sarah Caulfield*

Sarah Caulfield  
Executive Officer  
Direct Line: 01-8737287

AA02

Teil	Tei	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoibhríde Baile Átha Cliath 1 D01 V902	64 Marlborough Street Dublin 1 D01 V902
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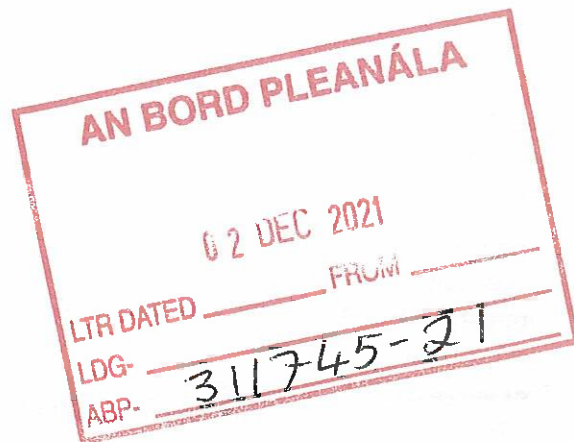
An Roinn Tithíochta,  
Rialtais Áitiúil agus Oidhreacht  
Department of Housing,  
Local Government and Heritage



Our Ref: 177AE River Barrow Water Centre  
(Please quote in all related correspondence)

2 December 2021

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



Via email to [bord@pleanala.ie](mailto:bord@pleanala.ie)

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

**177AE Application: CARLOW COUNTY COUNCIL: Proposed Construction of the River Barrow Water Activity Centre: at Carlow Town Park, Carlow Town, Co. Carlow**

A chara

I refer to correspondence received in connection with the above.

Outlined below are Nature Conservation observations/recommendations co-ordinated by the Development Applications Unit.

### Nature Conservation

#### **Matters related to Appropriate Assessment**

##### Otter

A Natura Impact Statement, dated 23<sup>rd</sup> September 2021, has been prepared by Panther Environmental Solutions Ltd. The development will include the construction of boat storage areas measuring 310m<sup>2</sup> that can accommodate approximately 50 boats. The proposed development is partly within/adjacent to the River Barrow and River Nore Special Area of Conservation (SAC) (Site Code 002162). Otter (*Lutra lutra*) is a Qualifying Interest (QI) species listed for this site. Otter is also a species protected under the Wildlife Acts 1976 to 2021 and listed on Annex IV of the EU Habitats Directive (92/43/EEC), which requires Member States to implement a system of strict protection for the species. Otter is also listed as requiring strict protection in Appendix II of the Berne Convention on the Conservation of European Wildlife and Natural Habitats.

The NIS states that 'While no evidence of otter (including holts, slides, spraints and tracks) was recorded during the ecological site walkover, given that the proposed development



site is located beside the River Barrow, and given that the NBDC has records for otter within the 10km square (Tetrad -S77) in which the proposed development is located, it is possible that otter are present within the vicinity of the proposed development site along the River Barrow.'

Appropriate Assessment must contain complete, precise and definitive findings. The Department considers that an incidental survey for otter is insufficient to determine the impacts of this riverside recreational development with an estimated 18 month construction period. Otter are liable to go undetected at a site due to the apparent absence of field signs<sup>1</sup>. No survey methodology has been provided to demonstrate survey effort and extent in order to rule out this error. The Department notes that the development will result in the loss of part of an ecological corridor likely used by otter for commuting and dispersal. The vegetated island within the above SAC, which bounds the development and is within its zone of influence, likely contains otter habitat. Otters are prone to disturbance both at construction and operational stages of this development.

The Department advises that a comprehensive otter survey covering all areas within the zone of influence of the development must be carried out to inform Appropriate Assessment. Otters are prone to disturbance within 150 metres of natal holts and therefore the geographical survey area must be adequate to determine such impacts. Suitable mitigation must be put in place, as required, and based on survey results. Surveys must be carried out by a suitably qualified Ecologist. Further information is required.

#### White-clawed crayfish

The NIS confirms that the development site is located within the current distribution, current range and favourable reference range of white-clawed crayfish, a QI species listed for the above SAC. Disease is identified as major threat to this species and has occurred in Ireland even in the absence of alien crayfish species vectors, most recently with the spread of crayfish plague. A Conservation Objective target for the species is that there is no incidence of disease occurrence. The Department considers that the proposed development may undermine the achievement of this objective, given the nature of the development and that this impact has not been adequately assessed in the Appropriate Assessment. The Department notes that activities on the River Barrow will be initially confined to the existing water-based sports and recreational use already in place by the clubs within Carlow Town such as Carlow Rowing Club, Carlow Triathlon Club, Cliff Reid Boat Trips, Carlow Scout Group and Graham Wall Kayaking. However, in order to determine the significance of the threat of disease occurrence, the *maximum* number of boat users and the proportions who are visitors and based at the facility will need to be determined.

The Department notes that the Civil Engineering Planning Report proposes to provide a designated area for users to wash down boats and equipment. This will consist of an external contained hard (impermeable) surface area where equipment can be washed down. The wash will be collected by means of a surface channel drain discharging into a

<sup>1</sup> Reid, N., Hayden, B., Lundy, M.G., Pietravalle, S., McDonald, R.A. & Montgomery, W.I. (2013) National Otter Survey of Ireland 2010/12. Irish Wildlife Manuals No. 76. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht, Dublin, Ireland.



precast concrete gravity flow silt chamber. The discharge will then be treated with a UV light sterilisation unit for biological control before discharging into the surface water system within the subject site. It is stated that this will prevent pathogens such as crayfish plague from entering the River Barrow during the operational phase of the development.

As discussed above, it is unclear if this is an Appropriate Assessment mitigation measure in relation to white-clawed crayfish. If so, the disease threats from the development should be clearly detailed in the Appropriate Assessment. Threats from boats entering the river, exiting the river and boats from other facilities should be detailed. Any mitigation, such as that proposed or other biosecurity or education measures, should be specific to the threats identified and demonstrably based on national and international best practice with proven effectiveness in similar situations.

In relation to the wash down facility proposed, the Department has the following comments to make:

1. The design capacity of the silt chamber must be provided. It should be based on the maximum number of boat users (including day visitors) and not the initial number of users.
2. The data used to derive the formula for water usage in the wash down facility should be provided as this will determine the size of the silt chamber.
3. It is draft Carlow County Development Plan (CDP) policy (WS. P5) to '*promote best practice water conservation practices in all developments including rainwater harvesting and grey water recycling and supporting the implementation of BS8515-2009 Rainwater Harvesting Systems – Code of Practice*'. Rainwater harvesting should be considered as an alternative to using potable water for boat wash-down.
4. Evidence of the effectiveness of the UV filter in relation to pathogens, in particular in relation to killing fungal spores, should be provided.
5. Other international best practice biosecurity measures should be considered.
6. Prevention of invasive species plant fragments and seeds entering the river must be considered.
7. Nature based drainage solutions should be investigated as an alternative to storage of water in an underground silt chamber and discharging directly to the River Barrow.
8. The role of user education in preventing disease occurrence and spread of invasive species should be considered.
9. The facility provides an opportunity to educate water users about both the conservation significance of the River Barrow and threats such as disease and invasive species.

#### Water Quality

The current Water Framework Directive status of the River Barrow within proximity of the proposed development is "At Risk". A number of quality interest species have water quality conservation objectives. It is noted that stormwater comprised of rainwater run-off



from the roof areas and hard surfaces will connect with a new drainage system with a hydrocarbon interceptor before connecting to the existing stormwater drainage system within the vicinity of the development. It is proposed that the surface water from the 'Site A' development will be discharged into the existing 1200mm diameter concrete stormwater line to the west of the site without attenuation. This appears to conflict with the NIS which states on page 11 that proposed stormwater drainage should connect to an existing surface water system, **using attenuation techniques** to regulate the flow.

It is stated that infiltration tests carried out by IGSL LTD as part of their Site Investigation Report of 'Site A' concluded that it is unlikely that soakaway systems will function in these ground conditions. The Department recommends that Nature Based Solutions other than soakaways systems such as rainwater harvesting, lined raingardens and tree pits should be investigated as an alternative to direct surface water discharge to the River Barrow. The latter two systems are proven to be effective in removing pollutants from surface water and have been used successfully in a number of public realm projects<sup>2</sup> and would be in accordance with draft CDP policy<sup>3</sup>. Further information is required.

#### **Matters related to Ecological Impact Assessment, Biodiversity protection and Enhancement**

##### Loss of Ecological Corridor

The proposed development will result in the loss of ecological corridor and green infrastructure, including the loss of tree cover. It is noted that this land is zoned as 'Amenity and Open Space' in the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012 – 2018. Ecological corridors are vital to maintain biodiversity connectivity in the landscape, particularly in urban areas, and provide for movement of protected species such as otter, seed and pollen dispersal, and plant migration. Such corridors require protection as outlined in Article 10 of the EU Habitats Directive (92/43/EEC). The Department recommends that mitigation is required in relation to the loss of the ecological corridor to ensure 'no net loss of biodiversity' in accordance with the National Biodiversity Action Plan 2017-2021. This may include greening of grey infrastructure in the riparian zone along the riverside adjacent to this development. Further information is required.

##### Landscape Plan

As outlined above, the Department recommends that the Landscaping Plan includes Nature Based Drainage Solutions. Given the location of the development adjacent and partly within a European conservation site, tree and hedge planting should consist of native species. Hedges consisting of *Acer campestre* and *Fagus sylvatica* should therefore not be planted.

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<sup>2</sup><https://greenblue.com/gb/videos/webinar-practical-retrofit-of-suds-in-high-density-residential-areas/>

<sup>3</sup> Draft Carlow County Development Plan 2022 – 2028 Policy SW. P2: Ensure that all development proposals incorporate Sustainable Drainage Systems and to promote the use of green infrastructure e.g. green roofs, green walls, planting and green spaces for surface water retention purposes, as an integrated part of SuDS and maximise the multi-functional potential of these systems including benefits for biodiversity and amenity value wherever possible.





Planting should adhere to the principles outlined in the All Ireland Pollinator Plan 2021 – 2025. Information regarding the plan can be found at <https://pollinators.ie/>.

#### Bat species

Bat species are strictly protected under the Wildlife Act, 1976 to 2021 as well as under Annex IV of the EU Habitats Directive (92/43/EEC). As well as direct habitat loss, the development may have indirect impacts such as from lighting. Bats (and other nocturnal wildlife) are particularly sensitive to Artificial Light at Night (ALAN).

The Department considers that a bat survey should be carried out by a suitably qualified ecologist at appropriate times of the year to inform any planning decision in relation to this development. Mitigation, such as the modification of lighting proposals may need to be considered in light of the survey results and should follow guidance by Bat Conservation Ireland: Bats and Lighting, Guidance Notes for: Planners, engineers, architects and developers 2010. This guidance can be found at [https://www.batconservationireland.org/wp-content/uploads/2013/09/BCIrelandGuidelines\\_Lighting.pdf](https://www.batconservationireland.org/wp-content/uploads/2013/09/BCIrelandGuidelines_Lighting.pdf) and/or guidance issued by Bat Conservation Trust UK <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>.

The Department considers that new lighting must be kept to a minimum. It must have smart control systems to allow cut-off periods during hours of darkness and dimming at dawn and dusk. The project must ensure that the use of energy efficient (LED) lighting, does not have adverse effects on biodiversity by limiting lighting only to where it is required and using 'warm white' lighting with a Correlated Colour Temperature (CCT) of below 2700 kelvins.

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 of the European Communities (Birds and Natural Habitats) Regulations 2011-2021 is obtained. Applications for derogation licences can be made in writing, including survey results and proposed mitigation measures, to the Wildlife Licensing Unit, National Parks and Wildlife Service of this Department. Further information is required.

There are opportunities to incorporate bat bricks within the fabric of this Local Authority development.

#### Bird species

Any tree or vegetation removal works that are required as part of this development must take place outside of the bird nesting season. Bird nesting season is from March 1st until August 31st inclusive.

There are opportunities to incorporate swift nest boxes within the fabric of this Local Authority development and this should be considered.

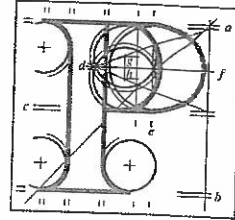


You are requested to send further communications to the Development Applications Unit (DAU) at [manager.dau@chg.gov.ie](mailto:manager.dau@chg.gov.ie), or to the address below.

Is mise le meas,

**Diarmuid Buttiner**  
**Development Applications Unit**  
**Administration**

Our Case Number: ABP-311745-21



An  
Bord  
Pleanála

Department of Housing, Local Government and Heritage  
The Manager  
Development Applications Unit  
Newtown Road  
Co. Wexford  
Y35 AP90

Date: 03 December 2021

Re: Construction of the River Barrow Water Activity Centre  
Carlow Town Park, Carlow Town, Co. Carlow

Dear Sir / Madam,

An Bord 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 Board has approved it with or without modifications.

If you have any queries in relation to the matter please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

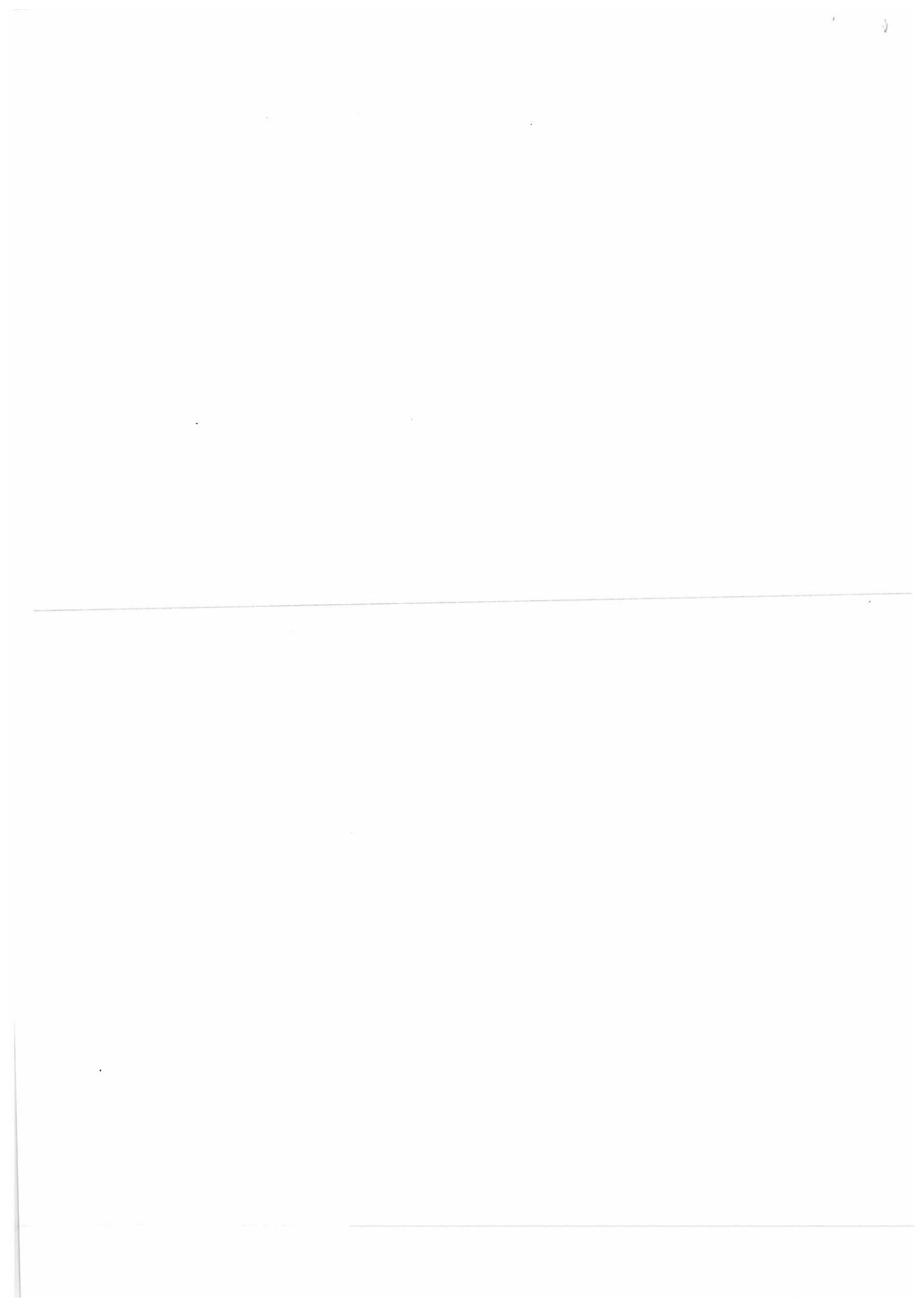
*Sarah Caulfield*

Sarah Caulfield  
Executive Officer  
Direct Line: 01-8737287

AA02

Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
Ríomhphost	Email	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

64 Sráid Maoilbhríde Baile Átha Cliath 1 D01 V902	64 Marlborough Street Dublin 1 D01 V902
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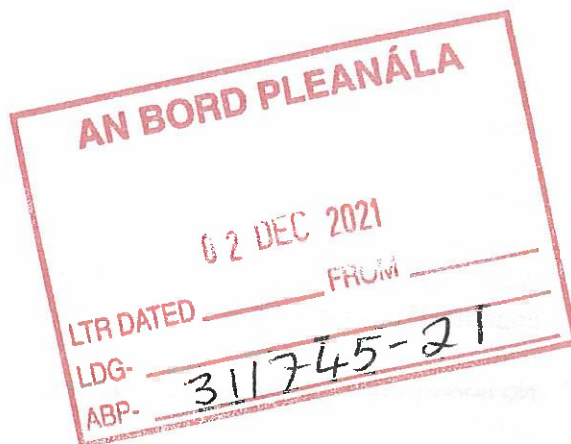
An Roinn Tithíochta,  
Rialtais Áitiúil agus Oidhreacht  
Department of Housing,  
Local Government and Heritage



Our Ref: 177AE River Barrow Water Centre  
(Please quote in all related correspondence)

2 December 2021

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



Via email to [bord@pleanala.ie](mailto:bord@pleanala.ie)

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

**177AE Applicatin: CARLOW COUNTY COUNCIL: Proposed Construction of the River Barrow Water Activity Centre: at Carlow Town Park, Carlow Town, Co. Carlow**

A chara

I refer to correspondence received in connection with the above.

Outlined below are Nature Conservation observations/recommendations co-ordinated by the Development Applications Unit.

### Nature Conservation

#### **Matters related to Appropriate Assessment**

##### Otter

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#### White-clawed crayfish

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precast concrete gravity flow silt chamber. The discharge will then be treated with a UV light sterilisation unit for biological control before discharging into the surface water system within the subject site. It is stated that this will prevent pathogens such as crayfish plague from entering the River Barrow during the operational phase of the development.

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In relation to the wash down facility proposed, the Department has the following comments to make:

1. The design capacity of the silt chamber must be provided. It should be based on the maximum number of boat users (including day visitors) and not the initial number of users.
2. The data used to derive the formula for water usage in the wash down facility should be provided as this will determine the size of the silt chamber.
3. It is draft Carlow County Development Plan (CDP) policy (WS. P5) to '*promote best practice water conservation practices in all developments including rainwater harvesting and grey water recycling and supporting the implementation of BS8515-2009 Rainwater Harvesting Systems – Code of Practice*'. Rainwater harvesting should be considered as an alternative to using potable water for boat wash-down.
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#### Water Quality

The current Water Framework Directive status of the River Barrow within proximity of the proposed development is "At Risk". A number of qualify interest species have water quality conservation objectives. It is noted that stormwater comprised of rainwater run-off



from the roof areas and hard surfaces will connect with a new drainage system with a hydrocarbon interceptor before connecting to the existing stormwater drainage system within the vicinity of the development. It is proposed that the surface water from the 'Site A' development will be discharged into the existing 1200mm diameter concrete stormwater line to the west of the site without attenuation. This appears to conflict with the NIS which states on page 11 that proposed stormwater drainage should connect to an existing surface water system, **using attenuation techniques** to regulate the flow.

It is stated that infiltration tests carried out by IGSL LTD as part of their Site Investigation Report of 'Site A' concluded that it is unlikely that soakaway systems will function in these ground conditions. The Department recommends that Nature Based Solutions other than soakaways systems such as rainwater harvesting, lined raingardens and tree pits should be investigated as an alternative to direct surface water discharge to the River Barrow. The latter two systems are proven to be effective in removing pollutants from surface water and have been used successfully in a number of public realm projects<sup>2</sup> and would be in accordance with draft CDP policy<sup>3</sup>. Further information is required.

#### **Matters related to Ecological Impact Assessment, Biodiversity protection and Enhancement**

##### Loss of Ecological Corridor

The proposed development will result in the loss of ecological corridor and green infrastructure, including the loss of tree cover. It is noted that this land is zoned as 'Amenity and Open Space' in the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012 – 2018. Ecological corridors are vital to maintain biodiversity connectivity in the landscape, particularly in urban areas, and provide for movement of protected species such as otter, seed and pollen dispersal, and plant migration. Such corridors require protection as outlined in Article 10 of the EU Habitats Directive (92/43/EEC). The Department recommends that mitigation is required in relation to the loss of the ecological corridor to ensure 'no net loss of biodiversity' in accordance with the National Biodiversity Action Plan 2017-2021. This may include greening of grey infrastructure in the riparian zone along the riverside adjacent to this development. Further information is required.

##### Landscape Plan

As outlined above, the Department recommends that the Landscaping Plan includes Nature Based Drainage Solutions. Given the location of the development adjacent and partly within a European conservation site, tree and hedge planting should consist of native species. Hedges consisting of *Acer campestre* and *Fagus sylvatica* should therefore not be planted.

<sup>2</sup><https://greenblue.com/gb/videos/webinar-practical-retrofit-of-suds-in-high-density-residential-areas/>

<sup>3</sup> Draft Carlow County Development Plan 2022 – 2028 Policy SW. P2: Ensure that all development proposals incorporate Sustainable Drainage Systems and to promote the use of green infrastructure e.g. green roofs, green walls, planting and green spaces for surface water retention purposes, as an integrated part of SuDS and maximise the multi-functional potential of these systems including benefits for biodiversity and amenity value wherever possible.





Planting should adhere to the principles outlined in the All Ireland Pollinator Plan 2021 – 2025. Information regarding the plan can be found at <https://pollinators.ie/>.

#### Bat species

Bat species are strictly protected under the Wildlife Act, 1976 to 2021 as well as under Annex IV of the EU Habitats Directive (92/43/EEC). As well as direct habitat loss, the development may have indirect impacts such as from lighting. Bats (and other nocturnal wildlife) are particularly sensitive to Artificial Light at Night (ALAN).

The Department considers that a bat survey should be carried out by a suitably qualified ecologist at appropriate times of the year to inform any planning decision in relation to this development. Mitigation, such as the modification of lighting proposals may need to be considered in light of the survey results and should follow guidance by Bat Conservation Ireland: Bats and Lighting, Guidance Notes for: Planners, engineers, architects and developers 2010. This guidance can be found at [https://www.batconservationireland.org/wp-content/uploads/2013/09/BCIrelandGuidelines\\_Lighting.pdf](https://www.batconservationireland.org/wp-content/uploads/2013/09/BCIrelandGuidelines_Lighting.pdf) and/or guidance issued by Bat Conservation Trust UK <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>.

The Department considers that new lighting must be kept to a minimum. It must have smart control systems to allow cut-off periods during hours of darkness and dimming at dawn and dusk. The project must ensure that the use of energy efficient (LED) lighting, does not have adverse effects on biodiversity by limiting lighting only to where it is required and using 'warm white' lighting with a Correlated Colour Temperature (CCT) of below 2700 kelvins.

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 of the European Communities (Birds and Natural Habitats) Regulations 2011-2021 is obtained. Applications for derogation licences can be made in writing, including survey results and proposed mitigation measures, to the Wildlife Licensing Unit, National Parks and Wildlife Service of this Department. Further information is required.

There are opportunities to incorporate bat bricks within the fabric of this Local Authority development.

#### Bird species

Any tree or vegetation removal works that are required as part of this development must take place outside of the bird nesting season. Bird nesting season is from March 1st until August 31st inclusive.

There are opportunities to incorporate swift nest boxes within the fabric of this Local Authority development and this should be considered.



You are requested to send further communications to the Development Applications Unit (DAU) at [manager.dau@chg.gov.ie](mailto:manager.dau@chg.gov.ie), or to the address below.

Is mise le meas,

A handwritten signature in black ink, appearing to read 'Diarmuid Buttiner'. The signature is stylized and somewhat cursive, enclosed within a large, loopy flourish.

**Diarmuid Buttiner**  
**Development Applications Unit**  
**Administration**