

CARLOW COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS 2000-as amended
NOTIFICATION OF FINAL GRANT

TO: Inland Fisheries Ireland
C/o Mark Murphy Consultancy Ltd.
18 Dealg Bán
Ladysbridge
Co. Cork
P25 WN72

Planning Register Number: 20/392

Valid Application Receipt Date: 06/11/2020

Further Information Received Date: 12/02/2021

In pursuance of the powers conferred upon them by the above-mentioned Acts, Carlow County Council have by Order dated 10/05/2021 GRANTED PERMISSION to the abovenamed, for the development of land, namely:-

construction of a rock ramp fish pass in front of the existing Ballinacarrig Weir. The fish pass will require the lowering of a section of the weir. A Natura Impact Statement (NIS) will be submitted with this Planning Application. AT On the River Burren on the boundary of the townlands of Carlow and Ballinacarrig, Carlow. IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION.

Subject to the 14 conditions set out in the Schedule attached.

Signed on behalf of CARLOW COUNTY COUNCIL.


for SENIOR EXECUTIVE OFFICER

Date: 12/05/2021

Planning permission for the construction of a rock ramp fish pass in front of the existing Ballinacarrig Weir on the River Burren on the boundary of the townlands of Carlow and Ballinacarrig. The fish pass will require the lowering of a section of the weir. A Natura Impact Statement (NIS) will be submitted with this planning application at Ballinacarrig Weir, on the River Burren on the boundary of the townlands of Carlow and Ballinacarrig, Co. Carlow.

For: Inland Fisheries Ireland

First Schedule

Having regard to the nature and extent of the development as existing and proposed, and the existing use of the site, it is considered that subject to compliance with the conditions attached, the development would be acceptable in terms of traffic safety and convenience, would not seriously injure the amenities of the area or of property in the vicinity, and would be therefore in accordance with the proper planning and sustainable development of the area.

Second Schedule

1. The development shall be carried out in accordance with the plans and particulars received by the Planning Authority on 6th November 2020, and as amended by further information response received on 12th February 2021, except where altered or amended by conditions in this permission.

Reason: To enable the Planning Authority to check the development when completed, by reference to the approved particulars.

2. This permission authorises the development as detailed in plans and particulars received by the Planning Authority and does not relate to any other development on the site not subject of the planning application whether or not such development would otherwise constitute exempted development.

Reason: In the interest of clarity and to avoid any misunderstanding as to the particulars of the permission.

3. Prior to the commencement of development, the following archaeological assessment requirements shall be complied with;

(a) An Underwater Archaeological Impact Assessment (UAIA) shall be undertaken to accompany the results of the Archaeological Impact Assessment submitted with the application on 6th November 2020.

(b) The UAIA shall take the following format:

- (i) The services of a suitably qualified and suitably experienced underwater archaeologist shall be engaged to undertake the UAIA.
- (ii) The UAIA is required to be licenced by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and a detailed method statement shall accompany the licence application.
- (iii) The UAIA shall seek to assess all impacts to the weir, riverbed and river banks by the proposed works.

- (iv) The UAIA shall include a metal detection survey which is required to be licenced by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.
- (v) The UAIA shall assess all potential impacts from plant and machinery while works are being undertaken including from haul roads, work compounds, in-river works, etc.
- (vi) A detailed assessment, to include descriptive, drawn, photographic, scaled record of the weir to be made to assess the nature and extent of the structure and assess the proposed impact to it.

(c) The results of the UAIA shall be submitted to the National Monuments Service of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media for written approval.

(d) The UAIA shall put forward mitigation strategies to negate impact on known or potential underwater cultural heritage.

No works shall commence onsite until the formal written agreement of the Planning Authority has been issued.

Reason: To ensure the continued preservation (either in situ or by record) of our underwater cultural heritage and all associated features, objects and structures.

4. (a) All mitigation measures detailed in the revised Natura Impact Statement shall be strictly adhered to and carried out in full.
- (b) All mitigation measures detailed in the Construction Environmental Management Plan shall be strictly adhered to and carried out in full.

Reason: In the interest of the protection of the environment and the proper planning and sustainable development of the area.

5. All construction works shall be supervised by a suitably qualified and experienced environmental personnel and/or an ecological clerk of works to ensure that all mitigation measures in relation to environmental management as required by the conditions of this permission are strictly adhered to and implemented in full, and to ensure impacts on the environment are minimised. Qualifications in relation to same shall be submitted to the Planning Authority prior to the commencement of development.

Reason: In the interest of the protection of the environment and the proper planning and sustainable development of the area.

6. (a) Any cutting back of vegetation shall take place outside of the bird breeding season (1st March to 31st August).
- (b) The in-river construction works shall be confined to the months of July to September.
- (c) No construction works shall be undertaken when the River Burren is in flood or close to flood conditions.

Reason: In the interest of the protection of the environment and the proper planning and sustainable development of the area.

7. (a) All construction and mitigation measures detailed in the Hydrology Report shall be strictly adhered to and carried out in full.
- (b) No construction work will be carried out outside of normal flow conditions. Work will be suspended during flood events as detailed in the Hydrology Report.
- (c) The existing sluice will be used for flow control and daily inspections shall be carried out to maintain required minimum flows and to ensure that bankside overflows in the Mill Race do not occur.
- (d) There shall be no direct discharge of dewatered pumped water to the river. Silted water arising within the work area shall be treated by discharging to vegetated areas, sediment traps and settling basins.

Reason: In the interest of environmental protection and the proper planning and sustainable development of the area.

8. Noise and vibration during the construction phase shall be limited to the levels recommended in BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 respectively.

Reason: In the interests of the amenities of the area and of environmental sustainability, to maintain effective control of this development and in the interest of the proper planning and sustainable development of the area

9. Dust levels at the site boundary during the construction phase shall be less than 350 mm/m²/day measured over a 30-day composite sample, complying with the German Standard VDI 2119 (Measurement of Dustfall, Determination of Dustfall using the Bergerhoff Instrument (Standard Method) German Institute).

Reason: In the interest of protecting existing residential amenities in the area.

10. (a) Machinery shall be inspected daily to ensure that no fuel leaks occur. No fuel shall be stored on the site. Arrangements shall be put in place to ensure that there will be no discharges of surface water to watercourses.
- (b) Construction operations shall comply with CIRIA C532 "Control of Water Pollution from Construction Sites, Guidance for Consultants and Contractors".
- (c) Instream works will be carried out in accordance with the Inland Fisheries Ireland publication *Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters*.
- (d) Measures shall be implemented in order to prevent the spread of Alien Invasive Species during construction works, control measures shall have regard to *The Management of Noxious Weeds and Non-native Invasive Plant Species on National Roads* (NRA).

Reason: In the interest of protecting the environment and the residential amenities of property in the vicinity and in the interest of public health.

11. The development shall not impair the operation of existing land drainage.

Reason: In the interest of the protection of the environment and the proper planning and sustainable development of the area.

12. Any alterations required to existing entrances serving the site during the construction period, or any signage required during the construction period, shall not be carried out or erected without first receiving the prior written agreement of the Council's Municipal District Engineer.

Reason: In the interest of traffic safety.

13. (a) During the construction phase adequate off carriageway parking facilities shall be provided for all traffic associated with the development, including delivery and service vehicles/trucks. There shall be no parking along the public road.
- (b) All measures shall be taken during construction works to prevent muck, dirt, debris or other materials being deposited on the adjoining public road by machinery or vehicles travelling to and from the site during the construction phase. Best practice measures shall be put in place to ensure vehicles leaving the site are kept clean.
- (c) The applicant shall maintain the site in a neat and litter free condition during the construction period. Waste disposal skips shall be maintained on site for this purpose.
- (d) The applicant shall ensure that all works on site are carried out in a manner such that noise and dust emissions do not result in significant impairment of, or significant interference with amenities or the environment beyond the site boundary.

Reason: In the interest of traffic safety, amenity and orderly development.

14. Hours of construction activities on the site shall be restricted from Monday to Friday 07.00 - 19.00, Saturday 07.00 - 16.00, unless otherwise agreed in writing with the Planning Authority.

No construction activity shall be undertaken on Sundays and Bank Holidays under any circumstances, unless otherwise agreed with the Planning Authority.

Reason: In the interest of the protection of the amenities of the area.