



An
Bord
Pleanála

Inspector's Report ABP 309360-21

Development	New bridge development and associated works.
Location	South Canal Bank and Lower Park Road. Limerick.
Local Authority	Limerick City & County Council.
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring Appropriate Assessment).
Prescribed Bodies	Iarnrod Eireann. Department of Housing, Local Government & Heritage. Inland Fisheries Ireland.
Observer(s)	Cllr Sasa Novak. Cllr Conor Sheehan. Eugene & Louise Brennan. Peter Sheehan.

Rita Meaney.
Brian Hodkinson.
Geard & Noleen Campbell.

Date of Site Inspection

June 8th, 2021

Inspector

Breda Gannon

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1.0 Introduction

Limerick City & County Council is seeking approval from An Bord Pleanála to undertake the construction of a new bridge and associated works within/adjacent to the Lower Shannon SAC which is a designated European site. The River Shannon and River Fergus SPA lies c 2km to the west of the development site. A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.

Section 177AE of the Planning and Development Act, 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

2.0 Proposed Development

It is proposed to construct a new bridge across the canal at South Canal Bank /Lower Park Road. Limerick. The proposed development would consist of the following:

- New 12m wide bridge providing one-way flow of traffic under traffic signal control with controlled crossing and shared cycle pedestrian pathway providing segregated north and southbound travel.
- Park Bridge and the north side of the canal would provide a dedicated pedestrian/cycle route with local vehicular access only.
- Removal of traffic lights at Park Bridge.
- Widening of South Canal Bank and provision of two-way vehicular traffic flow, replacing existing one-way system.

- Demolition of existing buildings along South Canal Bank to allow for junction widening at the corner of South Canal Bank and Park Road and provision of new boundary property wall.
- New road and pedestrian/cyclepath surfacing, LED lighting along pedestrian/cyclepath along South Canal Bank to Lower Park Road, and
- Provision of surface water drainage and associated works required to facilitate the development.

The works would be carried out over a 6-month period and would require lane closures, traffic management and diversion of services. The main elements of the development would be constructed as follows:

Construction of proposed bridge

The new bridge would consist of reinforced concrete abutments supported on piles on each canal bank. The bridge would have a skew span of 17.6 which would maintain the existing navigable canal width and provide a 2m cycle/pedestrian towpath on the south bank of the canal. The deck width would be 12m and provide pedestrian/cycle facilities on each side. An additional towpath would be provided on the north abutment.

It is intended that all works would be carried out from road level. A hardstand area for the piling rig would be set up at road level behind the existing southern and northern banks of the canal. Sheet piles would be installed along the canal bank to isolate the works and mitigate the risk of contamination of the watercourse. Within the works area, areas of the canal bank would be stripped of vegetation and any surplus material not suitable for reuse would be appropriately disposed of off-site.

Piling works would be carried out from the banks behind the sheet piles.

Reinforcement and formwork for the abutments and wingwalls would be erected. The abutments and wingwalls would be cast in situ, with concrete delivered by truck.

When fully cured, the shutters would be removed and the abutments and wing walls would be backfilled with granular material. The deck of the bridge would be cast in-situ and steel parapets installed. The deck would then be waterproofed. The waterproofing would be within the confines of the parapet edge beams and would be

spray applied, which binds on contact with no run-off. An earth embankment would be installed to tie in the new bridge and existing road.

Construction of towpaths, walkways and cycle paths

The sheet piles would be cut down to the towpath level. Trenches would be excavated on the south canal bank and the precast concrete crib wall footing installed. Modular crib walls would be erected along the cycle paths and road widening. The crib wall structures and the retained area would be backfilled with granular fill. Along the southern canal bank the existing road would be widened.

To install the cantilever walkway, the south lane of the existing carriageway on Lower Park Road adjacent to the rail bridge would be excavated. Concrete cantilever walkway foundations would be cast in-situ within the excavated carriageway which would be backfilled to the reinstated road level. Steel beams would be fixed to the buried foundations and the cantilever cycle and pedestrian access decking would be constructed adjacent to the north pier of the railway bridge.

Park Bridge Strengthening

A temporary work platform would be erected at the underside of the bridge to provide access. The temporary beam currently supporting the bridge would be replaced by a permanent steel beam. The existing beams would be shot blast and repainting and the temporary decking removed. Masonry would be cleaned of vegetation and joints repointed as necessary.

2.1. Accompanying documents:

- Options Report
- Planning and Environmental Constraints Report
- Outline Construction & Environmental Management Plan.
- Screening for Appropriate Assessment
- NIS

3.0 Site and Location

The site lies to the east of Limerick city centre and relates to a stretch of canal between Park Bridge to the east and an existing railway bridge to the west. The new bridge would be constructed c 140m upstream (east) of the existing Park Bridge.

Park Bridge is a single span masonry arch structure which was constructed c 1760. It carries a local road over the canal. The bridge is narrow and allows only a single vehicle to cross in either direction at any one time, controlled by traffic lights on both sides. The bridge provides a shared crossing for pedestrians, cyclists and vehicular traffic. There is a narrow substandard footpath on one side.

Lower Park Road runs along the north side of the canal and travels underneath the railway bridge. It has a narrow carriageway and no footpaths. It currently accommodates two-way traffic, pedestrians and cyclists. It provides access to property, including one house on the north side of the canal.

South Canal Bank travels along the south of the canal. It accommodates one-way traffic travelling west to east and accommodates a shared pedestrian/cycleway which forms part of a 3.25km walkway/cycleway from Limerick city to the University of Limerick, which passes underneath the southern span of the railway bridge. There are a number of residential properties to the south of the carriageway and sheds/outbuildings have been erected forward of the building line and adjacent to the edge of the road.

Although located within the urban area, the local area is semi-rural in character dominated by the vegetated canal corridor and the walkways connecting the city to the east and Limerick University to the west. The area is surrounded by residential property with Lower Park Road and Abbey Lock estate to the north and Canal Bank Mount Richmond Close and Rhebogue to the south. There are a number of commercial properties further south and a substantial brownfield site to the south west, located between Park Road and Pa Healy road.

4.0 Planning History

Permission granted for a single dwelling house to the east (Reg Ref 19577 & PL 306319) & west (Reg Ref 19963) of No. 3 Canal Bank.

In the wider area the Board approved (PL 30. JP0027) a shared 3m wide cycle/pedestrian path and 1.25m of raised boardwalk to the northeast along the banks of the River Shannon from the University of Limerick Boathouse to Guinness Bridge which included 3 no. new footbridges and the widening of a fourth.

The Board refused permission for a strategic housing development (306541-20) to the southwest of the site. The refusal was on the grounds of deficiencies in the information provided in the submitted Natura Impact Statement and the lack of information in relation to the baseline ecology of the site and of the surrounding area, and in relation to potential impacts on the qualifying interests of the Lower Shannon River SAC.

5.0 Legislative and Policy Context

The EU Habitats Directive (92/43/EEC): This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own, and in combination with other plans and projects, which may have an effect on a European Site (SAC or SPA).

European Communities (Birds and Natural Habitats) Regulations 2011: These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

National nature conservation designations: The Department of Housing, Local Government & Heritage and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of

Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

European sites located in proximity to the subject site include:

- Lower Shannon SAC (Site code: 002165)
- River Shannon and River Fergus Estuaries SPA (Site code: 004077)

Planning and Development Acts 2000 (as amended): Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
 - The likely effects on the environment.
 - The likely consequences for the proper planning and sustainable development of the area.

- The likely significant effects on a European site.

National Policy

Project Ireland 2040 -National Planning Framework - which was published in 2018 is a strategic plan to guide development and investment out to 2040. It is envisaged that the population of the country will increase by up to 1 million by that date and the strategy seeks to plan for the demands that growth will place on the environment and the social and economic fabric of the country.

In terms of accommodating future growth, one of the aims is to ensure that sustainable growth is delivered within existing city boundaries. Central to achieving compact growth is providing and promoting sustainable travel modes, including cycling and walking. The development of a strategic cycle network with a number of high capacity flagship routes is identified as a key future growth enabler for Limerick city.

Relevant strategic outcomes and objectives relevant to sustainable transport include:

National Strategic Outcome 1 (Compact Growth) – Ensure transition to more sustainable modes of travel (walking, cycling, public transport) and energy consumption (efficiency, renewables) within an urban context.

National Strategic Outcome 4 (Sustainable Mobility) – Develop a comprehensive network of safe cycling routes in metropolitan areas to address travel needs and to provide similar facilities in towns and villages.

National Strategic Outcome 7 (Enhanced Amenities and Heritage) – Implementation of planning and transport strategies for the five cities and other urban areas will be progressed with a major focus on improving walking and cycling routes, including continuous greenway networks and targeted measures to enhance permeability and connectivity.

National Policy Objective 27 (Peoples, Homes and Communities) – Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

Other policy documents of relevant include:

Smarter Travel-A Sustainable Transport Future 2009-2020 - sets out a number of actions to encourage smarter travel including actions aimed at ensuring that alternatives to the car are more readily available, mainly through a radically improved public transport service and through investment in cycling and walking.

National Cycle Policy Framework (2009) – outlines specific objectives and actions to promote and develop cycling, including the design/retrofitting of urban road infrastructure so as to be cyclist friendly and that traffic management measures are cyclist friendly.

Regional Policy

The Regional Spatial & Economic Strategy for the Southern Region 2020-2032 - seeks to determine at a regional scale how best to achieve the shared goals set out in the National Strategic Outcomes of the NPF and it sets out 16 Regional Strategic Outcomes (RSO's) which set the framework for city and county development plans.

Regional Planning Objectives relating to walking and cycling provision are outlined in RPO 174 Walking and Cycling, which seeks to deliver safe quality cycle routes across the region, create a safer environment for pedestrians and cyclists and enhance pedestrian facilities in urban areas.

Mid-West Area Strategic Plan 2010-2030 – acknowledges that cycle and pedestrian routes will be crucial in increasing mobility through the city. It includes recommendations for cycling networks and identifies the development of a Limerick Cycle Network as a medium-term measure in Scenario 2, while the provision of cycle lanes on residential roads is identified as short-term, medium and long distance measures.

Local Policy

Limerick City & County Development Plans 2010-2016 (as extended).

It is the policy of the council to implement the objectives and strategies of the National Development Plan, Transport 21, Smarter Travel and any other transport plans that may arise during the lifetime of the development plan (Policy TR1)

It is the policy of the city council to prioritise the provision of safe facilities for pedestrians and cyclists throughout the city (Policy TR9).

It is the policy of the city council to develop a network of high-quality amenity walkway routes, particularly along waterways, linking existing parks and public open spaces and providing for strategic creation of new public open spaces (Policy LBR16).

Other relevant policies/objectives included in the county development plan include :

Policy P4 – promotion of sustainable patterns of transport use.

Policy IN P5 - promotes socially inclusive access in the design and planning of infrastructure.

Objective IN 08 - encourages the successful incorporation of safe and efficient cycle and pedestrian facilities and accessible cycleways, footpath and pedestrian routes into the design schemes for various land uses.

Policy IN P7 seeks to improve road safety and capacity throughout the county.

Limerick 2030- An Economic and Spatial Plan for Limerick - supports and embraces Limerick's Smarter Plan for travel concept. Limerick has been designated one of three Smarter Travel Demonstration projects in Ireland which seeks to reduce car trips in the city and increase walking and cycling. The principle infrastructural components include a canal cycle and pedestrian route, a public station transport interface with enhanced cycling facilities, appropriate traffic management measures in favour of the pedestrians and cyclists and the provisions of cycle parking facilities across the city. The public realm strategy includes proposals for the renovation of the Park Canal to allow it to fulfil its potential as a valuable waterside amenity and an important link between the City Centre and the University of Limerick.

6.0 **The Natura Impact Statement**

Limerick City & County Council's application for the proposed development is accompanied by a Natural Impact Statement (NIS) which scientifically examined the proposed development and the European sites. The NIS identified and characterised the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works.

The NIS describes the elements of the project (alone or in combination with other plans and projects) that are likely to give rise to significant effects on the European sites. Potentially significant impacts are set out, as well as an assessment of their effect and the mitigation measures that are to be introduced to avoid, reduce or remedy the adverse effects on the integrity of the European sites.

The conclusion reached in the NIS is that subject to best practice and the full implementation of the recommended mitigation measures, that the proposed development either on its own, or in combination with other plans or projects would not result in significant adverse effects on the integrity of the designated sites and their qualifying interests.

7.0 Consultations/Submissions

The application was circulated by Limerick City & County Council to the following bodies:

- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Department of Housing, Local Government and Heritage (DAU)
- The Heritage Council
- Inland Fisheries Ireland
- Iarnrod Eireann
- Irish Water

One response was received from Iarnrod Eireann. The Board requested observations on the proposal from the Department of Housing, Local Government and Heritage (DAU) and Inland Fisheries Ireland (IFI). The responses are summarised below:

Iarnrod Eireann - the proposal is to build a new bridge and other modifications to the existing road layout directly adjacent to the existing underbridge on the Limerick to Athenry railway line. The new bridge and road layout will alter the traffic flow beneath the railway bridge. The vertical clearance beneath the railway bridge will also be reduced. In addition, there will be a new cantilever walkway on the north bank of the river and the pedestrian and cycle path under the railway bridge on the south bank will be modified.

There is no issue in principle with the proposed road scheme, but due to the proximity to the railway line and the railway bridge, a legal agreement between IE/CIE and Limerick City & County Council will be necessary for the proposed development. Details such as the responsibilities in the event of bridge strikes, additional provisions to further reduce the risk for the railway line and bridge structure such as speed restrictions and raised kerbs or markings for reduced headroom will need to be discussed and agreed between IE and Limerick City & County Council.

Inland Fisheries Ireland - raised no objection to the development and made recommendations regarding matters to be agreed in advance of construction and mitigation measures to be employed to protect water quality during construction.

Department of Local Government, Housing and Heritage Department (DAU) - confirmed that it accepted the conclusion reached in the Natura Impact Statement that the proposed development would not adversely affect the integrity of any European site. The report noted that the proposal would involve the permanent removal of a minimum 13m wide band of semi-natural vegetation on both sides of the canal, which acts as an ecological corridor. It is recommended that habitat be created elsewhere to mitigate the loss of habitat and as a biodiversity enhancement measure. The Department would be happy to assist in identifying areas where this would be possible.

The report noted that the ecological survey identified three bat species using the area and notes that waterways including canals are important habitats for bats. Bridges can be important bat roosts and the project presents an opportunity to incorporate an artificial bat roost or roosts into the underside design. Such a measure would be encouraged by the DAU.

Public Submissions:

1. Councillor Sasa Novak

The scheme ends too early making the entire project unsustainable and unsafe. There is c 50m of road left with no footpath or cycleway on Lower Park Road. This will be a deterrent to pedestrian and cyclists and is not in accordance with sustainability goals, climate action goals and the requirements for modal shift. This pinch point without a footpath and cycle track poses a safety threat and does not address sufficiently the safety of the most vulnerable users.

The east-west travel route of the proposed scheme on Canal Bank Road is the well-established main active travel route between the city centre and University of Limerick (UL) Campus. Active travel modes should be prioritised and have the right of way at the junction points on the scheme. The traffic lights for pedestrians and cyclists should be green by default.

The width of the bridge at 12m allows for a later re-allocation of space to motor traffic and the Options Report (Pg 12, subchapter 3.5) refers to this possibility. This should be addressed by condition to ensure that active travel modes are maintained.

A condition should be imposed to ensure that South Canal Bank remains one-way as a return to two-way will prejudice active travel modes. The proposal will squeeze a two-way road and a shared space for walkers and cyclists into a very narrow space.

2. Councillor Conor Sheehan

Concerns regarding the lack of provision of a footpath on the Old Park Road side of the canal. The area is heavily trafficked by pedestrians as it runs adjacent to the entrance of the smarter travel route towards Shannon Fields/University of Limerick. The failure to provide a footpath is unacceptable and goes against the smarter travel initiative by promoting car travel at the expense of other more sustainable modes of transport.

The construction of the new bridge to carry traffic across the Park Canal will increase existing traffic problems in the area as it will encourage more cars to use Park Road as a short cut between Corbally Road and Casteltroy/the Dublin Road. The new bridge will encourage more traffic to travel Park Road and this traffic will come to the same pinch points of the Dublin Road, Grove Island Roundabout and the Pa Healy

Road. It will not alleviate traffic congestion in the area caused by school traffic and lack of access to the UL Campus at the Clare side of the campus.

The Park Road, Lower Park and Rhebogue are residential areas and Limerick City and County Council should be discouraging cars from travelling through these communities

The proposed bridge will be larger than the Mike Madden Bridge and represents a massive change in the area. The new bridge will be located within a Special Area of Conservation and will impact on the canal bank, a popular leisure facility that is heavily used by the local community. It will result in undue visual, noise and air pollution in the locality.

3. Eugene & Louise Brennan

Concerns regarding increased traffic between the Dublin Road and Corbally Road. The railway crossing at Lower Park Road is closed to traffic c 6 times per day to facilitate the Limerick/Galway train, which results in tail backs at peak times causing congestion and lock down of c 30 minutes for adjacent residents. This will be exacerbated by the current proposal.

The 90 degree bend adjacent to the bridge abutments, provides just enough space for two cars to pass. Adding a similar type bend would make this manoeuvre impossible. It is considered that the current traffic light system operating at Park Bridge adequately provides for current volumes of traffic.

4. Peter Sheehan

There is no necessity for a new bridge which will result in increased traffic volumes through residential areas. The proposal is dangerous for pedestrians as there is no footpath to link the bridge on the north side of the canal with the existing footpath in Lower Park.

5. Rita Meaney

The proposed new traffic system will increase congestion and in turn journey times on the Hymees Boreeen (Plassey Walk)/Rhebogue Road junction, where there is a backlog at peak times. It would also create a dangerous bend on the North Canal Road/Lower Park road beneath the railway bridge. This is not a sustainable traffic management plan and there are other options available.

Recent projects including the 'Smarter Travel' initiative have improved South Canal Road and increased the volume of people using the canal bank. Planning a bridge of this scale and reverting to two-way traffic would deter people from using the banks as it would no longer be a safe and secure environment. It would un-do all of the success of the smarter travel initiative and contradict Limerick City & County Council's commitments to 'promote greenways-reduce traffic and protect local environments' as set out in the development plan.

The bridge structure is visually unattractive and out of character with the area. The concrete retaining wall runs the entire distance between the Park Bridge and the railway bridge. There will be construction related impacts on wildlife habitats and fish and increased traffic will result in noise and air pollution. The proposal creates the potential for antisocial behaviour. Construction will cause disruption to residents and potential damage to old buildings.

Concerns regarding anti-social behaviour and impacts on local residents.

6. Brian Hodkinson

There is a presumption in the application that the problem in this area is the existing canal bridge. There is another constraint which is the distance between the northern abutment and pier of the railway bridge coupled with the acute bend and narrowness of the approach road. It will be virtually impossible for two cars to pass each other without going at a crawl, let alone larger vehicles.

The proposal is to prioritise vehicular traffic and permit heavier vehicles over 3 tonnes to drive through residential streets thereby undoing the Limerick Smarter Travel Initiative. The genesis of the new proposal should be investigated. There is no needs study to justify a new bridge. Traffic statistics were compiled after the project started. There are no accident statistics for the area. The application is not supported by an origin-destination survey conducted to determine who uses the road and for what purpose. There is no consideration of the impact of the Northern Distributor Road (which is at an advanced stage of planning) on the scheme. There is no cost/benefit analysis. The pedestrian count was carried out on a wet Thursday in January 2019, the sort of situation one would use to play down the figures. A bat survey was not carried out until 2020, which could have informed options at an early stage.

The scheme is poorly thought out as regards vehicular and pedestrian safety. The proposal does not provide pedestrian linkage with Lower Park Road. There are potential safety implications associated with queues at the traffic lights on the north side close to a bend with no clear sightline from the approach to waiting traffic. There are also implications for pedestrians and cyclists at the lights. There is no intervisibility between the traffic lights either side of the bridge so drivers will have to take it on trust that the red light from the opposite direction has been obeyed.

There is no provision for cyclists using the old bridge from the north to cross the two lanes of traffic to cycle along Park Road. There is no provision for crossing the road at the bridge for pedestrians/cyclists who are continuing straight along the north canal bank. The provision on the south canal bank for pedestrians/cyclists is insufficient. The bi-directional lane is much narrower than the two on the bridge where there is a single lane for cars and controlled access. The existing refuge separating pedestrians and vehicles by the old bridge should be retained/rebuilt and kerbing continued to maintain the separation.

The current weight restrictions prevent heavy traffic passing through residential areas on both sides of the canal. The scheme encourages heavy vehicles to use the route. The likelihood of bridge strikes is increased with the increase in length and overall size of vehicles coupled with the raising of road level under the bridge by over a metre. The scheme is poorly thought-out regarding pedestrian and cyclist safety.

The proposal will do little to improve permeability. The proposal will not reduce demand on the Dublin Road by increasing the efficiency of overall transport links between the city and the university. Reducing demand on the Dublin Road implies diversion of traffic into residential areas, however, all routes between the city and the university in the area converge back onto the Dublin Road. There is no alternative, the Dublin Road is the shortest most direct traffic route from the city centre to the university. There will be no impact whatsoever on the traffic crossing the Groody Bridge to get to the university.

Recent improvements in the area have been achieved by prioritising cyclist and pedestrian traffic. The proposed scheme will reverse this by encouraging more and heavier traffic into the area.

It is unclear if this is such an important route, how its closure for 6 months during construction can be justified. While the diversion of vehicles is easy, how will pedestrians and cyclists be accommodated. There is considerable pedestrian/cycle traffic along both banks of the canal.

7. Gerard & Noleen Campbell

If the bridge goes ahead all the traffic coming from the Lower Park/Corbally/Shannon Banks/Mill Road/Westbury areas will be funnelled onto the Rhebogue Road, which is not suitable for this volume of traffic as there are five housing estates along the road, all having no choice but to exit out onto the road. All traffic going to Castletroy, the University of Limerick and the National Technological Park will use Rhebogue as a rat run and bring an excessive amount of traffic into a densely populated area. The infrastructure of Rhebogue Road cannot take this type of traffic, with no footpaths along sections of the road. There is also a narrow railway bridge which allows only one car to pass underneath at any one time.

There is a solution to the problem and that is to build a new road on the Clare side of the river to bring traffic from Corbally, Westbury and the Shannon Bank area to Castletroy, National Technological Park and University of Limerick and to divert the traffic away from an already congested area of the town. Another solution is to make Hymes Boreen a cul-de-sac and therefore all traffic will have to go onto Canal Road and onto Park Road.

8.0 **Assessment**

8.1. **The likely consequences for the proper planning and sustainable development of the area:**

Need for the development

The need for the proposed development is outlined in the Planning and Environmental Considerations Report submitted with the application. It points to the limited capacity and deficiencies of the existing bridge which accommodates pedestrian, cyclists and vehicular traffic in both directions. The rationale for the scheme is to improve access for all modes of traffic across the canal.

The existing bridge has a narrow carriageway which only allows single vehicles to cross in either direction at any one time, controlled by traffic lights on both sides. There is an existing weight restriction (3 tonne) which prohibits larger vehicles from using the bridge and infrastructure for pedestrians is seriously substandard with only a very narrow path on one side. The proposed development seeks to remedy these deficiencies.

The submission by Mr Brian Hodkinson contends that the need for the development has not been established. He refers to the original brief which was to upgrade the existing bridge and states that the genesis of the current proposal should be investigated. In this context, I draw the attention of the Board to the Options Report submitted in support of the application. Drawings showing the various options considered are included in Appendix A of the report.

Options E and Options F consider works to the existing bridge. Option E involves strengthening works and the replacement of the existing deck to increase the current 3 tonne capacity. The current arrangements would remain the same and there would be no improvements to widths, sightlines, pedestrian access and cycle access. Vehicle size restrictions would remain as larger vehicles would be unable to navigate the bridge. This was rejected on the basis that it would not fulfil the upgrade brief in terms of improving access for all modes of transport.

Option F would involve repairing defects to the bridge and removing vehicle traffic access across the bridge. This would improve access for pedestrians and cyclists but would remove local vehicular access. This option would not fulfil the design brief due to loss of vehicle access and result in major detours for local traffic.

Replacing the existing masonry bridge with a new bridge was also considered (Option A). It would satisfy the design brief by improving access for pedestrians, cyclists and vehicles. It would also have the advantage of maintaining existing traffic management in this location. It would however result in the demolition of the existing bridge which is of historical significance and a landmark in this location.

The option of retaining the existing historical bridge and providing a new pedestrian/cycle bridge on its east side (Option D) was also considered. This would not improve crossing widths and sightlines for vehicular traffic and the towpath could

not be used by pedestrians/cyclist as it would be blocked by the existing bridge to the east. This option does not fulfil the upgrade brief.

The remaining options focussed on the provision of a new bridge upstream of the existing bridge and adjacent to the railway bridge (Option B), with four alternatives considered (B1, B2, B3 and B4), each with different traffic management arrangements. The advantages and disadvantages with each alternative are outlined in the report and each fulfils the design brief in terms of improving access across the canal for all modes of traffic.

Each of the 10 no. options considered were ranked against different criteria (Table 3) and Option B3 emerged as the preferred option. While it shares many of the advantages/disadvantages associated with Options B1, B2 and B4, it closely mimics the existing traffic arrangements on Park Bridge, with traffic on the bridge signalised and restricted to a single carriageway.

Conclusion

I accept that the need for the development has been established and that the proposed development will remedy the deficiencies associated with the existing canal crossing at Park Bridge. I accept that the proposed development, which will segregate vehicular traffic from pedestrians/cyclists will enhance pedestrian and cyclist facilities in the area and provide a safer environment for all modes of traffic. It will encourage more sustainable modes of travel in the vicinity of the canal, which accords with national, regional and local policy.

8.2. The likely effects on the environment

I would point out that the Board has already determined that an EIAR is not required in respect of the proposed development (ABP 306348-20)

Having regard to the nature, scale and characteristics of the proposed development, I consider that the main environmental effects to be assessed, others than those covered under Appropriate Assessment, are as follows.

- Roads & Traffic
- Landscape & Visual Impacts
- Archaeology and Cultural Heritage

Roads & Traffic

Many of the submissions raise roads and traffic issues. It is contended that the proposed development does not give adequate priority to pedestrians/cyclists and will not improve permeability and connectivity within the wider area. Other concerns relate to the return to a two-traffic system on South Canal Bank which is considered would prejudice a safe environment for pedestrians/cyclists using the canal, and increased traffic volumes which would impact on residential areas.

The proposal will result in changes to current traffic management on both sides of the canal for all road users. Vehicular traffic will be removed from Park Bridge and local access only will be permitted on the north side of the canal, which will significantly improve the quality and safety of the pedestrian/cyclist environment. This will be complimented by the retention of the existing pedestrian/cyclepath to the south and the provision of additional segregated facilities associated with the new bridge. These changes are positive and will encourage increased pedestrian and cyclist activity along the canal in a safer environment.

I acknowledge the concerns raised that the scheme ends abruptly and does not provide connectivity for pedestrians and cyclists with the wider environment. There are no alterations proposed to the south on Park Road which has footpaths on both sides but no segregated cycle facilities. I am also mindful that there are significant constraints associated with the provision of pedestrian/cyclist facilities to the north, in particular the narrow width and poor alignment of the carriageway, the presence of the railway line to the west and an embankment incorporating electricity infrastructure to the east. While I accept the benefits that would accrue from extending these facilities, the scheme is specifically designed to improve vehicular, pedestrian and cyclist movement across the canal, which is achieved.

It is also contended in the submissions that the traffic lights for pedestrians/cyclists should be green by default to ensure that these modes of traffic are prioritised. Through the segregation of facilities from vehicular traffic and the provision of adequate crossing facilities at junctions, I consider that the proposed scheme provides an appropriate and safe environment for pedestrians/cyclists, while at the same time ensuring that vehicular traffic can move efficiently through the area.

In terms of vehicular traffic, Park Bridge is currently the only canal crossing in this area and has limited capacity and a weight restriction of 3 tonnes. Under the current proposals, vehicular traffic will be transferred to the new bridge which will facilitate northbound and southbound traffic with one-way traffic flow under signal control. Two-way traffic movement on the south side of the canal will replace the existing one-way flows in opposite directions on either side of the canal.

While it is acknowledged in the report that the existing route operates as a rat run, it is not anticipated that the new bridge will increase traffic flows due to the restrictions that will operate on the bridge. It will not have the same weight restrictions, but the type of vehicles using the bridge will be curtailed by the junction deficiencies under the north span of the railway bridge. I note that junction improvements which are not proposed as part of the scheme would enable access for refuse and fire truck, but that buses, rigid and articulated trucks would remain unable to navigate the junction.

There are concerns raised in the submissions that the proposed development will result in increased traffic flows on Rhebogue Road, which runs parallel with Park Road. The road which is more residential in character does not have the capacity to accommodate similar traffic flows to Park Road, which has a wider carriageway and better alignment. These inadequacies are recognised in the consideration of alternatives, with one of the disadvantages associated with Option B2 (that made provision for two-way traffic across the new bridge) was its potential to divert traffic currently using Park Road to Rhebogue Road, which was considered inappropriate.

I accept as contended in the submissions that the width of the new bridge is such that it could potentially be opened up to two-way traffic in the future. However, having regard to the existing restrictions associated with the junction under the railway bridge, it is likely that more detailed traffic assessments in combination with junction improvements would be required for this to proceed.

Conclusion

- The current bridge has limited capacity and provides a shared space for all modes of traffic, which impacts on traffic flow and safety. I accept that the provision of a new bridge will improve movement and safety over the canal for all traffic modes.

- The proposed development, which will maintain existing traffic arrangements is not likely to give rise to increased vehicular traffic in the area and junction restrictions will prevent larger vehicles from crossing the canal in this location.
- I accept that the proposed development is acceptable in terms of traffic safety and convenience.

Landscape & Visual Impacts

The main change that will occur in terms of the landscape and visual amenities of the area will be the construction of a new bridge and additional road infrastructure. Vegetation will be cut back along the southern canal bank opening up views of the canal, existing bridges and the wider area.

A Visual Impact Assessment supported by 5 no. photomontages was submitted with the application. I have inspected the site and its environs and have visited the viewpoint locations and examined the photomontages submitted. I consider that the photomontages are sufficiently representative of views in the area and adequate for the purposes of the assessment.

Viewpoint 1 – This shows the view looking east along South Canal Road from a position close to Park Bridge. There are various elements visible in the view including sheds/outbuildings, that project forward of the building line, vegetative screening along the canal bank and road infrastructure. There are limited views of the railway bridge, which is screened by vegetation.

The proposed development, which will involve widening the road and the demolition of a building on the corner with Park Road to facilitate two-way traffic, will open up the view. The new bridge will be visible but visually subservient to the existing railway bridge.

Viewpoint 2 - This view is taken from Park Bridge looking east and the railway bridge and bankside vegetation are dominant in the view. The removal of vegetation along the southern bank of the canal will increase the visibility of the railway bridge exposing its southern end. The new bridge will be visible as a smaller structure against the backdrop of the more dominant railway bridge.

Viewpoint 3 – This viewpoint shows the view along South Canal Bank adjacent to existing houses. From here the railway bridge is partially visible with the majority of

the structure screened by existing vegetation. Once the proposed development is complete, the entire railway bridge and the new bridge will be visible in the view. There are taller elements visible, including an electricity pylon, which remains dominant in the view.

Viewpoint 4 – represents views from the road to the north of the canal. The northern abutment, pier and a portion of the existing railway bridge are visible in this location with the remainder screened by vegetation. The removal of some of the vegetation along the northern bank to facilitate the development will open up views of the bridge to a greater degree and sections of the new bridge will also be visible at a lower level.

Viewpoint 5 – This photomontage shows the western elevation of the bridge from the existing walkway/cycleway to the north side of the canal. The entire railway bridge is visible in the view. The new bridge will be located on the opposite side (east) but due to its lower elevation it will be visible in the view, together with the cantilevered walkway.

Conclusion

While the canal provides a valuable local amenity, the area is not particularly remarkable in terms of scenic qualities and there are no protected views in the locality. The removal of bankside vegetation associated with the proposed development will open up views of the existing railway bridge, which will remain the dominant feature in the landscape. The new bridge located at a lower is designed to a scale which will not be out of character with its surroundings. Views of the development will be highly localised and restricted to the immediate environs.

The new bridge will not be incongruous in this environment and I accept the conclusions reached in the assessment that the development will not result in unacceptable landscape or visual effects.

Architecture, Archaeology & Cultural Heritage

The site is not located within or adjacent to any Architectural Conservation Area and there are no protected structures in the immediate vicinity. The existing Park Bridge is not included in the National Inventory of Architectural Heritage or listed in the Record of Protected Structures in the development plan. It is however of historical significance dating back to c.1760 and there is a plaque on its south side dating from

1891 and highlighting that the structure historically marked the boundary of Limerick city. The canal, which dates back to the 1750's and functioned as a commercial waterway transporting goods to and from the city, is considered an important component of the industrial heritage of Limerick city.

The canal is no longer navigable due to the presence of a weir located directly beneath Park Bridge. While alterations have taken place to the bridge, the arch barrel, voussoir stones, spandrel walls and parapets were retained during the deck replacement. The bridge will be strengthened and retained as part of the proposal.

There are no recorded monuments located within or adjacent to the proposed development. The site is not located within the city's Zone of Archaeological Potential (Map 7C of the development plan). The report prepared by the planning authority considers that there is limited potential for archaeological remains owing to pre-disturbance associated with the construction of the canal and railway. On this basis no archaeological monitoring is recommended as part of the development. I note that the DAU have not made any recommendations in this regard.

The works proposed to Park Bridge involve the replacement of the existing beam, vegetation removal and repointing of joints as required. No significant intrusive works are required that would impact on its structure or fabric. Existing views of the bridge would be maintained and enhanced by the proposed development. I would therefore conclude that there will be no significant impacts on the cultural heritage of the area associated with the development.

8.3. The likely significant effects on a European site

The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- Screening the need for Appropriate Assessment
- The Natura Impact Statement
- Appropriate Assessment of the implications of the proposed development on each European site.

Compliance with Articles 6(3) of the EU Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

The proposed development is not directly connected to or necessary for the management of any European site and is therefore subject to the provisions of Article 6(3).

Screening the need for Appropriate Assessment

The first test of Article 6(3) is to establish if the proposed development could result in insignificant effects on a European site. This is considered Stage 1 of the appropriate assessment process i.e., *screening*. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely effect and Appropriate Assessment carried out.

The applicant carried out an appropriate assessment screening exercise, which is contained in the Appropriate Assessment Screening Report. The screening report identifies two European sites with the potential to be significantly affected by the proposed development, which are the Lower River Shannon SAC (Site code 002165) and the River Shannon and River Fergus Estuaries SPA (Site code 004077). The bridge will be constructed over the Park Canal and the works will take place within the boundaries of the Lower River Shannon SAC (Site code 002165). A source-pathway-receptor link to the SAC is therefore established.

The canal connects into the River Shannon which flows into the River Shannon and River Fergus SPA (Site code 004077) c 2km to the west of the site. Hydrological and ecological connectivity exists between the development site and the SPA.

No viable source-pathway links were established with any other European sites.

Conclusion – Stage 1 Screening Report

Based on my examination of the Screening for Appropriate Assessment Report and the NIS submitted by the applicant, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distances and functional relationships between the proposed works and the European sites, their conservation objectives, and taken in conjunction with my assessment of the subject site and surrounding area, I conclude that a Stage 2 Appropriate Assessment is required for the following European sites:

- Lower River Shannon SAC (Site code: 002165)
- River Shannon and River Fergus Estuaries SPA (Site code: 004077).

It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that it is not possible to rule out the potential for significant effects on the Lower River Shannon SAC (Site code 002165) and the River Shannon and River Fergus Estuaries SPA (Site code 004077). The proposed development, or in combination with other plans or projects would not be likely to have a significant effect on any other European Site. No measures designed or intended to avoid or reduce any harmful effects on a European Site have been relied upon in this screening exercise.

Stage 2 -Appropriate Assessment

The Stage 1 Screening Assessment concluded that significant effects on European sites could not be ruled out and that a Stage 2 Appropriate Assessment was required.

The application is accompanied by an NIS which describes the project characteristics, the potential for in-combination effects with other plans/projects, the characteristics of the European sites, the potential for adverse effects on site integrity and measures to mitigate effects. Appendix A of the NIS contains an Aquatic Assessment of the Park Canal, prepared by Triturus.

The NIS was informed by the following studies, surveys and consultations:

- A desk top study.
- An examination of aerial imagery and GIS data sets.

- Aquatic and ecological surveys of the proposal site and surroundings

The NIS concluded that, subject to the implementation of the mitigation measures proposed, the proposed development would not individually or in combination with other plans or projects adversely affect the integrity of any European site.

Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided and they are summarised in Section 7 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

8.4. **Appropriate Assessment of implications of the proposed development on each European site**

The following is an assessment of the implications of the project on the relevant conservation objectives of the European sites using the best scientific knowledge in the field (NIS). All aspects of the project which would result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed.

The Stage 1 screening exercise concluded that it is not possible to rule out the potential for significant effects on the Lower River Shannon SAC (Site code 002165) and the River Shannon and River Fergus Estuaries SPA (Site code 004077). These sites are therefore subject to appropriate assessment. Details of each site and details of their Conservation Objectives and Qualifying Interests are provided in Table 1 below.

Table 1

European site (SAC/SPA)	Qualifying Interests
Lower River Shannon SAC (Site code: 002165)	<ul style="list-style-type: none"> • Sandbanks • Estuaries • Tidal Mudflats and Sandflats • Coastal Lagoons* • Large Shallow Inlets and Bays • Reefs

European site (SAC/SPA)	Qualifying Interests
	<ul style="list-style-type: none"> • Perennial Vegetation of Stony Banks • Vegetated Sea Cliffs • Salicornia Mud • Atlantic Salt Meadows • Mediterranean Salt Meadows • Floating River Vegetation • <i>Molinia</i> Meadows • Alluvial forests* • Freshwater Pearl Mussel • Sea Lamprey • Brook Lamprey • River Lamprey • Salmon • Bottle-nosed Dolphin • Otter.
<p>River Shannon and River Fergus Estuaries SPA (Site code: 004077)</p>	<ul style="list-style-type: none"> • Cormorant • Whooper Swan • Light-bellied Brent Goose • Shelduck • Wigeon • Teal • Pintail • Shoveler • Scaup • Ringed Plover • Golden Plover • Grey Plover • Lapwing • Knot • Dunlin • Black-tailed Godwit • Bar-tailed Godwit • Curlew • Redshank • Greenshank • Black-headed Gull

European site (SAC/SPA)	Qualifying Interests
	<ul style="list-style-type: none"> • Wetlands and Waterbirds

* Priority habitat

The Lower River Shannon SAC (Site code 002165)

The site synopsis (NPWS) describes the site as follows:

'This very large site stretches along the Shannon valley from Killaloe in Co. Clare to Loop Head/Kerry Head, a distance of 120km. It encompasses the Shannon, Feale Mulkear and Fergus estuaries, the freshwater lower reaches of the River Shannon (between Killaloe and Limerick), the freshwater stretches of much of the Feale and Mulkear catchments and the marine area between Loop Head and Kerry Head.

The site is of great ecological interest as it contains a high number of habitats and species listed on Annexes 1 and 11 of the E.U Habitats Directive, including the priority habitats lagoon and alluvial woodland, the only known resident population of Bottle-nosed Dolphin in Ireland and all three Irish Lamprey species. A good number of Red Data Book species are also present. A number of species listed in Annex 1 of the EU Birds Directive are also present, either wintering or breeding'.

Site specific conservation objectives have been published for the site which is to maintain/restore the favourable conservation condition of the habitats and species for which the site is selected.

The River Shannon & River Fergus Estuaries SPA (Site code: 004077)

The site synopsis (NPWS) describes the site as follows:

'The estuaries of the River Shannon and River Fergus form the largest estuarine complex in Ireland. The site comprises the entire estuarine habitat from Limerick city westwards as far as Doonaha in Co Clare and Doneen Point in Co Kerry. The site has vast expanses of intertidal flats which contain a diverse macro-invertebrate community which provides a rich food resource for wintering birds. Salt marsh vegetation frequently fringes the mudflats and this provides important high tide roost

areas for wintering birds. Elsewhere in the site the shoreline comprises stony or sandy beaches.

The SPA is an international important site that supports an assemblage of over 20,000 wintering birds. It holds internationally important populations of four species i.e. Light-Bellied Brent Goose, Dunlin, Lapwing and Redshank. There are 17 species that have wintering populations of national importance. The site also supports a nationally important breeding population of Cormorant. Of particular note is that three of these species which occur regularly are listed on Annex 1 of the E.U. Birds Directive, i.e. Whooper Swan, Golden Plover and Bar-tailed Godwit.

Site specific conservation objectives have been published for the site 'To maintain the favourable conservation condition of each species for which the site is selected and to maintain the favourable conservation condition of the Wetlands as a resource for the regularly-occurring migratory waterbirds that use the site'.

The main impacts likely to arise from the proposed development are identified in Section 2.4 of the NIS. These relate predominantly to site clearance and the removal of vegetation within the footprint of the works along the banks of the canal with the potential to result in direct impacts on habitats. The uncontrolled release of sediment and other pollutants during construction could impact on water quality and potentially result in a decline in both habitat quality and distribution and indirectly on qualifying species of the SAC. The qualifying interests with the potential to be impacted by the proposed development are highlighted (in bold) in Table 1 above.

The proposed bridge would be constructed over Park Canal which is located within the Lower River Shannon SAC. Sheet piles will be provided along the edge of the canal to isolate the works area. Once the sheet piles are in place, there will be no requirements for any instream works.

Regarding qualifying habitats, there is no potential for any direct effects on any of the habitats for which the SAC is selected. None of the qualifying habitats occur within the footprint of the proposed works and the majority are coastal/estuarine and located a significant distance from the site. Having regard to the separation distance between the works and the designated habitats there is no potential for direct impacts on any of these Annex 1 habitats.

One habitat type, 'Watercourses of plain to montane levels with the *Ranunculion Fluitantis* and *Callitricho-Batrachion vegetation*' has been recorded historically in the canal. The NIS refers to a survey conducted in 2006 which recorded opposite leaved pondweed at eight locations, including at Park Bridge. None was identified at the location of the new bridge. A subsequent survey conducted in 2009 and the survey conducted by Triturus in support of the application did not identify any floating river vegetation within the development footprint or immediately downstream. There is potential for the habitat to occur downstream and adopting the precautionary, the potential for significant effects cannot be ruled out.

Regarding qualifying species, the SAC is designated for a number of species including Freshwater Pearl Mussel, Sea, Brook and River Lamprey, Salmon, Bottlenose Dolphin and Otter. There is potential for sediment laden surface water and other pollutants to enter the canal during construction with impacts on these species, which are dependent on good water quality.

The nearest freshwater mussel catchment is located c34km to the west and the nearest suitable habitat for Bottlenose Dolphin is approximately 6.5km west of the proposed works. Having regard to the distance involved and the diluting effects of the intervening watercourses, no significant impacts are identified.

One lamprey species was recorded during the Triturus survey and no suitable spawning fines were recorded, which included 200m upstream and downstream of the works. While the still water of the canal is considered unlikely to support lamprey larvae (which favour flowing water), migration of individuals through the canal may occur at least occasionally. It is acknowledged that lamprey ammocoetes may occur downstream where more suitable conditions exist at the confluence of the canal with the River Shannon. The potential for indirect effects cannot therefore be ruled out.

Similarly, no salmon or suitable spawning habitat were recorded during the aquatic survey. The water in the canal, which is slow moving and heavily weeded would not be considered suitable for salmon fry and none were recorded during the surveys. Salmon may on occasion pass through the canal as part of their out migration. Adopting the precautionary principle, it is concluded that the potential for significant impacts cannot be ruled out.

The NIS refers to ecological surveys which found no evidence of Otter (holts or couches)¹ within the works area. However, there are historical records of otter in the vicinity of Park Bridge. There is potential for disturbance of otter during the works that may forage or commute through the site. The discharge of sediment laden surface water into the canal has the potential to reduce prey sources for Otter. The potential for significant effects on this species cannot therefore be ruled out.

There is potential for significant effects on 6 No. qualifying interests of the SAC, including one habitat (Watercourses of plain to montane levels with the *Ranunculion Fluitantis* and *Callitricho-Batrachion* vegetation) and five species (Sea, Brook and River Lamprey, Salmon and Otter).

Table 6.1 of the NIS provides an assessment of the potential for adverse effects on the integrity of the SAC in relation to the attributes, measures and targets relevant to the SAC. Impacts likely to negatively affect the integrity of the SAC are almost exclusively associated with potential surface water run-off with impacts on water quality during the construction phase.

The release of sediment laden water or other pollutants (hydrocarbons, chemicals) into the canal has the potential to result in impacts on water quality and degradation in the substrate of the canal. This could result in a deterioration in the area of habitat suitable for the colonisation of floating river vegetation or a change in vegetation composition which could result in a decline in occurrence of the habitat in the canal. It could also impact on the population structure, density and habitat availability for juvenile lamprey and on the abundance of out-migrating salmon smolt which may occasionally pass through the site. These impacts have the potential to adversely affect the integrity of the SAC. Regarding Otter, the potential for holts or couches to become established since the survey was conducted is recognised. The proposed works would have the potential to impact on these sites and impact on prey resources with the potential to adversely affect the integrity of the SAC.

The River Shannon and River Fergus SPA lies c 2km to the west of the site. Table 5.2 of the NIS lists the special conservation interests of the SPA, their winter distribution, principle supporting habitats and ability to utilise other/alternative habitats. The majority of the Special Conservation Interests for the SPA are noted to

¹ The ecological surveys do not include specific otter surveys

be associated with intertidal mudflat and sandflat habitats. These habitats do not occur with the works area, the closest area of such habitat occurs is c 2km from the proposed development. There is therefore no potential for direct on the habitats that support the majority of the special conservation interests for which the SPA is selected.

There are 4 no. Special Conservation Interests which do not have intertidal and sandflats listed as their principal supporting habitat. These include Whooper swan, Shoveler, Scaup and Black-headed gull. While the canal, which is highly modified and surrounded by development and traffic is unlikely to provide key supporting habitat for these species, they may occur occasionally within the canal. Adopting the precautionary principle, the potential for significant effects cannot be ruled out.

It is concluded as part of the assessment that there is potential for significant effects on four Qualifying Interests associated with the River Shannon and River Fergus SPA (Whooper Swan, Shoveler, Scaup and Black-headed Gull).

Table 6.1 of the NIS provides an assessment of the potential for adverse on the integrity of the SPA taking onto account the relevant attributes measures and targets for the site. Only three species (Whooper Swan, Shoveler, Scaup)² are considered in this assessment. While it is recognised that these birds may use the area occasionally, it is not a roosting site or a key foraging area for any of these species. Any disturbance effects associated with the works would be short term and proximate to the works. The conclusion reached is that the proposed development will not impact on populations or distribution of any species and no significant adverse effects on the integrity of the SPA have been identified.

Mitigation

Section 7 of the NIS provides details of the measures that will be implemented to reduce potential adverse effects on the qualifying features and the integrity of the European site's. The majority of these measures provide mitigation against a degradation in water quality. There are also measures to mitigate disturbance to Otter.

² The NIS does not give any further consideration to Black-headed Gull, which may use the area occasionally, but it would represent a significant habitat for the species.

Mitigation against degradation in water quality

- All pollution control measures will be designed, installed and maintained in accordance with CIRIA guidance for 'Environmental Good Practice on Site' (C741) and the 'Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters' (IFI 2016).
- The works will be carried out under the supervision of an Environmental Clerk of Works (EnCOW).
- The works area will be clearly marked out on the site.
- Works will take place during dry conditions to reduce the risk of run off. Works will cease in the event of adverse weather conditions and will not be undertaken during or immediately after significant rainfall events.
- Careful stockpiling of any material to reduce potential run-off. The material will be stored away from drains/watercourses and will be profiled where possible and covered to reduce/prevent surface water run-off.
- Where dewatering is required, the water will be treated prior to discharge in accordance with IFI guidance and requirements.
- No on-site batching or mixing of concrete will occur on the site. Any groundwater pumping will cease for the duration of the pour and will only resume once it has been confirmed that the pH of the groundwater is between 6.0 and 9.0. The pH levels in the groundwater and in the canal will be monitored by the EnCOW.
- Concrete works will be scheduled during dry weather conditions to reduce the risk of run-off. Wash down areas for concrete mix trucks, pumps and equipment will be within a designated area/site and will not be located within 50m of a drain/watercourse.
- Where it is required to sling concrete into the form work situated behind the sheet piles, this will be carried out by an experienced banksman and machine operator and under the supervision of the EnCOW.
- Any mobile equipment required e.g. generators will be housed in a suitably sized bund so that leaks/spills are intercepted. Waste oils/fuels and other

hazardous waste will be disposed of in accordance with the requirements of waste legislation. Spill kits and absorbent pack will be provided.

- Water monitoring within the works area will be undertaken daily to ensure the works area is not inundated. During flood level water levels no concrete pours will occur at or near water level will occur. Pre-cast elements will not be installed during high tide levels to prevent the run-off of any blinding which is required.

Mitigation against disturbance to Otter

- Pre work survey carried out by a suitably qualified ecologist and in accordance with NRA (now TII) guidance to determine the presence of otter holts or couches within 150m of the works area.
- No works shall take place within 150 of a breeding holt and 30m of a non-breeding holt or couch. Where works in proximity to a couch or holt cannot be avoided, a derogation licence will be sought from the NPWS.

Having regard to the nature of the works proposed which are relatively minor, limited in scale and of short duration, I accept that significant levels of pollutants and siltation are unlikely to occur. I consider that the mitigation measures proposed, which involve standard best practice and environmental controls, are sufficient to address the potential effects of the development and to ensure that the proposed development would not adversely affects the integrity of the Lower River Shannon SAC (Site code 002165) or the River and River Fergus Estuaries SPA (Site code: 004077), in view of the sites' conservation objectives.

Potential adverse effects during operation on qualifying interests of the European sites'

Once the works are complete it is not envisaged that there will be significant effects on any of the qualifying interests of the European sites.

Potential in-combination and cumulative effects

The potential for in-combination effects is considered in section 3 of the NIS. A review of the planning register indicates that the majority of planning applications in the vicinity relate to small scale extensions, renovations to existing houses and

retention of existing developments, which are small scale and not likely to result in cumulative impacts in associated with the proposed development.

There is reference to a recent decision by the Board (306541) to refuse permission for a mixed-use housing development to the southwest of the development site on the grounds of the paucity of baseline information on the qualifying interests of the Lower Sannon SAC and the River Shannon and River Fergus SPA. Should the application be re-submitted the potential for effects on the European sites would be re-examined by the applicant.

There is also reference to a mixed use residential, commercial and community development at Singland, c 1.6km to the southeast of the site (Reg Ref No 2025). The planning authority's decision to grant permission subject to conditions is currently the subject of an appeal to the Board (308027). An NIS accompanies the application and accordingly the Board will be required to carry out appropriate assessment of the potential for effects on European sites.

I note that Limerick City and County Development Plan (as extended) and Variations have been subject to Strategic Environmental Assessment, which concluded that no significant adverse impacts are predicted as a result of the strategies and policies of the Plan.

Conclusion on Appropriate Assessment

Having regard to the nature of the proposed development and the mitigation measures proposed, the information presented with the application, including the Natura Impact Statement which I consider is adequate to carry out an assessment of the implications of the proposed development on the integrity of European sites, I consider it reasonable to conclude that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Lower River Shannon SAC (Site code 002165), the River Shannon and River Fergus SPA (Site code: 004077), or any other European site, in view of the site's Conservation Objectives. There is no reasonable doubt to the absence of such effects.

This conclusion is based on:

- Prevention of possible construction related pollutants from entering the Park Canal and the Lower River Shannon by effective mitigation measures.
- The weak ecological connection between the proposed development and the River Shannon and River Fergus Estuaries SPA

9.0 Recommendation

On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the Natura Impact Statement.

Reasons and Considerations (Draft Order)

In coming to its decision, the Board had regard to the following:

- the EU Habitats Directive (92/43/EEC),
- the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- the conservation objectives, qualifying interests and special conservation interests for the Lower River Shannon SAC (Site code 002165) and the River Fergus and River Shannon Estuaries SPA (Site code 004077)
- the policies and objectives of the Limerick City & County Development Plans 2010-2016 (as extended),
- the nature and extent of the proposed works as set out in the application for approval,
- the information submitted in relation to the potential impacts on habitats and species, including the Natura Impact Statement,
- the submissions and observations received in relation to the proposed development,

- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Lower River Shannon SAC (site code: 002165) and the River Shannon and River Fergus Estuaries SPA (site code:004077), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Lower River Shannon SAC (site code: 002165) and the River Shannon and River Fergus SPA (site code: 004077), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself, or, in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not pose a risk to water quality, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would constitute a significant improvement in pedestrian, cyclist and vehicular movement and safety across and in the vicinity of Park Canal and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and the information contained in the Natura Impact Statement, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.</p> <p>Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.</p>
2.	<p>The mitigation and monitoring measures set out in NIS and the CEMP shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.</p> <p>Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.</p>
3.	<p>Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with Inland Fisheries Ireland (IFI), a Construction Environmental Management Plan</p>

(CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:

- a. method statements for each phase of the work including sequencing and timing,
- b. the location of the site construction compound including the area for storage of waste,
- c. details of surface water management from the works to prevent ingress into the canal,
- d. containment of all construction related fuel and oil within a specifically constructed bund to ensure that fuel/oil spillages are fully contained,
- e. details of how it is proposed to manage excavated materials,
- f. details of appropriate mitigation measures for noise, dust and vibration,
- g. details of alternative arrangements to be put in place in the event of the closure of the public road or pedestrian/cycle path during construction,
- h. specific proposals to prevent the spread of invasive species,
- i. Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be maintained on file as part of the public record

Reason: In the interest of protecting the environment, the amenities of the area and public health.

4.	<p>Prior to the commencement of development, details of measures to protect fisheries and water quality of the river systems shall be outlined and placed on file. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter. Details of such monitoring shall be maintained on file as part of the public record.</p> <p>Reason: In the interest of the protecting of receiving water quality, fisheries and aquatic habitats.</p>
5.	<p>The local authority or any agent acting on its behalf, shall conduct pre-construction otter surveys. Should evidence of such species be encountered, no work shall commence on the site until the advice of the National Parks and Wildlife Service has been obtained on how best to deal with the species.</p> <p>Reason: To reduce potential impacts on protected species that may be present on the site.</p>
6.	<p>Prior to commencement of the local authority, or any agent acting on its behalf, shall consult with the National Parks and Wildlife Service regarding the provision of artificial bat roost (s) into the underside of the bridge structures.</p> <p>Reason: To reduce potential impacts and encourage the continued use of the canal area by bat populations.</p> <p>7. Prior to commencement of the development the local authority, or any agent acting on its behalf, shall consult with Iarnrod Eireann regarding its requirements in respect of works arising in proximity to the railway line and railway bridge.</p> <p>Reason: In the interests of the safe operation of the railway line.</p>

8.	<p>The County Council and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.</p>
9.	<p>All artificial lighting sources relating to the proposed development shall be suitable cowled and designed to reduce spill to the canal</p> <p>Reason: In order to protect the ecology of the area.</p>
10.	<p>Site development and building works shall be carried out between 0800 to 1800 hours Monday to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>

Breda Gannon

Breda Gannon
Senior Planning Inspector
31st August 2021