



An
Bord
Pleanála

Inspector's Report ABP 309556-21

Development	Construction of a mixed development including 253 no. residential units.
Location	Townland Dromdarrig at Mungret County Limerick.
Planning Authority	Limerick County Council
Type of Application	AA Screening Determination
Referrers	Michael & Fiona Doyle O'Connor
Date of Site Inspection	11 th May 2021.
Inspector	Sarah Lynch

1.0 Introduction

- 1.1. Limerick County Council is proposing to construct a mixed development of 253 no. residential units, retail units, community building and associated development at Mungret Co.Limerick. Under the provisions of Article 250 (3)(b) Michael & Fiona Doyle O'Connor are seeking a determination from An Bord Pleanala, as to whether the development would be likely to have such significant effect to require that an Appropriate Assessment of the proposed development should be carried out.
- 1.2. Limerick County Council have carried out an Appropriate Assessment Screening for the proposed development in which it is determined that an Appropriate Assessment is not required and has initiated the process set out in Part XI of the Planning and Development Act 2000, as amended and Part 8 of the Planning and Development Regulations, 2001, as amended.
- 1.3. There is a concurrent request for the Board to make a screening determination under Article 120 (3)(b) of the Planning and Development Regulations 2001, as amended, as to whether the development application would be likely to have significant effects on the environment requiring EIA (ABP 309557-21).

2.0 Site Location and Description

- 2.1. The site is located largely within the townland of Dromdarraig and encroaches into Caherdanardrish to the west and Baunacloka to the east, and Loughmore Common and Lurraga to the south.
- 2.2. Mungret College is located directly to the north of the site which is a protected structure encompassing the following protected structures: Church/Chapel NIAH Ref: 21901313 and Stables NIAH Ref: 21901312. The lands directly south of this building which are within the proposed development site boundary consist of unmanaged agricultural lands, some of the lands to the east of the development site, where the proposed community building is to be located, are currently accommodating temporary classroom buildings and playground associated with a school.
- 2.3. Lands to the extreme south of the proposed development site are under grass and appear to be used as grazing. Two Recorded Monuments are located to the south

west of these lands, Ringfort, SMR no. LI013-007 and an Enclosure SMR no. LI013-008.

- 2.4. The site also bounds Mungret Woods housing development to the east of Mungret College. Lands at this location rise up from the housing development and are unmanaged. The remains of an old folly (Mungret Observatory RPS 1658, NIAH ref 21901314) which is also a protected structure is present within this section of the lands. This area appears to be frequented by walkers.
- 2.5. The general topography of the lands is gently rolling with lands rising up to the rear of Mungret Woods and rolling towards Loughmore Common to the south. The surrounding area is residential in character with the provision of a large community park and playground to the north of Mungret College.
- 2.6. The site is easily accessed from the surrounding road network and is zoned for residential and mixed use development.

3.0 Proposed Development

- 3.1. The site area of the proposed development is 7.2 hectares, the proposed development comprises the following:
 - 253 no. residential units including 36 no. two bed houses; 110 no. three bed houses; 26 no. four bed houses; 2 no. six bed community dwellings; 37 no. two bed apartment units; and 42 no. one bed apartment units, with renewable energy design measures (which may be provided externally) for each housing unit.
 - The residential units are structured such that (a) 146 no. houses and apartments are intended for private sale/rental; (b) 50 no. houses and apartments are affordable units intended for private sale/rental; (d) 2 no. detached units are intended as community dwellings; and (e) 55 no. apartments are intended as Independent Living for Older Persons of which 25 no. apartments intended as Social – Rental units;
 - A crèche facility with capacity to accommodate 70 no. children;
 - A community facility with ancillary café of 35sqm net floor area;

- 2 no. local retail and retail service units, of 80sqm net floor area situated fronting the public square and positioned within the Independent Living for Older Persons complex;
- Public toilet;
- Landscaping works including (a) provision of playground and kick about areas; (b) new pedestrian and cycle connections; and (c) public square;
- Associated site and infrastructural works including provision for (a) water services, foul and surface water drainage and associated connections and (b) attenuation proposals including permeable paving and swales; (c) 4 no. ESB substations; (d) external plant and services; (e) car and bicycle parking; and all associated site development works.
- A total of 372 car parking spaces are proposed.

4.0 Request for Direction and Submitted Documents

- 4.1. A request was submitted by Michael & Fiona Doyle O'Connor seeking a determination by the Board as to whether an Appropriate Assessment would be required for the proposed development. The following summarises the content of these submissions.
- 4.2. In a letter received by the board on February 14th, 2021 Michael & Fiona Doyle O'Connor raised concerns regarding the authenticity of Limerick County Council's screening process.
- 4.3. They considered that the proposed development would be likely to have significant effects on the environment for the following reasons:
- The proposed development is within the below approximate distances from areas of ecological significance:
 - SAC – 2.1km Lower River Shannon
 - SPA – 1.9km River Shannon and River Fergus Estuary
 - pNHA – 1.4km Inner Shannon Estuary south shore
 - pNHA – 0.3km Loughmore common Turlough.

- 4.4. They raised concerns about the following which is stated within the CEMP for the development: *'mitigating principles to ensure that the work is carried out in a way that minimises the potential for any environmental impacts to occur'*.
- 4.5. Other concerns raised within the submission are summarised as follows:
- A rock breaker of 13-20 tonne and a hording will be utilised which will reduce the noise levels by 10dB, the submitters question how this can be assured.
 - It is stated within the information submitted that species have the capability to habituate to regular anthropogenic noises and others will remove themselves from it. This is considered an impact.
 - There are barn owls present on site.
 - Red list bird species are present on site.
 - There is a hydrological and hydrogeological connection to the River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC.
 - Site provides suitable wintering habitat for Lapwing and Golden Plover
 - Sediment fences and silt traps will be provided at locations where surface water run off may enter/leave working areas.
 - Area 2 has not been adequately designated and is a superior habitat.
 - In relation to AA, screening conclusions must be definitive, the screening must disregard measures intended to avoid or reduce impacts. Reference is made to a number of cases. The referrers do not believe that all scientific doubt as to whether there will be a significant effect on any European site have been removed at the screening stage.
- 4.6. In response to correspondence from the Board dated 3rd March 2021, Limerick Country Council confirmed that the development would be subject to the process set out at Part XI of the Planning and Development Act, 2000, as amended and Part 8 of the Planning and Development Regulations, 2001, as amended. The submission which was sent to the Board on 15th March 2021 included the information specified in Schedule 7A for the purposes of the screening determination. It also includes the following documents:
- EIA Preliminary examination

- Appropriate Assessment Screening
- Location Map
- Site Plan
- Site Sections
- Site Layout
- Construction Environmental Management Plan
- Ground Investigation Geophysical Survey
- Baseline ecology report.

4.7. The Council contends within its submission that the works have been subject to Appropriate Assessment Screening and the conclusion of this screening determined that it is possible to rule out likely significant effects on any Natura 2000 sites. It is the view of the Council that it is not necessary to undertake any further stage of the Appropriate Assessment process’.

4.8. The Council included a report prepared by Ecology Ireland which responds to the issues raised by the referrers, Michael and Fiona Doyle O’Connor. The report states that local ecological impacts arising from vegetation clearance are not necessarily indicators of likely significant effects on Natura 2000 sites and their conservation objectives.

4.9. The report also acknowledges, as mentioned within the submission received from Michael and Fiona Doyle O’Connor, that the straight-line distance to the River Shannon and River Fergus Estuaries SAC is c.2km, however, it is stated that the downstream distance is c.7km.

4.10. Reference is made, within the report submitted to Section 6.5 of the CEMP and the use of the phrase, ‘mitigating factors’, it is stated that it is entirely appropriate to propose and put in place construction phase measures to ensure that impacts on the receiving environment are minimised, it is argued that this does not equate to, nor should be confused with measures proposed and necessary to address risks of likely significant effects upon designated sites. The context and nature of mitigation is key, not merely the mention of mitigation as part of the overall project. The Council argue

that mitigation measures were not taken into account in relation to the Appropriate Assessment Screening.

- 4.11. With regard to noise emissions arising from rock breaking, it is noted that there are no areas of importance for qualifying/special conservation interests of the relevant Natura 2000 sites close to the proposed development site and there are no concerns in relation to noise disturbance of faunal interests of these sites. The screening statement has considered and discounted the potential for likely significant effects associated with rock breaking activities.
- 4.12. It is further noted within the response submitted, that the birds recorded at the site are relatively common and no rare assemblages of bird species were recorded within the site, no likely significant effects were predicted in relation to any of the QI/SCI species.
- 4.13. Barn owl is not a qualifying interest of any SPA and therefore of no relevance to the Screening Statement in support of the AA process.
- 4.14. Hydrogeological connections to a Natura 2000 site does not automatically result in significant effects.
- 4.15. No SCI species were recorded at Loughmore Common Turlough during site visits.
- 4.16. The usage of standard surface water run off controls at the development site to control where surface water may enter and leave the working areas. These are standard measures applied to minimise local environmental nuisance during the construction phase. These measures are not required or necessary to address any likely significant effects identified in the Screening Statement in support of the AA process. Section 4.8 of the screening statement considers the likely significant effects on designated sites and are considered in the absence of mitigation.
- 4.17. None of the habitats within the site are linked or known to of any importance for any of the QI/SCI interests of relevant designated Natura 2000 sites.
- 4.18. It is stated that overall the referrers have not raised any issues which have not been considered adequately as part of the Screening Statement prepared in support of the AA process and no likely significant effects have been identified that would require mitigation.

5.0 Policy Context

Regional Spatial and Economic Strategy for the Southern Regional Assembly 2020

Section 2.1 Limerick City - The Limerick Shannon Metropolitan Area includes Limerick City Centre at the core and the continuous built-up area of Limerick City and Suburbs (as defined by the CSO).

The MASP supports the following key infrastructure and transformative projects within Limerick City:

- Progressing the sustainable phased development of areas for housing and the development of support public transport and infrastructure, in areas such as Mungret.

5.1. To achieve the vision of the Limerick Shannon Metropolitan Area the MASP has identified several Guiding Principles for its sustainable development:

- Accelerate housing delivery – Activate strategic residential development areas such as Mungret and support the steady supply of sites to accelerate housing supply, supported by better services and public transport.
- Section 4 – National Enablers - Progressing the sustainable development of new greenfield areas for housing and the development of supporting public transport and infrastructure, such as at Mungret.

Limerick County Development Plan 2016-2022

5.2. It is important to note that in accordance with the provisions of section 28 of the Electoral, Local Government and Planning and Development Act 2013, a decision has been made not to commence the review of the Limerick County and Limerick City Development Plans 2010-2016. The Plans will therefore continue to have effect until a new Development Plan for Limerick City and County is prepared in accordance with the requirements of Section 11B of the Planning and Development Acts 2000, as amended. This review is currently at pre-draft stage.

5.3. Under the provisions of the Limerick County Development Plan 2010-2016, Mungret is located within the tier 1 Limerick Gateway (City Environs). The City Environs accommodate a wide range of services, employment, leisure and retail facilities of

Regional significance for the surrounding catchment area. Such areas are identified for growth within the development plan.

- 5.4. As Gateways are the prime focus of growth, it is reasonable to assume that their growth should take place at a higher rate than that of other towns.
- 5.5. Policy SS P6: It is policy of the Council to ensure that sufficient land is zoned within the city environs so that, as part of the Limerick Gateway, they will act as the primary focus for investment in infrastructure, housing, transport, employment, education, shopping, health facilities and community.

Southern Environs Local Area Plan 2011-2017 (extended until May 2021)

- 5.6. Section 2.4.3 Land Currently Available for Housing Development and proposed alteration to lands available for housing.
- 5.7. The lands are subject to a number of zoning objectives as follows:
 - R2 - Existing residential
 - R2 – New / proposed residential
 - C1 – Commercial retail
 - S5 – Mixed community services

Limerick 2030

- 5.8. Masterplan for the future development of Limerick, which includes lands at Mungret.

6.0 Planning History

- 6.1. The current Part 8 application in relation to the subject development is registered as 218000.
- 6.2. A number of previous permissions relate to temporary buildings within the existing school building to the north of the site, the following of which is of relevance to the proposed development, the section of the development which is currently occupied by the school will not proceed until the expiration of the following permission:

17357 – permission granted for 5 No. temporary modular buildings for use as classrooms and 1 No. temporary building for use as a toilet block in a Temporary Secondary School. Also, Retention Planning Permission for 7 No. temporary buildings

for use as classrooms and 1 No. temporary building for use as a toilet block as previously granted permission under 14/911 and 15/236, along with all other ancillary site works. The Site is in the curtilage of Mungret College which is a protected structure. No work is proposed to the projected structure as part of this application.

Permission was also granted for the following:

198011- Construction of a new 1700-metre length of road with verge, footpaths, cycleway, on-street parking, public lighting and associated services. The proposed development comprises:-surface water drainage/sustainable urban drainage; foul water drainage connection into Limerick Main Drainage Scheme; water mains; telecommunications and utility services; street lighting and landscaping.

6.3. **Natural Heritage Designations**

6.4. There are no Natura 2000 sites within the development site. The closest sites are River Shannon and River Fergus Estuary SPA and Lower River Shannon SAC which are located c. 1.9km north of the site.

7.0 **Legislation and Guidelines**

7.1. Under the provisions of article 250(3)(b) of the Planning and Development Regulations 2001, as amended, where any person considers that a development proposed to be carried out by a local authority would be likely to have a significant effect on a European site, he or she may apply to the Board for a determination as to whether the development would be likely to have such significant effect. Where the Board determines that a development would be likely to have a significant effect on a European site it would require the local authority to prepare a Natura Impact Statement.

7.2. The guidance contained in 'Appropriate Assessment for Plans and Projects in Ireland - Guidelines for Planning Authorities' (DoEHLG, 2009) advises that all plans and projects not directly connected to, or, for the management of a Natura 2000 site must be assessed for its potential significant effects on that site before any decision is made to allow that plan or project to proceed. Each plan or project must also be assessed for its possible in combination effects with other plans or projects. This process is

designated 'appropriate assessment' and arises from obligations under Article 6(3) and 6(4) of the Habitats Directive.

8.0 **Assessment**

- 8.1. The proposal is to construct a mixed use development which would provide 253no. dwellings, mixed use development to include commercial and retail floorspace, open space, community facility, associated carparking and all associated works.

Appropriate Assessment Screening

- 8.2. An Appropriate Assessment Screening document was prepared by Limerick County Council. The Screening document describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development.
- 8.3. A desktop survey was conducted to establish baseline conditions on the site which comprises improved grassland which is used for grazing.
- 8.4. No habitats listed as qualifying habitats for any nearby Natura 2000 sites or corresponding with Annex 1 were identified. No high-risk invasive species were recorded.
- 8.5. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on any European sites. The nearest sites are the River Shannon and River Fergus Estuaries SPA and the Lower River Shannon SAC which are located c. 2km north of the development site. These designated sites are connected to the development site via c. 7km of watercourses which discharge to the River Shannon.
- 8.6. The AA Screening Report submitted by the Council considers Natura 2000 sites within a 15km radius of the proposed development. The report identifies 5 sites which have the potential to be impacted through a source-pathway-receptor link. These sites are, River Shannon and River Fergus Estuaries SPA (site code 004077) and Lower River Shannon SAC (site code 000365), Curraghchase SAC (site code 000174), Tory Hill SAC (site code 000439), Askeaton Fen Complex SAC (002279).

8.7. Table 1 below includes a list of all sites I have considered in the screening of the proposed development, all of which were also considered by the Council within the Appropriate Assessment Screening document submitted to the Board.

8.8. Thus, having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source-pathway-receptor principle and sensitivities of the ecological receptors, I consider that the following European Sites are relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.

Table 1. European sites considered for Stage 1 screening

European Site Name & Code	Distance	Qualifying Interest	Source-pathway-receptor	Considered further in screening
Lower River Shannon SAC 000365	c.2km north of site and c.7km via hydrological link to site.	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]	Connection via watercourses adjacent to site.	Yes, development has a hydrological connection to SAC and could give rise to changes in water quality.

		<p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>		
<p>River Shannon and River Fergus Estuary SPA 004077</p>	<p>Development within the SPA.</p>	<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Scaup (Aythya marila) [A062]</p>	<p>Works within the site.</p>	<p>Yes, development has a hydrological connection to SPA and could give rise to changes in water quality.</p>

		<p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>		
Curraghchase Woods SAC 000174	12.8km	<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Taxus baccata</i> woods of the British Isles [91J0]</p> <p><i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p>	No connection, the proposed development is upstream of the designated site.	No.
Tory Hill SAC 000439	9.4km	Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]	No meaningful connection, water flows directions are from this designated site to the area of	No.

		Calcareous fens with Cladium mariscus and species of the Caricion davalliana [7210] Alkaline fens [7230]	the proposed development.	
Askeaton Fen Complex SAC 002279	11km	Calcareous fens with Cladium mariscus and species of the Caricion davalliana [7210] Alkaline fens [7230]	This SAC is within a different water catchment and is unconnected to the development site.	No.

Potential Impacts on European Sites and test of Likely significant effects

- 8.9. The Appropriate Assessment Screening document submitted screens out all of the aforementioned sites on the grounds that they are removed from the development and in most instances, there is no physical or meaningful link to the proposed development site.
- 8.10. I consider this approach to be reasonable. It is important to note at this juncture, that Limerick County Council considered two of the sites listed; the River Shannon and River Fergus SPA and the Lower River Shannon SAC, to have a source-pathway-receptor link to the site and examined these sites in more detail to establish whether there was a potential for impacts to arise. After such consideration, the screening report the Council concluded that beyond reasonable scientific doubt the proposed works, individually or in combination with other plans/projects are not likely to have a significant effect on a European site (Natura 2000 site).
- 8.11. Having regard to the foregoing I consider it prudent to examine the potential for impacts to arise in relation to River Shannon and River Fergus SPA and the Lower River Shannon SAC in more detail, given the pathway present. However, I consider that the potential for significant impacts to arise in relation to the Curraghchase Woods SAC, Tory Hill SAC and Askeaton Fen SAC to be unlikely given the separation distances from the proposed development and the lack of any meaningful connection between these sites and the development site. Further consideration of these sites is therefore not required.

River Shannon and River Fergus SPA and Lower River Shannon SAC

- 8.12. The River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC are connected to the development site via watercourses which drain surface water from the site, detailed examination of potential impacts is therefore reasonable.
- 8.13. It is important to note at this juncture that both the Shannon and Fergus rivers form the largest estuarine complex in Ireland and feature vast expanses of intertidal mudflats often fringed with saltmarsh vegetation. These sites also support the largest numbers of wintering waterfowl in Ireland which includes a significant number of birds listed on Annex I of the EU Birds Directive. There is also a resident population of bottle nose dolphins in the Shannon Estuary which is the only known resident population of this EU Habitats Directive Annex II species in Ireland.
- 8.14. Five species of fish listed on Annex II of the E.U. Habitats Directive are found within the site. These are Sea Lamprey (*Petromyzon marinus*), Brook Lamprey (*Lampetra planeri*), River Lamprey (*Lampetra fluviatilis*), Twaité Shad (*Allosa fallax fallax*) and Salmon (*Salmo salar*). The three lampreys and Salmon have all been observed spawning in the lower Shannon or its tributaries. The Fergus is important in its lower reaches for spring salmon, while the Mulkear catchment excels as a grilse fishery.
- 8.15. Overall these sites are of great ecological interest as they contains a high number of habitats and species listed on Annexes I and II 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 and a number of species listed on Annex I of the E.U. Birds Directive either wintering or breeding.
- 8.16. The general conservation objectives for the qualifying interests of these sites seek to maintain or restore the favourable conservation condition for habitats and/or species at these sites. The maintenance of habitats and species within the Natura 2000 sites at favourable condition will contribute to the overall maintenance of favourable conservation status of those species at a national level.
- 8.17. Qualifying interests of the Lower River Shannon which are within the zone of influence of the proposed development are listed below, other SCI of this designated site listed in Table 1.0 above, are located either a significant distance from the development site or upstream of the development and are therefore outside of the potential zone of influence.

- Estuaries

- Mudflats and sandflats
- Subtidal sand to mixed sediment
- Intertidal sand to mixed sediment
- Reef Complex
- Potential Atlantic Salt meadows
- Salmon
- Otter
- River Lamprey

- 8.18. With regard to the River Shannon and River Fergus SPA the qualifying interests as listed within Table 1.0 in their entirety are also considered in the context of potential impacts.
- 8.19. It is necessary to consider in detail, the potential for significant impacts to arise in relation to both the construction and operation phases of the proposed development. The submitted AA Screening document considers the potential for such significant impacts and states that potential impacts arising from the development relate solely to the deterioration of Water quality.
- 8.20. Construction activity will take place entirely within the boundaries of the site on a phased basis over 5 years. As aforementioned, habitats within the development site do not correspond to habitats listed on Annex 1 of the Habitats Directive, or to the qualifying habitats for the Lower River Shannon SAC and River Shannon and River Fergus SPA. Indirect impacts therefore have the potential to arise from contaminated surface water and /or sediments entering the designated sites.
- 8.21. In this regard the applicant has stated within the information submitted that excavation of soils and vegetation will relate to each phase individually. Each phase of development will have a designated construction compound whereby materials will be stored including waste. Fuels will be stored in a bunded area and refuelling will occur in these designated areas. It is important to note in this context that the watercourse which connects the site to the aforementioned SAC and SPA is a small watercourse with limited carrying capacity and is removed from the development area.

- 8.22. In order to properly assess the potential for significant effects to arise from the development, the most plausible worst case scenario pollution event was identified and modelled. The results of the contaminant modelling indicate, in the case of an accidental diesel spill on site that discharged into ground water, the pollutant would be diluted within the first 200 horizontal metres from the site. For the southern surface water flow path that discharges to Loughmore Common Canal, the discharge for the canal will received a large amount of dilution when it flows into the Barnakyle River. The Barnakyle River joins the Maigue River where it receives additional dilution before discharging to the Shannon Estuary. Thus, significant dilution will have occurred prior to entry to the Shannon and the qualifying interests within it. Such levels of dilution coupled with the distance between the site and the Natura 2000 site and in conjunction with the limited nature of each phase of the proposed works, would mean that any release of sediment or pollutant would result in an impact of limited significance.
- 8.23. It is important to note at this juncture that mitigation measures as outlined within the CEMP have not been taken into account within this assessment of potential impacts.
- 8.24. Having regard to the foregoing I am satisfied that there is no likelihood that potential pollutants arising from the proposed development either during construction or operation could reach the designated sites in such concentrations to have any likely significant effects on them, in view of their qualifying interests and conservation objectives.
- 8.25. With regard to noise disturbance it is important to note that no SCIs of either the River Shannon and River Fergus SPA or the Lower River Shannon have been observed within the development site and would therefore not be directly affected by noise disturbance. Thus, ex situ effects are not considered to be likely.
- 8.26. Given the separation distance between the development sites and these designated sites direct effects arising from noise disturbance are also unlikely. Particular, regard was had to otters during the consideration of such impacts.

In-combination Effects

- 8.27. In-combination effects are considered within both the Appropriate Assessment screening document and the documentation submitted by the Council.
- 8.28. The site is zoned for residential and mixed use development purposes in the development plan. The adopted plan has been subject to an AA by the planning

authority, which concluded that its implementation would not result in significant adverse effects on the integrity of any Natura 2000 sites. I have had regard to the status of the surrounding lands which is largely for residential purposes. Four other projects have been identified which have the potential for cumulative or in combination effects when considered together with the proposed development, as follows:

- Mungret Link Streets Project
- Mungret Gate Residential Development
- Post-Primary School at Caheranardrish
- Irish Cement Alternative fuels project.

8.29. None of the aforementioned projects were considered to have the potential to give rise to significant in combination effects.

8.30. In relation to surface water, the development will be designed to green run off rates in accordance with SUDs and will connect where required into the existing surface water network. I do not consider that surface water discharges will have any measurable impact on water quality or significant negative effects on Natura 2000 sites or their qualifying interests due to the quantum of development proposed and the distance to the aforementioned Natura 2000 sites. Thus, having regard to the information submitted, the nature of the proposed development and the scale of planned development in the area I consider that impacts arising from cumulative effects do not arise in this instance.

Conclusion on AA Screening

8.31. The only pathway for potential impacts on Natura 2000 sites is via the discharge of pollutants to a watercourse that is 7km from the River Shannon and River Fergus SPA and Lower River Shannon SAC. Having regard to the nature and limited scale of the proposed development on and directly adjacent to serviced lands, the limited carrying capacity of the watercourse linking the site to the Natura 2000 sites and the distance between the development site and said Natura 2000 sites, I consider that it is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on River Shannon and River Fergus Estuaries SPA (site code 004077) and Lower River Shannon SAC (site code 000365) in view of the conservation

objectives of these sites and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement for the proposed development is not, therefore, required.

- 8.32. It is important to note that mitigation measures have not been considered in the Appropriate Assessment Screening.

9.0 Recommendation

I recommend that the local authority be directed not to prepare a Natura Impact Statement in respect of the said development for the reasons and considerations set out below.

Reasons and Considerations

Having regard to:

- (a) The nature and limited scale of the proposed development,
- (b) The separation distance between the proposed development and European sites,
- (d) the submission made on behalf of the local authority, including the Appropriate Assessment Screening Report received on the 3rd March 2021.
- (f) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter,

- 9.1. It is considered reasonable to conclude that on the basis of the information available, which is considered adequate to issue a screening determination, that the proposed development, either individually and in combination with other plans or projects, would not be likely to have a significant effect on River Shannon and River Fergus Estuaries SPA (site code 004077) and Lower River Shannon SAC (site code 000365), Curraghchase SAC (site code 000174), Tory Hill SAC (site code 000439), Askeaton Fen Complex SAC (002279), in view of the conservation objectives of these sites and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement for the proposed development is not, therefore, required.

Sarah Lynch
Senior Planning Inspector

20th May 2021.