



An
Bord
Pleanála

Inspector's Report ABP-312427-22

Development	Castletroy Link Road Scheme - Distributor Road linking Golf Links Road Castletroy with Kilbane Roundabout on Groody Road, Ballysimon.
Location	Castletroy and Ballysimon, Co. Limerick
Planning Authority	Limerick City and County Council
Developer	Limerick City and County Council
Applicant	Limerick City and County Council
Type of Application	EIA Direction

1.0 Introduction

The subject development comprises a 650m distributor road which is proposed to be developed in a suburban area in Limerick. The proposed distributor road would provide a connection between two significant roads and its stated purpose is to ease traffic congestion, provide for sustainable transport modes and open up zoned greenfield lands for potential development.

Limerick City and County Council originally lodged a pre-application consultation request under section 51A of the Roads Act 1993, as amended. One meeting was held. The prospective applicant withdrew the pre-application consultation request on the recommendation of the Board's representative, who indicated that the process should only be utilised where it has been conclusively determined that an EIAR is required to be produced.

Limerick City and County Council has now submitted two applications seeking determinations on matters relevant to EIA and AA.

ABP-312427-22 relates to a request for a determination as to whether the Castletroy Link Road Scheme should be subject to Environmental Impact Assessment (EIA). This request for has been made under Section 50 of the Roads Act, 1993 (as amended).

ABP-312428-22 relates to a request for a determination as to whether the Castletroy Link Road Scheme would require the preparation and submission of a Natura Impact Statement (NIS). The application cover letter states that the request for an NIS direction has been made the Council under Section 177AE. In fact, the relevant legislation is Article 250 (1) of the Planning and Development Regulations 2001 (as amended).

The proposed development may be subject of a future Compulsory Purchase Order.

2.0 Site Location and Description of Development

2.1. The proposed Castletroy Link Road Scheme would be a 650m long distributor road which would connect the Golf Links Road from the junction of School House Road to Groody Road at Kilbane Roundabout. Thus, it will link the residential area of Castletroy and the employment hub of Ballysimon. In addition to easing traffic congestion and providing for sustainable modes of transport the road would open up for future development the adjacent zoned lands.

2.2. The scheme would comprise:

- A 650m long distributor road to include two traffic lanes, a 3.5m wide bus lane, 2x2m wide footpaths, 2x2m wide segregated cycleways, 2x2m wide planted verges with 1 in 2 road embankment side slopes.
- Two large traffic signal-controlled junctions and a raised controlled pedestrian/cycle crossing.
- Road surface drainage, lighting, signage, boundary treatment and landscaping.
- The road is likely to be substantially in fill and on a greenfield site.
- The project works will require importation of 150,000 tonnes of suitable fill material from stone quarries to create the road embankments, which will vary in height from 2m to 5m and will be up to 40 m in width.
- The project works will also include culverting of existing open water courses and construction of a road surface drainage system, directing surface water from the road pavement to outfall to a swale system, allowing attenuation of storm floods and percolation and flow through ground to eventually seep into the nearby river.

2.3. Land use in the immediate vicinity of the proposed link road is entirely residential. The nearby housing estates of Kilbane at the western and Fox Hollow to the east comprise two-storey semidetached and detached houses. The link road would pass to the south of both housing estates. At Groody Road / Kilbane roundabout to the west the proposed development would pass close to the river Groody and south of a small, wooded area where there is a holy well. The character of this area is defined

by open space and natural resources. At Golf Links Road where all arms of the proposed development would be close to existing residential development and the character of the lands at this area are defined by existing urban development. The centre of the link road traverses low lying grasslands including some wetland and watercourses and drains. The site ecology is summarised in the application documentation and includes habitats which are rated of county value and some protected species.

2.4. In terms of the interactions with ecological resources the scheme design includes:

- Selection of the road alignment to avoid impacts on the main hedgerows and tree lines.
- Replacement planting at a ratio of 2 to 1 where mature trees are removed.
- Use of floating bog road technology where the route traverses wetlands.
- Replacement of the lost surface area of wetland habitat with a new area to the west of the Link Road and in the floodplain of the river.

2.5. In terms of the surface water interactions the scheme design includes:

- Overall surface water drainage design is as described in section 3.2.7 of EIA Screening Report.
- This will ensure that the surface water is diverted from the pavement, will facilitate free passage of existing watercourses and will ensure that groundwater does not infiltrate into the sub-grade and pavement layers. Surface water from adjoining lands will be conveyed to a suitable outfall.
- Application of SuDS principles as much as possible.
- Maintenance of at least a 7m buffer between the road and the river.
- Crossing of a minor stream.
- Diversion of existing drains.

2.6. The details provided relating to the construction phase include:

- Site compound area to be located as shown in figure 3.2 EIA Screening Report.

- During construction of the road embankments filter drains will be installed to prevent contamination of groundwater by smaller aggregates from the rock fill and to prevent hydrocarbons or spillages from entering groundwater or the river.
- Use of typical road construction planned for earthworks and paving as described.
- Peak personnel on site of between 40 and 50 persons.
- Construction duration of up to 15 months.

2.7. The application documentation presented in support of the applications comprises:

- Application cover letter dated 6 January 2022.
- Screening Report for Environmental Impact Assessment
- Screening Report for Appropriate Assessment
- Extract from Castletroy Local Area Plan 2019-2025
- Preliminary Design drawings.

3.0 **Legislative & Policy Context**

3.1. **Environmental Impact Assessment - Legislation**

3.2. **Section 50(1)(a) of the Roads Act, 1993 (as amended)** states that a road development that is proposed that comprises *inter alia* any prescribed type of road development consisting of the construction of a proposed public road or the improvement of an existing public road shall be subject to an environmental impact assessment.

3.3. **Article 8 of the Roads Regulations, 1994** sets out the prescribed types of proposed road for the above purposes and includes:

- a) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500 metres or more in length in an urban area;

b) the construction of a new bridge or tunnel which would be 100 metres or more in length.

- 3.3.1. **Section 50(1)(b)** states that “if An Bord Pleanála considers that any road development proposed (other than development to which paragraph (a) applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be likely to have significant effects on the environment it shall direct that the development be subject to an environmental impact assessment.”
- 3.3.2. **Section 50(1)(c) of the Roads Act, 1993, (as amended)** provides that “where a road authority or, as the case may be, the Authority considers that a road development that it proposes (other than development to which paragraph (a) applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be likely to have significant effects on the environment, it shall inform An Bord Pleanála in writing prior to making any application to the Bord for an approval referred to in section 51(1) in respect of the development.”
- 3.3.3. **Section 50(1)(d) of the Roads Act, 1993, (as amended)** states-
- In particular, where a proposed development (other than development to which *paragraph (a)* applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be located on
- (i) a European Site within the meaning of Regulation 2 of the European Communities (Birds and Natural Habitats) Regulations 2011,
 - (ii) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976,
 - (iii) land designated as a refuge for fauna or flora under section 17 of the Wildlife Act 1976, or
 - (iv) land designated a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,

the road authority or the Authority, as the case may be, proposing the development shall decide whether or not the proposed development would be likely to have significant effects on the environment.

3.4. **Planning Guidance**

- 3.4.1. **Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, published August 2018.** This clearly states that the developer may describe the mitigation measures envisage to avoid or prevent what might otherwise be significant adverse effects on the environment, and that this forms part of the information on which a screening determination is to be based.
- 3.4.2. **Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development,** published by the Department of the Environment, Heritage and Local Government in 2003, describes the criteria for deciding whether or not a proposed development is likely to have significant effects on the environment based on the EC (Environmental Impact Assessment) (Amendment) Regulations, 1999 (S.I. No. 93 of 1999) and in Schedule 7 of the Planning and Development Regulations, 2001 (as amended) (S.I. No 600 of 2001).
- 3.4.3. **The NRA publication ‘EIA of National Road Schemes – A Practical Guide’,** (2008) contains further information relevant to screening for EIA for roads.

3.5. **Castletroy Local Area Plan 2019-2025**

- 3.5.1. The plan sets out a range of strategic policy provisions for the transport sector.
- 3.5.2. Policy T1 is to improve accessibility, reduce dependency on private transport and encourage the use of energy efficient forms of transport and alternatives to the private car.
- 3.5.3. Policy T3 is to promote the use of the smarter travel network within the wider Castletroy area.
- 3.5.4. The effectiveness and uses of the existing transport infrastructure area is described. The R445 passes through the centre of the area and acts as the main archery serving large population centres and residential developments. The area is

described as being served by a limited capacity road network and there are also issues with capacity outside the plan area. The M7 functions in part as a bypass to the area. Traffic congestion remains a serious issue due to the concentration of large employment centres and residential estates. These issues are highlighted in the midwest regional planning guidelines and the midwest area strategic plan. The need to prioritise the provision of the northern distributor road as a major piece of infrastructure for the area is highlighted in the regional guidelines in addition. The transport policies refer to the need to provide for bus, cycle and pedestrian based transport.

- 3.5.5. Objective T3 refers to the provision or improvement of new link roads. These include the link road between Groody road and School House Road , which is shown on map C – 19/25 – 03. This map/ highlights tree and hedgerow belts and shows the Castletroy Link Road.
- 3.5.6. The zoning map shows the proposed link road in the context of lands zoned Residential Development Area and Education and Community facilities. The Groody Valley Green Wedge is also designated, and an indicative riverside walkway is shown.

4.0 Planning History

- 4.1. **ABP-311429-21** relates to a request for pre-application consultation in relation to this scheme as described earlier.
- 4.2. **Reg. Ref 191037** relates to a permitted development of 6 no. houses adjacent the link road at School house rear / rear of Fox Hollow.
- 4.3. **Reg. Ref 191061** relates to a permitted post primary school at a site off Groody Road to the north-west of the link road. The development was subject to Stage 2 appropriate assessment as it was considered that in a worst-case scenario there was potential for significant effects on 2 no. European sites as a result of pollution of surface water during construction. The application was accompanied by a number of technical reports but was not subject to EIA.
- 4.4. **Reg. Ref 211740** relates to an application for a private hospital at a 3.29-hectare site at Groody Road. Further information was requested on 16 February 2022. The

submitted EIA Screening report concluded that submission of an EIAR was not required. This conclusion has not been queried in the further information requested by the planning authority. The site does not contain any watercourses and the Groody River is 181m from the site. The AA screening report considered that there would be no direct or disturbance effects and that dirty water in the construction phase would be contained by the topography and standard silt fencing. Although there was considered to be potential surface water and wastewater connectivity between the proposed development and the European sites it was concluded that given the nature of these connections there was no likelihood of significant effects on any Natura site. This conclusion has not been queried in the further information requested by the planning authority.

5.0 Applicant's submission

- 5.1. The Castletroy Link Road is described as being strategically important for connectivity in the Castletroy area and to provide access to zoned lands. It will connect the largely residential Castletroy area and the major employment district of Ballysimon. The proposed link road is referenced in the context of a recently permitted school on a 12-acre site on the Groody Road and a 150-bed private hospital proposed for a 7-acre site adjacent the Ballysimon roundabout. These developments are considered likely to exacerbate the existing traffic situation. The new road will include cycle, pedestrian and bus route facilities allowing for sustainable modes of transport and providing a vital public transport extension route.
- 5.2. The application submissions include the Screening Report for Appropriate Assessment and the Screening for Environmental Impact Assessment, both of which were prepared by Doherty Environmental Consultants Ltd.
- 5.3. Limerick City and County Council submitted a request for an EIA determination in relation to the construction of the new distributor road. The EIA Screening Report concludes that there are a number of sensitive environmental receptors along and in the vicinity of the project and the proposed link road is likely to have a significant effect on the environment by virtue of the reasons listed in section 5 and table 6.1 of the report. It is therefore recommended that an EIA be completed for the project.

- 5.4. Section 5 of the EIA Screening Report considers the likely significant effects of the proposed link road by reference to the factors population and human health, biodiversity, land, soils and geology, water, air and climate, noise, landscape and visual, cultural heritage, material assets and traffic. It takes into account interactive and cumulative effects. It concludes that the proposed road does not trigger the thresholds for mandatory EIA and is assessed as a subthreshold development.
- 5.5. The screening assessment has identified the potential for likely significant effects to the environment as a result of the construction and/or operation phases. It is stated that the likely significant effects have been identified in the absence of any consideration of mitigation measures that may well have the potential to reduce a number of those identified effects to insignificant levels. Nevertheless, a precautionary approach has been adopted in the assessment of significant effects and it is considered at this stage they cannot be ruled out.

6.0 EIA Assessment

6.1 Requirement for Mandatory EIA

- 6.2. I have set out the relevant legislation above and consider that it is evident that the proposed 650m two lane road with bus route and pedestrian and cycle facilities does not require mandatory EIA.

6.3 Requirement for Sub-Threshold EIA

- 6.3.1. Under Section 50(1)(e) of the Roads Act, the Board shall have regard to the criteria specified in Annex III of the EIA Directive when making a decision on whether a proposed road development would or would not be likely to have significant effects on the environment. The applicant has submitted an Environmental Impact Assessment Screening Document that includes the relevant information required for the purposes of screening sub-threshold development for EIA. I will assess the requirement for sub threshold EIA with respect to the criteria set down under Annex III of the EIA Directive.

Characteristics of the Project

The Size and Design of the Whole Project

- 6.3.2. The proposed link road would comprise a 650m section of new road of cross section of 10m wide carriageway including a 3.5m wide bus lane, footpaths, cycleways and planted verges. The road signage, lighting and other fittings and features are standard. As described below the more unusual and significant elements of the project relate to the embankments, elements of the changes to the surface water drainage and the use of floating road technology.
- 6.3.3. The embankments proposed will be up to 5m high and 40m in width and the road will be constructed in fill and on greenfield lands. The construction of the embankments will require importation of material from a stone quarry and site clearance. The selected alignment avoids treelines and hedgerows but there will be some impacts.
- 6.3.4. The drainage works involved in the proposed development include the culverting of existing open watercourses in reinforced concrete culverts which will be under the road embankments. There will be a road surface drainage system which will deliver surface water down the embankments from where it will outfall to a swale system and percolate and flow through the ground before seeping into the river. The surface water will pass through a hydrocarbon interceptor.
- 6.3.5. The road will be constructed using floating road technology where it traverses an area of wet grasslands. This will involve the underling wetlands peat material being left in place and the new road spanning over this area with the lower base of combined geogrid and geomembrane , followed a 400mm layer of rockfill, a secondary layer of geogrid and further rock capping layers.
- 6.3.6. During the construction filter drains will be constructed at the foot of the new road embankment to prevent contamination of groundwater by smaller aggregates and prevent potential hydrocarbon spillages from entering the groundwater and the river.
- 6.3.7. I consider that the proposed development would be considered to comprise a small-scale urban project. There are no largescale or highly technical aspects to its design and its construction will entail standard construction practices utilising typical road construction plant.
- 6.3.8. The project is included in a development plan pertaining to this area. The proposed development would facilitate and promote the objectives of that plan.

Cumulation with other existing and/ or approved projects

- 6.3.9. The Environmental Impact Assessment Screening Report references a search undertaken of the planning register and notes the project listed under 19/1037 for 8 no. houses. There are other larger developments permitted in the vicinity notably the permitted post-primary school which could result in cumulative effects on water, air and traffic particularly if there was simultaneous construction of these projects. However, the permitted developments would not be likely to give rise to construction phase emissions which would be difficult to control or mitigate and there would be limited operational phase emissions associated with the proposed link road and the other significant permitted developments in the area. The most significant emissions would relate to the potential for adverse water quality effects and the consequences for downstream European sites, but this issue is best addressed under the Appropriate Assessment process and my report on the concurrent case ABP-312428 refers.

Nature of any associated demolition works

- 6.3.10. There is no requirement for demolition.

Use of natural resources, in particular land, soil, water and biodiversity

- 6.3.11. The proposed link road is relatively small in scale and the use of natural resources is limited to its construction. There will be a requirement to clear soil but where possible this will be reused and not exported from the site. There will be a requirement to import material for the construction of the embankment as well as the overall project. The proposed development would sterilise lands from its existing use, but this land is already zoned for development, and it is not of demonstrable value or uniqueness. The project does not involve abstraction and use of water. The zoning of the site is also relevant in terms of the impact on biodiversity and there is no indication that the development will directly impact protected habitats or species. The scheme includes a new wetland to replace that being lost. The nature and amount of materials used is such that there would not be a significant use of natural resources during the construction or associated with the operation of the completed link road.
- 6.3.12. Subject to my earlier caveat relating to potential impacts on European sites, I conclude that there will not be significant effects on land, soil, water and biodiversity.

Production of waste/ pollution/ nuisance

- 6.3.13. Excavated materials including soil will be reused on the site where possible thereby minimising the volumes of waste arising. General construction and related waste materials arising will be disposed at authorised waste facilities.
- 6.3.14. The primary types of pollution and nuisance are likely to relate to pollution of surface water discharged from the site during construction as well as noise and aerial emissions during the construction and operation phases.

Risk of major accidents, and/ or disasters

I consider that there is no risk of major accidents due to the nature of the proposed development and the routine nature of the construction involved and in the absence of use of significant volumes of chemicals or explosives. The project is not of a type that would cause an increased risk of major accidents / disasters, and is not located in an area subject to natural disasters such as significant flooding,

Risk to human health

- 6.3.15. There are no perceived risks to human health (e.g., due to water contamination or air pollution) arising from the construction or operational phases of the proposed development. The proposed road will give rise to emissions which will be similar to those already present in the locality and there is therefore no likelihood of health impacts.

Location of Proposed Development

- 6.3.16. This section addresses the environmental sensitivity of the geographical areas likely to be affected by the proposed development.

Existing and approved land use

- 6.3.17. The land uses within the site boundary comprise agricultural lands including some habitats which are of some ecological value include treelines and wetlands and watercourses. The proximity to houses is relevant in terms of the potential for significant effects.
- 6.3.18. The proposed development would result in a change in the character of the existing lands and provide for the transformation of the adjoining lands into a suburban residential area in keeping with the existing pattern of development.

Relative abundance, availability, quality and regenerative capacity of natural resources

- 6.3.19. Natural resources in the area of the proposed development include improved agricultural grasslands, wet grasslands, treelines and hedgerow. Treelines and hedgerows have local ecological importance and are likely to be used by breeding birds and for commuting and foraging by bats. The ecological surveys undertaken identified areas which have similar characteristics to some habitats designated under Annex I of the Habitats Directive but are not described as comprising such habitats. Therefore, in summary there appears to be no impact on any protected habitats or species but there is loss of natural resources of local value. The loss of agricultural lands is in line with the trend established in the adopted development plan.
- 6.3.20. There is a proposal to replace trees and hedgerows which will be lost and to develop a replacement wetland area in the interest of biodiversity. I consider that there is a strong likelihood that the planned replacement planting and wetland will mitigate the loss of biodiversity.
- 6.3.21. A network of drainage ditches crosses the site and connects to the river Groody and will require some modification including diversion and infilling. Water quality can be remedied through appropriate design and mitigation and are likely to be temporary and reversible.

Absorption capacity of the natural environment

- 6.3.22. I have recommended in the concurrent Appropriate Assessment screening assessment under ABP-312428-22 that a Stage 2 Appropriate Assessment will be required in respect of the proposed development. Limerick City and County Council would therefore be required to submit a Natura Impact Statement (NIS) and an application for approval to the Board under the provisions of Section 177AE of the Planning and Development Act, 2000 (as amended) on the basis of the proposed development's likely significant effect on European sites. This process is the relevant mechanism for assessment of the effects of the proposed development on European sites.
- 6.3.23. Surveys conducted for the Ecological Impact Assessment confirm a number of habitats will be impacted as described in section 4.2.1 of the EIA Screening Report. The rating attributed to these habitats is C or D or E. The two habitats with the

highest rating C (county nature conservation value) are calcareous spring which occurs within the footprint of the proposed development and wet grassland which is also close to the centreline.

- 6.3.24. There are no landscapes or sites of historical, cultural, or archaeological significance that would be affected by the proposed development. There are two archaeological sites within the vicinity, but it is stated that these will not be affected.
- 6.3.25. The land in the vicinity contains an extensive network of utilities but these are all outside the site apart from overhead powerlines which cross in the vicinity of the proposed route.
- 6.3.26. The development has the potential for direct and indirect impacts on water, particularly surface water including by reason of the diversion and infilling of drains and watercourses. There is potential for release of contaminants into the river during construction. The Groody is already subject to diffuse urban pressure. Release of contaminants into the water system has the potential to affect European sites but the relevant procedure for addressing these issues is Appropriate Assessment.
- 6.3.27. Overall, I consider that the proposed development will easily be absorbed into the area without significant impacts on the existing population or natural resources apart from impacts on county level nature conservation sites. In general, the proposed link road would provide for development of the area in line with the adopted development plan and providing for uses similar to those existing in the vicinity. It would therefore be considered to constitute a form of development which could be readily absorbed into the area albeit with some loss of biodiversity. The likely effects of the proposal of the environment and on the proper planning and sustainable development of the area would be further assessed under any future application to the Board.

Types and Characteristics of Potential Impacts

Nature, Magnitude and Spatial Extent of Impacts

- 6.3.28. The likely significant impacts are described in section 5.0 of the EIA Screening Report. In the introduction to the section the applicant notes that the identification of the project's potential to result in likely significant effects is considered in the absence of mitigation having regard to the location of the project and the sensitivity is identified in section 4 of the report. Following examination of section 4 I interpret this statement to refer to the impacts on habitats of county nature conservation

value. I note the EIA Screening Report refers to reliance on the precautionary principle as the basis for excluding consideration of mitigation. There is nothing to preclude consideration of mitigation in the determination of EIA screening and the inclusion of mitigation would be more accepted approach and in line with the 2018 Guidance.

- 6.3.29. The site is small in the context of the surrounding environment. There is a relative abundance of similar lands in the area although some of the habitats within the site are rated of county ecological value and there is also some use of the site by species which are protected under Annex IV, including bats.
- 6.3.30. I consider that the magnitude and spatial extent of the impact of the proposed development will be limited to the immediate geographical area and to the local population with more geographically widespread impacts being limited to traffic. The locational context comprises a relatively busy suburban area. The construction phase impacts would be of limited duration and the nature of the project is such that it should be capable of effective mitigation by a good construction practices and management, including traffic management.
- 6.3.31. I agree with the Screening Report statement that the main impacts on population and human health will result from noise and air emissions during the construction phase. The assessment provided is that there will not be significant operational stage impacts on ambient air quality. In the construction phase dust soiling effects may occur and would impact on houses within 200 m. I consider that this impact would be capable of mitigation. I do not consider that there would be significant impacts on population and human health by reason of air emissions.
- 6.3.32. The construction phase noise impacts have been assessed and it has been predicted that at distances of 50 m beyond the works daytime noise limits can be complied with. At distances of up to 25 m from the work the noise criteria may be exceeded. Such impacts would be described as normal short-term construction impacts which will be capable of mitigation and would not be significant in terms of population and human health.
- 6.3.33. There will be direct impacts including a loss of wetland habitats which is described as having links to an Annex I habitat. Notwithstanding this description the habitat is rated at county nature conservation value. The proposed development includes

development of a replacement wetland as mitigation. The project will result in loss of habitat for mammal, bird and invertebrate species none of which are Annex II species some of which are protected including under Annex IV. I do not consider that the biodiversity impacts associated with this project are of such significance as to warrant the preparation of an Environmental Impact Assessment Report, particularly when mitigation is taken into account. In this respect I note the county nature conservation value of the habitats which will be impacted and legislative provisions governing protection of birds and bats in particular and the options for mitigation which could be implemented. I do not consider that biodiversity effects would be significant and thereby trigger a requirement for EIA.

- 6.3.34. The proposed development will result in visual impacts associated with the construction phase and the presence of the new elevated road and associated ancillary infrastructure when it is completed. There will be no impact on any listed views or landscapes.
- 6.3.35. There is potential for direct and indirect impacts on hydrology including on water quality. These are most relevance in terms of the potential for impacts on European sites. I consider that these matters can be adequately dealt with under the provisions of Appropriate Assessment. In general terms the impacts on water should be amenable to mitigation and I consider that there is no likelihood of water quality impacts of such significance in themselves as to warrant the undertaking of EIA.
- 6.3.36. I consider that the impacts on land and soils and geology in the context of the scale of the proposed development are limited. I consider that the assessment of this impact as negative and permanent appears reasonable, but I do not consider that it would be significant and thereby lead to a requirement for EIA. The importance of the attribute affected would generally be described as being of imperceptible significance. I agree with the applicant that the impact on the calcareous spring which is within the footprint of the road is noteworthy. However, the feature affected is not a geological heritage area or protected due to it being the host for any dependent ecology. Therefore, the impacts on this feature and on lands soils and geology in general will not be significant in the context of EIA.
- 6.3.37. The western and eastern side of the sites are described as having archaeological potential. Therefore, it is stated in the Screening Report in the absence mitigation

there is potential for impacts on archaeological remains which may be present within the site. Subject to archaeological mitigation I consider that there is no likelihood of significant impacts.

6.3.38. I consider that the proposed development is likely to have positive effects in terms of material assets and that these effects are in line with the adopted development plan and would not be considered to be significant in terms of EIA.

6.3.39. There is potential for interaction between environmental factors notably between traffic and population and human health as a result of noise and air emissions, soils and geology and biodiversity and landscape and visual, hydrology and biodiversity and soils and geology. The consideration of cumulative effects as presented in the EIA screening assessment does not include a significant permitted development (post primary school). In the event of concurrent construction of the proposed development and the permitted school, cumulative effects may be considered likely.

6.3.40. There are no transboundary impacts associated with the proposed development.

6.3.41. Having regard to the above, I consider that the magnitude and spatial extent of the impact of the proposed development will be limited to the immediate geographical area and to the local population with more geographically widespread impacts being limited to traffic. I consider that the nature of the road scheme is such that once completed it is likely to comprise a development which is character with the existing and emerging pattern of development.

Intensity, complexity, probability of impact possibility of effective mitigation

6.3.42. Any impacts on population and human health arising from the proposed development would be limited mainly to the construction phase, which would be an intense but temporary period of activity affecting the limited number of nearby residents and road users. There is a high probability of impact, but the nature of the impacts would be capable of effectively mitigated by best practice methodologies.

6.3.43. Impacts on biodiversity will result from removal and disturbance of habitat and species and there is a high likelihood of biodiversity impacts. Having regard to the relatively low value of habitat (county level) and the availability of high levels of expertise to prevent and mitigate impacts on species, and the proposed mitigation measures outlined including replacement wetland and tree planting, it is not

expected that impacts on biodiversity associated with the proposed development will be significant.

- 6.3.44. Impact on land, soil and water will be mainly confined to the construction period. Excavated materials will be reused within the site where possible and waste material will be dealt with in accordance with the relevant waste legislation. Any significant impacts arising capable of mitigation by implementation of standard best practice methodologies.
- 6.3.45. It is not anticipated that the development of this short urban road which will be located in a suburban area and constructed utilising standard construction techniques, plant and machinery will result in any particularly intense or complex impacts generated by the proposed development in terms of biodiversity, water, traffic and transport or cultural heritage, or any other environmental factor, for the purposes of EIA.
- 6.3.46. Subject to mitigation I consider that there is no real likelihood of significant effects on the environment arising from the proposed development.

10. Recommendation

Having regard to my assessment above, I consider that the proposed development of the Castletroy Link Road and all associated site development works would not be likely to have significant effects on the environment and I, therefore, recommend that the Board does not direct the local authority to prepare an Environmental Impact Assessment Report in respect of the development based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to:

- (a) the provisions of Section 50 of the Roads Act, 1993 (as amended) and Article 8 of the Roads Regulations, 1994 (as amended)
- (b) the nature and limited scale of the proposed development which is below the threshold for prescribed road development set out in Article 8(b) of the Roads Regulations, 1994 (as amended),

- (c) the location of the site on lands that are covered by the Castletroy Local Area Plan 2019 to 2025,
- (d) the nature, linear scale and location of the proposed development,
- (e) the standard nature of the design and construction methodology,
- (f) the project details provided by Limerick City and County Council,
- (g) to the criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001 (as amended), and
- (h) to the report and recommendation of the Inspector,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not therefore required.

Mairead Kenny

Senior Planning Inspector

3rd March 2022