



An
Bord
Pleanála

Inspector's Report

ABP-315259-22

Development	Bloodmill Road Extension Scheme
Location	In the townland of Towleron, Ballysimon, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	Not applicable
Applicant(s)	Limerick City and County Council.
Type of Application	NIS Direction under the provisions of Article 250 of the Planning and Development Regulations 2001.
Planning Authority Decision	Not Applicable
Type of Appeal	NIS direction
Appellant(s)	Not applicable
Observer(s)	None.
Date of Site Inspection	20 th January 2023
Inspector	Paul Caprani

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1.0 Introduction

- 1.1. Limerick City and County Council are seeking a determination under the provisions of Article 250 of the Planning and Development Regulations 2001 (as amended) from An Bord Pleanála as to whether or not a Natura Impact Statement is required to be prepared in respect of works to be carried out involving the widening and realignment of the Bloodmill Road at Towlerton in the eastern environs of Limerick City.

2.0 Site Location and Description

- 2.1. The Bloodmill Road (L5124) is a local, two-way, 3rd Class Road on the south-eastern outskirts of Limerick City. It is approximately 1.6 km in length and runs from the R509 south of the Parkway Roundabout to the R527, which forms part of the main Limerick Tipperary Road. It consists of a two-way metalled carriageway c.4m in width. The section of the roadway closer to the city is slightly wider and incorporates foot paths on both sides and public lighting. The north western section of the roadway operates as a collector/distributor route serving a number of commercial and residential lands as well as Cloughaun GAA Club. As one travels south eastwards along the road the carriageway narrows and becomes more rural in nature. After c750m the footpaths and public lighting along the roadway end. The remaining section of roadway serves scattered rural housing development and farmyards along its alignment until it meets the Groody Road / R527 Roundabout, c. 850 meters further southeast.

3.0 Proposed Development

- 3.1. The aim of the project is to re-align the existing Bloodmill Road to link up the recently constructed and improved section of link road constructed as part of a housing development on the northern side of the Road. It also seeks to provide improved infrastructure for pedestrians cyclists and public transport users. The new alignment will also provide improved access to surrounding zoned lands or a new private hospital and secondary school. In detail the project will provide for:

- The construction of approximately 200m of road corridor with a 6.2 m carriageway together with 2x2m footpaths and 2x2m off-road cycle tracks.
- The construction of a new surface water drainage system.
- The installation of a new culvert across the Towlerton¹ stream where the newly constructed link road terminates.

4.0 Planning Authority Documentation Submitted

4.1. The application for the determination under the provisions of Article 250 of the Planning and Development Regulations 2001 (as amended) was lodged on December 1st 2021. It is accompanied by the following documentation.

- A covering letter by the Transportation and Mobility Directorate of Limerick County Council. Which set out details of the background to the project. It notes that in addition to the planned health and education infrastructure earmarked on contiguous lands along the alignment, the Bloodmill Road has been identified as part of the Draft Bus Connect Project. The lands identified for the road improvement scheme is owned by both the council and a number of 3rd parties. Negotiations are on-going in respect of acquiring the land.

Appendix A of the submission sets out preliminary drawings indicating the section of roadway to be improved together with a schematic layout of the road improvement scheme.

Appendix B comprises of a series of zoning maps in the adopted development plan for the subject site and its surroundings.

Appendix C contains details of a Report for a Preliminary Screening for Appropriate Assessment, carried out by Doherty Environmental Consultants. It concludes that, given the presence of hydrological pathways between the proposed development and Natura 2000 sites in the vicinity, it is recommended that the Council seek a determination from An Bord Pleanála under the provisions of Article 250 of the Planning and Development Regulations 2001 (as amended) as to whether the proposed development has the potential to result in likely significant effects on the

¹ This is also referred Galvone Stream in documentation submitted by the Planning Authority.

Natura 2000 sites in question and therefore whether a Natural Impact Statement (NIS) is required to be completed for the proposal.

5.0 Natura 2000 Sites in the Vicinity.

The following Natura 2000 sites have been identified within a zone of influence of 15 km radius of the proposed development, which could theoretically be affected by the proposed development:

Natura 2000 Site	Distance from the Proposed Development
Lower River Shannon SAC (002165)	1.4 km (as the crow flies), hydrologically 1.8km
River Shannon and River Fergus Estuaries SPA (004077)	3.4 km (as the crow flies). Hydrologically 9.1km
Slievefelim to Silvermines Mountains SPA (004165)	12.5 km (as the crow flies)
Tory Hill SAC (000439)	13.8 km (as the crow flies)
Glenomra Wood SAC (001013) Co Clare	11.2 Km (as the crow flies)

6.0 Potential Impacts that could arise from the Proposal

6.1. The works to be carried out are not described in any great detail in the documentation submitted. However, the potential adverse impacts that could arise from a typical road improvement/realignment scheme in the surrounding environment include the following:

- Pollution discharges to groundwater though accidental spillage of potential contaminants such as fuels, oils paints or chemicals etc. Having regard to the distances between the subject site and the Natura 2000 sites in question groundwater contamination is unlikely to pose a threat to the Natura 2000 sites in question.
- Surface water emissions - where hydrological connections exist between the subject site and Natura 2000 sites in the vicinity. There is potential for water pollution to occur through accidental spillage of potential contaminants such as fuels, oils paints or chemicals etc. Due to the hydrological connection between the

subject site and Natura 2000 site in the vicinity. Surface water pollution could pose a risk to qualifying interests.

- Noise and Vibration Emissions - Elevated noise and vibration during construction works associated with the road scheme (and to a much lesser extent during the operational phase through increased traffic) has the potential to impact on breeding foraging and nesting sites associated with SPA's in the vicinity and also certain species associated with SAC's through general disturbance. Having regard to the built-up nature of the baseline environment and the distance between the subject site and the Natura sites, particularly SPA sites, noise and vibration emissions are very unlikely to pose a threat to the Natura 2000 site in question.

- Elevation emissions to air which could affect air quality which in turn could potentially impact on qualifying interests associated with the Natura 2000 Sites. Again, having regard to the built-up nature of the baseline environment and the distance between the subject site and the Natura sites, particularly SPA sites, air pollution / emissions arising from the proposed development are very unlikely to pose a threat to the Natura 2000 site in question.

- Light pollution - elevated levels of light pollution could potentially impact on species associated with the Natura 2000 sites. Having regard to the built-up nature of the baseline environment and the distance between the subject site and the Natura 2000 sites, increased light pollution is extremely unlikely to pose a threat to the Natura 2000 site in question.

- Human and increased traffic activity – particularly associated with the construction and operational phases of the project could potentially give rise to disturbance of species associated with Natura 2000 sites in the vicinity. Again however, regard to the built-up nature of the baseline urban/peri urban environment and the distance between the subject site and the Natura 2000 sites, increased human and traffic activity are very unlikely to pose a threat to the Natura 2000 site in question.

7.0 Screening for Potential Impacts on Natura 2000 Sites

7.1. The subject site is not located within or contiguous to a designated Natura 2000 Site. There are total of 5 designated Natura 2000 Site within a 15 km radius. The table below assesses the theoretical potential for the proposed development to impact on

the Natura 2000 site in question, and the rationale on which this conclusion is based (Column 3):

Site Name and Site Code	Distance of Natura 2000 Site from proposed Road Alignment Scheme (Closest Point)	Hydrological or other connection between the subject site and Natura 2000 site	Potential Adverse Impact on Integrity of a European Site
Lower River Shannon SAC (002165)	1.4 km (As the crow flies). Hydrological route 1.8km	Yes; the Towlerton stream which traverses the Bloodmill Road at the termination point of the proposed works discharges into the Groody River at a Reboge Meadows approximately 1km north of the site. The Groody River discharges into the Lower River Shannon SAC a further 800m to the north.	Potentially Yes
River Shannon and River Fergus Estuaries SPA (004077)	3.4 km (as the crow flies). Hydrological Route 9.1km	River Shannon and River Fergus Estuaries SPA form part of the lower River Shannon Corridor as it flow westwards from the City of Limerick. There is a hydrological connection between the subject site via the Towlerton Stream, River Groody and the River Shannon. The Hydrological route is circuitous at almost 10 km in length which is a significant separation distance. Furthermore, the dilution and dispersion capacity of the Lower River Shannon for a distance of approximately 7.3 km would ensure that any potential pollution episode on reaching the River Shannon would be adequately diluted and dissipated to significantly reduce any probability of adversely indirectly impacting on the River Shannon and River Fergus Estuaries SPA.	No potential impact

Slievefelim to Silvermines Mountains SPA (004165)	12.5 km (as the crow flies)	There is no hydrological or other connection between the proposed road re-alignment works and the Slievefelim to Silvermines Mountains SPA. Furthermore, the separation distance between the two sites in question are such that there is no potential for the proposal to adversely impact on the species of conservation interest associated with the SPA.	No potential impact
Tory Hill SAC (000439)	13.8 km (as the crow flies)	There is no hydrological or other connection between the proposed road re-alignment works and the Tory Hill SAC. Furthermore, the separation distance between the two sites in question are such that there is no potential for the proposal to adversely impact on the qualifying interests, all of which are habitats, associated with the SAC.	No Potential Impact
Glenomra Wood SAC (001013) Co Clare	11.2 Km (as the crow flies)	There is no hydrological or other connection between the proposed road re-alignment works and the Glenomra Wood SAC. Furthermore, the separation distance between the two sites in question are such that there is no potential for the proposal to adversely impact on the single qualifying interest, namely woodland habitat.	

I have argued from my screening assessment above that, of the 5 designated Natura 2000 sites identified in the vicinity, the proposed development may have the potential to impact on one site only, namely the Lower Shannon River SAC. The following section of the report looking in more detail at the qualifying interests associated with the SAC and whether or not the proposal and the potential to impact on this qualifying interests.

Site Name and Code	Qualifying interests / Species of Conservation Interest
Lower River Shannon SAC (002165)	<p><i>Sandbanks which are slightly covered by sea water all the time [1110]</i></p> <p><i>Estuaries [1130]</i></p> <p><i>Mudflats and sandflats not covered by seawater at low tide [1140]</i></p> <p><i>Coastal lagoons [1150]</i></p> <p><i>Large shallow inlets and bays [1160]</i></p> <p><i>Reefs [1170]</i></p> <p><i>Perennial vegetation of stony banks [1220]</i></p> <p><i>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</i></p> <p><i>Salicornia and other annuals colonising mud and sand [1310]</i></p> <p><i>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</i></p> <p><i>Mediterranean salt meadows (Juncetalia maritimi) [1410]</i></p> <p><i>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</i></p> <p><i>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</i></p> <p><i>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</i></p> <p><i>Margaritifera (Freshwater Pearl Mussel) [1029]</i></p> <p><i>Petromyzon marinus (Sea Lamprey) [1095]</i></p> <p><i>Lampetra planeri (Brook Lamprey) [1096]</i></p> <p><i>Lampetra fluviatilis (River Lamprey) [1099]</i></p> <p><i>Salmo salar (Salmon) [1106]</i></p> <p><i>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</i></p> <p><i>Lutra (Otter) [1355]</i></p>

In assessing whether or not the proposed development would have potential adverse impacts on the qualifying interests associated with the SAC, I have had particular regard to the information contained in the report entitled “Conservation Objectives Series” prepared by the National Wildlife and Park for the SAC in question. The potential impacts on each of the qualifying interests are set out below:

Sandbanks which are slightly covered by sea water all the time [1110]

This habitat amounts to c1,353 ha of lands at the River Shannon Estuary, c80km down stream of the subject site. It will not be impacted in anyway as a result of the proposed development.

Estuaries [1130]

This permanent habitat area is stable or increasing, subject to natural processes. It covers a large area within the SAC (c.24,273 Ha) and extends up the river to a point c2 km downstream of the discharge point of the River Groody into the River Shannon. The conservation objective seeks to conserve the following community types in a natural condition: Intertidal sand to mixed sediment with polychaetes, molluscs and crustaceans community complex; Estuarine subtidal muddy sand to mixed sediment with gammarids community complex; Subtidal sand to mixed sediment with *Nucula nucleus* community complex; Subtidal sand to mixed sediment with *Nephtys spp.* community complex; Fucoid-dominated intertidal reef community complex; Faunal turf-dominated subtidal reef community; and Anemone-dominated subtidal reef community. Any potential pollution episode arising from the development over 3.8km away, is extremely unlikely to impact on this habitat.

Mudflats and sandflats not covered by seawater at low tide [1140]

This habitat is encountered at numerous locations along the shoreline downstream of the subject site. The closest area of mudflats and sandflats to the subject site (hydrologically) is the Shannon Bridge 8.8km away. The conservation objective seeks to conserve the following community types in a natural condition: Intertidal sand with *Scolelepis squamata* and *Pontocrates spp.* community; and Intertidal sand to mixed sediment with polychaetes, molluscs and crustaceans community complex. Any potential pollution episode arising from the development 8.8km away is extremely unlikely to impact on this habitat due to the nature of the habitat and the separation distances involved.

Coastal lagoons [1150]

The NPWS Conservation Objectives report notes that the coastal lagoonal areas within the SAC comprise of 4 individual areas all located a significant distance downstream from the proposed works, in excess of 20 km away. The lagoons will in no way be potentially affected by the proposed development.

Large shallow inlets and bays [1160]

This habitat is stable or increasing and covers an estimated area of 35,282 ha associated with the outer estuary area. Due to the separation distances c60km and the availability of significant dilution and dispersal rates, the habitats of inlets and bays will in no way be affected by the proposal.

Reefs [1170]

The distribution of reefs within the SAC is considered to be stable within the SAC. The conservation objective is to conserve the reef community types within the SAC in a natural condition. These habitats are all located a significant distance downstream of the proposed works to be carried out, (c.50km away) and will not be adversely affected by the proposal.

Perennial vegetation of stony banks [1220]

Nine separate areas of Perennial vegetation of stony banks are identified within the SAC, all of which are located a considerable distance downstream (in excess of 60 km) near the mouth of the estuary and thus will in no way be affected by the proposal.

Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]

Likewise, these habitats identified in the SAC are all located a considerable distance downstream (in excess of 60 km) near the mouth of the estuary and thus will in no way be affected by the proposal.

Salicornia and other annuals colonising mud and sand [1310]

As in the case of the habitats referred to above, the areas supporting this type of habitat is located in excess of 60km down stream and will not be affected by the proposal.

*Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]*

As in the case of the habitats referred to above, the areas supporting this type of habitat is located in excess of 20km downstream and will not be affected by the proposal. The availability of significant dilution and dispersal rates ensure that Atlantic salt meadows will in no way be adversely affected.

Mediterranean salt meadows (Juncetalia maritimi) [1410]

The closest areas supporting this type of habitat is located in the River Fergus Estuary, in excess of 40km downstream and will not be affected by the proposal. The availability of significant dilution and dispersal rates will ensure that this habitat will in no way be affected by the proposal.

Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]

That section of the water course / canal² linking the Abbey River at the Grove Island Shopping Centre with the River Shannon at Guinness Bridge at Carrabullawn is immediately down stream of where the River Groody discharges into the River Shannon. The main pressures and threats on water courses of plain to montane levels with *Ranunculion fluitantis Callitricho-Batrachion* vegetation and are human-related changes to river structure hydrology and water pollution. As the subject site is located adjacent to Towleron Stream, which in turn discharges into the Groody River in close proximity to the Canal, there is in my view some potential, in the absence of mitigation to impact on the water quality in the canal which hosts this habitat. On a precautionary basis therefore the proximity of this type of habitat to the subject site could trigger the requirement for a stage 2 Appropriate Assessment.

Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]

The spatial extent of this particular habitat does not appear to be mapped on the NPWS Conservation Objectives Report. The NPWS report states that the full extent of this habitat in this site is currently unknown. This habitat has been recorded on the eastern bank of the Shannon, just north of Castleconnell, Co. Limerick. This is upstream of the proposed development and therefore will not be affected by the proposal. The report goes on to note that the full distribution of this habitat in this site is currently unknown and it almost certainly occurs elsewhere. However, as this habitat occurs on semi-natural grasslands, it is extremely unlikely that any pollution episode at the site of the proposal will affect the nature of the grassland supporting this habitat.

² Referred to on the Discovery map series as the Lough Derg Canal.

Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]

These habitats are located upstream of the proposal and therefore will not be affected by the proposal.

Margaritifera (Freshwater Pearl Mussel) [1029]

There is a single freshwater pearl mussel catchment area within the SAC centred on the Cloon River in Co Clare. This catchment is in excess of 60 km from the subject site and will be in no way affected by the proposed development.

Petromyzon marinus (Sea Lamprey) [1095], Lampetra planeri (Brook Lamprey) [1096], Lampetra fluviatilis (River Lamprey) [1099]

The spatial extent of this particular habitat does not appear to be mapped on the NPWS Conservation Objectives Report. The proposed development is likely unlikely to impact on Sea Lamprey because of the separation distances involved between the subject site and the habitat of this lamprey species. Brook lamprey and River lamprey inhabit freshwater and river environments. The biggest threats to the lamprey species is habitat loss/ degradation and water pollution. On the basis that river and brook lamprey could inhabit section of the River Shannon in closest proximity to the works to be undertaken, there is in my view some potential, in the absence of mitigation, to impact on the water quality in the receiving waters which may host lamprey species. On a precautionary basis therefore, the potential for the species to occur in proximity to the subject site could trigger the requirement for a stage 2 Appropriate Assessment.

Salmo salar (Salmon) [1106]

The spatial extent of this particular habitat does not appear to be mapped on the NPWS Conservation Objectives Report. The conservation objective seeks to restore the favourable conservation condition of Salmon in the Lower River Shannon SAC, which is defined by a list of attributes and targets including achieving and maintaining at least Q4 at all sites sampled by the EPA. The Q-value for water quality at Athunkard Bridge, c. 2km downstream of the confluence point between the River Shannon and the River Groody is 3-4. This is on the cusp of the attribute and target sought to achieve the favourable conservation condition of the Salmon in the

SAC. On this basis there is in my view, some potential from the proposed works to be undertaken, in the absence of mitigation, to impact on the water quality in the receiving waters which may host salmon species. On a precautionary basis therefore, the proximity of this species to the subject site could trigger the requirement for a stage 2 Appropriate Assessment.

Tursiops truncatus (Common Bottlenose Dolphin) [1349]

The critical habitat of the Common Bottle Noise Dolphin is located a considerable distance downstream, in the region of 60 km from the site where the road improvements are to take place. Any adverse impacts arising from the proposed development will not impact on this critical habitat. The species also frequents and commutes over a much wider area of the Lower Shannon River and Estuary. The dolphin commutes up stream as far as Cock Rock, approximately 11 km downstream from where the Groody River discharges into the River Shannon. Having regard to the separation distances and the dilution and dispersion capacity in the receiving waters of the River Shannon, any potential pollution episode arising from the works to be undertaken would have no adverse effect on the Bottle-nosed Dolphin.

Lutra (Otter) [1355]

The Otter commuting buffer zone is depicted on Map 17 of the NPWS Conservation Objectives Report. It indicated that the commuting zone for otters extends far up the River Shannon into Limerick City as far as St Thomas Island, c. 1km north of Athlunkard Bridge. The otter committing zone therefore terminates c.3 km north of the confluence point between the River Groody and the River Shannon, and approximately 4.8 km north (hydrologically) where the proposed works are to take place along the Bloodmill Road. Having regard to the separation distances and the dilution and dispersion capacity of the receiving waters, no adverse impact is anticipated on the commuting habitat of the otter.

8.0 Conclusion and Recommendation

Arising from my assessment above, I would conclude that (a) because of the nature of works to be undertaken in an existing built-up area, (b) the separation distances between the proposed road improvement works and the Natura 2000 sites in the vicinity, that all Natura 2000 sites, with the exception of the Lower River Shannon

SAC (site code: 002165), can be excluded in terms of the potential for adverse impact on qualifying interests or species of conservation interest associated with the Natura 2000 Sites.

With regard to the Lower Shannon SAC, I have evaluated the potential impact of the proposed development on each of the qualifying interests associated with the SAC, and I have concluded that for reasons relating primarily to proximity, the proposed development is highly unlikely to adversely impact on the vast majority of qualifying interests. However due to the direct hydrological connection between the works to be undertaken on the subject site and the susceptibility of three or four of the qualifying interests associated with SAC, which lie in closest proximity to the subject site; namely Atlantic Salmon (*Salmo salar*), Brook and River Lamprey (*Lampetra planeri* and *Lampetra fluviatilis*) and water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation, the potential for adverse impacts on these particular qualifying interests cannot be categorically ruled out. I therefore recommend that the Board determine that a stage 2 appropriate assessment of the proposed development is required and direct the local authority to prepare an NIS in respect of the proposed development and to submit the proposed development to the Board for approval under section 177AE of the Planning and Development Act 2000, as amended.

9.0 Reasons and Considerations

Having regard to:

- a) The nature and scale of the proposed development,
- b) The location of the proposed development and the separation distance from the Lower River Shannon SAC (site code: 002165)
- c) The existence of a hydrological connection from the proposed development site to the Lower River Shannon SAC
- d) The nature of the qualifying interests, some of which may be located along the section of the River Shannon in closest proximity to the proposed development.

- e) The submission made by the local authority, including the Preliminary Screening Report for Appropriate Assessment Screening received by the Board on dated November 2022,
- f) The report and recommendation of the Inspector,

It is considered reasonable to conclude that on the basis of the information available, which is considered adequate to issue a screening determination, that it cannot be ruled out that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on a number of the qualifying interests associated with the Lower River Shannon SAC (Site Code: 002165) 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, therefore, required.

Paul Caprani
Senior Planning Inspector

27th of January 2023.