



An
Bord
Pleanála

Inspector's Report

ABP-317232-23

Development	N21 Abbeyfeale Road Scheme
Location	Limerick City to Tralee and Killarney via Adare and Newcastle West and traverses Abbeyfeale Town, Co. Limerick.
Planning Authority	Limerick City and County Council
Type of Application	EIA Direction (Section 50 of the Roads Act, 1993, as amended)
Observer(s)	None
Date of Site Inspection	17 th July 2023
Inspector	Liam Bowe

Contents

1.0 Introduction.....	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Request for Direction and Submitted Documents	4
5.0 Policy Context.....	4
6.0 Legislation	6
7.0 Limerick City & County Council EIAR Screening Report	7
8.0 Assessment.....	10
9.0 Recommendation.....	19
10.0 Reasons and Considerations	19

1.0 Introduction

- 1.1. Under the provisions of section 50(1)(c) of the Roads Act, 1993, Limerick City & County Council is seeking a direction from An Bord Pleanála, as to whether or not, the proposed N21 Newcastle West Road Scheme would be likely to give rise to significant effects on the environment and thereby require the preparation of an environmental impact assessment report. The City & County Council has itself concluded that the proposed development has the potential to have significant effects on the environment and that an EIAR would be required.

2.0 Site Location and Description

- 2.1. The site of the proposed road scheme / bypass is off the N21 National Route to the south of the town of Abbeyfeale in western Co. Limerick. The proposal will continue for a distance of approximately 6.9km through the townlands of Dromtarsna, Abbeyfeale East, and Kilkinlea Upper. The existing N21 national road is mostly rural in character and is aligned on both sides with agricultural pastures and occasional road-fronting development.
- 2.2. At both its north-eastern and south-western ends, the proposed bypass commences at the point where the 100kph speed limit applies. There is a broken white line in the centre of the road at its north-eastern end and the carriageway edge is delineated with broken yellow lines with hard shoulders present. There are unbroken and broken white lines in the centre of the road at its south-western end and the carriageway edge is delineated with broken yellow lines with hard shoulders present. There are no pedestrian/ cyclist facilities at either location.
- 2.3. The proposed bypass would cross undulating agricultural land to the south of the existing national road and Abbeyfeale. Residential development in the area consists of one-off houses in ribbon form. There are watercourses and a number of local roads that the proposed road scheme will cross.
- 2.4. The road corridor passes over a number of recorded archaeological features including a children's burial ground (LI04451), an enclosure (LI04457) and mounds (LI04454 and LI04458).

3.0 Proposed Development

3.1. The proposal is for a Type 2 Dual Carriageway 6.9km in length along the N21 Limerick to Tralee Road bypassing Abbeyfeale in Co. Limerick. The development includes the following:

- New roundabouts at the northern and southern end of the scheme to provide connection with the existing N21.
- Provision for cyclists and pedestrians.
- New bridges over local roads, new stream crossings and piped culverts over existing field ditches.
- Excavation works, accommodation works, drainage works, utilities /service diversion works, public lighting, landscaping, environmental works and other ancillary works.

4.0 Request for Direction and Submitted Documents

4.1. On 15th May 2023 the Board received a request for an EIAR Direction for the proposed development. The application is supported by an EIA Screening Report.

5.0 Policy Context

5.1. Limerick Development Plan 2022-2028

5.1.1. Section 2: Spatial Strategy

Abbeyfeale has been identified as a **Level 3 Town** in the Development Plan. They provide a wide range of services and their functions are complementary to the Limerick Shannon Metropolitan Area (in Limerick), Newcastle West and each other. They also have an important regional employment function within their surrounding catchment areas. Acting as important local drivers, Level 3 Settlements provide a range of functions for their resident population and their surrounding catchments including housing, employment services and retail and leisure opportunities.

Objective CGR O13 Level 3: Towns

It is an objective of the Council to monitor and review existing Local Area Plans and prepare new Local Area Plans for the following settlements: Abbeyfeale, Caherconlish, Castleconnell, Kilmallock and Rathkeale to align with the Limerick Development Plan on completion and to consolidate the growth of these towns and focus policy on ensuring these towns become more self-sufficient, in terms of job creation and services

5.1.2. Policy TR P6

Delivery of Transport Infrastructure in line with National Policy It is a policy of the Council to support the delivery of transport infrastructure identified within the National Planning Framework, National Development Plan 2021-2030 (and any update) and the Regional Spatial and Economic Strategy for the Southern Region and to support enhanced connectivity within Limerick and inter-urban connectivity within the regions.

- 5.1.3. One of the stated key projects in enhancing regional connectivity with the South West Region and alleviating congestion in both Newcastle West and Abbeyfeale is the N21 Newcastle West and N21 Abbeyfeale Road Scheme.

Objective TR O31: N21 Newcastle West and N21 Abbeyfeale Road Schemes

It is an objective of the Council to support the delivery of N21 Newcastle West and N21 Abbeyfeale Road Schemes, subject to all environmental and planning assessments.

5.2. Abbeyfeale Local Area Plan 2014-2020 (extended until April 2024)

5.2.1. Objective T5: Safeguard the Capacity of the N21 and R524

It is the objective of the Council to safeguard the capacity of the N21 and the R524 and ensure that any future developments do not compromise the strategic function of these roads.

5.3. **Draft Abbeyfeale Local Area Plan 2023-2029**

5.3.1. **Policy SM 01 - Movement and Accessibility**

It is a policy of the Council to:

- e) Support the progression of the N21 Abbeyfeale Road Scheme to provide improved regional connectivity and ensure future development proposals do not compromise the development of this scheme.

5.4. **Natural Heritage Designations**

5.4.1. The nearest natural heritage designations are:

- Lower River Shannon SAC (Site Code: 002165), located c.300m to the north and west.
- Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Site Code: 004161), located c.1km to the north and c.3km to the west.

6.0 **Legislation**

6.1. Section 50(1)(a) of the Roads Act 1993, as amended, places a mandatory requirement on a roads authority to prepare an environmental impact assessment report in respect of any proposed road development comprising the construction of a motorway, busway, service station or any prescribed type of road development consisting of the construction of a proposed public road or the improvement of an existing public road as is presently defined in Article 8(b) of the Roads Regulations, 1994:

- 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 500m or more in an urban area;
- b) the construction of a new bridge or tunnel which would be 100m or more in length.

6.2. The proposed development, which is for a dual carriageway road, 6.9km in length, and bridges in a rural area, does not fall within these categories of and is therefore not subject to mandatory EIA.

- 6.3. With regard to sub-threshold development, section 50(1)(c) of the Roads Act 1993, as amended, states that where the roads authority considers that any proposed road development (other than those described above), which consists of a proposed public road or the improvement of any existing public road, would be likely to have significant effects on the environment it shall inform the Board in writing and where the Board concurs with the roads authority it is required to give a direction to the authority pursuant to section 50(1)(b) of the Act to prepare an environmental impact assessment report in respect of the proposed road development and the authority is obliged to comply with any such direction.
- 6.4. Section 50(1)(d) states that where a proposed road development (other than development to which paragraph (a) applies) is located in a European site, the roads authority shall decide whether the proposed development would be likely to have significant effects on the environment. The Proposed Scheme is not located within or linked to the sites identified under section 50(1)(d).
- 6.5. Section 50 (1)(e) states that An Bord Pleanála or the road authority shall take into account the relevant selection criteria specified in Annex III of the EIA Directive in making its EIA Screening determination.
- 6.6. Limerick City & County Council has carried out an EIA Screening determination under the provisions of section 50(1)(d) of the Roads Act 1993, as amended and concluded that the proposed development is not likely to have significant effects on the environment.

7.0 Limerick City & County Council EIAR Screening Report

- 7.1. The request for a direction from the Board as to whether or not the proposed road would be likely to have significant effects on the environment, necessitating the preparation of an environmental impact assessment report, is accompanied by an 'EIA Screening Report' prepared by Jacobs Engineering Ltd. It takes into account the 3 no. relevant criteria specified in Annex III of EIA Directive 2014/52/EU which are as follows:
1. Characteristics of projects.
 2. Location of projects.

3. Types and characteristics of the potential impact.

7.2. Characteristics of the proposed scheme

- 7.2.1. Size and design of project – The proposed road development is a new 6.9km section of Type 2 Dual Carriageway, which will involve the demolition of some existing dwellings, structures and road infrastructure. The size of the scheme is considered to be significant, just below the 8km threshold for mandatory EIA. It is also considered that demolition works could have a significant impact.
- 7.2.2. Cumulation with other projects – There are other road developments of a strategic nature with hydrological links to European sites that present the potential for cumulative impacts.
- 7.2.3. Use of natural resources – It is considered that there will be significant level of raw materials and mineral resources used for the construction of the Proposed Scheme.
- 7.2.4. Production of waste – Construction related waste production could be significant and both minimisation and disposal will be a key challenge for the Proposed Scheme.
- 7.2.5. Pollution and nuisances – Noise, dust, vibration and run-off to watercourses have the potential to significantly impact a European site.
- 7.2.6. Risk of accidents, having regard in particular to substances or technologies used – The Scheme will involve the construction of structures to cross local roads and watercourses, and this has the potential to cause significant accidents and/or disasters.
- 7.2.7. Risk to Human Health – Small amounts of dust may be generated during construction and may impact local water supplies.

7.3. Location of the Proposed Development

- 7.3.1. Existing land use – The development is located in a rural area. The main land use is agriculture with some dispersed residential development.
- 7.3.2. Relative abundance, quality and regenerative capacity of natural resources in the area – There will a permanent loss of agricultural land as a result of the proposed road with alteration to the existing landscape and the potential for loss of natural resources in the area.

7.3.3. Absorption capacity of the natural environment – The proposed development is located in open land on undulating terrain. The proposed scheme would cross a number of watercourses, which provide hydrological connectivity to the Allaghaun River and the River Feale, and enters the Shannon Estuary to the south of Ballybunion, Co. Kerry.

The development is not proximate to the coastal zone/marine environment and there are no mountain/forests parks or nature reserves and parks close to the site. There is potential for loss of hedgerows and mature trees.

The Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Site code: 004161) is located c.1km to the north and c.3km to the west of the Proposed Scheme.

The Lower River Shannon SAC (Site Code: 002165), located c.300m to the north and west of the Proposed Scheme and the works will cross watercourses that are hydrologically linked to the SAC.

7.4. **Types and Characteristics of Potential Impacts**

7.4.1. Magnitude and spatial extent of the impact - The Proposed Scheme is 6.9km long and is hydrologically linked to a SAC located in close proximity to an SPA and the town of Abbeyfeale. There is potential to have significant impacts on the European Sites and the significant size of population in the area (2,000 people).

7.4.2. Nature of the impact – The Proposed Scheme is located in close proximity to the town of Abbeyfeale with a population of 2,000 people and would be likely to have significant effects on biodiversity, water, cultural heritage and landscape.

7.4.3. Transboundary nature of the impact – The Proposed Scheme will not result in transboundary impacts.

7.4.4. Intensity and complexity of the impact – Potential impacts on the nearby SAC and SPA have the potential to be complex and significant. In terms of landscape, there will be intense impacts during the construction and operational stages.

Probability of the impact – Crossing a number of local watercourses, in the absence of mitigation, is highly likely to result in run-off to these watercourses which flow directly into the Lower River Shannon SAC.

- 7.4.5. Expected onset, duration, frequency and reversibility of the impact – There will be permanent and irreversible changes to the existing landscape as well as permanent changes to traffic and noise. The two to three years construction period will result in short-term impacts in relation to run-off, noise and dust pollution.
- 7.4.6. Cumulation of the impact with other existing and/or approved projects – There are other road developments of a strategic nature with hydrological links to European sites that present the potential for cumulative impacts.
- 7.4.7. Possibility of effectively reducing the impact – There is potential to reduce environmental impacts associated with the Proposed Scheme through design and mitigation.

Conclusion

- 7.4.8. The conclusion reached in the report is that the proposed development is likely to result in significant impacts on landscape, biodiversity, hydrology, cultural heritage, air quality and noise during the construction and operational phases. It was determined that the Proposed Scheme would be likely to have significant effects on the environment, in the absence of mitigation measures and the preparation of an EIAR is recommended.

8.0 Assessment

8.1 Introduction

- 8.1.1. The proposed development is set out in Section 3 above. It comprises the construction of a Type 2 Dual Carriageway 6.9km in length along the N21 Limerick to Tralee Road bypassing the town of Abbeyfeale with new roundabouts, provision for cyclists and pedestrians, a new local river crossing and piped culverts over existing field ditches, excavation works, accommodation works, drainage works, utilities /service diversion works, public lighting, landscaping, environmental works and other ancillary works.
- 8.1.2. The question for determination by the Board is whether the proposed development would be likely to have significant effects on the environment and require the preparation of an EIAR. I note that the 'EIAR Screening' which was prepared by

Jacobs Engineering Ltd. concluded that there will be a likelihood of significant effects on the environment arising from the proposed development and EIA is required.

8.2. Relevant project types/class of development

8.2.1. The proposed development is listed as a type of infrastructure development under Section 50(1)(a) of the Roads Act, 1993 (as amended). Under this part of the Act, road developments in respect of which there is a mandatory requirement to carry out environmental impact assessment (EIA) as follows:

- (i) the construction of a motorway,
- (ii) the construction of a busway,
- (iii) the construction of a service area, or
- (iv) any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of any existing public road.

8.2.2. The relevant class of development applicable to the proposed project that is the subject of this referral is, therefore, Section 50(1)(a)(iv) of the Roads Act, 1993. It is therefore my opinion that the proposed project involves development that is of a class for the purposes of EIA.

8.3. Relevant threshold under Section 50 of the Roads Act, 1993 (as amended)

8.3.1. Article 8 of the Roads Regulations, 1994 (S.I. 119 of 1994) states that the prescribed types of proposed road development for the purpose of subsection (1)(a)(iii) of section 50 of the Act shall be:

- (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 500m or more in length in an urban area;
- (b) the construction of a new bridge or tunnel which would be 100m or more in length.

(The Roads Act 2007 introduced changes to Article 8 – hence the reference to subsection (1)(a)(iii) rather than subsection (1)(a)(iv) – the latter being the reference to ‘prescribed type of proposed road development’).

The proposed road, being less than ‘eight kilometres or more in length’ and not entailing the construction of ‘new bridge which would be 100m or more in length’, does not, therefore, require mandatory EIA. It is therefore also sub-threshold development for the purpose of EIA under this class.

8.4. Examination of the development by reference to the criteria set out in Schedule 7 of the Regulations

8.4.1. Schedule 7 lists the criteria for determining whether a development would or would not be likely to have significant effects on the environment. I have therefore considered these in my examination and assessment below, having regard to the information submitted pursuant to Schedule 7A and the legalisation and guidance. I have also considered the issues in this EIAR screening determination.

Table 1: EIA Screening Determination (Examination)

Examination	Characteristics of impacts and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surroundings or environment?	The scheme for a dual carriageway road just below the 8km threshold in a rural area has the	Yes

	potential to result in significant impacts.	
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The existing use is agriculture, and the proposed use is a transport corridor involving the demolition of some houses, structures and existing road infrastructure, which have the potential to result in significant effects.	Yes
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	The proposed scheme, being significant in scale, will result in a significant use of natural resources (water and energy) and significant importation of material and mineral resources (stone, metal and sand) during the construction phase.	Yes
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	There will be a significant amount of waste produced during the construction phase (topsoil, road infrastructure and buildings).	Yes
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Discharge of foul effluent to on-site welfare facilities will require disposal off-site. Waste quantities generated as a result of	No

	the construction would be small and would be managed by the preparation of and adherence to a CEMP.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	There are a number of watercourses that the proposed scheme would traverse and there is potential to discharge pollutants to these surface waters.	Yes
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Some noise and vibration will occur during construction and given the proximity of the proposed scheme (c.1km) to a SPA, there is the potential for significant effects.	Yes
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	There are a number of watercourses that the proposed scheme would traverse and there is potential to discharge pollutants to these surface waters, which could impact human health. Some dust during construction. Temporary duration, construction hours controllable, localised impact. Mitigation	Yes

	measures in relation to dust control can be addressed in a CEMP.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	The construction works will require structures to cross local roads and watercourses that could give rise to a of major accidents given nature of project.	Yes
1.10 Will the project affect the social environment (population, employment)	Will result in localised increase in population and increase in employment during construction.	No
1.11 Is the project part of a wider large-scale change that could result in cumulative effects on the environment?	This is a standalone project. The consented Adare Bypass and proposals for the Newcastle West Bypass was and will be subject to separate EIA processes and in-combination, given their separation distances from the proposed scheme, are unlikely to have a cumulative effect on the environment.	No
2. Location of Proposed Development		
2.1 Is the proposed development located on, in, adjoining or have the	The site has a direct hydrological link to the Lower River Shannon SAC	Yes

<p>potential to impact on any of the following:</p> <ul style="list-style-type: none"> a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation /conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan. 	<p>(Site Code: 002165). The site is also located within c.1km of the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Site Code: 004161).</p> <p>The site has not been screened for Appropriate Assessment by the planning authority. There is the potential that the proposed development would result in adverse effects on these European sites, having regard to the sites' conservation objectives.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>The site has a direct hydrological link to the Lower River Shannon SAC (Site Code: 002165) and is located within c.1km of the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Site Code: 004161).</p> <p>There is potential for significant effects on important sensitive species of birds.</p>	<p>Yes</p>

<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>The site is not within an Architectural Conservation Area. There are a number of recorded archaeological sites within the site boundary. There is potential for significant effects on archaeological heritage.</p>	<p>Yes</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>There are a number of watercourses that the proposed scheme would traverse and there is potential to discharge pollutants to these surface waters.</p>	<p>Yes</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No</p>
<p>2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>The proposed scheme is being designed to alleviate congestion on the Limerick-Tralee N21 national primary road in the town of Abbeyfeale.</p>	<p>Yes</p>

<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	<p>No such facilities nearby.</p>	<p>No</p>
<p>3. Any other factors that should be considered which could lead to environmental impacts</p>		
<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>There is a permitted road improvement scheme to the northeast of the proposed scheme forming the Foynes to Limerick Road (including Adare Bypass) (ABP-306199-19 refers). This scheme has been subject to both EIA and AA.</p> <p>There is a concurrent application to the northeast of the proposed scheme for a direction on whether the Newcastle West Bypass will require an EIA. This scheme will be subject to both EIA and AA.</p>	<p>No</p>
<p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p>	<p>No</p>	<p>No</p>
<p>3.3 Are there any other relevant considerations?</p>	<p>No</p>	<p>No</p>

Conclusion on EIA Screening

Having regard to the examination above which considers the nature, scale and location of the development, the characteristics and location and the characteristics of potential impacts it is considered that the project is likely to give rise to significant environmental impacts. Accordingly, that the preparation and submission of an EIAR is, therefore, required.

9.0 Recommendation

I recommend that the Board determine that the development proposed to be carried out by Limerick City & County Council would be likely to have significant effects on the environment and the preparation and submission of an environmental impact assessment report is required for the reasons and considerations set out under.

10.0 Reasons and Considerations

Having regard to:

- a) the location of the site on lands that are covered by the Limerick Development Plan 2022-2028, and the results of the strategic environmental assessment of this plan undertaken in accordance with the requirements of the SEA Directive,
- b) the project details provided by Limerick City & County Council,
- c) the proximity to designated European Sites,
- d) the guidance set out the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development' issued by the Department of the Environment, Heritage and Local Government,
- e) to the criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001 (as amended), and
- f) to the report and recommendation of the Inspector, it is considered that the proposed development would be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is therefore required.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Liam Bowe
Senior Planning Inspector

27th July 2023