



An
Bord
Pleanála

Inspector's Report ABP-318179-23

Development	Proposed rehabilitation works on Kileengarrif Bridge, Co. Limerick
Location	Kileengarrif Bridge, 5th order Kileengarrif River, Murroe, Co. Limerick
Local Authority	Limerick City and County Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	None.
Observer(s)	None.
Date of Site Inspection	21 st of November 2023.
Inspector	Karen Hamilton

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1.0 Introduction

- 1.1. Limerick City and County Council is seeking approval from An Bord Pleanála to undertake rehabilitation works on the Kileengarriff Bridge within the Lower River Shannon SAC which is a designated European site. There are several other designated European sites (SPAs and SACs) in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development Act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

2.0 Proposed Development

- 2.1. The proposed development relates to the rehabilitation of an existing bridge to include:
 - Removal of vegetation 10m upstream and downstream from the bridge along the riverbank.
 - Removal of masonry units lying in the riverbed or riverbanks.
 - Instream works for erosion protection including replacement of missing stone, re-setting of loose stone and re-pointing works for abutments, piers, arch barrells, spandrel walls, wing walls etc.
 - At road level, concrete rubbing strips will be provided at the base of both parapets to prevent the ingress of water into the structure below and where

necessary areas of road infill will be carried out using sub surface materials and dense bitumen macadam.

2.2. Accompanying documents:

- Natura Impact Statement (NIS)
- Screening for Appropriate Assessment
- Construction and Environmental Management Plan (CEMP).
- Newspaper notice
- List of prescribed bodies
- Site Notice
- Plans of the Kileengarriff Bridge.

3.0 **Site and Location**

3.1. The bridge is in the townland of Kileengarriff, across the River Mulkear at Murroe, Co. Limerick. The site is accessed from a local road which radiates southeast from the R503 and to the east of Limerick City. The surrounding area comprises mostly of rural agricultural lands and there is an old church, associated cemetery, and farm building directly north of the bridge. There are one-off rural houses and an associated farm holding to the south of the site.

3.2. The bridge is a 5 arch stone masonry structure and on-site inspection there was evidence of debris caught around the base of the arches and along the riverbed to the west of the bridge. Giant hogweed, an invasive species, grows along both sides of the riverbed along with other trees and plants.

4.0 **Planning History**

4.1. None of relevance

5.0 **Legislative and Policy Context**

5.1. **The EU Habitats Directive (92/43/EEC)**

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

5.2. **European Communities (Birds and Natural Habitats) Regulations 2011**

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

5.3. **National nature conservation designations**

The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

5.4. European sites located in proximity to the subject site include:

- Lower River Shannon SAC (site code 002165) located on the site.
- Slievefelim to Silvermines Mountains SPA (site code 004165) located c. 4.km to the east.
- Clare Glen SAC (site code 000930) site located c. 6 km to the northeast.
- Glenstal Woods SAC (site code 001432) located c. 4km to the east.
- Keeper Hill SAC (site code 001197) located 13.5km to the northeast.

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

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

The likely effects on the environment.

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

The likely significant effects on a European site.

5.6. **Limerick City and County Development Plan 2022-2028**

- There are no specific policies in the county development plan with regard to works to bridges.

- Chapter 6 includes policies and objectives for the protection of the natural heritage and European Sites (e.g., EH O1) where the protection of the ecological status of designated site is required.

6.0 The Natura Impact Statement

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

6.2. The NIS was accompanied by:

- A letter from the agent outlining the current situation and revising the original AA Screening and NIS (April 2021);
- A Screening for Appropriate Assessment (April 2021);
- A Planning Display Booklet (Nov 2023);
- An outline Construction & Environmental Management Plan (Oct 2023);
- Plans and Particulars.

7.0 Consultations

7.1. The application was circulated to the following bodies:

- Inland Fisheries Ireland
- National Parks and Wildlife Service
- Waterways Ireland
- The Heritage Council
- An Chomhairle Ealaíon
- Fáilte Ireland

- An Taisce
- The Office of Public Works
- Environmental Protection Agency

No responses were received from any prescribed bodies within the designated consultation period although the NPWS provided general scoping advice during the preapplication stage as summarised below.

**7.2. Department of Tourism, Culture, Arts, Gaeltacht, Sport, and Media
(Development Applications Unit):**

- Correspondence dated 15th of March 2021
- If the project is screened out, then the comments apply to any ecological impact assessment (EclA).
- The assessment should address and invasive species on the site including crayfish and Japanese knotweed.
- Bat roosts may be present and can only be destroyed under a derogation licence and only if suitable mitigation measures are implemented. Lighting proposed should comply with the UK guidance.
- All wetlands should be surveyed for the presence of Annex II and Annex IV species including those species protected under the wildlife acts.
- In relation to otter a 15m riparian buffer along both banks can comprise of otter habitat. All proposed development should be located at least 15m away from the waterway.
- There should be suitable riparian habitat left along each watercourse.
- Construction work should not be allowed to impact the water quality by sedimentation or fuel spills.
- Masonry bridges are valuable habitats saxicolous vascular, bryophyte and lichen species. The removal of Mosses can impact biodiversity. Only lime mortar should be used for repointing.
- A bat survey should be carried out before any repointing or grouting.

- No works should be undertaken which is not in keeping with the Departments guidance.
- Vegetation should not be removed during the nesting season from March 01st to August 31st.
- It is recommended that an underwater Archaeological Impact Assessment is undertaken to assess the potential archaeology in the area (condition recommended).

7.3. **Public Submissions**

The proposed development was on public consultation between 05th of October 2023 and the 17th of November 2023. No submissions were received from any third parties.

8.0 **EIA Screening**

- 8.1. The proposal relates to the rehabilitation of an existing bridge over the Kileengarrif River in Murroe, Co. Limerick. The proposed development is not of a class in Schedule 5 of the Planning and Development Regulations, 2001 (as amended). Having regard to the scale of works on lands within a rural area, the proposed works are considered not to have a significant effect on the biodiversity of the site or surrounding area.

9.0 **Assessment**

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

The proposal relates to the upgrade and rehabilitation of an existing bridge and instream works to include the following:

- Removal of vegetation 10m upstream and downstream from the bridge along the riverbank.
- Removal of masonry units lying in the riverbed or riverbanks.

- Instream works for erosion protection including replacement of missing stone, re-setting of loose stone and re-pointing works for abutments, piers, arch barrells, spandrel walls, wing walls etc.
- At road level, concrete rubbing strips will be provided at the base of both parapets to prevent the ingress of water into the structure below and where necessary areas of road infill will be carried out using sub surface materials and dense bitumen macadam.

9.2. There are no specific polices in the Limerick City and County Development 2022-2028 which relate to the rehabilitation of bridges. The supporting documentation notes that these works are required to bring the bridge into safe working order. The works form part of the Limerick City & County Council (LCCC) 2023 Bridge Rehabilitation Scheme. The upgrade and maintenance of bridges and roads is an important function of the local authority. Having regard to the nature and scale of the works, which are included within a local authority scheme, I consider the principle of development acceptable.

9.3. **The likely effects on the environment**

9.4. **Biodiversity**

Plans and Particulars

This S177AE application is accompanied by a Screening for Appropriate Assessment, an Outline Construction Environmental Management Plan (CEMP) and a Nature Impact Statement (NIS). The screening report and the NIS are dated April 2021. The outline CEMP and cover letter, dated November 2023, provide an update on the 2021 screening and NIS, and consider the report remains relevant. I have assessed the information contained within the plans and particulars and I am satisfied that I can undertake an assessment of the proposed development.

Bats

There is currently light vegetation growth on the wing walls, spandrels, and piers. The repointing and grouting of the stonework will require the removal of this vegetation. The impacts on potential bat roosts have been raised in the Departments scoping response to the local authority. It is requested that a bat survey is undertaken before any repointing or grouting. Section 7.2.1 of the Screening for AA

notes the bat inspection and the potential for breeding bat. The documentation submitted states that the local authority proposes to undertake a bat survey. Mitigation measures included in the CEMP state the local authority will liaise with the NPWS and the use of either an independent ecological clerk of works or the use of the Local Authority Ecologist to monitor the works. Having regard to the potential for bat roosts under the vegetation, I consider it reasonable that a bat survey should be undertaken before any repointing and grouting. A condition requiring the applicant to undertake a bat survey and liaise with the NPWS in the event a roost is present (necessity for a licence), is sufficient to identify and where necessary protect any bats from potential impact.

Invasive Species

There is a significant growth of Giant Hogweed along the riverbanks adjoining the site. The works proposed along the riverbank and the instream works have the potential to spread this invasive species. The proposal includes strict biosecurity measures for the eradication of Giant Hogweed as per the NRA guidelines. I have detailed these mitigation measures below in the NIS and I am satisfied the proposed works will not lead to the spread of Giant Hogweed.

Water Quality

The Kileengarriff River flows is a tributary of the River Mulkear. These rivers support many protected and non-protected aquatic and terrestrial habitats. The proposal includes, in addition to the rehabilitation of the bridge, instream works c. 10m upstream and downstream from the bridge. This section of the river has been surveyed for potential spawning sites. Any impact on the water quality could have a negative impact on those species and their habitat. Mitigation measures in the CEMP and NIS include the protection of the water quality and avoidance of distribution to any habitat. I have assessed these in detail below in the NIS and I am satisfied that mitigation measures can be successfully implemented to protect the water quality of the Kileengarriff River and the Lower River Shannon SAC.

9.5. **Built Heritage**

Record of Protected Structure

The Killeenagarriff Bridge is included in the Record of Protected Structures (RPS No 496) in the Limerick City and County Development Plan 2022-2028 and the NIAH

register (no. 21900633). The bridge is described as a 5 arched stone bridge (c. 1880). The NIAH¹ notes the bridge is of regional importance and refers to the round-headed arches with dressed limestone voussoirs and cut limestone v-cutwaters with limestone caps to the east elevation.

Upon site inspection the v-cutwaters on the east elevation were not visible due to debris deposit on top of them. The bridge has not been maintained in some time and is currently not of the same status as the information recorded on the NIAH. The plans and particulars submitted do not specify any exact compliance with these guidelines although I note reference on Drwg 201156-PUNCH-03-XX-M2-S-0001 to amount of loss of pointing on the parapets, spandrels, wing walls, piers (including cutwaters), abutments and arch barrels.

Section 14.2 of the Architectural Heritage Protection Guidelines for Planning Authorities details the appropriate requirements for works to protected structures. This guidance states that the features which are identified should be conserved. I note those works proposed include the repointed and strengthening of the bridge. No proposal is included which I consider would have a negative impact or alter the character of the bridge. The rehabilitation will ensure a greater protection for the structure of the bridge, preventing erosion and will have a positive impact on the character of the bridge.

Archaeology

Section 6.5 of the development plan notes that archaeological remains may be present in riverine, lacustrine and in estuarine and marine foreshore, intertidal and underwater environments. The scoping document from the Department recommends that an Underwater Archaeological Impact Assessment. I note that site has not been identified for a specific protection and I note the nature of the work, which do not require excessive works in the riverbed. Having regard to the scale of the works I do not consider it a necessity for the local authority to undertake an Underwater Archaeological Impact Assessment.

¹ [Killeenagariff Bridge, LIMERICK - Buildings of Ireland](#)

9.6. **The likely significant effects on a European site:** The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Appropriate Assessment

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

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

9.8. **The Natura Impact Statement**

The application was accompanied by an NIS which described the proposed development, the project site, and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

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

- A desk top study.
- A survey of the proposal site and surroundings for possible spawning habitat for salmon and trout or other fish species.
- An invasive species survey.

- Consultations with the National Parks and Wildlife Service.

9.10. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not cause any significant effects on Slievefelim to Silvermines Mountains SPA (site code 004165), Glenstal Woods SAC (site code 001432), Clare Glen SAC (site code 000930) or the Keeper Hill SAC (site code 001197) and did have the potential to have a significant effect on the Lower River Shannon SAC (site code 002165).

9.11. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does/does not use best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in Section 7.0 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

9.12. **Screening for Appropriate Assessment**

9.13. I consider that the proposed development of Kileengarriff Bridge is not directly connected with or necessary to the management of any European site.

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

European sites considered for Stage 1 screening:

European site (SAC/SPA)	Qualifying Interests	Distance
Lower River Shannon SAC (site code 002165) Lower River Shannon SAC National Parks & Wildlife Service (npws.ie)	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160]	Site within this SAC

European site (SAC/SPA)	Qualifying Interests	Distance
	<p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	
<p>Slievefelim to Silvermines Mountains SPA (site code 004165)</p> <p>Slievefelim to Silvermines Mountains SPA National Parks & Wildlife Service (npws.ie)</p>	<p>Hen Harrier (<i>Circus cyaneus</i>) [A082]</p>	<p>c. 4.km to the east</p>
<p>Glenstal Woods SAC (site code 001432)</p> <p>Glenstal Wood SAC National Parks & Wildlife Service (npws.ie)</p>	<p><i>Trichomanes speciosum</i> (Killarney Fern) [1421]</p>	<p>c. 4km to the east</p>

European site (SAC/SPA)	Qualifying Interests	Distance
Clare Glen SAC (site code 000930) Clare Glen SAC National Parks & Wildlife Service (npws.ie)	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Trichomanes speciosum (Killarney Fern) [1421]	c. 6 km to the northeast
Keeper Hill SAC (site code 001197) Keeper Hill SAC National Parks & Wildlife Service (npws.ie)	Northern Atlantic wet heaths with Erica tetralix [4010] Blanket bogs (* if active bog) [7130]	c. 13.5km to the northeast

9.15. Based on my examination of the NIS report and supporting information including the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for one of the five European sites referred to above.

9.16. The remaining four sites can be screened out from further assessment because of lack of any source-pathway, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Slievefelim to Silvermines Mountains SPA (site code 004165), Glenstal Woods SAC (site code 001432), Clare Glen SAC (site code 000930) and Keeper Hill SAC (site code 001197) in view of the sites conservation

objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

9.17. Relevant European sites

9.18. The Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for these sites, are set out below.

Site Name	Qualifying Interests	Distance
<p>1. Lower River Shannon SAC 002165</p>	<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p>	<p>On the site</p>

Site Name	Qualifying Interests	Distance
	<p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>	

1. Lower River Shannon SAC 002165

Introduction

- 9.19. The Lower River Shannon SAC is a very large site which stretches along the Shannon valley from Killaloe in Co. Clare to Loop Head/Kerry Head (distance of c. 120km). The site encompasses the Shannon, Feale, Mulkear and Fergus Estuaries and the SAC includes freshwater stretches within the catchment and many rivers within the sub catchments, including the river Mulkear. After the Kileengarriff bridge, the river flows downstream c. 2km where it meets the River Mulkear, then flows in a north-westerly direction c. 8.4km before it reaches the Lower River Shannon. The subject site is located over one of the rivers sourced from the Slievefelim to Silvermines Mountains SPA, to the northeast of the site.
- 9.20. The maps which accompanied the Conservation Objectives for the Lower Shannon SAC do not identify the site or an area near the site as containing any of the habitats listed for special interest. These rivers support those species listed for special interest, in particular the aquatic species. Surveys undertaken during the preapplication investigations highlight the potential for spawning habitat and species within the site.

Conservation Objectives of Habitats

To maintain the favourable conservation condition:

- Sandbanks which are slightly covered by sea water all the time
- Estuaries

- Mudflats and sandflats not covered by seawater at low tide
- Large shallow inlets and bays
- Reefs
- Perennial vegetation of stony banks
- Vegetated sea cliffs of the Atlantic and Baltic coasts
- Salicornia and other annuals colonizing mud and sand
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation
- *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*)

To restore the favourable conservation condition:

- *Coastal lagoons
- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)
- Mediterranean salt meadows (*Juncetalia maritimi*)
- *Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae)

Conservation Objectives of Species

To maintain the favourable conservation condition:

- Brook Lamprey *Lampetra planeri*
- River Lamprey *Lampetra fluviatilis*
- Bottlenose Dolphin *Tursiops truncatus*

To restore the favourable conservation condition:

- Freshwater Pearl Mussel *Margaritifera margaritifera*
- Sea Lamprey *Petromyzon marinus*
- Atlantic Salmon *Salmo salar* (only in fresh water)
- Otter *Lutra lutra*

Potential direct effects

Table 4 of the NIS list seven species/ habitats which have the potential to be directly impacted from the proposed works. The updated cover letter concludes that it is not considered that any Estuaries could be impacted as the bridge is over 1km from any habitat and any contaminant would be dissipated through assimilative capacity before they reached the habitat.

The proposal includes the rehabilitation of the existing bridge and instream works. Works to the bridge include the removal of light vegetation from the wing walls, spandrels and piers and the repointing of stone masonry and blockwork. These works have the potential to have direct effects such as:

- Water Quality Impairment from the machinery and the potential for release of concrete from repointing.

The proposal also includes the clearing of the riverbanks c. 10m upstream and downstream. The river has populations of Lamprey and Salmon. These works have the potential to have direct effects on these species such as:

- Water quality impairment and impact on the habitats
- Removal of spawning habitat.
- Increase sedimentation of the watercourse

The site survey and the site inspection highlight a large growth of Giant Hogweed along the riverbed. The works have the potential to have direct effects such as:

- The spread of invasive species along the riverbanks and outside the site.
- The growth of invasive species further along the riverbanks can impact otter.

Otters are listed as a species of interest in the Lower River Shannon SAC. An Otter survey has not been carried out. The works have the potential to have direct effects on the otter by:

- Construction activities impacting the water quality of the otter.
- Vegetation removal and spread of invasive species impacting the otter habitat.

I note the information in the NIS and the updated particulars submitted in 2023 and I consider a potential for a direct impact only on the following species: Sea Lamprey, Brook Lamprey, River Lamprey, Salmon and Otter.

Potential indirect effects

The otter and freshwater pearl mussel are also species of interest in the SAC. The site surveys did not identify any presence of either species on the site. The works have the potential for indirect effects on both species by:

- Increase sedimentation of watercourse
- Water Quality Impairment
- Spread of invasive species

Potential in-combination effects

Section 6 of the NIS provides an assessment of the potential in-combination effects. No significant planning applications were identified on the National Planning Application Database (NPAD), (aside from a one-off rural dwelling), which would have a significant impact on the water quality of the river.

The NIS looked at the reports from the EPA Biological Water Quality Monitoring Stations on the River Mulkear upstream and downstream. The Annual Environmental Report (AER) from the closest WWTP (Newport) noted blocked sewer incident at this plant, breach of ELVs and pump failures.

The Invasive species database noted the presence of Japanese knotweed downstream from the Kileengarrif Bridge and there are further stands of Giant Hogweed both upstream and downstream of the site.

Having regard for all the above, there is a potential for an in-combination impact on the Lower River Shannon SAC and the water quality of the river downstream.

Mitigation measures

Section 7 of the NIS details the mitigation measures necessary to prevent any impact on the conservation objectives of the Lower River Shannon SAC. The measures are summarised below:

National guidance

- Compliance with all relevant sections of the Inland Fisheries Ireland (IFI) and National Road Authority (NRA) guidance on working within watercourse and biosecurity measures to prevent the spread of invasive species.

Timing of Works

- Timing of works will be undertaken outside the salmon close season and the lamprey spawning season (Spring/early summer) and before the 30th of September. Vegetation clearance will also be undertaken outside the bird nesting season (01st of March- 31st of August).

Protection of Water Quality

- Restriction on the instream works during certain weather conditions.
- Use of silt fences and sandbags around the site
- Restriction on construction activities away from the site.
- Detailed method statement and CEMP to protect the water quality.
- Use of pumping pipes to filter the water during dewatering.

Biosecurity

- Compliance with the NRA guidelines “The Management of Noxious Weeds and Non-Native Invasive Plant Species on National Roads” (NRA, 2010) and the IFI guidelines “Biosecurity Protocol for field Survey Works” (IFI, 2010).
- Eradication and control of Giant Hogweed in line with the above documents.

Site Ecologist

- A site ecologist will draw up a final CEMP with the contractor and include a site-specific method statement detailing the precise mitigation measures e.g., location of compound etc.

The NIS includes detailed mitigation measures, which I have assessed, and I consider reasonable to prevent any significant negative impact on any of the conservation objectives of the Lower Shannon SAC.

Residual effects/Further analysis

Section 8 of the NIS notes the potential impacts on the conservation objectives of the SAC from the proposed works and the potential spread of invasive species. The risks to water quality from contaminants, spread of invasive species, and habitats removal due to vegetation clearance could have a negative impact on those protected aquatic species. The mitigation measures listed are considered sufficient to ensure there will be no residual impacts arising.

I note those mitigation measures listed, which I consider are reasonable to prevent and negative impact on the water quality of the river and the Lower River Shannon SAC. In addition to the impact on the species and habitats listed as conservation objectives, I consider those mitigation measures will also protect other aquatic species, bird species and bats which have the potential to be impacted.

NIS Omissions

- None noted.

Suggested related conditions.

The plans and particulars note the inclusion of an outline CEMP and the proposal to undertake a site-specific method statement in association with a Project Ecologist and the contractor. A condition requiring a complete and final CEMP should be included to ensure the monitoring of works in line with the stated mitigation measures.

Section 7.3 of the Screening for AA and Ecology Assessment recommends the inclusion of a pre-construction mammal and Otter survey to be undertaken before the commencement of any works. In the event of otter presence on the site a derogation license will be required. I note the application surveys did not note the presence of any otters on site, although this was undertaken during the winter and may record different results during other seasons. I recommend that a condition to undertake an Otter Survey is included in any grant of permission to ensure the proposed works are undertaken in accordance with NPWS requirements.

Conclusion

The negative impact on water quality and those habitats and species supported by the river will have greatest potential to be impacted by the proposed works. Limerick City and County Council proposes to comply with all the national best practice

guidance for instream works and will have a project ecologist to oversee the works. Mitigation measures to avoid any negative impact on the Lamprey and Salmon, and any other aquatic or terrestrial species are considered sufficient. I am satisfied that the site is located at a sufficient distance from any suitable habitat for the Fresh Water Pearl Mussel and would therefore, have no potential for any impact.

I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its conservation objectives (subject to the implementation of mitigation measures outlined above).

9.21. Appropriate Assessment Conclusions

Having regard to those mitigation measures integrated into the proposed works which I consider will prevent any direct or indirect impact on the Annex II species or habitats in the vicinity of the site, or upstream and downstream, I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site Lower River Shannon SAC 002165, or any other European site, in view of the site's Conservation Objectives.

10.0 Recommendation

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

Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,

- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Lower River Shannon SAC (site code 002165),
- (e) the policies and objectives of the Limerick City and County Development Plan, 2022-2028,
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the scoping submission from the Department of Tourism, Culture, Arts, Gaeltacht, Sport, and Media (Development Applications Unit) to Limerick City and County Council;
- (i) the report and recommendation of the Inspector.

Appropriate Assessment:

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

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

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

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

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

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

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures or any conditions of approval require

further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a final Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:
 - a. Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the environment and the European Site.

3. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river systems shall be outlined and placed on file. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.

Reason: In the interest of the protecting of receiving water quality, fisheries and aquatic habitats.

4. A detailed bat survey shall be undertaken following the removal of the vegetation on the bridge and before the repointing or grouting of any stonework. Should the bat survey identify any bat roost the project

ecologist shall detail all measures in relation to the protection of bats and submitted the survey and measures to be agreed in writing with the National Parks and Wildlife Service, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence held on public file with the planning authority.

Reason: In the interest of wildlife protection.

5. A detailed otter survey shall be undertaken prior to the commencement of any site preparation. Should the otter survey identify any potential otter presence the project ecologist shall detail all measures in relation to the protection of otter and submitted the survey and measures to be agreed in writing with the National Parks and Wildlife Service, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of otter holts shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence held on public file with the planning authority.

Reason: In the interest of wildlife protection.

6. The Council and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

The Council shall ensure the eradication of Giant Hogweed and the use of strict biosecurity measures as per the best practice guidance listed in Section 7.4 of the NIS.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.

7. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in CEMP and the NIS. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of nature conservation and the protection of terrestrial and aquatic biodiversity.

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.

Karen Hamilton
Senior Planning Inspector

29th of November 2023

12.0 Appendix

Form 1 EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318179-23		
Proposed Development Summary	Rehabilitation of Kileengarrif, Bridge		
Development Address	Murroe, Kileengarrif, Co. Limerick		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	✓
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No	✓	N/A	No EIAR or Preliminary Examination required
Yes			

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required