



An
Bord
Pleanála

Inspector's Report

ABP-318182-23

Development	Proposed works at Mohernagh Bridge
Location	Located on the River Owvane, located c.7.2km stream of both the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries
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

Contents

1.0 Introduction	3
2.0 Proposed Development	3
3.0 Site and Location	4
4.0 Planning History.....	4
5.0 Legislative and Policy Context.....	4
6.0 The Natura Impact Statement.....	7
7.0 Consultations	7
8.0 EIA Screening.....	9
9.0 Assessment	9
10.0 Recommendation	29
11.0 Conditions	32
12.0 Appendix	35

1.0 Introduction

- 1.1. Limerick City and County Council is seeking approval from An Bord Pleanála to undertake rehabilitation works Mohernagh Bridge, Co. Limerick, located on the River Owvane, c. 7.2km from both the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA which are designated European sites and c. 295m from the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA. 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:
 - Replacing the bridge deck, slab, and beams with new precast concrete culvert.
 - Construction of reinforced concrete wing walls and foundations.
 - Diversion of the river and instream works and excavation of the riverbed at a depth of up to 1.7m to accommodate works.
 - All other associated works.

2.2. Accompanying documents:

- Cover letter of application
- Natura Impact Statement (NIS)
- Screening for Appropriate Assessment
- Plans of the works
- Construction and Environmental Management Plan.
- Newspaper notice
- List of prescribed bodies
- Site Notice

3.0 **Site and Location**

3.1. The Mohernagh Bridge is located in the townland of Ballyhail, Co. Limerick. The site is located in a rural area characterised by large expanses of agricultural fields and one-off rural dwellings. The bridge is at the end of a local access road which provides access to several rural dwellings and associated farms.

3.2. The bridge comprises of a standard concrete bridge structure which has been made structurally safe in recent times. The bridge is not significantly large and allows single access traffic. There are mature trees and hedging along the riverbank which is steep and not accessible without specialised equipment.

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:

- Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (site code 004161) c. 330m to the southwest,
- River Shannon and River Fergus Estuaries SPA (site code 004077) located c. 5.2km to the north,
- Lower River Shannon SAC (site code 002165) located c. 10km to the southwest,
- Barrigone SAC (site code 000432) located c. 10km 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 Screening for Appropriate Assessment and Outline Construction & Environmental Management Plan (CEMP). The Screening for Appropriate Assessment, NIS and outline CEMP were completed in March 2021. Since some time has lapsed since these reports an update and cover letter accompanied the application. It is stated that two years has lapsed, and the NIS was reviewed, and surveys updated. The updated information states that whilst the original NIS included an assessment of the 12 bird species in the River Shannon and River Fergus Estuaries SPA it is not considered they will be impacted, having regard to the distance from the bridge and the fact that it is designated for wintering waterbirds.
- 6.3. It is noted that the NIS did not include an assessment of the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA, although it is not considered there is any potential foraging or breeding habitat for the Hen Harrier on the subject state.

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 Moses 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 the existing Mohernagh Bridge, 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:**

- 9.2. The proposal is to completely remove the current bridge and replace it with a precast concrete culvert bridge. This construction will require the removal of trees and shrubs within 10m upstream and downstream of the bridge. The fitting of the precast structure will require the riverbed to be excavated to a depth of up to 1.7m below the

existing riverbed. The proposal requires the dewatering or redirection of the river during construction, whichever is considered feasible.

- 9.3. There are no specific policies 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.

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

Plans and Particulars

- 9.5. 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 May 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

- 9.6. The preapplication scoping letter from the Department notes the potential for bridges to provide suitable breeding and roosting habitat for bats. The bridge consists of reinforced concrete slab on composite steel and concrete beams supported on mass concrete abutment walls. The proposal includes the removal of the bridge deck and replacing it with a precast culvert construction. There is no vegetation growth of the bridge or crevices which would provide suitable habitat for bats. Section 7.2 of the Screening for Appropriate Assessment notes that a bat survey was undertaken and there were no crevices present which can be used by bats. The survey concludes no necessity for a derogation licence. I note the submission from the DAU is generic and similar to other correspondence for scoping of works to bridges. Upon site inspection, the design of the bridge was noted. Having regard to the scale of the works proposed, the results of the bat survey and the absence of any suitable habitat

for bats, I do not consider it necessary to include a condition requiring any further bat surveys.

Hen Harrier

- 9.7. The screening for AA notes the location of the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA, c. 295m south of the site. The Hen Harrier is the only species listed for special interest in this SPA. The updated cover letter from the applicant notes that this SPA was not included in the NIS, however it is not considered there is any potential for impact on this SPA as there is no suitable habitat for Hen Harrier. The Hen Harrier uses moorland and marginal grassland for foraging and heather for nesting, none of these habitats are present on the site or in the vicinity. Having regard to the location of the SPA and the habitats on site, I do not consider the proposal will have a negative impact on the Hen Harrier.

Invasive Species

- 9.8. Section 7.4 of the NIS states there were no invasive species recorded on the site during the site survey, although during works precautions will be undertaken and the contractors will comply with the NRA Guidelines "*The Management of Noxious Weeds and Non-native Plant Species on National Roads*" (NRA, 2010). The updated cover note (May 2023) states that during a more recent survey there was a large stand of Japanese Knotweed present downstream, extending for c. 20m covering the river-left bank. It is not considered that there is sufficient time to eradicate this invasive species and mitigation measures include:

- Leaving the left wing in place until all other uninfected areas have been removed.
- Leave infested material onsite and treat over an extended period.
- Biosecurity measures to remove any infested bridge.
- Use of the Project Ecologist to check excavated materials, rhizomes etc.

- 9.9. I note the works proposed along the riverbank and the instream works have the potential to spread this invasive species. The proposal includes biosecurity measures for the treatment of Japanese Knotweed as per the NRA guidelines and mitigation measures as detailed above. I note the use of a Project Ecologist who can oversee the removal of the bridge and treatment of infested sites. I am satisfied the

proposed works include biosecurity measures to prevent the spread of this invasive species.

Water Quality

9.10. The River Owvane 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 River Owvane and beyond.

Archaeology

9.11. 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.

9.12. **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

9.13. **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.

9.14. **The Natura Impact**

9.15. 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.

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

- A desk top study.
- A salmonoid habitat survey of the proposal site and surroundings.
- An Invasive Species survey.
- A Sampling Fish for Water Framework Directive survey (2009) (Central and Regional Fisheries Board, 2009).
- Consultations with the Department of Tourism, Culture, Arts, Gaeltacht, Sport, and Media (Development Applications Unit).

9.17. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not cause significant effects on Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (site code 004161) and Barrigone SAC (site code 000432) and had the potential to have significant effect on the Lower River Shannon SAC (site code 002165) and the River Shannon and River Fergus Estuaries SPA (site code 004077).

9.18. 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 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).

9.19. **Appropriate Assessment**

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

9.21. 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
Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (site code 004161) Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA National Parks & Wildlife Service (npws.ie)	Hen Harrier (<i>Circus cyaneus</i>) [A082]	c. 330m to the south west

European site (SAC/SPA)	Qualifying Interests	Distance
<p>Lower River Shannon SAC (site code 002165)</p> <p>Lower River Shannon SAC National Parks & Wildlife Service (npws.ie)</p>	<p>Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] 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] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]</p>	<p>c. 10km to the southwest</p>
<p>River Shannon and River Fergus Estuaries SPA (site code 004077)</p> <p>River Shannon and River Fergus Estuaries SPA National Parks &</p>	<p>Cormorant (<i>Phalacrocorax carbo</i>) [A017] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Scaup (<i>Aythya marila</i>) [A062]</p>	<p>c. 5.2km to the north east</p>

European site (SAC/SPA)	Qualifying Interests	Distance
Wildlife Service (npws.ie)	Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]	
Barrigone SAC (site code 000432) Barrigone SAC National Parks & Wildlife Service (npws.ie)	Juniperus communis formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Limestone pavements [8240] Euphydryas aurinia (Marsh Fritillary) [1065]	c.10km

9.22. Based on my examination of the NIS report and supporting information (including the updated cover letter and outline CEMP), 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 two of the four European sites referred to above.

9.23. The remaining two sites can be screened out from further assessment because of absence of any suitable habitat for the Hen Harrier (detailed above), 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 Sites Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (site code 004161) and Barrigone SAC (site code 000432) in view of the sites conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

9.24. **Relevant European sites**

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

Site Name	Qualifying Interests	Distance
1. Lower River Shannon SAC 002165	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]	c. 10km to the southwest

Site Name	Qualifying Interests	Distance
	<p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>	
<p>2. River Shannon and River Fergus Estuaries SPA (site code 004077)</p>	<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Scaup (Aythya marila) [A062]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p>	<p>c. 5.2km to the north east</p>

Site Name	Qualifying Interests	Distance
	Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]	

1. Lower River Shannon SAC 002165

Introduction

9.26. 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.

9.27. The Mohernagh Bridge is over the River Owvane, a 3rd order river located to the west of Co Limerick. It joins the Cloonlahard Stream c. 2km downstream, eventually joining the Shannon Estuary c. 7km further on. Whilst the Lower River Shannon SAC is located c. 10km from the site, the NIS notes the presence of salmon in the river. Having regard to the scale of the proposed works and the precautionary principle, it was considered necessary to include this site in the NIS.

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 of:

- *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 of :

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

Potential direct effects

The proposal includes instream works, including the excavation to a depth of up to 1.7m below the existing riverbed. The precast concrete will require backfilling to with granular materials and concrete base mix. During works the river will either be dewatered or rediverted. The potential direct effects during construction include:

- Water Quality pollution from increase in suspended solids and/or contaminants which can enter the watercourse.
- Introduction of other invasive species from machinery entering the site.

The proposal also includes the clearing of the riverbanks c. 10m upstream and downstream. The survey notes the presence of Salmon although no Lamprey. These works have the potential to have direct effects on these species such as:

- Water quality impairment and impact on the habitats
- Increase sedimentation of the watercourse

The site survey and the site inspection highlight the presence of Japanese Knotweed in the vicinity of the site. The works have the potential to have direct effects such as:

- The spread of invasive species along the riverbanks and outside the site.

Potential indirect effects

Sea and Brook Lamprey were not recorded on the site although the NIS notes that they are likely to be present downstream. The potential for indirect effects is:

- Water Quality impacts from increase suspended solids and of contaminants generated from construction activity on the site.

Potential in-combination effects

Section 6 of the NIS includes an assessment of the potential in combination effects. This assessment has regard to those threats and impacts listed in the NPWS information. The National Planning Application Database (NPAD) was used to identify any applications with the potential to have an in-combination effect. One application adjacent to the River Owvane for a District Regulating Installation (DRI) was investigated although it was noted that this had been screened out by Limerick City and County Council. It is not considered this proposal would have a significant impact on the water quality of the river.

The NIS investigated those WWTP discharging into the River Owvane (Ballynahill serving c. 221 p.e and Loghill serving c. 200 p.e), the design capacity was not known.

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.

Footprint of Works

- The works will be limited to areas surrounded by silt fences and sandbags to prevent water contamination.
- The main site compound will not be located within 5m of the river.

Timing of Works

- Timing of works will be undertaken outside the salmon close season and the lamprey spawning season (July- September) 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 Control Protocol for field Survey Works” (IFI, 2010).
- Control and eradication of Japanese Knotweed in line with the above documents and as detailed in Section 9.8 and 9.8 above.

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. The potential for residual impact on the following species and habitats where investigated:

- Estuaries
- Mudflats and sandflats not covered by seawater at low tide
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)
- Sea Lamprey
- Brook Lamprey River Lamprey
- Salmon
- Otter

No residual impacts on any of the species or habitats where identified. I am satisfied that those mitigation measures proposed will protect the aquatic species and habitats 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.

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).

2. River Shannon and River Fergus Estuaries SPA (site code 004077)

Introduction

- 9.28. The estuaries of the River Shannon and River Fergus form the largest estuarine complex in Ireland. The site comprises the entire estuarine habitat from Limerick City westwards as far as Doonaha in Co. Clare and Dooneen Point in Co. Kerry. The site is designated as an SPA for wintering waterbirds and is a coastal wetland site with vast expanses of intertidal flats. The subject site and bridge are located to the south of the Estuary, inland and is not connected to the habitats which support the wintering waterbirds. Those habitats which support the wintering waterbirds are dependant on good water quality and therefore have the potential to be negatively affected by the proposed development.

Conservation Objectives of the following species

To maintain the favourable conservation condition:

- Cormorant *Phalacrocorax carbo*
- Whooper Swan *Cygnus cygnus*
- Light-bellied Brent Goose *Branta bernicla hrota*
- Shelduck *Tadorna tadorna*
- Wigeon *Anas Penelope*
- Teal *Anas crecca*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Scaup *Aythya marila*
- Ringed Plover *Charadrius hiaticula*
- Golden Plover *Pluvialis apricaria*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Knot *Calidris canutus*
- Dunlin *Calidris alpina*
- Black-tailed Godwit *Limosa limosa*
- Bar-tailed Godwit *Limosa lapponica*
- Curlew *Numenius arquata*
- Redshank *Tringa tetanus*
- Greenshank *Tringa nebularia*
- Black-headed Gull *Chroicocephalus ridibundus*

Conservation Objective of the Habitats

To maintain the favourable conservation condition of

- Wetlands of the SPA

Potential direct effects

The SPA includes wintering waterbirds as species of special interest. The NIS does not identify any potential direct effects on any of these species.

Potential indirect effects

The Wetland and Waterbirds Annex I habitat is the habitat that these birds utilise within the boundary of the SPA and has the potential to be negatively impacted from poor water quality as follows:

- Water quality impairment and impact on the habitats
- The spread of invasive species along the riverbanks and outside the site

Potential in-combination effects

The NIS notes the in-combination effects the same for both this SPA and the Lower River Shannon SAC as detailed below:

Section 6 of the NIS includes an assessment of the potential in combination effects. This assessment has regard to those threats and impacts listed in the NPWS information. The National Planning Application Database (NPAD) was used to identify any applications with the potential to have an in-combination effect. One application adjacent to the River Owvane for a District Regulating Installation (DRI) was investigated although it was noted that this had been screened out by Limerick City and County Council. It is not considered this proposal would have a significant impact on the water quality of the river.

The NIS investigated those WWTP discharging into the River Owvane (Ballynahill serving c. 221 p.e and Loghill serving c. 200 p.e), the design capacity was not known.

Having regard for all the above, there is a potential for an in-combination impact on the River Shannon and River Fergus Estuaries SPA (site code 004077) 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 River Shannon and River Fergus Estuaries SPA. 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.

Footprint of Works

- The works will be limited to areas surrounded by silt fences and sandbags to prevent water contamination.
- The main site compound will not be located within 5m of the river.

Timing of Works

- Timing of works will be undertaken outside the salmon close season and the lamprey spawning season (July- September) 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 Control Protocol for field Survey Works” (IFI, 2010).

- Control and eradication of Japanese Knotweed in line with the above documents and as detailed in Section 9.8 and 9.8 above.

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 River Shannon and River Fergus Estuaries SPA.

Residual effects/Further analysis

Table 6 of the NIS investigates the potential residual impacts on 13 species and the wetland and waterbirds habitat. It is considered that having regard to those mitigation measures detailed above, there would be no residual impacts.

I note those mitigation measures listed, which I consider are reasonable to prevent and negative impact on the water quality of any habitats supporting the birds listed for special conservation interest in the River Shannon and River Fergus Estuaries SP. In addition to the impact on the habitats listed as conservation objectives, I consider those mitigation measures will also protect other aquatic and bird species 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 and site-specific method statement in associated 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.

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 any supporting habitats for the protected species are considered sufficient.

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).

9.29. Appropriate Assessment Conclusion

9.30. 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 (site code 002165) and the River Shannon and River Fergus Estuaries SPA (site code 004077) 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) and the River Shannon and River Fergus Estuaries SPA (site code 004077).
- (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 submissions and observations received in relation to the proposed development,
- (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) and the River Shannon and River Fergus Estuaries SPA (site code 00407, are the only European Sites 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 Sites, namely the Lower River Shannon SAC (site code 002165) and the River Shannon and River Fergus Estuaries SPA (site code 004077, 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 [set out in the Natura Impact Statement] 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 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 Sites.

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. In-channel works shall adhere to the timing restrictions set out in Section 8 of the Natura Impact Statement. 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 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 outline Construction and Environmental Management Plan and the Natura Impact Statement. 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.

5. 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 control and eventual eradication of Japanese Knotweed 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

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-318182-23		
Proposed Development Summary	Rehabilitation of Mohernagh Bridge, Co. Limerick		
Development Address	Ballyhail, 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