



An
Bord
Pleanála

Inspector's Report

ABP-322655-25

Development	Infill of quarried land with all associated site works. NIS submitted with application.
Location	Woodroad, Garden Hill & Bunkey, Castleconnell, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2576
Applicant(s)	McGrath Heavy Transport Ltd
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	McGrath Heavy Transport Ltd
Observer(s)	None
Date of Site Inspection	15 th August 2025
Inspector	Ronan O'Connor

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1.0 Site Location and Description

- 1.1.1. The stated area of the site is 6.47 Ha. The site is located within an existing quarry (Tobins) at Woodroad and Gardenhill. Access to the site is from the existing quarry entrance on the R-503. Adjacent land uses consist of agricultural land and rural dwellings.

2.0 Proposed Development

- 2.1.1. It is proposed to infill 1.2ha of flooded quarried land with topsoil, subsoil, rock and construction and demolition waste to raise the level of the land for agricultural purposes. The volume of the void to be filled is calculated as 41,278 m³ (66.045 tonnes). A timeline of 5 years for implementation of the filling is proposed with filling occurring in 4 no. phases equating to an average fill of c14,000 per year. The displaced water is to be pumped to the adjacent quarry pond.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 7th May 2025 Limerick City & County Council decided to Refuse permission for 2 no. reasons as set out below:

1. The proposed development will result in the destruction of part of a wetland complex which makes a valuable contribution to local ecology and is therefore contrary to the policies of the Limerick Development Plan 2022-2028 for nature conservation (Policy EH P2 Sustainable Management and Conservation; Objective EH O12 Blue and Green Infrastructure and EHO10 Trees and Hedgerows), where scrub removal would be involved. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.
2. In the absence of a comprehensive proposal, including supporting documentation confirming the availability of adequate sightlines at the existing entrance, the Planning Authority cannot be satisfied that the proposed development would not endanger public safety by reason of traffic hazard due to the traffic movements

generated by the proposed development and would not interfere with the safety and free flow of traffic on the public road.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report [dated 07/05/2025] is summarised below:

- Satisfied that the proposal can be considered on its individual merits (is not a continuation of quarrying activity).
- Reference is made to other Board decisions (249167, 305059).
- Notes previous refusals on the site (24/45 & 23/417).
- Applicant has failed to provide adequate information to address the previous reason for refusal regarding sightlines and the potential for traffic hazards.
- Notes that the subject site c450m from the Newport River, which is part of the Lower River Shannon SAC.
- Refers to the Heritage Officer's Report (see summary of same below).
- Destruction of the habitats would be contrary to relevant policies of the CDP.
- Retention of the site in its current form would continue to allow natural functioning of the habitats.
- Applicant has failed to address the previous reasons for refusal.
- Refusal of permission is recommended.

3.2.2. Other Technical Reports

Roads [dated 27/04/2025] – FI Recommended in relation to the following issues:

- Sightlines and stopping distances (plan form to scale; detail of neighbouring boundaries)
- Traffic and Transport Assessment or demonstrate that the proposal does not meet the threshold for a TTA/details of infilling operations including duration,

types of materials, number of vehicles, vehicle types, weights and haulage routes.

- Surface water management including (but not limited to) cross sections.

Archaeology [dated 01/05/2025] – No objection

Heritage Officer [dated 06/05/2025] – Recommends refusal.

- Noted that only 1 no. survey carried out on 13th January 2025/would not suffice as it is outside the breeding and flowering seasons.
- reference is made to a previous survey carried out in July 2023/nearly 2 years old and could be updated.
- 4 no. habitats to be removed (pond, scrub, immature woodland and regenerating bare ground).
- Together with 2 other nearby ponds this is a locally important ecological network which could be compromised by the removal of one of its components.
- Disturbance would also occur during the infill phase and greater agricultural activity would occur following the infill phase all of which would have effects on the remaining habitats.

3.3. Prescribed Bodies

- 3.3.1. Uisce Éireann (09/04/2025) – Notes that the importation of inert material may carry risk to ground and surface waters over the lifetime of the project. Recommends conditions as relates to, *inter alia*, protection of water quality.

3.4. Third Party Observations

- 3.4.1. None.

4.0 Planning History

24/45 Refuse Permission [decision date 05/07/2024] - Infill flooded quarried land with topsoil, subsoil, rock and construction and demolition waste to raise the level of the

land for agricultural purposes. A Natura Impact Statement will be included with the application.

Permission was refused for 2 no. reasons as follows:

1. The proposed development will result in the destruction of part of a wetland complex which makes a valuable contribution to local ecology and is therefore contrary to the policy of the Limerick Development Plan 2022-2028 for nature conservation (Objective EH O12 Blue and Green Infrastructure and EH010 Trees and Hedgerows) where scrub removal would be involved. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. In the absence of a comprehensive proposal, including supporting documentation confirming the availability of adequate sightlines at the existing entrance, the Planning Authority cannot be satisfied that the proposed development would not endanger public safety by reason of a traffic hazard due to traffic movements generated by the proposed development and would not interfere within the safety and free flow of traffic on the public road.

23/417 Refuse Permission [decision date 11/10/2023] for Infill flooded quarried land with topsoil, subsoil, rock and construction and demolition waste to raise the level of the land for agricultural purposes.

Permission was refused for 1 no. reason as follows:

1. Having regard to the previous use of the site for quarrying and to the absence of information submitted with the application regarding the existing environmental status of the subject site, and the consequent potential implications related to the implementation of the proposed development, the Planning Authority is not satisfied that the proposed development would not pose a risk of environmental pollution and would not be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Limerick Development Plan 2022-2028 (as varied).

Variation No. 1 to the Limerick Development Plan 2022 – 2028 was adopted by the Elected Members on the 22nd of May 2023 comprising an amendment to Policy TR P11 Road Safety and Carrying Capacity of the non-national Road Network and Objective TR O37 Land Uses and Access Standards.

Relevant policies include:

Policy EH P2 Sustainable Management and Conservation

It is a policy of the Council to ensure the sustainable management and conservation of areas of natural environmental and geological value within Limerick and to protect, enhance, create and connect, where ecologically suitable, natural heritage, green spaces and high-quality amenity areas for the benefit of biodiversity.

Policy EH P3 Climate Action and the Natural Environment

It is a policy of the Council to take into account the contents of the National Biodiversity Action Plan and the Biodiversity Climate Adaptation Plan and any forthcoming guidance or legislation on climate action, whether adaptation or mitigation that will emerge during the course of the Plan.

Objective EH O10 Trees and Hedgerows

It is an objective of the Council to:

a) Retain and protect amenity and biodiversity value of the County and City by preserving as far as possible trees, woodlands and hedgerows, having regard to the significant role that trees and hedgerows play in local ecology, climate change and air quality and their contribution to quality place making and the associated health and wellbeing benefits.

b) Require, in the event that mature trees or extensive mature hedgerow is proposed to be removed, that a comprehensive tree and hedgerow survey be carried out by a suitably qualified tree specialist to assess the condition, ecological and amenity

value of the tree stock/ hedgerow proposed for removal and to include mitigation planting and a management scheme. The Council will seek in all cases to ensure when undertaking development, or when permitting development, that the loss of, or damage to, existing trees is minimised.

c) Require the planting of native trees, hedgerows and vegetation and the creation of new habitats in all new developments and public realm projects. The Council will avail of tree planting schemes administered by the Forest Service, in ecologically suitable locations, where this is considered desirable.

d) To identify and prepare TPO's where trees of exceptional amenity, cultural or environmental value are identified which warrant a high level of protection.

e) To implement the Limerick City and County Tree Policy when completed and review as appropriate.

Objective EH O11 Invasive Species

It is an objective of the Council to:

a) Work with and facilitate the work of agencies addressing the issue of terrestrial and aquatic invasive alien species (IAS), by implementing biosecurity measures, selected control measures and surveys, where appropriate.

b) Address the presence of invasive alien species on derelict sites under the provisions of the Derelict Sites Act through the preparation of a management and eradication plan for these species.

c) Require the submission of a control and management program for the particular invasive species as part of the planning process, if developments are proposed on sites where invasive species are present.

d) Employ biosecurity measures to prevent the spread of invasive alien species and disease and to insist that all such measures are employed on all development sites.

Objective EH O12 Blue and Green Infrastructure

It is an objective of the Council to: a) Promote a network of blue and green infrastructure throughout Limerick. b) Promote connecting corridors for the movement of species and encourage the retention and creation of features of biodiversity value, ecological corridors and networks that connect areas of high

conservation value such as woodlands, hedgerows, earth banks, watercourses, wetlands and designated sites. In this regard, new infrastructural projects and linear developments in particular, will have to demonstrate at design stage, sufficient measures to assist in the conservation of and dispersal of species. Projects which would be detrimental to existing blue and green infrastructure, features will not be permitted.

- c) Ensure the integration and strengthening of green infrastructure into the preparation of Local Area Plans.
- d) Where possible remove barriers to species movement, such as the removal of in-stream barriers to fish passage for example.
- e) Seek to advance the use of an ecosystem services approach and ecosystem services valuation as a decision-making tool in plans and projects, subject to appropriate ecological assessment

Objective EH O14 Nature Based Solutions

It is an objective of the Council to increase the use of Nature Based Solutions (NBS) throughout Limerick

Objective ECON O39

Mineral Extraction and Environmental Impacts

It is an objective of the Council to:

- a) Recognise the potential of the extractive, mineral and mining industries to contribute to Limerick's economy and endeavour to protect access to these resources, where known.
- b) Minimise environmental and other impacts of mineral extraction through rigorous application of development management and enforcement requirements for quarry and other developments; and c) In particular, to have regard to visual impacts, methods of extraction, noise levels, dust prevention, protection of rivers, lakes and other water sources, impacts on residential and other amenities, impacts on the road network (particularly with regard to making good any damage to roads), road safety, phasing, re-instatement and landscaping of worked sites.

d) Ensure that development for aggregates/mineral extraction does not significantly impact on County Geological Sites / Sites of geological interest.

Objective TR O37 Land Uses and Access Standards

It is an objective of the Council to:

a) Ensure that any development involving new access to a nonnational public road, or the intensification of use of an existing access onto a non-national public road meets the appropriate design and safety standards.

b) Ensure that on roads that are sub-standard, either in terms of their width, (less than 3m), alignment, surface condition or junction with the nearest main road, development for one off rural housing will only be considered in exceptional circumstances. This includes applicants who have a demonstrable social need to live on the particular road, where no alternative site is available, or where the only alternative access available is onto a strategic regional road as designated in the Development Plan.

11.6.11 Land Reclamation

If you propose to drain or reclaim a wetland you must apply to Limerick City and County Council for planning permission. Permission is required where the area impacted by the works exceeds 0.1ha., or the works may have a significant effect on the environment. If you propose to drain or reclaim a wetland where the area impacted by the works exceeds 2 ha., the planning application will have to be accompanied by an Environmental Impact Statement (EIS). It is the policy of the Council to require all land reclamation development which includes the importation of any material onto site, have the requisite waste authorisation in accordance with the Waste Management Act 1996. The Council will be guided by the Guidance for Planning Authorities on Drainage and Reclamation of Wetlands, DEHLG, 2011 and the advice of other agencies such as the EPA when assessing applications. The Council will require at a minimum the following for reclamation/soil or stone recovery:

- A comprehensive assessment by a suitably qualified professional of the impact of the proposal on groundwater, surface water, aquifers and compliance with the Water Framework Directive;

- Impact on Natura 2000 sites, NHAs, sites deemed to be of ecological, geological or geomorphological importance;
- Details of the material to be introduced to the site having regard to the mandatory thresholds set out in Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended);
- Clear justification for the need for the proposal;
- Traffic generation to import material to the site, including traffic movement and safety on the road network;
- Details of site services if applicable;
- Details of phasing programme for the reclamation including appropriate layout
- and section drawings;
- Noise, dust emissions and measures to mitigate nuisance and public health;
- Measures to control the spread of invasive species.

5.2. National Planning Policy

National Biodiversity Action Plan 2023-2030

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

Climate Action Plan, 2025 [CAP25]

Relevant provisions include:

Wetlands

Work is ongoing in relation to the delivery of NPWS and EU (LIFE, Just Transition, INTERREG) funded national restoration programmes on raised bog, blanket bog and fen SACs and NHAs. Progress towards wetland KPIs across numerous projects will be reviewed

I would note that the wetland in question in this instance is not a wetland referred to above i.e. raised bog, blanket bog or fen.

In relation to biodiversity, it is noted 'the declines in Ireland's biodiversity caused by agricultural expansion, urban development, pollution, climate change, and the introduction of invasive species are losses which cannot easily be recovered. Our biodiversity underpins essential services such as pollination, water purification, soil fertility, and climate regulation. Ireland's natural heritage is integral to its cultural identity, with many species and landscapes holding historical and aesthetic value'

It is stated within the Plan that, CAP25 is to be read in conjunction with CAP24, and as such I have set out a summary of same below.

Climate Action Plan, 2024. [CAP24]

The Plan includes for the rehabilitation and restoration of degraded peatlands/wetlands. As noted above the wetland under consideration here is not such a wetland type.

In relation to biodiversity, it is noted with the Plan that the Sixth Assessment Report (AR6) of the Intergovernmental Panel on Climate Change (IPCC) highlights the link between climate change and biodiversity loss and underscores the need to safeguard biodiversity and ecosystems as a fundamental part of climate resilient development.

Section 28 Guidelines

Quarries and Ancillary Activities - Guidelines for Planning Authorities (2004)

Although this development is for the infilling of an existing quarry these guidelines are relevant in that they consider best practice quarry restoration.

5.3. **Natural Heritage Designations**

5.3.1. The site is located c360m to the west of the Lower River Shannon SAC (002165).

5.4. **EIA Screening**

5.4.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices 1 and 2 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. A first-party appeal against the decision of the PA to refuse permission was submitted on 29th May 2025. The grounds of appeal are summarised below.
- Classification of Wetlands.
 - Classification of the site as a wetland is incorrect.
 - Wetlands are only associated with areas wherein the land temporarily inundates with shallow water.
 - Defined in publication 'Irish Wetland Types' (Irish Ramsar Wetland Committee).
 - Site is a flooded quarry where the water remains constant.
 - Area around the flooded quarry is the former works quarry embankments.
 - The Blue Green Infrastructure Plan does not apply to this site; extent is defined; c5km further east.
 - Scrub removal is very limited in area; localised to the immediate south and west of the site.
 - Will make the site safer and will eliminate the sudden drop to the old quarry level.

- Reestablishment of the field will give rise to further species sites.
- Birds near the site would easily relocate elsewhere in the overall quarry site.
- Swans on the larger ponds will not be impacted.
- Objectors did not object to the first application for the same work.
- No impacts on birds in SPAs.
- Entrance to the site is and always has been in order.
- Technicians report does not recommend refusal.
- Roadside growth does not block view/should it grow further it can be trimmed.
- The applications were not handled consistently.
- Sufficient information was supplied.
- The public entrance is safe/has been operation for years/was constructed in compliance with planning permission 07/3145/continues to be used by the quarry.
- Entrance has no history of accidents or incidents.
- Sightlines have been sufficient and consistent with planning permission granted.
- Can provide additional sightlines/have permission from landowners to trim further hedging.
- This will increase sightlines from 2.4m offset to 3m offset.
- The entrance is not a proposed new entrance.
- The site is not part of a wetland complex.
- Wetlands are defined in legislation/is not wetland as per the Planning Act.
- Was previously farmland/no mention of wetland in previous refusal.
- LCC did not consider the positive benefits of restoring the agricultural use.
- LCC have concluded that Schedule 7a information is required.
- No impacts on SAC, SPA.

Attached:

- Appendix A: Extract from - Irish Wetland Types – An Identification Guides and Field Survey Manual (Irish Ramsar Wetlands Committee)Appendix B: Map of Limerick Blue Green Ring.
- Appendix C: Overall site map as part of PA Ref 23/417/Site Map as part of PA Ref 24/45.
- Appendix D: Clipping from Limerick Leader.
- Appendix F: Extract from Planner’s Report.
- Appendix H: Email correspondence.
- Planning Pack Map – annotated.
- Appendix J – Email correspondence.
- Notes on Wetland and this Planning Application – Mescal & Associates.

6.2. **Planning Authority Response**

6.2.1. None received.

6.3. **Observations**

6.3.1. None received.

7.0 **Assessment**

7.1. I consider the main planning issues in relation to this appeal are as follows:

- Principle of Development
- Biodiversity
- Compliance with Section 11.6.11 ‘Land Reclamation’ of the Limerick Development Plan 2022-2028
- Traffic & Transport (sightlines)

7.2. **Planning History**

7.2.1. The proposal is to infill and restore a former sand and gravel quarry, draining the existing wetland habitat, and pumping the water from same to the larger wetland

habitat on site. Save for a reference to the existing quarry being registered under Ref 05/7033, in relation to the existing operational quarry on this site, there is no discussion within the Planner's Report or within the documentation on file, in relation to previous historical planning decisions relating to quarry developments on this site, and there is subsequently no documentation on file as relates to any previous conditions requiring the implementation of a restoration plan for the site. I also note that the Planner's Report relating to the appeal development makes no reference to any current planning enforcement associated with the site. In any event, I would note that compliance with any previous planning permissions falls within the remit of the Planning Authority under Section 8 of the Planning and Development Act 2000, (as amended). It is not a function of the Commission and will not be addressed as part of this appeal.

- 7.2.2. Having regard to the above, I am satisfied to treat this proposed development as a standalone development, and can be assessed on its merits, as per the Planning Authority's approach to the development as proposed.

7.3. **Biodiversity**

- 7.3.1. The PA's first reason for relates to the impacts on a wetland complex and subsequent impacts on local ecology.
- 7.3.2. The first party appellant, in the appeal submission, is of the view that the site cannot be defined as a wetland, nor a wetland complex, and impacts on ecology will be minimal. In relation to the issue of whether the site contains a wetland or not, I would note that the supporting documentation, including the Wetland Habitat Survey, indicate that the existing site is a wetland, and as such I am satisfied that the Commission can treat it as such. I would note that the appellant has also referred to the publication 'Irish Wetland Types' (Irish Ramsar Wetland Committee).¹ This is a publicly available document, and I note that within same a waterbody such as the one on this site is defined as a 'wetland'. Within same, lakes, reservoirs and ponds are defined as wetlands.
- 7.3.3. I would also note that Article 5(1) of the Planning and Development Regulations, 2001, as amended, defines wetlands as

¹ Irish Wetland Types An Identification Guide and Field Survey Manual - Irish Ramsar Wetlands Committee (2018)

“natural or artificial areas where biogeochemical functions depend notably on constant or periodic shallow inundation, or saturation, by standing or flowing fresh, brackish or saline water.”

- 7.3.4. To my mind the waterbody on site would also fall within this definition, with a constant inundation by standing water.
- 7.3.5. I would note that the application documentation includes a Wetland Habitat Survey (prepared by Southern Scientific Services Ltd) and an Invasive Species Management Plan (prepared by Southern Scientific Services Ltd). The application documentation refers to a Mammal Survey (i.e. a ‘Mammal Survey’ is referred to Section 1.3 of the Wetland Habitat Survey) but this is not on file and is not referred to by the Planning Authority in their assessment of the application.
- 7.3.6. The Wetland Habitat Survey sets out that a depression was created on the site as a result of quarrying activity and over time this has filled with water. There has been no quarrying on this site since 2005. The site consists of a pond surrounded by scrub and a treeline. There are two larger ponds located to the east and northeast of the site.
- 7.3.7. It is set out that the infill works will involve the pumping of water from a pond located within the infill site boundary into a larger receiver pond located adjacent to the infill site. It is set out that pumping the water into the large ponds will cause the water level to rise in the larger adjacent pond by a maximum of 7,500 m³ per year.
- 7.3.8. It is set out that the Wetland Survey was carried out in January 2025, and as stated within the report itself, this not the optimal time for ecological surveys. However, reference is also made to the NIS, a Mammal Survey (which is not on file) and the Invasive Species Management Plan, the site visit for what was carried out on 11th July 2023, which is within the optimal time for surveys.
- 7.3.9. The Wetland Habitat Survey states that the pond on site was classified as a wetland according to the “Ramsar Wetlands Committee, 2018 Irish Wetland Types”. Habitats on site are cited as being a pond (FL8), which is surrounded by scrub (WS1), hedgerows (WL1), treelines (WL2) and immature woodland (WS2). These habitats are mapped in Figure 3 of the Survey. In relation to the pond habitat, this is classified as having ‘Local Importance – Higher Value’. It is stated that, while pond qualifies as a wetland under standard classification systems, its ecological role within the local

landscape appears limited due to its artificial origin, small size and lack of significant waterfowl activity. However, it is also stated that over time the habitat has developed into a semi-natural wetland with relatively high local biodiversity, particularly in contrast to the predominantly agricultural surroundings. It is further stated that the larger pond supports a greater number of wildfowl (Mallard Ducks and Mute Swan), and exhibits a higher degree of ecological value. The remaining habitats were classified as of 'Local Importance (Lower Value)'.

- 7.3.10. In relation to impacts, the survey concludes that the impacts on ecology of draining of the pond and removal of the other habitats will be minimal. This is due, in the main, to the relative sizes of the waterbodies on the site. The pond to be drained is 0.26 ha, whereas the remaining waterbody is 5.7ha in area and provides a far more extensive resource for biodiversity, and also provides a replacement habitat for any species that are displaced by the draining of the smaller pond.
- 7.3.11. In relation to same, I would have concern in relation to the adequacy of the Wetland Habitat Survey on file. The report itself states that the survey was carried out at a sub-optimal time (January). As per the report of the Planning Authority's Heritage Officer on file, the survey carried out would not pick up breeding amphibians, for example.
- 7.3.12. The Wetland Habitat Survey, also refers to a Mammal Survey, which is not on file, and this is not referred to in the report of the PA Planner. As such there is no assessment of the potential impacts of the draining of the wetland on mammal species, such as Otter for example. Otter is a Protected Species protected under the Wildlife Act (1976) and the Wildlife (Amendment) Act 2000, and is listed on Annex II and IV of the EU Habitats Directive. While the Wetland Survey refers to surveys carried out in July 2023, which was carried out in order to complete the Natura Impact Statement (NIS), there is little additional detail within this document. The AA Screening Report and the NIS refers to a field survey carried out on 11th July 2023. There is little further detail on same, save for a description of the various habitats on site, which are as per the Wetland Habitat Survey.
- 7.3.13. I am of the view that the information on file does not allow for a sufficient assessment of the ecological value of the wetland habitat on site. Notwithstanding, that the original quarry depression is a manmade feature, the site has developed at least

some degree of ecological value over time, and it is now classed as a wetland, as per the information on the file, and has the potential to support a variety of mammals and amphibians. I would also note that there is extensive tree removal on the site, and there is little consideration on file in relation to the potential biodiversity value of same, and as such I would concur with the Planning Authority's view that the proposal is contrary to Objective EH 010 Trees and Hedgerows, which seeks to *inter alia* preserve as far as possible trees and woodlands, and in the event that mature trees or extensive hedgerow removal is proposed a survey is carried out in advance, with mitigation and planting proposed.

7.3.14. As such, I am minded to conclude that the Commission does not have sufficient information before it to determine the ecological or biodiversity value of the wetland habitat that now exists on this site, and of the surrounding woodland habitats, and as such has insufficient information to come to a conclusion in relation to the potential impacts relating to the removal of same, and I am recommending a refusal on this basis.

7.4. Compliance with Section 11.6.11 'Land Reclamation' of the Limerick Development Plan 2022-2028

7.4.1. Of relevance here is Section 11.6.11 of the Limerick Development Plan as relates to Land Reclamation. This states that, *inter alia*, if draining of a wetland is proposed, the following will be required.

- A comprehensive assessment by a suitably qualified professional of the impact of the proposal on groundwater, surface water, aquifers and compliance with the Water Framework Directive;
- Impact on Natura 2000 sites, NHAs, sites deemed to be of ecological, geological or geomorphological importance;
- Details of the material to be introduced to the site having regard to the mandatory thresholds set out in Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended);
- Clear justification for the need for the proposal;
- Traffic generation to import material to the site, including traffic movement and safety on the road network;

- Details of site services if applicable;
- Details of phasing programme for the reclamation including appropriate layout and section drawings;
- Noise, dust emissions and measures to mitigate nuisance and public health;
- Measures to control the spread of invasive species.

7.4.2. In relation to same, I would note that the proposal does not consider impacts on groundwater or aquifers, nor has compliance with the Water Framework Directive being considered. While there is some limited discussion on groundwater, within the 'Assessment on Water' document, in which it is stated that the percolate from rainfall will travel through the material, which will be free of contaminants, and consequently the percolate finding its way to groundwater will be similar to current percolate to groundwater. However, there is no discussion in relation to the nature of the underlying bedrock, or underlying groundwater aquifer. With reference to EPA mapping², I would note that the site partly overlies a Locally Important Gravel Aquifer (Gravel Aquifer), which in itself is partly lies within a Regionally Important Karst Aquifer (Bedrock Aquifer) and partly lies within a Local Important Aquifer (Bedrock Aquifer). Groundwater vulnerability underlying the site is high. In relation to same I would note that given the proposed infill material will be inert in nature, and noting that the infill activity will be subject to a waste licence, the likelihood of contaminants entering the groundwater is minimised. I do not therefore consider the proposed development will have a significant impact groundwater.

7.4.3. In relation to potential surface water impacts, I would accept that potential impacts on surface waters are considered in the NIS, and I have considered same in Appendix 3.

7.4.4. In relation to the remaining criteria as set out in Section 11.6.11, I would accept also that that the applicant has set out the need for the proposal i.e. to bring the site back into agricultural use. I have considered issues related to traffic below in Section 7.3 of this report.

7.4.5. In terms of the material to be imported into the site, and phasing of same, it is set out that the material will consist of clay, stone, inert C&D waste, and topsoil (within the

² <https://gis.epa.ie/EPAMaps/>

'Assessment on Water' document). The note on 'Material Filling' states that the total quantity to fill the quarry is 41,278 m³, (66,045 tonnes), with an expected fill time of 5 years, with a maximum quantity in any one year being 20,000 tonnes. Drg. No. 2305 sets out the phasing of the infill proposal. In relation to relevant sections, I would note that the sections drawings on file (as set out on Drg. No. 2303) are not cross-referenced with section names (A-A) and are not labelled, although they appear to indicate phased infilling of the waterbody over time.

7.4.6. In relation to noise, dust emissions and measures to mitigate nuisance and public health, I would note that limited information has been submitted in relation to same. However, I would note be of the view that such impacts, as relates to noise and dust, would be significant noting the scale of the works proposed. In relation to public health, possible impacts on the underlying groundwater aquifer have not been considered. Notwithstanding, given the discussion on groundwater above, I am satisfied that it is unlikely that the proposed development would have impacts on public health relating to possible impacts on drinking water in the immediate environment of the site.

7.4.7. In relation to invasive species, I note that an Invasive Species Management Plan (prepared by Southern Scientific Services Ltd) has been submitted This notes that the invasive species Buddleia, also known as Butterfly-bust) was found within the site. A number of different management options are set out in the report, including the use of herbicides, as well as physical control. The preferred option on this site, is chemical treatment on site, noting that the distribution of Buddleia on the site is limited to one plant within the north-eastern section of the site. This area will be fenced off during treatment. I am satisfied that this issue has been sufficiently dealt with in the application.

7.5. **Traffic and Transport**

7.5.1. The PA's second reason for refusal relates to sightlines and states the following:

In the absence of a comprehensive proposal, including supporting documentation confirming the availability of adequate sightlines at the existing entrance, the Planning Authority cannot be satisfied that the proposed development would not endanger public safety by reason of traffic hazard due to the traffic movements

generated by the proposed development and would not interfere with the safety and free flow of traffic on the public road.

- 7.5.2. In terms of sightlines, the application is accompanied by a note entitled 'Public Road Entrance Sightlines' which includes an aerial view, and photographs from the entrance point. Also includes a OSI Place map indicating sightlines. This indicates a sightline of 160m in both directions which is sufficient. I would note that this is an existing quarry entrance.
- 7.5.3. I note the PA's Road's Report on file which considers the issue of sightlines. This report *inter alia* considers that a plan is required, which shows sightlines and stopping sight distances of 160m imposed on a topographical survey. I would note that this technical report did not recommend refusal on this basis, but rather sought Further Information, on this, and several other issues (as per summary in Section 3.2 of this report).
- 7.5.4. I would note that the application is accompanied by a note entitled 'Public Road Entrance Sightlines' which also references an aerial view, and photographs from the entrance point. Also includes a OSI Place map indicating sightlines. This indicates a sightline of 160m in both directions. It is noted that clearing of neighbouring vegetation is required to achieve same, and there is a note on file from the neighbouring property agreeing to this.
- 7.5.5. In relation to the issue of sightlines, I would note that the access/egress point is via an existing entrance, which serves an existing quarry. It is stated on file that the quarry is a working quarry, although the extent of quarrying works or existing traffic movements is not stated. There was no quarrying activity on the site on the date of my site visit. However, of particular note is that the entrance point is not a new entrance and has served, or is serving, existing HGV movements associated with the quarrying activity, which would not be markedly different to the movements associated with the infilling works. Traffic generation is set out in the note entitled 'Truck Movements'. It is set that access to the site will be via the existing entrance. It is expected that there will be approximately 3 loads per day, with a maximum of 15 loads per day for busy periods.
- 7.5.6. There is nothing particular in relation to the road alignment that would raise serious concerns in relation to sightlines. The R503, to the front of the site, runs in a south-

west to north-east direction, and the horizontal alignment of same is relatively straight in both directions from the site. To the north-east, the vertical alignment of the road rises slightly to a brow of a hill, approximately 250m north-east of the site entrance. However, I am not of the view that this vertical alignment would have a material impact on views to and from the site entrance. As such, and with reference to the application documentation, I am satisfied that sufficient sightlines are achievable from the site entrance.

8.0 **AA Screening**

8.1. **Screening Determination**

Significant effects cannot be excluded

8.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on the Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code 004077) in view of the sites' conservation objectives.

8.1.2. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

8.2. **Appropriate Assessment Conclusion: Integrity Test**

8.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code 004077) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

8.2.2. Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations of third parties, I consider that adverse effects on site integrity of the Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code

004077) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

8.2.3. My conclusion is based on the following:

- A detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including standard practice construction mitigation measures and best practice operational surface water management measures.
- The proposed development will not affect the attainment of conservation objectives for the Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code 004077).

8.2.4. Please refer to the attached appendices for detailed Stage 1 and 2 Appropriate Assessment.

9.0 Recommendation

I recommend that permission is refused for the following reasons and considerations

10.0 Reasons and Considerations

1. The applicant has failed to demonstrate that the development as proposed would not lead to detrimental impacts on the biodiversity of the area, noting in particular that the 'Wetland Habitat Survey' was carried out at a sub-optimal time of the year, and the lack of other supporting documentation in relation to possible impacts on mammal species including, but not limited to, otter, an Annex II Species. In addition, the application has not sufficiently considered the potential impacts resulting from the loss of trees and woodland habitats on the site. As such, the proposed development is contrary to the provisions of the Policy EH P2 Sustainable Management and Conservation, Policy EH P3 Climate Action and the Natural Environment and Objective EH O10 Trees and Hedgerows of the Limerick Development Plan.

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.

Ronan O'Connor
Senior Planning Inspector

3rd September 2025

Appendix 1 - Form 1 - EIA Pre-Screening

Case Reference	ABP- 322655-25
Proposed Development Summary	Infill of quarried land with all associated site works. NIS submitted with application.
Development Address	Woodroad,, Garden Hill & Bunkey,, Castleconnell, Co. Limerick.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold <i>1 (a) Part 2, Schedule 5 Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.</i> <u>Comment</u> I would note that the stated area for the entire site is 6.47 Ha. This includes the larger waterbody on site which is not subject to infill. It is stated that the area to be infilled is 1.2 Ha. As such the total area falls below any relevant threshold stated above.

	<p><i>1(c) Part 2, Schedule 5</i></p> <p><i>Development consisting of the carrying out of drainage and/or reclamation of wetlands where more than 2 hectares of wetlands would be affected.</i></p> <p><u>Comment:</u></p> <p>The proposed area of wetland to be drained/reclaimed is stated as c1.2 Ha in size and therefore falls below the above 2 Ha threshold.</p> <p><i>11(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001</i></p> <p><i>‘Other Developments’ Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.</i></p> <p><u>Comment</u></p> <p>The proposed development will entail the importation of 66,045 tonnes of inter material over a period not exceeding 5 years, with an average volume of c14,000 tonnes per year, and a maximum volume in any one year being 20,000 tonnes. As such the relevant threshold of 25,000 tonnes in any one year is not exceeded.</p>
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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix 2 Form 2 - EIA Preliminary Examination

Case Reference	ABP- 322655-25
Proposed Development Summary	Infill of quarried land with all associated site works. NIS submitted with application
Development Address	Woodroad,, Garden Hill & Bunkey,, Castleconnell, Co. Limerick
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The stated area of the site is 6.47 Ha. The site is located within an existing quarry (Tobins) at Woodroad and Gardenhill. The proposal would infill the infill of a wetland and revert previously quarried lands back to agricultural use.</p> <p>The development would change the use of the site from a former quarry with a wetland habitat to agricultural use. These changes would not be out of context with the would be consistent with the character of the existing area – i.e. agricultural.</p> <p>I would note the use of best practice measures when implementing the proposal. As such, he potential significant effects for water contamination, noise and dust emissions during the is unlikely.</p> <p>The waste materials to fill the site would be transported to the site. All infill to the site will be inert waste and subject to a Waste Facility Permit. The proposed development itself will not result in the production of waste.</p> <p>There is no risk of major accidents given the nature of the project and location of the site.</p> <p>No cumulative effects on the area are reasonably anticipated.</p>

<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is not located within any designated site.</p> <p>The proposal will result in a loss of a wetland habitat. However, I am of the view that potential adverse impacts in relation to same (i.e. impacts on biodiversity) are localised and are not significant in the wider context.</p> <p>The nearest European Sites is the Lower River Shannon SAC (site code 002165) is located 700m to the east of the site. The closest EPA mapped watercourse is the Newport River which runs to c700m to the east of the site (within the SAC).</p> <p>In relation to Natura 2000 sites, I refer to the conclusions of the Appropriate Assessment, where I have concluded that adverse effects on site integrity of the Lower River Shannon SAC (site code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code 004077), downstream of the Lower River Shannon SAC, can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.</p> <p>While I have cited concerns in relation to potential impacts on biodiversity (and have recommended refusal on this basis) I am of the view that any potential impacts would be localised, noting the scale of the project. and not significant in a wider context.</p> <p>There is no landscape or protected scenic views at the site. There are no protected structures or architectural conservation area designations at the site. There are no recorded monuments at the site.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters,</p>	<p>During the construction phase noise, dust and vibration emissions are likely. However, any impacts would be local and temporary in nature and the implementation of standard construction practice measures would satisfactorily mitigate</p>

<p>magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>potential impacts. Impacts on the surrounding road network at construction stage and operational stage can be mitigated by way of adherence to a Construction Management Plan.</p> <p>No significant impacts on the surrounding road network are considered likely at operational stage.</p>
Conclusion	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3: Appropriate Assessment Screening/Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Infill of quarried land with all associated site works. NIS submitted with application.
Brief description of development site characteristics and potential impact mechanisms	<p>A detailed description of the site, surrounding area and proposed development is provided in Sections 1.0 and 2.0 of this report and detailed specifications of the proposal are provided in the AA Screening Report/NIS and other planning documents submitted by the applicant.</p> <p>In summary, it is proposed to infill 1.2ha of flooded quarried land with topsoil, subsoil, rock and construction and demolition waste to raise the level of the land for agricultural purposes. The volume of the void to be filled is calculated as 41,278 m³ (66.045 tonnes). A timeline of 5 years for implementation of the filling is proposed with filling occurring in 4 no. phases equating to an average fill of c14000 per year. The displaced water is to be pumped to the adjacent quarry pond.</p> <p>The Lower River Shannon SAC (site code 002165) is located 700m to the east of the site. The closest EPA mapped watercourse is the Newport River which runs to c700m to the east of the site (within the SAC).</p>
Screening report	Yes, AA Screening report provided by the applicant, prepared by Southern Scientific Services Ltd (Section 3 of the NIS).
Natura Impact Statement	Yes, NIS submitted by the applicant and prepared by Southern Scientific Services Ltd.
Relevant submissions	Uisce Éireann (09/04/2025) – Submission at application Stage. Notes that the importation of inert material may carry risk to ground and surface waters over the lifetime

of the project. Recommends conditions as relates to, *inter alia*, protection of water quality.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

Two European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. The applicant considered other Natura 2000 sites within a wider sphere of influence (as set out on Table 1 of the AA Screening Report) and it was found that no further European Site were necessary for consideration and I agree with this conclusion.

Table 1:

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lower River Shannon SAC (Site Code 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>Glaucopuccinellietalia maritimae</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] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096]	c0.7km to the east (at the closest point)	Proximity to site/potential for excess water to flow into Newport River (which lies within the Lower River Shannon SAC).	Y

	<p>Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]</p> <p>Conservation Objectives:</p> <p>https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002165.pdf (document dated 7th August 2012)</p>			
<p>River Shannon and River Fergus Estuaries SPA (Site Code 004077)</p>	<p>Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Scaup (Aythya marila) [A062] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Knot (Calidris canutus) [A143]</p>	c11km south-west	<p>Potential for excess water to flow into Newport River (within the Lower River Shannon SAC) and subsequently onwards to the River Shannon and River Fergus Estuaries SPA.</p>	Y

	<p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p> <p>Conservation Objectives: To maintain the favourable conservation condition of the above species and habitat. ³</p>			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

Sources of impact and likely significant effects are detailed in the table below.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Lower River Shannon SAC	Direct: No direct impacts within the SAC.	Qualifying species and habitats within the Great

³ For full text, see https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004077.pdf (document dated 17th September 2012).

<p>Qualifying Interests:</p> <p>As above.</p>	<p>Indirect:</p> <p>Surface Water</p> <p>The AA Screening Reports sets out that given the close proximity between the receiver pond (the larger pond on the site where the water is being pumped to) and the Newport River, there is a potential risk that excess water from this pond could flow into the river. While the exact mechanism of this is not set out in the AA Screening Report, I would note that there are a number of drainage channels in proximity to the site which would provide an indirect hydrological link from the site to the Newport River. This river lies within the Lower River Shannon SAC. Species and habitats within this site could potentially be impacted by the proposed project due to the potential for the generation of contaminated runoff and siltation.</p> <p>Section 3.4 of the AA Screening Report identifies that potential impacts from the development could arise from:</p> <ul style="list-style-type: none"> • The risk of siltation entering the Lower River Shannon SAC via excess pondwater (and subsequently to the River Shannon and River Fergus Estuaries SPA which lies downstream); • The risk of accidental spillages of fuels/oils; • The spread of invasive species resulting from any clearance works and the movement of machinery and equipment between sites; • Cumulative impacts arising from discharges associated with the development site interacting with other sources of water pollution such as wastewater treatment discharges or agricultural runoff; <p>Groundwater</p> <p>I would note that the AA Screening Report (and the NIS) do not consider any potential impacts on groundwater dependant species within the Lower River Shannon SAC. There is little discussion on groundwater within the application documentation. Notwithstanding, I would note that the only groundwater dependant habitat within the Lower River Shannon SAC are</p>	<p>Island Channel SAC could potentially be impacted as a result of the proposed development by reductions in water quality (i.e. surface water)</p> <p>Possibility of significant effects cannot be ruled out without further analysis and assessment.</p>
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	<p>'Alluvial Forest'. With reference to the NPWS website,⁴ this is found approximately 3km to the east of the site, on the banks of the River Shannon. With reference to EPA mapping⁵, this habitat is likely to lie over the following groundwater bodies - Limerick City East, the Limerick City North and the Ardnacrusha sub-catchment areas - while the appeal site lies over different groundwater bodies – O'Briensbridge Gravels and Slieve Phelim. As such activities on this site are not likely to result in impacts on the above habitat, via groundwater pathways. As such, it is unlikely that the proposal would have a significant impact on the SAC, as a result of any deterioration in groundwater quality, having regard to the Conservation Objective's of the Lower River Shannon SAC.</p> <p>Habitat loss and alteration</p> <p>No element of the proposed development will occur within the boundary of a Natura site. Direct habitat loss will not occur. However it is noted that there is potential for habitats to be affected indirectly through the hydrological connection noted above (i.e. potential pond overflow entering the Newport River).</p> <p>Habitat Species Fragmentation</p> <p>Indirect impact via contaminated run off entering Newport River which could impact aquatic species movements.</p> <p>Disturbance and/or displacement of protected species</p> <p>Potential indirect impacts to otters, birds, invertebrate and fish species resulting from hydrological change, nutrient pollution and sediment pollution. Suspected sediment due to runoff can negatively impact aquatic life within the surrounding waterbodies. Indirect impacts to</p>	
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⁴ https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002165.pdf & https://www.npws.ie/sites/default/files/publications/pdf/002165_Lower%20River%20Shannon%20SAC%20Woodland%20Supporting%20Doc_V1.pdf

⁵ https://gis.epa.ie/EPAMaps/Water?gext=166261,159173,169102,167079&lid=EPA:WFD_GROUNDWATERBODIES_CYCLE3 & <https://gis.epa.ie/EPAMaps/>

	<p>otter, bird, invertebrate and fish species through water quality impairment and subsequent loss of foraging/resting areas can also not be ruled out.</p> <p>Cumulative/In combination impacts</p> <p>These include impacts on water quality from agriculture, wastewater treatment and other development/road improvement projects in the area.</p>	
	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there a likelihood of significant effects occurring in combination with other plans or projects? N/A	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 2: River Shannon and River Fergus Estuaries SPA</p> <p>Qualifying interests and conservation objectives:</p> <p>As above.</p>	As above	As above.
	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>It is not possible to exclude the possibility that proposed development alone would result in significant effects on the Lower River Shannon SAC and the River Fergus Estuaries SPA from effects as described above.</p> <p>An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.</p> <p>Proceed to AA Stage II.</p>		

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on the Lower River Shannon SAC and the River Fergus Estuaries SPA European Sites in view of the sites conservation objectives.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

AA and AA Determination

Appropriate Assessment

The requirements of Article 6(3) as they relate to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed development - Infill of quarried land with all associated site works - in view of the relevant conservation objectives of Lower River Shannon SAC and the River Fergus Estuaries SPA based on scientific information provided by the applicant.

The information relied upon includes the following:

- NIS submitted by the applicant and prepared by Southern Scientific Services Ltd
- NPWS Website.
- EPA Website

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and submitted documentation and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

0. Uisce Éireann (09/04/2025) – Submission at application Stage. Notes that the importation of inert material may carry risk to ground and surface waters over the lifetime of the project. Recommends conditions as relates to, *inter alia*, protection of water quality.

Lower River Shannon SAC & River Shannon and River Fergus Estuaries SPA

Summary of Key issues that could give rise to adverse effects (from screening stage):

- The risk of siltation entering the Lower River Shannon SAC via excess pondwater (and subsequently to the River Shannon and River Fergus Estuaries SPA which lies downstream);
- The risk of accidental spillages of fuels/oils;
- The spread of invasive species resulting from any clearance works and the movement of machinery and equipment between sites;

- Cumulative impacts arising from discharges associated with the development site interacting with other sources of water pollution such as wastewater treatment discharges or agricultural runoff;

Lower River Shannon SAC

Qualifying Interest features likely to be affected ⁶	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary)
<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>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-</p>	<p>To maintain the favourable conservation condition of:</p> <ul style="list-style-type: none"> • <i>Lampetra planeri</i> (Brook Lamprey) [1096] • <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <p>which are slightly covered by sea water all the time [1110]</p> <ul style="list-style-type: none"> • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Large shallow inlets and bays [1160] • Reefs [1170] • Perennial vegetation of stony banks [1220] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • <i>Salicornia</i> and other annuals colonising mud and sand [1310] • <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349] 	<p>Siltation entering the Lower River Shannon SAC via excess pondwater (and subsequently to the River Shannon and River Fergus Estuaries SPA which lies downstream); Accidental spillages of fuels/oils;</p> <p>Potential impacts on the SAC would most likely occur indirectly through silt and pollutant-laden run-off if the larger pond levels were to rise to a point in which it would overflow and enter the SAC via the Newport River.</p> <p>Increased levels of suspended solids and siltation could impact on the Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel,</p>	<p><u>General</u></p> <p>Appointment of ecologist or Environmental Scientist to oversee implementation of mitigation measures.</p> <p>Best practice measures as prescribed by the Construction Industry Research and Information Association (CIRIA)</p> <p><u>Water Quality</u></p> <p>Compliance with CIRA Guidelines including:</p> <ul style="list-style-type: none"> • Control of Water Pollution from Construction Site – Guide to Good Practice • Inland Fisheries Ireland – Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters (2016)

⁶ With reference to Table 3 of the NIS.

<p>Padion, Alnion incanae, Salicion albae) [91E0]⁷</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>Lutra lutra (Otter) [1355]</p>	<p>To restore the favourable conservation condition of:</p> <ul style="list-style-type: none"> • Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] • Petromyzon marinus (Sea Lamprey) [1095] • Salmo salar (Salmon) [1106] • Coastal lagoons [1150] • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] • Lutra lutra (Otter) [1355] 	<p>Atlantic Salmon and Otter.</p> <p>Elevated sediment and nutrient levels can negatively impact aquatic species, including fish spawning grounds, with direct impacts on fish, and indirect impacts on otter (noting that fish is a primary food source of same).</p> <p>Noise and Disturbance Increase in noise levels would be temporary in duration. It is set out that impacts on otters are unlikely to be significant.</p>	<p>Works scheduled to avoid periods of prolonged wet weather.</p> <p>No works permitted to take place outside of the designated site area.</p> <p>Removal of general waste from site and appropriate disposal of same.</p> <p>Access route maintained in good condition and regularly cleaned.</p> <p>All machinery to be correct working order and free of oil or leaks.</p> <p>Appropriate management of fuels i.e. use of spill kits if needed and appropriate storage of same.</p> <p>Use of tanks to allow settlement and removal of silt from extracted water.</p> <p>Rock armour to bank of receiver point (to avoid erosion and siltation).</p> <p>Reseeding of exposed soil.</p> <p><u>Spread of Invasive Species</u></p>
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⁷ Note NIS

			Adherence to the Invasive Species Management Plan
River Shannon and River Fergus Estuaries SPA			
Wetlands and Waterbirds	To maintain the favourable conservation condition	This SPA is located downstream of the Newport River. The potential exists for indirect impacts on the wetlands habitat as described above to occur within this SPA.	As above
<p>Assessment of issues that could give rise to adverse effects in view of conservation objectives:</p> <p>(i) Water quality degradation</p> <p>Siltation entering the Lower River Shannon SAC via excess pondwater (and subsequently to the River Shannon and River Fergus Estuaries SPA which lies c11km downstream);</p> <p>accidental spillages of fuels/oils;</p> <p>Potential impacts on the SAC would most likely occur indirectly through silt and pollutant-laden run-off if the larger pond levels were to rise to a point in which it would overflow and enter the SAC via the Newport River.</p> <p>Increased levels of suspended solids and siltation could impact on the Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Atlantic Salmon and Otter.</p> <p>Elevated sediment and nutrient levels can negatively impact aquatic species, including fish spawning grounds, with direct impacts on fish, and indirect impacts on otter (noting that fish is a primary food source of same).</p> <p>Noise and Disturbance Increase in noise levels would be temporary in duration. It is set out that impacts on otters are unlikely to be significant.</p> <p>Mitigation measures and conditions</p> <p>Proposed mitigation measures include:</p> <p>General</p>			

Appointment of ecologist or Environmental Scientist to oversee implementation of mitigation measures.

Best practice measures as prescribed by the Construction Industry Research and Information Association (CIRIA)

Water Quality

- Compliance with CIRIA Guidelines including:
 - Control of Water Pollution from Construction Site – Guide to Good Practice
 - Inland Fisheries Ireland – Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters (2016)
- Works scheduled to avoid periods of prolonged wet weather.
- No works permitted to take place outside of the designated site area.
- Removal of general waste from site and appropriate disposal of same.
- Access route maintained in good condition and regularly cleaned.
- All machinery to be correct working order and free of oil or leaks.
- Appropriate management of fuels i.e. use of spill kits if needed and appropriate storage of same.
- Use of tanks to allow settlement and removal of silt from extracted water.
- Rock armour to bank of receiver point (to avoid erosion and siltation).
- Reseeding of exposed soil.

Spread of Invasive Species

- Adherence to the Invasive Species Management Plan

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be avoided. Mitigation measures can be included by way of condition if appropriate.

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary

in nature and mitigation measures are described to prevent ingress of silt laden surface water, sedimentation, management of dust from loading operations and mitigation of noise levels. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. In combination effects have also been reasonably assessed and there is no potential for in-combination effects.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations of third parties, I consider that adverse effects on site integrity of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- A detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including standard practice construction mitigation measures and best practice operational surface water management measures.
- The proposed development will not affect the attainment of conservation objectives for the Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code 004077)

Appendix 4 WFD Stage 1 Screening /WFD Stage 2 Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ABP-322655-25	Townland, address	Woodroad,, Garden Hill & Bunkey,, Castleconnell, Co. Limerick
Description of project		Infill of quarried land with all associated site works. NIS submitted with application.	
Brief site description, relevant to WFD Screening,		The stated area of the site is 6.47 Ha. The site is located within an existing quarry (Tobins) at Woodroad and Gardenhill. Access to the site is from the existing quarry entrance on the R-503. Adjacent land uses consist of agricultural land and rural dwellings.	
Proposed surface water details		The site lies c360m to the west of the Newport River (with an EPA name of KILLEENGARRIFF_010 with reference to EPA Mapping ⁸)	
Proposed water supply source & available capacity		n/a	
Proposed wastewater treatment system & available capacity, other issues		n/a	

^{8 8} With reference to data accessed on https://gis.epa.ie/EPAMaps/Water?gext=170260,161527,176875,168229&lid=EPA:WFD_RIVERWATERBODIES_CYCLE3

Others?						
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body ⁹	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	C360m to the east	KILLEENGARRIFF _010 IE_SH_25K0201 50	Good	Not at risk	n/a	Yes – Potential linkage via drainage ditches
Groundwater Waterbody	Partially Underlying site	O'Briensbridge Gravels IE_SH_G_257	Good	Not at risk	None identified	Yes - The site partly overlies a Regionally Important Karst Aquifer (Bedrock Aquifer) and a Local Important Aquifer (Bedrock Aquifer).

⁹ Data - Catchments.ie - Catchments.ie

						Groundwater vulnerability is high.
Groundwater Waterbody	Partially Underlying site	Slieve Phelim IE_SH_G_213	Good	Not at risk	None identified	Yes - The site partly overlies a Regionally Important Karst Aquifer (Bedrock Aquifer) and a Local Important Aquifer (Bedrock Aquifer). Groundwater vulnerability is high.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
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1.	Surface		Potential pathway via drainage features.	Siltation, pH (Concrete), hydrocarbon spillages	Construction Industry Research and Information Association (CIRIA)	Yes – proximity to watercourse warrants additional assessment.	Screened in
2.	Ground		Yes pathway exists via underlying geological characteristics as described above.	Hydrocarbon spillages	As above.	Yes – Geological characteristics warrants further assessment. warrants additional assessment.	Screened in
OPERATIONAL PHASE							
3.	Surface		Potential pathway via drainage features.	Hydrocarbon spillages/Siltation	Construction Industry Research and Information Association (CIRIA)	Yes – nature of the works and potential pathway to surface water feature warrants additional assessment.	Screened in
4.	Ground		Yes pathway exists via underlying geological	Hydrocarbon Spillages	As above	Yes – Geological characteristics	Screened in

			characteristics as described above.			warrants further assessment.	
5	Ground		Yes pathway exists via underlying geological characteristics as described above.	Siltation, pH (Concrete), hydrocarbon spillages	As above	Yes – drainage characteristics warrants further assessment. warrants additional assessment.	Screened in
DECOMMISSIONING PHASE							
5.	NA						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives – Template							
Surface Water							
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	Objective 1:Surface Water Prevent deterioration of the status of all bodies of surface water	Objective 2:Surface Water Protect, enhance and restore all bodies of surface water with aim of achieving good status	Objective 3:Surface Water Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological	Objective 4: Surface Water Progressively reduce pollution from priority substances and cease or phase out emission,	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a		

			potential and good surface water chemical status	discharges and losses of priority substances	derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Construction works	Best practice measures as prescribed by the Construction Industry Research and Information Association (CIRIA)	Best practice measures as prescribed by the Construction Industry Research and Information Association (CIRIA)	Best practice measures as prescribed by the Construction Industry Research and Information Association (CIRIA)	Best practice measures as prescribed by the Construction Industry Research and Information Association (CIRIA)	YES
Operational Works	As above.	As above.	As above.	As above.	YES
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge,	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a	

		with the aim of achieving good status*		derogation under art. 4.7)
Construction works	Best practice measures as prescribed by the Construction Industry Research and Information Association (CIRIA)	Best practice measures as prescribed by the Construction Industry Research and Information Association (CIRIA)	Best practice measures as prescribed by the Construction Industry Research and Information Association (CIRIA)	YES
Operational Works	As above.	As above.	As above.	YES