



An
Coimisiún
Pleanála

Technical Note: Ecology R323916

Development	Permission sought Large-scale Residential Development (LRD) on lands at Rivers Road, Ballyclogh, Castletroy, Co Limerick.
Type of Application	Appeal
Planning Authority	Limerick City and County Council.
Planning Authority Reg. Ref.	2560788
Topic	Review of Response to Further Information with respect to otter and Appropriate Assessment.
Ecologist	Paula Kearney
Senior Planning Inspector	Peter Nelson

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1.0 Introduction

1.1. Background

- 1.1.1. Case 323916-25 relates to an LRD appeal case (Limerick City and County Council (LCCC) ref. 2560788) for the provision of a total of 107no. residential units along with the provision of a creche.

1.2. Site Location and Development Description

- 1.2.1. The site is located on lands at Rivers Road, Ballyclogh Townland, Castletroy Co. Limerick.
- 1.2.2. The Mulkear River forms the eastern boundary of the subject site and is designated under the Lower River Shannon Special Area of Conservation (SAC) [Site Code 1265].

1.3. Scope of Report

- 1.3.1. The Commission's Senior Planning Inspector requested a report from ecologists, dated 15th April 2026, to provide technical note regarding the further information submitted by the applicant with respect to Otter (*Lutra lutra*) [1355] and potential impacts on the Qualifying Interests (QI) of the Lower River Shannon SAC resulting from development on site. The Senior Planning Inspector is not satisfied that the proposed development would not adversely affect the integrity of the Lower River Shannon SAC, in view of the sites' Conservation Objectives (COs).
- 1.3.2. The request further information included the following:
 1. Clarify the geographical extent of the otter survey included in the Ecological Impact Assessment and the Natura Impact Statement, and to clarify if any otter holts, including active breeding holts, are present within c.150m of the proposed development site.
 2. Clarify if the construction of the proposed development will result in the removal of otters from holts, and the subsequent destruction of these holts, or is likely to cause disturbance to active breeding holts (when present within c.150m of the proposed development).

3. Provide, if required, a Section 25 Derogation under the 1997 Habitats Regulations for the removal of otters from holts, and the subsequent destruction of these holts, or if the proposed development is likely to cause disturbance to active breeding holts.
- 1.3.3. My assessment, as directed by the Planning Inspector, is focused only on the concerns relating to otter as it relates to Appropriate Assessment (AA), as per their request, as set out under Section 1.3.1 and the further information request in Section 1.3.2 above.
 - 1.3.4. This report includes a review of the application documentation including the Ecological Impact Assessment (EclA), Natura Impact Statement (NIS), Response to Further Information (RFI) documents, third party submissions, drawings and design details on file.
 - 1.3.5. In my capacity of Senior Ecologist, with over 25 years professional experience, I have the relevant expertise to advise on the otter and AA for the proposed the application.

2.0 Background

2.1. Otter

- 2.1.1. Otter is listed on Annex II of the Habitats Directive and is a species requiring strict protection as listed on Annex IV of the Habitats Directive and is a QI species of the Lower River Shannon SAC.
- 2.1.2. An EclA and NIS was prepared by JBA Consulting (July, 2025). No evidence of otter was recorded on the riverbank during site surveys carried out between February and June 2025. JBA submitted a technical note in response to the RFI and further state that no sign of otter was recorded or observed at any time. It is also noted in the report that not all areas of the riverbank at water level were accessible due to heavy vegetation.

3.0 Assessment

- 3.1.1. Different techniques exist to survey otter, the most commonly used of which is a detailed search for field signs, including spraint (droppings which are

commonly left on rocks in a watercourse), prey remains, holts and couches (places of rest and shelter; holts are underground, couches are above ground), and footprints. Construction works can cause indirect impacts (through disturbance) to breeding holts within 150m of proposed development. Therefore, as a minimum, watercourses are surveyed 150m upstream and downstream of the proposed development to ensure that any breeding holts (are identified and assessed appropriately. In addition, surveys should avoid periods immediately following heavy rainfall or flooding to ensure signs are visible. Camera trap surveys are also highly useful in ascertaining whether otter is present on a site, particularly when traditional, direct-observation surveys are restricted by challenging terrain, dense vegetation, or safety concerns, cameras can be deployed at strategic locations to inform the assessment.

- 3.1.2. The information provided lacks clear details on the methodology, survey dates and weather conditions. Limitations to access the river banks to complete the survey to the requisite 150m upstream and downstream, are identified however no mitigation was applied to ensure the validity of the findings.
- 3.1.3. In making its determination on the AA, An Coimisiún Pleanála, as the competent authority are required to assess, whether or not a proposed development would adversely affect the integrity of a European site. Case law pertaining to AA from the CJEU and Irish High Court, establishes that a “lacuna” or gap/deficiency in scientific data or reasoning leaves reasonable scientific doubt regarding potential adverse effects on European sites.
- 3.1.4. I conclude that there is reasonable scientific doubt as to the absence of adverse effects on European sites. Therefore, there is insufficient information for An Coimisiún Pleanála to complete the AA.

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, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Paula Kearney
Senor Ecologist

17th April 2026