



An
Bord
Pleanála

Inspector's Report 03.JN00013

Assessment pursuant to article 250(3)(a) of the Planning & Development Regulations, 2001 (as amended)

Development

N85/N67 Blake's Corner- Ennistimon
Inner Relief Road

Roads Authority

Clare County Council

Inspector

Rachel Kenny

Date of Site Inspection

21 May 2016

1. INTRODUCTION

Pursuant to article 250(3) of the Planning and Development Regulations, 2001, amended, Kerry County Council is seeking a direction from An Bord Pleanála as to whether or not a Natura Impact Statement should be prepared for its proposal to carry out road improvements should be the subject of a Natura Impact Statement. Kerry County Council has decided that an NIS is required for the project but it requires a direction from the Board.

The request is accompanied by the following documentation:

- Cover letter,
- Environmental Impact Report (including a Screening for Appropriate Assessment),
- Environmental Impact Assessment Screening Report
- Feasibility and Option Selection Report
- Drawings

The Board is advised that there is a concurrent application before it for an EIS Direction on the same project under file reference 03.HD0037.

2. SITE LOCATION AND DESCRIPTION

The proposed development is located within the village of Ennistimon, at N67/N85 Blake's Cross junction. Clare County Council have identified the junction of the N85 Ennis to Ennistimon Road and the N67 Lehinch to Ennistimon Road at Blake's Corner in Ennistimon as being in need of improvement arising from increasing traffic congestions and tailback problems in particular during the tourist season.

In 2012 an earlier scheme had been previously developed up by Clare County Council, comprising the demolition and reconstruction of two protected structures at Blake's Corner to facilitate the widening of the N67/N85 junction and the addition of cantilevered boardwalks to the existing bridge (namely, the Michael Conway Bridge, also a protected structure) and upstream of the River Inagh SAC. The Board recommended that a full Environmental Impact Assessment should be undertaken for that scheme on foot of concerns about impacts on the Architectural Conservation Area and the SAC [Ref 03.HD0027].

3. PROPOSED DEVELOPMENT

The development is proposed in two phases, Phase 1 comprising:

- The provision of a new single span concrete bridge across the River Inagh approximately 80m upstream of the existing Ennistimon Bridge between the County Council owned car park on the N85 Ennis (New) Road and Bogbere Avenue. The bridge will comprise a single span concrete structure 12.5m wide and spanning 34.4m with abutments on both river banks. The bridge will carry one westbound traffic lane and one lane of car parking as well as two footpaths;
- Demolition of two properties on the corner of the existing N67 Lehinch Road and Bogbere Street, including the florist and Social Welfare Office to facilitate the realignment of the N67. (while the balance of the sites may be available for subsequent redevelopment no details of this are provided and this is not included in the proposal being considered)
- The Lisdoonvarna Plaque, which is a recorded monument is currently located on Bogbere Street, on the wall of the social welfare office and yard. It will be removed as part of the proposed development (but no alternative location is proposed at this juncture)
- The realignment of the N67 Lehinch Road south of its current alignment between the Church of Our Lady and Saint Michael and the new bridge.
- The rearrangement of the area west of Michael Conway Bridge to suit the new alignment of the N67 Lehinch Road,
- Upgrading of pedestrian facilities on the N85 Ennis [New] Road between Main Street and the proposed new bridge crossing.
- Reducing the carriage width over the Michael Conway Bridge to carry one eastbound traffic lane only.
- Widening the N85 Ennis [New] Road past the funeral home by setting back the boundary wall; Construction of a low mountable footpath to allow pedestrian connectivity and large vehicle over-run.
- Address general footpath and pedestrian connectivity issues, and general public lighting, drainage and utility enhancements.

A possible future second phase of the Works would include acquisition of the dwelling south of the County Council car park on the N85 Ennis [New] Road to enable the new junction with the proposed bridge to convey two-way traffic (refer to Drawing PP-02).

A detailed description of the proposed works, including details regarding lighting, drainage, earthworks, services, landtake (c.0.29ha), construction works, construction compounds and working space, and environmental management during

construction, is outlined in the Roughan O Donovan Environmental Impact Report (pages 3 to 7).

4. CLARE COUNTY COUNCIL (AA) SCREENING REPORT

Roughan O'Donovan Consulting Engineers, on behalf of Clare County Council, have carried out an AA Screening Report (November 2015). An Environmental Impact Report was also prepared by ROD in January 2016.

The AA Screening Report identifies designated conservation sites within what ROD have defined as the zone of impact of the proposed development, in this instance, being the limit of potential hydrological impact. River sub-basin limits including catchment upstream of the proposed development for 500m have been used and a 1 km buffer also incorporated.

Using this identification process, the following Natura site was identified:

- Inagh River SAC [000034] site area 391.03ha

The Local Authority's AA Determination Statement concludes that:

'there are not likely to be significant effects on the Natura 2000 site(s) arising from the construction or operational phases of the Ennistymon Relief Road. A stage two: Appropriate Assessment will not be required to inform the project either alone or in combination with other plans or projects, with respect to the structure and function of the Inagh River Estuary SAC and its conservation objectives'

5. ASSESSMENT

In this assessment I will have regard to:

- the submission made to the Board by Clare County Council,
- The guidance published as Appropriate Assessment of Plans and projects in Ireland Guidelines for Planning Authorities. (DoEHLG 2009),
- The provisions of Article 250(3)(b) of the Planning and Development Regulations 2001 as inserted by Chapter 4 of the Planning and
- Development Regulations (Amendment) (No. 3) Regulations 2011,
- My site inspection.

I consider that the material available to me in preparation of this report and recommendation is sufficient for the Board to conclude a screening exercise.

The following staged approach to screening for appropriate assessment is recommended in both EU Guidance and by Department of Environment, Heritage and Local Government.

1. Describe the plan or project and local site or plan area characteristics.
2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
3. Assessment of likely effects-direct, indirect and cumulative, undertaken on the basis of available information.
4. Screening statement with conclusions.

Project Description and Site Characteristics

A description of the general area and the proposed project are set out in sections 1 and 2 above.

Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives

In the local authority's submitted Appropriate Assessment Screening Report Natura 2000 sites within a radius of 1km of the proposed route were reviewed and this resulted in the assessment of potential effects on one site, namely Inagh River SAC (site code 000036). The need to consider a greater radius was ruled out by the Roads Authority as it was considered that there were no potential pathways for impacts that would result from the proposed road scheme.

No identification of additional Natura sites has been provided in the documentation submitted. However, given the scale of the development and the lack of any habitat, hydrological or hydrogeological connectivity and/or the separation distances between sites beyond Inagh Estuary and the scheme I am satisfied that any potential indirect effects on other sites can be reasonably excluded.

The Screening Report determined that the following Natura 2000 site merited further consideration:

- Inagh River SAC (site code 000036)

The section of the River Inagh leads in to the River Inagh SAC, which is approx. 70-80m downstream. The SAC is designated for 5 separate habitats under EU Habitats Directive as follows:

- Salicornia and other annuals colonizing mud and sand;

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- Atlantic salt meadows (*Glauco Puccinellietia maritima*)
 - Mediterranean salt meadows (*Juncetalia maritima*)
 - Shifting dunes along the shoreline with *Ammopila arenia* (“white” dunes)
 - Fixed coastal dunes with herbaceous vegetation (“grey dunes”) (priority habitat)

No site specific conservation objectives have been drawn up for the site (https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000036.pdf) and Clare County Council have indicated that the NPWS advised the use of Malahide Estuary Conservation objectives. These are outlined in the AA screening document submitted.

Assessment of likely significant effects

The AA Screening report prepared on behalf of the local authority states that there will be no direct or indirect impact or damage to the Natura site or loss in hydrological connection to the SAC.

Likelihood of significant effects is determined based on a number of indicators including

- Habitat loss and Alteration
- Water quality
- Disturbance and/or displacement of species
- Habitat or species fragmentation.

Whilst the project does not traverse the identified site and no direct impact is anticipated (ie direct loss of habitat, etc) there is the potential for indirect impacts, in that there is potential for pollution or disturbance to the river 70m upstream. The potential effects of the proposed development are identified as possible water pollution. The risk of siltation or pollution during construction and operational phases is recognised in s.4.2 of the Ecological Assessment submitted in respect of HD00037, with potential impacts of aquatic biota (in respect of Designated Areas and Protected Species) noted. However, the Ecological Assessment concludes that any such risk can with good practice be obviated. Measures to prevent pollution proposed at s.2.3, include:

- Ground investigation to inform the construction works,
- Seasonal timing of ground clearance, dictated by environmental considerations with control measures during periods of greatest sensitivity for fisheries,

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- Construction of a cofferdam at the location of the bridge abutments, with water pumped from the cofferdam into an oil and silt dewatering sack outside of the construction zone,
 - Surface water run-off from road surfacing /hardstanding into sealed storm water drainage system and discharge to the R. Inagh via an existing SuDs treatment system, enhanced as applicable.
 - Public lighting will be designed and installed having regard to the site's ecological sensitivity as per Ecology Report submitted.

Further considerations in terms of risk reduction include:

- Distance to the qualifying interests (Table 2, pg 9 AA screening report)
- Identifying risks to the qualifying interest relative to the nature of the proposed development (ref Tables 3 & 4, pgs 12-15 and 17).

Having regard to the nature of the proposed development set out in section 2.3 of the AA screening report (pg 5), the character and risks to the qualifying interest to which the conservation objectives relate and the separation distance to those qualifying interests to the site, I am of the view that a conclusion of no significant effect of the River Inagh ASC can be reached.

I would concur with the conclusion of the Ecological Assessment that significant impacts to the generic conservation objectives being applied to the Inagh River SAC can be excluded at this stage.

In terms of cumulative/in-combination effects the area is urban in character with amenity lands along the riverbank and I am not aware of any other projects in the area that would contribute to in-combination effects.

7. CONCLUSION AND RECOMMENDATION

I would consider it is 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 the European site (No. 00036) or any other European site, in the view of the site's conservation objectives, and a stage 2 Appropriate Assessment (and submission of a NIS) is therefore not required.

REASONS AND CONSIDERATIONS

Having regard to the above, I recommend that the Board directs the Road Authority, Clare County Council, under paragraph (b) of 250(3)(a) of the Planning & Development Regulations, 2001 (as amended), that no appropriate assessment (or submission of NIS) in respect of the proposed development is required, for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to:

- (a) The nature and scale of the proposed development,
- (b) The location of the proposed development outside of any European site
- (c) The proposed construction management approach, including measures to ensure that the surface water run-off and construction materials are not discharged to the River Inagh during either construction or operational phases of the scheme,
- (d) The lack of significant in-combination effects arising from other proposed and permitted development,
- (e) The submissions made to the Board, and
- (f) The report and recommendation of the person appointed by the Board to make a report and recommendations of the matter,

It is considered reasonable to conclude that, on the basis of the information available, which is considered adequate to issue a screening determination, the proposed development, individually and in combination with other plans of projects, would not be likely to have a significant effect on any European site, in particular the River Inagh SAC (site code 000034) in view of the sites conservation objectives and therefore the submission of a Natura Impact Statement for the proposed development, ie the N85/N67 Ennistimon Inner Relief Road Project, is not required.

Rachel Kenny

Director of Planning

10th August, 2016