

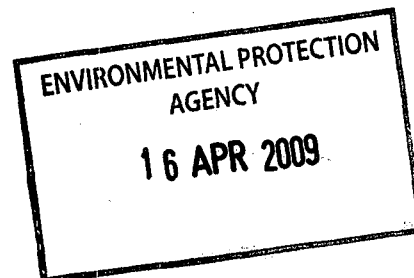


Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government



14 April 2009

Our Ref: E2009/29
Your Ref: WO259-01



Mr. Joe Reilly
Office of Climate, Licensing and Resource Use
EPA
Johnstown Castle
Co. Wexford

**Re: Waste Licence Application for former Limerick Race Course, Dock Road,
Limerick**

A Chara,

We refer to the application for a waste licence at the above-mentioned location. Outlined below are the nature conservation recommendations of the Department of the Environment, Heritage and Local Government.

The site is predominantly disturbed ground with areas of grassland some improved grassland and some wet grassland. There are also patches of trees several of which are large mature trees including some very large willows which were not mentioned in the EIA, they have cracks, crevices and holes that could potentially be very suitable for bats. The site is adjacent to the river with an embankment between the site and the river all along.

The EIA does not appear to have carried out very comprehensive surveys for protected plants such as Meadow Barley, opposite leaved pondweed which could occur on site. Also there were no specific surveys of protected fauna such as bats, otters or badgers.

The EIA stated that "the removal of the ditch along the boundary of the SAC for the attenuation pond is to be considered as negative impact of high international significance". This impact is not addressed in the mitigation section of the EIS. Clarification is therefore required on the nature of this impact, how this impact will be mitigated and the likely impact on the SAC following mitigation. It is further stated in the EIA that "the impact of the removal of the ditch containing the Marsh Orchid for residential development is to be considered as a negative impact of high local significance." and in the mitigation section of



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the EIA it is recommended that "the Marsh Orchid should be relocated within a suitable area in the amenity phase". Although the EIA goes on to state that the suitable area would be in the undisturbed area around the attenuation pond, it does not specify exactly the type of habitat that would be suitable nor give any commitments such a suitable habitat would be created if it does not exist. It is recommended that more specific commitments should be made in relation to the translocation of this species and that the translocation be supervised by a suitably qualified botanist.

The EIA recommends that a floating silt boom is used to protect against siltation during the construction of the outfall from the attenuation pond to the Ballynaclogh River. It is recommended that the boom remain in place only during the pipe laying process. There is no proposal to deal with any silt that may collect behind this boom however. This issue needs to be addressed as the removal of the boom could result in a plug of silt being washed downstream.

Recomemndations

- The EPA must ensure that there is no potential for a negative effect on water quality in Ballynaclogh River/Ballinacurra Creek as it is designated a Special Area of Conservation.
- An appropriate assessment by a suitably qualified botanist should be carried out of the site for the species Meadow Barley (*Hordeum secalinum*) and Opposite-leaved pondweed (*Groenlandia densa*) protected under the Wildlife Act on the Flora Protection Order, before further infilling takes place.
- An appropriate assessment by a suitably qualified ecologist should be carried out of the site for protected species otters (protected species under the EU Habitats Directive and the Wildlife Acts) and badgers (protected under the Wildlife Acts) before further infilling takes place.
- An appropriate assessment by a suitably qualified ecologist should be carried out of the mature trees on site for bats (protected species under the EU Habitats Directive and the Wildlife Acts), before any of the mature trees are removed. There are a number of mature willows which are potentially suitable bat roosts towards the south of the site, to the area east of the lagoon.

Mise le meas,


Mary Boothman
Development Applications Unit