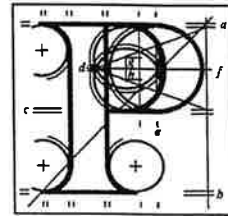


Our Ref: ABP-304028-19



**An
Bord
Pleanála**

Michael Fitzsimons
Inland Fisheries Ireland
IFI Limerick
Ashbourne Business Park
Dock Road
Limerick

Date: 6th June 2019

Re: 10 year permission for opera site re-development including a mixed use scheme of primarily offices, supported by a range of retail and non-retail services, cafes/restaurants, licenced premises, apart-hotel, civic/cultural uses (including a city library in the existing town hall), residential, refurbishment of existing protected buildings and open space.
Site bounded by Michael Street, Ellen Street, Rutland Street, Patrick Street and Bank Place, Limerick.

Dear Sir,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

Please note that the proposed development shall not be carried out unless the Board has approved it or approved it with conditions.

If you have any queries in relation to the matter, please do not hesitate to contact the undersigned officer of the Board.

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Kieran Somers
Executive Officer
Direct Line: 01-873 7107

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Iascach Iníre Éireann
Inland Fisheries Ireland

An Bord Pleanála
65 Marlborough Street
Dublin

27 May 2019.

Re: Application by Limerick City and County Council for a Mixed-Use Development, Known as the Opera Site in Limerick City.

ABP Ref No: ABP-304028-19

Dear Sir/ Madam

Inland Fisheries Ireland is the national statutory agency established to protect Fish, the fisheries habitat, and to ensure that water quality in the aquatic environment is maintained at a high standard so as to preserve fish life and other aquatic species.

IFI have no objection, in principle, to the proposed development but, recognises that from a large development such as is proposed that there is potential for water pollution problems to arise. IFI has liaised with the consultants for the project and we have highlighted our concerns.

IFI notes that the EIS has considered the aspects of the development which have the potential to give rise to generate effluents containing deleterious or polluting matter that will have to receive some treatment prior to discharging to surface waters. Methodologies have been put in set out which potentially will prevent or at least minimise the discharge of polluting or deleterious matter to surface waters.

The Abbey River flows adjacent to the development and it is proposed to discharge surface waters from the development and the immediate area of the development to the Abbey River. This river which is part of the lower Shannon SAC. IFI's primary concern is to ensure that any discharges will not impact on the fisheries contained in this section of the river and that the discharge will not either immediately or over time cause a reduction in the water classification which would be contrary to the criteria laid down in *Annex V* of the Water Framework Directive (WFD).

In the context of fish the river is a zone of passage for migratory species such as salmon, sea and river lamprey, European eel and Smelt. The latter species while not receiving special protection is considered important and particularly during the spawning season February March approximately and requires protection. In addition, as well as invertebrates the food fish, there are stocks of brown trout and pike and other coarse fish in the Abbey River and the River Shannon immediately downstream which also require protection.

It should also be noted this area has a high visual amenity. It is an area frequented by both local people and tourists, and the discharge of deleterious or polluting matter is likely to impinge on that visual amenity and enjoyment of the river. Associated with the tourism aspect, the Abbey River is important for navigation with a navigation lock and mooring for water craft, including those who

would have an interest in angling, has been developed by Waterways Ireland a short distance downstream.

While an outline methodology has been involved in the EIS with a view to attaining certain quality standards in the operation and development of the site IFI is conscious that contractors either availing of new methodologies or for contractual purposes may seek to modify the method statement. In this regard IFI would request that An Bord Pleanála would ensure that the quality standards and aims required to protect fish, the fisheries habitat and to ensure compliance with the WFD, are specifically conditioned as part of any proposed grant of permission for this development.

IFI recommends that notwithstanding the above that specifically the following additional points are incorporated into any proposed permission.

1. On appointment and well in advance of the operation state the contractors shall liaise with IFI and other appropriate statutory agencies with their proposed methodology which should include all the mitigation measures are set out and any modifications which are likely to be acceptable or an improvement, for discussion and agreement.
 2. Any discharges from the development to waters should be covered by a licence issued by the environmental section of the planning authority and binding on the contractor.
- A condition confirming the requirement for a monitoring programme for aquatic discharges in particular needs to be incorporated as part of the planning conditions. IFI request that the Environmental Officer in charge of the works will in the event of breach of any environmental standards have the authority to cause cessation of the works until such time as the environmental standards are being met. The said officer will also be required to have a rigorous monitoring programme particularly in the context of water quality, to ensure that the discharge polluting or deleterious matter likely to cause a pollution problem in compliance with licence and appropriate quality standards.

In the context of the monitoring program IFI recommends inclusion of the following:

- Methodology to minimise the level of contaminants such as silt entering the excavation and contamination of waters which require discharge.
- Methodology to treat effluents to required standard and to meet the conditions of a license which should be sought from the local authority.
- Methodology to ensure that the minimum amount of machinery will be in in excavations while dewatering is taking place.
- Methodology to minimise water entering the excavation, for example from rainfall, runoff, groundwater ingress or high water table.

There is potential for a great deal of silt and other pollutants to discharge to the Abbey River. In IFI's opinion, at no time should any effluent discharging to the Abbey River or the River Shannon give rise to the following

- pollute surface water
- contain any chemical dosing agents, flocculants or coagulants
- be contaminated by oil, metals, hydrocarbons, solvents or pesticides or other polluting substances
- result in the spread of non-native invasive species, parasites or disease
- cause flooding from surface water
- cause erosion of the banks or bed of the receiving watercourse

- contain concrete wash water even if it has been treated
- contain site drainage from surface areas such as haul roads, storage or working areas
- be from a site with naturally elevated concentrations of substances which exceed environmental quality standards

(In setting of the above we've had reference to: *UK Environment Agency Guidance: Temporary dewatering from excavations to surface water*)

3. From discussions and meetings with the consultants IFI is aware that there will be a dedicated surface water pipeline developed in Michael Street on the eastern side of the development. This will receive all surface waters from this side of the site including surface waters on Michael Street. Such waters will pass through a dedicated interceptor prior to discharge to the Abbey River. We have raised our concerns broadly set out as detailed above. Furthermore we have suggested to the consultants that it would be more appropriate for Limerick City and Co. Council to commence the development of a dedicated storm water sewer to discharge further down the Estuary at a location which is likely to reduce its environmental impact. The consultants have indicated that this is not within the scope of this development but have advised that they will install interceptors which will be designed to remove a considerable amount of the silt and also hydrocarbons entrained in the surface water drainage system. Furthermore arising from our discussions the consultants have indicated that
 - They will take ownership of this surface water system.
 - Restrict any additional discharges from other sites to the surface water system.
 - They will be responsible for installing and maintaining an alarm system on the interceptors which will indicate that servicing of the system is required.
 - They will undertake to ensure that any such alarm will be responded to forthwith and the necessary remedial works to ensure the efficient operation of the interceptors will be carried on into the future.

IFI request that in particular this discharge should be licensed prior to coming into operation. In addition IFI request that immediately before the discharge location that a specific chamber is developed on the discharge line to facilitate inspection and sampling of the discharge flow but in particular to facilitate the introduction of equipment such as oil interceptors to facilitate more control on the discharge should it be required.

This concludes our observations at this time. Should you require any further clarification on any matter please do not hesitate to contact this office.

Yours sincerely

Michael Fitzsimons

Senior Fisheries Environment Officer
IFI, Shannon IRBD.

