



An
Coimisiún
Pleanála

Direction
CD-021068-25
ABP-321350-24

The submissions on this file and the Inspector's report were considered at a meeting held on 22/10/2025.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:

Patricia Calleary
Patricia Calleary

Date: 24/10/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the Climate Action Plan 2025 and Climate Action Plan 2024 and, The National Adaptation Framework; Planning for a Climate Resilient Ireland June 2024 and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

And in coming to its decision, the Commission had regard to the following:

- (a) European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following:

European, policy/legislation including:

- Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive).
- Directive (92/43/EEC) (Habitats Directive), and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive).
- Directive 2000/60/EC (Water Framework Directive).
- EU 'Floods' Directive 2007.
- European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

National Policy and Guidance including:

- National Development Plan 2021-2030.
- National Planning Framework (First Revision - April 2025).
- National Energy & Climate Plan (NECP) 2021-2030.
- National Biodiversity Action Plan 2023-2030 (Actions 2D5 to 2D8).

Regional and local policy support, in particular:

- Mid-West Area Strategic Plan 2012-2030.
- Regional Spatial & Economic Strategy, Southern Region (RSES).
- Shannon Catchment Flood Risk Assessment and Management Study (CFRAM).
- Limerick Development Plan 2022-2028. Objective CAF O23 Flood Relief Schemes which makes it an objective to support and facilitate the development of Flood Relief Schemes as identified in the Shannon Catchment Flood Risk Assessment and Management Study, 10 Year

Investment Programme and ensure development proposals do not impede or prevent the progression of these measures.

- Castleconnell Local Area Plan 2023-2029 Objective IU 05 which makes it an objective to support and co-operate with the OPW in delivering the Castleconnell Flood Relief Scheme.
- (b) The nature, scale, extent and layout of the proposed development,
- (c) the pattern of development within the area and context of the receiving environment, including the protection of development sensitive to flooding,
- (d) documentation submitted with the application,
- (e) the submissions on file including those from observers, prescribed bodies and the planning authority,
- (f) mitigation measures proposed during and post the construction phase and in operational phase, and,
- (g) the report and recommendation of the person appointed by the Commission to make a report and recommendation on the matter.

Appropriate Assessment Stage 1:

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that:

- Special Area of Conservation (Site Code: 002165) Lower River Shannon,
 - Special Protection Area (Site Code: 004077) River Shannon and River Fergus Estuaries,
 - Special Protection Area (Site Code: 004058) Lough Derg (Shannon),
- are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment Stage 2:

The Commission considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's

assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely:

- Special Area of Conservation (Site Code: 002165) Lower River Shannon,
- Special Protection Area (Site Code: 004077) River Shannon and River Fergus Estuaries,
- Special Protection Area (Site Code: 004058) Lough Derg (Shannon),

in view of the Site's conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and,
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report, in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the Site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself, or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Site's conservation objectives.

Environmental Impact Assessment Reasoned Conclusion:

The Commission completed an environmental impact assessment of the proposed development, taking account of:

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Reports and associated documentation submitted in support of the application,
- (c) the Screening for Appropriate Assessment and Natura Impact Statement and

- associated documentation submitted in support of the application,
- (d) reports, and the submissions received from Department of Housing, Local Government and Heritage, An Taisce and the public,
 - (e) the response of the project team to the submissions received in the course of the application, and,
 - (f) the Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, residual and cumulative effects of the proposed development on the environment.

The Commission agreed with the examination set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made during the course of the application.

Reasoned Conclusion on Significant Effects:

The Commission considered, and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are construction and operational impacts on:

Biodiversity: A significant impact on biodiversity will result from the loss of 0.4 hectares Alluvial woodland at Coolbane Wood. This habitat loss is to be mitigated by establishment of new alluvial woodland which over the medium term will result in no residual effect on biodiversity and will provide multiple ecosystem services including nature based flood attenuation.

Water: Significant negative effects on surface water and ground water could occur as a result of accidental spillage of pollutants, increased sedimentation, and any contaminants entering the groundwater or surface water network. Impacts on water quality and aquatic biodiversity are adequately mitigated by measures outlined in the

application. These measures are in the form of construction phase and implementation phase water controls designed into the Flood Relief Scheme. Following implementation of mitigation measures there will be no residual negative effects on water quality. Positive residual effects on surface water and pollution will accrue on implementation of the Flood Relief Scheme. These will be as a result of addressing misconnections, implementation of Sustainable Drainage Systems measures and redesign of overflows to surface water bodies as well as addressing washing of urban areas into the Shannon during flood events.

Cultural/Built Heritage: Significant negative effects could potentially arise from demolition and replacement and modification of historic structures of built heritage value in the public domain and within the curtilage of protected structures. Mitigation measures requiring matching of new structures to the existing will ensure replacement/repaired structures shall be of a character appropriate to these settings and therefore reduce the residual negative effects to negligible.

Population and Human Health: By preventing the effects of flooding on private and public property thereby resulting in a significant positive impact in the medium to long term.

Material assets: By removing the risk of inundation of waste water systems, damage to structures and roads thereby resulting in a significant positive impact in the medium to long term.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector.

Proper Planning and Sustainable Development/Likely Significant Effects on the Environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would have significant positive impacts on the environment and the community in a manner consistent with policy whilst not resulting in significant negative effects on the environment or the community. The proposed development, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, would not interfere with the existing land uses in the area and would not interfere unduly with traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, received by An Coimisiún Pleanála, on the 27th day of November 2024, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented.

Reason: To protect the integrity of European Sites.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report, shall be implemented. For the avoidance of doubt, mitigation shall include the intended measures to establish alluvial woodland in all three areas shown on Figure 8-47 of the Environmental Impact Assessment Report. In this regard, a plan shall be prepared by the project ecologist for

Limerick City and County Council and any agent acting on its behalf, following consultation with the National Parks and Wildlife Service, detailing these measures, prior to commencement of the development. The plan shall be placed on the file prior to commencement of development and retained as part of the public record.

Reason: To protect the environment.

4. Prior to the commencement of development, Limerick City and County Council, and any agent acting on its behalf, shall undertake a pre-construction invasive species survey of the entire site. The survey shall include the area of winter heliotrope in the riparian zone to the North of Rivergrove Bed and Breakfast. The plan shall address biosecurity generally and be updated in the course of the project in response to the monitoring proposed in the submitted Environmental Impact Assessment Report. The plan shall be placed on the file prior to commencement of development. Updates shall be placed on file as completed. The Invasive Species Management Plan shall be complied with in full and be retained as part of the public record.

Reason: In the interest of protecting the environment and in the interest of public health.

5. Limerick City and County Council and any agent acting on its behalf shall:
 - (a) Ensure that a Royal Institute of Architects of Ireland, Grade 1 accredited Conservation Architect, with appropriate expertise and experience, is engaged to issue final written approval of details, specifications and methodologies, including materials, styles of pointing, coursework, and capping of new and existing structures which form part of the scheme. Final approval by the Conservation Architect shall follow inspection of sample panels by the contactor for new walls to public areas and built heritage assets of architectural, artistic, archaeological, historical, cultural, social, technical, and/or scientific interest.
 - (b) In locations where new flood walls are to be offset from existing walls, the base and any subsurface elements of existing walls to be demolished shall

be retained as a physical expression of the townland and Special Area of Conservation boundaries and minimise unnecessary disturbance. The extent of material to be retained and final detailing shall be approved by both the appointed Conservation Architect, project ecologist and project archaeologist.

- (c) Ensure appropriate records are kept of all works undertaken which shall include:
- i. Archival standard photographs taken before, during and after the completion of each stage of the work;
 - ii. Specifications agreed and approved; schedule of works undertaken; difficulties encountered and their resolution; modifications to Method Statements.

The records shall be placed on the file and retained as part of the public record.

Reason: In order to conserve the architectural heritage of the area.

6. Prior to commencement Limerick City and County Council and any agent acting on its behalf shall finalise a Construction and Environmental Management Plan (CEMP). The CEMP shall include but not be limited to a schedule of all mitigation measures set out in the Environmental Impact Assessment Report, Natura Impact Statement, and conditions, including construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities. These details shall be placed on the file and retained as part of the public record.

Reason: In the interest of residential amenities, public health and safety, and environmental protection.

7. (a) Compliance with this condition shall require a formal statement in writing from the National Monuments Service of the Department of Housing, Local Government and Heritage that all mitigation measures have been implemented and approved, which shall be placed on file and retained as part of the public record.

- (b) A Project Archaeologist shall be appointed to oversee and advise on all aspects of the Project, including detailed design, construction activities and the management of all archaeological works.
- (c) All site investigation works shall be subject to archaeological monitoring and assessment by a suitably qualified and experienced geoarchaeologist. The Developer shall furnish the Project Archaeologist with the results of all site investigation works and shall provide access to site investigation cores and physical samples for archaeological and geoarchaeological review. Where potential submerged palaeolandscape deposits or other anthropogenic materials are identified, they shall be subject to geoarchaeological and palaeoenvironmental analysis and scientific dating, in agreement with the Department of Housing, Local Government and Heritage, and subject to approval of Licences to Alter and Export from the National Museum of Ireland. Following the completion of all geotechnical and archaeological works and any necessary post-excavation specialist analysis, the Department of Housing, Local Government and Heritage, shall be furnished with a final archaeological report describing the results of the works. Compliance with this condition requires a formal statement in writing, from the National Monuments Service of the Department of Housing, Local Government and Heritage approving the geoarchaeological report which shall be placed on the file and retained as part of the public record.
- (d) The Final Detailed Design for the project shall be the subject of an Archaeological Impact Assessment, to be submitted to the Department of Housing, Local Government and Heritage, for review and approval, prior to the commencement of any construction works. The Archaeological Impact Assessment Report shall contain the following:
 - i. Results of licensed archaeological test-excavations, accompanied by a hand held metal detection survey, of all areas of the proposed development area where ground disturbances will take place. The archaeological test excavations shall be carried out under a Section 26 (National Monuments Act 1930) licence from the National Monuments Service of the Department of Housing, Local

Government and Heritage, and in accordance with an approved Method Statement. Licensed metal detection shall be undertaken in tandem with the test excavations and under a Detection Device consent (Section 2 1987 National Monuments Act). All test excavations that have the potential to uncover human skeletal remains shall be undertaken in conjunction with a suitably qualified osteoarchaeologist. Licences should be applied for to the National Monuments Service of the Department of Housing, Local Government and Heritage and shall be accompanied by a detailed Method Statement. Note a period of 3-4 weeks should be allowed to facilitate processing and approval of the licence application and Method Statement.

- ii. A detailed Archaeological Impact Assessment that addresses all identified or potential impacts on archaeological heritage, including on archaeological objects, sites and features. The Archaeological Impact Assessment shall make recommendations on measures to avoid or, where necessary, mitigate all identified potential/identified impacts and significant effects on archaeological heritage. The Developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage in this regard or in regard to any subsequent recommendations that may issue. Mitigation shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ. Mitigation may also include archaeological excavations ('preservation by record'), archaeological test-excavations, stabilisation/conservation works and/or archaeological monitoring, underwater archaeological inspection by means of archaeological diving, underwater archaeological surveys, or any combination of the above or any other mitigation measures as may be recommended by the Department of Housing, Local Government and Heritage. No construction works shall be undertaken until formal approval in writing from the Department of Housing, Local Government and Heritage has been received by the Developer. Compliance with this condition requires a formal statement in

writing, from the National Monuments Service, approving the Archaeological Impact Assessment Report which shall be placed on the file and retained as part of the public record.

(e) Archaeological monitoring shall be undertaken as follows:

- i. The services of a suitably qualified and experienced, to the satisfaction of the National Monuments Service of the Department of Housing, Local Government and Heritage, archaeologist shall be engaged to carry out full-time archaeological monitoring of all construction activities that involve ground disturbance or demolition and of any works where materials of archaeological importance may be uncovered.
- ii. The archaeological monitoring shall be carried out by a suitably qualified and experienced, to the satisfaction of the National Monuments Service of the Department of Housing, Local Government and Heritage, archaeologist, under a Section 26 (National Monuments Act 1930) excavation licence and in accordance with an approved Method Statement.
- iii. A Finds Retrieval Strategy shall be implemented and agreed with the Department of Housing, Local Government and Heritage, as part of the archaeological licence application. This shall include systematic finds retrieval and metal detection of all spoil, which shall be undertaken by a suitably qualified and experienced archaeologist working under a Detection Device consent (Section 2 of the National Monuments (Amendment) Act, 1987). All monitoring works that have the potential to uncover human skeletal remains shall be undertaken in conjunction with a suitably qualified and experienced osteoarchaeologist. Secure finds storage that ensures the protection and conservation of wet and dry finds, including human skeletal remains, shall be provided within the construction site compound.
- iv. Historical and architectural analysis and analytical assessment and recording of all historic structures (including but not limited to the

historic culverts, and mill races) that will be impacted upon by the proposed development all be undertaken as part of the monitoring programme. The assessment shall comprise of buildings archaeology investigations and recordings (annotated plans, elevations, sections, details of features and interpretative drawings derived from measured surveys, photographic surveys, digital surveys, opening-up works) that secure an understanding of the architectural phasing of all impacted structures and features (including any reused architectural carved stones).

- v. Sufficient, suitably experienced and qualified, to the satisfaction of the National Monuments Service of the Department of Housing, Local Government and Heritage, archaeologists shall be in place to ensure continuous archaeological monitoring works. An archaeological team shall be on standby to deal with any rescue excavation and may be augmented as required. An archaeological dive team shall be mobilised in the event that underwater archaeological inspection is required by means of archaeological diving. All dive surveys shall be licensed (Section 3 of the National Monuments (Amendment) Act 1987) and shall include handheld metal detection survey, which shall also be licensed (Section 2 of the National Monuments (Amendment) Act 1987). All archaeological diving shall comply with the Health and Safety Authority's Safety, Health and Welfare at Work (Diving) Regulations 2018/2019.
- vi. In order to ensure full communication is in place between the monitoring archaeologist(s) and the works contractor(s) at all times, a communication strategy shall be implemented that facilitates direct archaeological monitoring of all construction activities that involve ground disturbances or demolitions and of any works where materials of archaeological importance may be uncovered. Adequate notice (minimum four weeks) of all forthcoming works that require the attendance of the monitoring archaeologist(s) shall be provided by the works contractor.

- vii. Should suspected/verified archaeological structures, features, deposits or sites and/or archaeological objects, including wrecks, palaeolandscapes materials, be identified during the course of the archaeological monitoring activities, the monitoring archaeologist shall be authorised by the Developer to suspend all construction activities on the affected area (as defined by the monitoring archaeologist). The Developer shall immediately institute a Temporary Archaeological Exclusion Zone to the proposed find location and its environs (as defined by the monitoring archaeologist) and all construction activities shall immediately cease within the Temporary Archaeological Exclusion Zone in order to facilitate investigative assessment, protection and prompt notification to the Department of Housing, Local Government and Heritage, and to other statutory authorities, as required.
- viii. Following assessment of the newly discovered archaeological materials, the Developer shall undertake any ensuing mitigating action as is required by the Department of Housing, Local Government and Heritage. Mitigation shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ. Mitigation may also include archaeological excavations ('preservation by record'), archaeological test-excavations, stabilisation/conservation works and/or archaeological monitoring, underwater archaeological inspection by means of archaeological diving, underwater archaeological surveys, or any combination of the above or any other mitigation measures as may be recommended by the Department of Housing, Local Government and Heritage. No construction activities shall recommence within the Temporary Archaeological Exclusion Zone until formally agreed in writing with the Department of Housing, Local Government and Heritage. Where ensuing mitigation is required, no archaeological works shall be undertaken until after an amended Method Statement that describes the mitigation strategy has been submitted, reviewed and agreed in writing by the Department of Housing, Local Government and

Heritage. All resulting and associated archaeological costs shall be borne by the Developer.

- ix. The Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological works and any post-excavation analysis, scientific dating programmes, palaeoenvironmental analysis, geoarchaeological analysis, conservation of archaeological objects, as required by the Department of Housing, Local Government and Heritage and the National Museum of Ireland, with all resulting and associated archaeological costs to be borne by the Developer. Where significant archaeological discoveries are made, they shall be fully published in an appropriate format. Compliance with this condition requires a formal statement in writing, from the National Monuments Service, approving the final report submission which shall be placed on the file and retained as part of the public record.
- (f) The Construction Environmental Management Plan (CEMP) shall be updated to include the location of any and all archaeological or underwater cultural heritage constraints relevant to the proposed development as set out in the Final Design Archaeological Impact Assessment and Environmental Impact Assessment Report. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or underwater cultural heritage environment during all phases of site preparation and construction activity.
- (g) In default of agreement on any requirements of the Department of Housing, Local Government and Heritage, the matter shall be referred to An Coimisiún Pleanála for determination.