

An
Coimisiún
Pleanála


Direction
CD-022022-26
ABP-322244-25

The submissions on this file and the Inspector's report were considered at a meeting held on 18/03/2026.

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

Planning

Commissioner:



Emer Maughan

Date: 19/03/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission had regard to:

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework 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 Union legislation including in particular:

- EU Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment,
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set out the requirements for Conservation of Natural Habitats and of Fauna and Flora.
- Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.

(b) National Legislation including in particular:

- Section 177AE of the Planning and Development Act 2000 (as amended) which sets out the provisions in relation to local authority projects which are subject to Appropriate Assessment (AA).

(c) National, Regional Policy and Guidance in particular:

- Project Ireland 2040 National Planning Framework which supports access and transport improvements to facilitate growth,
- Climate Action Plan 2025 which supports sustainable mobility,
- Architectural Heritage Protection: Guidelines for Planning Authorities, Department of Arts, Heritage and the Gaeltacht, 2011,
- Regional Spatial & Economic Strategy for the Southern Region 2020-2032 including RPO 1 requiring the conservation and protection of designated areas and natural heritage areas, European sites and their integrity; and
- The National Biodiversity Plan 2023-2030.

(d) Local Planning Policy including in particular:

- The provisions of the Limerick Development Plan 2022-2028 and Tipperary County Development Plan 2022-2028.

(e) The following matters:

- the nature, scale and design of the proposed works as set out in the application for approval and the existing character of the area,
- the documentation including the natura impact statement and associated documentation submitted with the application, and by further information on 26th September 2025, and the range of mitigation and monitoring measures proposed,
- the submissions and observations made to An Coimisiún Pleanála in connection with the application,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites,
- the conservation objectives, qualifying interests and special conservation interests for the Lower River Suir SAC (site code: 002137), and
- the report and recommendation of the Inspector.

Appropriate Assessment Stage 1:

The Commission noted that the proposed development is not directly connected with or necessary for the management of a European Site. The Commission completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the Screening Report for Appropriate Assessment submitted with the application and the report and screening assessment completed by the Inspector. The Commission agreed with the Inspector's assessment and conclusion that the European Site for which there is potential for significant effects is Lower River Suir SAC. The Commission concluded, in agreement with the Inspector, that Appropriate Assessment is required for that European Site.

Appropriate Assessment Stage 2:

The Commission considered the Natura Impact Statement (as updated by way of further information submitted on 26th September 2025) and associated documentation submitted with the application, the mitigation measures contained

therein, the submissions and observations on file, and carried out an Appropriate Assessment of the implications of the proposed development for European Sites in view of the conservation objectives for Lower River Suir SAC. The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment and to allow it to reach complete, precise and definitive conclusions for Appropriate Assessment.

In completing the assessment, the Commission considered, in particular, the likely direct and indirect impacts arising from the proposed development, both individually and in combination with the other plans and projects and taking into account any mitigation measures which are included as part of the current proposal, in view of the conservation objectives for the European Sites.

The Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report with respect to the potential effects of the proposed development on the integrity of the aforementioned European Site, 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 European Sites, in view of the Sites' conservation objectives of those Sites and there is no reasonable scientific doubt as to the absence of such effects.

This conclusion is based on a complete assessment of all aspects of the proposed project, both alone and in combination with other plans and projects of relevance and took into account all submissions received during the course of the application.

Proper Planning and Sustainable Development

The proposed development is in accordance with policies and objectives of both the Limerick Development Plan 2022-2028 and Tipperary County Development Plan 2022-2028 and is therefore acceptable in principle. In particular, the proposed development accords with objectives EH O1 (carrying out of AA), EH O15 (water protection) and EH O50 (works to protected structures) of the Limerick County Development Plan; as well as policies 11-1 (permissions in line with the Habitats Directive), 11-5 & 11-7 (water quality) and 13-1 (restoration of protected structures) of the Tipperary County Development Plan.

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

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application including further information received on 26th September 2025, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS) as updated by way of further information received on 26th September 2025, shall be carried out in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: To protect the integrity of European Sites.

3. The mitigation measures contained in the submitted Ecology RFI document received 26th September 2025, shall be implemented.

Reason: To protect biodiversity.

4. All works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures. The Ecological Clerk of Works shall be empowered to halt works where they consider that the continuation of the works is likely to result in a significant pollution or siltation incident or impact on protected habitats or species, and on-site works will cease until authorised to continue by the planning authority. A compliance monitoring report shall be prepared by the Ecological Clerk of Works and shall be submitted to the planning authority at the end of the main construction period and kept on file as part of the public record.

Reason: To ensure compliance with mitigation measures and to protect biodiversity.

5. (a) Works to be carried out in full accordance with the method and specifications described in the submitted Architectural Heritage Impact Assessment received on 26th September 2025.
(b) the development shall be monitored by a suitably qualified architect with conservation expertise and accreditation and
(c) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities and in order to ensure an appropriate standard of restoration works for this protected structure

6. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the project ecologist and relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating proposals to adhere to best practice and protocols.

The CEMP shall:

- (a) incorporate all mitigation measures arising from Conditions 2,3 and 5
- (b) include the location of the site compound and material storage area,
- (c) include a Traffic Management Plan for the construction phase, and

(d) include specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness with associated reports kept on file as part of the public record.

Reason: In the interest of protecting the environment and the European Site and to conserve the architectural heritage of the site.

7. The Local Authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.

8. If, during the course of site works any archaeological material is discovered, the City/County Archaeologist shall be notified immediately. Note that in this event under the National Monuments Act, the National Monuments Service, Department of Housing, Heritage and Local Government and the National Museum of Ireland require notification.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.