

An  
Coimisiún  
Pleanála

**Direction**  
**CD-022269-26**  
**ACP-323410-25**

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At a meeting held on 17/06/2026, the Commission considered

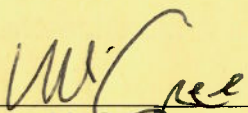
- (a) the documents and submissions on file generally,
- (b) the objections and observations made in relation to the proposed development,
- (c) the reports of the Commissions Environmental Scientist and Senior Ecologist, and
- (d) the report of the Inspector.

The Commission decided to **REFUSE** to approve the proposed development for the reasons and considerations as set out below.

**Planning**

**Commissioner:**

**Date:** 23/06/2026

  
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Liam McGree

## Draft Order

The Commission performed its functions in relation to the making of its decision, in a manner consistent with:

- (a) 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 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,
- (b) Directive 2000/60/EC, the Water Framework Directive and in a manner which achieves or promotes compliance with the requirements of the Directive.

In coming to its decision, the Commission had regard to the following:

- (i) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
- (ii) Directive 2011/92/EU (The Environmental Impact Assessment Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning and Development Regulations, 2001, as amended.
- (iii) National and regional planning and related policy, including:
  - (a) the National Planning Framework First Revision April 2025 and the key growth enabling policy to deliver a comprehensive cycle network for the Limerick Shannon Metropolitan Area;
  - (b) the objectives and targets of Ireland's 4<sup>th</sup> National Biodiversity Action Plan 2023-2030,



- (c) the Planning System and Flood Risk Management Guidelines (2009), and the location of the proposed development within an area at risk of flooding,
  - (d) Other relevant national policy and guidance documents including, the National Sustainable Mobility Policy (2022) and Action Plan (2026), the National Cycle Network Plan (2023), the Cycle Design Manual (2023) and the Strategy for the Development and Regional Greenways (2018),
  - (e) the Regional Spatial and Economic Strategy for the Southern Region 2020-2023 and the Limerick Metropolitan Area Strategic Plan (MASP),
  - (f) the Limerick Shannon Metropolitan Area Transport Strategy (LSMATS) 2040,
  - (g) the policies and objectives of the Limerick Development Plan 2022-2028,
- (iv) the nature, scale, extent and design of the proposed development and the location of proposed development within and proximate to a European Site, the Lower River Shannon SAC (Site Code 002165), and its associated conservation objectives and qualifying interests,
  - (v) the entirety of the documentation submitted by Limerick City and County Council (applicant) in support of the proposed development, including the Environmental Impact Assessment Report, the Natura Impact Statement and the response to submissions made in December 2025,
  - (vi) the submissions made in connection with the planning application,
  - (vii) 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 effect on a European Site,
  - (viii) the Specialist Reports prepared by the Inspectorate Environmental Scientist and Inspectorate Ecologist; and,
  - (ix) the report and recommendation of the Inspector.

### **Appropriate Assessment: Stage 1**

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's report that the proposed development could result in significant effects on the Lower River Shannon SAC (Site Code 002165) in view of the site's conservation objectives. Appropriate Assessment is required.

This determination is based on:

- direct and indirect effects associated with potential for damage of habitats or species;
- potential impacts from surface water runoff or water quality impacts as a result of sediment and pollutants released during works;
- the potential spread of invasive species;
- increased human disturbance at this site, particularly during the construction/ installation phase and disturbance of species.

### **Appropriate Assessment: Stage 2**

The Commission considered the Natura Impact Statement and all other relevant submissions on file and carried out an Appropriate Assessment of the implications of the proposed development on the Lower River Shannon Special Area of Conservation (Site Code: 002165) in view of the site's conservation objectives.

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 River Shannon Special Area of Conservation (Site Code: 002165).



The Commission considered that adverse effects on the site integrity of Lower River Shannon SAC (site code: 002165) cannot be excluded in view of the conservation objectives of this site and that reasonable scientific doubt remains as to the absence of such effects.

In completing the assessment, the Commission considered, in particular, the following:

- (a) the site-specific conservation objectives for the European Sites,
- (b) Insurmountable deficiencies in the design proposals, scientific information and mitigation proposals,
- (c) The inconsistencies regarding the calculated permanent loss of the QI Annex I habitat area and the construction of bridges and the greenway within the floodplain which will effectively prohibit the natural regeneration prospects of 91E0 alluvial woodland within the SAC in proximity to the proposed development which is contrary to the conservation objectives to restore this habitat within the SAC.
- (d) Significant concerns regarding the constructability of the proposed greenway in such an ecologically sensitive environment, where there is considerable risk of pollution and disturbance during the construction stage and continued disturbance to Annex II species during the operation of the greenway. Habitat loss, disturbance and displacement of QI Annex II species, and changes in ecological functions such as decrease in water quality and spread of invasive alien species, will result in adverse effects on site integrity of the SAC overall in view of the conservation objectives.

In overall conclusion, the Commission considered there is reasonable scientific doubt that the proposed development, individually or in combination with other plans and projects, would not adversely affect the integrity of Lower River Shannon SAC (site code: 002165) in view of the site's conservation objectives and qualifying interests.

## **Environmental Impact Assessment**

The Commission completed an Environmental Impact Assessment in relation to the proposed development and concluded that, notwithstanding the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, the proposed development would be likely to have significant effects on the environment, by itself and in combination with other plans and projects in the vicinity, and that such effects would be not be acceptable.

In doing so, the Commission adopted the report and conclusions of the Inspector that the main significant direct and indirect effects of the proposed development on the environment with the implementation of the proposed migration measures are as follows:

- (a) In respect of population and human health, flood risk poses potential for health and safety concerns which has potential for significant effects.
- (b) In respect of biodiversity, due to an inadequate baseline survey and assessment arising, there is potential for significant effects to arise during the construction and operational phases to woodland habitats, and associated fauna, in particular otters and bats and to the aquatic environment in particular to Sea Lamprey, Brook Lamprey, River Lamprey and Atlantic Salmon.
- (c) In respect of water, due to an inadequate understanding and presentation of the baseline environment, the likely effects on water and hydrogeology have not been identified or adequately assessed. In the absence of such information, there is a potential for significant effects to arise during the construction and operational phases on water.
- (d) In respect of air, there is potential for direct significant environmental effects on air quality arising from noise during construction works (site clearance and installation of temporary access roads) which may not be fully mitigated, however these would be of temporary duration with localised impact.
- (e) In respect of climate, the applicant's understanding of the climate baseline environment is not comprehensive and key impacts in respect of flood risk



have not been identified or adequately assessed. In the absence of such information, there is a potential for significant effects to arise.

- (f) In respect of material assets, there is no information regarding specific, long-term plans of on-site containment methods of invasive species. In the absence of such information and having regard to the location of the proposed development in a SAC, any additional environmental mitigation measure should be preceded by further assessment. The likelihood of significant effect on the environment cannot therefore be ruled out.
- (g) In respect of cultural heritage, the applicants understanding of the baseline environment is not comprehensive and key impacts in respect of likely effects on cultural heritage as a consequence of the development have not been identified or adequately assessed. In the absence of such information, there is a potential for significant effects to arise during the construction and operational phases to the environmental factor of cultural heritage.
- (h) In respect of landscape, notwithstanding mitigation measures the proposed development would give rise to significant direct effects on the visual amenities of the area.
- (i) In respect of risks of major accidents and/or disasters, in the absence of a site-specific flood risk assessment, it is not possible to evaluate the extent of vulnerability of the proposed greenway to a major disaster, i.e. flood risk in this instance.

The proposed development would therefore give rise to significant direct and indirect effects on the environment, which would not be acceptable for the reasons outlined above.

## **Proper Planning and Sustainable Development**

1. Objective EH O18 of the Limerick Development Plan 2022-2028 ('Riparian Buffers') requires the maintenance of riverbank vegetation along watercourses, requires the protection of a 20m riparian buffer zone on greenfield sites, and requires that such sites are maintained free from development. The proposed development, which includes significant development within the 20m riparian buffer zone alongside the River Shannon, would be contrary to Objective EH O18 of the Limerick Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the nature, scale, and location of the proposed development, and in particular its location within the Shannon (Lower) (060) Water Body, a water body under the Water Framework Directive (Water Body Code IE\_SH\_25S012600), the risk status of which is under 'Review', and which is also designated as a protected area for drinking water and as a Natura 2000 Site, the Lower River Shannon Special Area of Conservation (Site Code: 002165), where the most stringent environmental objectives apply, the Commission is not satisfied that the proposed development, including works of site clearance, setting up of construction compounds, relocation of public utilities, construction of bridges, retaining walls, access ramp, cycle and pedestrian paths, drainage infrastructure and public lighting, within and immediately bounding the Water Body and Special Area of Conservation, is consistent with achieving those environmental objectives. The proposed development would therefore be contrary to the requirements of Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended, and would be inconsistent with the objectives of the Water Action Plan 2024. In addition, it is considered that the proposed development would be likely to have an adverse impact on the Lower River Shannon Special Area of Conservation in view of the sites conservation objectives, which include an objective to restore the alluvial woodland habitat within the Special Area of Conservation, and qualifying



interests, and would therefore be contrary to the proper planning and sustainable development of the area.