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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 18/1259**

**Appeal** by Paul and Ann Murray of Annacotty, Castletroy, Limerick against the decision made on the 29<sup>th</sup> day of April, 2019 by Limerick City and County Council to grant subject to conditions a permission to IDA Ireland care of Henry J. Lyons Architects of 16 Lavitt's Quay, Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** A 3,009 square metres (gross area) part single and part two-storey light industrial advanced technology building comprising: technology research and development floor, ancillary collaboration and administrative spaces, canteen, visitor and staff welfare facilities, internal plant rooms, screened rooftop plant area and reception area. The proposed development also provides for all associated site infrastructure works and services including: single storey electrical substation (14 square metres), car parking, sheltered bicycle parking, amenity spaces including pedestrian paths, hard and soft landscaped areas, way finding signage, site planting and boundary treatments, service yard and internal access roads. All at National Technology Park, Plassey, Limerick.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report and Natura impact statement submitted with the application, and the Inspector's report and submissions on file. The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European Sites in view of the sites' conservation objectives. The Board was satisfied that, apart from the Lower River Shannon Special Area of Conservation (Site Code: 002165), the proposed development would not be likely to have a

significant effect on any other European Sites, in view of their conservation objectives.

## **Appropriate Assessment**

The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment in respect of the subject development, in relation to the remaining European Site identified by the Inspector, that is, the Lower River Shannon Special Area of Conservation (Site Code: 002165). Having regard to the nature and scale of the development, the documentation including submissions on file, the Natura impact statement submitted by the applicant (including the mitigation measures set out in this Statement), and the Inspector's report, the Board undertook an Appropriate Assessment in relation to the effects of the development on this European Site in view of its conservation objectives. The Board concurred with the analysis and conclusions of the Inspector and adopted her report. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, and having regard to the mitigation measures outlined by the applicant, would not adversely affect the integrity of this European Site, in view of the site's conservation objectives.

## **Reasons and Considerations**

Having regard to the zoning objective of the subject site, its location within the existing National Technology Park and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of nearby dwellings, would not lead to a risk of flooding and would be acceptable in terms of pedestrian and 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 as amended by the further plans and particulars submitted on the 2<sup>nd</sup> day of April, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Natura impact statement and associated documentation, and in the document entitled 'Environmental Impact Assessment Screening Report' are implemented in full, save as may be required by conditions set out below.

**Reason:** In the interest of protection of the environment.

3. The landscaping scheme shown on drawing number 054919\_LP\_01, as submitted to the planning authority by way of further information on the 2<sup>nd</sup> day of April, 2019 shall be carried out within 12 months of the date of commencement of development, and the buffer planting shall be carried out prior to first occupation of the development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

4. Prior to commencement of development, an Invasive Species Management Plan shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of orderly development.

5. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:
- (a) Proposals for the suppression of on-site noise.
  - (b) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.
  - (c) Proposals for the suppression of dust on site.
  - (d) Monitoring of ground and surface water quality, levels and discharges.
  - (e) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

**Reason:** In order to safeguard local amenities.

6. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

7. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

8. Notwithstanding the provisions of the Planning and Development Regulations, 2001, as amended, no signage, advertising structures/advertisements, including flagpoles, shall be erected within the site or on the proposed buildings, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area, and to allow the planning authority to assess the impact of any signage through the statutory planning process.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to prevent flooding.

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, other than that located entirely within the proposed screened rooftop plant area, and which is below the level of the screen for this area, telecommunication aerials, antennae or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.



11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

14. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Philip Jones**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**