

An
Coimisiún
Pleanála

Commission Order
ABP-317106-23

Planning and Development Act 2000, as amended

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 22/841

Appeal by Tom Ryan of Ballynoe, Mungret, County Limerick and by others against the decision made on the 2nd day of May, 2023 by Limerick City and County Council to grant subject to conditions a permission to Rockspring Developments Limited care of Arnold Leahy Architects of 1 Crescent Villas, O'Connell Avenue, Limerick.

Proposed Development: Residential development comprising 97 number residential units (three number detached houses, 20 number semi-detached houses, 36 number terrace units and 38 number in two number four-storey blocks), a creche, pumping station with a pumped rising main connection to existing infrastructure at the Raheen Roundabout, along with the construction of all associated roads, pavements, car parking, street lighting, foul and surface water drainage and all ancillary site development works, all at Baunacloka, Raheen, County Limerick.

Decision

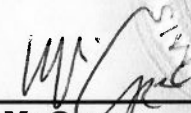
REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

1. Based on the information provided with the planning application and the appeal, including the plans, particulars and the revised Natura Impact Statement received on the 28th of November 2024, the Commission is not satisfied that the proposed development would not adversely affect the integrity of the Lower River Shannon Special Area of Conservation (Site Code 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code 004077) in view of the sites' Conservation Objectives. This conclusion is based on the lack of certainty regarding any hydrological, hydrogeological or other impacts, either by way of surface water or groundwater, from the proposed development on the nearby turlough (proposed Natural Heritage Area Loughmore Common Turlough) and, thereby, any consequent impacts on the Loughmore Canal and the Barnakyle and Maigue river systems, which discharge to European Sites. Furthermore, this conclusion is also based on the lack of certainty regarding the use of the site by Qualifying Interests of the River Shannon and River Fergus Estuaries Special Protection Area (Site Code 004077) and any potential consequent disturbance effects to same, such that reasonable doubt remains as to the actual effects of the proposed development on the Conservation Objectives and site integrity of the protected sites and species. In such circumstances, the Commission is precluded from granting permission for the proposed development.

2. The proposed development is located in very close proximity to the Loughmore Common Turlough (Site Code: 000438) a proposed Natural Heritage Area. Having regard to the totality of information on file, including the information received on the 28th day of November, 2024, the Commission is not satisfied that it has been adequately demonstrated that the proposed development would not result in any hydrological, hydrogeological or other impacts on the Loughmore Common Turlough proposed Natural Heritage Area either by way of surface water or groundwater. The proposed development would be contrary to Section 3.4.3.8 of the Limerick Development Plan 2022-2028 which states, inter alia, that the Mungret Framework will have cognisance of the environmental assets in the area, including the Loughmore Common Turlough proposed Natural Heritage Area. The proposed development would be contrary to the stated policy of the development plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.




Liam McGree

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 20th day of OCTOBER 2025.