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**Planning and Development Act 2000, as amended**

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

**Planning Register Reference Number: 2461207**

**APPEAL** by Daniel McManus against the decision made on the 7<sup>th</sup> day of January, 2026 by Limerick City and County Council to grant, subject to conditions, a permission to St Mary's Rugby Football Club for the proposed development.

**Proposed Development:** Construction of a lattice, communications tower measuring 36 metres in height, an equipment shelter, fencing and associated works at St. Marys Rugby Football Club, Grove Island, Corbally, 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.**

## Reasons and Considerations

Having regard to the provisions of 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) (as updated by Circular Letters PL 07/12 and PL11/2020), to the nature and scale of the proposed development, the distance between the proposed development and the nearest residential development, the technical justification and need for the infrastructure at this location as stated by the applicant, the existing disused nature of the application site and its disposition relative to neighbouring lands in recreational use, the existing floodlighting infrastructure in the immediate vicinity of the site, and also having regard to the site location on land zoned 'Open Space and Recreation' where development of the type proposed is open for consideration as indicated in the Limerick Development Plan 2022-2028, it is considered that, subject to compliance with the conditions below, the proposed development would not result in the loss of lands in recreational use, would not adversely impact on the visual or residential amenities of the area and would not pose an unacceptable risk of flooding to adjacent lands. The proposed development would contribute to the provision of digital telecommunication infrastructure which is supported at national, regional and local planning policy levels, including at Policy IN P1 and Objective IN O3 of the Limerick Development Plan 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission in relation to flooding, the Commission noted that Objective CAF O20 of the statutory plan for the area requires the submission of a Site-Specific Flood Risk Assessment 'where deemed necessary'. Given the small scale nature of the proposed development, the limited footprint of the proposal, the open nature and use of immediately adjoining lands that are not permanently occupied/inhabited, the Commission deemed that a Site-Specific Flood Risk Assessment was not necessary in this instance and therefore the proposal is not contrary to said Objective CAF O20; the Commission concurred with the

planning authority in this regard. The Commission was satisfied, with reference to the factors above, that the proposed development does not result in an increase of flood risk of adjoining lands. The Commission was also satisfied that appropriate flood mitigation proposals for the development itself (which contains no habitable structures) could be addressed by way condition. In the circumstances, the Commission considered that a refusal of permission on the grounds of flood risk is unwarranted and unnecessary. The Commission concurred with the Inspector on all other matters raised in the grounds of appeal.

The Commission considered that the proposed development is a project for the purposes of the Environmental Impact Assessment Directive. However, the Commission concluded that the proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended, and, therefore, no preliminary examination, screening for Environmental Impact Assessment, or Environmental Impact Assessment is required.

**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 Lower River Shannon Special Area of Conservation (Site Code 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code 004077) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

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

The Commission considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on Lower River Shannon Special Area of Conservation (Site Code 002165) and River Shannon and River Fergus Estuaries Special Protection Area (Site Code 004077), in view of the sites' conservation objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the conservation objectives of the sites using the best available scientific knowledge in the field.

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

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) 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 aforementioned European Sites, having regard to the sites' 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 their conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

## 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 received by the planning authority on the 29<sup>th</sup> day of October 2025, 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 mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason:** To protect the integrity of European Sites.

3. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority, the finished floor level of the proposed equipment shelter which shall be informed by appropriate flood risk mitigation for the site.

**Reason:** To mitigate flood risk to the proposed development.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services and details shall be agreed in writing with the planning authority prior to commencement of development.

**Reason:** To prevent flooding and in the interests of sustainable drainage.

5. The applicant shall provide and make available at reasonable terms the proposed telecommunications structure for the provision of mobile telecommunications antenna of third party licensed mobile telecommunications operators.

**Reason:** In the interest of the avoidance of a multiplicity of telecommunications structures in the area, in the interest of visual amenity and the proper planning and sustainable development of the area.

6. In the event of obsolescence, the communications structure and related ancillary structures shall be demolished, removed and the site reinstated to the written satisfaction of the planning authority and at the applicant / developer's expense.


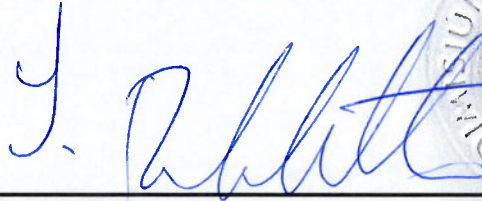
**Reason:** In the interest of visual amenity and the proper planning and sustainable development of the area.

7. Details of a colour scheme for the mast and any ancillary structures hereby permitted shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development.

**Reason:** In the interest of the visual amenities of the area.

8. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site (without a prior grant of planning permission).

**Reason:** In the interest of the visual amenities of the area.



**Tom Rabbette**

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

Dated this 29<sup>th</sup> day of May 2026