



An
Bord
Pleanála

Inspector's Report ABP 313056-22.

Development

Retention of use of the site for storage of Titan Storage Containers for self storage uses, modular office (incorporating a toilet and kitchenette), sliding gate, signage and all ancillary site works.

Location

Crossagalla Industrial Estate,
Ballysimon Road, Limerick.

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

211071

Applicant

John Bridges

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Appellant

Thomas Healy

Observers

None

Date of Site Inspection

16th of June 2022

Inspector

Siobhan Carroll

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	7
3.4. Third Party Observations	8
4.0 Planning History.....	8
5.0 Policy Context.....	8
5.1. Limerick City and County Development Plan 2022-2028	8
5.2. Natural Heritage Designations	9
5.3. EIA Screening	9
6.0 The Appeal	9
6.1. Grounds of Appeal	9
6.2. Applicant Response	10
6.3. Planning Authority Response	13
7.0 Assessment.....	13
7.1. Principle of development.....	13
7.2. Access and traffic.....	14
7.3. Drainage	15
7.4. Appropriate Assessment	16
8.0 Recommendation.....	21

9.0 Reasons and Considerations..... 21

10.0 Conditions 22

1.0 Site Location and Description

- 1.1. The appeal site is located within Crossagalla Industrial Estate. The Industrial Estate is situated to the south of the Ballysimon Road in Limerick. It contains a mix of businesses including a scaffolding company, glass company, furniture company, courier companies etc. The neighbouring property to the west of the appeal site is occupied by St. John Ambulance. The lands to the east of the site are undeveloped. The rail line is situated to the south-west running adjacent to the site boundary.
- 1.2. Site has a stated area 0.78 hectares it comprises a roughly rectangular shaped area which is surfaced with a hard standing area. The site contains a small single storey modular office to the north-western corner. There are three rows of storage containers on the eastern side of the site and two rows of containers on the western side of the site with an access road through the centre of the site. The first row of containers to western side of the site has a first floor of containers all other rows are single storey. The site boundary is formed by fencing and there is an embankment along the south-western boundary.

2.0 Proposed Development

- 2.1. Retention is sought for the use of the site for storage of Titan Storage Containers for self-storage uses, modular office (incorporating a toilet and kitchenette), sliding gate, signage and all ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

Retention permission was granted by the Planning Authority subject to 13 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority requested further information in relation to the following matters;

1. Submit a topographical survey of the site and identify boundary walls and boundary fence line, vegetation and signage, road edge and road centre line.
2. Submit plan indicating sightlines in line with “DMURS” can be achieved.
3. On a revised plan indicate boundaries belonging to adjacent landowners. Written permission to set back boundaries to achieve sightlines is required. Sightlines from each row of storage containers should be addressed.
4. No car parking facilities are available which shall be addressed. Details of number and type of vehicles using the site on a daily/weekly basis to be provided. Auto tracking for the development is required and also details of vehicular signage.
5. Lighting design proposals required.
6. A revised surface water plan is required.
7.
 - (a) Further details in relation to surface water required including a detailed cross section through SUDS components including the overflow pipe system., cross section through soakaways, swales confirming the type of soil, stone and geotextile layer.
 - (b) Submit revised surface water calculations by way of simulation modelling drainage or causeway.
 - (c) If the applicant decides to infiltrate to the ground for any part of the surface water disposal, infiltration test results by way of the BRE365 method with supporting photographs to be submitted to the Planning Authority, this will include any gravel areas.
8. The following is required –

- Greater detailed floor plans of the existing storage units, in particular the two-storey units and how to access and egress is to be made from the upper floor units.
- Details as regards to the nature of items stored in the existing containers/units.
- Details on fire safety systems existing in the development.

9. Outline plans for the remainder of the site.

10. A landscaping plan is required to soften the visual impact and the perimeter fencing along the front boundary. Details of the trees and hedgerow species, numbers and types shall be submitted. Provision shall be made for planting inside the perimeter fence.

11. In relation to signage, the sign no. 2 is considered in excess in size and scale and will contribute to an excessive proliferation within the industrial estate and distract motorists at a junction within the estate. It shall be replaced by a sign not exceeding the dimensions of sign no. 1. Revised proposals to this affect shall be submitted.

12. The applicant shall clarify what if any development contributions have been paid on site to date in order to comply with the requirement of Limerick Contribution Scheme.

3.2.2. Other Technical Reports

Central Roads – report dated 18/2/2022 – no objection subject to conditions.

Fire Service – report dated 18/2/2022 – no objection in principle.

3.3. Prescribed Bodies

Irish Water – No objection

Irish Rail – No objection

3.4. Third Party Observations

- 3.4.1. The Planning Authority received one submission/observation in relation to the application. The issues raised are similar to those set out in the appeal.

4.0 Planning History

- None

5.0 Policy Context

5.1. Limerick City and County Development Plan 2022-2028

- 5.1.1. The site is located in an area zoned Enterprise and Employment.
- 5.1.2. The Objective for this zoning is: To provide for and improve general enterprise, employment, business and commercial activities.
- 5.1.3. Purpose: To provide for enterprise, employment and general business activities and acknowledge existing/permitted retailing uses. To accommodate compatible industry and employment activities that are incapable of being situated in the City Centre, in a high-quality physical environment. Marine related industry shall be allowed on Enterprise and Employment zoned lands on the Dock Road.
- 5.1.4. New enterprise and employment developments shall be provided in high quality landscaped park style environments, incorporating a range of amenities. These zones may accommodate light industry, low input and emission manufacturing, logistics and warehousing, campus style offices and commercial services with high space and parking requirements. The form and scale of development on these sites shall be appropriate to their location, having regard to surrounding uses and scale. A proliferation of retail uses will not be permitted.
- 5.1.5. The uses in this zone are likely to generate a considerable amount of traffic by both employees and service vehicles. Sites should be highly accessible, well designed and permeable with good pedestrian, cyclist and public transport links. The

implementation of mobility management plans will be required to provide important means of managing accessibility to these sites.

5.1.6. Chapter 5 – A Strong Economy

5.1.7. Chapter 11 – Development Management Standards

5.1.8. Table DM 6. Refers to Design Guidelines for High Tech/Manufacturing, Warehousing, Business Park, Enterprise and Employment Centre.

5.2. Natural Heritage Designations

5.2.1. Lower River Shannon SAC (Site Code 002165) is located 2km from the site.

5.2.2. River Shannon and River Fergus Estuaries SPA (Site Code 004077) lies 2.7km from the site.

5.3. EIA Screening

5.3.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by Thomas Healy. The issues raised are as follows;

- The appellant considers that it was not appropriate that the Planning Authority granted retention for the proposed development. It is stated that the site was fully developed prior to planning permission being sought.

- The appellant considers that the granting of retention permission will set a precedent for other similar development.
- It is questioned how orderly development can occur when the Planning Authority does not deal with unauthorised development in a strict manner.

6.2. Applicant Response

A response to the appeal has been submitted by Oliver Higgins Charter Engineer on behalf of the applicant Mr. John Bridges. The issues raised are as follows;

- Limerick City and County Council in their assessment of the planning application issued a very detailed request for further information. It is stated that all of the issues raised by the Planning Authority were dealt with comprehensively.
- The Planning Authority decided to grant retention permission for the development subject to 13 no. conditions. Some of the conditions specify that certain works be carried out by the applicant within a two month period. The applicant is fully prepared to comply with these conditions.
- The site is located within an Industrial Estate on lands which are zoned for Light Industrial use. This provides for mixed/general commercial/industrial and enterprise uses. In relation to the proposed use of the site for the location of storage containers, this is compatible with the uses allowed on the site.
- It is stated that the containers are laid out in an orderly manner and that there is one two-storey row of containers. All other rows are single storey. Lighting is provided throughout the site.
- Customers can drive to their own self-storage unit. The maximum number of vehicles using the facility per week is 75. With an average of 15 vehicles per day. The vehicles which access the premises are predominantly cars with some small vans also.
- It is stated that rigid body and articulated lorries are not allowed to use the facility. There are 'Yield' and 'Stop' markings and directional arrows within the

site. Each access lane has its own turning area which eliminates the need for reversing. There is a designated main pedestrian route which provides access to the first floor units adjacent to the office.

- Generally, there will be one staff member (Site Manager) on site during the day. Landscaping has been provided and two mature trees to the front of the site have been retained.
- The available sightlines when exiting the site are 23m to the left and 37.3 to the right. It is noted that there is no specified speed limit for Crossagalla Industrial Estate. There is a speed limit of 50km/h on the Ballysimon Road. Normally speed limits inside industrial estates would be 20km/h which has a sightline requirement of 14.0m in accordance with DMURS.
- It is stated that no hazardous, illegal or toxic materials are stored in any off site containers. This is a requirement of the onsite storage agreement. It is stated that the site is run in a professional manner with very strict controls and security.
- The appeal response includes a letter from the applicant Mr. John Bridges.
- Mr. Bridges states that he is the Country Manager of TITAN Containers Ireland and Northern Ireland. Mr. Bridges confirms that TITAN Containers operated a self storage facility at the Pa Healy Road, Limerick since July 2016. A lease of 4 years and 11 months was agreed with the landlord.
- Mr. Bridges states that he sought to negotiate with the landlord and extend the lease for a further 4 years and 11 months. However, he did not reach an agreement he decided to search for an alternative location, and he selected the site at Crossagalla Industrial Estate, Ballysimon Road, Limerick.
- The site at Crossagalla Industrial Estate was purchased and the business was required to vacate the site at Pa Healy Road on the 30th of June 2021. In order to transfer the business premises and continue operation, works commenced on the site at Crossagalla Industrial Estate on the 31st of May 2021. On 31st of May 2021 an Enforcement Officer of the Council visited the site as they were contacted in relation to alleged unauthorised works taking

place. Mr. Bridges stated that he received an enforcement letter on the 12th of July stating that they had four weeks to restore the site back to its previous condition. Mr. Bridges stated that he engaged the services of his Planning Consultant who would work on making a retention application.

- The relocation of the storage containers to the site at Crossagalla Industrial Estate was completed by the 30th of June 2021. The retention application was lodged on the 28th of July 2021. Mr. Bridges received a request for further information on the 16th of September 2021. He states that he also received an enforcement letter requiring that the site be returned to its existing condition. A response to the further information was submitted to the Planning Authority on the 26th of January 2022.
- Mr. Bridges confirms that he was informed on the 22nd of February 2022 by his Planning Consultant that retention permission had been granted.
- In relation to the third party appeal Mr. Bridges states that he would like the Board to take into account all the circumstances which he has outlined in his submission. He states that he had no other choice but to commence the works and then apply for retention permission.
- It is stated that TITAN Containers in Limerick provide storage facilities to customers who were deemed essential workers during the Covid 19 Pandemic. The type of customers who use the facility include healthcare workers, local tradesmen and local primary and secondary schools.
- It is stated that in the absence of the facility being opened in Limerick that these customers would not have been able to continue their essential work throughout the Covid 19 Pandemic.
- Mr. Bridges states that he wishes to continue to run and grow the TITAN Containers business in Limerick and be able to provide a service to their customers and also provide employment to the four employees based out of the Limerick depot.

6.3. **Planning Authority Response**

- None received

7.0 **Assessment**

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of development
- Access and traffic
- Drainage
- Appropriate Assessment

7.1. **Principle of development**

- 7.1.1. The appeal site is located within a light industrial area within Limerick City. The site at the Crossagalla Industrial Estate is located on lands which are zoned 'Enterprise and Employment.' The objective of this zoning is "to provide for and improve general enterprise, employment, business and commercial activities."
- 7.1.2. In relation to the purpose of the 'Enterprise and Employment' zoning it is set out in the Development Plan that it is to provide for enterprise, employment and general business activities and acknowledge existing/permitted retailing uses and to accommodate compatible industry and employment activities that are incapable of being situated in the City Centre.
- 7.1.3. In relation to the proposed use for which retention permission is sought, the use of the site for storage of Titan Storage Containers for self-storage uses, I consider that this proposed use which entails the use of individual containers for self-storage by a mix of customers including both commercial business use and personal use is fully compatible with this zoning provision as it is light industrial business activity which is incapable of being situated in the City Centre. The site at Crossagalla Industrial

Estate is highly accessible being located off the Ballysimon Road in Limerick which is a main radial route on the southern side of the city.

7.1.4. The appellant raised the matter of the subject proposal being a retention permission and their contention that it is not an appropriate way to go about the development of the site. I note the details submitted by the applicant Mr. Bridges which set out the circumstances whereby the company were required to relocate the existing business at short notice during the Covid 19 pandemic. I note the site at Crossagalla Industrial Estate is in the ownership of the applicant Mr. Bridges who is the Country Manager of TITAN Containers Ireland and Northern Ireland. Therefore, it is clear unlike the previous location of the business in Limerick on lands at Pa Healy Road which were subject to a lease agreement that the site at Crossagalla Industrial Estate owned by Mr. Bridges, the Country Manager of TITAN Containers Ireland should provide a permanent location for the business. As detailed above, I would consider that the location is entirely appropriate for the proposed development which it is proposed to retain.

7.1.5. Accordingly, I am satisfied that the proposed development for which retention permission is sought is a use which is in accordance with the zoning of the site, i.e., Enterprise and Employment under the provisions of the Limerick City and County Development Plan 2022-2028.

7.2. Access and traffic

7.2.1. Vehicular access to the site is located off the roadway within the Crossagalla Industrial Estate. This is a private road which is accessed from Ballysimon Road. The existing gated access to the site features a sliding gate. As detailed in the first party response there are sightlines of 23m to the left and sightline of 37.3m to the right. It is highlighted in their response that there is no specified speed limit for Crossagalla Industrial Estate and that normally speed limits inside industrial estates would be 20km/h which has a sightline requirement of 14.0m in accordance with DMURS. Accordingly, having regard to the location of the entrance onto an existing private road within the industrial estate where the speed limit is approximately 20km/h the sightlines provided are satisfactory.

- 7.2.2. Regarding the traffic generated by the proposed development, it is set out in the appeal response that the maximum number of vehicles using the facility per week is 75. With an average of 15 vehicles per day. It is highlighted that the majority of vehicles visiting the premises are cars with some small vans also. It is confirmed in the submission that each access lane has its own turning area which eliminates the need for reversing and that rigid body and articulated lorries are not allowed to use the facility. Having regard to the limited nature of vehicle movements associated with the proposal, I am satisfied with the vehicular access arrangements proposed in terms of the design and layout of the scheme.
- 7.2.3. In relation to the matter of car parking as detailed in the further information response, 2no. car parking spaces are proposed for visitors including 1 no. disable car space. 2 no. car parking spaces are proposed for staff. Having regard to the limited level of vehicular which would access the site per day being 15 and the small number of staff which would be on site generally one person, I am satisfied with the car parking proposals.

7.3. **Drainage**

- 7.3.1. The appeal site contains an extensive area of hard surfacing. The Planning Authority in their assessment of the application sought further information in respect of provision of a revised surface water plan and also details in relation to SUDS components and revised surface water calculations.
- 7.3.2. The Planning Authority specified in the further information that if the applicant decides to infiltrate to the ground for any part of the surface water disposal, infiltration test results by way of the BRE365 method with supporting photographs were required to be submitted to the Planning Authority.
- 7.3.3. In respect of this the applicant's Planning Consultant confirmed that surface water is proposed to discharge to a soak-away following a Class 1 petrol interceptor. The further information response did not include infiltration test results. I note that the Planning Authority were generally satisfied with the proposals subject to compliance with a condition requiring that a revised surface water layout plan be submitted to the Council for written agreement with revised infiltration test results by way of the BRE

365 method. I consider that the matter can be satisfactorily addressed by means of a standard condition in relation to drainage.

- 7.3.4. Accordingly, notwithstanding the extensive area of hard surfacing on the site, having regard to the surface drainage proposals I am satisfied that these drainage arrangements are adequate to service the development and to prevent potential flooding or pollution subject to the proposed soak-away and infiltration test results complying with the requirements of BRE Digest 365.

7.4. Appropriate Assessment

- 7.4.1. The appeal site is not in or immediately adjacent to any Natura 2000 site, so the proposed development would not have any direct effect on any Natura 2000 site.
- 7.4.2. The European site Lower River Shannon SAC (Site Code 002165) is located 2km from the appeal site at the closest point. The European site River Shannon and River Fergus Estuaries SPA (Site Code 004077) lies 2.7km from the appeal site at the closest point.
- 7.4.3. Lower River Shannon SAC comprises very large site stretches along the Shannon valley from Killaloe in Co. Clare to Loop Head/ Kerry Head, a distance of some 120 km. The site thus encompasses the Shannon, Feale, Mulkear and Fergus estuaries, the freshwater lower reaches of the River Shannon (between Killaloe and Limerick), the freshwater stretches of much of the Feale and Mulkear catchments and the marine area between Loop Head and Kerry Head. Rivers within the sub-catchment of the Feale include the Galey, Smearlagh, Oolagh, Allaughaun, Owveg, Clydagh, Caher, Breanagh and Glenacarne. Rivers within the sub-catchment of the Mulkear include the Killeenagariff, Annagh, Newport, the Dead River, the Bilboa, Glashacloonaraveela, Gortnageragh and Cahernahallia.
- 7.4.4. This site is of great ecological interest as it contains a high number of habitats and species listed on Annexes I and II of the E.U. Habitats Directive, including the priority habitats lagoon and alluvial woodland, the only known resident population of Bottlenosed Dolphin in Ireland and all three Irish lamprey species. A good number of Red Data Book species are also present, perhaps most notably the thriving populations of

Triangular Club-rush. A number of species listed on Annex I of the E.U. Birds Directive are also present, either wintering or breeding. Indeed, the Shannon and Fergus Estuaries form the largest estuarine complex in Ireland and support more wintering wildfowl and waders than any other site in the country. Most of the estuarine part of the site has been designated a Special Protection Area (SPA), under the E.U. Birds Directive, primarily to protect the large numbers of migratory birds present in winter.

- 7.4.5. The qualifying interests/special conservation interests of the designated site, are summarised as follows:

Lower River Shannon SAC
Sandbanks which are slightly covered by sea water all the time [1110]
Estuaries [1130]
Mudflats and sandflats not covered by seawater at low tide [1140]
Coastal lagoons [1150]
Large shallow inlets and bays [1160]
Reefs [1170]
Perennial vegetation of stony banks [1220]
Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]
Salicornia and other annuals colonising mud and sand [1310]
Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]
Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]
Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]
Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0]
<i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]
<i>Petromyzon marinus</i> (Sea Lamprey) [1095]
<i>Lampetra planeri</i> (Brook Lamprey) [1096]
<i>Lampetra fluviatilis</i> (River Lamprey) [1099]

Salmo salar (Salmon) [1106]

Tursiops truncatus (Common Bottlenose Dolphin) [1349]

Lutra lutra (Otter) [1355]

- 7.4.6. The Conservation Objective for Lower River Shannon SAC (Site Code 002165) is to maintain and/or restore the favourable conservation condition of the Annex I habitats and the Annex II species for which the SAC has been selected which are defined by lists of attributes and targets.
- 7.4.7. River Shannon and River Fergus Estuaries SPA comprises the estuaries of the River Shannon and River Fergus form the largest estuarine complex in Ireland. The site comprises the entire estuarine habitat from Limerick City westwards as far as Doonaha in Co. Clare and Dooneen Point in Co. Kerry. The site has vast expanses of intertidal flats which contain a diverse macro-invertebrate community, e.g., *Macoma-Scrobicularia-Nereis*, which provides a rich food resource for the wintering birds. Salt marsh vegetation frequently fringes the mudflats and this provides important high tide roost areas for the wintering birds. Elsewhere in the site the shoreline comprises stony or shingle beaches.
- 7.4.8. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Cormorant, Whooper Swan, Light-bellied Brent Goose, Shelduck, Wigeon, Teal, Pintail, Shoveler, Scaup, Ringed Plover, Golden Plover, Grey Plover, Lapwing, Knot, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Greenshank and Black-headed Gull. It is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.
- 7.4.9. The qualifying interests/special conservation interests of the designated site, are summarised as follows:

River Shannon and River Fergus Estuaries SPA

Cormorant (*Phalacrocorax carbo*) [A017]
Whooper Swan (*Cygnus cygnus*) [A038]
Light-bellied Brent Goose (*Branta bernicla hrota*) [A046]
Shelduck (*Tadorna tadorna*) [A048]
Wigeon (*Anas penelope*) [A050]
Teal (*Anas crecca*) [A052]
Pintail (*Anas acuta*) [A054]
Shoveler (*Anas clypeata*) [A056]
Scaup (*Aythya marila*) [A062]
Ringed Plover (*Charadrius hiaticula*) [A137]
Golden Plover (*Pluvialis apricaria*) [A140]
Grey Plover (*Pluvialis squatarola*) [A141]
Lapwing (*Vanellus vanellus*) [A142]
Knot (*Calidris canutus*) [A143]
Dunlin (*Calidris alpina*) [A149]
Black-tailed Godwit (*Limosa limosa*) [A156]
Bar-tailed Godwit (*Limosa lapponica*) [A157]
Curlew (*Numenius arquata*) [A160]
Redshank (*Tringa totanus*) [A162]
Greenshank (*Tringa nebularia*) [A164]
Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
Wetland and Waterbirds [A999]

7.4.10. The Conservation Objective for River Shannon and River Fergus Estuaries SPA is to maintain and/or restore the favourable conservation condition of the Annex I habitats and the Annex II species for which the SPA has been selected which are defined by lists of attributes and targets.

7.4.11. In terms of an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation objectives, I would note that in order for an effect to occur, there must be a pathway

between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated. In terms of indirect effects, and with regard to the consideration of a number of key indications to assess potential effects the following matters, habitat loss / alteration / fragmentation and disturbance and / or displacement of species and water quality should be considered.

7.4.12. In relation to the matter of habitat loss / alteration / fragmentation, the subject site lies at circa 2km and 2.7km respectively from the closest point of the boundaries of the designated sites. Accordingly, there would be no direct or indirect loss / alteration or fragmentation of protected habitats within any Natura 2000 site.

7.4.13. In relation to the matter of disturbance and / or displacement of species the appeal site lies within the Limerick City, the immediate area contains light industrial/commercial uses with residential developments to the south of the appeal site. The environs of the site, therefore, can be described as being urban. No qualifying species or habitats of interest, for which the designated sites are so designated, occur at the site. As the subject site is not located within or immediately adjacent to any Natura 2000 sites and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts to land based species or habitats for which the identified Natura 2000 sites have been designated.

7.4.14. Regarding the issue of water quality, the proposed development relates to the use of the site for storage containers for self-storage uses on lands within the Limerick City. The development will connect to existing public water services. I am generally satisfied that the principle of the proposed development is acceptable and that if permitted, is unlikely to impact on the overall water quality of any Natura 2000 site in proximity to the site due to connection to public services or during the operational phase of the development. The development site is not bound on any side by a water course / drainage ditch. It is proposed that surface water arising from the development will discharge to a soak-away with a Class 1 petrol interceptor and I note no objections from Limerick City and County Council Engineering Departments in this regard.

- 7.4.15. In relation to the matter of in combination/cumulative effects, having regard to the nature of the proposed development, being the use of the site for storage containers for self-storage uses, I consider that any potential for in-combination effects on water quality in the River Shannon and River Fergus can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in the Lower River Shannon SAC and River Fergus Estuaries SPA via surface water features are also subject to AA.
- 7.4.16. Accordingly, I am satisfied that the potential for likely significant effects on the qualifying interests of the identified Natura 2000 sites can be excluded having regard to the distance to the site, the nature and scale of the development and the lack of a hydrological connection.
- 7.4.17. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. (Site Code 002165) and European Site No. (Site Code 004077), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. It is recommended that retention permission be granted subject to conditions for the reasons and consideration set out below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the nature, extent and location of the proposed development within an existing Industrial Estate on lands that are zoned 'Enterprise and Employment' under the provisions of the Limerick City and County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development for retention would be compliant with the relevant provisions of the Development Plan, would not injure the amenities of properties in the vicinity

and would not impact on traffic or pedestrian safety and would therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained and carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 26th day of January 2022, 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. In particular, no surface water run-off shall be allowed to flow onto the roadway or adjacent properties. Within three months of the grant of permission the applicant shall submit revised infiltration test results for the written agreement of the Planning Authority. The soakaway shall comply with the requirements of BRE Digest 365 'Soakaway design' specifically it shall be located a minimum distance of 5m from buildings and site boundaries.

Reason: To ensure servicing of the development, and to prevent flooding of the roadway.

3. Details of all external signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the amenities of the area/visual amenity.

4. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational within three months of the grant of this permission.

Reason: In the interest of public safety and visual amenity.

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, within three months of the grant of permission. This scheme shall include the following:-

(a) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(b) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

6. 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 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.

Siobhan Carroll
Planning Inspector

29th of July 2022