



An
Bord
Pleanála

Inspector's Report ABP-314692-22.

Development	Ten-year planning permission for an extension to our C1 R&D Pilot Line building to provide R&D and 1st Industrial deployment/Manufacturing use in the proposed C2 Fanfare building.
Location	Raheen Business Park, Raheen, Co. Limerick.
Planning Authority	Limerick City & County Council.
Planning Authority Reg. Ref.	22/803.
Applicant(s)	Analog Devices International.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Tom Ryan.
Observer(s)	None.
Date of Site Inspection	09/01/2023.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site lies within the established Raheen Industrial Estate, located to the south of Limerick City. The subject site comprises part of the established Analog Devices site within the Park. The site has a stated area of 9.52ha and is occupied by the Analog Devices site lies to either side of the Derrybeg Road within the Park and occupies a number of established units within the Business Park.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices as follows;

As part of the continuing regeneration and rejuvenation of our Campus, and upgrade of our facilities, we, Analog Devices International are applying for a ten-year planning permission for an extension to our C1 R&D Pilot Line building to provide R&D and 1st Industrial deployment/Manufacturing use in the proposed C2 Fanfare building at Raheen Industrial Business Park, Raheen, Co. Limerick. The planning application consists of the following:

1. Permission for the construction of a two-storey over basement extension to the existing C1 R&D Pilot Line building, with proposed ground floor R&D and 1st Industrial deployment/Manufacturing use, and basement, mezzanine and roof level plant areas;
2. The construction of a two-storey extension to the existing Energy Centre with proposed service tunnel connecting to the new R&D Fanfare basement;
3. The construction of a scrubber deck extension, with 4 new proposed scrubbers and flues, associated mechanical discharge flues and associated generator/electrical/support rooms;
4. Re-organisation of the site layout, with associated works, and the proposed relocation of 300 car park spaces from the proposed extension on Ballynoe Ave. to a landscaped car park accessed off Derrybeg Road (including the provision of new EV points, motorcycle spaces and bicycle spaces);

5. Relocate 2 existing groundwater control wells;
6. Associated alterations to the existing Manufacturing building and siteworks.

This is an existing Lower Tier Seveso site, and the development consists of modifications to an establishment within the meaning of the European Communities Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations. The site operates under an Integrated Pollution Control (IPC) licence. A Natura Impact Statement (NIS) is included in the application,

all at Raheen Business Park, Raheen, Co. Limerick.

2.2. The application included a number of supporting documents including as follows:

- Plans, particulars and completed planning application form
- Cover letter
- Sustainability & Design Statement
- Environmental Noise and Vibration Assessment
- Screening for EIA
- Natura Impact Statement
- Engineering Planning Report
- Workplace Travel Plan
- Traffic & Transportation Assessment
- Planning Stage Construction Environmental Management Plan
- Outline Construction Traffic Management Plan.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to grant planning permission for the proposed development subject to 14 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, third party submission, planning history and the relevant Development Plan policies and objectives. The report also includes an EIA Screening section and an Appropriate Assessment section which deals with the NIS submitted with the application.

The report notes that the proposed extension will have a floor area of 8,065m², and the nature of the Analog Devices business. It is advised that the proposed development will assimilate with the existing manufacturing building in terms of scale, materials and finishes. The Planning Officer concludes recommending that permission for the proposed development be granted.

This Planning Report, countersigned by the SEP, formed the basis of the Planning Authority's decision to grant permission.

3.2.2. Other Technical Reports

Roads, Traffic & Cleansing: Report presents conditions to be included in any grant of permission.

Planning, Environment & Place-Making: Report notes that operational noise will be governed by the EPA Licence. In terms of rock breaking construction noise, mitigation measures should consider screening, machinery used and timing and frequency of rock breaking. The report concludes recommending a condition to be included in a grant of permission.

Environment, Recreation & Climate Change Dept: The report recommends the inclusion of a condition relating to a site-specific waste management plan for the recovery/disposal of all wastes that will arise due to construction phase.

Active Travel: The report recommends that conditions be included in any grant of planning permission relating to the implementation and monitoring of the Workplace Travel Plans and increasing cycle storage and facilities.

Environment Section: The Environment Section requires that the Environmental Management Plan be revised to address how vibration and noise will not impact on the residents and the structure of properties. In addition, the report requires that a survey of the existing storm water network within the footprint of the premises be carried out which should include CCTV and dye testing where necessary.

Finally, the report requests that a condition be attached to a grant of planning permission, in relation to the installation of flow monitoring devices / flow meters on the storm network at locations prior to discharge to the IDA storm water pipeline.

Heritage Officer: Notes the conclusion of the NIS and recommends the inclusion of a condition requiring the implementation in full of the mitigation measures outlined in Chapter 8 of the NIS.

Archaeologist: No archaeological issues in regard to the application.

3.2.3. Prescribed Bodies

Gas Networks Ireland: No objections.

HSA: The Authority does not advise against the granting of planning permission.

DoHLG&H: The submitted report notes the location of the site within an existing industrial complex. Surface water is released into Loughmore Canal and eventually into the Lower River Shannon SAC, over 6km downstream. It is required that the PA is satisfied that the proposed mitigation with regard to the control and treatment of surface water entering the canal during and after construction is suitable and robust. In the event of a grant of permission, ongoing monitoring of surface water leaving the site must take place.

Irish Water: No objections

3.2.4. Third Party Submissions

There are 4 no. third-party objections noted on the PAs file from Eddie & Marion Cahill, Brian Crowley, Thomas Ryan, Gerard Cooney.

The issues raised as summarised as follows:

- The time length of the permission sought is excessive, unnecessary and will serve to add stress to the local community and residents adjacent to the site.
- Impact of works during construction of basements in terms of noise and dust pollution. Potential for structural defects in neighbouring properties due to the use of rock breakers as the vibrations from their use in 2016 caused movement in boundary walls of adjacent residential properties.
- The building will result in overlooking of property resulting in a loss of privacy.
- Questions in terms of hours of operation.
- Construction impacts.
- Questions address provided in site notice.
- Contractual agreements in relation to the Loughmore Canal have not been complied with and the canal has not been maintained.
- There are ongoing investigations into discharges through storm pipe, yet no determinations have been made of the causes of the pollution through the storm water network and subsequently through lands.
- Stormwater outfall discharges into in the Loughmore Turlough SAC with the Loughmore Canal discharging into the Barnakyle River.
- Given the lack of controls in the discharge of stormwater no further development can take place in the Estate.
- Lands have been flooded due to the destruction of the Loughmore Turlough and livestock suffered unexplained physical distortions as seen with exposures to chemical pollution.

Following the submission of the response to the FI request, there were no further submissions from third parties.

4.0 **Planning History**

There is extensive planning history associated with the site and the wider Raheen Business Park development. The relevant history is summarised as follows:

PA ref: 15/283: 10-year permission granted by Limerick City & County Council for an extension of the manufacturing facility etc.

ABP ref: ABP-313740-22 (PA ref: 22/38): Permission sought to construct a new liquid hydrogen storage tank to replace existing and alterations as required at the Analog Devices International, Ballynoe Road, Raheen Business Park, Raheen, Limerick.

This is a current appeal with the Board.

5.0 Policy and Context

5.1. Development Plan

Limerick City & County Development Plan 2022

- 5.1.1. The Board will note that when the PA considered the proposed development, the previous 2016 Development Plan was in place. The new Limerick Development Plan 2022-2028 is the now the relevant policy document pertaining to the subject site. This Plan was adopted by the Elected Members of Limerick City & County Council on the 17th of June 2022 and the Plan came into effect on the 29th of July 2022, six weeks after the date of adoption.

The Plan is set out over 6 Volumes with Volume 1 comprising the Written Statement and Volume 2 dealing with Settlements. The remaining volumes deal with Record of Protected Structures and ACAs, Environmental Reports, Designated Sites & RMPs and accompanying strategies such as the Housing Strategy, Retail Strategy etc.

The subject site lies at the south-western area of the Limerick City and Suburbs, on lands zoned High Tech / Manufacturing Campus. This zoning is afforded to the full Raheen Business Park. It is the stated objective of this zoning 'to provide for office, research and development, high technology, regional distribution/ logistics, manufacturing and processing type employment in a high quality built and landscaped campus style environment'.

The Raheen Business Park, together with the National Technology Park and the proposed Northside Business Campus are identified as Strategic Employment

Locations under the Limerick Shannon Metropolitan Area Strategic Plan (MASP).

The following policy objectives are relevant:

- **Objective ECON O17 Strategic Employment Locations City and Suburbs (in Limerick), Mungret and Annacotty:** Seeks to facilitate and support the Raheen Business Park (and others) as strategic employment locations in accordance with MASP.

Having regard to the issues raised in the third-party submission and noting that the site lies approximately 1.2km to the west of the nearest area identified as having a high potential for flooding by rivers and coastal flooding, I also consider the following policy objective to be relevant:

- **Objective CAF O21 Identified Flood Risk:** It is an objective of the Council to:
 - a) Ensure that no development shall commence on the lands identified as being at flood risk adjacent to the Raheen Business Park in the townlands of Ballycummin/ Rootiagh, zoned for High Tech/ Manufacturing, until a Site-specific Flood Risk Assessment, including hydraulic model has been prepared for the lands, which demonstrates that the flood risk for the lands can be mitigated or that a less vulnerable use can be accommodated on site.

In terms of the above, the Board will note that the subject site lies to the north east of the identified townlands, and at a distance of approximately 1km. It is also noted that the subject site comprises made ground, and is not greenfield.

5.2. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Lower River Shannon SAC (Site Code: 002165) which is located approximately 2km to the north of the site and the River Shannon and River Fergus Estuaries SPA (Site Code: 004077).

5.3. EIA Screening

5.3.1. Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) sets out the class of developments which provide that mandatory EIA is required.

The following classes are considered to be relevant:

- Class 10 Infrastructure Projects of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended):
 - 10(a) Industrial estate development projects, where the area would exceed 15 hectares.
 - 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Due to the site's location in a built-up area 10 hectares is the relevant threshold in this case.
- Class 13 Changes, Extensions, Development and Testing of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended):
 - Class 13(a)(ii) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would: - result in an increase in size greater than:
 - 25 per cent, or
 - An amount equal to 50 per cent of appropriate threshold,Whichever is greater.
- Class 15 Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

5.3.2. In terms of the above the Board will note that the existing buildings on the site extend to a stated floor area of 46,695m². The proposed development comprises the

construction of an industrial building with a floor area of 8,065m², on a site covering 9.52ha and all within the existing Raheen Business Park.

- 5.3.3. In terms of Class 13 and given the information presented, I concluded that the development is not of a scale or nature which would trigger the need for a statutory EIAR, on the basis that the proposed extension to the existing facility does not result in an increase greater than 25% (the actual increase is 17.27%). It is therefore considered that the development does not fall within any cited class of development in the P&D Regulations and does not require mandatory EIA.
- 5.3.4. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 5.3.5. In terms of Class 15, the Board will note that the applicant submitted an EIA Screening Report to address this, and comprehensively considers the potential impact of the proposed development. The primary areas of potential impact, in my opinion, relate to dust emissions and noise and vibration during the construction period. The applicant has addressed these issues in the CEMP and the Noise & Vibration Assessment. I will address AA matters further in the assessment section of this report. The EIA Screening report concludes that the project is not likely to give rise to significant impacts on the receiving environment, either in isolation or cumulatively with other projects in the proposal area.
- 5.3.6. Having regard to:
- (a) the nature and scale of the development,
 - (b) the location of the site within the established Raheen Industrial Business Park, and

- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that 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 at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal, from Mr. Tom Ryan, against the decision of the Planning Authority to grant planning permission for the proposed development within the industrial building in the Raheen Business Park. The issues raised reflect those made to the Planning Authority during its assessment of the proposed development and are summarised as follows:

- The contractual agreements between the local authority and the landowners in relation to the Loughmore Canal have not been complied with and the watercourse has not been maintained.
- Capacity of the outfall concerns were raised in 1999 by the Local Authority's planning and environment sections yet permissions have been granted without control measures or flood risk assessments. This has led to extensive flooding of lands.
- Expansion of the Raheen Industrial Estate has resulted in misconnections in the foul and storm water network and there are on-going investigations into discharges which are not storm water. No further development can be permitted in the Estate on public health grounds.
- Storm water discharges through an SAC.
- Lands have been flooded and livestock suffered unexplained physical distortions as seen with exposure to chemical pollution. The Local Authority has a responsibility for animal welfare.

- The appeal includes details of a Loughmore Canal Stakeholder Meeting dated 21st April 2022.

6.2. Planning Authority Response

None.

6.3. First Party Response to Third Party Appeal

The first party, through their agent, submitted a response to the third-party appeal.

The issues raised are summarised as follows:

- The issues raised are outside the control of the applicant and any suggestions that ADIs activities have in anyway affected lands, livestock or surrounding lands are refuted.
- Agreements between the LA and landowners are outside the control of the applicants.
- The activities of Analog Devices International are carried out under strict controls laid down in the IPC licence and are subject to stringent EPA monitoring.
- Currently, surface water from the car park of the proposed site discharges unattenuated to an existing surface water sewer via a bypass separator. It is now proposed to provide an attenuation tank and flow control device to reduce the surface water discharge from the proposed development. The relocated car park will be constructed of a tanked permeable paving system which will be lined. The flow control devices and attenuation will result in a reduction in the peak flow of surface water currently discharging from the site.
- The development will not contribute any additional surface water to the Barnkyle Stream.
- The NIS has assessed the potential for impacts on the Natura 2000 network. With mitigation embedded in the design at both construction and operational phases, it was determined that no impact on the Natura 2000 sites will occur from the project.

- An Taisce were notified by the EPA for the previous licence review applications and there is no record of any submission from them.

6.4. Further Responses

The HSA submitted a response to the Boards request to make submissions or observations on the subject appeal. The Authoritys response draws the Boards attention to Regulation 24(3) of S.I. 209 of 2015 and advises that the Authority does not deal with routine emissions, which will be subject to EPA or LA scrutiny and control. The operator or an establishment covered by S.I. 209 of 2015 is required to take all necessary measures to prevent major accidents occurring and to limit the consequences of any such major accidents for human health and the environment.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Introduction
2. Principle of the development
3. Third Party Issues
4. Other Issues

7.1. Introduction

- 7.1.1. While it is incumbent on the Board to consider the subject appeal *de novo*, I would note the detail of this third-party appeal appears to relate to a single issue. The appellant has appealed a number of recent PA decisions in the Raheen Business Park on the grounds of impacts associated with the original development of the Business Park in terms of storm water discharges, flooding and the impact of flooding, and suggested chemical pollution, on livestock.

- 7.1.2. Having regard to the planning history of the wider site, and previous submission by the appellant, I would note it is Mr. Ryan's experience that previous engineering solutions proposed to attenuate water across the wider Business Park have not worked to date, and it is submitted that development at Raheen Business Park impacts and exacerbates flooding on his, and other peoples, land.
- 7.1.3. The third-party appellant requests that permission for any further development within the Raheen Business Park be refused in the absence of controls in the discharge of stormwater from the estate to waterways. The Board will also note the minutes of the Loughmore Canal Stakeholder meeting dated 21st April 2022 submitted by the appellant as part of the appeal documentation. These minutes include details of the discussion with landowners, the PA and representatives of the IDA who manage the Business Park.

7.2. Principle of the development

- 7.2.1. Founded in 1965, Analog Devices Inc. are noted to be world leaders in high performance signal processing and are synonymous with high performance and innovation among electronics manufacturers. Their product portfolio covers Entertainment and Media, Industry and Aerospace, Medical Technology, Wireless and Automobiles Applications, and the company carries out a number of operations in Ireland. The company established in Ireland in 1977 with the support of IDA and has grown to employ 1,200 people at its original and main Irish hub in Limerick and over 40 people at its design facility in Cork. The subject appeal relates to an extension to the main hub in Limerick.
- 7.2.2. The proposed development seeks a 10-year permission for the construction of an extension to the existing Analog Devices International campus buildings within the Raheen Business Park in Limerick. The subject site extends to 9.52ha and is dissected by local roads, Derrybeg Road and Lurraga Road. The campus also has frontage, primarily on Ballycummin Road to the north east, Cloughkeating Road to the south west and Saggart Road to the east.
- 7.2.3. The proposed extensions to the existing buildings are to be located to the east of the main manufacturing facility which lies in the central section of the wider ADI campus and the proposed extension to the existing C1 R&D Pilot Line building and the

extension to the Energy Centre will be located within an existing car parking area at this location. The proposed development also seeks the reorganisation of the existing site layout and the relocation of 300 car parking spaces from Ballynoe Avenue to Derrybeg Road.

- 7.2.4. All services to support the proposed development are in place in terms of access road, water services infrastructure and utilities.
- 7.2.5. The site is located on lands zoned for a High Tech / Manufacturing Campus. This zoning is afforded to the full Raheen Business Park, and it is the stated objective of this zoning 'to provide for office, research and development, high technology, regional distribution/ logistics, manufacturing and processing type employment in a high quality built and landscaped campus style environment'.
- 7.2.6. The Board will note that there is a valid planning permission for the construction of a building to be used as a proposed service garage, which was permitted under the previous Development Plan. Under the 2016 Plan, the lands were zoned Enterprise & Employment, to accommodate enterprise and employment related uses. As such, I am generally satisfied that the principle of the current proposed development, being an extension to an existing industrial building within the Raheen Business Park, can be considered acceptable.

7.3. Third Party Issues

- 7.3.1. I have included a brief summary of the issues raised in the third-party appeal in section 7.1 of this report, noting that the issues raised primarily relate to the management of surface and storm waters arising within the wider Business Park, and the impact on property along the Barnakyle River and the Loughmore Canal.
- 7.3.2. The Board will note that the applicant has submitted details regarding the proposed management of surface water arising at the site. Currently, surface water from the car park of the proposed site discharges unattenuated to an existing surface water sewer via a bypass separator. It is now proposed to provide an attenuation tank and flow control device to reduce the surface water discharge from the proposed development. The relocated car park will be constructed of a tanked permeable paving system which will be lined. The flow control devices and attenuation will result in a reduction in the peak flow of surface water currently discharging from the site.

- 7.3.3. The Board will note that the applicant has submitted an Engineering Planning Report for the proposed development which advises that the proposed surface water drainage system has been designed using Causeway Flow Software and that a new surface water network shall be provided, which will be entirely separate from the foul water sewer network. In addition, as the subject site is currently hardstanding, there will be no increase in surface water run-off as a result of the proposed extension. The proposed development will have no impact on or contribute to any additional surface water to the Barnkyle Stream.
- 7.3.4. The design for the site includes a variety of SuDS measures to retain rainwater and decrease the impact of the development on the receiving environment. Such measures include:
- the use of permeable pavements
 - attenuation tank
 - bypass interceptor.
- 7.3.5. I would note that the appellants land lies within an area adjacent to the Barnakyle River which has an extensive network of drains in place. This area lies approximately 2km to the west of the subject site. Having consulted the Flood Maps website, I would note that the area of the appellants land immediately adjacent to the river is noted to be at risk of river flood events and coastal flood events, but no past flood event is noted within the immediate area or extending into the farmland. An area of the appellants land is located within the Barnakyle Drainage District under the Local Authority, and the Mague Arterial Drainage Scheme, under the OPW. I would note that such designations do not indicate a flood hazard or flood event, with both carried out essentially to improve land for agriculture and to mitigate flooding.
- 7.3.6. While I would acknowledge the concerns raised by the appellant, I do not consider that a grant of planning permission in this instance will exacerbate any potential risk of flooding. I would also accept the bone fides of the storm water management proposals presented by the applicant. Overall, and having regard to the planning history of the subject site, I am satisfied that the proposed extension to the existing Analog Devices International building at this location within the Raheen Business Park is acceptable and would accord with the proper planning and sustainable development of the area.

7.4. Other Issues

7.4.1. Visual Impacts

Having regard to the location of the subject development site, together with the information presented with the application, I am generally satisfied that the proposed development will not give rise to any significant visual impacts within the Business Park.

7.4.2. Roads & Traffic

Having regard to the context of the subject site, together with the wider proposals for the reorganisation of the car-parking layout to serve the Analog Devices Campus, I am satisfied that there are no issues arising in relation to roads, traffic or parking matters. The submitted information includes a Traffic and Transportation Assessment, an Outline Construction Traffic Management Plan and a Workplace Travel Plan.

The proposed development will see the employment of an additional 70 staff (approximately) who will work in 5 separate shifts throughout the week. The TTA also notes that since the appointment of an Active Travel Coordinator, there has been a growing trend towards sustainable modes of transport and a reduction in private car usage. In this regard, it is concluded that the proposed extension will have a negligible impact on the existing road network, with all junctions operating within capacity.

Bike storage facilities are also proposed as part of the development.

The Active Travel section of the PA recommends that conditions be included in any grant of planning permission relating to the implementation and monitoring of the Workplace Travel Plans and increasing cycle storage and facilities. I consider this to be reasonable.

7.4.3. Services

The proposed development will connect to the existing public water services which are located within the Business Park. I note no objection from Irish Water in this regard.

7.4.4. **Development Contribution**

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

8.0 **Appropriate Assessment**

8.1. **Introduction:**

- 8.1.1. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.
- 8.1.2. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site. The Board will note that a Natura Impact Statement (NIS) was submitted as part of documentation for permission for the proposed development to assess the likely or possible significant effects, if any, arising from the proposed development on any European site.
- 8.1.3. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.
- 8.1.4. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:
 - Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).

- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

8.2. Screening for Appropriate Assessment

8.2.1. The applicant submitted a Natura Impact Statement with the planning application, which included an Appropriate Assessment Screening section in part 5 of the Report. The Report noted that the site is not located within any designated site. I note that the proposed development is not directly connected or necessary to the management of a European Site. The AA Screening Report (Section 5 of the NIS) identified the Natura 2000 sites within 15km of the subject site, including as follows:

- Lower River Shannon SAC (Site Code: 002165)
- River Shannon and River Fergus Estuaries SPA (Site Code: 004077)
- Tory Hill SAC (Site Code: 000439)
- Askeaton Fen Complex SAC (Site Code: 002279)
- Curraghchase Woods SAC (Site Code: 000174)

8.2.2. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. I am satisfied that the following identified sites can be screened out in the first instance, as they are located outside the zone of significant impact influence because the ecology of the species and / or the habitats in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated sites to the development site and therefore, it is concluded that no significant impacts on the following sites is reasonably foreseeable based on the sites Conservation Objectives, Qualifying and Special Qualifying Interests. I concur with the applicants' determination in relation to the following 3 Natura 2000 sites:

- Tory Hill SAC (Site Code: 000439)

- Askeaton Fen Complex SAC (Site Code: 002279)
- Curraghchase Woods SAC (Site Code: 000174)

8.2.3. The AA Screening Assessment concluded that the project had the potential for indirect impacts to water quality arising on the following two European Sites, and that Stage 2 AA is required for these sites. I concur with this conclusion in relation to:

- Lower River Shannon SAC (Site Code: 002165)
- River Shannon and River Fergus Estuaries SPA (Site Code: 004077)

8.3. **Natura Impact Statement**

8.3.1. The application was accompanied by a Natura Impact Statement (NIS, dated 18th July 2022) which scientifically examined the potential impacts of the proposed development on the following European Sites:

- Lower River Shannon SAC (Site Code: 002165)
- River Shannon and River Fergus Estuaries SPA (Site Code: 004077)

The Board will note that the Planning Authority raised no concerns in terms of the content of the NIS.

8.3.2. The NIS identifies the relevant Natura 2000 sites that have the potential to be affected by the proposed development, presents a description of the proposed development and identifies other projects or plans or activities in the vicinity. The NIS outlines the assessment methodology employed to identify and assess the potential impacts on habitats and species identified as qualifying interests of a number of European Sites and their conservation objectives, including cumulative / in-combination impacts. The NIS sets out mitigation measures and addresses potential residual impacts on the European sites.

8.3.3. The NIS concluded that the proposed development has the potential to have significant effects on the following sites and their QIs:

- Lower River Shannon SAC (Site Code: 002165)
- River Shannon and River Fergus Estuaries SPA (Site Code: 004077)

I am satisfied that a Stage 2 Appropriate Assessment is required for these two European Sites on the basis of the proximity of the sites to the appeal site and the potential for indirect impacts to water quality arising.

8.3.4. Section 7 of the submitted NIS presents a detailed assessment of the potential impact of the project on the QIs of the identified European Sites – Stage 2 AA. The report concludes that in the absence of mitigation, there is the potential for impacts on the Lower River Shannon SAC via the groundwater to surface water pathway at construction stage – from pumped groundwater.

8.3.5. Details of site-specific mitigation measures are detailed in Section 8 of the NIS. Such measures include:

- groundwater treatment during construction,
- reduced volumes of operational stormwater discharge,
- water quality monitoring regimes
- dust management plan.

In addition to the above, general mitigation measures are described for the construction phase.

8.3.6. The NIS concludes that, provided the mitigation measures are implemented in full, it is considered that the proposal will not adversely affect the integrity of any of the European Sites considered in the report including:

- Lower River Shannon SAC (Site Code: 002165)
- River Shannon and River Fergus Estuaries SPA (Site Code: 004077)

I am satisfied that the information is sufficient to allow for Appropriate Assessment of the proposed development.

8.4. Consultations and Observations

8.4.1. In the course of the assessment of the proposed development, the following consultations and third-party submissions were considered as they relate to AA:

- The **DoHLG&H** noted the location of the site, and that surface water is released into Loughmore Canal and eventually into the Lower River Shannon

SAC, over 6km downstream. It is required that the PA is satisfied that the proposed mitigation with regard to the control and treatment of surface water entering the canal during and after construction is suitable and robust. In the event of a grant of permission, ongoing monitoring of surface water leaving the site must take place.

- The **Heritage Officer** of Limerick City & County Council recommends the inclusion of a condition requiring the implementation in full of the mitigation measures outlined in Chapter 8 of the NIS.
- **Third Parties** made reference to matters relating to AA in their submissions to the PA and which are summarised above in Section 3.2.4 of this report.

All of the observations, submissions, appeal submissions and technical reports from departments of Limerick City & County Council and prescribed bodies are considered as part of this appropriate assessment.

8.5. Stage 2 Appropriate Assessment

8.5.1. Relevant European Sites:

European Site	Qualifying Interests
<p>Lower River Shannon SAC (Site Code: (002165))</p>	<p>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]</p>

	<p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>
<p>River Shannon and River Fergus Estuaries SPA (Site Code: 004077)</p>	<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Scaup (Aythya marila) [A062]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p>

	<p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
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Lower River Shannon Special Area of Conservation (Site Code: 002165)

- 8.5.2. This 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 Shannon and Fergus Estuaries form the largest estuarine complex in Ireland. They form a unit stretching from the upper tidal limits of the Shannon and Fergus Rivers to the mouth of the Shannon Estuary (considered to be a line across the narrow strait between Kilcredaun Point and Kilconly Point). Both the Fergus and inner Shannon Estuaries feature vast expanses of intertidal mudflats, often fringed with saltmarsh vegetation. The site supports an excellent example of a large shallow inlet and bay.
- 8.5.3. Freshwater rivers have been included in the site, most notably the Feale and Mulkear catchments, the Shannon from Killaloe to Limerick (along with some of its tributaries, including a short stretch of the Kilmastulla River), the Fergus up as far as Ennis, and the Cloon River. Overall, the Shannon and Fergus Estuaries support the largest numbers of wintering waterfowl in Ireland. There is a resident population of Bottle-nosed Dolphin in the Shannon Estuary. This is the only known resident population of this E.U. Habitats Directive Annex II species in Ireland. The population is estimated (in 2006) to be 140 ± 12 individuals. Otter, a species also listed on Annex II of this Directive, is commonly found on the site. Five species of fish listed on Annex II of the E.U. Habitats Directive are found within the site.
- 8.5.4. Domestic and industrial wastes are discharged into the Shannon, but water quality is generally satisfactory, except in the upper estuary where it reflects the sewage load from Limerick City. Analyses for trace metals suggest a relatively clean estuary with no influences of industrial discharges apparent. Further industrial development along the Shannon and water polluting operations are potential threats.
- 8.5.5. Detailed Conservation Objectives for the Lower River Shannon SAC (Site Code: 002165) are included in the NPWS Conservation Objectives Series for the site, dated 7th August 2012, with the overall objective being to maintain or restore the

favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been designated.

River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077)

- 8.5.6. 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 is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for a number of species. 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. The site is the most important coastal wetland site in the country and regularly supports in excess of 50,000 wintering waterfowl, a concentration easily of international importance. Parts of the River Shannon and River Fergus Estuaries SPA are Wildfowl Sanctuaries.
- 8.5.7. Detailed Conservation Objectives for the River Shannon and River Fergus Estuaries SPA (Site Code: 004077) are included in the NPWS Conservation Objectives Series for the site, dated 17th September 2012, with the overall objective being to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been designated.

8.6. Potential Significant Effects

- 8.6.1. As the subject site, and proposed works, are located outside the boundary of any European Site, there is no potential for direct effects on the Qualifying Interests of the sites, with mitigation in place. With regard to the consideration of a number of key indications to assess potential indirect effects, the following is relevant:
- Habitat loss / alteration / fragmentation: There shall be no direct loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
 - Water Quality: There is potential that aquatic habitats may be indirectly altered by the development. This concern arises due to the identification of contaminated groundwater during groundwater monitoring carried out in the vicinity of the site in 2021, where low levels of chlorinated solvents in one

groundwater well was detected. It is noted that this well is located at a distance from the subject site and the proposed excavation. The extent of the contamination plume in the groundwater is not known but proposed excavation works may encounter contaminated groundwater. It is proposed that any groundwater accumulating in the excavated area will be pumped, and there is therefore, a potential pathway through the stormwater system, via the Loughmore Canal, to the River Maigue. The River Maigue is part of the two identified European Sites. A reduction in water quality due to chemicals or other substances could potentially impact on the habitats that support aquatic species.

No works are proposed within or immediately adjacent to a Natura 2000 site and the proposed development includes a number of best practice and mitigation measures which have been integrated into the proposal.

It is concluded that, subject to adherence with mitigation measures, there is no potential for adverse effects on any European Site.

- Cumulative / in-combination Impacts: The NIS identifies a suite of plans and projects in the vicinity of the site which were considered in terms of in-combination impacts on the Natura 2000 sites. It is concluded that, subject to adherence with mitigation measures, there is no potential for adverse effects on any European Site.

Mitigation Measures

- 8.6.2. Mitigation and best practice measures are proposed to address the potential adverse effects of the development to ensure that the development will not adversely affect the identified European Sites or the conservation status of protected habitats and species they support. A construction environmental management plan has also been compiled to oversee the development. The NIS also includes a suite of environmental measures which deal with groundwater treatment during construction, reduce volumes of operational stormwater discharge, water quality monitoring regimes and dust management plan associated with the construction phase. Other general mitigation measures associated with the construction phase are also detailed.

Overall Appropriate Assessment Conclusion

8.6.3. Having regard to the nature of the subject development site, the nature of the proposed development and its location within an existing built up area of the Raheen Business Park, Raheen, Co. Limerick, together with the details presented in the Natura Impact Statement, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, and other supporting documents, I consider it reasonable to conclude on the basis of the information on the file, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the following Natura 2000 sites, or any other European site, in view of the sites Conservation Objectives:

- Lower River Shannon SAC (Site Code: 002165)
- River Shannon and River Fergus Estuaries SPA (Site Code: 004077)

8.6.4. A Demolition and Construction Environmental Management Plan, which includes all mitigation and best practice measures identified in the NIS should be submitted for the written agreement of the Planning Authority prior to the commencement of the development.

9.0 Recommendation

9.1. It is recommended that the proposed development be granted for the following stated reasons and considerations.

10.0 Reasons and Considerations

Having regard to the planning history and the zoning objective of the subject site, its location within the existing Raheen Business 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 be acceptable and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Prior to the commencement of any development on the site, the developer shall submit for the written agreement of the Planning Authority, full details of the surface water disposal system plan, and all revised details as required. The plan shall include a full survey of the existing storm water network within the footprint of the subject site and all surface water run-off from the development shall be disposed of appropriately. All resulting information from the agreed surveys shall be submitted for the written agreement of the Planning Authority.

Reason: In the interest of public health and the proper planning and orderly development.

3. Site development and building works shall be carried out only between the hours of 0800 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 amenities of property in the vicinity.

4. All mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement submitted with the application, shall be

carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment, public health and the proper planning and sustainable development of the area.

5. Prior to the commencement of any development on the site the applicant shall submit a revised workplace travel plan to the satisfaction of the Planning Authority. The Plan shall include details, including locations, of additional drying, changing and locker facilities, increase in the number of showers, increased provision of covered cycle parking and proposals to cover the existing open cycle parking spaces.

Reason: In the interests of proper planning and the sustainable development of the area.

6. The construction of the development shall be managed in accordance with an up-to-date Construction Environmental 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

7. 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, before the proposed development is occupied.

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

8. 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.

A. Considine
Planning Inspector
02nd February 2023