



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314911-22

#### Development

Construction of a single storey discount foodstore (to include off-licence use) and all associated site works. A Natura Impact Statement will be submitted to the planning authority with the application.

#### Location

Lands at New Road/Knockalisheen Road, Ballynanty More, Moyross, Limerick.

#### Planning Authority

Limerick City and County Council

#### Planning Authority Reg. Ref.

211658

#### Applicant(s)

Aldi Stores (Ireland) Ltd.

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

Iceland Stores Ireland Limited  
Sataner Limited  
Watchhouse Cross Shopping Centre

#### Observer(s)

None

**Date of Site Inspection**

06<sup>th</sup> December 2023

**Inspector**

Lorraine Dockery

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	5
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations .....	8
5.3. EIA Screening .....	8
6.0 The Appeal .....	9
6.1. Grounds of Appeal .....	23
6.2. Applicant Response .....	25
6.3. Planning Authority Response .....	27
6.4. Observations .....	27
6.5. Further Responses.....	27
7.0 Assessment.....	28
8.0 Recommendation.....	34
9.0 Reasons and Considerations.....	34
10.0 Conditions .....	34
Appendix 1 – Form 1: EIA Pre-Screening	

## **1.0 Site Location and Description**

- 1.1. The subject site, which has a stated area of 1.12 hectares, is located in a mature residential estate of Moyross, along the New Road/Knockalisheen Road, approximately 2km north-west of Limerick city. The site is currently greenfield in nature and forms part of a larger area zoned for mixed-use. Animals were grazing thereon at the time of my site visit.

## **2.0 Proposed Development**

- 2.1. The proposal comprises the construction of a single storey discount foodstore (to include off-licence) with net retail area of 1315m<sup>2</sup> (1820m<sup>2</sup> GFA); new vehicular/pedestrian access from Knockalisheen Road, including connection for proposed future access to adjoining lands; 98 car parking spaces and all associated site development works.
- 2.2. The application includes a letter of consent from Ray O'Halloran (landowner) to Aldi Stores (Ireland) Ltd to lodge a planning application on the site. A letter of consent from Limerick City and County Council confirming that the Council will facilitate services to cross lands, subject to accommodation works and planning consents being put in place (as per attached maps) is also included.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission GRANTED, subject to 18 no. conditions

Further Information was requested by the planning authority in relation to the submitted Retail Strategy; additional cycle details/facilities and EV charging points; additional details relating to proposal in context of Coonagh to Knockalisheen Distributor Road; flooding and surface water disposal details; signage; traffic and pedestrian issues; public lighting and address issues raised in third party submissions.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Report

- Reflects decision of planning authority; recommends grant of permission

#### 3.2.2. Other Technical Reports

Roads Section- further information requested (dated 26/01/22)

Design and Delivery Section-further information requested (dated 25/01/22)

Active Travel section- further information requested (25/02/22)

PEMP Section- further information requested (14/01/22)

Environment Section- condition recommended

Chief Fire Officer- no objections

City and County Archaeologist- conditions recommended

Environmental Health- conditions recommended

Heritage Officer- agrees with findings of NIS; condition recommended

### 3.3. **Prescribed Bodies**

Uisce Eireann-no objections, conditions attached

### 3.4. **Third Party Observations**

Three observations were received by the planning authority with issues raised similar to that contained in the appeal documentation.

## 4.0 **Planning History**

No recent relevant planning history on this site

Adjacent Site

22567

Permission GRANTED for construction of 6 no. commercial enterprise units, access road, carparking and signage.

## 5.0 Policy Context

### 5.1. Ministerial Guidelines

#### Retail Planning Guidelines for Planning Authorities – Department of Environment Community and Local Government (April 2012)

The Guidelines acknowledge that the retail sector is a key element of the national economy in terms of employment, economic activity and the vitality of cities and towns. A key aim of the Guidelines is that the Planning Authority planning system should promote and support the vitality and viability of city and town centres in all their functions.

Section 2 outlines five key objectives which are intended to guide and control retail development while Section 4.4 contains guidance on the sequential approach to retail development. It outlines an order of priority for retail development, directing the retail development should be located in city and town centres (and district centres if appropriate) and that edge-of-centre or out-of-centre locations should only be considered where all other options have been exhausted.

Section 4.11.1 states that large convenience stores comprising supermarkets, superstores and hypermarkets should be located in city or town centres or in district centres or on the edge of these centres and be of a size which accords with the general floorspace requirements set out in the development plan/retail strategy. The guidelines define a supermarket as a single level, self-service store selling mainly food, with a net retail floorspace of less than 2,500sqm.

#### Retail Design Manual

The companion document to the Retail Planning Guidelines promotes high quality urban design in retail development, to deliver quality in the built environment. It sets out 10 principles of urban design to guide decisions on development proposals.

### 5.2. Development Plan

The Limerick Development Plan 2022-2028 applies

Chapter 5: A Strong Economy

## Section 1: Retail

### Zoning:

'Mixed Use' which seeks 'to provide for a mixture of residential and compatible commercial uses'

### Section 3.4.6.5 Moyross

#### Objective M 01 Moyross

It is an objective of the Council to:

q) Promote Watchhouse Cross as the District Centre for the area of Moyross, Kileely, Ballynanty and Parteen in accordance with the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick.

### Section 3.4.5.2 The Bays, Moyross

A deficit of convenience retail floor space has been identified in Moyross. On this basis, a convenience retail element will be open for consideration, but is seen as ancillary to the primary use as an employment zone.

#### Objective BM 01 The Bays, Moyross

It is an objective of the Council to: a) Facilitate creation of a mixed-use employment zone enhancing a broad range of employment opportunities for the local community. No residential use shall be permitted in this zone. b) Consider provision of a single convenience retail unit, which shall not exceed a net floor area of 1,500m<sup>2</sup> subject to a Retail Impact Assessment. c) Require the highest quality environment in terms of design and layout. Surface car parking shall be adequately screened and integrated into the site. d) Ensure the maximisation of connectivity for pedestrians and cyclists. e) Ensure open spaces, where proposed, are positioned to provide passive and active surveillance

### Volume 6 Retail Strategy for Limerick-Shannon Metropolitan Area and County Limerick 2022-2028

Table 2.4 Limerick-Shannon Metropolitan Area Retail Hierarchy

Tier 2- Major Town Centre/Level 2- Moyross- District Centre

Objective MASP01: Convenience Retail Floor Space: It is an objective of the Council to ensure emphasis remains to attract high quality convenience retail to the City Centre. However, there is a demand for new convenience floor space within established residential areas and within neighbourhood areas with growing residential communities and regeneration sites. This shall include: City Centre; Moyross; Ballysimon and Southern Environs.

Objective LCC15: The Council shall require that applications for new supermarkets on Local Centre sites shall be accompanied by a Retail Impact Assessment.

Objective LCC16: Proposals for new supermarket developments in Local/Neighbourhood Centre sites should support the sustainable upgrade of Local/Neighbourhood Centres and facilities and demonstrate that they facilitate improved access to public transport and/or cycling and walking for their catchment in accordance with the Retail Planning Guidelines (2012).

### Parking

Table DM 9(a): Car and Bicycle Parking Standards Limerick City and Suburbs (in Limerick) Mungret and Annacotty

### Limerick-Shannon Metropolitan Area Strategic Plan

Limerick Regeneration Framework Implementation Plan (LRFIP) seeks the delivery of nearly 600 new homes and the upgrading of over 1,500 homes across the areas of Moyross, Southill, Ballinacurra Weston and St Mary's Park.

## 5.3. **Natural Heritage Designations**

The nearest designated site- the Lower Shannon SAC (Site Code 002165)- is located approximately 155 metres from the subject site.

## 5.4. **EIA Screening**

Under Item 10(b)(iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2021, where urban development 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, the need for a mandatory EIA arises. The proposal is for the development of a site with an area of 1.12 hectares in an existing built-up area. Accordingly, it does not attract the need for



a mandatory EIA. Furthermore, as this proposal would fall below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

## 5.5 **Appropriate Assessment**

5.5.1 The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity each European site

### Compliance with Article 6(3) of the EU Habitats Directive

5.5.2 The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

5.5.3 An Appropriate Assessment Screening Report and Natura Impact Statement were submitted with the application. Further Information was also submitted by the applicants in this regard to the planning authority and was further elaborated upon within the first party response to the appeal. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. The information contained within the submitted reports is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development. The screening is supported by associated reports.

5.5.4 The AA Screening Report concludes that upon examination of the relevant information including in particular the nature of the proposed development and the likelihood of significant effect on European sites, the possibility may not be excluded

that the proposed development will have a significant effect on the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA during the construction phase. As a result, a NIS has been prepared.

#### Appropriate Assessment Screening

- 5.5.5 The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 5.5.6 The proposed development is examined in relation to any possible interactions with European sites, namely designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.
- 5.5.7 The proposal comprises permission for a single storey discount foodstore, to include off-licence with a gross floor area of 1820m<sup>2</sup>, together with ancillary works, on a site area of 1.12 hectares. The site is greenfield in nature, is comprised of rank grassland, hedgerows and areas of scrub and is used for grazing of horses. It is located on the urban edge of Limerick city. There are no watercourses adjacent to the site. The River Shannon is located approximately 0.6km SE of the proposed site. Groundwater flows are towards the River Shannon to the SE and the Ballcannan stream to the north. SuDS shall be utilised for stormwater management and the surface water drainage design has been carried out in accordance with the recommendations of the Greater Dublin Strategic Development Study (GSDSDS) and Regional Drainage Policies Vol. 2- New Development. Surface water drainage from the proposed development will be connected to the existing surface water sewer on the estate road to the south. Foul water from the proposed development will be discharged to an existing public combined sewer at the northern corner of the site. In terms of flood risk, the proposal is classed as 'less vulnerable development' and is primarily located within Flood Zone C, although a small area in the north of the site is within Flood Zone B (foul service connection area) for coastal flooding. A justification test is not required. The planning authority have not raised concern in this regard. Uisce Eireann has expressed no objections, subject to conditions.

#### Designated Sites and Zone of Impact

5.5.8 A potential zone of influence has been established having regard to the location of a European site, the Qualifying Interests (QIs) and SCIs of the sites and their potential mobility outside that European site, the source-pathway-receptor model and potential environment effects of the proposed project.

5.5.9 The subject site is not located within any designated European site. The applicants list all SACs and SPAs within a 15km radius in Table 5.1. All designated sites are screened out, aside from the two sites listed below which are considered to be located within the potential zone of impact. I would concur with this opinion of the applicant. See below:

Table 1:

Site Name and Code Qualifying Interests/SCI Conservation Objectives	Distance from Dev Site	Screening Comment in submitted AA Screening Report
<p><b>Lower River Shannon SAC (Site Code 002165)</b></p> <p><u>Qualifying Interests/SCI</u></p> <p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p>	<p>0.1km</p>	<p><b>The applicants consider that Lower River Shannon SAC (Site Code 002165 requires further consideration.</b></p> <p><b>There is a potential indirect hydrological pathway associated with migration of groundwater during the construction phase and a potential indirect hydrological pathway via surface water discharges from the site during construction and operational phases.</b></p> <p><b>Distance between the site and SAC is sufficient to exclude the possibility of any other significant effects.</b></p> <p><b>I would concur.</b></p>

<p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [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><u>Conservation Objective:</u></p> <p>To maintain/restore the favourable conservation condition of the species/habitat for which the SAC has been selected.</p>		
<p><b>River Shannon and River Fergus Estuaries SPA (Site Code 004077)</b></p>	<p>2.2km</p>	<p><b>The applicants consider that River Shannon and River Fergus Estuaries SPA (Site Code 004077) requires further consideration.</b></p>

<p><u>Qualifying Interests/SCI</u></p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p>		<p><b>There is a potential indirect hydrological pathway associated with migration of groundwater during the construction phase and a potential indirect hydrological pathway via surface water discharges from the site during construction and operational phases.</b></p> <p><b>I would concur.</b></p>
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<p>Wetland and Waterbirds [A999]</p> <p><u>Conservation Objective:</u></p> <p>To maintain or restore the favourable conservation condition of the habitats/species for which this SPA has been selected.</p>		
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### Direct/Indirect Impacts

5.5.10 The proposed development does not lie within any European designated sites.

Following a precautionary approach, noted that there is a potential indirect hydrological pathway associated with migration of groundwater during the construction phase and a potential indirect hydrological pathway via surface water discharges from the site during construction and operational phases in relation to two designated sites. The potential for cumulative effects resulting from the proposed development when considered in combination with other plans and projects cannot be discounted at the screening stage and the potential cumulative impacts arising as between the proposed development and other plans and projects are required to be considered as part of a Stage 2 Appropriate Assessment.

5.5.11 I have examined all of the information before me. In terms of the designated sites screened out, I note the nature and scale of development proposed on a greenfield site, connected to mains drainage. I note the distance involved to these designated sites. I am of the opinion that the risk of contamination of any watercourse or groundwater is extremely low, given that there are no pathways linking the proposed development and these European sites. I am satisfied that there would unlikely be significant effects on these designated sites due to the nature and scale of the development proposed, separation distances, the extent of intervening urban environment and no pathways linking the proposed site to these designated sites together with the conservation objectives of the designated sites.

### Screening Determination

5.5.12 The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out

Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) that significant effect on two European Sites in view of the Conservation Objectives of those sites could not be ruled out, and Appropriate Assessment is therefore required for the following:

Table 2:

Site Name	Site Code	Distance
Lower River Shannon SAC	002165	0.1km
River Shannon and River Fergus Estuaries SPA	004077	2.2km

The proposed development does not occur within or directly adjacent to either of these designated sites and there will be no direct impacts, such as habitat loss or modification as a result of this proposed development. Indirect impacts relate to potential indirect hydrological pathways associated with migration of groundwater during the construction phase and a potential indirect hydrological pathway via surface water discharges from the site during construction and operational phases.

5.5.13 The possibility of significant effects on all other European sites has been excluded on the basis of objective information. I have screened out all other European sites for the need for appropriate assessment, based on a combination of factors including the intervening minimum distances and lack of pathways. I am satisfied that there is no potential for likely significant effects on these screened out sites.

5.5.14 Measures intended to reduce or avoid significant effects on European sites have not been considered in the screening process.

5.5.15 I confirm that the sites screened in for appropriate assessment are included in the NIS prepared by the project proponent.

## Stage 2- Appropriate Assessment

### Introduction

5.5.16 The application included a NIS for the proposed development at Moyross, Co. Limerick. The NIS provides a description of the project and the existing environment. It also provides a background on the screening process and examines and assesses potential adverse effects of the proposed development on a number of European

Sites (identified above). Potential direct and indirect impacts arising from the proposed development are outlined in section 6.4 and 6.5 respectively. Details of mitigation measures are outlined in section 8. In combination effects are examined within section 6.6 and it is concluded that significant in combination effects of the proposed project with other projects and plans are not likely.

5.5.17 The NIS concludes that with the implementation of the mitigation measures included in the design of the development and the implementation of preventative measures during the construction and operational phases the proposed development will not have significant adverse impacts on the Lower Shannon SAC and River Shannon and River Fergus Estuaries SPA, alone or in combination with other plans and projects.

5.5.18 By applying a precautionary principle and on the basis of objective information, it is my opinion, that the designated sites in closest proximity to the development site, require further consideration only. Based on the above and taking a precautionary approach, I consider that it is not possible to exclude that the proposed development, individually or in combination with other plans or projects, will have a likely significant effect on the following sites:

Table 3:

Site Name	Site Code	Distance
Lower River Shannon SAC	002165	0.1km
River Shannon and River Fergus Estuaries SPA	004077	2.2km

5.5.19 I note that the matter of Appropriate Assessment was further addressed in the Further Information response to the planning authority and also as part of the first party response to this appeal. Having reviewed all the documentation available to me, submissions and consultations, I am satisfied that the information allows for a complete assessment of any adverse affects of the development on the conservation objectives of the two European sites listed above, alone or in combination with other plans and projects. The planning authority have not expressed objections in this regard, subject to condition.

Appropriate Assessment of implications of the proposed development on each European Site



5.5.20 The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the two European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

5.5.21 I have relied on the following guidance:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009);
- Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002);
- Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011);
- Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

5.5.22 A description of the two designated sites and their Conservation Objectives and Qualifying Interests, including any relevant attributes and targets, are set out in the NIS and further responses and outlined above as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website ([www.npws.ie](http://www.npws.ie)).

Appropriate Assessment of implications of the proposed development on each European Site

Special Areas of Conservation- Lower River Shannon SAC

5.5.23 There will be no direct impacts on any SAC site as a result of the proposed development as the development is located wholly outside of any European Site. Potential impacts of the proposed development on key habitats and species have been set out in section 7.2 of the NIS and I refer the Board to same.

Table 4:

Designated Site	Qualifying Interests	Conservation Objective (favourable status)
Lower River Shannon SAC	<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	Maintain/Restore the favourable conservation status of habitats and species of community interest

- 5.5.24 There is a potential for indirect impacts due to the potential hydrological pathway between the development site and specified habitats/species of the SAC during the construction phase, in the absence of pollution control/water attenuation measures. No other pathways between the development site and designated sites exist. There is also a potential impact on otter within the SAC from noise generated during the construction phase. Noise control audits will be conducted at regular intervals throughout the construction phase of development and mitigation measures are proposed. Given the distance between the site and development site (c. 0.1 km) it is not likely that any pollution event at the development site could result in significant impacts on the SAC. A number of measures will be implemented in order to ensure that there are no adverse effects arising from the proposed development on the SAC.
- 5.5.25 Mitigation measures, which are primarily general protection measures that would be used by any competent developer in the construction of a similar type development are proposed including SuDS measures. Mitigation measures have been outlined in section 8. Specifically, section 8.1.3 of the NIS deals with surface water and groundwater protection measures. Controlled surface water runoff procedures will be implemented; materials will be properly stored on site; appropriate training will be given.
- 5.5.26 Foul and surface water will only be discharged to the mains sewer under authorisation from Uisce Eireann and the local authority. It is noted that Uisce Eireann have stated that they have no objections to the proposed development, subject to upgrades. All works will be undertaken in accordance with Uisce Eireann standard details and codes of practice. The planning authority have not raised concerns in this regard.
- 5.5.27 No invasive species, listed on the 3<sup>rd</sup> Schedule of S.I. 477/2011 have been listed as being recorded on site.
- 5.5.28 Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the Lower Shannon SAC in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Special Protection Areas (SPAs) – River Shannon and River Fergus Estuaries SPA

5.5.29 The proposed development site is wholly located outside of this European site and as outlined for the SAC site above, there will be no direct impacts, either habitat loss or modification on any SPA sites. The site is screened by existing urban development and landscaping. Potential impacts of the proposed development on key habitats and species have been set out in section 7.2 of the NIS and I refer the Board to same.

Table 5:

Designated Site	Qualifying Interests	Conservation Objective (favourable status)
River Shannon and River Fergus SPA	Cormorant ( <i>Phalacrocorax carbo</i> ) [A017] Whooper Swan ( <i>Cygnus cygnus</i> ) [A038] Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Shelduck ( <i>Tadorna tadorna</i> ) [A048] Wigeon ( <i>Anas penelope</i> ) [A050] Teal ( <i>Anas crecca</i> ) [A052] Pintail ( <i>Anas acuta</i> ) [A054] Shoveler ( <i>Anas clypeata</i> ) [A056] Scaup ( <i>Aythya marila</i> ) [A062] Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137] Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] Lapwing ( <i>Vanellus vanellus</i> ) [A142] Knot ( <i>Calidris canutus</i> ) [A143] Dunlin ( <i>Calidris alpina</i> ) [A149] Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Curlew ( <i>Numenius arquata</i> ) [A160] Redshank ( <i>Tringa totanus</i> ) [A162] Greenshank ( <i>Tringa nebularia</i> ) [A164] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Wetland and Waterbirds [A999]	To maintain/restore the favourable conservation status of all species listed

- 5.5.30 It is noted that one of the third party appeal submission raises concerns regarding lack of fieldwork to inform the NIS and contends that it is therefore deficient in this regard. I note that the NIS was informed by desktop work only. However, the first party response states that subsequently an assessment of the quality and composition of the development site for SCI species of the River Shannon and River Fergus Estuaries SPA was carried out by Enviroguide on 11/11/202. It was undertaken during Limerick high tide to ensure the site was not being used as a high tide roost and/or foraging resources for waterbirds associated with the SPA. A site walkover was also undertaken. Habitats surrounding the site were also assessed. Results of same are included in the submitted documentation. The site survey confirmed that initial desktop assessment. Twenty-nine bird species were recorded during the survey, 20 of which were recorded using the site lands. Of the 29 species recorded, a single Black-headed Gull was the only species listed for the River Shannon and River Fergus Estuaries SPA. Table 1 Results of Bird Survey of the response to the appeal sets out same. I am satisfied that adequate fieldwork was undertaken in this regard.
- 5.5.31 The third party appeal states that a cursory examination from the public road shows that there is potential for some qualifying interests of the SPA to occupy habitat within the proposed development area. This has not been elaborated upon and no documentary evidence has been submitted to validate these claims.
- 5.5.32 In terms of ex-situ feeding potential, it is noted that the site is dominated by heavily grazed improved agricultural grassland habitat with areas of scrub and hedgerow. The nature of the habitats on site provided limited ex situ feeding resource, of which the majority favour waterbodies, arable/cultivated lands or open green spaces with short grass. The rank grassland that covers the subject development site, in combination with distance from SPA, disturbance from local community and availability of suitable habitat in wider area render it largely unsuitable for the SCI species listed for the River Shannon and River Fergus SPA.
- 5.5.33 The site is not located in close proximity to the coast, it lies 2.2km north of the River Shannon and River Fergus SPA and is separated from the SPA by a significant urban buffer. There is significant high-quality habitat located in the immediate

vicinity of the SPA. Therefore concluded that the site and habitats within form a negligible ex-situ foraging/roosting resource, if any, for SCI species of this SPA. It is concluded by the first party that the site of the proposed development is not currently, nor will be in the future, utilised in any significant manner by SCI species listed for the SPA.

- 5.5.34 Potential indirect impacts via surface water runoff and groundwater during the construction and operational phase is similar to that outlined above for the SAC. The matter of invasive species has been addressed above and I refer the Board to same.
- 5.5.35 Construction works are likely to result in localised/temporary increase in noise levels, however the area is already exposed to ongoing daily noise given its location. Mitigation measures are proposed. No such disturbance to birds is anticipated.
- 5.5.36 In terms of disturbance from dust, best practice measures will be implemented.
- 5.5.37 Section 6.6 of the NIS considers the potential for cumulative effects on nearby designated sites arising in combination with other plans or projects and lists permitted developments in the area. It is not anticipated that other projects will act in combination with the proposed development to give rise to cumulative effects on any European sites.

#### Appropriate Assessment Conclusion

- 5.5.38 The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 5.5.39 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on two European Sites.
- 5.5.40 Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 5.5.41 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of these European Sites (Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA) or any other European site, in view of the site's Conservation Objectives.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the aforementioned designated sites.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.

No reasonable scientific doubt as to the absence of adverse effects on the integrity of these designated sites.

## 6.0 Appeal

### 6.1. Grounds of Appeal

Three appeal submissions were received which may be broadly summarised as follows:

Kevin Hughes, Planning and Development Consultants on behalf of Iceland Stores Ireland Ltd

- Proposed development unsuitable for subject site and would have serious negative impact on existing commercial businesses in the area due to overprovision of such and an insufficient catchment population
- Inconsistent with zoning objective and Development Plan as just one use is proposed on lands zoned for 'mixed use' - restrictive in nature and does not utilise land to full effect
- Proposal inconsistent with Objectives LCC04 and LCC08 due to site's proximity to Watch House Cross shopping centre which includes for a number of retail units including Iceland discount store
- Inappropriate scale for needs of area due to declining population, which has declined over last three census periods
- Overconcentration of supermarkets in area; provision of additional discount foodstore would cause damage to existing business and is premature

- Inaccurate Retail Impact Statement- there are three large supermarkets in closer proximity to subject site than some included; questions stated available surplus quoted in RIS; new Coonagh to Knockalisheen Road will increase accessibility to existing supermarkets
- Query validity of RIS as it is considered that the catchment area does not provide an adequate analysis of available surplus on the area; serious negative impacts on existing businesses in area
- Sequential test not included in RIS and fails to provide clear guidance on placement of such a development; therefore not properly assessed; insufficient evidence on viability of proposal
- Non-compliance with Development Plan and retail development; will not assist in the development of the retail sector in the city centre causing further retail degradation

Brendan McGrath and Associates, Planning Consultants on behalf of Sataner Ltd

- Proposal would have serious adverse impact on established Watch House Cross District Centre and is therefore contrary to operative Development Plan and Retail Strategy for Limerick-Shannon Metropolitan Area and County Limerick 2022-2028- designated as a Level 2, Tier 2 District Centre in Development Plan; subject site located 540m from this existing centre; proposal represents a direct threat to the integrity and viability of existing centre
- Submitted RIS is not credible- not reasonable to assume population increase in catchment between 2016 to 2024; unreasonable to assume that per capita convenience expenditure in the catchment equates to County Limerick average as this is amongst the most deprived districts in the country; impacts of new link road on travel patterns
- Failure to take account of specific circumstances of Moyross and highlights limitations of the assessment undertaken by applicant
- Creating second retail centre at Moyross at peripheral and relatively inaccessible location is contrary to principles of compact urban growth and



would undermine efforts to create an attractive urban environment at Moyross, centres on Moyross Avenue

- Deficiency in NIS including lack of fieldwork; failure to properly consider the Project Area Characteristics and potential to negatively impact on avian species within the River Shannon and River Fergus Estuaries SPA
- Procedural matters relating to publication of significant further information and adequacy of assessment of proposal by planning authority

Connellan and Associates, Planning and Energy Consultants on behalf of Watchhouse Cross Shopping Centre

- Outlines history of Watch House Cross District Centre/difficulty in keeping anchor tenants/retail context
- Watch House District Centre designated as a Tier 2, Level 2 centre in operative Development Plan
- Outlines decrease in population from 1990s and impacts on existing Watch House Shopping Centre; social/income deprivation with Moyross recognised as the largest social housing estate in Ireland
- New link road will improve access to retail establishments on Ennis Road- will bring major change to retail catchment
- Concerns that size and location of proposed development will draw excessively from and undermine District Centre and its role in retail hierarchy; success of Moyross depends on viable district centre; space within existing district centre to accommodate proposed development
- Proposal will not be ancillary to other existing employment
- Concerns regarding RIA and assumptions made therein, questionable data and lack of sequential testing
- Procedural matter relating to advertising of significant further information

## 6.2. Applicant Response

A response received on behalf of the first party may be broadly summarised below:

- Refutes grounds of appeal
- Sets out proposal in context of current local and national policy and considers proposal to be in accordance with same
- Site zoned for 'Mixed Use' with convenience retail </1800sqm is 'open for consideration'. Chapter 12 of Plan specifically identifies the subject site as an 'opportunity site' and appropriate for a convenience retail store. This is informed by Retail Strategy which identifies capacity for additional retail floor space in Moyross and intimates that this could be accommodated 'on the mixed use lands at The Bays'. Specific Objective BM01 makes provision for a single storey retail use under 1,500sqm net floor area at this location. Therefore principle of proposed development is supported in Development Plan context, as well as Limerick Shannon MASP
- Proposal will contribute positively to the wider regeneration of the area and will provide pedestrian/cycle connections to the site with the Knockalisheen Distributor Road and residential development to west
- RIS has been prepared in accordance with Retail Planning Guidelines and has demonstrated available convenience expenditure within the defined catchment to sustain proposed development, having regard to district centre at Watch House Cross. Both proposed development and district centre can exist in tandem as provided for by Development Plan and Retail Strategy, which identifies demand for new convenience retail at Moyross
- With regards issues raised in relation to significant further information and advertising of same, notes that the planning authority is afforded discretion in this regard under the provisions of Section 35 of the Planning and Development Regulations 2001, as amended and reasonable considered that minor changes did not constitute 'significant further information'
- In relation to AA matters, a response was received from Enviroguide which concludes that the site of the proposed development is not currently, and will not in the future, be utilised in any significant manner by SCI species listed for the relevant SPA

### 6.3. Planning Authority Response

- Reiterates points made in assessment
- Site is zoned mixed use under the current Limerick Development Plan. Cites 'Mixed Use' objective which includes that the Retail Strategy has identified capacity for additional retail floorspace on Moyross. Considers that the proposed development complies with this objective.
- In addition, proposal is considered to be in compliance with Objective BM01 The Bays Moyross and also with objectives set out in the Retail Strategy for Limerick-Shannon Metropolitan Area and County Limerick 2022-2028 (Objective LCC15 and Objective LCC16)
- Notes a recent grant of permission for 6 commercial/enterprise units (Reg. Ref. 22/567) immediately adjacent to proposed development, which will share access road off New Road and which is set to further enhance the area

### 6.4. Observations

None

### 6.5. Further Responses

Further responses were received from all three appellants. No new issues were raised and these responses generally reiterated/expanded upon points made in original appeal submissions.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the reports of the planning authority and prescribed bodies, all appeal submissions received, together with further responses and having inspected the site, I consider that the main issues in this appeal are as follows:

- Principle of proposed development/policy context
- Impacts on vitality/viability of existing district centre
- Other matters

### 7.2. Principle of proposed development/policy context

7.3. The proposed development comprises the construction of a single storey discount foodstore (to include off-licence) with net retail area of 1315m<sup>2</sup> (1820m<sup>2</sup> GFA); new vehicular/pedestrian access from Knockalisheen Road, including connection for proposed future access to adjoining lands; 98 car parking spaces and all associated site development works, located in Moyross, Co. Limerick.

7.4. Moyross is designated as a Tier 2, Level 2 District Centre within the operative Development Plan. This Development Plan is relatively recent, having come into effect in July 2022. The Retail Strategy is contained within Volume 6 of the adopted Development Plan. The site is zoned 'Mixed Use' in the operative Development Plan, the objective of which is 'To provide for a mixture of residential and compatible commercial uses'. Retail Convenience </1800m<sup>2</sup> nfa are 'open for consideration' under the Mixed Use' zoning objective.

7.5. It is highlighted to the Board that the stated purpose of this zoning indicates that 'the Retail Strategy has identified capacity for additional retail floor space in Moyross, which could be accommodated on the Mixed-Use lands at The Bays identified for employment uses only'. This subject site is that referenced and I refer the Board to Map 3.9 of the operative Development Plan in this regard.

7.6. Objective BM 01 of the Plan states that it is an objective of the Council to: a) Facilitate creation of a mixed-use employment zone enhancing a broad range of employment opportunities for the local community. No residential use shall be permitted in this zone. **b) Consider provision of a single convenience retail unit,**

***which shall not exceed a net floor area of 1,500m2 subject to a Retail Impact Assessment.*** c) Require the highest quality environment in terms of design and layout. Surface car parking shall be adequately screened and integrated into the site.

d) Ensure the maximisation of connectivity for pedestrians and cyclists. e) Ensure open spaces, where proposed, are positioned to provide passive and active surveillance (my highlighting/italics). The proposal is considered to be broadly in compliance with same.

7.7. Furthermore, I note the Retail Strategy for Limerick-Shannon Metropolitan Area and County Limerick 2022-2028 as contained in Volume 6 of the operative Development Plan, in particular Objective MASP01: Convenience Retail Floor Space which states that 'It is an objective of the Council to ensure emphasis remains to attract high quality convenience retail to the City Centre. However, there is a demand for new convenience floor space within established residential areas and within neighbourhood areas with growing residential communities and regeneration sites. This shall include: City Centre; ***Moyross***; Ballysimon and Southern Environs' (my highlighting/italics).

7.8. Having regard to all of the above, I am of the opinion that the recently adopted Development Plan clearly addresses the need for such a use in this wider area (as informed by the Retail Strategy) and the site itself is identified as an 'opportunity site' for such a use. There is therefore strong policy support for such a use at this location within this recently adopted Plan. Having regard to all of the above, I am satisfied that the proposal is acceptable in principle and consistent with the provisions of local and national policy in this regard.

7.9. Impacts on vitality/viability of existing district centre

7.10. One of the primary concerns raised by third parties relates to impacts on the viability of the existing district centre and the retail impact of the proposed development on existing retailers within Watchhouse Cross Shopping Centre. Objective LCC15 of the operative Development Plan states that the Council shall require that applications for new supermarkets on Local Centre sites be accompanied by a Retail Impact Assessment while Objective BM 01 states that it is an objective of the Council to... consider the provision of a single convenience retail unit, which shall not exceed a net floor area of 1,500m2 subject to a Retail Impact Assessment. A Retail Impact

Statement was submitted with the application, updated by means of further information and further updated in the first party response to the appeal.

Notwithstanding the concerns of the third parties, I am generally satisfied with the information contained therein and consider it to be in compliance with the Retail Planning Guidelines (2012).

- 7.11. I highlight to the Board that there is a district centre (with District Centre zoning) located approximately 0.5 km to the south of the site. It is of relatively recent construction, a relatively modern addition to the streetscape at this location. The district centre currently contains an Iceland supermarket, together with a number of other retail, medical, community and public uses. The third-party appeals question the quantitative retail need/capacity of the catchment area to accommodate the proposal and questions a number of the underlying assumptions set out within the RIA, including population assumptions. The submissions outline previous difficulties in attracting and retaining a supermarket to the centre and the impact that any such loss would have on its overall viability and on the wider community. This is stated to be particularly pertinent given the area's socio-economic situation. Concerns are also raised that the opening of the new link road will further reduce footfall within the district centre/Iceland given the greater accessibility that this will provide to other areas of the city. The first party respond that Moyross is undergoing a period of regeneration in accordance with local and regional policy (designated as Regeneration Area as set out in Development Plan and Limerick Shannon MASP), which will add positively to the area in terms of population and footfall. They further contend that the Retail Strategy and Development Plan fully considered the zoned district centre lands at Watch House Cross in the context of this regeneration and considered it appropriate to make provision for additional convenience retail at Moyross. Furthermore, the Limerick Development Plan expects a population growth of 30,621 in the Plan period to 2028 with an additional 11,442 households forecast.
- 7.12. I acknowledge these third-party concerns and note the proximity of the subject site to the existing district centre. I also acknowledge Objective M 01 Moyross of the operative Plan which states that it is an objective of the Council to: q) Promote Watchhouse Cross as the District Centre for the area of Moyross, Kileely, Ballynanty and Parteen in accordance with the Retail Strategy for the Limerick Shannon

Metropolitan Area and County Limerick. There are a number of other objectives that support the viability of district centres within the city and county.

7.13. The third-party appellants contend that there is an over-concentration of supermarkets in the area and that additional floorspace is not required given the declining population of Moyross. Having considered the matter, I note that this opinion is not reflected in the policies and objectives of the recently adopted Development Plan and associated Retail Strategy, which have been through the OPR process. The Plan and associated Retail Strategy is recently adopted and I note that there are multiple provisions and references to the fact that there is a deficiency in retail floorspace in the Moyross area and further capacity for same and that the subject site would be an appropriate 'opportunity site' for such a use. I concur with the opinion of the first party that the Retail Strategy and Development Plan fully considered the zoned district centre lands at Watch House Cross in the context and considered it appropriate to make provision for additional convenience retail at Moyross. Nowhere in the many objectives relating to same does it state that such a convenience retail use should be provided on the site of the existing district centre, which has a 'district centre' zoning in the Development Plan. The Plan explicitly references the provision of additional retail on the 'Mixed Use' zone, with the subject site identified as an 'opportunity site' for same. It is stated that there is a deficit of retail in the area and therefore it is my opinion, based on the information before me, that the area has capacity for an additional supermarket without impacting detrimentally on that existing. Retail competitiveness and choice is welcomed in accordance with national policy. The matter of existing customers going elsewhere once the new link road is opened is possible but I am of the opinion that generally people will shop in the stores most convenient to them. I note the large areas of residential development within the immediate area. I consider that the RIA demonstrates an adequate justification for the proposed development and that the proposal will complement existing and permitted retailing provide additional consumer choice and competition. The RIA also demonstrates that there is capacity for additional net convenience floorspace in the area and that the proposal will not have an adverse impact of any significance on the existing retail provision in the catchment area. On the basis of the analysis before me, I consider that an increase in retail floorspace as proposed is justified.

- 7.14. The matter of the lack of submission of a sequential test is responded to by the first party and they have submitted same as part of response to appeal, based on a 1km radius from the district centre (see Appendix 1 of first party response to appeal). This notes that in the context of the Retail Planning Guidelines (RPG), the subject site would constitute an 'Out of Town Centre' location and references section 4.2.2 of the Retail Planning Guidelines in this regard to provide justification for same. In this regard, it notes the many policies and objectives of the operative Development Plan which encourage a development of the nature proposed at this location. In the interests of brevity, I will not reiterate but see above for same. It is also stated within one of the third-party submissions that there is existing space currently within the district centre to accommodate a proposal similar to that contained within this current appeal. This statement has not been adequately backed up with documentary evidence. The Retail Impact Assessment (page 40 of response to appeal) states that while the district centre is the preferred location for proposed new retail, availability does not exist at the Watch House centre currently to accommodate the proposed development. It further states that there is no suitable available location within the district centre which could accommodate the proposed store. From my site visit, I did not observe high levels of vacancy within the centre, most of the units appeared occupied. I also noted the centre to be quite busy during my site visit, on a Wednesday mid-morning. The first party in their response state that neither of the two units vacant at the time of preparing the response were suitable for an Aldi store due to their limited size and that sites adjacent to the district centre, which may be available are not suitably zoned. The site is considered by the first party to be the most appropriate for the proposed development, in the context of current Development Plan policy. I would not disagree with this assertion.
- 7.15. Some of the submissions received contend that the proposed use does not facilitate the creation of a mixed-use employment zone enhancing a broad range of employment opportunities for the local community, as per Objective BM 01 of the operative Plan. The planning authority in their response note that planning permission was recently granted for six commercial/enterprise units (Reg. Ref. 22/567), immediately adjacent to the proposed development, which will share the access road off the new link road. This will further enhance the area and will aid in providing mixed-use employment at this location. I also note the wide variety of



mixed-use employment opportunities within the wider area, in particular within the district centre. I am satisfied in this regard and consider the proposal to be in compliance with Objective BM 01 of the operative Plan in this regard.

7.16. Other Matters

7.17. An issue was raised in some of the appeal submissions relating to the matter of further information and whether it was 'significant' or otherwise. The planning authority did not consider it to be significant and therefore the applicant was not requested to advertise same in public notices. I note section 35 of the Planning and Development Regulations 2001, as amended, in this regard and refer the Board to same. I concur with the first party that such matters are at the discretion of the planning authority. I am satisfied in this regard.

7.18. I am generally satisfied with the remainder of the proposal, subject to compliance with conditions. The proposal will be an attractive addition to the streetscape at this location and will help rejuvenate the wider area. A masterplan has been submitted to demonstrate how the proposal will interact with the recently permitted development on adjoining lands. I am generally satisfied in this regard. The planning authority are also satisfied. The proposal is considered to be generally in compliance with relevant policies and objectives of the operative Development Plan.

7.19. Conclusion

7.20. I note that the Retail Planning Guidelines espouse, in the context of the sequential approach, that flexibility and realism apply on the part of both retail developers and planning authorities, to ensure that the various forms of retailing are developed in the most appropriate locations. Having regard to all of the above, I am of the opinion that the applicant has demonstrated compliance with planning policy and I consider that the proposal is acceptable in terms of its location and retail impact. I noted during my site visit that this is an area that would benefit from additional facilities, given the extent of existing residential development in the area. It is an area in need of rejuvenation- one that would benefit from an attractive development- which would also aid in enhancing the visual amenity of the area. I consider that the proposal before me would aid in this regeneration and would provide much needed additional facilities within the area. I am satisfied in this regard.

## 8.0 Recommendation

8.1 In light of the above assessment, I recommend that the decision of the planning authority be UPHELD and that permission be GRANTED for the following reasons and considerations.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Limerick Development Plan 2022-2028 and to the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012, the location of the site, and the scale and quantum of retail, as proposed, it is considered that the proposed development would not impact adversely on the vitality or viability of existing retail development, would represent an appropriate design response to the site's context, would not seriously injure the visual amenities of the area, and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 02 <sup>nd</sup> day of September 2022 and first party response received by An Bord Pleanála on 23 <sup>rd</sup> day of November 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.  <b>Reason:</b> In the interest of clarity.
2.	Details (including samples) of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and

	<p>agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity</p>
3.	<p>Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the visual amenities of the area.</p>
5.	<p>The noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity of the site.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900, Mondays to Fridays inclusive, between 0800 to 1600 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.</p>

	<p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>(a) The developer shall ascertain and comply with all requirements of the planning authority in relation to traffic and transport matters.</p> <p>(b) The proposed toucan crossing on the Knockalisheen Road and associated works shall be in place prior to the first opening of the proposed retail unit. Exact details of same shall be agreed in writing with the planning authority, prior to the commencement of any works on site</p> <p><b>Reason:</b> In the interests of traffic and pedestrian safety and in the interests of clarity</p>
8.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the requirements of the planning authority and in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).</p> <p><b>Reason:</b> In the interests of pedestrian and traffic safety.</p>
9.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
10.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and to ensure a satisfactory standard of development.</p>
11.	<p>The applicant shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.</p>

	<p>Details of the proposal to divert the existing Mill Race and wastewater services on site shall be submitted to Uisce Éireann for written agreement prior to the commencement of development on site.</p> <p><b>Reason:</b> In the interest of public health.</p>
12.	<p>The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. All landscaping works shall be completed prior to the first opening of the store.</p> <p><b>Reason:</b> To ensure a satisfactory completion and maintenance of the development in the interests of residential amenity</p>
13.	<p>The proposed unit shall not be open to the public outside the hours 0800 to 2200. Deliveries shall not take place before the hour of 0700 Monday to Saturday inclusive, nor before the hour of 0800 on Sundays and public holidays, nor after 2200hrs on any day.</p> <p><b>Reason:</b> In the interests of amenity.</p>
14.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.</p> <p><b>Reason:</b> In the interests of amenity and public safety</p>
15.	<p>The construction of development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, and noise management measures.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity</p>

16.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p><b>Reason:</b> In the interest of protecting the environment and in the interest of public health.</p>
17.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
18.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall: (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues: (i) the nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material. A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of</p>

	<p>these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
19.	<p>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.</p> <p><b>Reason:</b> 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.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Lorraine Dockery  
Senior Planning Inspector

19<sup>th</sup> December 2023



## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-314911-22		
<b>Proposed Development Summary</b>	Single storey discount foodstore and ancillary works		
<b>Development Address</b>	New Road/Knockalisheen Road, Ballynanty, Moyross, Limerick		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	x	
	<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	x		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
		N/A	<b>Conclusion</b>
<b>No</b>			No EIAR or Preliminary Examination required
<b>Yes</b>			x
			Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	<input checked="" type="checkbox"/>	<b>Preliminary Examination required</b>
<b>Yes</b>	<input type="checkbox"/>	<b>Screening Determination required</b>

**Inspector: Lorraine Dockery**

**Date: 19/12/2023**