



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314996-22

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<b>Development</b>	Construction of two-storey office building and associated works
<b>Location</b>	Pearse House, Pearce Road, Raheen Business Park, Raheen Co. Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	22279
<b>Applicant(s)</b>	Polkee Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party v Decision
<b>Appellant(s)</b>	Tom Ryan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	7 <sup>th</sup> July 2023
<b>Inspector</b>	Eoin Kelliher

## 1.0 Site Location and Description

- 1.1. The subject site is situated in Raheen Business Park (formerly Raheen Industrial Estate), to the southwest of Limerick City. The site is accessed from a distributor road within the estate via Pearce Road, which is located at the southern end of the business park. The M20 motorway is located circa 80m south of the site.
- 1.2. The site comprises a long rectilinear plot to the east of Pearse House and has a stated area of 0.28ha. The site is bounded by perpendicular car parking on Pearce Road to the northwest and backs onto a railway line to the southeast. The topography of the site falls gently towards the south and is covered in scrub; a stream (Rootiagh Stream) traverses the southern end of the site before continuing beneath the railway line via a culvert. Pearse House is a two-storey detached commercial building surrounded by a surface carpark (64 no. spaces) accessed from a cul-de-sac access road off Pearce Road. The building is currently occupied by a security systems company (Q3), a coffee shop food distribution company (Hook & Ladder) and the HSE (Mid-West Community Healthcare). The lands to the east of the site have not been developed and are also overgrown with scrub.
- 1.3. The site is currently in the ownership of the IDA; the applicant has indicated that it is in the process of purchasing the site. Pearse House is shown within a blue line boundary on the submitted site plan drawing and is in the applicant's ownership.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of a two-storey office building on the north-eastern side of Pearse House with a stated area of 1,850sq.m. The building is to be used by the HSE for office use (approx. 50 no. employees) and would not be accessible to the public.
- 2.2. The proposed building has a rectangular plan which would align with the south-eastern building line of Pearse House and project circa 7m beyond its north-western building line. The building would be connected to Pearse House at first floor level by a glazed link corridor. The building facades would have a flat roof profile clad in rain screen panels in a selected colour. The proposed internal accommodation includes reception areas, staff canteens and meeting rooms as well as office accommodation.

2.3. It is proposed to extend the car parking area surrounding Pearse House to both the northwest and southeast of the proposed office building and utilise the vehicular entrance to Pearse House; an additional 49 no. spaces were originally proposed. The initial planning application sought to culvert the open land drain / stream traversing the site and extend the car parking area over same. Modifications were made to the proposed car parking layout by way of further information submitted to the Planning Authority, which included, *inter alia*, retaining the existing open land drain / stream and omitting 19no. proposed car parking spaces.

### 3.0 Planning Authority Decision

#### 3.1. Decision

By Order dated 12<sup>th</sup> October 2022 Limerick City and County Council decided to grant permission subject to 16 no. conditions. The following conditions are noteworthy:

C.3 in respect of carrying out a survey of the existing stormwater network and the installation of monitoring devices/flow metres prior to discharge to the IDA pipeline.

C.9 regarding the disposal of surface water run-off including C.9(c) that the drain along the north-eastern boundary of the site shall remain open and a buffer incorporated into the site layout plan and C.9(d) that full details of supporting surface water calculations having regard to the SuDS component shall be submitted for written agreement prior to the commencement of development.

C.12 regarding the implementation of mitigation and monitoring measures outlined in the Natural Impact Statement.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

###### Initial Report

The Planning Officer's initial report recommended seeking further information as follows:

- i. An Appropriate Assessment Screening (Stage 1) report owing to a query regarding the disposal of storm and surface water from the site.

- ii. Traffic and car and bicycle parking related details.
- iii. A public lighting scheme for the site.
- iv. Details of the proposed culvert and the existing / proposed surface water system for the adjoining site; proposals to attenuate / store some of the surface water generated within the site using SuDS and rainwater harvesting; a revised surface water layout plan.
- v. Details of the petrol / oil interceptor serving the existing car park or proposals for same if none exists, and details of a grease trap to be installed on the kitchen / canteen foul pipe.
- vi. A response to the issues raised by Iarnród Éireann in respect of the proposed culvert and boundary along the railway line and a detailed landscape plan for the site.

#### Further Information Submission

The applicant submitted the following in response to the request for further information:

- Natura Impact Statement.
- Details of staff numbers and trip patterns.
- A revised site layout plan (Dwg. No. FI-01) for the proposed car parking area including, *inter alia*, the omission of the proposed culvert to the south of the site.
- A revised surface water drainage layout drawing (Dwg. No. FI-02) incorporating an underground rainwater harvesting tank linked to an irrigation system in the car parking aisle with overflow to the existing surface water system, a petrol/oil interceptor to be installed in the existing car park before discharge point to public sewer if none exists.
- Proposal for a post and wire fence to the rear (southeast) of the site or a 1.8m high palisade fence.

Public notices indicating that significant further information and a Natura Impact Statement were submitted in respect of the application were published in an approved newspaper and erected on site.

### Further Information Report

The Planning Officer's subsequent report was satisfied that all matters raised in the request for further information had been addressed or could be dealt with by way of planning conditions and recommended granting permission.

The Planning Officer's recommendation is reflected in the decision of the Planning Authority.

#### 3.2.2. Other Technical Reports

**Roads, Traffic and Cleansing Services:** Initial report recommended seeking further information in respect of traffic and pedestrian issues, public lighting, and surface water disposal.

Regarding surface water specifically, the following information, *inter alia*, was sought:

- A revised surface water disposal layout plan showing existing surface water lines and manholes, an attenuation tank with a flow control manhole and by-pass interceptor, porous asphalt for car parking spaces, rain gardens / tree pits and discharge location.
- Detailed cross section drawings showing porous asphalt parking spaces, rain gardens / tree pits, the existing open drain and the proposed culvert.
- Surface water calculations to reflect the use of SuDS components and hydraulic modelling; the report states discharge levels shall not exceed 2l/s/ha or Qbar, whichever is the greater restriction.
- Infiltration test results in accordance with the BRE Digest 365 methodology.
- Details for the attenuation tank, flow control device and possible by-pass interceptor.
- Longitudinal sections of the proposed surface water system.

Subsequent report recommends granting permission subject to compliance conditions.

**Mid-West National Road Design Office:** Stated it had no observations to make on the application.

**Fire and Building Control:** Raised no objection to the proposal subject to compliance with the Building Control Regulations 1997-2021.

**Planning and Environmental Services:** Initial report recommended seeking details of the petrol / oil interceptor serving the existing car park or if none exists, proposals for the installation of a by-pass Class 1 petrol / oil interceptor. States a grease trap must be installed on the kitchen / canteen foul pipe prior to discharge to the sewer.

Subsequent addendum report states a proposal to attenuate / store some of the surface water arising with the site using SuDS and rainwater harvesting should also be sought.

**Environment, Recreation and Climate Change Dept:** Recommended a condition regarding waste management for the construction phase of the development.

**Heritage Officer:** Recommended conditions that the mitigation measures set out in the submitted NIS be implemented in full and that the ditch in the NE corner of the site shall remain unculverted.

### 3.3. Prescribed Bodies

**Uisce Eireann:** Indicated it had no objection to the proposed development subject to standard requirements in respect of connections to the public water / wastewater network, capacity constraints and compliance with Uisce Eireann codes and practices.

**Iarnrod Eireann:** Requested details of the size and type of the proposed culvert to ensure that flow capacity is not restricted and stated, *inter alia*, that a 2.4m high palisade fence must be installed along the railway line and that no liquid, either surface water or effluent, shall be discharged onto the railway line.

**Transport Infrastructure Ireland:** States TII has no observations to make on the application.

**Office of Public Works:** States the OPW has no information on the flood risk status of the site and refers the Planning Authority to the flood maps website for information on historical flood events.

Subsequent submission states the Planning Authority should satisfy themselves that due consideration is given to flood risk.

**HSE Environmental Health Officer:** States connections to the water mains and foul sewer shall be in accordance with the requirements of the Local Authority and requests that recycling and general waste removal from the site be demonstrated.

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

2 no. third-party submissions were made in respect of the application. The submissions raise similar issues and are summarised as follows:

- Sarah Mulcahy states her family entered into a legal agreement to allow Limerick County Council storm water outfall from the Raheen Industrial Estate on their lands now known as Loughmore Canal.
- Tom Ryan states Loughmore Canal enters the Barnakyle River through his lands.
- Both submissions state expansions and multiple connections to the Raheen Industrial Estate stormwater lines have resulted in misconnections as proven by discharges in the stormwater outfall.
- Stormwater discharges through a SAC (Loughmore Turlough). Conservation of flora and fauna in this SAC is dependent on water quality that passes through Loughmore Canal.
- Loughmore Canal discharges to the Barnakle River. Considering the lack of controls in the discharge of stormwater and Limerick County Council's responsibility in the management of waterways no further development should take place in the Raheen Industrial Estate.
- Tom Ryan also states in his submission that his lands have flooded due to the destruction of Loughmore Turlough, and his livestock have suffered unexplained physical distortions as seen with exposure to chemical pollution.

## 4.0 **Planning History**

Subject Site: None.

Pearse House:

**P.A. reg. ref. 17/1166:** Permission granted 29<sup>th</sup> May 2018 for change of use of ground floor area from existing restaurant and separate retail unit to production area with office and separate stores with associated office for Polkee Ltd.

Relevant Applications in Raheen Business Park:

The following planning applications are the subject of live third-party appeals made by the appellant against the decision of Limerick City and County Council to grant permission.

**P.A. reg. ref. 22/991, ABP ref. 316282-23:** Permission granted by Limerick City and County Council on 5<sup>th</sup> April 2023 for the construction of a two-storey extension to the rear of Unit 35, Pearce Road, Raheen Business Park for Multi Packaging Solutions Ltd.

**P.A. reg. ref. 22/808, ABP ref. 314693-22:** Permission granted by Limerick City and County Council 13<sup>th</sup> September 2022 for alterations to planning permission reg. ref. 21/1637 for the construction of a 550sq.m extension to the northwest of the existing production facility on a site in Raheen Business Park for Howmedica International S. De R.L.

**P.A. reg. ref. 22/803, ABP ref. 314692-22:** Ten-year permission granted by Limerick City and County Council 13<sup>th</sup> September 2022 for an extension to the C1 R&D Pilot Line building on as site in Raheen Industrial Business Park for Analog Devices International. The site operates under an IPC licence. A NIS was submitted with the application.

**P.A. reg. ref. 22/38, ABP ref. 313700-22 & 313740-22:** Permission granted by Limerick City and County Council 17<sup>th</sup> May 2022 for the construction of a new liquid hydrogen storage tank and associated equipment, alterations to existing equipment and removal of existing liquid hydrogen storage tank on a site at Ballynoe Road, Raheen Business Park for Analog Devices Ltd.



## 5.0 Policy Context

### 5.1. Limerick City and County Development Plan 2022-2028

Under the current City and County Development Plan the Raheen Business Park including the subject site is zoned 'High Tech / Manufacturing Campus' with a stated objective to provide for office, research and development, high technology, regional distribution / logistics, manufacturing and processing type employment in a high quality built and landscaped style environment.

The Plan goes on to say the purpose of the zoning is for high value-added businesses and corporate facilities that have extensive/specific land requirements, such as those located at Raheen Business Park and the National Technology Park.

Office uses are identified as being generally permitted on High Tech zoned lands in the zoning matrix.

**Objective ECON O17** of the Plan seeks to promote, facilitate and enable a diverse range of employment opportunities by facilitating appropriate development, improvement and expansion of enterprise and industry on appropriately zoned lands, accessible by public transport and sustainable modes of transport, subject to compliance with all relevant Development Management Standards and Section 28 Guidance at Strategic Employment Locations and other appropriately zoned locations in a sustainable manner.

Raheen Business Park is identified as Strategic Employment Location.

**Objective IN O12(d)** seeks to ensure adequate storm water infrastructure to accommodate planned levels of growth within the Plan area and to ensure that appropriate flood management measures are implemented to protect property and infrastructure.

**Objective IN O12(h)** requires all planning applications to include surface water design calculations to establish the suitability of drainage between the site and the outfall point and require all new developments to include SuDS, to control surface water outfall and protect water quality.

**Objective EH O15(a)** relates to the protection of ground and surface water resources taking account of the requirement of the Water Framework Directive.

**Table DM6** of the Plan sets out design guidelines for high tech / manufacturing, warehousing, business park, enterprise and employment centres.

**Table DM 9(a)** sets out car and bicycle parking requirements for various land uses across three zones. The subject site is in Zone 3 – Suburban Edge.

## 5.2. **The Planning System and Flood Risk Management: Guidelines for Planning Authorities (2009)**

- 5.2.1. The Guidelines introduce comprehensive mechanisms for the incorporation of flood risk identification, assessment and management into the planning process. The core objectives of the guidelines include, *inter alia*, the avoidance of inappropriate development in areas at risk of flooding.
- 5.2.2. The stream crossing the southern end of the site, which is a tributary of the Lower River Shannon, is identified on OPW flood maps as having a high probability of river and coastal flooding.

## 5.3. **Natural Heritage Designations**

The nearest European sites comprise the following:

- Lower River Shannon Special Area of Conservation (Site Code 002165); circa 3km north of the subject site.
- River Shannon and River Fergus Estuaries Special Protection Area (Site Code 004077); circa 3.75km north of the subject site.

Loughmore Common Turlough, a proposed Natural Heritage Area (Site Code 00438), is located circa 1.45km northwest of the subject site.

## 5.4. **EIA Screening**

- 5.4.1. Schedule 5 of the Planning and Development Regulations 2001 (as amended) sets out the classes of development which require EIA. The following classes of development set out in Part 2 of Schedule 5 are relevant:

- Class 10(b)(iv) - Infrastructure Projects comprising 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.

- Class 15 – Any project listed in Part 2 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.

5.4.2. The subject site comprises circa 0.28 hectares within a business park. It is, therefore, a subthreshold class of development for the purposes of EIA screening.

5.4.3. Having regard to:

- The modest scale and commercial nature of the proposed development,
- The location of the site within a serviced business park in a built-up urban area,
- The distance to environmentally sensitive receptors, and
- The mitigation measures set out in the submitted Natura Impact Assessment to ensure the water quality of the stream traversing the site is not affected by the proposed development during the construction and operational phases,

I am satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development and EIA is not required. See Form 2, EIA Preliminary Examination on file.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

This is a third-party appeal against the decision of Limerick County Council to grant permission. It is one of several appeals (of which 5 no. are live at the time of writing) made by the appellant against decisions of the Council to grant permission for developments in the Raheen Business Park.

The grounds of appeal are summarised as follows:

- The appellant is a farmer and Loughmore Canal and Barnakyle stream enters the Barnakyle River through his lands. This watercourse is the outfall for stormwater from the Raheen Industrial Estate.
- Contractual agreements between the Local Authority and landowners in relation to Loughmore Canal have not been complied with; the watercourse has not been maintained as per original agreements.
- Concerns in relation to the outfall were raised in 1999 by the Local Authority's Planning and Environment Sections that land which had not previously flooded would as the Raheen Industrial Estate grew without control measures or flood risk assessments; reports commissioned by the IDA confirm that the capacity of the storm outfall has been exceeded resulting in flooding of the appellant's lands.
- The main foul and storm lines in the Raheen Industrial Estate are in existence since the base build; expansions and multiple connections have resulted in misconnections in the foul and storm network resulting in polluted discharges in the storm water outfall via Loughmore Canal and Barnakyle Stream.
- The stormwater outfall discharges through a Special Area of Conservation in the form of Loughmore Turlough; conservation of the flora and fauna is dependent on water quality that passes through the canal.
- Limerick City and County Council have failed to implement any control measures to safeguard the environment despite being in receipt of a report confirming pollution from the Raheen Industrial Estate.
- The appellant's lands have flooded due to the destruction of Loughmore Turlough and his livestock has suffered unexplained physical distortions consistent with exposure to chemical pollution. The presence of dangerous chemicals has been confirmed in a report prepared by JRE on behalf of Limerick City and County Council (Copy of Technical Memo dated 20<sup>th</sup> May 2022 submitted with the appeal).
- As Limerick City and County Council have a responsibility for the management of waterways and animal welfare, no further development should be permitted in the Raheen Industrial Estate.

- Limerick City and County Council has failed in their statutory duty as regulator of waterways under legislation and to properly interrogate the effect of the proposed development on the local environment; Raheen Industrial Estate is an over developed facility where no further development should take place.

## 6.2. Applicant Response

By letter dated 22<sup>nd</sup> November 2022 Kane Architecture responded to the appeal on behalf of the applicant. The response is summarised as follows:

- The NIS submitted by way of further information concluded that the proposed development would not result in any potential for significant individual, cumulative or residual effects on any of the European sites examined.
- Loughmore Turlough is not a Special Area of Conservation as suggested by the appellant.
- The submitted NIS clearly shows there will be no negative impact on flora or fauna because of the proposed development.
- The historic maintenance problems with the watercourse raised by the appellant are not relevant to the proposed office building. This is an issue the appellant has with the Local Authority.
- Issues raised in relation to the storm water outfall also appear to be a historic issue the appellant has with the Local Authority.
- Probable misconnections of foul and storm water drains in other parts of the Raheen Estate are not relevant to the proposed development.
- The issues raised in the appeal in respect of storm water, flooding and physical distortions of livestock appear to be issues requiring discussion with the Local Authority.

## 6.3. Planning Authority Response

None received.

#### 6.4. **Observations**

None received.

### 7.0 **Assessment**

7.1. Having inspected the site and having regard to the relevant policies pertaining to the subject site, the nature of the 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 the following to be the main issues to be addressed in this appeal:

- Flood Impacts
- Water Pollution / Contamination
- Appropriate Assessment
- Other Matters

#### 7.2. **Flood Impacts**

7.2.1. The Rootiagh stream that traverses the southern end of the site is identified on OPW flood maps as being subject to a high probability of river and coastal flooding. The proposed office building, however, is located outside and at a higher level than the flood zone associated with the stream. As per the further information submitted with the application, the stream would remain unculverted and, as such, existing flows would not be affected. Having regard to the foregoing I am satisfied that the proposed development would not be at risk of flooding.

7.2.2. The Raheen Business Park surface water sewer discharges to Loughmore Canal circa 1.4km northwest of the subject site. From there it continues to the Lower River Shannon via Barnakyle stream, Barnakyle River and Maigne River. The Barnakyle stream crosses the appellant's land in the townland of Ballynoe. The stream is an OPW arterial drainage channel. Neither the stream nor the townland of Ballynoe are identified on the OPW's flood risk maps as being at risk of flooding and there are no flood event reports on record for the townland. The appellant, however, states extensive flooding has occurred on his land owing to the continued development of the Raheen Industrial Estate.

- 7.2.3. The appellant also states that a contractual agreement between the Local Authority and landowners in relation to Loughmore Canal have not been complied with insofar as the watercourse has not been maintained as per original agreements. The Planning Authority has not responded to this statement. However, I note the IDA intends to carry out maintenance dredging works to Loughmore Canal, and that the NPWS issued a licence in this respect in April 2022 (Licence No. FL08/2021).
- 7.2.4. The appellant states that in 1999 Council staff raised concerns that the development of Raheen Industrial Estate would result in lands flooding. None of the Planning Authority's technical reports on the subject application raise this issue. I note, however, that Appendix A (Justification Tests) of the Strategic Flood Risk Assessment of the current City and County Development Plan refers to lands to the southwest of Raheen Business Park that have been zoned to facilitate attenuation and are essential to enable the continued sustainable growth of the business park (Section A.2.4 of the SFRA refers). The SFRA states the capacity of the attenuation area has not been assessed and the ability of the area to store water is unknown, and that this would need to be assessed under a detailed surface / storm water study for the area, either in conjunction with or in advance of further development of the business park. It goes on to say that there are no suitable alternative lands to provide attenuation for the business park. This would suggest that the existing outfall at Loughmore Canal cannot accommodate further surface water discharges.
- 7.2.5. The planning application contains limited information regarding surface water management. I note that no hydrological calculations or on-site infiltration tests were carried out, as recommended by the Council's Roads, Traffic and Cleansing Section in its initial report. Whilst the Planning Authority has sought to deal with this matter by way of compliance condition 9(d), I have serious reservations regarding this retrospective approach. I would have expected the applicant to have demonstrated, at the very least, that the required stormwater discharge restrictions can be achieved. Whilst the Board could seek further information in this respect, having regard to the information contained in the SFRA of the City and County Development Plan regarding surface water management at Raheen Business Park, I am not satisfied that the proposed development, and the precedent it would set for similar development within the business park, would not give rise to a heightened risk of flooding of lands through which surface water from Raheen Business Park currently

flows. As such, I consider the proposed development premature pending a detailed surface/storm water study for the area in conjunction with or in advance of further development of the business park. I recommend, therefore, that planning permission be refused on the grounds of flood risk.

### **7.3. Water Pollution / Contamination**

- 7.3.1. A draft of a Technical Memo prepared by JRE Environmental Consulting on behalf of Limerick City and County Council was submitted with the appeal. The draft Memo includes an assessment of the results of 14 no. surface water samples representative of the stormwater inputs from the buildings and yards in the Raheen Business Park to Loughmore Canal. The samples were undertaken between February and April 2022.
- 7.3.2. The results indicated the main elevated parameters in Loughmore Canal were phosphorous and ammonia, and zinc. The memo states it is difficult to indicate the specific type of activity that might be the source of the elevated concentrations of phosphorous and ammonia but suggests it may be from one or more industrial units in the estate completing wash outs of equipment or containers using a phosphate and / or ammonia-based detergent. Elevated concentrations of zinc were reflected in Loughmore Canal samples on 2 no. occasions only; facilities in the estate using zinc or zinc oxide-based products in their operations are identified in the memo as potential sources.
- 7.3.3. Whilst certain uses in the Raheen Business Park may be polluting the surface water discharging to Loughmore Canal, the proposed development comprises office accommodation only and would not result in an increase in ammonia, phosphate or zinc levels in the surface water output. As per the submitted application form, no hazardous material is to be stored on site. Foul drainage from the development would discharge to an existing foul sewer connection and would be fitted with a grease trap to serve the proposed canteens. Rainwater run-off from the proposed office building would drain to a rainwater harvesting tank linked to an irrigation system in the parking aisles with overflow only discharging to the surface water sewer. A permeable surface is proposed in the car parking area. Again, only stormwater overflow from the parking area would discharge to the surface water



sewer; a petrol/oil interceptor is to be installed (if none already exists) on the surface water line prior to the discharge point to the surface water sewer.

- 7.3.4. Having regard to the foregoing, I am satisfied that the proposed development would not result in the deterioration of the quality of surface water discharging to Loughmore Canal and the Barnakyle stream, which traverses the appellant's lands.

#### **7.4. Appropriate Assessment (Stage 1 Screening)**

- 7.4.1. The subject site is in Raheen Business Park, on the outskirts of Limerick City. The proposed development comprises a 1,850sq.m office building which would discharge to public drainage systems. The nearest European sites comprise the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. The subject site is hydrologically linked to these sites by the Rootiagh stream which traverses the southern end of the site and connects to the Lower River Shannon via the Barnakyle and Mague rivers.
- 7.4.2. The Planning Authority requested the applicant to submit a Stage 1 Appropriate Assessment Screening Report due to hydrological connections to the Lower Shannon SAC. MKO Planning and Environmental Consultants undertook the screening on behalf of the applicant and, taking a very precautionary approach, identified a potential pathway for indirect effects (water quality deterioration) during the construction phase of the development on the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA via a surface water connection to the Rootiagh Stream. The hydrological pathways to the European sites measure circa 10km in length.
- 7.4.3. The applicant proceeded to prepare a Natura Impact Statement on foot of the foregoing. Mitigation measures were proposed during the construction phase in respect of the site setup, pollution prevention, earth works, wastewater disposal, waste management and environmental monitoring. These measures largely comprise standard practices for construction works near a watercourse for the protection of water quality. The NIS concludes having regard to the best practice and mitigation measures incorporated into the project design, the proposed development will not result in adverse impacts on the integrity of European sites and will not prevent the QIs/SCIs of the European sites examined from achieving favourable conservation status in the future. The Planning Authority, having regard to the

mitigation measures set out in the NIS, considered the proposal acceptable subject to attached conditions.

7.4.4. Whilst I note the abundance of caution applied by the applicant in preparing a NIS, I consider the hydrological connection to the Lower River Shannon and the River Shannon and River Fergus estuaries indirect and weak. Intervening land use and the length of the hydrological pathway means that water quality in the European sites will not be negatively affected by any contaminants, such as silt from site clearance and other construction activities, if such an event were to occur, due to dilution and settling out over such a distance. Having regard to the foregoing, and the nature and scale of the proposed development, I am satisfied that the chance of significant effects on European sites occurring during the construction and operational phase of the development are very remote. Whilst mitigation measures are referenced in the submitted NIS, these measures are not relied upon to reach a conclusion of no likely significant effects on any European site.

7.4.5. On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development on fully serviced lands,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in views of the said sites' conservation objectives. An appropriate assessment is not, therefore, required.

## 7.5. Other Matters

7.5.1. I note that Loughmore Turlough is not a Special Area of Conservation, as stated in the appeal, but rather a proposed Natural Heritage Area. Having regard to the proposed surface water drainage arrangements previously described above, I am satisfied that the proposed development would not result in a level of water quality deterioration that would adversely impact the flora and fauna associated with the Loughmore Common Turlough pNHA.

## 8.0 Recommendation

I recommend that permission be **REFUSED** for the following reason.

## 9.0 Reasons and Considerations

- 9.1. The proposed development is situated in Raheen Business Park, which has a surface water outfall at Loughmore Canal. Having regard to the submissions made in connection with the planning application and the appeal, and the Strategic Flood Risk Assessment of the Limerick Development Plan 2022-2028, which identifies an alternative attenuation area to the southwest of the Business Park to enable its continued sustainable growth, the Board is not satisfied, on the basis of the information lodged with the planning application and in response to the appeal, that the proposed development would not give rise to a heightened risk of flooding on lands downstream of Loughmore Canal. The proposed development would, therefore, be premature pending a detailed surface/storm water study for the area and, as such, would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

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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Eoin Kelliher  
Planning Inspector

31<sup>st</sup> August 2023