



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316282-23

#### Development

The construction of a two-storey extension to the rear of the existing building and the refurbishment of the existing two-storey building and all other associated works

#### Location

Pearse Road, Raheen Business Park,  
Limerick

#### Planning Authority

Limerick City and County Council

#### Planning Authority Reg. Ref.

22991

#### Applicant(s)

Multi Packaging Solutions Limerick  
Limited

#### Type of Application

Permission

#### Planning Authority Decision

Grant with Conditions

#### Type of Appeal

Third Party

#### Appellant(s)

Tom Ryan

#### Observer(s)

None

**Date of Site Inspection**

1<sup>st</sup> August 2024

**Inspector**

Ciara McGuinness

## **1.0 Site Location and Description**

- 1.1. The subject site is located in Raheen Business Park, to the southwest of Limerick City. The site is located at the southern end of the business park and is accessed via Pearse Road within the Business Park. The M20 motorway is located circa 200m to the south of the site. The site is rectangular in shape and has a stated area of 1.7ha.
- 1.2. The site is currently occupied by an existing two-storey flat roofed industrial building which houses Multi Packaging Solutions Limerick Limited (MPS). The applicant notes that the site has been operated by MPS since 1994 and was previously extended in 2002. The area to the east of the existing building is currently undeveloped and comprises a grassed area. There is a car parking area to the south and west of the building and narrow landscaped strips along the north, west and south boundaries.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the construction of a two-storey extension to the rear of the existing building along with the refurbishment of the existing two-storey building. The existing building has a floor area of 4,115m<sup>2</sup> and an additional 4,128m<sup>2</sup> is proposed. The new extension will create offices and storage space with the existing building being refurbished to allow for new toilets, showers, lockers, canteen facilities, production facilities and office space.
- 2.2. It is stated that the total number of staff will increase from 124 to 180. The factory operates on a 3-shift cycle, with 90 persons on the day shift, 50 persons on the evening shift and 40 persons on the night shift. The total number of car parking spaces will increase from 78 to 82 spaces. It is proposed to provide a total of 100 no. secured and covered bicycle parking spaces.
- 2.3. The application is accompanied by a Planning Statement, Noise Impact Assessment, Landscape Plan, AA Screening Report, Traffic and Parking Report and Drainage Strategy Report.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority issued a Notification of Decision to Grant Permission on 5<sup>th</sup> April 2023, subject to 14 no. of conditions. Conditions generally were of a standard nature. Notable conditions are discussed in Section 3.2.3 below

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

#### **3.2.1. Planning Reports**

The Planner's Report (dated 02/11/22) notes that the proposed office extension is ancillary to the main use as a manufacturing plant and is in line with the proposed land use zoning. The design is consistent with the existing building in terms of profile, material and finishes.

Further Information was requested on the following items;

- Submit a Traffic and Transport Assessment and Road Safety Audit, along with a revised site layout plan addressing details in relation to traffic and pedestrian movements.
- Address active travel issues including revised proposals for cycle storage and a mobility management plan.
- Submit revised surface water proposals.
- Submit a confirmation of feasibility from Irish Water and submit confirmation from a professionally indemnified engineer that discharge leaving the site does not contain foul effluent.
- Submit details of grease trap and oil/petrol interceptor for installation.
- Carry out a survey of the existing stormwater network within the footprint of the site.
- Submit a Landscaping/Biodiversity Plan for the site.

The applicant responded to the Further Information request. The subsequent Planners Report (dated 28/03/2023) noted that having regard to the nature of the

development for an extension to an existing manufacturing plant (which is mainly for offices and additional storage) the layout and extent of works on appropriately zoned lands, the nature of development on surrounding lands, that the size, scale and mass, is considered acceptable in terms of sustainable design and is in line with the policies and objectives set out in the Limerick development Plan. It is recommended that permission is granted subject to conditions.

### 3.2.2. Other Technical Reports

Archaeologist – Recommends Conditions.

Roads Section – Further Information (FI) required in relation to surface water management and traffic and pedestrian safety. Conditions recommended on receipt of FI.

Heritage Officer – The development would not have an effect on any of the nearby Natura 2000 sites.

Environment Section (Noise) – Unlikely to be an adverse effect due to noise to any nearby commercial developments. No objection.

Fire Authority – No objection.

Active Travel – FI required in relation to access and layout, cycle storage, end of journey facilities and mobility management plan. Conditions recommended on receipt of FI.

Environment Section – FI required in relation carrying out of a survey in relation to the storm water network. Conditions recommended on receipt of FI.

### 3.2.3. Conditions

Notable conditions include the following;

- Condition 5(a) requires a survey of the existing storm water network within the footprint of the site. Any cross connections, faults etc to the storm network shall be highlighted and remedial measures taken by the developer. Condition 5(b) requires the installation of flow monitoring devices/flow meters on the storm water network at locations within the site prior to the discharge to the IDA storm water pipeline. Locations to be agreed prior to commencement.

- Condition 6 requires the developer to submit a revised site layout plan to address vehicle and pedestrian issues.
- Condition 11 requires a revised site layout plan indicating location of suitable cycle storage and details of management and security, a mobility management plan and a monitoring report.

### 3.3. **Prescribed Bodies**

TII – No observations

Irish Water – Acknowledges the submission on file from downstream landowner who claims cross contamination of the storm system. The applicant is required to engage with Irish Water through the submission of a pre-connection enquiry in order to determine the feasibility of connection to the public water/wastewater infrastructure. The applicant is required to confirm by way of a report and relevant test results that the storm water discharge leaving the site does not contain foul effluent. The report shall be carried out by a professionally indemnified Engineer.

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

A third-party observation was received from Tom Ryan, a nearby landowner/farmer. The issues raised generally reflect the grounds of appeal and relate to storm water discharge and flooding.

## 4.0 **Planning History**

### Subject Site

P.A. reg. ref. 93/907 Permission granted in October 1993 for Construction of Industrial Pharmaceutical Packaging Facility

P.A. reg. ref. 01/1476 Permission granted November 2001 for Construction of 2,006m<sup>2</sup> extension comprising two-storey manufacturing facility, two-storey storage facility & associated site development works to existing premises

### Relevant Applications in Raheen Business Park

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

P.A. reg. ref. 22/38, ABP ref. 313700-22 & 313740-22: Permission granted 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.

P.A. reg. ref. 22/808, ABP ref. 314693-22: Permission granted 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: Permission granted 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.

## **5.0 Policy Context**

### **5.1. Limerick Development Plan 2022-2028**

- 5.1.1. 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 and high technology manufacturing uses are identified as being generally permitted on High Tech/ Manufacturing Campus zoned lands in the zoning matrix.
- 5.1.2. Raheen Business Park is identified as Strategic Employment Location. The Plan states that this strategic location offers the capacity to cater for investment that

require greenfield or brownfield sites, access to an international airport and third level graduates.

- 5.1.3. The following policies and objectives are considered relevant to the proposed development;

Policy ECON P4 Urban Economy seeks to promote, facilitate and enable economic development and employment generating activities in Limerick City Centre, at Strategic Employment Locations and other appropriately zoned locations in a sustainable manner.

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

Objective ECON O18 Specific Site Requirements which relates to the preparation of a comprehensive framework plan for agreement with the Planning Authority in advance of development on the 'High Tech/Manufacturing' zoned lands to the west of Raheen Business Park.

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 DM 6 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. Regional Spatial and Economic Strategy**

- 5.2.1. Raheen Business Park is also recognised as a key employment location in the Regional Economic and Spatial Strategy (RSES) for the Southern Region.

## **5.3. Natural Heritage Designations**

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 3.5km 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. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, or EIA determination, therefore, is not required.

## **6.0 The Appeal**

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

The third-party appeal is summarised as follows;

- In 1970 Limerick County Council entered into an agreement with local landowners to facilitate an outfall for storm water from the developing Raheen Industrial Estate. The agreement facilitated the construction of the Loughmore canal through Loughmore common which is a turlough. The canal discharges to the Barnakyle Stream and outfalls to the Barnakyle River both of which run through the appellants land.

- The contractual agreements between the local authority and the landowners in relation to the Loughmore Canal have not been complied with and the watercourse has not been maintained.
- The Council have ignored the Water Framework Directive and the Habitats Directive in relation to where surface water discharges to the Loughmore Canal/ Turlough.
- Concerns were raised in 1999 by the Local Authority's planning and environment sections in relation to capacity of the outfall, yet permissions have been granted without control measures or flood risk assessments. This has led to extensive flooding of lands.
- Expansion of the Raheen Industrial Estate has resulted in misconnections in the foul and storm water network and there are on-going investigations into discharges which are not storm water.
- No further development should take place on these lands.
- Lands have been flooded and livestock have suffered unexplained physical distortions as seen with exposure to chemical pollution.

## **6.2. Applicant Response**

None.

## **6.3. Planning Authority Response**

None.

## **6.4. Observations**

None.

## **7.0 Assessment**

- 7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site,

and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows;

- Principle of Development/Design
- Third Party Issues
- Other Matters

I highlight to the Board that the detail of this third-party appeal appears to relate to a single issue. The appellant has appealed a number of recent planning authority decisions in the Raheen Business Park on the grounds of impacts associated with the original development of the Business Park in terms of storm water discharges, flooding and its impacts. Recent decisions I refer the Board to are ABP-314692-22 (decision date September 2023), and ABP-314693-22 (decision date in January 2024) in which almost identical matters were raised by the same appellant for developments in close proximity to this subject site. The Board granted permission in these instances. A further live application where the appellant is an observer is currently with the Board for consideration (ABP-318396-23).

## **7.2. Principle of Development/Design**

- 7.2.1. The proposed development comprises an extension to the existing Multi Packaging Solutions building within the established Raheen Business Park. The subject site lies to the southwest of Limerick City, on lands zoned High Tech/Manufacturing Campus. This zoning is afforded to the full area of Raheen Business Park. It is the stated objective of this zoning ‘to provide for office, research and development, high technology, regional distribution/logistics, manufacturing and processing type employment in a high quality built and landscaped campus style environment’. The proposed development accords with this objective. I am satisfied that the principle of development is acceptable at this location. There are numerous policies and objectives that support employment generating development within the established Raheen Business Park within the operative Development Plan including Policy ECON P4 Urban Economy and Objective ECON O17 Strategic Employment Locations City and Suburbs..
- 7.2.2. The building is of a standard industrial/office design. I do not consider that any amenity issues arise from the proposed development. I do not consider that the

proposed development would generate any significant additional traffic. The proposed parking provision is dealt with below in Section 7.4. The applicant has submitted a Landscaping/Biodiversity Plan which is considered acceptable. Surface water proposals have been adequately demonstrated and are discussed in further detail below in Section 7.3. Overall, I am satisfied that the proposed development would not seriously injure the amenities of the area and would be acceptable in terms of public health and traffic.

### **7.3. Third Party Issues**

- 7.3.1. The matters raised in the appeal relate to the planning history of the wider site and not specifically the site the subject of this appeal nor the development proposed thereon. In summary, concerns raised relate to the management of surface and storm waters arising within the wider Business Park, and the impact on the property along the Loughmore Canal and Barnakyle Stream/River. It is contended that development at Raheen Business Park impacts and exacerbates flooding on the appellant's land. It is also contended that there are misconnections in the foul and storm water network. The appellant requests that permission for any further development within the Raheen Business Park be refused in the absence of controls in the discharge of stormwater from the estate to waterways.
- 7.3.2. The Board will note that the applicant has submitted details regarding the proposed management of surface water arising at the site in the form of a Drainage Strategy Report and associated drawings prepared by Taylor+Boyd Engineers. Currently, surface water from the site is captured in a below ground drainage network which conveys the flow to the IDA maintained surface water sewer (600mm diameter) on Pearse Road. It is now proposed that surface run-off from the eastern catchment (0.646ha) will discharge to the existing 600mm diameter sewer on Pearse Road. Run off from the western catchment (0.104ha) will flow to an internal drain which then passes towards the same 600mm diameter sewer. The discharge flow is attenuated by a flow restriction device in the furthest downstream manhole chamber. Surface water run-off will be restricted to a peak rate of 1.3l/s from the western development site and 1.88l/s for the eastern development site. Attenuated surface water will be stored in below ground geo-cellular structures and in the sub-base of permeable pavements proposed for the car parking bays to the north and west of the site. Surface water will be treated in permeable pavement structure and oil separator

before discharged to sewer. It is considered that the potential for surface water flooding will be mitigated by the provision of the surface water drainage proposals for the site.

- 7.3.3. The appellants land lies within an area adjacent to the Barnakyle Stream/River which has an extensive network of drains in place. This area lies approximately 2km to the northwest of the subject site. Having consulted the Flood Maps website, I would note that the area of land immediately adjacent to the river is noted to be at risk of river flood events and coastal flood events, but no past flood event is noted within the immediate area or extending into the farmland. I also note from Flood Maps website, that these lands are located within the Barnakyle Drainage District under the Local Authority, and the Maigue Arterial Drainage Scheme, under the OPW. I would note that such designations do not indicate a flood hazard or flood event, with both carried out essentially to improve land for agriculture and to mitigate flooding.
- 7.3.4. The appellant contends that the Council has ignored the Water Framework Directive and the Habitats Directive in relation to where surface water discharges to the Loughmore Canal/ Turlough. I note that the nearest classified water body is the River Barnakyle, Barnakyle\_020, located downstream of the industrial park/Loughmore Canal. According to the third cycle catchments report published in May 2024, the Barnakyle\_020 is classified as having a 'moderate' status. According to the River Waterbody Risk Status of surveys conducted (WFD RISK 16-21), Barnakyle\_020 is classified as at 'risk'. Having regard to the surface water proposals outlined, I consider the proposal would not cause a deterioration of water quality within water bodies adjacent to the development, nor would the proposal prevent the objectives of good status being achieved. The issue of Appropriate Assessment is dealt with below in Section 8 and Appendix 3.
- 7.3.5. While I would acknowledge the concerns raised by the appellant, I do not consider that a grant of planning permission in this instance will exacerbate any potential risk of flooding. I would also accept the merits of the storm water management proposals presented by the applicant. The planning authority have not raised concerns in this regard, subject to condition (Condition No. 5 noted). I recommend that if the Board is disposed towards a grant of permission, that a similarly worded condition be attached to any such grant. The proposed development will connect to the existing water services network located within the Business Park. There is no evidence of

any misconnections or associated impacts of same. The site is not located within a flood zone. Overall, I am satisfied that the proposed extension to the existing building at this location within the Raheen Business Park is acceptable and would accord with the proper planning and sustainable development of the area.

#### **7.4. Other Matters**

##### Parking

- 7.4.1. The Traffic and Parking Report submitted with the application notes that 78 no car parking spaces on the existing site 24 no. to the west, 31 no. to the south, and 23 n. to the east. The applicant is proposing 82 no. car parking spaces as per the site layout plan submitted at FI. The western car park will be reconfigured to provide 32 no. spaces, another 29 no. spaces will be provided in a new car park to the north-west corner of the site. Lastly 21 no. spaces will be created at the northeast of the site in a new car park accessed from Loughmore Avenue.
- 7.4.2. I note that the site is located in zone 3 for the purpose of calculating parking requirements. The car parking requirements for this type of development in zone 3 as set out in Table DM9(a) are a maximum of 1 space per 100sqm. I note that submitted transport and Traffic Assessment indicates that this results in a maximum provision of 90 no. spaces based on a floor area of 8,998sqm (4,562sqm existing and 4,436sqm proposed). I note that the stated floor areas provided in the application form, planning statement and architectural drawings, are considerably less (4,115sqm existing and 4,128sqm proposed) and would result in a maximum provision of 82 no. spaces. Either way, I note the proposed number of spaces does not exceed the stated maximum. I consider the proposed development to be in accordance with the Development Plan in this regard.
- 7.4.3. I note that the Planning Authority included a condition to address conflict of movements between pedestrians and vehicles with regard to the access to car parking spaces 62-82 at the north of the site. I note that this issue was highlighted in the Road Safety Audit submitted at FI. I recommend that a similarly worded condition be attached to any such grant.
- 7.4.4. In terms of cycle parking, Table DM 9 (a) requires a minimum number of parking space for 20-25% of staff numbers, subject to a minimum of 10 spaces or 1 bike space per every car space, whichever is the greatest. The proposed 100 spaces

exceed the minimum required (25% of 180 workers) and is considered in accordance with the Development Plan standards. The Active Travel internal report notes that the cycle storage appears to be open in nature and not covered. A Condition is attached which requires the details of the cycle storage, along with the management and security of same to be agreed with the Planning Authority. I recommend that a similarly worded condition be attached to any such grant.

## **8.0 AA Screening**

8.1. See Appendix 3 of this report for Appropriate Assessment Screening Determination. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site namely the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA and is therefore excluded from further consideration. Appropriate Assessment is not required.

8.2. This determination is based on:

- Nature of works on fully serviced lands
- Distance from and weak indirect connections to the European sites
- Taking into account screening determination by LPA
- Possible impacts identified would not be significant in terms of site-specific conservation objectives for the SAC/SPA and would not undermine the maintenance of favorable conservation condition or delay or undermine the achievement of restoring favorable conservation status for those qualifying interest features of unfavorable conservation status.

## **9.0 Recommendation**

It is recommended that permission be granted for the following stated reasons and considerations.

## 10.0 Reasons and Considerations

Having regard to the planning history and the zoning objective of the subject site, its location within the existing Raheen Business Park and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority, on the 13<sup>th</sup> day of March 2023 as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to the commencement of any development on the site, the developer shall submit for the written agreement of the Planning Authority, full details of the surface water disposal system plan, and all revised details as required. The plan shall include a full survey of the existing storm water network, including a CCTV survey, from within the footprint of the subject site. All resulting information from the agreed surveys shall be submitted for the written agreement of the Planning Authority.

**Reason:** In the interest of public health and surface water management.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

4. Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

5. 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 agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties

6. Site development and building works shall be carried out only between the hours of 0800 to 2000 Mondays to Friday 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.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

7. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping,

emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interest of environmental protection

8. The proposed development shall be amended as to address and remove the conflicts between pedestrian and vehicles with regard to the access to car parking spaces 62-82 (20 no. spaces) at the north of the site. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of traffic and pedestrian safety.

9. Details of suitable cycle storage units which shall be covered, including the details of management and security measures of same, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

10. The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted to the planning authority on 13<sup>th</sup> March 2023. The specific measures detailed in Section 9 of the MMP to achieve the objectives and modal split targets for the development shall be implemented in full upon first occupation. The developer shall undertake a monitoring exercise to the satisfaction of the planning authority for the first, third and fifth anniversary following first occupation and shall submit the results to the planning authority for consideration and placement on the public file.

**Reason:** To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.

11. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development following consultation with the Local Authority Archaeologist.

Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation [preservation in-situ/excavation]. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the

Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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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Ciara McGuinness  
Planning Inspector

14<sup>th</sup> January 2024

## Appendix 1 - Form 1- EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	316282-23		
<b>Proposed Development Summary</b>	The construction of a two-storey extension to the rear of the existing building and the refurbishment of the existing two-storey building and all other associated works		
<b>Development Address</b>	Pearse Road, Raheen Business Park, 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> ✓	Tick if relevant and proceed to Q2.
		<b>No</b>	Tick if relevant. 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)?</b>			
<b>Yes</b>	✓	10. Infrastructure projects (a) Industrial estate development projects, where the area would exceed 15 hectares.  13. Changes, extensions, development and testing (a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and (ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.  <i>Note:</i> The business park is on the edge of the city boundary. Beyond the south and western end of the Business Park are green fields and farmland. I consider the area is non-residential in nature, not at the heart of an urban area, and does not exhibit characteristics associated with a city or town. On this basis I do not consider this is an 'urban development' and as such the proposed development does not fall under Class 10(b)(iv).	Proceed to Q3.
<b>No</b>			No further action required

<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	✓	The proposed development does not equal or exceed 15 hectares (class 10(a)) or an amount equal to 50 per cent of that threshold (class 13).	Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	✓	The proposed development relates to an area of 1.7ha. The proposed development does not equal or exceed 15 hectares (class 10(a)) or an amount equal to 50 per cent of that threshold (class 13). The development is therefore considered sub-threshold.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	✓	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2 - Form 2 - EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP- 316282-23</b>
<b>Proposed Development Summary</b>	The construction of a two-storey extension to the rear of the existing building and the refurbishment of the existing two-storey building and all other associated works
<b>Development Address</b>	Pearse Road, Raheen Business Park, Limerick
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The nature and size of the development is not exceptional in the context of the industrial estate environment. The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised constructions impacts will be temporary.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated</p>	<p>The nearest European site is 3km to the north of the site. It is not considered that the proposed development would be likely to have a significant impact on the European site. Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>

areas, landscapes, sites of historic, cultural or archaeological significance).		
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There is no real likelihood of significant effects on the environment arising from the proposed development. There is no real likelihood of significant cumulative effects having regard to existing or permitted projects	
Conclusion		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	✓
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 3 - Screening the need for Appropriate Assessment

### **Appropriate Assessment Screening Determination (Stage 1, Article 6(3) of Habitats Directive)**

I have considered the proposed extension to an existing industrial building in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening Report for Appropriate Assessment was submitted with the planning application.

#### **Description of the proposed development**

The proposed development is for an extension to an existing industrial building. The area to the east of the building, where the extension is proposed to be located, is currently undeveloped and comprises soft landscaping. A detailed description of the proposed development is set out in Section 2 of this report.

No watercourses run through the site. The River Shannon is located approximately 4km to the north of the site. Existing connections to water and drainage services will be utilized. Surface water is discharged to a manmade attenuation lagoon known as the Loughmore Canal which is located northwest of the business park. From there it continues to the Barnakyle stream and Barnakyle River, before connecting to the River Maigue and the River Shannon and Maigue River. The new extension will not add/increase load to stormwater system, as a SUDS strategy has been developed as part of best practice measures.

#### **Consultations and submissions**

Appropriate Assessment Screening was undertaken by Limerick City and County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Limerick City and County Council concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.

Uisce Eireann have no objection raised subject to undertaking tests that confirm that the storm water discharge leaving the site does not contain foul effluent.

No submission was received from the EPA.

### **European Sites**

Two European sites are potentially within a zone of influence of the proposed development. These are:

- Lower River Shannon SAC (site Code 002165) – c.3km to the north of the site.
- River Shannon and River Fergus Estuaries SPA (Site Code 004077) – c.3.5km to the north of the site.

I note that the applicant considered a further three sites in a wider area (within 15km) including the Tory Hill SAC, Askeaton Fen Complex SAC, and Curraghchase Woods SAC but rules these out for further examination due to distance and lack of/ weak ecological connections. I agree with the applicant that as these sites can be removed from further consideration.

European Site	Qualifying Interests (summary)	Distance	Connections
Lower River Shannon SAC (site Code 002165)	<p>Sandbanks which are slightly covered by sea water all the time, Estuaries, Mudflats and sandflats not covered by seawater at low tide, Coastal lagoons, Large shallow inlets and bays, Reefs, Perennial vegetation of stony banks, Vegetated sea cliffs of the Atlantic and Baltic coasts, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>),</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>), Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation, <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>), Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>), <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel), <i>Petromyzon marinus</i> (Sea Lamprey), <i>Lampetra planeri</i> (Brook Lamprey), <i>Lampetra fluviatilis</i> (River Lamprey), <i>Salmo salar</i> (Salmon), <i>Tursiops truncatus</i> (Common Bottlenose Dolphin), <i>Lutra lutra</i> (Otter)</p>	3km	Indirect – via surface water outfall – Loughmore Canal, Barnakyle Stream/River
River Shannon and River Fergus Estuaries SPA (Site Code 004077)	<p>Cormorant (<i>Phalacrocorax carbo</i>), Whooper Swan (<i>Cygnus cygnus</i>), Light-bellied Brent Goose (<i>Branta bernicla hrota</i>), Shelduck (<i>Tadorna tadorna</i>), Wigeon (<i>Anas penelope</i>), Teal (<i>Anas crecca</i>), Pintail (<i>Anas acuta</i>), Shoveler (<i>Anas clypeata</i>), Scaup (<i>Aythya marila</i>), Ringed Plover (<i>Charadrius hiaticula</i>), Golden Plover (<i>Pluvialis apricaria</i>), Grey Plover (<i>Pluvialis squatarola</i>), Lapwing (<i>Vanellus vanellus</i>), Knot (<i>Calidris canutus</i>), Dunlin (<i>Calidris alpina</i>), Black-tailed Godwit (<i>Limosa limosa</i>), Bar-tailed Godwit (<i>Limosa lapponica</i>), Curlew (<i>Numenius arquata</i>), Redshank (<i>Tringa totanus</i>), Greenshank (<i>Tringa nebularia</i>), Black-headed Gull (<i>Chroicocephalus ridibundus</i>), Wetland and Waterbirds.</p>	3.5km	Indirect – via surface water outfall – Loughmore Canal, Barnakyle Stream/River

#### Likely impacts of the project (alone or in combination with other plans and projects)

As the proposed application site is not located within or adjacent to a European site there will be no direct impacts and no risk of habitat loss, fragmentation or any other direct impact.

During construction of the proposed extension and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.

The proposed development is in an industrial area already subject to regular traffic/industrial noise. Given the scale of the proposed development within an industrial area, I do not consider it likely that any temporary noise or human disturbance that may occur during the construction phase would be any significant increase on the current baseline.

An impairment of water quality may potentially occur as a result of run-off sediment/pollutants. Surface water will be captured in a below ground drainage network which conveys the flow to the IDA maintained surface water sewer on Pearse Road. The new extension will not add/increase load to stormwater or stormwater system, as a SUDS strategy has been developed as part of best practice. The proposal does not directly drain to the Lower River Shannon. The conservation objectives of the lower River Shannon SAC lists Freshwater Pearl Mussels, Lamprey and Atlantic salmon as Qualifying Interests. The proposed works will not significantly alter the existing water flow at the site or in the greater area.

The general area could be utilized infrequently for ex-situ foraging by bird species or otters, however this is not seen as a significant likelihood given there is more suitable habitat in other sites adjacent to these protected areas.

**Likely significant effects on the European site(s) in view of the conservation objectives set out for the qualifying features including:**

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species including otter during construction or operation of the proposed development.

**In combination effects**

In combination impacts have been considered and the risk of in combination impacts with the proposed development can be ruled out.

No mitigation measures are required to come to these conclusions. I consider the provision of the surface water attenuation and oil/petrol interceptor a standard measure to prevent ingress of pollutants from surface water during the operation phase and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SAC or SPA.

**Overall Conclusion  
Screening Determination**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development would not result in likely significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works on fully serviced lands
- Distance from and weak indirect connections to the European sites
- Taking into account screening determination by LPA
- Possible impacts identified would not be significant in terms of site-specific conservation objectives for the SAC/SPA and would not undermine the maintenance of favorable conservation condition or delay or undermine the achievement of restoring favorable conservation status for those qualifying interest features of unfavorable conservation status.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.