



An
Bord
Pleanála

Inspector's Report ABP-317437-23

Development	Three storey extension to an existing building as previously granted under Planning Reference 99/2676 and all required associated site works
Location	Clarina Village, Ballybrown, Clarina Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	22624
Applicant(s)	Owen O'Sullivan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Owen O'Sullivan
Observer(s)	None
Date of Site Inspection	7 th March 2023
Inspector	Ciara McGuinness

1.0 Site Location and Description

- 1.1. The appeal site is located within the village of Clarina. It is situated approximately 10km to the west of Limerick City. The N69 National Secondary Route which links Limerick City and Tralee runs through the village. The site contains a large three-storey building, and as per the submitted drawings, comprises 19 no. apartments with some retail floor space at ground floor level. The building was granted as part of a larger scheme under PA Reg Ref 99/2676 & ABP Ref PL13.129104 as detailed below in Section 4 of this report. The area surrounding the building is hard surfaced with an area of grassed open space to the north of the site. The Cois Carraig housing estate is situated to north of the site. It comprises an unfinished housing estate of retirement homes and adjoins a partially completed housing estate which is an adjunct to the village. There is a hair and beauty salon on the neighbouring site to the east. Further to the east and on the opposite side of the road there is a service station and convenience retail store. The site with a stated area of 0.478 hectares

2.0 Proposed Development

- 2.1. The proposed development consists of an extension to an existing building. The existing building is 3 storeys in height and has a floor area of 1,847sqm. The proposed extension will be located to the west of the existing building, is also 3 storeys in height, and has a proposed floor area of 643sqm.
- 2.2. The extension is proposed to be used for medical purposes and associated administration areas, comprising the following;
- Ground floor – 2 x GP surgeries, waiting room, prep area and staff welfare facilities.
 - First floor – 2 x dental surgeries, waiting room and staff welfare facilities.
 - Second floor - 3 x office spaces, tea-room, storage and bathroom facilities.
- 2.3. As a result of changes made by way of Further Information, the proposed development has been reduced in height to 10.65m and comes below the ridge line of the existing building at 10.8m. The extension is linked to the existing building by a double height glazed element.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a decision to refuse permission for three reasons as follows;

1. Having regard to the planning history on the site and in the absence of a comprehensive proposal for surface water disposal, the proposed development does not comply with the requirements of the Limerick Development Plan, 2022-2028, specifically Objective IN O12 Surface Water & SuDS. Therefore, the proposal would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the scale, bulk and lack of assimilation of the proposed structure into Clarina Village, it is considered that the proposed development would constitute overdevelopment of the site and would result in the building being unduly obtrusive and out of character when viewed in the context of the existing streetscape at this location. It is considered that the precedent would seriously injure the amenities, depreciate the value of property and would be contrary to the provisions of the Limerick Development Plan, specifically Objective CGR O17 and would be contrary to the proper planning and sustainable development of the area as a whole.
3. The proposed development is in an area at risk of flooding and in the absence of a comprehensive proposal for dealing with any flood risk on site, the proposed development is considered to be contrary to Policy CAF P5 Managing Flood Risk as set out in the Limerick Development Plan, 2022-2028, and the Planning System and Flood Risk Management – Guidelines for Local Authorities. The development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report (dated 27/07/2022) notes that there is no land use zoning in place. No planning statement has been submitted to establish the need for this type of use in Clarina Village. The Planning Authority has serious concerns with regards to the bulk, scale, design and lack of assimilation of the proposed structure into Clarina village. It is noted that the issue of surface water disposal led to a refusal under PA Reg Ref 21/701 and needs to be addressed in a meaningful manner.

Further Information was requested in relation to the following;

- Submit a needs assessment, revised design reduced in scale and bulk, submit a design statement and landscaping strategy.
- Submit a surface water proposal for the site.
- Submit supporting surface water calculations.
- Submit a commensurate assessment of the risk of flooding.
- Submit a revised Site Layout Plan in relation to issues with car parking, sightlines and DMURS.
- Submit a public lighting scheme.

3.2.2. Other Technical Reports

Roads Section – Further Information request in relation to surface water disposal, public lighting, car parking and sightlines need to be addressed.

Fire Authority – No objection.

Physical Section (Flood Risk) – A commensurate assessment of the risk of flooding in accordance with section 5.28 of the Planning and Flood Risk Management Guidelines applies and is requested.

3.3. Prescribed Bodies

TII – No objections raised.

Mid-West Roads – No observations to make.

3.4. Third Party Observations

Representation on the file by Cllr. Stephen Keary.

4.0 Planning History

PA Ref. 99/2676 & ABP Ref PL13.129104 – Permission granted for 196 housing units, childcare centre, offices, business and technology park, supermarket, restaurant, retail units, hotel, communal and community halls, temporary wastewater treatment plant and foul sewerage pumping station.

PA Reg Ref 07/1252 - Permission granted for changes to elevations.

PA Reg Ref 07/3472 – Permission granted for changed to internal layouts

PA Reg Ref 12/7106 – Permission extended until the 20th November 2017.

PA Reg Ref 15/221 – Permission granted for the completion of the construction of 48 no. retirement houses currently in various states of construction along with associated site works. The 48 no. units were originally granted planning permission under 99/2676 (which was extended under 12/7106 until 2017) and construction commenced with amendments to the principal permission under 07/1252 & 07/3472.

Art6(a)4/21 - Notification of Intention to Avail of Article 10(6)(a) Exemption change of use from commercial to residential (4 x no. apartments)

ABP Ref: RP91.RP2138 – Referral - Points of Detail in dispute, Whether the proposed means of attenuation satisfies condition no. 18 of planning register ref. no.15/221 or should the applicant be required to submit a further planning application. The Board determined that the proposal for attenuation, as submitted in support of this referral, satisfies the requirements of Condition 18 of planning authority register reference number 15/221 in relation to surface water attenuation.

PA Reg Ref 21/701 & ABP Ref 312894-22: Permission granted for minor elevational amendments from previously granted ref. 99/2676. Change of use from office unit to residential apartment on 1st floor, alteration to overall 1st floor layout from previously granted planning ref 99/2676 (granted 6 apartment units) into 8 apartments, alteration to 2nd floor layout from previously granted planning ref. 99/2676 (granted 8 apartment units) into 7 apartment units.

5.0 Policy Context

5.1. Limerick Development Plan

The appeal site is located with the defined boundary of Clarina Village. Clarina is located within the Limerick Shannon Metropolitan Area.

Clarina is a Level 5 Village in the settlement hierarchy. Having regard to National Policy Objective 3c, a growth target of 28% has been incorporated into the Core Strategy. Development in Clarina shall accord with the objectives for the Level 5 settlements as set out below.

Objective CGR O17 – Development within Level 5 Settlements It is an objective of the Council within these settlements to facilitate development, subject to compliance with the following:

...(b) New commercial developments shall generally only be located within the core area and shall contribute positively to the village streetscape. ..

The following objectives are also considered relevant;

Objective SCSI O15 Health Care Facilities It is an objective of the Council to: a) Support and facilitate development and expansion of health service infrastructure by the Health Service Executive, other statutory and voluntary agencies and private healthcare providers in the provision of healthcare facilities at appropriate locations - including the system of hospital care and the provision of community-based primary care facilities, mental health and wellbeing facilities. b) Encourage the integration of appropriate healthcare facilities within new and existing communities.

Policy CAF P5 Managing Flood Risk It is a policy of the Council to protect Flood Zone A and Flood Zone B from inappropriate development and direct developments/land uses into the appropriate lands, in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 (or any subsequent document) and the guidance contained in Development Management Standards and the Strategic Flood Risk Assessment (SFRA). Where a development/land use is proposed that is inappropriate within the Flood Zone, but that has passed the Plan Making Justification Test, then the development proposal will need to be accompanied by a Development Management Justification Test and

Site-Specific Flood Risk Assessment in accordance with the criteria set out under The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 and Circular PL2/2014 (and any subsequent updates). This will need to demonstrate inclusion of measures to mitigate flood and climate change risk, including those recommended under Part 3 (Specific Flood Risk Assessment) of the Site-Specific Plan Making Justification Tests detailed in the SFRA. In Flood Zone C, the developer should satisfy themselves that the probability of flooding is appropriate to the development being proposed and should consider other sources of flooding, residual risks and the implications of climate change.

Section 11.3.11 of the Plan refers to SuDS (Sustainable Drainage Systems).

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.

5.3. Circular PL02/2014: Flooding Guidelines

- 5.3.1. The circular advises on the use of OPW mapping in assessing planning applications and clarifies the advice given in the 2009 Guidelines for Planning Authorities: The Planning System and Flood Risk Management. The circular updated Section 5.28 of the Guidelines to include small scale infill development. Section 5.28 now reads as follows;

“Applications for minor development, such as small scale infill, small extensions to houses or the rebuilding of houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. Since such applications concern existing buildings or developed areas, the sequential approach cannot be used to locate them in lower-risk areas and the Justification test will not apply. However, a

commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal.”

5.4. Natural Heritage Designations

Lower River Shannon SAC (Site Code 002165) is located circa 2.1km from the site.

River Shannon and River Fergus Estuaries SPA (Site Code 004077) lies circa 2.1km from the site.

5.5. EIA Screening

See completed Form 2 on file in Appendix 2. 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

6.1.1. The grounds of appeal are summarised as follows;

- There is precedent set for the proposed means of surface water drainage on site having regard to the grant of permission by the Board under ABP-312894-22.
- A copy of the storm water assessment undertaken for the site as previously submitted and accepted by the Board is enclosed. A revised site layout is submitted showing the proposed location/relocation of storm water swales. The proposed attenuation tank also has increased storage to cater for the additional roof area of the extension.

- The design is of a contemporary nature and is an appropriate response given the commercial/medical services located therein.
- The proposed building has been designed to be sympathetic, consistent in colour, tone and scale and the materials of the existing buildings in so far as is practical.
- Both buildings are 3-storeys in height. It is not considered that the proposed building is inconsistent with the existing building or character of the area.
- The site in terms of infrastructure, parking etc can accommodate the proposed development and does not constitute over development.
- Revised elevational treatments are submitted which include a partial mono pitch and flat roof, altering window designs and incorporating cladding in the form of timber, stone and raised render.
- A Flood Risk assessment previously undertaken which included a commensurate assessment and also dealt with emergency response planning including access and ingress during a flood event is submitted. The Planning Authority previously accepted this report under PL Ref 21/701. From reviewing the available sources of flooding the majority of the site has shown to reside within Flood Zone C and the proposed development does not raise significant flooding issues or affect any flow paths on the site.

6.2. Planning Authority Response

None.

6.3. 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;

- Design
- Surface Water
- Flooding

7.2. Design

- 7.2.1. The Planning Authority's second reason for refusal considers that the proposed development, due to its scale, bulk and lack of assimilation into Clarina, would constitute overdevelopment of the site and would result in the building being unduly obtrusive and out of character with the existing streetscape.
- 7.2.2. The Further Information issued by the Planning Authority requested that the applicant reduce the scale and bulk of the proposed development. I note that applicant reduced the reduced the height of the extension from 11.50m to 10.65m. The existing building has a ridge height of 10.8m. I consider that the overall height of the proposal is acceptable having regard to the existing building on site. I do not consider the scale of development to be bulky or represent overdevelopment. The proposed extension has a proposed floor area of 643sqm set over 3 floors. The site is of sufficient scale to accommodate the proposed extension and associated infrastructure. Furthermore, the parking provision at the site as previously permitted, and once formalised and demarcated as per the proposed application, is considered sufficient to accommodate the residential, retail and proposed medical uses on site.
- 7.2.3. The Planning Authority welcomed the reduction in scale however remain concerned with regards to the design and lack of assimilation of the proposed structure into Clarina Village. I note that the site is at the edge of the core village area of Clarina and is prominently located at the roundabout when approaching from the west. I consider that the existing building is of no architectural merit. The existing building is located centrally with the site, is surrounded by tarmac and does not benefit from any landscaping. I do not consider the existing building to create a strong street frontage on entering the village. The Planning Authority in their report note that the proposed western elevation would not be an appropriate development at this location. I would agree with the Planning Authority in this regard and I would consider that the

proposals for this elevation could be improved further noting the site's prominent location.

- 7.2.4. As part of their appeal and in response to the refusal reason, the applicant has submitted an architect's impression of revised elevational treatments based on the submitted floor plans and footprint of the building. The applicant considers that the proposal is softened further through the addition of minor elevational changes such as opting for a partial mono pitch and flat roof, altering window designs and incorporation of some cladding in the form of timber stone and raised render. I agree that these revised external finishes in particular the change to the windows and the use of cladding significantly improve the west elevation. I consider the proposal would be a significant improvement on the existing and previously proposed elevational treatments. Furthermore, the applicant has proposed landscaping measures which, when compared to the existing context of the hard surfaced area, would significantly enhance the site. I consider that should the Board be minded to grant permission, that the details of materials and landscaping shall be submitted to the Planning Authority for their agreement.
- 7.2.5. I note the Planning Authority's reason for refusal also considered that the precedent of the proposed development would seriously injure the amenities, depreciate the value of property and would be contrary to the provisions of the Limerick Development Plan, specifically Objective CGR O17. CGR O17 states that '*New commercial developments shall generally only be located within the core area and shall contribute positively to the village streetscape.*' As outlined above, I note that the proposed development is located within the core area of Clarina. I consider that the principle of use of the extension for medical uses is acceptable at this location and in accordance with the policies and objective pertaining to level 5 settlements as set out in the Limerick Development Plan. I consider that the applicant has provided a sufficient rationale for the nature and scale of the proposed development and as outlined above, I consider that the proposed development will positively contribute to the village streetscape.
- 7.2.6. In conclusion, I consider that the proposal has been appropriately designed to respond to the site context and I do not consider that the development represents a scale or format of development which would negatively impact on the visual amenities of the area or be contrary to CGR O17.

7.3. Surface Water

- 7.3.1. Permission was refused by the Planning Authority on the basis that having regard to the planning history of the site, and in the absence of a comprehensive proposal for surface water disposal, that the proposed development does not comply with the requirements of the Limerick Development Plan specifically, Objective IN O12 which refers to Sustainable Urban Drainage Systems.
- 7.3.2. On review of the application and further information I find the information lacking in terms of surface water proposals. However, the applicant has sought to address the issue by way of the Grounds of Appeal submitted. The applicant notes that the Board has previously accepted the proposed means of surface water drainage under ABP-312894-22. The applicant has submitted the storm water assessment prepared by DRA Consulting Engineers, which was previously submitted and accepted by the board, and has attached a revised site layout illustrating the proposed location/relocation of the storm water swales and the location of the proposed attenuation tank which has increased in storage volume to cater for the proposed development.
- 7.3.3. As detailed in the report of DRA Consulting Engineers the existing drainage servicing the development does not currently incorporate SUDS measures. In order to address this, it is proposed to revise the existing surface water drainage separating it from the existing surface water drain and adding new SUDS measures.
- 7.3.4. A drawing titled Site Layout Plan was submitted with the appeal and shows the proposed surface water drainage proposals. 2 no. swales incorporating soakaways are located on the northern side of the building with an attenuation tank to the south-eastern side of the site. I note that the swale to the northwest has replaced the previously proposed swale to the west of the existing building where the proposed extension is now proposed. As per the submitted report, the site is proposed to be divided into three sections for the purposes of surface water drainage. The northeastern swale is proposed to accommodate surface water generated from the roof area of the bin store and the car parking area and access road to the rear of the building along with the permeable area surrounding the swale. The northwestern swale, which has now been relocated, is proposed to accommodate surface water generated from the access road, footpath and permeable area at this section of the

site. Soakaways with storage are proposed under the length of both swales. The attenuation tank will accommodate surface water generated from the roof area of the main building and extension, and the footpath, access road and car parking area located to the front of the building.

- 7.3.5. It is also detailed in the report of DRA Consulting Engineers that it proposed to reconnect part of the site to the surface water drain passing through the site. It is proposed that the area being reconnected will be attenuated upstream of the connection point. It is confirmed in the report of DRA Consulting Engineers the approach taken in respect of surface water drainage will ensure no flooding will occur on site during the 30 year storm event and that the soakaways have been designed to store the 30 year storm with 20% for climate change.
- 7.3.6. Accordingly, having regard to the revised surface water drainage proposals provided by the first party with the appeal, I am satisfied that surface water generated within the subject scheme will be managed and minimised by the use of Sustainable Drainage Systems as required by the Planning Authority and set out in Section 11.3.11 of the Limerick Development Plan 2022-2028.

7.4. Flooding

- 7.4.1. The planning authority's first reason for refusal noted that the proposed development is in an area at risk of flooding and in the absence of a comprehensive proposal for dealing with any flood risk on site, the proposed development is considered to be contrary to Policy CAF P5 Managing Flood Risk and the Planning System and Flood Risk Management – Guidelines for Local Authorities. The Planners Report notes that as the proposed development entails an extension to an existing development a commensurate assessment of flood risk is required in accordance with Section 5.28 of the Planning and Flood Risk Guidelines.
- 7.4.2. The Planning Authority contends that the site is in Flood Zone A. I have reviewed CFRAM mapping (Map No. S24CLD_EXCCD_F1_01) and note that the majority of the appeal site is not at risk of flooding (i.e. is within Flood Zone C) and there are no historical records of flooding on the site. The south and south-west corner of the site is located in Flood Zone B, with the existing building and proposed extension in Flood Zone C. Policy CAF P5 notes that for Flood Zone C, the developer should satisfy themselves that the probability of flooding is appropriate to the development

being proposed and should consider other sources of flooding, residual risks and the implications of climate change. The flood guidelines state that development is Zone C is appropriate from a flood risk perspective subject to assessment of flood hazard from sources other than rivers and the cost.

- 7.4.3. The applicant in their further information and grounds of appeal note that a Flood Risk Assessment was undertaken for the previous application. This Flood Risk Assessment report is again submitted. Notwithstanding the that the FRA predates the current application, the FRA provides a commensurate assessment noting potential sources of flooding for the site as outlined below;

Fluvial Flooding – Fluvial flooding map indicates that the site is at minimal risk of fluvial flooding

Overland/Pluvial Flooding – As the building is higher than the surrounding ground it is at minimal risk from pluvial flooding.

Coastal/Tidal Flooding – The south and southeast corner of the site are located in flood zone B. The building is located in Flood Zone C.

Groundwater Flooding – An inspection of the site did not identify any particular vulnerability to flooding due to elevated water tables.

- 7.4.4. It is considered that the proposed development does not raise significant flooding issues, nor does it obstruct flow paths. Proposals to improve deficiencies in the surface water drainage regime at the site are proposed as discussed in Section 7.4 above. The proposed development is also a less vulnerable development and will not introduce a significant additional number of people into the site. It is stated by the applicant that approximately 5 no. of staff will be employed in the facility which is proposed to operate Monday-Friday 9am-6pm. The proposal does not entail the storage of hazardous substances. It is considered that the proposed extension will not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities.

- 7.4.5. I am satisfied that the appeal site is not at risk of flooding and in accordance with the provisions of the Flood Risk Management Guidelines for the assessment of minor proposals.

8.0 AA Screening

- 8.1.1. 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.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites
- Taking into account screening determination by LPA

9.0 Recommendation

I recommend that planning permission is granted for the proposed development in accordance with the following reasons and considerations:

10.0 Reasons and Considerations

Having regard to the provisions of the Limerick Development Plan 2022-2028, to the planning history of the site, to the nature and scale of the proposed development and to the pattern of existing development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not constitute flood risk, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would not be prejudicial to public health. 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 5th day of May 2023, and the plans and particulars submitted to the board on the 26th day of June 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended to accord with the revised elevational proposals received by the board on the 26th day of June 2023. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

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. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
 - (a) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed street furniture, including bollards, lighting fixtures and seating;

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

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

Reason: In the interest of visual amenity.

5. Prior to the commencement of development the developer shall enter into a Connection Agreement 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.

6. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to

commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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.

Ciara McGuinness
Planning Inspector

29th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317437-23		
Proposed Development Summary	Three storey extension to an existing building as previously granted under Planning Reference 99/2676 and all required associated site works.		
Development Address	Clarina Village, Ballybrown, Clarina Co. Limerick		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
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?			
Yes		Class.....	EIA Mandatory EIAR required
No	✓		Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(iv) - Urban development which would involve an area greater than 2 hectares in the case of a business district, 10	Proceed to Q.4

		hectares in the case of other parts of a built-up area and 20 hectares elsewhere.		
--	--	---	--	--

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317437-23	
Proposed Development Summary	Three storey extension to an existing building as previously granted under Planning Reference 99/2676 and all required associated site works.	
Development Address	Clarina Village, Ballybrown, Clarina Co. Limerick	
<p>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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The nature of the development is not exceptional in the context of the urban environment.</p> <p>The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised constructions impacts will be temporary.</p>	No
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The size of the development is not exceptional in the context of the existing urban environment.</p> <p>There is no real likelihood of significant cumulative effects having regard to existing or permitted projects</p>	No

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>The nearest European site is 2.1km to the west of the site. It is not considered that the proposed development would be likely to have a significant impact on the European site.</p> <p>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>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p> <p style="text-align: center;">✓</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector:

Date:

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3 -

Template 2: Screening the need for Appropriate Assessment Finding of no likely significant effects

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

I have considered the proposed extension in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, 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 Appropriate Assessment.

A detailed description is presented in Section 2 of my report. In summary, the proposed development is for an extension to an existing building. The proposed development will be 3 stories in height and will be utilized for medical purposes. Surface water will discharge to the local drainage system. Water and waste will be connected to local services.

There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

2 no. of European sites are located within a potential zone of influence of the proposed development. These are:

- Lower River Shannon SAC (Site Code 002165) is located circa 2.1km from the site.
- River Shannon and River Fergus Estuaries SPA (Site Code 004077) lies circa 2.1km from the site.

Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those listed above.

European Site	Qualifying Interests (summary)	Distance	Connections
Lower River Shannon SAC (site Code 002165)	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	2.1km	No direct

	<p>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>Ranunculum fluitans</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>		
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>	2.1km	No direct

Likely impacts of the project (alone or in combination)

Due to the nature of the development, that being an extension to an existing development, and the presence of a significant buffer area between the site and the River Shannon/River Maigue, I consider that the proposed development would not be expected generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

The proposed development would not have direct impacts on any European site. During construction of the proposed development and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.

The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

Likely significant effects on the European sites in view of the conservation objectives

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 during construction or operation of the proposed development.

In combination effects

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

No mitigation measures are required to come to these conclusions.

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 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.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites
- Taking into account screening determination by LPA