



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318396-23

#### Development

10 year planning permission for development for the regeneration of a building and all ancillary site development works. A Natura Impact Statement (NIS) is included in the application.

#### Location

The site is surrounded by three roads: Ballynoe Road/Derrybeg Road/Ballycummin Avenue, adjoining the existing Analog Devices Campus at Raheen Business Park, Raheen, Limerick, V94 W863.

#### Planning Authority

Limerick City and County Council

#### Planning Authority Reg. Ref.

2360609

#### Applicant(s)

Analog Devices International  
Unlimited Company

#### Type of Application

Permission

#### Planning Authority Decision

Grant Permission with Conditions

<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Mike Fenton
<b>Observer(s)</b>	Tom Ryan
<b>Date of Site Inspection</b>	9 <sup>th</sup> October 2024
<b>Inspector</b>	Ciara McGuinness

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## **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 northern end of the Business Park and is accessed via Ballycummin Avenue within the Business Park. The site has a stated area of 1.02ha.
- 1.2. The site comprises an existing industrial building and associated car parking and hardstand area. The building is operated under the name Provincial Floor Coverings. The site is surrounded by three roads; Ballynoe Road to the northwest, Derrybeg Road to the southeast and Ballycummin Avenue to the northeast. Adjacent buildings to the south and west generally comprise Analog Devices Campus buildings.

## **2.0 Proposed Development**

- 2.1.1. The proposed development is for the partial demolition, redevelopment and construction of an extension to an existing warehousing structure. The proposed development is described in 3 no. phases;

Phase 1 – Partial demolition of sections of the existing building, intended as enabling works.

Phase 2 – Change of use of the remaining, existing building from industrial (factory) and ancillary office use to office use along with construction of a mezzanine level and facade improvements.

Phase 3 – Construction of a new 2/3 storey extension to the rear and side of the building comprising offices and the closure of the northern part of the Ballynoe Road adjoining the western site boundary, with provision for a new access road on the southern site boundary and provision of significant public realm absorbing the closed part of Ballynoe Road and the creation of a new pedestrian plaza with bicycle parking.

- 2.1.2. The proposal is an extension of the Analog Devices Campus. The applicant has outlined that the building will be used for office use, to support innovation and research on the technological sector. It is estimated that circa 470 workers will be accommodated in the building with 50% comprising existing workers and 50% comprising new additions to the Analog Devices Campus.

- 2.1.3. Demolition in the order of 2,505.8sqm is proposed. The core of the existing building will be reused. A Mezzanine level of 194.15sqm is proposed in the remaining building. The construction of the 2 to 3 storey extension measuring 5,697.93sqm is proposed on the northwest and southwest side of the remaining building. The building will have a total floor area of 8198.45sqm. The development will be fully enveloped in a contemporary new façade.
- 2.1.4. The proposal retains the existing car parking spaces (37 no. spaces) in the same location to the northeast of the site, retrofitting 12 bays for EV parking including a new accessible EV charging point. 118 no. bicycle spaces and 3 no. motorcycle spaces are provided.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. The Planning Authority issued a Notification of Decision to Grant Permission on 11<sup>th</sup> October 2023, subject to 15 no. of conditions. Conditions were generally of a standard nature. Bespoke conditions are discussed below in Section 3.2.3.

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

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

The Planners Report (dated 04/10/23) notes that the redevelopment and expansion of an existing warehousing structure to facilitate the expansion of the Analog Devices campus accords with the objective for 'High Tech/Manufacturing'. The design and layout are in line with other approaches taken within Raheen Business Park and no impact on surrounding buildings by reason of overlooking or overshadowing is envisaged. It is noted that the applicant undertook a CCTV survey which confirmed that there are no cross connections between the foul and surface water. A condition shall be attached requiring that any survey of the storm water network within the footprint of the premises, shall include CCTV survey and dye testing where necessary to establish the exact as built storm network configuration. Remedial measures shall be taken by the developer where misconnections/faults are identified. It is noted that ABP attached a similar condition with regard to wastewater

disposal on the adjoining site under ABP-314692-22. It is concluded that having regard to the nature of the development, the layout and extent of works on appropriately zoned lands, the nature of the development on surrounding lands, that the size, scale and mass is considered acceptable and in line with the policies and objectives set out in the Limerick Development Plan 2022-2028. A grant of permission is recommended.

### 3.2.2. Other Technical Reports

Active Travel – No objection. Conditions recommended.

Fire Authority – No objection.

Heritage Officer – Comments noted with regard to mitigation measures, swift survey, pollinator plan and need for adequately sized interceptor to deal with exceptional rainfall event. Conditions recommended.

Environment Section – Submissions have shown that the proposed SUDS measures including rain water harvesting, bio retention areas, green roofs and permeable surfacing will result in a reduction in the current volume of storm water discharge from the facility. The applicant additionally proposes the use of a hydro brake to control the flow to the storm network. Proper maintenance is an essential part of this process, and it should be conditioned that this should be serviced on an annual basis. Any proposed development would be required to carry out CCTV surveys, dye testing and as built survey of the existing network within the site to establish any misconnections, faults etc. These would need to be addressed in advance of any works.

Environment Section (Waste Management) – Conditions recommended.

Archaeologist – No objection.

Road Section – No objections. Conditions recommended.

### 3.2.3. Conditions

- Condition 9 requires CCTV surveys, dye testing and as built surveys of the existing storm network to be carried out within the footprint of the site. All resulting information and proposed remedial actions shall be submitted to the Planning Authority for agreement.

- Condition 12 requires that having regard to the size of the building and the multiple access points, a relocation of at least 20 of the 120 covered bike spaces shall be provided at the opposite corner of the building close to the EV charging locations and that visitor parking spaces shall be provided on a revised site layout.

### **3.3. Prescribed Bodies**

Irish Aviation Authority – notify IAA 30 days prior to crane erection/operations.

TII – No objections.

Irish Water - No objection to proposal. Comments noted.

Health and Safety Authority – The authority does not advise against the granting of permission.

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

A total of 3 no. third-party observation were noted on the file from Sarah Mulcahy, Tom Ryan and Mike Fenton. The issues raised generally reflect the grounds of appeal and relate to storm water discharge and flooding and the associated impacts on livestock and ecology in the area.

## **4.0 Planning History**

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

P.A. reg. ref. 15/283: 10-year permission granted for an extension of the manufacturing facility etc.

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. 22/803, 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.
- 5.1.2. Office and high technology manufacturing uses are identified as being generally permitted on High Tech zoned lands in the zoning matrix.
- 5.1.3. Raheen Business Park is identified as a Strategic Employment Location. The Plan states that this Employment Location offers the capacity to cater for investment that require greenfield or brownfield sites, access to an international airport and third level graduates.
- 5.1.4. 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** 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 2km north of the subject site.

River Shannon and River Fergus Estuaries Special Protection Area (Site Code 004077); circa 2.5km north of the subject site.

Loughmore Common Turlough, a proposed Natural Heritage Area (Site Code 000438), is located circa 0.85km west of the subject site.

## 5.4. EIA Screening

5.4.1. Schedule 5 of the Planning and Development Regulations 2001, as amended, sets the thresholds for projects which would require an EIA. I note that a 'Report for the Purposes of Environmental Impact Assessment Screening' was submitted with the application. The report sets out that the project can be considered as a 'sub-threshold' development in relation to the following classes of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended);

- Class 10 Infrastructure Projects;
  - (b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Due to the site's location in a built-up area 10 hectares is the relevant threshold in this case.
- Class 13 Changes, Extensions, Development and Testing;
  - (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 appropriate threshold,Whichever is greater.
- Class 14 Works of Demolition;
  - Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

5.4.2. The business park is located approximately 5km from Limerick City centre. The Analog facility is located at the north corner of the Business Park close to the

Ballycummin entrance. The business park is on the edge of the city boundary, independent too and separated from the Dooradoyle suburbs located to the east of the site by Ballycummin Avenue and a perimeter wall. 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).

5.4.3. However, I do consider that the development comes within Class 10(a) of Part 2 of Schedule 5 the Planning and Development Regulations 2001, as amended, which relates to 'Industrial estate development projects, where the area would exceed 15 hectares'. The Board will note that the proposed development relates to the partial demolition, regeneration and extension of an existing building within the Raheen Business Park. I am satisfied that the use of the building is for or ancillary to industrial processes carried out by Analog Devices. The proposed development also relates to the infrastructure utilised within the industrial estate with the closure of the Ballynoe Road and a new access proposed. Therefore, the development can be considered an 'industrial estate development project' type, and an extension to same which would come under Class 13 (set out above). I also consider the development comes under Class 14 (set out above). The proposed demolition works are being carried out to uncover an area, which will be subject to redevelopment/regeneration works. Therefore, the proposed development can be considered as facilitating future development, being of an "industrial estate development" type as set out under Class 10(a) of Part 2 of Schedule 5.

5.4.4. I have completed an EIA screening determination as set out in Appendix 2 of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 and 7A, to the proposed sub-threshold development, demonstrates that it would not be likely to have significant effects on the environment and that an

environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's report.

## **6.0 The Appeal**

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

The appeal is a third-party appeal by Mike Fenton (an adjacent landowner to the business park) against Limerick City and County Council's decision to grant permission. The grounds of appeal are summarised as follows;

- There is a current issue with foul water discharging through the storm water system into Loughmore Canal by virtue of an existing misconnection in the drainage network.
- Additional connections to the existing foul drainage system will have further detrimental effects on Loughmore Common which is a Proposed Natural Heritage Area (pNHA).
- The submitted Uisce Eireann Report makes reference to cross contamination of foul and storm sewers in the business park generally.
- The IDA should undertake a comprehensive survey of foul and storm sewers within the business park to identify the misconnections.
- Previous contractual agreements between the landowners, the IDA and Limerick City and County Council to maintain the canal have not been complied with.
- Loughmore Common has been flooded on many occasions due to the lack of ongoing maintenance for the canal.
- Additional development on these lands should not be granted until a legally binding agreement is in place between the IDA and relevant landowners to maintain Loughmore Canal.

## 6.2. Applicant Response

The applicant's response to the appeal can be summarised as follows;

- The proposed development is in accordance with the 'Industrial/High Tech' zoning and in accordance with the policies and objectives which identify the site as a 'Strategic Employment Location'.
- Having regard to the surface water design provisions, the proposed development will not exacerbate flooding on Loughmore Common.
- A CCTV survey of the existing storm water network within the footprint of the premises was undertaken to establish the exact 'as built' storm network configuration, and thereafter, to inform the design of the proposed development.
- The CCTV survey confirmed beyond reasonable doubt, the absence of any connectivity, any discharge into or, cross contamination of existing foul water in the surface water discharge system leaving the site.
- Comments within Uisce Eireann Report have been taken out of context and cannot be considered a balanced reflection of that report which had no objection in principle to the proposed development.
- The proposed development included design measures to improve the current surface water system operating within the site. The proposed development includes measures to improve the quality of surface water prior to controlled off-site discharge, and furthermore, the proposed development included measures to reduce the volume of off-site discharge of surface water. The proposed development is considered to be consistent with Objective IN O12(c) and IN O12(f).
- The AA Screening and NIS acknowledged and referenced the pNHA Loughmore Common in consideration of 'Water Features and Quality'. The assessment acknowledged the hydrological link to Loughmore Canal via the public water system and to the European sites and includes an assessment of the potential effects arising from deterioration of local surface and ground water during construction and operation of the proposed development. The NIS confirms that with appropriate mitigation measures in place, the integrity

of these sites either individually or cumulatively, would not be adversely affected either directly or indirectly by the proposed development. The mitigation measures proposed are sufficient to safeguard the ecological integrity of the Loughmore Canal and by extension, the Loughmore Common Turlough pNHA during construction.

- The proposed development does not comprise works to a greenfield site, it comprises the regeneration of an existing building, the change of use of that building, the demolition of existing extensions and the development of a new extension.
- The proposed development would not give rise to adverse effects arising from surface water discharge particularly to the Loughmore Canal and by extension to the Loughmore Common Turlough pNHA.
- Reference is made to the precedent set by PA Reg Ref 22/803/ ABP-314692-22 where the board granted permission in relation to an appeal where the grounds were similar to those brought in this appeal.

### **6.3. Planning Authority Response**

None.

### **6.4. Observations**

An observation is made by FP Logue Solicitors on behalf of Tom Ryan. The observation is summarised as follows;

- The proposed development presents as an addition to the Analog Devices International Campus and is part of the overall new development at the campus entitled 'Fanfare' development.
- Mr Ryan has taken judicial review proceedings in relation to the decisions by An Bord Pleanála of the 'Fanfare' development on the grounds that the development requires EIA in light of its spatial extent (2023/1252JR Tom Ryan -v- An Bord Pleanála). The ground of challenge applies equally to this application.

- The overall development proposed by Analog exceeds the 10ha threshold for EIA under Annex II Class 10(b)(iv) of the Planning and development Regulations comprising Urban development which would involve an area greater than 10 hectares in the case of other parts of a built up area.
- The overall development requires the production of an EIAR. Accordingly, the Council did not have jurisdiction to grant permission having regard to the provisions of Section 172 of the Planning and Development Act.
- The applicant claims that the use of hydro brakes and attenuation will limit the discharge of surface water to the Loughmore Canal. There is no evidence to support this claim. While hydro brakes and attenuation may limit the volume of surface water discharge within a limited time period, ultimately the surface water will be discharged to the Loughmore canal which is described in the application as an attenuation area.
- There has been no assessment of this application for the purposes of the Water Framework Directive and the Surface Water Regulations.
- The Council's decision is invalid as a matter of law as the Council failed to make a determination of Regulations 2,4,5 and 6 of the surface water regulations giving effect to Article 4 of the Water Framework Directive as to whether the proposed development would cause deterioration of water quality or would prejudice the attainment of good quality.

An observation made by the EPA is summarised as follows;

- The observation is in response to the appeal submission made by Mr. Tom Ryan.
- The EPA can only comment on matters as they relate to EPA-licensed sites/facilities on the Raheen Industrial Estate or to their potential for environmental effects off-site.
- The applicant for planning, Analog Devices International, operates under an Integrated Pollution Control (IPC) licence. The EPA has received an application for review of the licence, which if granted, would lead to the 5<sup>th</sup> iteration of the IPC licence.



- Industrial sites have the potential to contaminate storm water and for that reason EPA licences contain controls and conditions to prevent significant effects on stormwater quality as it discharges from the site.
- An incident occurred in September 2022, whereby there was a discharge of 350L of water treatment chemicals to a storm water drain. The licensee responded promptly, and the affected stormwater drain cleared. This is the only incident since 2013 and does not indicate any ongoing neglect on the licensee's behalf in relation to the protection of stormwater quality.
- The EPA cannot comment on whether there are misconnections at the Raheen Industrial Estate. The EPA understands that the matter is currently being investigated by the IDA and Limerick City and County Council.
- No information is provided as to the origin of the sampling results mentioned in the submission by Mr. Tom Ryan. There are no 'Emission Limit Values' in the stormwater discharge to the Loughmore Canal, so it is not clear what 'exceedances' can occur in the stormwater discharge.
- The overall discharge to the canal is from the entire industrial estate and any contamination of water in the canal cannot be attributed to the Analog Devices site alone or to any individual licensed or unlicensed site.
- It is not clear what pipelines are being referred to in the appeal submission, but according to EPA records from September 2022, overground pipelines are being visually inspected on a weekly basis as required by the EPA licence. Integrity testing of underground pipelines is being carried out as required by the EPA licence (ie. every 3 years). Additional integrity testing was carried out after the incident described above. Stormwater lines are being monitored and inspected as required by the license.
- There is no evidence of misconnections under the Analog Devices site. All the pipeline testing and inspections support this and have not revealed any subsurface misconnections at their site.
- Dye testing is not required by the EPA licence. Dye testing is not the industry standard for detecting misconnections. There is a greater use of cameras,

surveys and maps, and the EPA relies on these techniques to detect misconnections.

- The EPA is providing assistance to Limerick City and County Council in its ongoing investigation into possible pollutants at the Loughmore Canal and its environs.

## **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 same issues have been raised in a number of recent planning appeals in the Raheen Business Park on the grounds of impacts associated with the original development of the Business Park in terms of storm water discharge and flooding. 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 for developments in close proximity to this subject site. The Board granted permission in these instances. A further live application where the observer on this file is the appellant is currently with the Board for consideration (ABP-316282-23).

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

7.2.1. The proposed development comprises the partial demolition, regeneration and extension to the existing 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.

- 7.2.2. 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.
- 7.2.3. I do not consider that the proposed development would generate any significant additional traffic. The proposal seeks to retain the existing parking provision of 37 no. spaces within the site (Refer to Section 7.5 for further commentary on Parking). The building is of a standard industrial/office design. I do not consider that any amenity issues arise from the proposed development. The applicant has submitted a Landscaping 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. Surface water from the Business Park is currently being directly discharged to a manmade surface water attenuation lagoon known as the Loughmore Canal which is approximately 900m west of the application site. From there it continues to the Lower River Shannon via Barnakyle stream, Barnakyle River and Maigne River. It is contended by the appellant that there are misconnections in the foul and storm water network in the Business Park and that the proposed development will cause further detrimental impacts and exacerbate flooding at Loughmore Canal which forms part of the Loughmore Common Turlough Proposed Natural Heritage Area (pNHA). 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 within the Engineers Services Report prepared by Punch Consulting Engineers and associated drawings. The Engineering Planning Report confirms that a CCTV survey of the existing surface water sewer and foul sewers in the vicinity of the site was undertaken which confirmed that there are no cross connections between the foul and surface water sewers. The proposed surface water drainage system has been designed using Causeway Flow Software. Surface water will be collected and discharged via a mixture of traditional and Sustainable Urban Drainage System (SuDS) to the existing 255mm diameter surface water sewer within the site that discharges to a 375mm diameter surface water sewer on the public road. Details of the proposed surface water drainage network are shown on PUNCH Drawing 231164-PUNCH-XX-XX-DR-C-0100 & 0150.

7.3.3. The design for the site includes a variety of SuDS measures to retain rainwater and decrease the impact of the development on the receiving environment. Such measures include:

- Rainwater Harvesting/attenuation
- Green roofs
- Permeable Surfacing
- Bio Retention Areas
- Bypass interceptor

As the site is currently hardstanding, the introduction of the proposed rainwater harvesting and SuDS measures, will result in a decrease in surface water run-off and an increase in surface water quality discharging to the existing surface water network. All surface water discharged from the site will connect into the existing storm lines running along Ballynoe and Derrybeg Road. Both existing lines are captured by monitoring locations under Analog's IPC license. As a result, all proposed storm discharge will continue to be captured and monitored.

- 7.3.4. I would note that 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 west 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 Mague Arterial Drainage Scheme under the OPW. I would note that such designations do not indicate a flood hazard or flood event, with both carried out essentially to improve land for agriculture and to mitigate flooding.
- 7.3.5. In terms of the Water framework Directive, the EPA have not classified that the ecological status of the Loughmore Canal. The nearest classified water body is the River Barnakyle, Barnakyle\_020, located downstream of the Business 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'. Based on the proposals submitted, I do not 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.
- 7.3.6. While I would acknowledge the concerns raised by the appellant, I do not consider that a grant of planning permission in this instance will exacerbate any potential risk of flooding. The site is not located within a flood zone. I would also accept the merits of the storm water management proposals presented by the applicant. While it is noted that the EPA is providing assistance to Limerick City and County Council in its ongoing investigation into possible pollutants at the Loughmore Canal and environs, there is no evidence of any misconnections within the subject site. 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. I note from the EPA observations that dye testing is not the industry standard for detecting misconnections, however the results of any CCTV survey should be submitted for

agreement with the Planning Authority. Overall, I am satisfied that the proposed development 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 proposal seeks to retain the existing parking provision of 37 no. spaces within the site. 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 DM 9(a) are a maximum of 1 space per 100sqm resulting in a maximum requirement of 82 spaces. The development does not exceed the maximum standards. I consider the proposed development to be in accordance with the Development Plan in this regard.
- 7.4.2. 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 120 spaces exceed the minimum required (25% of 470 workers) and is considered in accordance with the Development Plan standards. I note that condition 12 requires a relocation of at least 20 of the 120 covered bike spaces to the opposite corner of the building close to the EV charging locations, and that visitor parking spaces be provided for on a revised site layout. I do not consider this condition to be necessary. I note from the floor plans that the cycle parking is located on the same side of the building as the lobby/reception, and furthermore there is no additional requirement set out in the Development Plan for visitor cycle parking. I consider the proposed cycle parking to be acceptable and in accordance with the Development Plan requirements.

##### EIA Screening

- 7.4.3. It is noted that the observation submitted on behalf of Tom Ryan raises the issue of the need for EIA, and the related issues of project splitting. 'Project splitting' is said to occur when a developer deliberately frames a development as a series of projects, each of which would fall below the relevant threshold for EIA, thereby evading the obligations pursuant to the EIA Directive. However, this does not mean that large scale projects cannot be broken down into smaller segments, provided that each

segment is subjected to appropriate screening for EIA and/or Environmental Impact Assessment in accordance with the requirements of the EIA Directive.

- 7.4.4. I have addressed the issue of EIA above in Section 5.4 and in a Screening Determination carried out in Appendix 2. The observation considers that the development is an urban development and should be considered as part of the overall wider development/expansion of the Analog Devices Facility in Raheen Business Park, which would result in the development exceeding the relevant threshold of 10ha, as set out in Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). As set out in Section 5.4, I do not consider that the development to be an 'urban development' type project which would come under Class 10(b)(iv). Notwithstanding this, I would also note that the proposed development is not reliant on the development or completion of any other part of the Analog Devices facility/campus, and can be considered a 'stand-alone' project and hence, no project splitting arises. I note that previous Analog Devices developments were subjective to the requirement of the EIA Directive in terms of screening. Furthermore, as part of the EIA Screening process for this appeal, I have assessed the environmental impacts of the project cumulatively with the environmental impacts of existing, permitted or planned projects in the area. Having considered the likely environmental impacts of the proposed development cumulatively with the likely environmental impacts of existing permitted development in the area, and in addition, the proposed and planned projects, as far as was practically possible, it is considered that no significant cumulative effects on the environment are envisaged.

## **8.0 Appropriate Assessment**

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

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment

- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity each European site

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

- 8.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.
- 8.2.2. The proposed development, which comprises the partial demolition, regeneration and extension of an existing industrial building, is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

## 8.3. **Appropriate Assessment Screening**

- 8.3.1. See Appendix 3 of this report for Appropriate Assessment Screening Determination.
- 8.4. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Lower River Shannon SAC and the River Shannon and Fergus Estuaries SPA in view of the conservation objectives of a number of qualifying interest features of those sites.
- 8.5. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

## 8.6. **The Natura Impact Statement**

- 8.6.1. The application included a NIS prepared by Whitehill Environmental which examines and assesses potential adverse effects of the proposed development on the Lower



River Shannon SAC (Site Code: 002165) and the River Shannon and Fergus Estuaries SPA (Site Code: 004077).

- 8.6.2. The applicant's NIS was prepared in line with current best practice guidance and provides a summary of the conclusions of the screening report and a description of the proposed development.
- 8.6.3. The NIS under Section 4 identifies and assesses the potential impacts associated with the proposed development on the Lower River Shannon SAC and the River Shannon and Fergus Estuaries SPA. Details of mitigation measures are set out in Section 5 of the NIS.
- 8.6.4. The applicants NIS concluded that;

*'This current NIS has been undertaken to evaluate the potential impacts of the proposed development with regard to the effects upon the conservation objectives and qualifying interests (including the habitats and species) of the Lower River Shannon SAC and the River Shannon and River Fergus Estuary SPA. It is considered that following mitigation, that the proposed project does not have the potential to significantly affect the conservation objectives of these aforementioned Natura 2000 sites and the integrity of these sites as a whole will not be adversely impacted.'*

*The qualifying interests of the site and their potential to be impacted upon from the potential development were listed in Section 4.2. It is considered that these potential impacts can be successfully mitigated against. With implementation of the mitigation measures there will be no deterioration in water quality or impacts upon any designated habitat or any species dependent on these designated habitats. The attributes and targets which have been set out in order to maintain or restore the favourable conservation condition of these interests in the SAC will not be impacted upon.'*

*In light of the above, it is considered that with the implementation of the mitigation measures, that the proposed works do not have the potential to significantly affect the conservation objectives or qualifying interests of the Lower River Shannon SAC and the River Shannon and River Fergus Estuary SPA. The integrity of the site will not be adversely affected.'*

8.6.5. Having reviewed the documentation available to me, I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of the Lower River Shannon SAC and the River Shannon and River Fergus Estuary SPA, alone or in combination with other plans and projects.

#### **8.7. Summary of consultations and submissions**

8.7.1. The AA Screening Report and NIS submitted with the application lists all data sources and guidance documents used in the preparation of the documents.

8.7.2. The Heritage Officer of Limerick City & County Council recommends the inclusion of a condition requiring the implementation in full of the mitigation measures outlined in Chapter 5 of the NIS.

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

#### **8.8. Appropriate Assessment of implications of the proposed development**

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

8.8.2. I have relied on the following guidance;

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

## 8.9. European Sites

8.9.1. The following sites are subject to Appropriate Assessment:

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

8.9.2. A description of the Lower River Shannon SAC (Site Code: 002165) and River Shannon and River Fergus Estuaries SPA (Site Code: 004077) and their Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS and summarised in Appendix 3 of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website ([www.npws.ie](http://www.npws.ie)).

### *Aspects of the Proposed Development with Potential Adverse Effect.*

8.9.3. The main aspects of the proposed development that could adversely affect the conservation objectives of European sites include;

- a deterioration of local surface or ground water quality due to pollution during the construction of the proposed development
- a deterioration of local surface or ground water quality due to pollution during the operation of the proposed development

8.9.4. As outlined in the Appendix 3 of this report, the proposed development is hydrologically connected to the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA via the surface water discharge to the Loughmore Canal. Therefore, it is reasonable to conclude that this may act as a conduit for surface water runoff, containing pollutants/sediment, to reach the Natura 2000 site. There is potential, therefore for contaminants/sediment to affect water quality and therefore impact on the water dependent habitats and species within the SAC/SPA.

8.9.5. Section 4.2 of the NIS identifies Qualifying Interests and Conservation Objectives for the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA that could be affected by Water Quality and sets out the attributes and targets for these Conservation Objectives.

### *Mitigation Measures*

- 8.9.6. Mitigation and best practice measures are proposed to address the potential adverse effects of the development to ensure that the development will not adversely affect the identified European Sites or the conservation status of protected habitats and species they support. A construction environmental management plan has been compiled to oversee the development. Other general mitigation measures associated with the construction phase are also detailed.
- 8.9.7. The revised proposals for the management of surface water from the site are integral to the overall development of the site. These measures included attenuation, controlled discharge via hydrobrake as well as more specific SUDS measures that include green roofs, rainwater harvesting, permeable surfaces and bio retention areas. In addition, as the application site is included in the overall IPPC License site for Analog Devices, the surface water quality at outfall will be monitored as part of the license requirements.
- 8.9.8. No works are proposed within or immediately adjacent to a Natura 2000 site and the proposed development includes a number of best practice and mitigation measures which have been integrated into the proposal and which will have an overall positive impact upon the quality and quantity of surface water that is currently being discharged to the surface water network in Raheen Industrial Park. It is concluded that, subject to adherence with mitigation measures, there is no potential for adverse effects on any European Site.

*In combination Effects*

- 8.9.9. The NIS identifies a suite of plans and projects in the vicinity of the site which were considered in terms of in-combination impacts on the Natura 2000 sites. I would note that all other projects within the wider area which may influence conditions in the Lower River Shannon SAC and the River Shannon and River Fergus Estuary SPA via rivers and other surface water features are also subject to AA. It is concluded that, the proposed development at Analog Devices will not lead to any cumulative impacts upon the Lower River Shannon SAC and the River Shannon and River Fergus Estuary SPA when considered in-combination with other developments that have been adequately screened for AA or where mitigation was carried out as part of an NIS.

*Integrity Test*

8.9.10. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the Lower River Shannon SAC and the River Shannon and River Fergus Estuary SPA in view of the sites Conservation Objectives. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

#### **8.10. Appropriate Assessment Conclusion**

- 8.10.1. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 8.10.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Lower River Shannon SAC (002165) and the River Shannon and River Fergus Estuary SPA (004077). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of these sites in light of their conservation objectives.
- 8.10.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites, no. 002165 & no. 004077, or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and proposed mitigation measures and there is no reasonable doubt as to the absence of adverse effects.

### **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, on the 24<sup>th</sup> day of August 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. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason:** To protect the integrity of European Sites.

3. 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.

4. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit to the Planning Authority for written

agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

5. 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.

6. 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.

7. 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

8. 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.

9. 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.

10. The development shall be carried out and operated in accordance with the provisions of the Workplace Travel Plan submitted to the planning authority on 24<sup>th</sup> August 2023. The specific measures detailed in Section 7 of the Plan 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. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is occupied.

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



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>	318396-23		
<b>Proposed Development Summary</b>	10 year planning permission for development for the regeneration of a building and all ancillary site development works. A Natura Impact Statement (NIS) is included in the application.		
<b>Development Address</b>	The site is surrounded by three roads: Ballynoe Road/Derrybeg Road/ Ballycummin Avenue, adjoining the existing Analog Devices Campus at Raheen Business Park, Raheen, Limerick, V94 W863.		
<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>	✓
		<b>No</b>	
<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>	✓	<p>Class 10(a) Industrial estate development projects, where the area would exceed 15 hectares.</p> <p>Class 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: -</p> <p>(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,</p> <p>(ii) result in an increase in size greater than:</p> <ul style="list-style-type: none"> <li>- 25 per cent, or</li> <li>- An amount equal to 50 per cent of appropriate threshold, Whichever is greater.</li> </ul> <p>Class 14 Works of Demolition; Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p> <p><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</p>	Proceed to Q3.

		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).	
<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 1.02ha. 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 3 - EIA Screening Determination Sample Form

<b>A. CASE DETAILS</b>			
<b>An Bord Pleanála Case Reference</b>	318396-23		
<b>Development Summary</b>	A 10 year planning permission for development for the regeneration of a building and all ancillary site development works. A Natura Impact Statement (NIS) is included in the application.		
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>	
1. Was a Screening Determination carried out by the PA?	Yes		
2. Has Schedule 7A information been submitted?	Yes	The applicant has submitted a Report for the Purpose of Environmental Impact Assessment Screening. The assessment is carried out in accordance with the information set out in Schedule 7 and 7A of the Planning and Development Regulations.	
3. Has an AA screening report or NIS been submitted?	Yes	A Natura Impact Statement and Appropriate Assessment Screening Report was submitted with the application.	
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	The proposed development does not require a license. It is noted that the existing ADI facility operates under an Integrated Pollution Control (IPC) Licence no. P0224-04. EPA have made an observation. See Section 6.4 above for summary.	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA and AA were undertaken in respect of the Limerick Development Plan 2022-2028.	
<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b> (having regard to the probability, magnitude (including population size affected), complexity,	<b>Is this likely to result in significant effects on the environment?</b> <b>Yes/ No/ Uncertain</b>

		duration, frequency, intensity, and reversibility of impact) <b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	
<b>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</b>			
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)			
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	No	The project does not differ from the surrounding area in terms of character (existing industrial/business park), or of scale (use of typical industrial buildings up to c.3 storeys in height).	No
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The development involves the partial demolition, regeneration and extension to an existing building, resulting in a minimal physical change in the locality. Surface water will be managed in accordance with the Surface Water Management proposals. As the site is currently hardstanding, the introduction of the proposed rainwater harvesting and SuDS measures, will result in a decrease in surface water run-off and an increase in surface water quality discharging to the existing surface water network.	No
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	No	The project uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the CEMP. Similarly, waste arising from the demolition and construction phase will be managed through the implementation of a RWMP (required by condition). There is no significant use of natural resources anticipated. The project	No

		connects to the public water and wastewater services systems which have sufficient capacity to cater for demands arising from the project. The project includes an energy efficient design and several SuDS features.	
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Plant/machinery used will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in a Construction Environmental Management Plan would satisfactorily mitigate potential impacts.	No
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	Construction machinery may give rise to potentially harmful materials, such as fuels and oil leak. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature. The implementation of a Construction Environmental Management Plan would satisfactorily mitigate the potential impacts.	No
<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	Surface water will be managed on site and discharged in accordance with the surface water drainage proposals and CEMP. Operation of the standard measures listed in a Construction Environmental Management Plan, will satisfactorily mitigate emissions from spillages.	No
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be	No

		suitably mitigated by the operation of standard measures listed in the Construction Environmental Management Plan.	
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Construction activities may give rise to dust emissions. Such impacts would be temporary and localised in nature and the application of standard measures within the Construction Environmental Management Plan would satisfactorily address potential risks on human health.	No
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No	There is no risk of major accidents given nature of the project.	No
<b>1.10</b> Will the project affect the social environment (population, employment)	Yes	The development will provide for a total employment workforce of 470 no. persons. However approximately 50% of these will be relocated from other buildings within the campus. Thus, the development will provide new employment for circa 235 no. persons. The former use on site, PFL Total Flooring Solutions would previously have provided employment in the area to 50 no. people. Having regard to the size of the proposed development, on a site identified for 'High Tech / Manufacturing Use in the Limerick Development Plan 2022 - 2028, the potential for significant impacts on the environment are not anticipated.	No
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	Existing and approved developments in the wider Raheen Business Park are noted. Significant cumulative effects on the environment would not be expected to arise. See Q3.1 below also.	No
<b>2. Location of proposed development</b>			

<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>• European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>• NHA/ pNHA</li> <li>• Designated Nature Reserve</li> <li>• Designated refuge for flora or fauna</li> <li>• Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	Yes	The Lower River Shannon Special Area of Conservation (Site Code 002165) is located circa 2km north of the subject site. The River Shannon and River Fergus Estuaries Special Protection is located c2.5km to the north of the site. A surface water pathway has been identified. The application has been accompanied by a NIS: which concludes that the proposed development will not adversely affect the integrity of the European sites.	No
<b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	The proposed development site consists of buildings and artificial surfaces with limited trees, ornamental planting and grass verges.	No
<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	No evidence of historical/archaeological features on the site.	No
<b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	No such resources on or close to the site.	No
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	The site is not located within a flood zone. However, surface water discharges to the Loughmore Canal. Surface water management proposals are submitted with the application. The proposed introduction of SuDS measures will result in a decrease in surface water run-off and	No



		an increase in surface water quality discharging to the existing surface water network and would not impact downstream areas.	
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence identified of these risks.	No
<b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is served by a local road network. No significant contribution to traffic congestion is anticipated to arise from the proposed development.	No
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	The site is located within the Raheen Business Park and is not in close proximity to any schools/hospitals. There is no negative impact anticipated on sensitive land uses or community facilities as a result of the proposal.	No
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	Existing and/ or approved planning consents in the vicinity of the site and the wider area of Raheen Business Park have been noted in the application documentation and associated assessments, e.g. in respect of AA. No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	No
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No		No
<b>3.3</b> Are there any other relevant considerations?	No		No
<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	✓	ElAR Not Required	

Real likelihood of significant effects on the environment.		EIAR Required
<b>D. MAIN REASONS AND CONSIDERATIONS</b>		
<p>Having regard to: -</p> <ol style="list-style-type: none"> <li>the criteria set out in Schedule 7, in particular             <ol style="list-style-type: none"> <li>the nature and scale of the proposed development, in an established industrial area served by public infrastructure</li> <li>the absence of any significant environmental sensitivity in the vicinity,</li> <li>the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)</li> </ol> </li> <li>the results of other relevant assessments of the effects on the environment submitted by the applicant.</li> <li>the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.</li> </ol> <p>The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.</p>		

Inspector \_\_\_\_\_  
 Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_  
 Date \_\_\_\_\_

## Appendix 3 – Screening the need for Appropriate Assessment

### Screening the need for Appropriate Assessment Finding of likely significant effects

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

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report has been prepared by Whitehill Environmental on behalf of the applicant and the objective information presented in that report informs this screening determination.

#### Description of the proposed development

The subject site is located 2km to the south of the Lower River Shannon Special Area of Conservation (Site Code 002165) and 2.5km to the south of the River Shannon and River Fergus Estuaries Special Protection Area (Site Code 004077).

The proposed development is for the partial demolition, regeneration and extension of an existing building with Raheen Business Park. A detailed description of the proposed development is set out in Section 2 of this report.

The habitats on site are described in accordance with standard practice (Fossitt 2000) and primarily comprise buildings and artificial surfaces (BL3). There are some narrow-landscaped strips to front and sides of the existing buildings, i.e. areas of amenity grasslands (GA2) along with some scattered ornamental trees.

Surface water from Raheen Business Park is currently being directly discharged to a manmade surface water attenuation lagoon known as the Loughmore Canal which is approximately 900m west of the application site. From there it continues to the Lower River Shannon via Barnakyle stream, Barnakyle River and Mague River.

#### Consultations and submissions

Limerick City and County Council – The NIS was reviewed by the Council Heritage Officer. They are satisfied with the contents of the NIS and recommend conditions with regards to mitigation measures to be attached to any grant of permission.

Uisce Eireann - no objection to the proposal.

EPA - The EPA has submitted an observation on the appeal submissions. The EPA cannot comment on whether there are misconnections at the Raheen industrial estate. The EPA is providing assistance to Limerick City and County Council in its ongoing investigation into possible pollution at Loughmore Canal and its environs. There is no evidence of misconnections under the Analog Devices site. Pipeline testing and inspections have not revealed any subsurface misconnections.

#### 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.2km to the north of the site.
- River Shannon and River Fergus Estuaries SPA (Site Code 004077) – c.2.5km to the north of the site.

As outlined above, the proposed development at the Raheen Business Park is hydrologically connected to the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA via the surface water discharge to Loughmore Canal.

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 ruled these out for further examination due to distance and lack of ecological connections. I agree with the applicant that as these sites can be removed from further consideration. I have only included those sites with any possible ecological connection or pathway in this screening determination.

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 annuals colonising mud and sand, Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ),  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>Molinia caerulea</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)	2km	Indirect – via surface water outfall – Loughmore Canal, Barnakyle Stream/River
River Shannon and River Fergus Estuaries SPA (Site Code 004077)	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.	2.5km	Indirect – via surface water outfall – Loughmore Canal, Barnakyle Stream/River

Lower River Shannon Special Area of Conservation (Site Code: 002165)

This very large site stretches along the Shannon valley from Killaloe in Co. Clare to Loop Head/Kerry Head, a distance of some 120 km. The Shannon and Fergus Estuaries form the largest estuarine complex in Ireland. They form a unit stretching from the upper tidal limits of the Shannon and Fergus Rivers to the mouth of the Shannon Estuary (considered to be a line across the narrow strait between Kilcredaun Point and Kilconly Point). Both the Fergus and inner Shannon Estuaries feature vast expanses of intertidal mudflats, often fringed with saltmarsh vegetation. The site supports an excellent example of a large shallow inlet and bay. Freshwater rivers have been included in the site, most notably the Feale and Mulkear catchments, the Shannon from Killaloe to Limerick (along with some of its tributaries, including a short stretch of the Kilmastulla River), the Fergus up as far as Ennis, and the Cloon River. Overall, the Shannon and Fergus Estuaries support the largest numbers of wintering waterfowl in Ireland. There is a resident population of Bottle-nosed Dolphin in the Shannon Estuary. This is the only known resident population of this E.U. Habitats Directive Annex II species in Ireland. The population is estimated (in 2006) to be  $140 \pm 12$  individuals. Otter, a species also listed on Annex II of this Directive, is commonly found on the site. Five species of fish listed on Annex II of the E.U. Habitats Directive are found within the site. Domestic and industrial wastes are discharged into the Shannon, but water quality is generally satisfactory, except in the upper estuary where it reflects the sewage load from Limerick City. Analyses for trace metals suggest a relatively clean estuary with no influences of industrial discharges apparent. Further industrial development along the Shannon and water polluting operations are potential threats. Detailed Conservation Objectives for the Lower River Shannon SAC (Site Code: 002165) are included in the NPWS Conservation Objectives Series for the site, with the overall objective being to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been designated.

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

The estuaries of the River Shannon and River Fergus form the largest estuarine complex in Ireland. The site comprises the entire estuarine habitat from Limerick City westwards as far as Doonaha in Co. Clare and Dooneen Point in Co. Kerry. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for a number of species. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds. The site is the most important coastal wetland site in the country and regularly supports in excess of 50,000 wintering waterfowl, a concentration easily of international importance. Parts of the River Shannon and River Fergus Estuaries SPA are Wildfowl Sanctuaries. Detailed Conservation Objectives for the River Shannon and River Fergus Estuaries SPA (Site Code: 004077) are included in the NPWS Conservation Objectives Series for the site, with the overall objective being to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been designated.

**Likely impacts of the project alone or in combination with other plans and projects**

The proposed development will not result in any direct effects on either the Lower River Shannon SAC or the River Shannon and River Fergus Estuaries SPA.

However, due to the proximity and connections of the proposed development to the Loughmore Canal/Barnakyle River/River Maigue/River Shannon, impacts generated by the construction and operation of the development require consideration.

The applicant has applied the source-pathway-receptor model in determining possible impacts and effects of the proposed development.

Sources of Impact include;

- Significant effects upon the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA arising from a deterioration of local surface or ground water quality due to pollution during the construction of the proposed development.
- Significant effects upon the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA arising from a deterioration of local surface or ground water quality due to pollution during the operation of the proposed development.

**Likely significant effects on the European site(s) in view of the conservation objectives**

The primary pathway to the River Shannon SAC and River Shannon and River Fergus Estuaries SPA is via the drainage channel system that discharges into the Loughmore Canal. The construction phase includes the demolition of part of the building and excavation of soil and pouring of concrete foundations and other hard surfaces. As the River is designated for freshwater species including lamprey species, salmon, that require high water quality, these sensitive receptors are therefore at possible risk via the pathways identified.

In terms of operational impacts, the applicant notes that proposals for the management of surface water from the site are implicit to the overall development of the site. They included attenuation, controlled discharge via hydrobrake as well as more specific SUDS measures that include green roofs, rainwater harvesting, permeable surfaces and bio retention areas. The applicant considers that overall, these measures will have a positive impact upon the quality and quantity of surface water being discharged, and will reduce the potential for ongoing impacts to arise on the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA and therefore the potential for ongoing significant effects on these sites arising from the operation of the site in the future will be reduced.

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects upon the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA arising from a deterioration of local surface or ground water quality due to pollution during the construction of the proposed development.

I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

In the absence of mitigation, the proposed development has the potential to result in negative impacts on the River Shannon SAC and River Shannon and River Fergus Estuaries SPA.

**Overall Conclusion**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant. I conclude that the proposed

development could result in significant effect on the Lower River Shannon SAC and River Fergus Estuaries SPA in view of the conservation objectives of a number of qualifying interest features of those sites. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required.