



An
Bord
Pleanála

Inspector's Report

ABP-318606-23

Development

The change of use of the University of Limerick City Campus (former Dunnes Stores Shopping Centre) from Retail Use to Educational Use (University). Planning permission for louvre screen and ancillary works.

Location

University of Limerick, City Centre Campus (Former Dunnes Stores Shopping Centre), Sarsfield Street, Limerick V94 DW21

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

2360358

Applicant(s)

University of Limerick.

Type of Application

Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party

Appellant(s)

1. Jason Cronin.
2. Peter McDonogh.

Observer(s)

None.

Date of Site Inspection

13 March 2024.

Inspector

Daire McDevitt

1.0 Site Location and Description

The appeal site refers to the former Dunnes Stores shopping centre on Sarsfield Street in Limerick. It is bounded by Sarsfield Street, Liddy Street and Honan's Quay. A portion of the building is currently in use by UL for classes/workshops and as a citizen's observatory with engagement hub. The remainder of the former shopping centre is boarded up with construction safety notices erected.

The building which is the subject of this appeal forms part of a standalone block, of which a pharmacy with apartments overhead forms the corner of Liddy Street and Sarsfield Street and are not included within the application/appeal site boundaries.

An external mural on facades and ground surfaces envelopes a section of the building. This is not the subject of the development set out in the public notices which is the subject of the current appeal before the Board. Issues pertaining to planning enforcement are a matter for Limerick City & County Council to pursue and do not form part of my assessment.

2.0 Proposed Development

Permission is sought for the change of use of the c.5618sq.m University of Limerick City Campus (former Dunnes Stores Shopping Centre) from retail use to education use (university). And the erection of a c.2m high louvre screen to proposed mechanical ventilation plant on the roof and ancillary works.

3.0 Planning Authority Decision

3.1 Decision

Grant permission subject to 5 conditions which are broadly standard in nature and relate to:

No. 1: as per plans and particulars submitted.

No. 2: details of cycle storage within the footprint of building.

No. 3: Monitoring report regarding Workplan Travel Plan.

No. 4: No additional development above roof parapet level.

No. 5: Management of Waste.

3.2 Planning Authority Reports

3.2.1 Planner Reports

Report dated 18/07/23

Report includes, site description, planning history, copy of submissions received, reference to pre-planning, planning history, assessment, referrals/reports, Habitats Directive Assessment, Preliminary EIA Examination.

No objection in principle to the proposed development. Further information recommended on:

1. Requirement for a Mobility Management Plan and 2) Planning Statement on how proposal addresses requirements of Objective ULCC 01 UL City Campus.

Report dated (31/10/23) following receipt of further information:

A site specific Mobility Management Plan was prepared and submitted. Reviewed by Active Travel Section and considered acceptable.

Revised Planning Statement submitted indicating that the proposal is in line with objective ULCC 01. The planning authority concluded that the proposed application for the 'change of use' will enable the existing building (former Dunnes Stores) function as an educational facility, which will in turn enliven the local area by increasing footfall while the Masterplan design development and construction of the future development is progressed over the coming years.

Noted where a proposed change of use does not lead to the need for a new or upgraded infrastructure/services or a significant intensification of demand placed on existing infrastructure, the development shall be exempt from paying a contribution. It is considered that the reuse of the building for education purposes complies with this requirement therefore a contribution is not applicable in this case.

Recommendation that permission be granted subject to 5 conditions.

3.2.2 Other Technical Reports

Active Travel (27/06/23):

Concluded that there are a number of positive elements to the proposal including cycle storage that exceeds minimum standards, the fact that it would be located within the footprint of the building, and the end of journey facilities proposed. However, given the numbers of staff and students that are anticipated to attend, coupled with the desire to promote sustainable and active travel, it is recommended that a Mobility Management Plan be sought through a request for further information. In terms of content, the plan should have regard to the NTA guidance - Workplace Travel Plans – A Guide for Implementers and Achieving Effective Workplace Travel Plans – Guidance for Local Authorities

Active Travel (not dated) following receipt of further information: The response to further information includes a mobility management plan. The plan contains a survey of all UL staff and students. Objectives and indicative targets are contained in the plan. A mobility management plan coordinator will manage the MMP with a clear mandate to implement and evolve the plan. A condition requiring a monitoring report is recommended.

Fire Authority (not dated). No objection.

Heritage Officer (not dated). Agree with the findings of the AA screening in that significant effects on the nearby SAC and SPA are not likely (s8,p.26). Also notes that the screening describes that site as being unsuitable (S.4.3.1 p.15) for use by swifts. This might be the case currently, but should future applications come in for structural alterations there may be an opportunity to add swift nesting bricks or other measures to allow them to rest.

3.3 Prescribed Bodies

Uisce Eireann (28/06/23). Comments noted and conditions recommended.

HSE (9/06/23). Comments noted and conditions recommended.

3.4 Third Party Observations

4.0 Planning History

No recent planning history noted.

91/770042 – Conditional - Erection of a bus shelter.

81/770237 – Refused – Permission for erection of a canopy.

77/770277 – Conditional – Permission to change façade treatment.

5.0 Policy Context

5.1 National

Project Ireland 2040- National Planning Framework.

Section 28 Guidelines.

Climate Action Plan

5.2 Regional

Regional Spatial and Economic Strategy for the Southern Region, Southern Assembly (2020).

The RSES identifies a number of objectives that seek to achieve compact growth, increased residential densities and urban regeneration.

5.3 Local

Limerick Development Plan 2022-2028

Site is zoned under land use objective '**City Centre**' with a stated objective "to protect, consolidate and facilitate the development of the City centre commercial, retail, educational, leisure, residential , social and community uses and facilities".

Site is located in **Character Area UCA 1 City Centre**. The Quays are concentrated on the urban blocks fronting the River Shannon. The area has a mix of primarily residential and commercial development. Buildings are more modern and notably taller, ranging between 6 to 10 storeys. Remaining historic buildings include the Limerick Museum and Hibernian House on Henry Street.

Specific Objectives:

- a) Create a pedestrian friendly river focused City Centre environment.
- b) Development to take into account the existing Architectural Conservation Areas and Protected Structures set out under Volume 3.
- c) Infill and brownfield development patterns to be favoured.
- d) New developments shall have regard to the Limerick 2030 Economic and Spatial Plan, the LDA Framework Plan for Colbert Quarter and the LSMATS when completed.
- e) New buildings within the City Centre should respond closely to the fundamental character and general scale of existing buildings and streetscape. The Building Height Strategy shall guide development within this area, particularly taller buildings.
- g) The Georgian Quarter will experience on-going renovation of its building stock with a substantial increase in the number of residents and level of business activity to create a bustling and vibrant mixed use residential and business district. The distinct qualities of the area are well established and there is a need to preserve the Georgian fabric, as well as the complex elements, which contribute to the character of the built environment of Newtown Pery.

Objective ULCC O1 UL City Campus It is an objective of the Council to:

- a) Facilitate and support the establishment of the UL Limerick City Campus at the former Dunnes Stores site at the junction of Sarsfield Bridge and Honan's Quay.
- b) Deliver an education campus with considerable capacity for high quality student accommodation and ancillary uses.
- c) Develop a landmark tall building on this gateway site in accordance with the provisions of the Building Height Strategy.
- d) Ensure the highest quality design of the public realm.
- e) Ensure the provision of green infrastructure is a key component of the design and layout including connections to existing green infrastructure assets.
- f) Ensure open spaces, where proposed, are positioned to provide passive and active surveillance.
- g) Incorporate pedestrian and cycling connectivity and facilities.

Objective HO 04 Re-use of Existing Buildings It is an objective of the Council to encourage redevelopment and reuse, including energy retrofitting, of existing housing stock and conversion of other suitable buildings to sustainable housing accommodation.

Objective ECON 01 City Centre It is an objective of the Council to:

- a) Ensure retail development complies with the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick as set out in Volume 6.
- b) Protect, promote, support and enhance the role of Limerick City Centre as the primary retail centre in the Limerick Shannon Metropolitan Area and Mid-West Region, in accordance with the objectives of the National Planning Framework and Regional Spatial and Economic Strategy for the Southern Region.
- c) Enhance the vitality of the City Centre through a mixture of uses, reuse of vacant units, increased residential population and revitalisation. Retail is an integral part of the City's economy complementing its inherent strengths including innovation, enterprise, tourism, culture and services and has an important array of amenities, vibrancy, liveability/quality of life and quality-built environment. Development shall be designed so as to enhance the public realm and creation of a sense of place.

Objective ECON 015 Active Street Frontages It is an objective of the Council to:

- a) Control the provision of non-retail uses at ground floor level in the principal shopping streets of Limerick City Centre, Town Centres and District Centres and within the shopping parades of mixed use Local/ Neighbourhood Centres.
- b) Encourage the upgrade and refurbishment of existing retail units and the maintenance of original shopfronts, or the reinstatement of traditional shopfronts where poor replacements have been installed, discourage the use of external roller shutters, internally illuminated signs or inappropriate projecting signs.
- c) Prepare Shopfront Design Guidelines, within the lifetime of the Development Plan and ensure implementation of these guidelines on completion.
- d) Promote quality retail design which will be implemented through the development management process due to the dominant visual and use role it plays in a city, town or village streetscape in accordance with the Guidelines for Planning Authorities: Retail Planning (DoECLG, 2012) and the accompanying Retail Design Manual.

e) Promote the revitalisation and reuse of vacant or derelict properties and shop units.

Objective IN O12 Surface Water and SuDS It is an objective of the Council to:

n) Encourage green roofs for the following types of development:

- o Apartment developments;
- o Employment developments;
- o Retail developments; o Leisure facilities;
- o Education facilities

Section 9.3 Flooding, Flood Risk Management and Water Management.

In the preparation of the Plan, in accordance with The Planning System and Flood Risk Management, Guidelines for Planning Authorities, a Strategic Flood Risk Assessment (SFRA) has been prepared to assess flood risk within the plan area. The SFRA is set out in Volume 4 of this Plan. The precautionary approach has largely been employed to land use zoning to avoid directing development towards areas at risk of flooding. Areas identified as being at risk of flooding, which are being put forward for land use zoning, have been subject to assessment through a justification test, to determine its suitability for inclusion and have only been considered, where they are determined to be within or adjoining the core of the City Centre. Where particular areas identified as being liable to flood were examined as being strategically important for the consolidated and coherent growth of Limerick's settlements and zoned accordingly, a site-specific flood risk assessment will be required to accompany development proposals for these areas and mitigation measures for site and building works will be required to be integrated.

Objective CAF O20 Flood Risk Assessments It is an objective of the Council to require a Site-Specific Flood Risk Assessment (FRA) for all planning applications in Flood Zones A and B and consider all sources of flooding (for example coastal/tidal, fluvial, pluvial or groundwater), where deemed necessary. The detail of these Site-Specific FRAs (or commensurate assessments of flood risk for minor developments) will depend on the level of risk and scale of development. The FRA will be prepared taking into account the requirements laid out in the SFRA, and in particular in the Plan Making Justification Tests as appropriate to the particular development site. A detailed Site-Specific FRA should quantify the risks, the effects of selected mitigation and the management of any residual risks. The assessments shall consider and provide information on the implications of climate change with regard to flood risk in relevant locations.

Volume 6 Accompanying Strategies. Building Height Strategy for Limerick City

UL City Centre Campus - Former Dunne's Site. The University of Limerick is committed to establishing a vibrant collaborative campus in the heart of Limerick City, which is shared by students, partners and the public, that delivers outputs and outcomes, which will have a social and economic impact locally and globally. This development will be a huge catalyst for the growth and recovery of the City Centre. The future campus expansion will be on the old Dunnes Stores site, which is on the banks of the River Shannon in the centre of the city adjacent to Sarsfield Bridge.

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Limerick City Opportunity Site No. 7. The University of Limerick City Campus at the former Dunnes Stores site. The Limerick 2030 An Economic and Spatial Plan for Limerick (2014) *promotes the former Dunnes Stores site for cultural/civic use given its Waterfront prominence, and suggested it as the potential site for the new Limerick Cultural Centre. This site is to be the University of Limerick City Campus, to include two linked buildings comprising a university teaching building and a student accommodation residence.*

Key Growth Area 6d Former Dunnes Stores site. The quay area possible height variation from context.

5.4 Natural Heritage Designations

The site is not located within or adjoining any designated sites.

Lower Shannon River SAC (site code 002165) is c.30m to the south.

River Shannon and River Fergus Estuaries SPA (site code 004077) is c. 500m to the north east.

5.5 EIA Pre- Screening

Please refer to Appendix 1, Form 1. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

Two third party appeals have been received.

6.1 Jason Cronin, No. 10 Iona Drive, North Circular Road, Limerick.

6.2 Peter McDonogh, Phi House, Rosbrien Road, Lisnalty, Co. Limerick.

The grounds of appeal are set out separately for each below:

6.1 Appeal by Jason Cronin

The Grounds of Appeal as summarised as follows:

- The development is contrary to Objective ULCC 01 UL City Campus of the current Limerick County Development Plan which requires a landmark building incorporating high quality student accommodation and public realm which will revitalise a key riverside city centre site.
- If permission is granted it should be a temporary grant limited to 3 years as:
 - Site is located in flood zone A. The application is for a change of use of a 'less vulnerable use' of retail to a 'high vulnerable use' of school/education.
 - No SSFRA submitted with the application.

- Provision of significant additional toilet and shower facilities proposed but no details submitted for increased discharge or management of foul water drainage.

6.2 Appeal by Peter McDonogh.

The Grounds of Appeal as summarised as follows:

- All works have been carried out and building use was changed prior to application being made.
- Classes there since February 2022.
- There have been extensive changes to elevations of the building facing the Shannon river. These are in the form of a mural that are so extensive and dominant that it should have been subject to planning permission to allow the public to make comments/observations.
- Mural extends to road surface which has changed the slip resistance of the surface making it unsuitable for use by pedestrians in inclement weather.

Included with the grounds of appeal:

- Copy of articles showing use of the building as city centre campus.
- Images of mural.

6.3 Applicant Response

Applicant response to third party appeals received 10 January 2024 broadly reiterates information submitted at application stage.

Response to appeal by Peter McDonogh:

Points of note include:

RE: works carried out and use of building:

- It is considered that the works/change of use involved exempted development under section 4(1)(f) of the Planning and Development Act 2000-2020 (as amended) *“development carried out on behalf of, or jointly or in partnership with, a local authority, pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity.”*
- Copy of contract between UL & LCCC submitted. The space involved represents a small portion of the overall building.
- The planning authority accepted works completed under section 4(1)(f) of the Planning and Development Act 2000-2020 (as amended).

RE: Mural:

- The Mural was carried out in two phases – section 1 the wall elevation and section 2 the footpath/road.
- The work to the road is not within the ownership of UL. The mural to the building was done in partnership with UL & LCCC with the painting organised by the Council. UL understood that the Council operated within all relevant planning codes in this regard.
- The issue of the Mural is, in any event. A separate matter to that of the change of use of the building and any concerns should be raised directly with LCCC.

It is submitted that the development is in the interests of providing a much sought after University campus presence within Limerick City. It will make immediate use of a building that has been effectively vacant since 2008 and allow University to progress its masterplan for this extremely important site.

Response to appeal by Jason Cornin:

Points of note include:

RE: Issues with compliance with the Development Plan:

- The university is committed to providing a new substantial City Centre campus. Reference to the University’s Strategic Plan.

- The development of the site takes time (finding, design, etc). UL is working towards providing a landmark building of consequence that will be of the highest design quality and that will enrich the public realm at this location. Reference to the Castletroy Campus as an example of UL's track record in providing quality developments.
- The change of use proposed is part of a staged approach to the final redevelopment of the site.
- The FI response submitted addressed compliance with CDP Objective ULCC 01UL City Campus to the satisfaction of the planning authority.

RE: Issues with response to flooding:

- Much of the area bordering the Shannon in Limerick city is considered at risk in some form from flooding.
- The development is located on a site specifically designated for city centre campus development.
- Development includes a change of use of an existing building rather than the provision of a new building.
- There is no increase in footprint of the building.
- No alteration to existing floor levels.
- Use of the building for third level students is not a school with occupants being adults not children.
- Any risk to building users (students, lecturers) using the building would be negligible because the building is accessible on two levels with the lower ground floor aligning with Liddy Street and the upper ground floor aligning with Sarsfield Street. Each floor can be accessed externally.
- No student accommodation proposed so no question of vulnerable nighttime use.
- The Council raised no concerns regarding flooding.
 - The AA screening concluded that significant effects related to surface water management of flooding arising as a result of the operation if the proposed development on European sites or otherwise can be excluded.

RE: Issues with respect to additional toilets/showers/higher capacity usage:

- The proposed sanitary facilities will use existing connection to public sewerage. Irish Water noted no objection subject to certain observation.
- The AA screening concluded that significant effects related to foul water management of flooding arising as a result of the operation if the proposed development on European sites or otherwise can be excluded.
- There are no issues with respect to usage or capacity.

Documentation submitted includes:

- Copy of City campus Licence Contract (UL & LCCC).
- M-101 Licence Contract Floor Plan.
- PL-101 Proposed floor plan REV01 (extent of license contract works considered exempted development in accordance with section 4(1)(f) of the Planning and Development Act 2000-2020 (as amended)).
- EX-103 Existing Ground and First Floor Plans (existing building prior to the execution of the Licence Contract Works).

6.4 Planning Authority Response

None

6.5 Observations

None.

6.6 Further Responses

None

7.0 Assessment

Having examined the application details and all other documentation on file, including all of 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
- Compliance with Objective ULCC01 UL City Campus in the Limerick Development Plan 2022-2028.
- Flood risk.
- Services.
- Planning status of works/mural/existing use
- Appropriate Assessment

7.1 Principle of development

The site is located on lands which are zoned city centre with a stated objective ‘ *to protect, consolidate and facilitate the development of city centre commercial, retail, educational, leisure, residential, social and community uses and facilities*’ education use is considered permitted in principle under city centre land use objective.

The Site is located in Character Area UCA 1 City Centre. *Limerick City Opportunity Site No. 7. The University of Limerick City Campus at the former Dunnes Stores site* applies to the site. It is also identified as ‘*Key Growth Area 6d Former Dunnes Stores site*’.

Building Height Strategy for Limerick City of the current Development Plan identifies the site as “UL City Centre Campus - Former Dunne’s Site”. *The University of Limerick is committed to establishing a vibrant collaborative campus in the heart of Limerick City, which is shared by students, partners and the public, that delivers outputs and outcomes, which will have a social and economic impact locally and globally.*

I consider the proposed change of use from retail to educational (university) use is acceptable in principle subject to compliance with the relevant standards and objectives set out in the current Development Plan, regional and national guidance.

7.2 Compliance with Objective ULCC01 UL City Campus in the Limerick Development Plan 2022-2028.

The first named appellant has raised concerns that the proposed development does not comply with Objective ULCC01 UL City Campus in the current Development Plan. This matter was raised by the planning authority and formed the basis of an item of further information requested, the response to which was considered by the and deemed acceptable and deemed acceptable by the planning authority whom concluded that the proposed change of use would enable the existing building (former Dunnes Stores) function as an educational facility, which in turn would enliven the local area by increasing footfall while the masterplan design development and construction of the future development is progressed over the coming years.

For the avoidance of doubt I have set out in the criteria contained in Objective ULCC01 UL City Campus below and whether or not I consider that the proposed development complies with same.

Objective ULCC O1 UL City Campus It is an objective of the Council to:

- a) Facilitate and support the establishment of the UL Limerick City Campus at the former Dunnes Stores site at the junction of Sarsfield Bridge and Honan’s Quay.*

The current proposal before the Board for the change of use of a former shopping centre to a city centre campus for UL complies with this.

- b) Deliver an education campus with considerable capacity for high quality student accommodation and ancillary uses.*

The current proposal before the Board for the change of use of a former shopping centre to a city centre campus for UL does not include student accommodation. The applicant has submitted that the development of the site would be on a phased basis with the current proposal seen as an interim measure pending the development of a masterplan for the site and the raising of funds. While I accept that the overall development of the site to include student accommodation would involve extensive works from design stage, planning to construction which require comprehensive plans and the requisite funding. And as such a phased delivery would be considered pragmatic. The planning authority raised no objection and recommended that permission be granted. Notwithstanding, strictly speaking the proposal does not comply with the requirements as set out under **Objective ULCC O1 UL City Campus** to “*Deliver an education campus with considerable capacity for high quality student accommodation and ancillary uses*”

- c) Develop a landmark tall building on this gateway site in accordance with the provisions of the Building Height Strategy.*

The application before the Board is for a change of use of an existing building with minimal structural intervention which as set out above are considered by UL as an interim measure in establishing a UL campus on the site with a mind to developing a masterplan for the site and the raising of funds to deliver the overall vision. The planning authority raised no objection and recommended that permission be granted. Notwithstanding, strictly speaking the proposal does not comply with the requirements as set out under Objective ULCC O1 UL City Campus to “*Develop a landmark tall building on this gateway site in accordance with the provisions of the Building Height Strategy*”.

- d) Ensure the highest quality design of the public realm.*

Some works have taken place to the public realm, the planning status of some has been raised in the grounds of appeal which I address in section 7.5 below. The applicant in their further information response confirmed that this is not addressed as it is submitted that the purpose of the current application is for the sole purpose of establishing the use of the site and allow the existing building to be used for educational purposes. In the interim, while the future development is progressed, the change of use would allow the University to bring back life to this part of the city. The planning authority raised no objection and recommended that permission be granted. Notwithstanding, strictly speaking the proposal does not comply with the requirements as set out under Objective ULCC O1 UL City Campus to “*Ensure the highest quality design of the public realm*”.

- e) *Ensure the provision of green infrastructure is a key component of the design and layout including connections to existing green infrastructure assets.*

No changes are proposed as the purpose of the application is for the sole purpose of establishing the use of the site and allow the existing building to be used for educational purposes while the future development is progressed. The planning authority raised no objection and recommended that permission be granted. Notwithstanding, strictly speaking the proposal does not comply with the requirements as set out under Objective ULCC O1 UL City Campus to “*Ensure the provision of green infrastructure is a key component of the design and layout including connections to existing green infrastructure assets*”.

- f) *Ensure open spaces, where proposed, are positioned to provide passive and active surveillance.*

None proposed. The planning authority raised no objection and recommended that permission be granted.

- g) *Incorporate pedestrian and cycling connectivity and facilities.*

The application before the Board is for a change of use of an existing building with minimal structural intervention which as set out above are considered by UL as an interim measure in establishing a UL campus on the site with a mind to developing a masterplan for the site and the raising of funds to deliver the overall vision. Following the submission of a Mobility Management Plan (MMP), the planning authority raised no objection and recommended that permission be granted. The site is located on Zone 1 with no car parking proposed. The proposed campus and campus at Plassey are linked by public transport and by the shared walkway/cycleway greenway. I consider the cycle parking proposed and considered acceptable with acceptable pedestrian and cycle connectivity provided.

Having regard to the foregoing I consider that the while the proposed development broadly complies with Objective ULCC01 UL City Campus and while I consider that the proposed development does not deter from the provision of inter alia student accommodation, landmark tall building, public realm and green infrastructure which are submitted will form part of the overall future development of the site as set out under the UL Strategic Plan. Strictly speaking the proposed development does not comply with the provisions of Objective ULCC01 UL City Campus and therefore potentially issues pertaining to contravention of the current Development Plan may arise in the absence of this information. Therefore, the development should be refused permission on these grounds.

7.3 Flood risk

The site is located on lands identified as Flood Zone A. The second named appellant has raised concerns regarding flood risk and suitability of uses. The lands, as set out in section 7.1 and 7.2 above are zoned city centre and identified for development as a city centre campus for UL in the current Development Plan which was the subject of SSFRA and SEA. The planning authority raised no concerns in this regard. No SSFRA was submitted with the application.

The applicant in their response to the issues raised under appeal has set out that much of the area bordering the Shannon in Limerick city is considered at risk in some form from flooding and that the development is located on a site specifically designated for city centre campus development. It is submitted that the current development includes a change of use of an existing building rather than the provision of a new building, there is no increase in footprint of the building or alteration to existing floor levels. And the use of the building for third level students and not a school. Therefore, is considered acceptable at this location.

Development can be provided on lands subject to a certain level of flood risk where the proper planning and sustainable development of the area justified it, so the presence of flood risk would not always indicate that the physical condition of the land precludes the development of same. The lands are located in Flood Zone A, The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009) clearly set out that residential development on flood zone A is high probability of flooding and most types of development would be considered inappropriate for this zone and that development in this zone should be avoided and/or only considered in exceptional circumstances, such as in city and town centres, or in the case of essential infrastructure that cannot be located elsewhere, and where the Justification Test has been applied. Highly vulnerable development (including essential infrastructure) includes Schools. The application before the board is for Third level campus which is not defined in the Guidelines, I note student Halls are included in the highly vulnerable category, The existing use (retail) is considered 'less vulnerable development' I note that while a Plan-Making Justification Test was carried out during the review of the current County Development Plan. A Development Management Justification Test is required which has not been carried out. I consider the applicant's argument that the use of the building by third level students is not a vulnerable use is misplaced.

Furthermore, the current Development Plan contains Objective CAF O20 Flood Risk Assessments which requires a Site-Specific Flood Risk Assessment (FRA) for all planning applications in Flood Zones A and B. The application does not include a SSFRA, therefore does not comply with Objective CAF O20. Therefore having regard to the wording contained in Objective CAF O20 which states "require a *Site-Specific Flood Risk Assessment (FRA) for all planning applications in Flood Zones A and B*" permission should be refused on the absence of this information.

7.4 Services.

The second named appellants have raised concerns that the additional shower and sanitary facilities would increase impacts on drainage management of foul water drainage has not been addressed in the application documentation. The planning authority raised no objection on these grounds. Uisce Eireann in their submission dated 27/06/2023 raised no objection subject to 10 requirements.

Having regard to the information provided I am satisfied that adequate facilities and capacity exist to cater for the demand arising from the proposed development and any outstanding matters could be addressed by condition if the Board is of a mind to grant of permission.

7.5 Planning status of works/mural/existing use

I note reference to the mural, existing works and current use of a portion of the former Dunnes shopping centre in the grounds of appeal. The application which is the subject of the current appeal before the Board refers to the development set out in the Public Notices clearly set out the development description as follows:

“Permission for the change of use of the 5,618m² (circa) University of Limerick City Campus (former Dunnes Stores Shopping Centre) from Retail Use to Educational Use (University). It is also proposed to seek permission for the erection of 2m high louvre screen to proposed mechanical ventilation plant on the roof and ancillary works”. This report is assessing the development as described and not the planning status of works carried out to date or use of part of the structure, this is a matter for the planning authority to consider and determine if required to be the subject of the requisite consents and assessments.

7.6 Appropriate Assessment

Please refer to Appendix 2 Screening for Appropriate Assessment Screening Determination.

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information

I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Objective information presented in the Screening Report
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same
- Impacts predicted would not affect the conservation objectives.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

8.0 Conclusion

I consider that the while the proposed development broadly complies with Objective ULCC01 UL City Campus and while I consider that the proposed development does not deter from the provision in the future of inter alia student accommodation, landmark tall building, public realm and green infrastructure which are submitted will form part of the overall future development of the site as set out under the UL Strategic Plan. Strictly speaking the proposed development does not comply with the provision of Objective ULCC01 UL City Campus and therefore potentially issues pertaining to contravention of the current Limerick Development Plan, therefore the development should be refused permission on these grounds.

Objective CAF O20 Flood Risk Assessments requires a Site-Specific Flood Risk Assessment (FRA) for all planning applications in Flood Zones A and B. The application located on lands identified as Flood Zone A, comprising the change of use from retail to educational, does not include a SSFRA, therefore does not comply with Objective CAF O20, therefore permission should be refused on these grounds.

Therefore having regard to the information presented the proposed development does not comply with the provision of the current Limerick County Development, would be contrary to the proper planning and sustainable development of the area.

9.0 Recommendation

I recommend that permission be refused for the following reasons and considerations.

10.0 Reasons and Considerations

1. The site is located within Limerick city Centre as defined in the Limerick Development Plan 2022-2028. The proposed development is located on lands subject to objective ULCC-01-UL City Campus which contains certain criteria to be complied have not been complied with, including: b) Deliver an education campus with considerable capacity for high quality student accommodation and ancillary uses, c) Develop a landmark tall building on this gateway site in accordance with the provisions of the Building Height Strategy, d) Ensure the highest quality design of the public realm and e) Ensure the provision of green infrastructure is a key component of the design and layout including connections to existing green infrastructure assets. That have not been complied with. Therefore, the development on said lands, would not be in accordance with local, regional or and national planning policy. Furthermore the lands are located identified as Flood Zone A and objective CAF O20 Flood Risk Assessment which requires the submission of a site specific flood risk assessment which has not been submitted.

The Board considers that the proposed development would contravene objective ULCC-01-UL City Campus and Objective CAF O20 Flood Risk Assessment the Limerick Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dáire McDevitt
Senior Planning Inspector

29th April 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 318606-23		
Proposed Development Summary	The change of use of the former Dunnes Stores Shopping Centre to University of Limerick City Centre Campus and permission for a c.2m high louvre screen to proposed mechanical ventilation plant on the roof and ancillary works		
Development Address	University of Limerick City Centre Campus (former Dunnes Stores Shopping Centre), Sarsfield Street, Limerick.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		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			EIA Mandatory EIAR required
No	x	Application refers to a change of use of an existing structure with limited structural intervention impacting on the natural surrounds	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	x	N/A	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

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

Inspector: _____ **Date:** _____

Appendix 2: AA Screening Determination

Screening for Appropriate Assessment Screening Determination

Step 1: Description of the project

I have considered the proposed change of use of the former Dunnes Stores Shopping Centre to University of Limerick City Centre Campus and ancillary works in light of the requirements of S177U of the Planning and Development Act 2000 as amended. An appropriate assessment screening report was prepared and submitted with the application to Limerick and City County Council, and the objective information presented in that report informs this screening determination.

The subject site is adjacent to the River Shannon which is protected by a number of European designations which include the Lower River Shannon SAC (site code 002165) c. 30m to the south and c.500m northeast of the River Shannon and River Fergus Estuaries SPA (site code 004077).

The proposed development comprises the change of use of the former Dunnes Stores Shopping Centre to University of Limerick City Centre Campus and permission for a c.2m high louvre screen to proposed mechanical ventilation plant on the roof and ancillary works.

The site is an urban site, comprised of buildings and artificial type hard surfaces. It is bounded by Honan's Quay to the north and east, Liddy Street to the south and Sarsfield Street to the west.

Site surveys were carried out on the 24 March 2023, these included habitat, invasive species, mammal and day time bat surveys along with a search of the rooftops for evidence of use by gulls and other birds during breeding season.

Step 2: Potential impact mechanisms from the project

The applicant has applied the source-pathway-receptor model in determining possible impacts an effect of the proposed the change of use of the former Dunnes Stores Shopping Centre to University of Limerick City Centre Campus and permission for a c.2m high louvre screen to proposed mechanical ventilation plant on the roof and ancillary works and identified:

- Potential surface water link to the Lower River Shannon SAC (site code 002165) and River Shannon and River Fergus Estuaries SPA (site code 004077) via transitional waters of Shannon Estuary, should surface water arising at the site discharge to the river/estuary.
- Potential impact from operational wastewater discharges from the Bunlicky WWTP to the River Shannon which if not properly treated could cause eutrophication of the receiving waterbody.
- Potential groundwater link to transitional European sites from polluted ground water

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

The proposed development will not result in any direct effects such as habitat loss on any European site.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Habitat loss/ fragmentation/alteration
- Habitat degradation as a result of hydrological impacts.
- Disturbance and displacement impacts on QI/SCI
- Changes in water quality and resource

No Natura 2000 sites have a direct hydrological connection to the proposed development site.

The application site is not located within or adjacent to any European site. There is a potential indirect hydrological connection arises in the form of surface water discharge to the River Shannon

via drainage network at construction and operational stages. The foul sewer water is connected to an existing public network system. As such there is an indirect connection to the Lower Shannon River SAC via the foul networks via the Bunlicky wastewater treatment plant (WWTP).

I consider, using the source-pathway-receptor model, foul and surface waters from the proposed development will ultimately drain to the River Shannon and therefore may indirectly have an impact. Therefore, the European site with qualifying interests, which are potentially linked to the proposed development are the Lower River Shannon SAC (site code 002165) and River Shannon and River Fergus Estuaries SPA (site code 004077).

- Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.
- Groundwater pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.
- Deterioration of water body and associated habitat via polluted discharge from Bunlicky WWTP during operational phase.
- Physical structures- barrier effect, collision risk, avoidance for mobile species arising from the 2m louvre proposed.

Step 3: European Sites at risk

With reference to the potential impact mechanisms from the proposal, identify the European site(s) and qualifying features potentially at risk. Examine Site specific conservation objectives and relevant and supporting documents.

Table 1 European Sites at risk from impacts of the proposed project

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Deterioration of water quality, siltation via surface water, construction related pollutants during construction phase.	Indirect pathways via surface water drainage network to the River Shannon.	Lower River Shannon SAC (site code 002165)	Estuaries [1130]
Deterioration of water quality via groundwater, via construction related pollutants during construction phase.	Indirect pathway via groundwater		Mudflats and sandflats not covered by seawater at low tide [1140]
Deterioration of water quality via foul water via Bunlicky WWTP which discharges to the River Shannon during operational phase.	Indirect pathway via Bunlicky WWTP which discharges to the River Shannon.		Large shallow inlets and bays [1160]
			Reefs [1170]
			Salicornia and other annuals colonising mud and sand [1310]
			Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]
			Mediterranean salt meadows (Juncetalia maritimi) [1410]
			Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachion vegetation [3260]

			<p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>
<p>Deterioration of water quality, siltation via surface water, construction related pollutants during construction phase.</p> <p>Deterioration of water quality via groundwater, via construction related pollutants during construction phase.</p> <p>Deterioration of water quality via foul water via Bunlicky WWTP which discharges to the River Shannon during operational phase</p> <p>Physical structures-barrier effect, collision risk, avoidance for mobile species arising from</p>	<p>Indirect pathways via surface water drainage network to the River Shannon.</p> <p>Indirect pathway via groundwater</p> <p>Indirect pathway via Bunlicky WWTP which discharges to the River Shannon.</p> <p>Bird strike arising from the 2m louvre proposed on roof level. Roosts/Nests</p>	<p>River Shannon and River Fergus Estuaries SPA (site code 004077)</p>	<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Scaup (Aythya marila) [A062]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p>

the 2m louvre proposed.			<p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
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The Lower River Shannon SAC overlaps with River Shannon and River Fergus Estuaries SPA (004077), Loop Head SPA (004119), Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161), Slievefelim to Silvermines Mountains SPA (004165) and Kerry Head SPA (004189). It is also adjacent to Clare Glen SAC (00930). And the conservation objectives for this site should be used in conjunction with those for the overlapping and adjacent sites as appropriate. Having regard to the nature and scale of the project, separate distance from the site and lack of potential pathways I do not consider that, with the exception of River Shannon and River Fergus Estuaries SPA (004077), that further consideration of same is required and can be excluded from the project's zone of influence.

I note that the applicant included a greater number of European sites in their initial screening consideration with sites within 15km of the development site considered. There is no ecological justification for this, and I have only included those sites with any possible ecological connection or impact pathway in this screening determination.

Lower River Shannon SAC is a large site that encompasses the lower reaches of the River Shannon extending from just south of Lough Derg at its eastern end to a line drawn from Loop Head to Kerry Head at the west. The Mulkear and Feale rivers are included in the site as well as the lower portions of others, such as the Fergus and Mague. The site is selected for 14 habitats listed in Annex I of the Habitats Directive and seven species in Annex II.

The estuaries of the River Shannon and River Fergus (River Shannon and River Fergus Estuaries SPA) 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 has vast expanses of intertidal flats which contain a diverse macroinvertebrate community, e.g. *Macoma-Scrobicularia-Nereis*, which provides a rich food resource for the wintering birds. Salt marsh vegetation frequently fringes the mudflats and this provides important high tide roost areas for the wintering birds. Elsewhere in the site the shoreline comprises stony or shingle beaches. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Cormorant, Whooper Swan, Lightbellied Brent Goose, Shelduck, Wigeon, Teal, Pintail, Shoveler, Scaup, Ringed Plover, Golden Plover, Grey Plover, Lapwing, Knot, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Greenshank and Black-headed Gull. It is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. 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.

Step 4: Likely significant effects on the European site(s) 'alone'

The habitats within the site are not of value for qualifying species of the Natura 2000 sites. The site itself does not provide suitable habitats/environments for these species. No ex-situ impacts on qualifying species are therefore considered likely.

Based in the available documentation I concluded that it provides a reasonable basis to conclude that this proposed development would not be likely to give rise to significant effects on the conservation objectives of European Sites, either individually, or when taken together and in combination with other plans or projects. The increased loading on the plant arising from the development proposed herein will not be significant in the context of the available capacity remaining. The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.

Table 2: Could the project undermine the conservation objectives 'alone'

European Site and qualifying feature	Conservation objective (summary) [provide link/ refer back to AA Screening Report]	Could the conservation objectives be undermined?
Lower River Shannon SAC (site code 002165)	Site specific cons obj (npws.ie)	

<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>*Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p>	<p>For most QI the CO are: To maintain the favourable conservation condition of each QI subject to a list of attributes & targets.</p> <p>Exceptions:</p> <p>CO to restore the favourable conservation condition subject to attributes and targets of the:</p> <ul style="list-style-type: none"> • Fresh Water Pearl Mussel (Cloon River) • Sea Lamprey • Atlantic Salmon (only in fresh water). • *Coastal Lagoons. • Atlantic sea meadows. • Otter. • Mediterranean salt meadows. • *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> 	<p>No significant effects on water quality and the sites QIs are predicted.</p> <p>Given the scale and nature of the project, even in the event of a pollution incident significant enough to impact upon surface water/groundwater quality in the proposed site, any pollution arising would be minimal along with the dilution effect would not have a perceptible impact on QI of the SAC.</p> <p>The project comprises the change of use on a developed urban site, the nature and intensification of works, demand on foul and surface water is minimal, therefore the potential impact on the QI and their conservation objectives is not considered significant.</p> <p>The potential impact via the public wastewater drainage network and the Bunlicky WWTP where the increased loading on the WWTP arising from the development proposed herein will not be significant in the context of the available capacity remaining. The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on the QI and their conservation objectives is not considered significant.</p> <p>Given the scale of the development, the lack of direct hydrological connection and the presence of existing structures buffering the site from the SAC</p>	
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<p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>]Lutra lutra (Otter) [1355]</p>		<p>contamination from run off during construction is not likely.</p> <p>With regard to habitat loss and fragmentation, given the site is not located within or adjoining any European sites, there is no risk of direct habitat loss impacts and there is no potential for habitat fragmentation.</p> <p>Due to indirect hydrological connection, the potential for contaminants to enter the SAC and result in negative impact upon the Otter in particular, which have the potential to be negatively impacted by changes to the aquatic environment. The conservation objectives for the Otter is to restore its favourable condition. Potential effect is highlighted arising from the potential for emissions associated with the development and impact upon feeding habitat, which have the potential to affect the conservation objectives supporting the qualifying interest / special conservation interest of the SAC. Otters are widespread in Ireland and will be found near most river systems that provide aquatic prey and safe refuge. The subject site does not provide a suitable habitat for Otter. The potential for a pollution event resulting from the proposed development activities that could result in localised fish kill, reducing food availability for Otter is limited. Negative impact upon Otter habitat is also possible through nutrient enrichment and sedimentation due to construction activities. In terms of physical habitat, there is limited potential for limited disturbance as a result of the distance from the designated site and by extension, into potentially suitable Otter commuting habitat.</p> <p>No potential ex situ impacts for QI species for which the SAC is designated given the lack of suitable habitat on site.</p>	
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River Shannon and River Fergus Estuaries SPA (site code 004077)	Site specific cons obj (npws.ie)		
<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Scaup (Aythya marila) [A062]</p>	<p>For all QI: To maintain the favourable conservation condition of each QI subject to a list of attributes & targets.</p>	<p>No significant effects on water quality and habitat for which and the sites Qis are dependent on are predicted</p> <p>Given the scale and nature of the project, even in the event of a pollution incident significant enough to impact upon surface water/groundwater quality in the proposed site, any pollution arising would be minimal along with the dilution effect would not have a perceptible impact on QI of the SAC.</p> <p>The project comprises the change of use on a developed urban site, the nature and intensification of works, demand on foul and surface water is minimal, therefore the potential impact on the QI and their conservation objectives is not considered significant.</p> <p>The potential impact via the public wastewater drainage network and the Bunlicky WWTP where the increased loading on the WWTP arising from the development proposed herein will not be significant in the context of the available capacity remaining. The</p>	

<p>Ringed Plover (Charadrius hiaticula) [A137]</p>		<p>scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on the QI and their conservation objectives is not considered significant.</p> <p>With regard to habitat loss and fragmentation, given the site is not located within or adjoining any European sites, there is no risk of direct habitat loss impacts and there is no potential for habitat fragmentation</p> <p>No potential ex situ impacts for QI species for which the SPA is designated given the lack of suitable habitat on site.</p>	
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Golden Plover (Pluvialis apricaria) [A140]			
Grey Plover (Pluvialis squatarola) [A141]			
Lapwing (Vanellus vanellus) [A142]			
Knot (Calidris canutus) [A143]			
Dunlin (Calidris alpina) [A149]			
Black-tailed Godwit (Limosa limosa) [A156]			
Bar-tailed Godwit (Limosa lapponica) [A157]			
Curlew (Numenius arquata) [A160]			
Redshank (Tringa totanus) [A162]			
Greenshank (Tringa nebularia) [A164]			
Black-headed Gull (Chroicocephalus ridibundus) [A179]			
Wetland and Waterbirds [A999]			

The table above includes QIs which could potentially be considered at risk from the project and is not all the QIs for which a relevant site may have been designated.

There is no evidence of invasive alien species on the site of the proposed development. It is considered, therefore, that effects on the European sites are not likely to arise as there is no evidence of existing invasive species and no direct pathway linking such plants to the European sites.

Based in the available documentation I concluded that it provides a reasonable basis to conclude that this proposed development would not be likely to give rise to significant effects on the conservation objectives of European Sites, either individually, or when taken together and in combination with other plans or projects. The increased loading on the WWTP arising from the development proposed herein will not be significant in the context of the available capacity remaining. The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of Lower River Shannon SAC (site code 002165) and River Shannon and River Fergus Estuaries SPA (site code 004077).

Further AA screening in-combination with other plans and projects is required.

Proceed to Step 5.

Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

No significant in-combination or cumulative effects are identified in relation to potential effects associated with other plans or projects.

Subject to appropriate drainage and wastewater treatment requirements being implemented for developments/projects within the immediate vicinity then there will be no significant adverse effects due to the proposed project as a result of any in combination effects with these individual planning applications.

I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information

I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 as amended is not required.

This conclusion is based on:

- Objective information presented in the Screening Report
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same
- Impacts predicted would not affect the conservation objectives.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.